

## **Rules and Procedures**

### **Rule 100**

**November 8, 1982**

#### **Rule 100 - Territorial Jurisdiction**

This rule is issued to clarify the territorial jurisdiction of the Boston Police Department and to provide guidelines for the exercise of that jurisdiction by sworn members of the Department. Its provisions are effective immediately, superseding all previously issued rules, regulations, orders, bulletins and memoranda regarding the jurisdiction of the Boston Police.

**Sec. 1 GENERAL CONSIDERATIONS:** Generally, the jurisdiction of a municipal police agency extends to all property located within the municipality's boundaries except property owned by non-municipality's authority. The Commonwealth and the Federal Government have the power to exercise exclusive jurisdiction over their properties in Boston; however, it would be unusual for them to do so. Even under circumstances in which jurisdiction is not clear, there is rarely a problem as long as the officers involved use good judgment and cooperate as fully as possible with the officials responsible for the property.

**Sec. 2 HARBOR AND ISLANDS:** The department has statutory responsibility to police certain areas of the Boston Harbor and some of the islands in it; specifically, the Department has jurisdiction over Thompson, Spectacle, Long, Rainsford, and Deer Islands. The below map illustrates the territorial limits of the city in the Harbor area and the responsibility for policing islands within the city limits.

**Sec. 3 LICENSED PREMISES:** As agents of the Licensing Board of the City of Boston, police officers of this department are authorized to inspect all premises licensed by the Board, including those on state property; e.g., establishments on Northern Avenue and at Logan Airport. The officer may exercise the full authority of his office on such premises.

**Sec. 4 SUFFOLK COUNTY BUILDINGS:** In buildings within Boston under the control of Suffolk County, a Boston police officer may exercise the full authority of his office.

**Sec. 5 STATE HIGHWAYS:** Chapter 81, section 19, of the general Law establishes the police jurisdiction of a municipality over "all state highways within its limits." The Boston Police Department, therefore, has jurisdiction over all streets and highways in the city except those under the exclusive control of the Metropolitan District Commission. On any state highways within the city, Boston Police jurisdiction is shared with the appropriate agency or agencies.

**Sec. 6 METROPOLITAN DISTRICT COMMISSION ROADWAYS:** There is some question as to the extent of a Boston officer's authority and responsibility on M.D.C. controlled roadways.

Members of the Department who are called upon to take official action on a M.D.C. roadway should take whatever action is necessary to meet the emergencies of the situation and should notify the State Police.

If no emergency exists, the officer's authority will be the same as it is on any other state-controlled property inside Boston (see Sections 8, 10 and 11).

Sec. 7 MASSACHUSETTS TERRITORY OUTSIDE BOSTON: Under normal circumstances, a Boston police officer has the authority to make an arrest outside Boston in situations involving (1) fresh and continued pursuit within the city of a person who has committed an arrestable offense in the pursuing officer's presence, or (2) execution of a warrant of arrest or commitment. In all cases when an arrest or investigation is to be made outside the City, the appropriate law enforcement agency will be notified, if possible, before the event takes place.

Sec. 8 STATE BUILDINGS AND PROPERTY: A Boston officer's authority on state-controlled property inside Boston is much the same as his authority outside the city. He may make an arrest on such property in situations involving (1) fresh and continued pursuit of a person who has committed an arrestable offense in his presence, or (2) execution of a warrant of arrest or commitment. In cases when such an arrest is to be made, the officer involved will notify the State Police. If possible, before the arrest takes place.

Boston Police are not authorized to enter state buildings or properties to conduct investigations without the prior consent of an official in charge of the property. Boston police officers must obtain permission from such an official prior to conducting any investigations on state-controlled property.

Sec. 9 CALLS FOR SERVICE ON STATE PROPERTY: The following procedures will be followed when the services of the Department are requested on state property within the city.

A. The person having control of the state property will notify the Boston Police Department Operations Division. In situations involving construction areas on state property for private contractors the contractor is responsible for the area and, therefore, has the responsibility to initiate the request for police assistance.

B. The Boston Police Department will respond immediately upon receipt of a request for police assistance.

C. Upon receipt of an emergency call for police assistance, the Boston Police Department will immediately notify the State Police.

D. A liaison officer from the State Police will be dispatched to the scene to evaluate the situation regarding further assistance and deployment of State Police manpower and equipment.

E. Members of all departments involved will cooperate to alleviate the emergency situation and the liaison officer from the State Police will be responsible for the overall coordination of the activities with the on-scene commanders of the Boston Police Department and the State Police.

Sec. 10 FEDERAL PROPERTY: The department's jurisdiction over Federal property varies from one property to another, depending upon the type of control exercised by the Federal Government and the nature of the activity to be undertaken by the Department. As a matter of practice, before entering upon Federally-owned property with the intention of making an arrest, conducting an investigation, or otherwise exercising police authority, Boston police officers will contact the agency in charge of the property and obtain permission.

However, if the officer is in fresh pursuit of a subject wanted (1) for an arrestable offense committed in the pursuing officer's presence, or (2) on a warrant of arrest or commitment, he may continue the pursuit onto Federal Property and notify the appropriate police agency once the suspect is either apprehended or lost.

In cases where a private building in the city is occupied in part by a Federal agency, the officer may exercise the full authority of his office on the premises so occupied.

Sec. 11 EXTENSION OF JURISDICTION UNDER SPECIAL CIRCUMSTANCES: The full jurisdiction of Boston police officers is extended to other cities or towns of the Commonwealth or to state-controlled property if and when they are sent by the Department pursuant to a request for assistance from the appropriate authority. In such cases, the Boston officer's legal powers will equal those of a police officer of the requesting authority; however, he or she will be under the authority of this Department and will act in accordance with its rules and policies.

Chapter 607, Section 1 of the General Laws, 1979, authorized a police officer empowered to arrest within the city of Boston to exercise such authority of arrest of a person found within five hundred yards into the corporate limits of the town of Brookline and a police officer empowered to arrest within the town of Brookline may exercise such authority of arrest of a person found within five hundred yards into the corporate limits of the city of Boston if as a result of an investigation or as a result of his personal observation said police officer would have the right to arrest a person without a warrant for any offense if said offense had been committed within his jurisdiction. A police officer acting under this act is authorized to exercise all powers incidental to arrest which he would possess if such arrest was made within his jurisdiction. (Accepted by Boston City Council, 10-31-79.)

NOTE: Rule No. 100, promulgated in July of 1974, and amended in July of 1982. Section 9, 10, and 11 were rearranged, in addition, the second paragraph was added to Section 11.

NOTE: This rule has been changed to reflect changes in the State Police Agencies.

## Rules and Procedures

### Rule 100A

April 2, 2001

#### Rule 100A - Area Boundaries

This rule is issued to establish the boundaries of the various Areas of this Department. It is effective as of April 2, 2001, superseding and rescinding all previously issued rules, orders, directives and memorandums on this subject and replaces Rule 100-A, issued May 15, 1996.

**GENERAL CONSIDERATIONS:** When a street is named as a boundary it is to be understood, unless otherwise specified, that the Area line runs through the center of the street.

When an Area line crosses from side to side, a drawbridge that is totally within the city limits, it is to be understood, unless otherwise specified, that the line passes through the center of the draw at right angles with the roadway.

When a bridge, with or without a draw, is not totally within the city limits, it is to be understood that the Area line follows such limits.

A bridge without a draw, whether passing over water or not, is to be considered a part of the street or streets leading to it.

When an Area line runs along a railroad track or a street crossed by a bridge, the Area line on the bridge shall correspond with that on the street or the tracks.

Generally, when an Area line passes over a bridge either longitudinally or from side to side, the same line shall apply to any land or water under such bridge.

An Area bounded by waters of the inner harbor shall include wharves, piers or other structures projecting into or over said waters.

Lands of the United States used for naval, military, postal, customs or other federal purposes, and parks, parkway land or other property under the control of the Metropolitan District Commission (M.D.C.), are exempted from the territory included in an Area.

**AREA A:** To begin at a point in the center of the Fort Point Channel, at the northerly curb of the Broadway Bridge, then northerly by the center of the Fort Point Channel through the bridges to the northeast of the Charles River, then by the Boston line to a point northeasterly of the

Charles River Dam, then by the center of the Charles River to a point opposite the easterly side of Embankment Road, then through the center of Beacon Street to a point opposite the easterly curb of Arlington Street to the southerly curb of Columbus Avenue to the easterly curb of Berkeley Street to Cortes Street, **both sides**, to Arlington Street to the northerly curb of Herald Street to the northerly curb of Broadway. The boundary continues by the northerly curblines of the Broadway Bridge to the point of beginning, including all territory within the limits of Charlestown and East Boston. The boundary excludes Logan International Airport and property under the care and control of the Metropolitan District Commission.

**AREA B:** To begin at a point at the median of the Melnea Cass Boulevard and Massachusetts Avenue intersection, southeast on Massachusetts Avenue (excluding Massachusetts Avenue) to Columbia Road and Massachusetts Avenue, south on Columbia Road (using the median as the boundary) to Annabel Street. At this point Area B assumes responsibility for **both sides** of Columbia Road including the businesses on both Stoughton Street and Hancock Street considered to be part of the Uphams Corner commercial district, to **both sides** of Bird Street. The boundary resumes at the median of Columbia Road at Bird Street and continues south to Washington Street. Washington Street becomes the boundary between Area B and Area C with Area C assuming responsibility for **both sides** of Washington Street through Lower Mills to the center point of the Neponset River (Milton border). The boundary then continues from the center point of the Neponset River to the center of the Neponset river adjacent to Mattapan Square. Area B assumes responsibility for all businesses considered to be part of the Mattapan commercial district including **both sides** of Cummins Highway from Rockdale Street to River Street, **both sides** of River Street to 558 River Street and **both sides** of Edgewater Drive to Tesla Street. **Both sides** of Rockdale Street and Tesla Street are on Area E. At Rockdale Street and Cummins Highway, the median of Cummins Highway becomes the boundary between Area B and Area E to Harvard Street to Morton Street. Through the center of Morton Street then along the westerly boundary of the Franklin Park Reservation, to the intersection of Westminster Avenue and Walnut Avenue. West on Westminster Avenue to the intersection of Washington Street and Bragdon Street, west on Bragdon Street to the intersection of Columbus Avenue and Bragdon Street. Area E assumes the responsibility for all addresses on Westminster Avenue and Bragdon Street. From this point the median of Columbus Avenue to the intersection of Columbus Avenue and New Heath Street, becomes the boundary of Area B and Area E. New Heath Street, Heath Street and South Huntington Avenue become the boundary between Area B and Area E with Area E assuming responsibility for all addresses on New Heath Street, Heath Street and South Huntington Avenue to Huntington Avenue. Area B retains responsibility for **both sides** of Huntington Ave to the Riverway, both sides of the Riverway northeast to the Fenway, **both sides** of the Fenway to Louis Prang Street and **both sides** of Ruggles Street. The boundary continues to the median of Tremont Street to Melnea Cass Boulevard. From this

point the boundary between Area B and Area D becomes the median of Melnea Cass Boulevard to Massachusetts Avenue. The boundary continues from the median of the intersection of Melnea Cass Boulevard and Massachusetts Avenue to the off ramp of the Southeast Expressway.

**AREA C:** To begin at a point at the waters of the harbor opposite the center of the Fort Point Channel at the northeasterly side of the Northern Avenue Bridge, then through the center of the Fort Point Channel to and through the city and railroad bridges and the center of South Bay to the Broadway Bridge, then on a straight line from the center of the Fort Point Channel to and through the city and railroad bridges and the center of South Bay to the Broadway Bridge, then on a straight line from the center of the Fort point Channel as it intersects with the Broadway Bridge, including all of said bridge. The boundary continues from the northern most property line of the northwestern end of the Broadway Bridge, south along the centerline of the Southeast Expressway to Massachusetts Avenue off ramp. From the Massachusetts Avenue off ramp to the intersection of Melnea Cass Boulevard and Massachusetts Avenue. Southeast from the intersection of Massachusetts Avenue and Melnea Cass Boulevard to the intersection of Columbia Road and Massachusetts Avenue. Area C assumes responsibility for **both sides** of Massachusetts Avenue between Melnea Cass Boulevard and Columbia Road. The median of Columbia Road serves as the boundary between Area B and Area C to Annabel Street where Area B assumes responsibility for the Uphams Corner commercial district (defined as all addresses on **both sides** of Columbia Road up to and including **both sides** of Bird Street and businesses on Stoughton Street and Hancock Street considered to be part of the Uphams Corner commercial district). At the intersection of Bird Street and Columbia Road, the median of Columbia Road resumes as the boundary between Area B and Area C to Washington Street. The boundary continues southwest on Washington Street to Adams Street to the center point of the Neponset River (Milton border). Area C assumes responsibility for **both sides** of Washington Street, Adams Street and Miller's Lane. From this point the boundary moves east to the boundary line between Boston and Quincy, to the waters of the harbor, then follows the line of property under the jurisdiction of the Metropolitan District Commission (M.D.C.), excluding property under the care and control of the M.D.C., then follows the line of property of the M.D.C. to Pleasure Bay, then by the waters of the harbor to a point opposite the center of the Fort Point Channel. Area C is additionally responsible for Long Island from the midpoint of the Long Island Bridge (Quincy boundary) outward, Thompson Island, Rainsford Island and Spectacle Island.

**AREA D:** To begin at a point at the northernmost end of the Broadway Bridge at Albany Street, then southerly along the center of the roadway of the Southeast Expressway, to the Massachusetts Avenue off ramp. The Massachusetts Avenue off ramp becomes a divider

between Area C and Area D. The boundary continues from a point in the center of the Massachusetts Avenue and Melnea Cass Boulevard intersection. From this point the boundary between Area B and Area D becomes the median of Melnea Cass Boulevard to the median of Tremont Street to Ruggles Street to Louis Prang Street to the Fenway to the Riverway. Area B will have jurisdiction of **both sides** of the street making up the boundary between Area B and Area D including Ruggles Street and the Fenway (between Louis Prang Street and the Riverway). The boundary continues northeasterly to the northwest corner of Park Drive, then by the southwest side of Park Drive to a point at the southerly line of the Boston and Albany Railroad tracks, then southwesterly to the Boston-Brookline line. The boundary continues northerly along the Boston-Brookline boundary to Commonwealth Avenue including all of Allston/Brighton. At this point the boundary follows the property line under the jurisdiction of the Metropolitan District Commission (M.D.C.) to a point opposite the easterly curb of Embankment Road, then through the center of Beacon Street to a point opposite the easterly curblines of Arlington Street. The boundary continues by the easterly curb of Arlington Street to the southerly curb of Columbus Avenue to the easterly curb of Berkeley Street, **both sides**, to the Massachusetts Turnpike to Arlington Street to the northerly curb of Herald Street, then by the northerly curb of Herald Street to the Broadway Bridge.

**AREA E:** To begin at the intersection of New Heath Street and Columbus Avenue. New Heath Street, Heath Street and South Huntington Avenue is the boundary between Area B and Area E. Area E assumes responsibility for **both sides** of New Heath Street, **both sides** of Heath Street and **both sides** from South Huntington Avenue to Huntington Avenue. South along the dividing line between Boston and Brookline. The boundary continues southerly and easterly to and by the dividing line between Boston and Newton, Boston and Dedham, and Boston and Milton to a point opposite and including **both sides** of Tesla Street and up to 556 River Street. Area B assumes responsibility for **both sides** of River Street from 558 River Street to Cummins Highway excluding **both sides** of Rockdale Street. At this point the median of Cummins Highway becomes the divider between Area B and Area E. The boundary continues through the center of Cummins Highway to the center of Harvard Street, to the center of Morton Street. The boundary continues along **both sides** of: Forest Hills Street, Glen Road, Sigourney Street and Walnut Avenue to the intersection of Westminster Avenue and Walnut Avenue. Westerly along Westminster Avenue to Washington Street. From the intersection of Washington Street and Bragdon Street, west on Bragdon Street to the intersection of Bragdon Street and Columbus Avenue. Area E assumes responsibility for **both sides** of Westminster Avenue and Bragdon Street. At this point the median of Columbus Avenue becomes the boundary between Area B and Area E. North to New Heath Street.

**NOTE: BOSTON HARBOR WATERS** The waters of the Boston Harbor, while an actual part of the

City of Boston, are not included in any Area for jurisdictional purposes. These waters are the responsibility of the Harbormaster and the Harbor Patrol Section of the Special Operations Division, Bureau of Field Services.



## Rules and Procedures

### Rule 101

July 13, 2012

#### Rule 101 - Organizational Structure

**General Considerations:** In order to maintain consistency throughout these Rules, whenever a reference is made to a Commander or Director, it shall be understood that in cases where an employee is assigned within a District or Division, it means the Commander or Director of the District or Division. In cases where an employee is assigned to a Bureau Office, it means the Bureau Chief. In cases where an employee is assigned to an Office that reports directly to the Police Commissioner or the Superintendent-in-Chief, the responsibility shall remain with the head of the Office where the employee is assigned.

**Sec. 1 Organization:** The Boston Police Department is structured into a series of organizational components that represent functional groupings of employees performing like activities. This structure of the Department provides management with a means of assigning responsibility for performance of a group of functions to a single supervisor or manager and clarifies to whom specific employees are accountable.

**Sec. 1.1 Operating Philosophy - Community Policing:** Community Policing is the operating philosophy and style of policing of this Department. Community Policing is defined as the police and community sharing responsibility to ensure safe, secure, and livable neighborhoods. Police Officers and the Department create partnerships with citizens and all relevant public and private agencies to identify and successfully solve problems that engender crime, disorder and fear, and that negatively impact the quality of life in a particular community. These problems are removed through the pursuit of these strong partnerships and Department initiatives that balance **prevention, intervention, and enforcement**. As these conditions are removed, the Department, other agencies, and the public continue to work together to prevent new problems from arising.

**Sec. 2 Table of Organization:** The structure of the organization is management's mechanism for bringing together and coordinating resources to accomplish goals and objectives. The structure of the Department can be expected to change with increases or reductions in resources or when the strategies or priorities are altered. The Department has established a Table of Organization that will be updated periodically to reflect these changes. A copy should be maintained in the Rules and Procedures Manual and will be posted permanently in at least one location in each District or Unit accessible to all members of the Department.

**Sec. 3 Grades and Ranks:** The many sworn ranks and civilian grades within the Boston Police Department reflect the paramilitary structure of the organization. The Boston Police Department is organized under the following ranks, grades or position titles:

## **Police Commissioner**

### **Sworn:**

Superintendent-in-Chief  
Superintendent  
Deputy Superintendent  
Captain or Captain Detective  
Lieutenant or Lieutenant Detective  
Sergeant or Sergeant Detective  
Police Officer or Detective  
Student/Recruit/Probationary Officer

### **Civilian:**

Bureau Chief or Legal Advisor  
Assistant Bureau Chief  
Division Director  
Deputy Division Director, Unit or Office Director  
All Other Support Positions

**Sec. 3.1 Commissioner's Absence:** Unless otherwise authorized by the Police Commissioner or upon the vacancy of his/her office without a temporary Police Commissioner having been appointed, the Superintendent-in-Chief will serve as Acting Police Commissioner. If the Superintendent-in-Chief is absent or otherwise unavailable to perform this duty, the Superintendent, Bureau of Field Services will serve as Acting Police Commissioner. If the Superintendent, Bureau of Field Services is absent or otherwise unavailable to perform this duty, the Superintendent who has the most seniority, as determined by their date of appointment to the rank of Superintendent, will serve as Acting Police Commissioner.

**Sec. 3.2 Command and Control:** In the absence of authorization from the Police Commissioner to the contrary, and subject to the provisions of the succeeding sections of this rule, the senior officer of the highest rank, as determined by his/her date of appointment to that rank, who is present for duty at any place, or on any occasion, shall command.

**Sec. 3.2.1 Special Service:** For a special service, or for a specified period of regular service, the Police Commissioner may designate an officer to take command without regard to seniority in the same rank.

**Sec. 3.2.2 Special Assignment Command:** Nothing in this Rule, or elsewhere, shall authorize any officer below the grade of Deputy Superintendent to take command, without authorization from the Police Commissioner, of an Office, Bureau, Area, District, Division or Unit to which he is not regularly assigned.

Any officer designated by the Police Commissioner, the Superintendent-in-Chief, a Superintendent or a Deputy Superintendent, to perform a special duty in any part of the City

shall be free to carry out their instructions without regard to the authority of any other officer, even though such officer is their superior. An officer with such a special duty to perform may direct specific action be taken by other officers, both Superior Officers and subordinates.

**Sec. 3.2.3 District Authority:** When service is to be performed wholly within a District, but with the assistance of officers from other Districts, an officer of rank attached to the home District and present for duty, shall have authority over an officer of the same rank, even though senior by appointment to that rank, who is detailed from another District or Unit.

**Sec. 4 Definitions:** Throughout this Rule, various terms are used to describe functions and groupings within the Department. The following is a list of these common terms and their definitions:

**Department:** The Boston Police Department.

**Bureau:** The level of command responsible for coordinating and directing a major grouping of like activities within the Department.

**Zone:** The city is divided into 3 Zones. Zone 1 comprises Areas A and D, Zone 2 comprises Areas B and C, Zone 3 comprises Area E.

**Area:** An administrative level of command of the Bureau of Field Services, responsible for two or more geographically defined Districts of the city.

**Office:** The level of command responsible for coordinating and directing a grouping of specific interrelated functions within the Department.

**Division:** That portion of a Bureau or Office, which may or may not consist of Units, a Section or Sections, which has responsibility for specific functions.

**District:** A geographical portion of an Area for which responsibility is assigned to a commander, along with personnel and other resources in sufficient quantity to provide general police service on a 24-hour basis.

**Group:** A part of an Area, District, Division or Office with personnel and resources assigned ongoing responsibility for a particular function.

**Unit/ Section:** Personnel and resources of an Area, District, Division, Group or Office assigned to perform a special task.

**Platoon:** A group of officers comprising the work force of a District or Specialized Unit for a particular period of the day and containing its own supervisory and command officers.

**Squad:** A group of officers under the command of an officer of rank which, in a District, is responsible for patrolling and policing of a neighborhood sector, sectors or beats. In a specialized unit, a squad is responsible for an operational task.

**Sector:** A geographical area of the city defined by identified neighborhood and/or business section boundaries of variable size within a District, responsibility for which is assigned to one or more patrol units.

**Beat:** A neighborhood, business section, or portion thereof within a District to which responsibility for patrol purposes is assigned to one or more officers under the direction of a Squad supervisor.

**Team:** A group of officers assigned patrol responsibility for a geographical area of a District; or, a number of specially trained on-call personnel who are normally assigned throughout the Department but who respond as a functioning unit to perform a specific task, e.g. Negotiation Team, SWAT Team.

**Sec. 5 Organizational Structure:** The executive head of the Department is the Police Commissioner. The Police Department is organized into the following Offices and Bureaus:

- Office of the Police Commissioner**
- Office of the Superintendent-in-Chief**
- Bureau of Field Services**
- Bureau of Investigative Services**
- Bureau of Professional Standards**
- Bureau of Professional Development**
- Bureau of Intelligence and Analysis**
- Bureau of Administration and Technology**
- Bureau of Public Information**
- Office of the Legal Advisor**

**Sec. 6 The Police Commissioner:** The Police Commissioner is the Executive Head of the Department and is responsible for the management, planning, direction and control of the Department. In addition to the Police Commissioner's administrative and support staff and the Unit(s) listed below, the Offices and Bureaus which report directly to the Police Commissioner are: the Office of the Superintendent-in-Chief, the Office of the Chief of Staff, the Bureau of Professional Standards, the Bureau of Public Information the Office of Administrative Hearings, the Office of the Legal Advisor and the Office of Labor Relations.

**Sec. 6.0.1 Office of the Chief of Staff:** Assists the Police Commissioner with policy and planning issues and with on-going operations of events, projects, and the Department's goals and initiatives.

**Sec. 6.0.1.1 Office of Research and Development:** Acquires and manages external funding for the Department; conducts research, development, and evaluation of crime prevention and intervention programming; assists in crime analysis and acts as a clearinghouse for crime statistics for the Department; conducts Department wide performance measurement and benchmarking; and acts as a liaison with federal, state, and local law enforcement, community and governmental entities.

**Sec. 6.0.2 Office of the Legal Advisor:** This Office formulates legal opinions and provides legal perspectives on policy matters. Also, provides legal advice to members of the Department; represents the Department in selected civil litigation; presents cases where disciplinary charges are brought against Department employees; defends the Department in employment related matters.

**Sec. 6.0.3 Office of Administrative Hearings:** This Office has primary responsibility for managing the schedule of hearings, ruling on pre- and post-hearing motions, and conducting pre-hearing conferences and disciplinary trial boards.

**Sec. 6.0.4 Office of Labor Relations:** This Office is responsible for representing the Police Commissioner at employee collective bargaining negotiations, conferences and grievance discussions and for assisting in the development of policies regarding labor relations and negotiations.

### **Bureau of Public Information**

**Section 6.0.5 Bureau of Public Information:** This Bureau is responsible for keeping members of the Department, general public, and news media informed of police activities by responding to media and informational inquiries and through the preparation and dissemination of news releases.

**Sec. 6.0.5.1 Office of Multi-Media Production:** Prepares illustrations, Department forms, graphic layouts, crime scene sketches and other artwork as required by the various Units and Divisions of the Department. Produces training and informational videos and provides video taping services for crime scene investigations, line-ups, demonstrations, and special events.

### **Bureau of Professional Standards**

**Sec. 7 Bureau of Professional Standards, Office of the Chief:** Reporting directly to the Police Commissioner, this Bureau has responsibility for ensuring that the professional standards and integrity of the Department and its members are maintained.

**Sec. 7.1 Anti-Corruption Division:** Reporting directly to the Bureau Chief, investigates instances in which a City employee is reported or suspected of involvement in criminal activity

involving abuse of position and any other investigation at the direction of the Bureau Chief or the Police Commissioner.

**Sec. 7.2 Internal Affairs Division:** Reporting directly to the Bureau Chief, oversees the Internal Investigations Unit, the Recruit Investigations Unit and the Auditing and Review Unit.

**Sec. 7.3 Auditing and Review Unit:** Reporting directly to the Chief of the Bureau of Professional Standards performs periodic audits of specific functions within Units and Districts to assess their level of performance and their compliance with Department policies and Rules and Procedures; makes recommendations for the development or modification of organizational strategies and procedures.

**Sec. 7.2.1 Internal Investigations Unit:** Reporting directly to the Assistant Bureau Chief, investigates incidents of alleged police misconduct; reviews complaint investigations to assure that investigations are thorough and complete; analyzes all complaint data; and proactively assists in the development of needed training modules. Coordinates the Department's efforts relative to the Early Intervention System (EIS) in those circumstances where intervention may prevent subsequent problems or complaints. Reviews the investigative efforts of personnel assigned to conduct recruit investigations.

**Sec. 7.2.2 Recruit Investigations Unit:** Reporting directly to the Assistant Bureau Chief, conducts background investigations on all police recruit applicants and other Department employees.

### **Office of the Superintendent-in-Chief**

**Sec. 8 Office of the Superintendent-in-Chief:** Reporting directly to the Police Commissioner, the Superintendent-in-Chief is the highest-ranking police officer in the Department. The Superintendent-in-Chief is responsible for the development, review, evaluation, and recommendation to the Police Commissioner of policies, procedures, and programs necessary to ensure the implementation of community policing and the effective delivery of police services to the public. The Bureaus, Offices, and Units that report directly to the Superintendent-in-Chief are: the Bureau of Field Services, the Bureau of Investigative Services, the Bureau of Administration and Technology, the Bureau of Intelligence and Analysis, the Bureau of Professional Development, the Office of the Night Superintendent, the Dignitary Protection Unit, the Peer Support Unit, the Family Assistance Unit, and Staff Inspections.

**Sec. 8.0.1 Office of the Night Superintendent:** Responsible for overseeing and supervising the delivery of general and tactical police services during the first half (evening) and last half (night or morning watch) tours of duty.

**Sec. 8.0.2. See notes**

**Sec. 8.0.3 Family Assistance Unit:** Provides assistance to employees of the Department and their families, active and retired, in coping with personal loss, crisis, and transition of sworn personnel into retirement.

**Sec. 8.0.4 Dignitary Protection Unit:** Provides security and protection for the Office of the Mayor and the Office of the Police Commissioner, and visiting dignitaries and guests of those two offices.

**Sec. 8.0.5 Staff Inspections:** Provides quality control of police services.

**Sec. 8.0.6 Peer Support Unit** is responsible for rendering employee assistance and counseling to Boston Police Officers.

### **Bureau of Field Services**

**Sec. 9 Bureau of Field Services, Office of the Chief:** The Bureau of Field Services has primary responsibility for the implementation of Community Policing and the delivery of effective and efficient police services to the community, as well as primary responsibility for the delivery of general, tactical police services and joint Bureau operations, unless otherwise directed by the Police Commissioner.

**Sec. 9.1 Special Operations Division:** Special Operations is responsible for specialized patrol, tactical, and selective enforcement operations.

**Sec. 9.1.1 Tactical Operations:** Responsible for providing specialized patrol, tactical, and selective enforcement operations in situations requiring a high degree of specialized training and/or equipment. Tactical Operations includes Mobile Operations Patrol, the SWAT Team, and the Negotiation Team.

**Sec. 9.1.2 Environmental Safety Group:** The Commander of the Environmental Safety Group represents the Commissioner and Superintendent, BFS, on the City of Boston Environmental Strike Team and, as requested, at various judicial and regulatory hearings and procedures. The Group consists of the Harbor Patrol Unit, the Hazardous Materials Response Unit, the Explosive Ordnance Unit, the Canine Unit, and the Commercial Vehicle Unit.

**Sec. 9.2 Special Events Management:** Prepares all operational and contingency special events plans in line with the Department's All-Hazards Approach to Homeland Security. Special Events Management includes the Special Events Planning Unit and the Homeland Security Planning Unit. It also serves as liaison to the Mayor's Office of Emergency Preparedness.

**Sec. 9.3 Zone Patrol Divisions:** Responsible for the implementation of Community Policing and the provision of all police services to residents and visitors to the city. For administrative purposes, Districts are grouped into the following Areas, which, at the discretion of the Police Commissioner, may be placed under the command of an Area Commander:

Area A is comprised of District A-1 and District A-7. Area B is comprised of District B-2 and District B-3. Area C is comprised of District C-6 and District C-11. Area D is comprised of District D-4 and District D-14. Area E is comprised of District E-5, District E-13 and District E-18. District Commanders provide complete administrative and field supervision in the Districts under their control and are responsible for meeting the needs of citizens and for ensuring all functions and operations are performed in accordance with Department Rules and Procedures.

Overseeing the Area and District Commands are the Zone Commanders who report directly to the Chief, BFS. The city is divided into 3 Zones. Zone 1 encompasses Areas A and D; Zone 2 comprises Areas B and C; and Zone 3 comprises Area E.

**Sec. 9.4 Field Support Division:** Assists the Bureau Chief in supporting the Bureau's primary mission, assists in coordinating and managing resources for the implementation of Community Policing, and monitors and governs the expenditure of grant money and overtime funds allocated to the Bureau. The Division includes the Youth Violence Strike Force, the School Police Unit, and the Support Services Group.

**Sec. 9.4.1 Support Services Group:** provides general oversight and supervision of the following Units: the Paid Detail Assignment Unit, the Neighborhood Watch Unit, the Community Service Officer Liaison Unit, the Police Cadet Unit, the Court Unit, and the Special Police Unit.

**Sec. 9.4.2 Youth Violence Strike Force:** The Strike Force's goal is to reduce the criminal activity and anti-social behavior of youthful offenders and youth gangs through directed and community-based policing strategies.

**Sec. 9.4.3 School Police Unit:** Reporting to both the Police Department and the Boston School Department, the Unit's goal is to ensure that full communication and collaboration exist between the Boston Public Schools Safety Services Department and the Boston Police Department to promote a safe and secure school and community.

## **Bureau of Investigative Services**

**Sec. 10 Bureau of Investigative Services, Office of the Chief:** The Bureau oversees the activities of the citywide investigative Divisions. The Bureau includes the Community Disorders Unit, the Investigative Planning Unit, the Major Case Division and the Criminal Investigation Division.

**Sec. 10.0.1 Civil Rights Unit:** Coordinates the Department's investigative and field response to bias-related incidents and crimes in which citizens' civil rights have been infringed upon by violence, threats or harassment.



**Sec. 10.0.2 Investigative Planning Unit:** Provides administrative and operational logistical support to the Bureau Chief.

**Sec. 10.1 Major Case Division:** Responsible for conducting investigations of criminal activity by both individuals and organized groups. The Division includes the following: The Family Justice Group, Special Investigations Unit, the Drug Control Unit, the Financial Evidence Unit, and the DEA Task Force Unit. The Division's Support Group includes the Fire Investigation Unit, the Auto Theft Unit, the D.A.'s Office Unit, the Crime Stoppers Unit, the Licensed Premises Unit and the Sex Offender Registry Information Unit.

**Sec. 10.1.1 Family Justice Group:** Responsible for the Department's response to and investigation of incidents of sexual assault and domestic abuse. The Division includes the Sexual Assault Unit, the Domestic Violence Unit, the Human Trafficking Unit and the Crimes Against Children Unit.

**Sec. 10.2 Criminal Investigation Division:** Responsible for conducting general and specialized investigations. The Division includes the Homicide Unit, the Fugitive Section, District Detectives, and Forensics Group

**Sec. 10.2.1 Homicide Unit:** At the direction of the District Attorney's Office, investigates and prepares cases on all homicides, suspicious deaths, fatal collisions, serious assaults, and battered children cases in which the victim is in danger of death, as well as the investigation of the sudden death of infants or those apparently stillborn.

**Sec. 10.2.1.1 Fugitive Section:** Reporting directly to the Homicide Unit Commander, responsible for tracking and prosecuting persons wanted as Fugitives from Justice. The unit is comprised of the Investigations/Rendition Squad and the Apprehension/HIDT Squad.

**Sec. 10.2.2 District Detectives:** Responsible for general investigations of crime committed within the geographical boundaries of the respective districts to which they are assigned.

**Sec. 10.2.3 Forensics Group:** Responsible for obtaining, preserving and analyzing physical evidence for eventual court presentation and for assisting in the development of techniques and procedures for effective crime scene search and criminal identification and apprehension. The Forensic Division consists of the Firearms Analysis Unit, the Crime Lab Unit, the Latent Print Unit, and the Crime Scene Response Unit.

### **Bureau of Professional Development**

**Sec. 11 Bureau of Professional Development, Office of the Chief:** Responsible for providing extensive training to all Department personnel, including student officers, in-service, and

specialized training. The Bureau includes the Academy Division, the Student Officers Group, and the Firearms Training Unit.

**Sec. 11.1 Academy Division:** Responsible for recruit training, in-service training, promotional training, specialized training and executive level management training.

**Sec. 11.1.1 Student Officers Group:** Comprised of student officers of the Academy Division.

**Sec. 11.1.2. Firearms Training Unit:** Responsible for recruit and in-service training in firearms.

### **Bureau of Administration and Technology**

**Sec. 12 Bureau of Administration and Technology, Office of the Chief:** Assists with the management, personnel, fiscal, maintenance, communication, and procurement functions required for the Department to accomplish its mission.

**Sec. 12.0.1 Administrative Collections Unit:** Responsible for overseeing the collection and processing of any administrative fees associated with false alarms, mooring fees, Department cellular telephone charges and lost/stolen Department property.

**Sec. 12.0.2 Mail Services Unit:** Responsible for collection, sorting, distribution, and delivery of Department mail.

**Sec. 12.1 Operations Division:** Responsible for the receipt of calls for assistance and for directing the deployment of response units as called for by the community policing response plan. The Division is also responsible for headquarters security. The Division includes the Building Security Unit, the Neighborhood Interaction Unit, the Stolen Car Unit, the Warrant Section, and the Missing Persons Section.

**Sec. 12.2 Evidence and Supply Management Division:** Responsible for supply and material support of Department functions and evidence management. The Division includes the Central Supply Unit, the Evidence Control Unit, the Records Center and Archives Section and the Found/Abandoned Property Unit.

**Sec. 12.3 Fleet Management Division:** Responsible for the acquisition, repair, maintenance and inventory of police vehicles and for evaluating all Departmental motor vehicle accidents and reports.

**Sec. 12.4 Licensing and Public Services Division:** Responsible for overseeing and setting policy for the following Units in areas that govern the operation of hackney carriages and sightseeing vehicles, the issuing of licenses approved by the Police Commissioner, the maintenance and retrieval of incident and arrest records, and the monitoring of pawn shops. The Division includes the Hackney Carriage Unit, the Licensing Unit, the Pawn Section, the Public Services Unit, the Field Reports Section, and the Insurance Reports Section.

**Sec. 12.5 Facilities Management Division:** Responsible for the preparation of the capital budget and the execution of the Capital Plan and for all maintenance and alterations of buildings. The Division includes the Capital Projects and Planning Unit, the Facilities Maintenance Unit, the Electrical Maintenance Section, and the Building Services Section.

**Sec. 12.6 Human Resources Division:** The Human Resources Division is responsible for developing and implementing human resource policies, procedures and training programs for Department personnel. The Division includes the Employment Services Unit, the Records Management Unit, the Attendance Management Unit, the Occupational Health Unit, and the Extended Leave Group. The Extended Leave Group includes the Medically Incapacitated Section, the Extended Leave Section, the Suspended Section, the Administrative Leave Section, and the Leave of Absence Section.

**Sec. 12.7 Technology Services Division:** This Division manages the Department's technology systems and radio communications infrastructure.

**Sec. 12.7.1 Information Systems Group:** Responsible for identifying, managing and supporting the technology needs of the Department. The Group includes the Application Development and Support Unit, the Desktop and Peripheral Support Unit, the Legacy Systems Unit, and the Network Management Unit.

**Sec. 12.7.2 Communications Group:** Responsible for identifying, managing and supporting the communications needs of the Department. This Group includes the Systems Management Unit, the Voice and Video Unit, the In-Vehicle Install and Maintenance Unit, and the Engineering and Frequency Unit.

**Sec. 12.8 Finance Division:** The primary responsibility of the Finance Division is to ensure that the Department operates in compliance with the legally mandated budget adopted by the City Council. The Units within the Finance Division include: Budget & Financial Reporting, Grants, Contracts, Payroll, Central Cashier, Paid Details Payment, and the Data Entry Section.

### **Bureau of the Intelligence and Analysis**

**Sec. 13 Bureau of Intelligence and Analysis, Office of the Chief:** Management responsibility for implementing data and information fusion and facilitating the sharing of homeland security-related and crime-related information and intelligence. BIA manages the overarching process of coordinating the flow of information across all bureaus of the department and across all levels and sectors of government and private industry. Bureau efforts support risk-based, information-driven decision making and addresses immediate and/or threat-related circumstances and events by producing real-time, actionable intelligence products.

The Bureau mission is to improve the ability to prevent criminal activity and safeguard our homeland. The Boston Police Department, through BIA, is the managing authority of

the Boston Regional Intelligence Center – a Department of Homeland Security designated urban area fusion center.

**Sec. 13.1 Division: Boston Regional Intelligence Center (BRIC):** Responsible for coordinating a regional intelligence capability in Boston and the surrounding Metropolitan area. The BRIC collaborates with local, state and federal law enforcement, public safety and private sector resources from the nine city UASI region for the purpose of preventing and responding to all threats, hazards and crimes. The BRIC Division includes the Intelligence Group, Field Operations Group, Technical Services Group, and the Critical Infrastructure and Support Services Group.

**Sec. 13.1.1 Intelligence Group:** Analytical component of the Bureau responsible for planning and direction, data collection and processing, analysis and production, and dissemination. The analytical process of the Intelligence Group drives the collection responsibilities of the Field Operations Division. Further responsibilities include developing and managing analytical search tools, Intelligence databases, GIS tools and the Real Time Crime Center.

**Sec. 13.1.2 Field Operations Group:** Responsible for field collections, monitoring and review of criminal activity and counter-terrorism. Develops leads into potential criminal enforcement and provides that information to relevant units or outside agencies including the FBI Joint Terrorism task Force for enforcement action. Through involvement with other local, state, federal and private sector partners, detectives facilitate the sharing of criminal intelligence to all necessary entities including The US Department of Homeland Security and the National Suspicious Activity Reporting Initiative. Field Operations Division provides resources to internal and external emergency preparedness requirements and also manages the Bureau's human intelligence efforts.

**Sec. 13.1.3 Technical Services Group:** The Technical Services Group is the Boston Police Department's designated technical surveillance support entity. Responsibilities include training, deploying, maintaining, and reporting on all use of sophisticated electronic investigative equipment. Personnel will maintain and educate BPD users in the core competencies and technical skill sets to assure mission readiness and expertise in the following areas: legal use, deployment, installation and analysis of departmental GPS equipment, covert listening devices, surveillance platform and associated equipment, covert camera and pole camera equipment, and communication analysis and exploitation hardware and software. Group does not manage issues related to the collection and/or disclosure of evidence.

**Sec. 13.1.4 Critical Infrastructure and Support Services Group:** Responsible for managing an information and data protection program that enhances critical infrastructure information sharing between the police department and the private sector. Group is required to collect, analyze and secure critical infrastructure data and protected systems, identify vulnerabilities and develop risk assessments, and enhance recovery preparedness measures. Support

services include managing the security requirements involving classified rooms and the handling and storing of classified materials as well as Bureau and departmental requirements specific to intelligence based training and education.

Notes:

\* Amended by SO 12-026, issued 10/16/12. Updated section 8; section 8.0.2 (Re-numbered to 6.0.5.1) and section 8.0.4

\* Amended by SO 13-013, issued 03/21/13. The **Fatal Accident Reconstruction Team** is renamed to **Fatal Collision Investigative Team (FCIT)**.  
Updated Sec. 10.2.1 (Homicide Unit).

Edward F. Davis  
Police Commissioner

## Rules and Procedures

### Rule 102

February 11, 2003

#### **Rule 102 - The Conduct and General Rights and Responsibilities of Department Personnel - Amended**

This rule is issued to establish guidelines for the conduct of, as well as the personal rights and responsibilities, of employees of the Boston Police Department. Its provisions are effective immediately, replacing in its entirety Rule No. 34 of the 1950 Rules and Procedures Manual and superseding all previously issued rules, orders, memoranda, and directives regarding the personal conduct of employees of the Department.

**Sec. 1 DEFINITIONS:** For the purpose of this rule, the following definitions will apply.

**Employee** shall mean all members of the Boston Police Department, both officers and civilian personnel.

**Force** refers to the sworn membership of the Department who are vested with full police powers.

**Officer** means a sworn Department member clothed with full police powers.

#### **Sec. 2 GENERAL CONSIDERATIONS:**

Police officers are more visible to the community than most other persons in government or public service. Public scrutiny, and sometimes public criticism, is directed not only at police performance but also at the behavior of those who deliver police services.

The establishment of proper standards for police behavior must take into account not only the expectations of the citizen but also the importance of respecting the individual rights of police employees.

The Boston Police Department recognizes that its employees have certain basic personal rights and restricts those rights only where necessary to ensure the integrity of the Department and the highest quality of police service are maintained.

**Sec. 3 CONDUCT:** Employees shall conduct themselves at all times, both on and off-duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its employees.

**Sec. 4 NEGLECT OF DUTY:** This includes any conduct or omission which is not in accordance

with established and ordinary duties or procedures as to such employees or which constitutes use of unreasonable judgment in the exercising of any discretion granted to an employee.

**Sec. 5 MAINTAINING DEPARTMENT RULES AND PROCEDURES:** Employees of the Department shall sign a receipt for a copy of this and all other subsequent Rules and Procedures of the Department as they are promulgated. Employees shall maintain their copies of the Rules and Procedures of the Department in the binder provided and shall be prepared to produce their binder for the examination or inspection by the members of the Staff Inspection Division or any superior officer or supervisor upon reasonable notification. In addition, employees shall be responsible for knowledge of, and full compliance with, all Rules and Procedures of the Department that apply to their duties.

District and unit commanders shall return the signed acknowledgments of the receipt of Department Rules and Procedures to the Staff Inspection Division after all personnel under their command have signed the receipt list.

**Sec. 6 ACCOUNTABILITY:** Superior officers and supervisors shall be held accountable for the actions of all subordinates subject to their authority and under their command.

**Sec. 7 RESIDENCE AND TELEPHONE:** Except as otherwise provided by law, all officers of the Department shall live in the City of Boston. All employees of the Department shall report their places of residence and their telephone number to the Commanding Officer or supervisor of the Bureau, Division, District, Unit or Office to which they are assigned. They shall also report to that person any change of residence or telephone number within twenty-four (24) hours after such change.

The procedures which follow are instituted to standardize the process for all Department employees reporting a change of their name, address, telephone number or tax withholdings and to ensure compliance with Internal Revenue Service record keeping regulations.

A. **Reporting Changes in Names, Addresses, Telephone Numbers and Tax Withholdings:** Any employee who reports a change of their name, address or telephone number shall do so only on **BPD Form #2785**. Changes in tax withholdings shall be made by filling out the federal W-4 and/or the state M-4 form. All changes of name, address and/or tax withholdings shall be processed as outlined below, using the appropriate required form, depending upon whether the employee is submitting a change of name, address, telephone number and/or tax withholding:

- If an employee needs to report a change of **name**, that employee must submit a completed BPD Form 2785 **and** an original Department of the Treasury Internal Revenue Service Form W-4 to their Commander/Director;
- If an employee needs to report a change of **address**, that employee must submit a completed BPD Form 2785 **and** an original Department of the Treasury Internal Revenue Service Form W-4 to their Commander/Director;

- If an employee needs only to report a change of **telephone number**, that employee must simply submit a completed BPD Form 2785 to their Commander/Director;
- If an employee needs only to make a change of **federal tax withholding**, that employee must submit an original Department of the Treasury Internal Revenue Service Form W-4 to their Commander/Director; and
- If an employee needs only to make a change of **state tax withholding**, that employee must submit an original Massachusetts Employee's Withholding Exemption Certificate Form M-4 to their Commander/Director.

**NOTE:** The state Form M-4 is only required for making changes in state tax withholding and is not required for a name or address change.

**B. Responsibilities of Commanders/Directors:** Commanders/Directors shall review all forms for completeness prior to signing them and shall ensure that all original forms are immediately forwarded to the Employee Records and Central Attendance Management Unit, Human Resources Division.

**C. Responsibilities of the Employee Records and Central Attendance Management Unit:** Upon receipt of the required forms (BPD Form 2785, W-4 and/or M-4), the Employee Records and Central Attendance Management Unit shall process the forms as follows:

- The **original** BPD Form 2785 shall be "time/date stamped" and placed in the employee's Personnel Record, along with a **copy** (if applicable) of the W-4 tax form and/or M-4 tax form;
- The **original** W-4 tax form (and/or M-4 tax form) shall be mailed to the Payroll Department at City Hall, along with a **copy** of the BPD Form 2785 (if applicable);
- A **copy** of the BPD Form 2785 shall be forwarded to the Director, Human Resources Division; and
- A **copy** of the BPD Form 2785 shall be forwarded to the Data Processing Unit.

**Sec. 8 DIRECTIVES AND ORDERS:** Employees shall obey and comply with all rules, orders and other directives of the Department whether transmitted verbally or in writing. Employees shall obey all orders of a superior officer or supervisor.

**Improper Orders:** An employee, given an order which he believes to be improper or not in accordance with Department rules, must obey the order. He may then appeal the matter to his commanding officer, and if the matter is not resolved at that level, it may be appealed through the chain of command to the Police Commissioner.



**Conflicting Orders:** An employee given an order which conflicts with Department rules and/or policies or with a previous order from a higher authority, shall promptly and respectfully call the conflict to the attention of the superior officer or supervisor giving the order. If the superior officer or supervisor does not withdraw or change his order to avoid the conflict, the order shall be binding upon the employee unless or until it is specifically countermanded by an officer or supervisor of higher rank.

**Sec. 9 RESPECTFUL TREATMENT:** Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate any person(s) due to their race, color, creed or sexual orientation except when necessary in police reports or in testimony.

**Sec. 10 REPORTING FOR DUTY:**

- A. Employees shall report for duty at the time and place specified by their superior officer or supervisor and shall be physically and mentally fit to perform their duty. They shall be properly equipped and cognizant of the information required for the proper performance of duty so that they may immediately assume their duties. They shall acquaint themselves with all matters occurring since their last tour of duty which affect their responsibilities and be accountable for compliance with all new orders, rules, bulletins and circulars.
- B. No officer shall be permitted to work more than two (2) consecutive tours of duty in a row or more than sixteen and a half (16 ½) consecutive hours in any given twenty-four(24) hour period. This shall include a regular scheduled tour of duty, overtime, court time and paid details, except in an emergency situation with the approval of the Police Commissioner, Executive Officer or appropriate Bureau Chief. An on-call tour of duty is an exception to the "sixteen and a half in twenty-four" hour rule. When an officer who is performing an eight (8) hour paid detail following a full tour of duty is requested by the paid detail vendor to continue to perform that paid detail, the officer may do so for no more than one (1) additional hour.
- C. No officer shall work more than ninety (90) hours in one (1) week, from 8:00a.m. Saturday until 8:00 a.m. the following Saturday. These hours shall include a regularly scheduled tour of duty, court time, overtime and paid details. Any tour of duty missed due to illness or injury, suspension or administrative leave shall also be included in the calculation of the total of hours worked for a week.

An officer may only be exempt from this policy with the expressed written approval of his/her Commanding Officer. The Commanding Officer will forward a copy of the permission with an explanation to the Bureau Chief within seven (7) days.

Exceptions to this policy may be made only in the interest of public safety, specifically: Court Appearances, Mandatory Overtime or any Public Necessity as determined by the Bureau Chief.

**Sec. 11 GROOMING:** All uniformed personnel when reporting for duty shall be properly groomed. Hair shall be neatly trimmed and not overhanging a shirt collar. Side burns may not extend below the bottom of the ear and shall be straight and neatly trimmed and not be allowed to flare out from the ear. In no case shall the bulk of the hair interfere with the proper wearing of uniform headgear.

If a beard or mustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance. Full and partial beards are authorized, but patchy, spotty clumps of facial hair are not considered beards and as such are not permitted. The bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face) shall not exceed one-half an inch. The length of the individual facial hair shall be limited to three quarters of an inch.

No portion of any mustache will extend below the lipline of the upper lip.

Police officers, while in uniform, shall not wear earrings or ear-studs; nose-studs; or any type of necklace chain or medallion outside of a uniform shirt, blouse or jacket.

**Sec. 12 SLEEPING ON DUTY:** Employees shall remain awake and alert while on duty.

**Sec. 13 USE OF ALCOHOL AND TOBACCO ON DUTY:** Employees shall not drink alcoholic beverages when on duty unless it is necessary to gain evidence and upon the order of a superior officer. Employees shall not appear for duty or be on duty while under the influence of alcoholic beverages to any degree whatever or have an odor of alcohol on their breath.

Employees shall not smoke or chew tobacco while in uniform, when in view of the public, or when in contact with the public. (This is not meant to prohibit smoking in a sector car, wagon, or unmarked car.)

No employee shall smoke or chew tobacco when in direct contact with the public (while taking a report, conducting an interview, or making an investigation on private property), in uniform or in plainclothes.

**Sec. 14 USE OF ALCOHOL OFF DUTY:** Officers while off duty shall refrain from consuming alcoholic beverages to the extent that it results in obnoxious or offensive behavior which would tend to discredit them or the Department or render them unfit to report for their next regular tour of duty.

Employees shall not consume alcoholic beverages in public places while wearing the uniform of the Department or while wearing any part of the uniform which could indicate that they are employees of the Department.

**Sec. 15 ALCOHOLIC BEVERAGES ON POLICE INSTALLATIONS:** Employees shall not bring into or store alcoholic beverages in any police facility or vehicle except alcoholic beverages which are to be held as evidence or found property which is held for safekeeping.

**Sec. 16 USE OF DRUGS:** Employees shall not use any prescription drugs, controlled substances, narcotics or hallucinogens except when prescribed in the treatment of the employee by a registered physician or dentist. When prescription drugs, controlled substances, narcotics or hallucinogens are prescribed for him, an employee shall notify his superior officer or supervisor, in writing, before his next tour of duty of such prescription. Prescription drugs, controlled substances, narcotic or hallucinogenic shall mean any substances so defined in [Massachusetts General Laws, Chapter 94C](#).

A superior officer or supervisor shall, when notified by an employee that any prescription drugs, controlled substances, narcotics or hallucinogens have been prescribed and ingested, notify the Department physician of the quantity of the substance which the employee reports has been prescribed and shall be guided by the Department physician's opinion as to whether or not the employee can fulfill his duties while under the influence of such prescribed substance. In the event that the Department physician cannot be reached, the superior officer or supervisor shall exercise his own best judgment as to whether or not the employee, reporting the use of such substance, should perform his Departmental duties. Whether or not the employee does continue to perform his Department duties shall not affect the responsibility of the superior officer or supervisor to notify the Department physician of the use of such substance as soon as possible.

**Sec. 17 POLICE SERVICE:** Employees, while on duty, shall promptly respond to all persons requesting service, insofar as it is within their duties and is consistent with Department rules and policies.

**Sec. 18 PERSONAL BUSINESS:** Employees of the Department shall not engage in personal business while on duty and shall avoid all activities not relating directly to their Departmental responsibilities.

**Sec. 19 STATEMENT OF OPINION:** Employees shall not publicly criticize or ridicule the Department, its policies, or other employees by speech, writing, or expression in any other manner when such speech, writing or other expression is defamatory, unlawful, interferes with the maintenance of discipline, or is made with reckless disregard of its truth or falsity.

**Sec. 20 SELF IDENTIFICATION:** General Law, Chapter 41, Section 98D, requires every officer to carry his identification card with photograph and exhibit this card upon a lawful request for purposes of identification. Any officer, acting in his official capacity, shall give his name, rank and badge number, in a civil manner to any person who may inquire unless he is engaged in an

undercover police operation and his physical safety or the police operation would be jeopardized by his making such identification.

Civilian employees, while engaged in their Departmental duties, shall identify themselves in a civil manner to any person who may inquire as to their identity and status within the Department.

**Sec. 21 CHARITABLE SOLICITATIONS:** Employees, while on duty or in uniform, shall not solicit from the general public money, gifts, or other things of value for charitable or testimonial purposes nor otherwise use their identity as police officers for such purposes.

**Sec. 22 GIFTS AND GRATUITIES:** Employees of this Department shall not solicit, seek or accept any gift or gratuity, including food, drink, admissions to public transportation or public amusements, for themselves or others, from an individual, merchant, or business establishment, when it can be construed to involve their position as an employee of the Boston Police Department.

Employees of the Department or their agents or

persons/corporations/associations, etc., at their request/direction shall not seek, solicit or accept contributions in any form whether moneys, goods or sponsorships from any individual, firm or corporation licensed in whole or in part by the Commonwealth of Massachusetts, the City of Boston, or any political subdivisions thereof.

Employees shall immediately report to their commanding officer, in writing, any offer or attempt to offer any gift or gratuity when it can be construed to involve their position as an employee of the Boston Police Department.

**Sec. 23 DEPARTMENTAL REPORTS - TRUTHFULNESS:** Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete. No employee shall knowingly enter, or cause to be entered, any inaccurate, false or improper information.

**Sec. 24 CONFLICT OF INTEREST:** Employees shall comply with the provisions of General Law, Chapter 268A and St. 1909, Chapter 486, Section 8, the conflict of interest statutes.

**Sec. 25 REPORTING LAW VIOLATIONS:** All officers shall report in writing to their Commanding Officer all information that comes to their attention concerning organized crime, vice, gaming, liquor or narcotic violations, all felony violations of the criminal statutes of the Commonwealth, and violations of the conditions of any license which have been issued to persons or premises.

**Sec. 26 REWARDS:** Employees may be permitted by the Commissioner, at his discretion, to receive rewards with a monetary value tendered for services rendered in the discharge of their duties which are especially meritorious or otherwise in the public interest. In each and every

case, application must be made in writing to the Commissioner for permission to give or receive any reward.

**Sec. 27 ABUSE OF PROCESS - WITHHOLDING EVIDENCE:** Officers shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information nor make any false accusations of a criminal charge or seek to influence the outcome of any investigations.

**Sec. 28 RECOMMENDATIONS OF SERVICE:** Employees shall not recommend or suggest in any manner except in the transaction of personal business, the employment or procurement of a particular product, professional service, or a commercial service, including, but not limited to, the services of an attorney, bondsman, bail commissioner or funeral director, an ambulance service or a towing service.

In the case of an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it, the officer shall proceed in accordance with established Department procedure.

**Sec. 29 ENDORSEMENT OF COMMERCIAL PRODUCTS:** The Department does not endorse commercial products or allow its facilities to be used for such endorsements. Departmental personnel shall not make any endorsements of commercial products in their capacity as members of the Department.

**Sec. 30 POLITICAL ACTIVITY:** Employees shall be permitted to:

Register and vote in any election.

Express opinions as private individuals on political issues and candidates, subject to the provisions of Section 19 of this Rule.

Attend political conventions, rallies and similar political gatherings as private individuals.

Sign political petitions as private individuals.

Become candidates for election to an office of any town or city, other than the City of Boston, in any county other than Suffolk County, or other local or regional office which are not prohibited by Section 31 of this Rule.

Hold membership in a political party and participate in its functions to the extent consistent with law and with these rules.

Participate fully in public affairs to the extent that such endeavors do not impair the natural and efficient performance of official duties, or create real or apparent conflicts of interest.

**Sec. 31 EMPLOYEES NOT ON LEAVE OF ABSENCE PURSUANT TO SECTION 32 OF THIS RULE ARE PROHIBITED FROM:**

- Becoming a candidate for election to or holding any office of the City of Boston, Suffolk County, the Commonwealth of Massachusetts or the Federal Government.
- Using their official capacity to interfere with or affect any election.
- Engaging in the direct or indirect solicitation of funds for political candidates, political campaigns, political parties or political organizations.
- Soliciting votes in support of or in opposition to any candidates in any way which would identify an employee as a member of the Boston Police Department.
- Engaging in any political activities prohibited by federal law, state statute or municipal ordinance.
- Except for the Police Commissioner and/or his or her designee[s] when acting in their official capacities, publicly endorsing or opposing political candidates and/or issues in any way which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that the employee was acting in his or her official capacity as a member of the Boston Police Department. No bargaining unit member shall be compelled to act as the "designee" under this provision. Under no circumstances shall a member of the Department, other than the Commissioner and/or his or her designee acting in their official capacity, appear in uniform on behalf of a political candidate or on a political issue, whether on or off duty.
- Utilizing public resources (e.g., office equipment, vehicles or staff) for political campaign activity.

**Political Contributions:** Pursuant to state and federal law employees may make political financial contributions with the following exceptions and limitations:

- An employee may make campaign contributions to state or local candidates or to candidate's committees so long as the total of all contributions for the benefit of any one state or local candidate and the candidate's committee does not exceed \$500.00 in any calendar year.
- An employee may, in addition, make contributions for the benefit of state or local political party committees, whether elected or non-elected, (e.g., the democratic state committee) so long as the total of contributions for the benefit of any one state or local political party committee does not exceed \$5,000.00 in any one calendar year.

- The aggregate of all contributions from any one employee to all such state and local candidates and candidate's committees shall not exceed \$12,500.00 in any one calendar year.
- An employee may make contributions without limitation to state and local ballot question committees.
- An employee may make campaign contributions to federal candidates or candidate's committees (e.g., candidate for U.S. Senate) so long as the total of all contributions for the benefit of any one federal candidate and the candidate's committee does not exceed \$1,000.00 per election.
- An employee may make contributions for the benefit of federal political party committees (e.g., the democratic national party) without limitation with the exception that if the employee designates such contribution for federal election purposes the employee is subject to an annual contribution limitation of \$20,000.00. (Section Amended by Special Order 99-35, issued June 4, 1999)

**Sec. 32 EMPLOYEES SEEKING POLITICAL OFFICE:** Every employee of the Police Department upon becoming a candidate for election to any office specified in Section 31 shall take a leave of absence, without pay, effective with the day he requests nomination papers or subscribes his statement of candidacy and continuing until whichever of the following first occurs; his failure of nomination or election at the primary or final election or his failure to become, or withdrawal as a candidate, or if elected, the termination of his term of office.

**Sec. 33, EMPLOYMENT OUTSIDE OF THE DEPARTMENT:** Employees may engage in off-duty employment subject to the following limitations (this section does not apply to Department-assigned paid details):

- A. The Police Commissioner's written approval must be granted prior to engaging in off-duty employment. To receive such approval, employees shall fill out BPD Form 2196 (revised 1996), "Request for Permission to Hold Off-Duty Employment" and give it to their Commanding Officer/Director. Commanding Officers/Directors shall forward such forms with their recommendation for approval or disapproval to the appropriate Bureau Chief.
- B. Upon reviewing the recommendation of the employee's Commanding Officer/Director, the Bureau Chief shall forward the request with their recommendation for approval or disapproval to the Police Commissioner for consideration.
- C. Upon reviewing the employee's request and the recommendations of the Commanding Officer/Director and the Bureau Chief, the Police Commissioner shall approve or disapprove the request. All requests will be forwarded to the Director/ Human Resources Division, Bureau of Administration and Technology, where they will be kept on file. The Director, Human Resources Division is responsible for ensuring that employees are sent a copy of their request, approved or disapproved, once the Police

Commissioner has acted upon it. No employee may engage in off-duty employment prior to receiving a copy of his or her request, which has been approved by the Police Commissioner.

- D. A new BPD form 2196 must be filled out every time an employee who has received permission for off-duty employment changes jobs, off-duty employers or number of hours worked.
- E. All employees who have permission to hold off-duty employment shall fill out a new BPD form 2196 every year during the month of October. Upon receiving a copy of such form, approved by the Police Commissioner, from the Director, Human Resources Division, the employee's permission to hold off-duty employment is renewed until December 31st of the following year, unless revoked earlier by the Police Commissioner. Permission to hold off-duty employment is automatically revoked on December 31st of any year in which an employee fails to file the above form and maintain proof of having done so.
- F. Off-duty employment shall constitute no more than thirty-two (32) hours' work per week. This limitation does not apply during any week that the officer does not report for duty because the officer is serving an unpaid suspension. Additionally, officers on administrative leave (in accordance with Rule 109, sec. 10) or on administrative duty shall not work more than 96 hours per week, or more than 320 per month, during the period of their administrative leave / duty.
- G. Employees shall not engage in any employment or business involving the sale or distribution of alcoholic beverages within the City of Boston.
- H. Employees shall not engage in, acquire or retain a financial interest in any employment or business that is licensed by the Licensing Board of the City of Boston.
- I. Employees shall not be employed as a guard or security officer.
- J. Employees shall not engage in any employment or business which would constitute a violation of M.G.L. c. 268A, "Conduct of Public Officials and Employees", or St.1909, Chapter 486, Section 8.
- K. Employees shall not hold any elective office specified in Section 31 of this Rule.
- L. Employees shall not engage in, acquire or retain a financial interest in any business or employment involving investigatory work outside the Department. Investigatory work includes, but is not limited to, private detectives, insurance company investigations, collection or credit agencies or as the investigator for any attorney or bail bond agency.
- M. It is of utmost importance that each employee avoid private financial or business relationships with convicted felons or with persons who openly associate with felons. Each employee must remain vigilant to ensure that they do not work for an employer or



acquire a financial interest in any business with a person who has been convicted of a felony or who openly associates with convicted felons. It is the Department's policy to provide notice to the officer when violations of this subsection come to its attention. Once notified, the officer shall forthwith discontinue any relationship in violation of this subsection. No notice will be provided to an officer that may compromise an investigation. The Department shall bear the burden of proving violations of this section.

N. Employees who are lawyers and who receive permission to practice law may not represent clients in criminal cases, consult or offer advice to other attorneys on criminal cases.

O. Employees who have received permission to hold off-duty employment may have such permission revoked at the discretion of the Police Commissioner. The employee may request in writing an explanation for the revocation. (Section Amended by Special Order 03-02, issued January 28, 2003)

**Sec. 34 MUTUAL PROTECTION:** In an emergency, an officer shall promptly come to the aid of any officer who, when carrying out his official duties, is in need of assistance.

**Sec. 35 CONFORMANCE TO LAWS:** Employees shall obey all laws of the United States, of the Commonwealth of Massachusetts, all City of Boston ordinances and by-laws and any rule or regulation having the force of law of any board, officer, or commission having the power to make rules and regulations. An employee of the Department who commits any criminal act shall be subject to disciplinary action up to and including discharge from the Department. Each case shall be considered on its own merits, and the circumstances of each shall be fully reviewed before the final action is taken.

**Sec. 36 CRIMINAL COMPLAINTS:** An employee of the Department, upon learning that an application for a criminal complaint has been made against him or that a complaint or incident has been issued against him, shall forthwith notify his commanding officer in writing. Such notification shall be a summary of the complaint sought or issued and the projected date of the hearing or trial. The commanding officer receiving such notification shall transmit a copy of the employee's report to the Office of the Police Commissioner.

The Supervisor of Cases at each court, upon receipt of information that a complaint or indictment has been sought or issued against a Department employee, shall submit a separate report to the Office of the Police Commissioner, furnishing the subject matter of the complaint or indictment and the date of the hearing or trial.

**Sec. 37 SITUATIONS INVOLVING FAMILY OR FRIENDS:** An officer confronted with a situation requiring police intervention, in which a member of his family or a friend is involved, shall not intervene unless an emergency exists, and then only to meet the emergency. The officer concerned shall notify the Operations Section, or if outside the City of Boston, the appropriate police agency, so that a more objective police unit may handle the matter.

**Sec. 38 SITUATIONS INVOLVING OFF-DUTY BOSTON POLICE OFFICERS:**When an officer is confronted with a situation in which the conduct of an off-duty Boston Police Officer is in question, that officer shall follow appropriate and normal police procedures and, as soon as possible, shall notify the Operations Section and request that a Superior Officer respond to the incident.

**Sec. 39 ASSOCIATION WITH CRIMINALS:** Department employees shall not associate with persons whom they know, or should know, are persons under criminal investigation, or who have a reputation in the community or in the Department for recent or present involvement in felonious or criminal activities.

This rule shall not apply where said associations are necessary in the performance of official duties, or where said associations are unavoidable due to familial relationships of employees.

**Sec. 40 RESIDENCY:**

A. All members of the AFSCME, SEIU and SENA bargaining units hired by the city after July 1, 1980 shall be subject to the City of Boston Residency Ordinance. All other civilian employees shall be subject to the Residency Ordinance regardless of their date of hire, except as referenced in the Ordinance itself.

B. All members of the Department who become sworn permanent officers after July 1, 1994 shall be subject to the City of Boston Residency Ordinance.

**Notes:**

- Amended by S.O. 95-11, issued February 14, 1995, which added Section 40, Residency.
- Amended by S.O. 97-18, issued May 7, 1997, which standardized the use of certain forms for notifying the Department of a change of name, address, telephone number or tax withholding.
- Amended by S.O. 97-25, issued August 8, 1997, which re-inserted a sentence into Section 9, Respectful Treatment, that had been inadvertently omitted during a recent printing and distribution of the Rules & Procedures.
- Amended by S.O. 98-28, issued July 23, 1998, Revised Section 10 sub section C paragraph 1.
- Amended by S.O. 99-35, issued June 4, 1999, Revised Section 31
- Amended by S.O. 99-42 issued July 8, 1999, Revised Section 10 sub section C paragraph 1
- SO 06-033 issued 06/19/2006, AMENDMENT TO RULE 102, SECTION 10, SUB-SECTION C.
- Amended by S.O. 06-045, issued November 06, 2006, Revised Section 10.

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 33 (c).
- Amended by SO 08-015, issued April 10, 2007, Please be advised that, effective immediately, Rule 102 §33(l) is not applicable to civilian personnel. Specifically, civilian personnel shall not be restricted from holding off duty employment as guards or security officers. The remaining provisions of this rule, including, but not limited to, the submission of a “Request for Permission to Hold Off-Duty Employment” form and the maximum hours allowed per week, are still applicable to all employees, including sworn and civilian personnel.
- Amended by SO 10-016, issued May 12, 2010, §33(F) is amended to increase the maximum number of allowable hours worked to thirty-two (32) hours per week.

## Rules and Procedures

### Rule 103

August 20, 1984

#### Rule 103 - Police Officer

This rule is issued to establish the responsibilities and duties of the rank of Patrol Officer. It is effective immediately, superseding all previously issued rules, orders and other directives, and replacing Rule No. 24 of the 1950 Manual, Patrolmen.

For the purpose of clarity and brevity, the pronouns "He" and "His" are used editorially throughout this rule and it should be understood that where used they are to be interpreted as applying to both male and female officers.

**Sec. 1 GENERAL CONSIDERATIONS:** A patrol officer, in carrying out the functions of the department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the proper enforcement of all laws and ordinances and the effective delivery of police services shall constantly direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to answer calls and obey the orders of his superiors. He shall be held to a strict accountability for the good order of the sector, beat or post to which he has been assigned to duty.

**Sec. 2** A Patrol Officer shall not carry any unauthorized equipment on his person, while on duty, nor place any unauthorized equipment into a department vehicle or place it on a department animal.

#### A PATROL OFFICER:

**Sec. 3** Shall report for duty at the time and place specified by his Superior Officer or Supervisor and shall be physically and mentally fit to perform his duty. He shall be properly uniformed and equipped and cognizant of the information required for proper performance of his duty so that he may immediately assume his assignment.

**Sec. 4** Shall acquaint himself with all matters occurring since his last tour of duty which affect his responsibilities and shall be held accountable for compliance with all orders, rules, bulletins and circulars.

**Sec. 5** Is encouraged to keep a private record of his work, noting all matters of importance in which he is engaged in his official capacity.

**Sec. 6** A Patrol Officer shall proceed to his assignment after roll call and notify the Operations Division accordingly.

**Sec. 7** Equipped with radio communications shall keep the receiver in operation at all times. When his unit is called by the Operations Division he shall immediately respond and acknowledge receipt of any communications dispatched to him even if on a previous assignment. If sent on an assignment, the officer will notify the Operations Division of his arrival at the scene and make a further notification when he has completed that assignment, furnishing the appropriate disposition which will indicate his availability for further duty. If required, the officer will obtain a Central Complaint number from the Operations Division and prepare and submit the properly completed Incident Report. Before being relieved of duty, a patrol officer will notify the Operations Division of that fact and all communications between a patrol officer and the Operations Division shall be in accordance with current communications procedures.

**Sec. 8** Shall confine his patrol within the limits of his assigned sector or area except in case of emergency when he shall immediately notify the Operations Division by radio. A patrol officer will not otherwise leave his assigned area until properly relieved unless he is dispatched elsewhere by the Operations Division or a Superior Officer.

**Sec. 9** Who is obliged, for police purpose, to leave his assigned area by going elsewhere or by entering a building or other premises in his area shall immediately report to the Operations Division the location and circumstances of the incident. A patrol officer who considers it necessary to leave his assigned area for any purpose other than police work shall first seek the permission of the Operations Division giving his reason and location. When permission is given, he shall report at once on his return and should he fail to report within a reasonable time the Operations Division shall notify the patrol supervisor so that he may ascertain the whereabouts of the absent officer. A patrol officer absent from his assigned area for a proper purpose, in accordance with the provisions of this rule, shall not be subject to disciplinary action.

**Sec. 10** Must constantly patrol his assigned area except for halts necessary to the proper performance of duty; he must not sit down, lean against walls, posts or trees or conduct himself in any manner other than as a responsible official exposed to public observation and criticism with important work to do.

**Sec. 11** Shall furnish such information and render such aid to all persons as may be consistent with his duty.

**Sec. 12** Shall direct strangers and others, when requested, by the nearest and safest way to their places of destination. If said destination is within the boundaries of his assigned area he may accompany such persons to their places of destination; if not within the boundaries, and conditions warrant such action, he shall communicate with the Operations Division and be guided by the instructions received.

**Sec. 13** Hearing a call for assistance shall immediately notify the Operations Division and then proceed to render aid with all dispatch. When a disturbance or other type of problem occurs,

he shall instantly proceed to the location and use his best efforts to restore order, taking the police action that is deemed necessary and proper. The officer will be responsible for notifying the Operations Division of the action taken.

**Sec. 14** Assigned to patrol duty shall aid and assist officers performing traffic duty in any emergency or when directed by the Operations Division or a Superior Officer. When any public way becomes blocked by vehicles an officer shall use his best efforts to restore the normal flow of traffic, paying particular attention to pedestrians.

**Sec. 15** May examine any person whom he shall see abroad whom he shall have reason to suspect of any unlawful design and may demand of him his business abroad at such a time and where he is going. This authority must be exercised reasonably and in accordance with the law.

**Sec. 16** Shall acquaint himself with all public vehicles and drivers thereof permitted to stand on his assigned area. He shall note and investigate, especially during the nighttime, all vehicles the drivers or occupants of which in any manner may cause suspicion and note the registration number and description of each and report the facts to his Patrol Supervisor. He shall pay particular attention to motor vehicles of all kinds, observing their numbers and watching for those that have been reported stolen or used in a crime or that are not properly registered or legally equipped.

**Sec. 17** Insofar as he can, without intruding on the privacy of individuals, shall note all removals from or into the limits of his assigned area and acquire such a knowledge of the inhabitants as shall enable him to recognize them. He shall make himself acquainted with all parts of his assigned area and with the streets, thoroughfares, courts and houses within it.

**Sec. 18** Shall note the conduct of all suspicious persons and all persons of known bad character and make such observations as will enable recognition of them at any time. He shall particularly note their movements, habits and associations and the premises they frequent. He shall ascertain their names, addresses and occupations, if any, and submit a Field Interrogation and/or Observation Report with all the information he has obtained to his relieving Supervisor.

**Sec. 19** Shall take notice of all places and persons on his assigned area engaging in any business or activity which requires a license and shall report in writing to his Commanding Officer all unlicensed places or persons requiring a license and all cases where the provisions of a license are not complied with. He will be prepared to give information to his superior officers concerning the nature of all businesses being conducted in his assigned area.

**Sec. 20** Shall inform himself as to the places on his assigned area in which violations of the law are believed to exist and shall take the necessary police action and if uncertain as to how to proceed he shall report to his Patrol Supervisor. He shall keep a record of all suspected gaming houses, houses of ill fame, disorderly houses, places suspected of trafficking in illicit liquor or of being resorted to for the illegal sale, distribution or use of controlled substances, resorts for persons of known bad character and all places resorted to for questionable conduct and

promptly report the same on a Field Interrogation and/or Observation Report. He shall observe night walkers and those who improperly accost persons upon the street and shall do all in his power to protect all persons from insult or annoyance.

**Sec. 21** While on duty, shall note all street and sidewalk obstructions, all defects in streets or sidewalks from which accidents may occur, removing or remedying them when practicable; all places for which temporary permits are granted for buildings or where obstructions or excavations exist or are being made and see that suitable safety precautions are provided for the public travel; all street lamps out of repair and not lighted or extinguished at the proper time; any damage or malfunction of traffic control devices or damage to all buildings erected or in the process of erection contrary to law or which may have become unsafe or any buildings in which an unwholesome dangerous or noisome trade is carried on; all defects or other matters affecting the safety or convenience of the public or the interest of the city and shall make a report thereof without delay to his Duty Supervisor directly or through the Operations Division.

**Sec. 22** Who discovers any condition dangerous to life and limb shall notify the Operations Division at once and do all in his power to remedy the condition and remove the hazard. He shall take special notice of all vacant or unoccupied houses to prevent vandalism; be vigilant to prevent fire or waste of water; see that fire escapes are not obstructed; call the attention of abutters to the state of sidewalks and roofs rendered dangerous by snow, ice or other causes or when obstructed by any article; take note of all offensive matter thrown into the street or when streets are improperly obstructed. When the laws and ordinances, orders, rules and regulations for the government of such cases, upon notice given, are not forthwith obeyed he shall ascertain the names of the offending parties and submit an Incident Report to his Duty Supervisor for complaint and prosecution.

**Sec. 23** Shall, during the time that business houses are closed, exercise the greatest vigilance, frequently trying and examining accessible doors and windows of such buildings in his assigned area. He shall investigate all suspicious circumstances that present themselves and shall be held responsible for failure to discover and report any accessible doors or windows of business establishments broken open in his assigned area during his tour of duty. If any windows or doors are found broken open or found open or unlocked from apparent negligence he shall promptly inform the Operations Division of all the circumstances and be guided by the instructions received. The Operations Division will notify the Area concerned which in turn will so inform the owner, tenant or representative of the premises. When necessary, assistance will be summoned to safeguard such windows or doors.

**Sec. 24** Shall see that sidewalks are not obstructed by persons loitering thereon to the inconvenience of pedestrians.

**Sec. 25** Shall direct persons without funds and shelter to the temporary home for women on Chardon Street or, if men, to the Pine Street Inn.

**Sec. 26** Who discovers that a serious offense has been committed and the person committing

the crime has escaped, shall immediately notify the Operations Division of all the particulars with a description, if possible, of the perpetrator.

**Sec. 27** On duty will be permitted to suspend patrol for the purpose of eating but only for such period of time as is authorized and only when permission for the same has been received from the Operations Division. Officers who have been granted this permission are to remain on the air and available for response to any emergency call should the situation require. (See S.O. No. 84-41, dated 8/9/84.)

**Sec. 28** Shall be responsible for the thorough searching of any person he places under arrest or takes into custody before he places the prisoner in a department vehicle for transportation.

**Sec. 29** To whom a portable radio has been assigned shall be responsible for the care and safety of said radio while in his custody. He shall deliver the radio, together with his Activity Log, to his relieving Supervisor at the conclusion of his tour of duty.

**Sec. 30** Who while on duty deems it necessary to warn or correct a person or to issue a citation for an infraction of the traffic regulations, shall do so in a firm but brief and civil manner and without obstructing traffic flow or creating congestion.

**Sec. 31** When it is necessary to arrest the operator of a vehicle for a violation, the officer shall, if possible, order the offender out of the traffic flow to the street curb and make such arrest without unnecessary loss of time or the obstruction of traffic. When an arrest is made under such circumstances, proper measures for safeguarding the vehicle of the arrested person must be taken. It shall be the responsibility of the arresting officer to dispose of the car in the following manner:

1. leave it with a person having apparent authority to assume control of it; or
2. park it legally, close the windows, lock it, if possible, and attempt to notify the registered owner; or
3. leave it at the side of the road with windows closed and locked, if possible, if traffic is not obstructed and arrangements can be made for its removal without undue delay; or
4. have it towed for safekeeping.

**Sec. 32** When an officer is securing a vehicle on the street (for example, a vehicle involved in an accident or one which was operated by a person now under arrest), which contains valuable property he shall whenever possible, ask the owner of the property how he wants it disposed of. When the owner is unavailable or is unable to express his wishes the officer before securing the vehicle shall remove the property and deliver it to his Duty Supervisor, together with his report of the incident and an inventory of the property removed. When circumstances indicate



the necessity, a written notification of what property was removed and where it may be claimed should be left in the vehicle.

## Rules and Procedures

### Rule 103-A

May 31, 1979

#### Rule 103-A - POLICE OFFICERS ASSIGNED TO DEPARTMENT MOTOR VEHICLES

This rule is issued to establish the responsibilities and duties of Police Officers assigned to department motor vehicles. It is effective immediately, superseding all previously issued rules, orders, and other directives and replaces Rule 25, 28, and 29, Patrolmen, Radio Patrol Cars; Motorcycles; Patrol Wagons and Ambulances of the 1950 Manual of the Department.

Sec. 1 GENERAL CONSIDERATIONS: A police officer assigned to duty in a department motor vehicle shall adhere to the rules prescribed for such service and shall be subject to all other rules and regulations prescribed for Police Officers insofar as they are not in conflict with the specific rules which apply to duty in a department motor vehicle.

Sec. 2 A POLICE OFFICER ASSIGNED TO DUTY IN A DEPARTMENT MOTOR VEHICLE: Shall operate only the vehicle to which he/she has been assigned except in an emergency or on the order of a Superior Officer.

Sec. 3 Shall operate that vehicle only if he/she has a valid license to operate that class of motor vehicle issued by the Massachusetts Registrar of Motor Vehicles and has been certified to operate that class of motor vehicle by the Supervisor of Automotive Maintenance.

Sec. 4 Shall, unless otherwise directed, report to his/her District or Unit at the time prescribed where the vehicle to which he/she is assigned will be turned over to him/her.

Sec. 5 Shall report to his/her Patrol Supervisor, immediately, if the vehicle, which has been assigned to him/her, is otherwise assigned, or if it is unfit for use.

Sec. 6 Shall when designated as operator make a thorough examination of the vehicle assigned to him/her and its equipment, before starting out on patrol and shall record the complete result of this inspection on the prescribed Department form used for that purpose which shall be submitted, forthwith to his/her Patrol Supervisor.

NOTE: If possible, try to make the inspection in the presence of the officer from whom you took the vehicle. NEVER TAKE OVER A POLICE VEHICLE FOR WHICH YOU WILL BE HELD RESPONSIBLE, UNTIL YOU MAKE A THOROUGH INSPECTION OF IT AT THE TIME.

Each car is equipped with a spare tire, jack and wrench. Open the trunk of the car and see that they are there. Be sure that the spare tire is properly inflated, if it is not, HAVE IT REPAIRED AT ONCE. Officers are not expected to make repairs to cars; it is their duty to drive the car CAREFULLY and to KEEP IT CLEAN both inside and out. Officers are required to change flat tires

when they occur; and then bring them to the shop at once and have them repaired. Do not run on tires that are not up to correct pressure.

Avoid striking curbstones or going over objects, as the low-pressure tires are more easily damaged, especially the sidewalls. In many instances, the front end is thrown out of alignment when the front wheels strike a curbstone resulting in a rather costly repair to the vehicle.

Sec. 7 Shall, when designated as the operator, be responsible for the necessary cleanliness of the vehicle to which he/she is assigned and shall insure that it is sufficiently supplied with water, fuel and lubricating oil and that the requisite amount of air is in the tires.

Sec. 8 Shall be held responsible for failure to report any damage to the vehicle entrusted to his/her care and for any assigned department property or equipment missing from such vehicle when such damage or missing property or equipment should have been clearly discoverable by the inspection required at the beginning of his/her tour of duty.

Sec. 9 Shall operate the vehicle at a moderate rate of speed and in such manner as will enable him/her to observe any conditions or occurrences in his/her assigned area, which may require police attention.

Sec. 10 Shall not go to his station or unit to make out reports but shall prepare all reports in his/her vehicle and submit them as directed to the Patrol Supervisor. In emergencies, when the presence of an officer is required at the station, the request for his/her return shall be made by the Duty Supervisor to the Operations Division.

Sec. 11 Shall have the radio receiver of his/her vehicle in operation at all times during his/her tour of duty. He/she shall respond immediately to the Operations Division when his/her particular unit is called and shall strictly adhere to current communication procedures as outlined in Section 8 of Rule 103, Police Officer.

Sec. 12 Shall not, except in case of an emergency or other proper performance of duty, permit any person, other than an officer of rank, to ride in or on the vehicle to which he/she is assigned except as ordered by the Police Commissioner or authorized by the Operations Division.

Sec. 13 Shall not, at any time during his/her tour of duty, leave his/her vehicle unattended except in an emergency or when authorized to do so. If obliged to leave the vehicle for police business the Operations Division shall be notified, the radio receiver turned off, and the vehicle locked.

Sec. 14 Who has occasion to pursue a motor vehicle because of a violation of the law shall notify the Operations Division immediately, furnishing a description of the vehicle, the location of the incident and the direction in which the pursuit is proceeding together with all other material facts, which may aid in the apprehension. Radio contact shall be maintained

throughout the pursuit. The officer or officers concerned shall proceed in accordance with the provisions of the rule dealing with Pursuit Driving.

Sec. 15 Shall drive his/her vehicle to a destination by the most direct route and the speed of the vehicle at all times shall be regulated with due regard for the safety of the public. When responding to requests for assistance or service under emergency driving conditions shall follow strictly the provisions of the Department rule concerning Emergency Driving.

Sec. 16 Shall transport sick or injured persons in his/her vehicle only under emergency conditions when an ambulance is unavailable and such use must be sanctioned by a Superior Officer or the Operations Division as authorized by Rule 203, Handling of Accident Victims and Emergency Medical Cases.

Sec. 17 Shall not tamper in any way with the radio equipment and shall not make frivolous or unnecessary broadcasts nor interfere in any way with the regular police radio broadcasts in violation of Federal Communication Commission rules. He/she shall notify the Operations Division immediately of any defect in the operation of the radio. If unable to transmit this information he/she shall immediately inform his/her Duty Supervisor of the condition and be guided by his/her directions.

Sec. 18 Shall notify the Operations Division immediately if he/she is sent from his assigned area on orders not transmitted by Operations Division.

Sec. 19 Who is the first to arrive at the scene of an emergency shall as soon as is practicable notify the Operations Division of the nature of the emergency and be guided by the instructions he/she receives.

NOTE: The first vehicle arriving at the scene will be used as the communication vehicle, whether from Headquarters or some other Unit, and shall remain in constant radio contact with the Operations Division giving complete detailed reports of conditions at the scene. Officers assigned to vehicles will use good judgment so that only vehicles assigned to the emergency by Operations Division will converge at the scene of a crime when it seems obvious that the perpetrators have fled. All operators of vehicles shall be alert for radio broadcasts from vehicles at the crime scene and make every effort to apprehend vehicles and/or suspects persons in the area.

Sec. 20 The officer(s) assigned to the vehicle designated in Section 19, as the communications car will be held strictly responsible for the procedure prescribed and will remain constantly on the air at the scene until excused from such duty by the Operations Division.

Sec. 21 When designated as operator, shall immediately submit a detailed report in writing to his/her Duty Supervisor of any accident in which the vehicle he/she was operating is involved. He/she shall be held responsible for any damage to his/her assigned vehicle, which is

due to his/her negligence. He/she shall report to his/her Duty Supervisor, immediately, all needed repairs and maintenance requirements of his/her assigned vehicle.

Sec. 22 When designated an operator, shall at the conclusion of his/her tour of duty deliver to the relieving Supervisor the keys to the vehicle that was assigned to him/her.

Sec. 23 RADIO PATROL CARS: Used for patrol duty in a police district, shall patrol prescribed sections of the district, to be known as sectors, except as may be otherwise directed by the Area or District Commander or the Operations Division.

Sec. 24 A radio patrol car shall be manned by two police officers, in uniform, except as may otherwise be ordered by the Police Commissioner, one of whom will be the operator, the other the observer, to be so designated by the Duty Supervisor.

Sec. 25 PATROL WAGONS: Are to be used for proper police purposes only and it shall be the responsibility of police officers assigned to patrol wagons to insure that this rule is not violated. Generally, these purposes are the transportation of prisoners and property lawfully coming into the possession of the police and the movement of police personnel in the necessary performance of duty. Any other use of a department wagon must be authorized by a Superior Officer or the Operations Division.

Sec. 26 A patrol wagon will at all times be manned by two officers in uniform, one assigned as the operator and the other as the observer, to be so designated by the Duty Supervisor, except as may be otherwise ordered by the Area or District Commander.

Sec. 27 A police officer assigned as operator of a patrol wagon should not use this vehicle for conveying persons from one hospital to another or from a hospital to the home of a patient except for charitable purposes with the authorization of the Operations Division.

Sec. 28 A police officer assigned to patrol wagon duty shall render all necessary assistance to officers in securing prisoners and the observer will be held strictly responsible for the safe custody of prisoners and property placed in his/her charge for conveyance in a patrol wagon.

Sec. 29 A police officer assigned as observer of a patrol wagon shall, whenever assigned or permitted by the Operations Division or a Superior Officer, to transport a sick or injured person ride in the rear compartment of the wagon with the person being conveyed.

Sec. 30 When property or prisoners are being transported in a patrol wagon it shall be the responsibility of the observer to insure that the rear doors of the wagon are securely fastened.

Sec. 31 Whenever practicable, the observer shall ascertain the name of the arresting officer and the charge to be lodged against each prisoner placed in his/her wagon.

Sec. 32 MOTORCYCLES: Police officers assigned to Motorcycle Duty shall operate as a single unit and ride alone unless authorized by the Operations Division or the officers' Commanding Officer.

NOTE: Rule 103C amended by Special Order 96-4, January 9, 1996, POLICE OFFICER AS A RANK: References in Rule 103C to the rank of Patrol Officer amended to read as Police Officer.

## **Rules and Procedures**

### **Rule 103-B**

**July 14, 1995**

#### **Rule 103-B - POLICE OFFICERS ASSIGNED TO TRAFFIC DUTY**

This rule is issued to establish the responsibilities and duties of Police Officers assigned to traffic posts. It is effective immediately; superseding all previously issued oral or written directives.

Sec. 1 GENERAL CONSIDERATIONS: An officer assigned to a traffic post or traffic control duty shall adhere to the rules prescribed for such type of service and shall be subject to all other rules and procedures prescribed for police officers insofar as they are not in conflict with the specific rules applying to traffic duty.

Sec. 2 An officer assigned to a traffic post, street intersection, or construction site for the purpose of regulating traffic shall be at such post promptly at the designated time. He/she is charged especially with effecting the orderly movement of all vehicles at his/her post with due regard for the safety of pedestrians and in exacting compliance with the laws and regulations pertaining to traffic.

Sec. 3 An officer assigned to a traffic post will give his/her entire attention at all times to his/her duties. He/she shall not engage in conversation with civilians or police officers, except when necessary in the line of police duty, and then such conversation shall be as brief as is consistent with courteous and efficient conduct of police business.

Sec. 4 An officer assigned to a traffic or crowd control post on a street, at an intersection, or at a construction site, for the purpose of regulating vehicular or pedestrian traffic, shall wear a Department issued or authorized reflectorized traffic belt.

NOTE: Rule 103C amended by Special Order 96-4, January 9, 1996, POLICE OFFICER AS A RANK: References in Rule 103C to the rank of Patrol Officer amended to read as Police Officer.

Paul F. Evans  
Police Commissioner

## **Rules and Procedures**

### **Rule 103-C**

**May 31, 1979**

#### **Rule 103-C - POLICE OFFICERS ASSIGNED TO THE MOUNTED UNIT**

This rule is issued to establish the responsibilities and duties of police officers assigned to the Mounted Patrol Unit of this department. It is effective immediately, superseding all previously issued rules, orders and other directives and replaces Rule 27, Patrolmen, Mounted, of the 1950 Manual of the Department.

Sec. 1 GENERAL CONSIDERATIONS: A police officer assigned to mounted patrol duty shall adhere to the rules prescribed for such service and shall be subject to all other rules and regulations prescribed for patrol officers insofar as they are not in conflict with the specific rules applying to mounted duty.

Sec. 2 A police officer assigned to mounted patrol duty: shall be held strictly responsible for his/her mount and any equipment assigned to him/her.

Sec. 3 Shall remain mounted, as continuously as is practicable, unless otherwise directed by the Operations Division or a superior officer. He/she shall insure the safety of his/her mount when called upon to perform dismounted police duties.

Sec. 4 Shall not leave his/her mount unattended while on duty except in an emergency or as he/she may be otherwise authorized.

Sec. 5 Shall train his/her mount to walk at a rapid pace but shall not urge the animal beyond a pace required for police business.

Sec. 6 Shall be humane in his/her treatment of his/her mount and shall be held strictly accountable for any abuse to which the animal is subjected while in his/her charge.

Sec. 7 Shall tend to the proper watering of his/her horse while on duty.

Sec. 8 Shall promptly reporting in writing to his/her Commanding Officer any sickness, accident or injury to his/her mount while on duty.

Sec. 9 Shall insure that his/her mount is treated properly by hostlers and report any incident of neglect or ill treatment in writing to his/her Commanding Officer.

NOTE: Rule 103C amended by Special Order 96-4, January 9, 1996, POLICE OFFICER AS A RANK: References in Rule 103C to the rank of Patrol Officer amended to read as Police Officer.



## **Rules and Procedures**

### **Rule 103-D**

**May 31, 1979**

#### **Rule 103-D - POLICE OFFICERS ASSIGNED TO THE CANINE UNIT**

This rule is issued to establish the responsibilities and duties of police officers assigned to the Canine Unit of this department. It is effective immediately; superseding all previously issued rules, orders and other directives concerning police officers working with Police Department dogs.

Sec. 1 GENERAL CONSIDERATIONS: A police officer assigned to the Canine Unit shall adhere to the rules prescribed for such service, and shall be subject to all other rules and regulations prescribed for police officers, insofar as they are not in conflict with the specific rules applying to Canine Unit duty.

Sec. 2 A POLICE OFFICER ASSIGNED TO CANINE DUTY: Shall be held strictly responsible for the animal and any equipment assigned to him/her.

Sec. 3 Shall constantly and faithfully patrol the area to which he/she is assigned, accompanied by his/her dog, unless otherwise directed by the Operations Division or a Superior Officer.

Sec. 4 Shall not leave his/her dog unattended, while on duty, except in an emergency or as may be otherwise authorized. On such occasions the animal shall be confined in a police vehicle or an area inaccessible to the public.

Sec. 5 Shall be humane in his/her treatment of his/her dog, and shall be held strictly accountable for any abuse to which the animal is subjected while in his/her charge.

Sec. 6 Shall promptly report in writing to his/her Commanding Officer any sickness, accident or injury to his/her dog.

Sec. 7 Shall immediately reporting in writing to the Commanding Officer of the district of occurrence, fully and completely, all details concerning the biting of a human by his/her dog.

NOTE: Rule 103C amended by Special Order 96-4, January 9, 1996, POLICE OFFICER AS A RANK: References in Rule 103C to the rank of Patrol Officer amended to read as Police Officer.

## **Rules and Procedures**

### **Rule 103-E**

**March 16, 1983**

#### **Rule 103-E - POLICE OFFICERS ASSIGNED TO HARBOR PATROL- HARBOR MASTER**

This rule is issued to establish the duties of the Harbor Master and to set out the responsibilities and duties of police officers assigned to the Harbor Patrol. It is effective immediately; superseding all previously issued directives concerning these subjects and replacing Rule 19 of the 1950 Department Manual.

GENERAL CONSIDERATIONS: A police officer assigned to the Harbor Patrol shall adhere to the rules prescribed for such service: shall obey all oral and written directives of the Harbor Master, and shall be subject to all other rules and regulations prescribed for police officers insofar as they are not in conflict with the specific rules which apply to duty with the Harbor Patrol Unit.

Sec. 1 The Police Commissioner shall appoint the Harbor Master and shall assign him/her to the command of the Harbor Patrol Unit. The Harbor Master shall be responsible for the general good order and cleanliness of the department boats and their equipment.

The Police Commissioner will appoint Assistant Harbor Masters from among the police officers assigned to the Harbor Patrol Unit.

Sec. 2 The Harbor Master is especially charged with the enforcement of the "Harbor Regulations," laws of the Commonwealth, and the ordinances of the City of Boston that pertain to his/her specific duties. He/she shall cooperate with the United States Marshal and the officers of the Customs Services in enforcing the laws of the United States.

Sec. 3 The Harbor Master shall supply to all vessels from foreign ports a copy of the "Harbor Regulations."

Sec. 4 The words "Harbor Master" and "Police" shall be displayed on a sign attached to the pilothouse of each Police Department boat.

Sec. 5 When a fire occurs on the waterfront the officers of the Harbor Patrol Unit shall give aid in removing endangered vessels and at all times shall assist in saving life and property.

Sec. 6 During the daylight hours, police boats shall patrol the upper harbor visiting the wharves, yacht clubs, moorings, islands, and shipping, as time and duty may allow. One boat shall patrol the lower harbor at least once each day when practicable. An adequate patrol of the harbor shall be maintained during the nighttime hours.

Sec. 7 When the police boats are at their dock they shall be kept in such condition that they can be brought into immediate use, if required.

Sec. 8 No person shall be allowed on board a police boat except on business or with the permission of the Police Commissioner, Superintendent or Harbor Master.

Sec. 9 No one shall be allowed to use a police boat for any purpose not directly connected with the business of the Police Department or of the Harbor Master.

NOTE: Rule 103C amended by Special Order 96-4, January 9, 1996, POLICE OFFICER AS A RANK:  
References in Rule 103C to the rank of Patrol Officer amended to read as Police Officer.

## Rules and Procedures

### Rule 103X

June 19, 2007

#### Rule 103X - POLICE CADETS

This rule is issued to establish the duties and responsibilities of the position of Police Cadet. It is effective immediately, superseding all previously issued rules, orders, and other directives, and replaces Rule 103-X, dated August 8, 1995.

**Sec. 1 GENERAL CONSIDERATIONS:** The City of Boston created the Police Cadet Program to attract qualified young people to a police career. It is designed to expose potential police candidates to police operations and objectives and encourage them to pursue a position as a Boston Police Officer.

**Sec. 2 POLICE CADET REQUIREMENTS:** The department appoints Police Cadets under the provisions of [M.G.L. c. 147, § 21A](#). Police Cadet candidates must be not less than 18 and not more than 25 years of age. Candidates must be citizens of the United States, reside in the City of Boston, graduated (or are about to graduate) from high school or possess an equivalency certificate. They must pass a qualifying examination. Candidates must also be licensed drivers by the Commonwealth of Massachusetts and meet the same physical fitness standards required of Boston Police recruits. No candidate for a Police Cadet position will be considered if he/she has been convicted of a felony.

**Sec. 3 POLICE CADET APPOINTMENTS:** The appointments of Police Cadets are not subject to Civil Service Law or Rules and such appointments may be terminated by the appointing authority at any time and shall be terminated if he/she fails to maintain a passing grade in any course of departmental study. The Department must terminate any Police Cadet who reaches the age of twenty-seven. Police Cadets who have completed at least 2 years of service with the department and meet the civil service requirements are eligible for appointment to the Boston Police Department, as a police officer, under [M.G.L. c. 147, § 21A](#).

**Sec. 4 POLICE CADET ASSIGNMENTS:** Police Cadets shall be assigned to the Bureau of Field Services and when detailed to various Bureaus, Areas and Units for duty they shall be carried on appropriate records. A Superior Officer designated by the Chief, Bureau of Field Services shall assign hours of duty for Police Cadets.

**Sec. 5 POLICE CADET SUPERVISION:** The overall supervision of the Police Cadet Program shall be the responsibility of a Superior Officer designated by the Chief, Bureau of Field Services. This officer shall ensure that Cadets are effectively utilized, suitably instructed, and properly supervised.

**Sec. 6 POLICE CADET ALLOWANCES:** Sick leave and vacation allowances for Police Cadets shall be the same as those provided by the collective bargaining unit. Police Cadets shall be covered by Worker's Compensation if injured while on duty. A police cadet shall not be subject to or entitled to the benefits of any retirement or pension law nor shall any deduction be made from his compensation for the purpose thereof; but a police cadet who during the period of his "on the job training" passes a competitive civil service examination for appointment to the police force of such city or town, and is appointed a permanent full-time police officer, shall have his police cadet service considered as "creditable service" for purposes of retirement, provided he pays into the annuity savings fund of the retirement system such amount as the retirement board determines equal to that which he would have paid had he been a member of said retirement system during the period of his training as a police cadet.

**Sec. 7 POLICE CADET RESTRICTIONS:** Police Cadets shall never handle a firearm while on duty. On-duty Police Cadets shall only handle alcoholic beverages while under the direct supervision of a Superior Officer. On-duty Police Cadets shall only handle controlled substances while under the direct supervision of a Superior Officer and for administrative purposes only.

**Sec. 8 UNIFORMS AND EQUIPMENT:** Police Cadets shall be responsible for all uniforms and equipment furnished to them. Police Cadets shall return all such property to the Department upon their termination of employment.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 104**

**November 5, 1982**

#### **Rule 104 - SERGEANTS**

This rule is issued to establish the responsibilities and duties of the rank of Police Sergeant. It is effective immediately, superseding all previously issued rules, orders, and other directives, and replaces Rule No. 23 of the 1950 Manual.

Sec. 1 GENERAL CONSIDERATIONS: The delivery of police services to the community is uniquely difficult to direct. Despite the fact that efforts to control police behavior have been many and diverse, no truly effective method has emerged. Rules, regulations and orders can provide policies and procedures to follow; training can equip the officer with the understanding and skills necessary to perform effectively; and supervision can give guidance and support.

The police sergeant, as the first line supervisor, is in a better position than any other superior officer to provide this guidance and support.

Every sergeant is expected to be aware of the duties and responsibilities of a Patrol Supervisor, Rule No. 104-A, and of a Duty Supervisor, Rule No. 106.

Sec. 2 PRIMARY RESPONSIBILITIES: The police sergeant provides immediate supervision over his subordinates, coordinates their activities, and assumes responsibility for their actions and performance. He performs activities in the areas of administration, supervision of criminal investigations, crime prevention, personnel management, conflict intervention, public service and training.

Sec. 3 EXAMPLES OF DUTIES: The duties of a police sergeant include the following activities:

Interprets and explains law and administrative orders to subordinates and ensures their compliance. Keeps subordinates updated on changes in the law. Ensures that subordinates operate within the law by requiring that they protect the rights of complainants, arrested persons and criminal suspects.

Maintains standards of performance of subordinates by periodic evaluation and on-site performance review. Assesses personnel performance and counsels subordinates on personal and work-related problems.

Assumes command of a Division or Unit in the absence of an officer of higher rank.

Reviews reports submitted by subordinates. Approves, concurs, or disapproves reports. Assures that all reports submitted are complete and accurate.

Plans and directs tactical responses to problems in his area of responsibility and assumes command of police responses in field situations of a particularly complex or sensitive nature as well as at the scene of major crimes.

Watches for indications of corruption or any involvement or connections with organized crime among his subordinates and within his area of responsibility. Rapidly and forcefully moves to eliminate such corruption or involvement, reporting this to his superiors.

Resolves disputes among subordinates and between his subordinates and other members of the department. Resolves friction and tensions that may develop among personnel under his supervision.

Seeks to resolve conflicts between police and citizens. Performs the preliminary investigation of complaints against subordinates, reporting results to his superiors. Investigates allegations of subordinates' misconduct and prepares objective, thorough reports on the incident, recommending corrective action when appropriate and indicating what action he himself has taken.

Orients members of the department newly assigned to his command to the characteristics and problems of the area served.

Trains subordinates in skills necessary to carry out their assigned tasks.

Works to obtain material and personnel resources needed by his subordinates. Assures that equipment assigned to his subordinates is kept in good working condition and that the appearance of subordinates complies with the Department policy.

Devises methods and responses to improve the quality of police service to the community. Shares the responsibility to represent the department at public and neighborhood meetings.

## **Rules and Procedures**

### **Rule 104A**

**June 8, 1984**

#### **Rule 104A - PATROL SUPERVISORS**

This rule is issued to establish the responsibilities and duties of the position of Patrol Supervisor in this Department. It is effective immediately, superseding all previously issued rules and directives.

Sec. 1 GENERAL CONSIDERATIONS: An officer assigned as a Patrol Supervisor of an Area or Unit shall adhere to the rules prescribed for officers of the rank.

A Patrol Supervisor shall ensure that all subordinates perform their duties in a professional, efficient and effective manner, and act in compliance with all Rules and Regulations of the Boston Police Department.

Sec. 2 ROLL CALL INSPECTION:

Patrol Supervisors shall inspect the sworn personnel assembled at each roll call during their tour of duty to ensure that they are physically fit for duty, are properly equipped, and have in their possession all of the report forms and other printed material which are incidental to their duties.

Sec. 3 FIREARM INSPECTION:

Patrol Supervisors shall ensure that the firearms of the officers assembled at roll call are inspected every Thursday. The results of such inspections shall be recorded in the Administrative Journal and in the Administrative Detail Book.

The Commander at each District Station shall designate a safe unloading/loading area for the purpose of safely conducting firearm inspections. Patrol Supervisors conducting weekly firearm inspections shall only utilize the designated unloading/loading area and, taking no more than two (2) officers at a time to this area, shall have the officers administratively unload their weapons, one at a time.

Prior to taking possession of and inspecting a firearm, the Patrol Supervisor shall ensure that the following steps are strictly adhered to by all officers directed to administratively unload their weapons:

#### **Administrative Unloading Procedure**

- Officers shall unload their weapon only in the designated unloading/loading area.



- Officers shall remove the magazine from their weapon, while the firearm remains holstered, and put the magazine into a pocket.
- Officers shall remove the weapon from its holster, keeping their finger off the trigger and outside the trigger guard, and lock the slide open ejecting any chambered round and placing such ejected round in their pocket.
- Officers shall visually and physically inspect the chamber and the magazine well to ensure that there is not a live round in the chamber.
- Officers shall then hand their weapon, with the slide locked open, grip end first, to the Patrol Supervisor for inspection.

After inspecting the weapon solely for cleanliness, the Patrol Supervisor shall return the weapon to the officer, with the slide locked open, grip end first, and instruct the officer to administratively reload the weapon in the designated unloading/loading area. Patrol Supervisors shall direct officers to immediately clean any weapon which requires it and then re-submit it for inspection prior to assuming patrol duties.

The Patrol Supervisor shall ensure that the following steps are strictly adhered to by officers directed to administratively reload their weapons:

#### Administrative Reloading Procedure

- Officers shall drop the slide on the empty weapon and re-holster, while at the designated unloading/loading area.
- Officers shall, while the weapon remains 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; and
  - d. run their hand around the grip end of the weapon to make sure that clothing has not snagged between the weapon and the magazine.
- Officers shall then remove the weapon from its holster and, keeping their finger off the trigger and outside the trigger guard and keeping the weapon pointed in a safe direction, chamber a round.
- Officers shall then re-holster the weapon and, while the weapon remains holstered:
  - a. remove the magazine from the magazine well;
  - b. insert the previously ejected round (or a new round) into the magazine;
  - c. re-insert the magazine into the magazine well;
  - d. ensure that the magazine clicks into place;
  - e. tug on the magazine to ensure that the magazine has seated properly; and
  - f. run their hand around the grip end of the weapon to make sure that clothing has not snagged between the weapon and the magazine.

Except for those officers directed to immediately clean their firearms and submit them for re-inspection, all officers shall return to their duties immediately after their firearm has been inspected and reloaded.

Sec. 4 Issue portable radios and the keys to motor vehicles to the personnel under his

command immediately after roll call and record the name and I.D. number of the officers to whom they are issued on the prescribed Department forms.

Sec. 5 Ensure that a Vehicle Inspection Form has been properly completed and submitted for each vehicle being used during his tour of duty before any vehicle is put into service.

Sec. 6 Ensure that the patrol officers being relieved shall return the portable radios, keys to department vehicles and their Activity Logs before they are dismissed from duty.

Sec. 7 Check periodically the department vehicles parked in the vicinity of the police station to ensure that all such vehicles are secure and parked properly; such a check is to be made at least once during each tour of duty, when practicable.

Sec. 8 Prior to beginning his patrol familiarize himself with all important matters which have occurred since his last tour of duty, especially matters still pending and incidents likely to recur in the Area.

Sec. 9 Patrol his assigned area unaccompanied in a marked radio-equipped vehicle, except as may be otherwise ordered, and shall be held accountable for the proper supervision of the subordinates under his command.

Sec. 10 When possible, respond to 911 calls when units under his command are dispatched especially when such units request additional time in order to complete their duties in a proper and professional manner.

Sec. 11 Ensure that the patrol units under his command remain within their assigned areas, unless dispatched elsewhere and that all patrol officers complete their Incident Reports in the field. They shall go to the station house only when ordered or dispatched there and only when it is necessary for the proper conduct of police business. Consistent with department policy and procedures, he shall collect and review, in the field, all of the Incident Reports compiled by his subordinates during his tour of duty and ensure that they are complete before he delivers them to his Duty Supervisor.

Sec. 12 Respond to the serious crimes, major fires, sudden deaths and emergency situations which occur within his assigned area for the purpose of organizing resources most effectively. At the scene of a disaster or an incident where the need for police services appears to be of a long duration or when many officers will be needed to assist, the first Superior Officer arriving at the scene shall assume command, set up a Command Post near the scene, establish communication with the Operations Division, and shall remain in command until relieved by an officer of higher rank.

Sec. 13 Respond to any report of a community disorder within his assigned area and insure that

the provisions of all special orders concerning Community Disorder Field and Reporting Procedures are complied with.

Sec. 14 Investigate and report any incident concerning an officer under his command who is injured while on duty; or any damage to, or loss of, department property coming to his attention or which has occurred during his tour of duty.

Sec. 15 Make periodic inspections of the licensed premises within his assigned area, especially those suspected of illegal activity, and make an entry to that effect on his Activity Log particularly noting the name and addresses of the premises and conditions as found.

Sec. 16 Record his work completely and accurately on his Activity Log and submit his Log to the Duty Supervisor at the conclusion of each tour of duty.

Note: Amended by Special Order 97-54, issued December 4, 1997, which updated Roll Call and Firearm Inspection Procedures.

## **Rules and Procedures**

### **Rule 105**

**June 4, 1979**

#### **Rule 105 - LIEUTENANTS**

This rule is issued to establish the responsibilities and duties of the rank of Police Lieutenant. It is effective immediately, superseding all previously issued rules, orders, and other directives, pertaining to that rank and replaces Rule #22 of the 1950 Manual, LIEUTENANTS, and Special Order No. 74-99.

Sec. 1 GENERAL CONSIDERATIONS: Under general direction, a Lieutenant will supervise subordinates in the performance of their duties and insure their compliance with law, department policy, procedures, rules and regulations and accepted police practices; assume command of a Police District or Unit of similar responsibility in the absence of an officer of higher rank; assist the commanding officer in establishing goals and priorities for dealing with problems in the districts; assist in planning and implementing appropriate strategies for meeting these goals, including the management and allocation of resources in the most effective and efficient manner; evaluate the success of units and subordinates in implementing these strategies in accomplishing goals; insure that personnel assigned to his command are well trained and knowledgeable of accepted police practices, law and departmental policies, procedures, rules and regulations, and advise them of interpretations of same; represent the department and the district to the community and advise the commanding officer and the department of the problems and concerns, criminal and otherwise, of the community; advise the commanding officer and the department regarding needed changes in policies, procedures, rules and regulations; advise the commanding officer and the department of the concerns of personnel under his command; insure all reports prepared by personnel under his command are accurate and complete; assist the commanding officer in supervising major internal investigations in the district and make appropriate recommendations concerning their resolution; watch for indications of corruption and misconduct among subordinates and take appropriate corrective action; and perform related work as required.

Sec. 2 A Lieutenant assigned to an Area will assist the District Commander or the Deputy Superintendent in charge of the area and will act in accordance with Department Rules and Regulations. Any additional duties will be defined by the District Commander and will include field inspections of the subordinates under his command.

Sec. 3 When a Lieutenant is in command of an Area, he will be held fully accountable for the conduct of affairs within the Area. He will also be responsible for the guidance and supervision of sergeants and patrol officers under his command and will exercise this responsibility throughout his Area

## **Rules and Procedures**

### **Rule 106**

**November 6, 1986**

#### **Rule 106 - DUTY SUPERVISOR**

This rule is issued to establish the responsibilities and duties of the position of Duty Supervisor in this Department.

Sec. 1 GENERAL CONSIDERATIONS: An officer assigned as Duty Supervisor of a District or Unit shall adhere to the rules prescribed for that position and shall be subject to all other rules and procedures prescribed for officers of his rank.

Sec. 2 A Duty Supervisor shall ensure that all subordinates perform their duties in a professional, efficient and effective manner and act in compliance with all Rules and Procedures of the Boston Police Department.

Sec. 3 In the absence of the Commanding Officer the Duty Supervisor shall be held to a full responsibility for the conduct of affairs within the district or unit to which he is assigned.

Sec. 4 A DUTY SUPERVISOR SHALL: Attend all roll calls during his tour of duty, reading all orders, notices and information to be promulgated at those roll calls and shall supervise the distribution of pertinent papers, warrants, summonses, changes in rules, regulations or procedures and perform such other duties as his Superior may assign to him.

Sec. 5 Ensure that the Patrol Supervisor properly inspects the sworn personnel at all roll calls during his tour of duty.

Sec. 6 Perform field inspections at periodic intervals during his tour of duty in addition to fulfilling other assigned duties within the station house or elsewhere. He shall particularly note that all subordinates report for duty and are properly relieved at scheduled times and shall submit a report to his Commanding Officer of any absences from assignments without proper authority or any neglect or other improper performance of duty on the part of any of his subordinates.

Sec. 7 Be responsible for the safekeeping of all persons brought to the district in custody.

Sec. 8 Assign an officer to ensure the safety and security of prisoners and the department building. The conditions of all prisoners shall be checked at least once every 20 minutes and the results of such inspections accurately recorded on the department form provided for that purpose.

Sec. 9 Ensure that all required information is accurately recorded on the Arrest Record of all prisoners taken into custody and brought to the station house for processing during the time he is on duty. He shall examine each prisoner immediately for visible cuts, bruises or other injuries and, if any are observed, conduct a thorough investigation to determine the cause and submit the necessary reports as required by law and the Department Rules.

Sec. 10 Restrict the presence of civilians and police officers in the building to those who are authorized, have official business, or are there for the proper performance of their duties.

Sec. 11 Ensure that all matters and procedures transpiring within the station are properly performed and supervised.

Sec. 12 Ensure that all money or other property alleged to have been unlawfully obtained or which has been lost or abandoned and thereafter taken into custody by a member of the force or which shall have been seized or taken from any person arrested for any cause is properly received, recorded and adequately secured.

Sec. 13 Ensure that Beat Plans are properly fielded and that the required notifications concerning said plans are made in accordance with department procedures.

Sec. 14 Ensure that all work and other activities begun on prior tours of duty are completed during his tour of duty, if feasible.

Sec. 15 Be responsible for the proper maintenance of all required records and shall insure that adequate supplies of required forms are on hand or requisitioned.

Sec. 16 Ensure that the garage is properly maintained and has adequate supplies of fuel and oil; that the required records of their use are accurate and current; and that the sidewalks and entrances about the department buildings are free from snow or defects.

Sec. 17 Ensure that the proper notation is made in the Administrative Control Log of every instance that he is absent from his post as the Duty Supervisor with the reason for his absence and the name of the officer relieving him.

Sec. 18 Be responsible for reviewing all Incident Reports required to be submitted during his tour of duty to insure that all are properly and accurately completed and shall sign each report in the area designated for his signature.

## **Rules and Procedures**

### **Rule 107**

**July 5, 1979**

#### **Rule 107 - AREA COMMANDER**

This rule is issued to establish the duties and responsibilities of the position of Area Commander in this Department. It is effective immediately, superseding all previously issued directives and replaces Rule No. 21, Division Commanders, of the 1950 Manual.

Sec. 1 GENERAL CONSIDERATIONS: An Area Commander is an officer assigned by the Police Commissioner to command an Area. He shall sign and be addressed under his official title. Otherwise he shall be known for convenience in Rules and Orders as an Area Commander.

Sec. 2 AN AREA COMMANDER SHALL: Have control of all members of the Department attached to his Area, subject to the orders of his superiors and the rules of the Department. With the approval of the Chief of the Bureau of Field Services he may make minor rules for the conduct of his subordinates and for the use of the station house provided such rules are not in conflict with Department rules.

Sec. 3 Make his daily assignments consistent with Department operating procedures.

Sec. 4 Be responsible for assuring the promulgation of all Department rules, directives, orders, memoranda and circulars to his subordinates, attending all roll calls while on duty, when practicable.

Sec. 5 Be responsible for monitoring the use of sick time by those employees attached to his Area, and in the case of excessive use of sick leave by any member, he shall cause an investigation to be made to determine the cause and take the appropriate action as warranted.

Sec. 6 Be responsible to see that all overtime assignments on his Area are performed by Area personnel in accordance with Department policy, that all overtime slips are completed, properly coded, signed by him and forwarded to the Bureau of Field Services within the prescribed time.

Sec. 7 Be responsible for all department equipment and property assigned to his Area including its proper care, maintenance, cleanliness and safekeeping. He shall be responsible for the day-to-day maintenance of the police buildings assigned for use by his command and report through channels any required repairs.

Sec. 8 Be held strictly responsible for the preservation of the public peace, the enforcement of laws and the effective delivery of all police services in his Area; and for that purpose may assign the officers under his command in such parts of the Area and to such duties as he may deem expedient, under the supervision of the District Commander and/or the Chief of the Bureau of Field Services and in accordance with the rules of the Department.

Sec. 9 In case of riot or sudden emergency in his Area, forthwith proceed to the scene of the disturbance with all the force necessary and be vigilant in suppressing the disorder. Should he have any doubt of his ability to preserve the peace or to restore order he shall immediately send notice to the Bureau of Field Services.

Sec. 10 Keep himself informed as to civic, political or other gatherings of a similar public character likely to attract large numbers of persons at particular places in his Area and when necessary in his judgment or when so ordered by the Chief of the Bureau of Field Services shall assign sufficient personnel to assure order.

Sec. 11 Be responsible for the care and safekeeping of all persons arrested or taken into custody and brought to his station for any offense. Female and juvenile prisoners shall be disposed of according to Law and Department Rules and Procedures.

Sec. 12 In addition to his duties under statutes, ordinances and rules and orders of the Police Department, have general police supervision over all persons holding licenses or permits issued by the Police Commissioner, the Licensing Board or any Municipal Officers, Board or Commission. He shall make reports with recommendation when called upon so to do preliminary to the issuance of such licenses or permits. In all cases where the holder of a license or permit violates any of the conditions thereof, or violates the law, an Area Commander shall report the facts in writing, on the prescribed Department form, to the Police Commissioner, and if prosecution is made, he will forward a supplementary report to the Police Commissioner via his Bureau Chief, setting forth the disposition of the case by the court.

Sec. 13 Be careful in dealing with a person who calls upon him for approval before applying for a license upon which the Police Department must afterwards give official judgment. For a license to be granted by the Police Commissioner or any other official, or official body under Police advice, the first proper step is to file a formal application in the appropriate office. When that application reaches the Area Commander who is to pass upon it, it becomes his duty for the first time to express a free and deliberate opinion and from that opinion he should not afterwards be moved by persuasion or any influence other than the receipt of more reliable current information or an honest change in his own judgment.



Sec. 14 Frequently inspect his Area, noting general conditions, non-compliance with or violations of the statute was, city ordinances, police rules and procedures and all other matters requiring the attention of the police.

Sec. 15 Ensure that each officer under his command has a copy of the Rules and Procedures of the Department and complies with their requirements. He shall instruct, or cause to be instructed, the personnel under his command in all matters pertaining to their duties.

Sec. 16 Cause an inquiry to be made into all complaints and charges of laxity or misconduct in the performance of duty by members of his command; carefully note the case of every subordinate violating the rules and regulations or other neglect of duty or discipline and submit a written report of all such cases to the Police Commissioner and shall thereafter proceed in accordance with the provisions of the Rule pertaining to Discipline Procedures.

Sec. 17 Cause a daily inventory to be made of all portable radios assigned to his Area, and, should any be found to be missing, institute a diligent investigation as to their whereabouts, reporting all the facts to the Police Commissioner.

Sec. 18 Appoint a Superior Officer to insure that the procedures outlined in the Rule concerning the Safeguarding, Disposition and Destruction of Controlled Substances are complied with; and that a weekly inspection of the controlled substance log book and the evidence storage lockers is made to ascertain that all substances listed in the log book are in fact in the lockers or are otherwise accounted for and that the provisions of the Department rule are adhered to.

Sec. 19 Ascertain that there are sufficient vehicles for officers going on patrol, requesting additional vehicles from the Automotive Maintenance Unit, if necessary.

Sec. 20 Ensure that the vehicles assigned to his Area are accounted for, that all vehicles in use are inspected during each tour of duty for cleanliness and to ensure that all equipment is in good working order.

Sec. 21 Read and sign, if required, all reports submitted during the previous 24 hours.

Sec. 22 Make a daily tour of the station, both inside and out, to insure that all subordinates are performing properly and to note the physical condition of the building.

Sec. 23 Confer once a week with the Superior Officer designated to oversee the assignment of

paid details and overtime to insure fair and equitable distribution.

Sec. 24 Ascertain weekly that sick time or time lost due to injuries, on or off duty, is not being abused.

Sec. 25 Evaluate the strength of squads monthly to insure proper balance.

Sec. 26 Supervise and control personnel assigned to each vacation period.

Sec. 27 Confer weekly with his Detective Supervisor concerning crime patterns and trends and the deployment of personnel and similar matters.

Sec. 28 Confer weekly with the Community service Officer(s) concerning personal appearances with community leaders and persons making complaints concerning department personnel or service delivery.

Sec. 29 Check monthly the court and overtime printout for improper or needless appearances.

Sec. 30 Confer once a month with supervisors assigned to drug lockers, radio, automotive, and firearm lockers to insure proper performance.

Sec. 31 Check activity logs for performance evaluation.

## **Rules and Procedures**

### **Rule 108**

**June 12, 1982**

#### **Rule 108 - DEPARTMENT HEARING OFFICER, AMENDED**

This rule is issued to establish a procedure for the designation of hearing officers pursuant to M.G.L. c. 31, s. 41. This law permits the Police Commissioner to designate hearing officers to conduct hearings to determine whether a tenured employee shall be discharged, suspended, required to perform punishment duty, laid off, or have his office or position abolished. The designated hearing officer is required to report findings forthwith to the appointing authority for action. This rule becomes effective immediately.

Sec. 1 All designations of hearing officers shall be made by the Police Commissioner in writing and shall specify the name of the hearing officer and the employee who is the subject of the proposed hearing. The designation shall be filed with the Chief Clerk and the Internal Affairs Division.

Sec. 2 Upon receipt of a written designation, the Internal Affairs Division shall cause to be served upon the employee the notice as to the time, date and place of the hearing, the person who has been designated as the hearing officer, the statement of the reasons for the proposed action, and copies of M.G.L. C. 31, ss. 41-45 (all employees), and s. 62 (sworn personnel. In addition, the Internal Affairs Division may arrange for either the presence of a stenographer or an electronic recording device to preserve the testimony. Prior to the scheduled date of the hearing the Internal Affairs Division shall designate an employee to serve as clerk during the hearing. The clerk shall be responsible for marking and preserving all evidence introduced at the hearing.

Sec. 3 The hearing shall be informal and administrative. The hearing officer need not apply the rules of evidence observed by law. Evidence which reasonable persons are accustomed to rely on in the conduct of their affairs may be considered. Unduly repetitious evidence may be excluded. Documentary evidence may be admitted in the form of copies or excerpts or by incorporation by reference. The hearing officer may establish reasonable rules to expedite the hearing.

Sec. 4 The hearing officer shall hear and consider all evidence offered by the parties which is relevant to the statement of the reasons for the proposed action. The employee shall have the opportunity to offer written, oral and real evidence and to examine and cross-examine all witnesses who testify before the hearing officer. Witnesses shall be sworn or make an affirmation before testifying.

Sec. 5 Upon completion of the hearing, the hearing officer shall forthwith submit a written report to the Police Commissioner with a copy to the Internal Affairs Division. That report shall summarize the evidence introduced by the parties, make specific findings of fact and make recommendations as to the disposition of the charges including recommendations as to the appropriate discipline, if any.

Sec. 6 The Police Commissioner shall immediately review the report of the hearing officer. He may return it to him for elaboration, further explanation or for further hearings and findings of fact, if necessary and practicable, within the time limits required by law. Recommendation made by the hearing officer will not be binding on the Police Commissioner. Within seven days after filing of the report of the hearing officer, the Police Commissioner shall give to the employee a written notice of his decision, stating fully and specifically the reasons therefore.

Sec. 7 At any time the employee may waive his right to a hearing and sign a written statement that he waived his right to a hearing under M.G.L. C. 31, s. 41 (all employees), and s. 62 (sworn personnel), and review under M.G.L. C. 31, ss. 42, 43 and 44, and agree to accept a suspension, discharge or imposition of punishment duty. Said waiver and agreement shall be subject to the approval of the Police Commissioner.

NOTE: Chapter 393 of the Acts and Resolves of 1978 amended M.G.L. c. 31.

This recodification necessitated changes in Rule No. 108 as follows:

Preamble-MGL, c. 31, S 43(a), changed to M.G.L. C31, s.41.

Section 2-M.G.L, c.31 ss.43, 45, 45a, changed to M.G.L. C.31, ss.41-45 (all employees) and s. 62 (sworn personnel).

Section 7-M.G.L, C.31, s. 43 (a) changed to M.G.L, C.31, s. 41 (all employees) and s. 62 (sworn personnel). Changed M.G.L. C. 31, ss45 and 46 A to M.G. L. C. 31, ss 42, 43 and 44.

## **Rules and Procedures**

### **Rule 109**

**April 12, 1983**

#### **Rule 109 - DISCIPLINE PROCEDURE, AMENDED**

Sec. 1 This rule is written and promulgated to be used in conjunction with Rule 102, which defines the conduct, general rights and responsibilities of Police Department Personnel. It is designed to provide maximum flexibility in the discipline process and to increase the responsiveness of the Department to the needs of the individual member and of the community.

Sec. 2 "Discipline" has too long had the connotation of simple punishment; this rule envisions a disciplinary process which incorporates the idea of training both for effective self-discipline and for a group discipline, or esprit de corps. To accomplish this design, the rule recognizes the wide spectrum of discipline and through such provisions as the five-day suspension program and the district personnel records places discipline at a level where it can respond better to the individual member.

Sec. 3 Scope: This rule is designed strictly to be procedural in nature, and is not meant to create new rights or duties not previously granted by law or contract.

For example, CETA employees, probationary employees, and provisional employees shall continue to be governed by the respective rules and laws pertaining to them, and this rule shall not apply to them where inappropriate or inconsistent with those rules or laws. This rule is also not meant to change the working conditions of members of the Department, but instead is a managerial guideline controlling administration. It does not necessarily promulgate a new set of procedures, but in most cases simply compiles existing departmental policy and practice. In addition, the special procedures relating to written reprimands, ss. 21-27 apply only to police officers covered by the Agreement between the City of Boston and the Boston Police Patrolmen's Association. Finally, if any substantive changes in the rights and duties of employees or the Department made by future changes in the law or the contract affect sections of this rule, such changes shall notwithstanding override the affected sections.

Sec. 4 Part I of this rule, "Spectrum of Discipline," defines the outlines of the Department's disciplinary program. It contains a general discussion of the sanctions which may be used by the Department followed by a discussion of the concept of "Progressive Discipline." Section C of Part I establishes district personnel records which are to be utilized in connection with progressive discipline; finally, the procedures used in three types of sanctions-written reprimands, five-day suspensions, and punishment duty are specifically detailed, to provide for uniformity of treatment under the discipline rule.

Sec. 5 Parts III through V of the rule state the procedures to be used by the Department in handling complaints, administrative investigations of allegations of misconduct by Department members, and hearings.

The complaints section creates a unified procedure for the handling of all complaints made the Department either from inside or outside. The section on investigations seeks to promote quick, thorough investigations without abridging the rights of Department members or injuring the reputations of members unjustly accused. It should be noted that the provisions governing investigations are strictly limited to investigations of allegations against Department personnel and are not to apply to criminal investigations or administrative studies or surveys concerning policy or practices. The hearings section deals with the three different types of administrative hearings: disciplinary hearings, appeals from punishment duty or five-day suspensions, and detective hearings--and sets up uniform practices designed to arrive at just decisions efficiently.

#### PART I: SPECTRUM OF DISCIPLINE

A. TYPES OF SANCTIONS used by the Boston Police Department include the following:

Sec. 6 Oral Reprimands: Oral reprimands, given by supervisors for minor violations of the Rules and Procedures, such as improper uniform or reporting late for duty, are simply spoken censures or reproofs. While a notation that an oral reprimand was given is entered into the district permanent personnel record, no record of the reprimand goes into the permanent personnel file. The rule contemplates that such reprimands will be given on an informal basis without any form of prior notice.

Sec. 7 Written Reprimands: Written reprimands are issued either for minor offenses committed by employees for whom oral reprimands have proven ineffective, or for other offenses under Rule 102 which are accompanied by ameliorating circumstances. The reprimand is entered into the permanent personnel file. In situations in which an employee has the right to a hearing with respect to a written reprimand, the procedures for such a hearing are described below in part D, ss. 21-27. Section 21 of this rule establishes the guideline for determining which employees have such a right.

Sec. 8 Disciplinary Probation: At the option of the Commissioner, disciplinary probation may be imposed upon an employee for violations of the Rules and Procedures. If just cause is found in any disciplinary action taken against an employee while on such probation, the probation shall be taken into account in determining the severity of the sanction imposed.

Where the employee is a police officer, covered by the Collective Bargaining Agreement, the

procedures which are used for written reprimands (ss. 21-27) shall be followed prior to imposition of disciplinary probation unless the employee on probation shall fulfill such conditions as the Commissioner may order, and failure to fulfill such conditions shall render the employee liable for further disciplinary action.

Sec. 9 Punishment Duty: Massachusetts General Laws, C. 31, s. 62 authorize the imposition of punishment duty upon sworn personnel. Such duty is extra, unpaid duty assigned above and beyond an officer's normal hours by the officer's commander for violations of the Rules and Procedures. Such duty shall not be demeaning, unduly fatiguing, nor outside of the scope of the officer's job classification. The procedures used for punishment duty are described below in part F, ss. 36-39.

Sec. 10 Suspensions: Suspensions are periods of time during which an employee is relieved of duty and for which the employee is not paid. Suspensions for a period which does not exceed five days may be imposed without a prior hearing either by the Commissioner or by persons designated this authority by the Commissioner. In addition, if the employee to be suspended is tenured under the Civil Service Law, such a suspension may only be imposed for specific offenses, as outlined below in part E, ss. 28-35. Only the Commissioner may impose a suspension of more than five days, and then only after the procedures designated in part V, ss. 56-63 below, have been followed.

Employees of the Boston Police Department may also be relieved from duty with pay. Such action is not a disciplinary action, but is designed to maintain the efficiency of the force if for some reason an employee is rendered unfit for duty. In such a case, the Commissioner may relieve the employee from duty with pay.

Sec. 11 Discharge or Reduction in Rank: An employee may be discharged or reduced in rank only by the Police Commissioner, and then only after a hearing as described in ss. 56-63 or waiver of such a hearing by the employee.

## B. PROGRESSIVE DISCIPLINE

Sec. 12 Persons who utilize this disciplinary rule shall apply the concept of progressive discipline. Progressive discipline means that progressively stricter disciplinary action shall be taken against persons who persist in violations of the Rules and Procedures. Such a program serves a training function, in that, for a first time violation, an employee may be warned or given a relatively light sanction as an indication that the Department does not condone such action. Upon repetition, then, it is assumed that the employee knows that the violation is wrong, and will receive more harsh sanction.

Sec. 13 It is not necessary for the proper implementation of progressive discipline that all stages of discipline be exhausted, nor that progressive discipline start at any one level or proceed with any particular incrementation. Much is left open to the discretion of the person imposing the discipline, it is simply to be recalled that progressive discipline be used as a guiding precept.

## C. DISTRICT PERSONNEL RECORD

Sec. 14 General Considerations: Commanding officers are often called upon to make evaluations of employees assigned to them. Such evaluations are necessary for applying progressive discipline, and are also used in connection with promotion and reassignment. Accurate evaluation must be based on recorded personnel histories, such as those established by this rule.

Sec. 15 The Record Card: The commanding officer of each unit shall establish a personnel file consisting of a file card for each employee in the command. When an officer is assigned to a command, the commanding officer shall have a new card prepared for that officer. Each card shall have the officer's name and I.D. number at the top, and shall be kept in an alphabetical file.

Sec. 16 Maintenance of the Record: Maintaining the unit personnel file is the joint responsibility of the commanding officer and the supervising officer. Whenever an incident which merits entry in the record takes place, the supervisor of the individuals involved shall report the incident to the commanding officer or person designated by him in his absence. The commanding officer or person designated by him shall make an entry in the card, including the date, subject matter, and reporting officer's name.

Sec. 17 The record file shall be kept in the commanding officer's office or other secure place, and shall be available only to the Office of the Police Commissioner, the commanding officer, the respective bureau chief, and the Bureau of Professional Standards and Development.

Sec. 18 Subject Matter of the Record: The record shall maintain a notation of all minor offenses, all praiseworthy conduct and all oral reprimands. In addition, the cards shall also contain notations of any disciplinary actions taken or any commendations received from the Department. The notation need not go into specific detail; it shall suffice for the record simply to state that the employee was the subject of a type of incident (e.g., that the employee was reprimanded for a particular incident).

Sec. 19 Periodic Review: The Bureau of Professional Standards and Development shall make periodic random reviews of the District Personnel Records to make certain that accurate up-to-date records are maintained.

Sec. 20 Disposal of the Record: The records shall be maintained by the Unit until the reassignment to another unit of an officer, or upon an officer's retirement or termination, whichever occurs first. At that time, the record card for that officer shall be sent to the Bureau of Professional Standards and Development.



#### D. WRITTEN REPRIMANDS

Sec. 21 The collective bargaining contract between the Boston Police Patrolmen's Association and the City of Boston, effective July 1, 1974, provides:

No material which contains an allegation of misconduct against an employee shall be included in his/her personnel file until the charges have been verified by affidavit and a hearing held. If a determination is made that the allegation is without substance, then the allegation shall not be included in the employee's personnel file.

Therefore, a letter of reprimand may not be placed in the personnel file of a police officer covered by the collective bargaining contract, unless the allegations in the letter are supported by affidavit and the police officer is given a hearing or unless the police officer waives the right to verification and a hearing. The following procedures are established for letters of reprimand.

Sec. 22 The commander of the bureau or unit to which a police officer is assigned, or the Commander of the Internal Affairs Division, or the Commander of the Staff Inspection Division may recommend that the procedures for a letter of reprimand be initiated, and must submit a report to the Police Commissioner detailing the circumstances surrounding the subject of the letter. The report shall include the names of all witnesses and Superior Officers involved, and the dates and times of the incidents. The report must detail the facts of the incident and not rely on conclusory phrases.

Sec. 23 The Commissioner shall have the proposed letter of reprimand prepared, and then the original shall be sent back to the bureau or unit initiating the letter for verification. Such verification shall consist of either an affidavit of the complaint or the signature of the commander so verifying.

Sec. 24 The proposed letter shall then be forwarded to the chief clerk and to the Bureau of Professional Standards and Development. When the police officer has a right to a hearing the Bureau of Professional Standards and Development shall schedule a hearing and the Commissioner shall designate a hearing officer. The police officer who is the subject of the proposed letter shall be notified by the Bureau of Professional Standards and Development of the time and date of the hearing.

Sec. 25 The hearing shall be conducted pursuant to part V, ss. 59-62 below. No later than five days after the conclusion of the hearing, the hearing officer shall submit a report which briefly summarizes the evidence and recommends whether the letter should be signed by the Commissioner. Also, the hearing officer may recommend changes in the proposed letter.

Sec. 26 A police officer may waive a hearing and consent in writing to having the letter placed in the personnel file.

Sec. 27 If the Commissioner signs the proposed letter, that letter shall be served on the police officer and a copy placed in the personnel file. A copy of the letter shall also be placed in the Internal Affairs Division file.

#### E. SUSPENSION FOR FIVE DAYS OR LESS

Sec. 28 General Procedures. The Civil Service Laws, M.G.L. c. 31, s. 41 permits the Police Commissioner to delegate the authority to immediately impose suspensions of five days or less without first providing a hearing to a tenured civil service employee. The law requires that within twenty-four hours after such a suspension the subordinate be given a copy of sections 41 to 45 of Chapter 31 of the General Laws and a written notice which states the specific reasons for the suspension. That notice must inform the subordinates that they may within forty-eight hours of the receipt of such notice request in writing a hearing by the appointing authority. Such a hearing must be given within five days of the receipt of such a request. Procedures for such a hearing are detailed below in Part V, Section 65.

Sec. 29 Delegation. The Police Commissioner may delegate any member of the department the authority to impose immediate suspensions of five days or less. That delegation shall be in writing and shall specify the name or position of the member to whom the authority has been delegated and shall specify whether the authority is limited to a particular division or bureau of the Department. The delegation shall be in full force and effect unless and until it is revoked by a subsequent written notice by the Police Commissioner.

#### PART II: PROCEDURES

Sec. 30 Specific Procedure:

1. When an offense of the type covered by Section 32 of this rule comes to the attention of a person who has been delegated the authority, he or she may immediately impose a suspension without pay of five working days or less. The suspension is effected by orally informing the subordinate of the period of suspension. Where feasible the oral suspension shall be effected in the presence of another superior officer. If the subordinate is a sworn member, the officer shall immediately turn in the police badge and gun.
2. The Civil Service Laws require that the employee who is suspended without a prior hearing shall be given within twenty-four hours of the suspension a copy of the Notice of Suspension (BPD Form #1919). However, the notice should, if possible, be handed to the offender at the time of the imposition. The written notice must be a formal statement of the reasons for the suspension, the number of working days the

suspension lasts, and the date the suspension commences. Copies of M.G.L. c. 31, s.s. 41 to 45 shall also be included. The written notice will have five copies, to be routed as follows:

- a. original to the disciplined subordinate;
- b. one copy retained by the commanding officer;
- c. one copy to the Bureau of Professional Standards and Development;
- d. one copy to the appropriate departmental bureau (Bureau of Field Services, etc.);
- e. one copy to the Personnel Division.

It is important that all copies be routed as quickly as possible so the payroll division can be notified and the employee taken from the payroll for the suspension period. Whenever problems or questions arise in completing the notice, the person suspending should feel free to contact the Office of the Legal Advisor.

Sec. 31 Acceptance of Discipline: It should at all times be kept in mind that the most effective discipline is that which is accepted by the individual. Therefore, where practicable the person delegated the authority to suspend should discuss the infraction and the contemplated discipline with the individual.

A subordinate may waive the right to request a hearing before the appointing authority. In such a case, the subordinate waives that right by signing a statement to that effect on the copies of the Notice of Suspension.

Sec. 32 Offenses Covered by the Five-Day Rule: The following offenses are subject to the Five-Day rule, and may be disciplined by imposition of immediate suspension of not more than five days. If an employee commits an offense not on this list, that offense may not form the basis of an immediate suspension.

1. Rule 102 s. 3:
  - a. Fighting or quarreling with members of the force;
  - b. Negligent use of a firearm, providing no injury or death resulted from the misuse;
  - c. Negligent discharge of a firearm, providing no injury or death resulted from the discharge;
  - d. Participation in unlawful games of chance or gambling.
2. Rule 102, s. 4:
  - a. Failure to properly patrol beat or section;
  - b. Failure to properly cover school crossings;
  - c. Failure to properly care for assigned equipment, damaging or losing same due to carelessness;
  - d. Willfully damaging police department property;
  - e. Interference with police radio broadcasting;
  - f. Improperly turning off police radio;

- g. Failure to remove keys from patrol car when left unattended;
  - h. Failure to report as witness when duly notified or subpoenaed;
  - i. Failure to notify Operations Division of availability for assignment
- 3. Rule 102 s. 5: Failure to properly maintain a copy of the rules book.
- 4. Rule 102 s. 6:
  - a. Failure to properly supervise subordinates;
  - b. Failure to prefer disciplinary charges or take appropriate disciplinary action.
- 5. Rule 102 s. 7: Failure to report their place of residence and telephone number or change in either of them.
- 6. Rule 102 s. 8: Failure to obey and comply with all rules, orders and other directives of the Department and of superior officers, whether written or oral.
- 7. Rule 102 s. 9:
  - a. Failure to be civil and respectful, courteous and considerate toward all members of the Department and the general public;
  - b. Use of epithets or terms that tend to denigrate a particular race or ethnic group except when necessary in police reports or testimony.
- 8. Rule 102 s. 10:
  - a. Failure to report for duty;
  - b. Unauthorized absence from duty;
  - c. Failure to be mentally and physically fit to perform duty;
  - d. Failure to be in proper uniform and properly equipped.
- 9. Rule 102 s. 11: Failure to be properly groomed.
- 10. Rule 102 s. 12: Failure to remain awake and alert while on duty.
- 11. Rule 102 s. 13:
  - a. Drinking of alcoholic beverages while on duty unless it is necessary to gain evidence and is under the order of a superior officer;
  - b. Reporting for duty while under the influence of alcoholic beverages to any degree whatever or with an odor of alcohol on one's breath.
- 12. Rule 102 s. 14:
  - a. Consumption of alcoholic beverages while off duty to the extent that it results in obnoxious behavior that would tend to discredit the officer of the Department or would render the officer unfit to report for the next regular tour of duty.
  - b. Consumption of alcoholic beverages while in uniform or while wearing any part of the uniform.
- 13. Rule 102 s. 17: Failure to respond to a radio call or to the request of a civilian.
- 14. Rule 102 s. 18: Engaging in personal business while on duty.
- 15. Rule 102 s. 20: Failure to give prescribed identification.
- 16. Rule 102 s. 21: Soliciting from the general public money, gifts, or other things of value for charitable or testimonial purposes, or otherwise using identity as a police officer for such purposes.
- 17. Rule 102 s. 22: Seeking or accepting food and/or drink from any individual, merchant or business establishment, when it can be construed to involve the position as an employee of the Boston Police Department.

18. Rule 102 s. 23: Submitting false information in an oral or written report or in response to a B.I.S. inquiry.
19. Rule 102 s. 25: Failure to report any serious felonies or less serious crime that comes to the employee's attention.
20. Rule 102 s. 28: Recommending any employment or procurement of a particular service or product except in the transaction of personal business or when proceeding in accordance with established Departmental procedure.
21. Rule 102 s. 34: Failure to come to the aid of a fellow officer in an emergency if, in the course of carrying out his official duties, that officer is in need of assistance.
22. Rule 102 s. 35: Receipt of excessive moving vehicle violations or excessive unpaid parking violation tickets.
23. Rule 102 s. 37: Intervening in a situation requiring police attention when the officer's family and/or friend(s) are involved except in the case of an emergency.
24. Rule 102 s. 38: Failure to report the questionable behavior of a fellow officer.
25. Miscellaneous offenses:
  - a. Reckless driving;
  - b. Unreported paid details;
  - c. Failure to maintain proper records, such as the district control log;
  - d. Misuse of sick time;
  - e. Overtime abuses.

Sec. 33 Subsequent Offenses: If the employee persists continually in the violation of the rules, then the person delegated the authority to suspend shall recommend the matter for a disciplinary hearing. Furthermore, certain offenses are considered major if repeated within certain periods and are to be immediately recommended for disciplinary hearing. The offenses are:

1. Two offenses within one year:
  - a. Negligent handling of a firearm;
  - b. Willfully damaging police equipment;
  - c. Interfering with police broadcasting;
  - d. Failure to remain awake while on duty;
  - e. Seeking and/or accepting food or drink when it can be construed to involve position as Department employee;
  - f. Untruthfulness in written or oral reports or in response to B.I.S. investigations;
  - g. Failure report felonies.
2. Two offenses within two years:
  - a. Negligent discharge of a firearm;
  - b. Failure to come to the aid of a fellow officer in an emergency.
3. Third offense in one year:

Failure to report as a witness when duly notified or subpoenaed.

Sec. 34 Periodic Review: The Chief of the Bureau of Professional Standards and Development shall periodically review the actions taken by persons delegated authority under this Section and the list of offenses provided for in Sections 32 and 33 in order to determine whether additional offenses should be included or offenses deleted from this rule. In addition, the Chief of the Bureau of Professional Standards and Development shall submit to the Police Commissioner periodic reports detailing the action taken pursuant to this rule.

Sec. 35 A suspension under this Section does not preclude the possibility of further punishment; however, before the Department can take further action, a hearing must be held following the procedures outlined in Part V, ss. 56-63.

#### F. PUNISHMENT DUTY:

Sec. 36 Punishment duty may be assigned to any officer of the Department by his commanding officer or by the Police Commissioner. Such duty shall be performed under the direction of the officer's commanding officer.

Sec. 37 Punishment duty must be useful work, whether as an addition to the strength of the force, or as a relief for other employees who have worked hard and faithfully. No suggestion of favoritism shall attach to either the assignment of the duty or to the reliefs created by the duty. Punishment duty must be assigned so that the employee under punishment shall not suffer undue fatigue or be otherwise unfit for regular or extra work; and except with the employee's written consent no more than seven consecutive hours of punishment duty shall be performed at any one time, or more than fourteen hours in four consecutive days, or more than twenty-one hours in seven consecutive days. Neither shall the employee be compelled, without written consent, to perform such duty within two hours before or after a tour of regular or special duty.

Sec. 38 Whenever any portion of the punishment duty as ordered has been performed, the officer in charge of the punishment assignment shall report to the Bureau of Professional Standards and Development the name of the employee, the number of hours and the character of the work done. When the punishment duty assignment has been completed, the officer in charge shall so certify in such form as the Bureau of Professional Standards and Development shall prescribe.

Sec. 39 Whenever punishment duty is assigned, the employee under punishment shall have the right of appeal from such duty as described below in Part V, Section 65.

#### PART III: COMPLAINTS

Sec. 40 Complaint Control Form: A Complaint Control Form (B.P.D. Form #1920) shall be used to record all complaints against Department personnel, whether from citizens or members of the Department. Each Complaint Control Form shall have an identifying number so that the processing of complaints can be monitored.

Sec. 41 Manner of Recording Complaints:

- a. All complaints shall be received and recorded courteously. No citizen shall be denied an opportunity to register a complaint, nor shall any complainant be directed to another building to register a complaint.
- b. Known Complainants: When the information received from the complainant includes the complainant's name and address, the officer taking the complaint shall inform the complainant that he or she will be contacted by a member of the Department assigned to investigate the complaint. The complainant shall be instructed to telephone the Bureau of Professional Standards and Development if not contacted by the Department within seventy-two hours of making the complaint.
- c. Walk-in Complaints: Whenever a person indicates a desire to make a complaint concerning a Department employee, that person shall be directed to the nearest available superior officer. If necessary the complainant shall be assisted in making contact with a superior officer. The officer recording the complaint shall complete a Complaint Control Form, after obtaining as much information as possible from the complainant.
- d. Letter Complaints: Letters alleging misconduct by a Department employee shall be forwarded to the Bureau of Professional Standards and Development. An officer assigned to the Bureau of Professional Standards and Development shall complete a Complaint Control Form. Copies shall be distributed as indicated in section 44 of this rule, save that the complainant's copy shall be mailed to the complainant if the name and address are known.
- e. Telephone Complaints: Complainants contacting the Department by telephone shall be transferred to a superior officer if immediately available who will obtain as much information as possible from the complainant and complete a Complaint Control Form. In no case shall a telephone complaint be refused because a superior officer is unavailable, or because the complainant is not identified. All copies of the Complaint Control Form shall be forwarded to the Bureau of Professional Standards and Development, which shall distribute copies as indicated in Section 44 of this rule, save that the complainant's copy shall be mailed to the complainant if the name and address are known.
- f. Departmental Complaints: Whenever a member of the Department desires to initiate a complaint against another member--including complaints by superior officers against subordinates and subordinates against superior officers--that member shall complete a Complaint Control Form. The Complaint Control Form shall be used whenever a supervisor or superior officer seeks to initiate formal charges against department personnel.
- g. Governmental Agencies: When information is received from governmental agencies alleging specific acts of misconduct by a Department employee, the information shall be forwarded to the Bureau of Professional Standards and Development. An officer assigned to the Bureau of Professional Standards and Development shall complete a Complaint Control Form and distribute copies as indicated in Section 44 of this rule, save that the complainant's copy shall be retained by the Bureau of Professional Standards and Development.

- h. Policy Complaints: Complaints concerning Departmental Policy, performance, or practice and not alleging misconduct by specific employees, known or unknown, shall be recorded on a complaint form. One copy will be retained at the unit and the other three routed to the Bureau of Professional Standards and Development for appropriate distribution.
- i. The completed form should contain a detailed description of the alleged act(s) of misconduct, including date, time and place; names or descriptions of Department employees involved in the incident; the names and addresses of witnesses, if known; and any other relevant information.

Sec. 42 Signing of the Complaint Control Form: If the complaint is made in person, when the officer has completed the complaint form the complainant shall read it and make any necessary corrections. The officer shall request the complainant to sign the complaint. If the complainant refuses to sign, a notation to that effect shall be made on the form. In all other respects unsigned complaints shall be processed in the same manner as signed complaints.

Sec. 43 Immediate Resolution of Complaints: Complaints resolved at the time of the complaint to the complainant's satisfaction shall be recorded on a Complaint Control Form with a notation that the complaint was resolved. Where possible, the complainant should acknowledge the resolution in writing, and such acknowledgment should be attached on the Complaint Control Form.

Sec. 44 Routing the Complaint Form: If the employee complained of is attached to the unit which receives the complaint, copies of the Complaint Control Form shall be distributed immediately as follows:

- a. One copy to the complainant;
- b. One copy to the commanding officer of the unit;
- c. One copy to the superior officer investigating the complaint;
- d. One copy to the Bureau of Professional Standards and Development.

If the employee complained of is not assigned to the unit which receives the complaint, copies of the Complaint Control form shall be distributed immediately as follows:

- a. One copy to the complainant;
- b. Three copies to the Bureau of Professional Standards and Development. The Bureau of Professional Standards and Development shall retain one copy and may distribute, upon the discretion of the Chief of the O.I.I., the remaining copies as follows:
- c. One copy to the commanding officer of the unit to which the employee complained of is attached;
- d. One copy to the superior officer investigating the complaint.

Sec. 45 Notification of Internal Affairs Division: The Internal Affairs Division shall be notified immediately upon receipt of a complaint alleging:



- a. Brutality, death or serious injury caused by a Department employee;
- b. Firearm discharge resulting in personal injury or property damage caused by a Department employee;
- c. The commission of a felony by a Department employee;
- d. Possible corruption or bribery of a Department employee;
- e. When in the judgment of the superior officer receiving the complaint an immediate investigation by the Internal Affairs Division is justified;
- f. If the employee against whom the complaint is rendered so requests.

This immediate notification will be in addition to and separate from the regular distribution outlined in Section 44.

#### Sec. 46 Monitoring of Complaint Control Forms:

- a. The Bureau of Professional Standards and Development shall maintain a log of all Complaint Control forms issued to all districts and units. The log shall record the date each form was issued and the district or unit to which the form was issued. The log shall also record the date the form was used and the name and rank of the officer who completed the form.
- b. The Bureau of Professional Standards and Development shall maintain a file of all cases investigated.
- c. Access to the complaint file shall be authorized in writing by the Police Commissioner, the Superintendent of the Bureau of Professional Standards and Development or the Commanding Officer of the Special Investigations Unit.

Sec. 47 An employee against whom a complaint has been made shall not attempt, directly or indirectly, by threat, appeal, persuasion or the payment of promise of money or other things of value, to secure the withdrawal or abandonment of the complaint. Such actions shall be dealt with very strictly by the Department.

#### PART IV: INVESTIGATIONS

Sec. 48 Confidentiality of Disciplinary Process: Prior to the completion of the investigation of a complaint, information concerning such an investigation shall not be released unless authorized by the Commissioner.

However, the fact that a complaint was received and a departmental investigation is under way may be disclosed unless the Chief of the Bureau of Professional Standards and Development determines that for security reasons it should remain confidential.

Sec. 49 Initiating Investigation: Where practicable in investigations initiated by complaints, the complaints shall be verified before the investigation commences; however, the absence of verification shall not impede the registration and investigation of a complaint.

If the complaint is received at the unit to which the complainee is assigned, the commanding officer of the unit shall determine whether the matter can be appropriately dealt with at the unit level. In such cases commanding officers shall appoint an investigating officer, although the Bureau of Professional Standards and Development may intervene at any time and assume control of any investigation.

If the commanding officer determines that the complaint is not appropriate for investigation at the unit level, it shall be referred to the Bureau of Professional Standards and Development for investigation. In such cases, the chief of the Bureau of Professional Standards and Development shall appoint an investigating officer, or return the complaint to the commanding officer of the person who is the subject of the complaint for investigation at the unit level.

If the complaint is received at a unit to which the complainee is not assigned then the Bureau of Professional Standards and Development shall initiate the complaint at either the unit level or through the Bureau. The Bureau of Professional Standards and Development may also initiate investigations into such matters as it sees fit, whether or not a complaint has been received.

Sec. 50 Investigative Techniques: The investigating officer may use any lawful investigative techniques, including, but not limited to, inspecting public records, questioning of witnesses, interrogation of the member complained of, questioning of fellow employees and surveillance.

Sec. 51 Interrogation of Members of the Department: The following provisions shall apply whenever, as part of an investigation of alleged violations of the Rules and Procedures, a member of the department is ordered to submit a report or to an interrogation.

- a. An interrogation of a member of the department shall be at a reasonable hour, preferably when the member of the department is on duty, unless the exigencies of the investigation dictate otherwise. No member shall suffer loss of pay for the time spent under interrogation.
- b. The interrogation shall take place at a location designated by the investigating officer. Usually it will be at the command to which the investigating officer is assigned or at the district station within which the incident allegedly occurred.
- c. The member of the department shall be informed of the rank, name and command of the interrogating officer and all persons present during the interrogation. If a member of the department is directed to leave his/her post and report for interrogation to another command, the commanding officer shall be promptly notified of the member's whereabouts.
- d. Whenever a member of the department is ordered to submit a report or to an interrogation pursuant to this Rule, the member may be informed of the nature of the investigation, including the name of the complainant. The address of the complainants and/or witnesses need not be disclosed; however, sufficient information to reasonably apprise the member of the allegations should be provided. If the complaint is filed in writing, a copy may be furnished to said member(s). If it is known that the member of

the department being interrogated is a witness only, he should be informed at the initial contact.

- e. Questioning during an interrogation shall not be overly long. Reasonable respites shall be allowed. Time shall also be provided for personal necessities, meals, telephone calls and rest periods as are reasonably necessary.
- f. The member of the department shall not be subjected to any offensive language, nor be threatened with transfer, dismissal or other disciplinary punishment.
- g. Whenever a member is ordered, pursuant to these rules, to submit a report or to interrogation, that member shall be advised that any such report or interrogation cannot be used by the Department as evidence in criminal proceedings against that member. When a member of the department is complained against and is directed by a superior officer to submit a report or to an interrogation relative to such complaint, that member is required to reply.
- h. In any case, the refusal by a member of the force to answer pertinent questions may result in disciplinary action.
- i. The law imposes no obligation, legal or otherwise on the department to provide an opportunity for a member of the department to consult with counsel or anyone else when questioned by a superior officer about his or her employment or matters relevant to his or her continuing fitness for police service. Nevertheless, the department shall afford an opportunity for a member of the department, if so requested, to consult with counsel before being questioned concerning a serious violation of the rules and regulations, provided the interrogation is not unduly delayed. However, in such cases the interrogation may not be postponed for purpose of counsel past 10 a.m. of the day following the notification of interrogation. Counsel, if available and a representative of a certified employee organization may be present during the interrogation of a member of the department. Requests for an opportunity to consult with counsel in connection with minor violations will be denied unless sufficient reasons are advanced.
- j. In the event that an employee claims that there have been violations of any provisions of this Section, such employee, either alone or together with the employee organization representative, may file a signed, written complaint with the Police Commissioner against the person committing the alleged violation. The Police Commissioner shall cause such complaint to be investigated and render a decision with respect to any such complaint. The decision shall be in writing and shall state with particularity the consideration and reasons in support thereof including a statement of the facts found. A copy of the decision shall be given forthwith to both the person who is the subject of the complaint and the employee organization representative.

The Police Commissioner in his discretion may endeavor to eliminate any unlawful act or practice which constitutes a violation of this Section by informal methods or conference, conciliation and persuasion.

Sec. 52 Investigation Report: As soon as practical, though not the expense of a thorough investigation, the investigating officer shall bring the investigation to a close and prepare an

investigation report. The report shall summarize all evidence gathered during the investigation and shall contain the investigating officer's recommendation that the complaint be found:

- a. sustained (investigation disclosed sufficient evidence to support allegations in the complaint);
- b. not sustained (investigation failed to prove or disprove the allegations);
- c. exonerated (the action complained of did occur, but investigation revealed that action was proper, legal and reasonable); or
- d. unfounded (investigation revealed that conduct did not occur).

In addition, if the investigating officer has discovered misconduct not based on complaint, he shall so state in his report.

The report shall then be forwarded to the commanding officer if a unit-level investigation, or to the chief of the Bureau of Professional Standards and Development. The commanding officer or the chief of the Bureau of Professional Standards and Development shall then make recommendations for disciplinary action or shall impose an immediate suspension for five days or less if the complaint has been sustained. If a unit-level investigation, a copy of the report along with the commanding officer's disciplinary action will be sent to the Bureau of Professional Standards and Development for confirmation.

If the investigation was inaugurated by a complaint from outside the department, upon completion of the investigation a letter shall be sent to the complainant informing him or her of the results of the investigation.

## PART V: HEARINGS

### A. FORUMS

Sec. 53 The Police Commissioner is the appointing authority pursuant to the provision of M.G.L. c. 31, s. 41 and as such may hear cases relating to discharge, removal, transfer to another agency, suspension, lowering in rank or compensation, abolition of office or punishment duty. In addition, he may appoint either a hearing officer or a trial board to hear such cases.

Sec. 54 Trial Boards: Pursuant to the Acts of 1962, Chapter 322, the Police Commissioner may from time to time convene a Trial Board to be composed of three captains, to inquire into such matters as the Commissioner directs. No member of a Trial Board may sit on any matters involving the member's district, or with which the member has direct personal contact. In such cases the member must be disqualified, and the Commissioner shall appoint another captain to the Board.

Pursuant to the Acts of 1950, Chapter 735, a Trial Board must be convened at the request of any person who has been reassigned from duties as a detective after his probationary period. For rules governing such hearings, see Section 65, "Detective Hearings" below.

Sec. 55 Hearing Officer: The Police Commissioner may, pursuant to M.G.L. c. 31, s. 41, appoint a hearing officer to hear any cases concerning proposed discharge, removal from office, transfer to another agency, suspension, lowering in rank or compensation, abolition of office, or imposition of punishment duty. In such a case, the Commissioner shall send to the Bureau of Professional Standards and Development and the Chief Clerk a designation in writing containing the name of the hearing officer and the employee who is the subject of such action. The Hearing Officer shall follow the general rules of procedure outlined below.

## B. PROCEDURE

Sec. 56 Notice: Before any action affecting employment or compensation of a tenured employee as delineated in M.G.L. c. 31 s. 41, is taken, the officer or employee involved shall be given a written statement of the specific reason or reasons for the contemplated action, together with a copy of M.G.L. c. 31, ss. 41-45. The employee then may consent in writing to the imposition of discipline and waive the right to a hearing on the specific reason or reasons given. If no such waiver or consent is executed, the Police Commissioner shall determine whether the hearing is to be before the Commissioner, Hearing Officer, or Trial Board, and shall notify the Bureau of Professional Standards and Development in writing of the hearing, the forum, the employee and the proposed action.

The Bureau of Professional Standards and Development shall then set a time and date for the hearing, and shall cause notice to be served upon the employee as to time, date and forum. The notice of the hearing must be served at least three days before the hearing except in cases involving abolition of position, in which case the notice must be served at least seven days before the hearing.

Sec. 57 Postponement: Postponement of a hearing to another date may be allowed by the Commissioner, Trial Board or Hearing Officer for an adequate reason presented either by the complainant or the defendant. However, the request for such postponement must be received before the day set for the hearing. In case of such postponement, both parties shall be notified of the new hearing date at least three days in advance of the hearing. A request for a postponement for medical reasons requires a doctor's statement from a department appointed physician.

Sec. 58 Attorneys: Both the complainant and the defendant may have attorneys present to represent them at a hearing. In addition, the defendant may be accompanied by an employee organization representative.

Sec. 59 Evidence: The hearing shall be informal and administrative. The purpose of a hearing is to determine the facts and situations surrounding a case, and members of a hearing forum, especially when counsel is not present, shall protect the rights of all parties involved whenever through the lack of ability, inexperience, or oversight, either side's case may seem to be improperly prejudiced. The rules of evidence observed by law need not be applied. Evidence which reasonable persons are accustomed to rely on in the conduct of their affairs may be considered. Unduly repetitious evidence may be excluded, and documentary evidence may be admitted in the form of copies or excerpts or by incorporation by reference. All evidence,

written, oral and real, offered by the parties which is relevant to the statement of reasons shall be considered.

Sec. 60 Witnesses: Both parties may bring witnesses before the hearing. The complainant and the defendant shall be responsible for the attendance of their respective witnesses, but the Bureau of Professional Standards and Development may be requested to give reasonable assistance in securing such attendance. Witnesses, before testifying, shall be sworn or shall make an affirmation. Examination of each witness shall be made separately and apart from other witnesses, and each side shall have the opportunity to cross-examine all witnesses.

Sec. 61 The Record: The Bureau of Professional Standards and Development shall designate an employee prior to the date of the hearing to serve as clerk during the hearing. The clerk shall make a record of all testimony before the hearing and shall be responsible for marking and preserving all other evidence for the sole use of the hearing body and the Commissioner.

Sec. 62 Other Procedural Rules: The hearing forum may establish further reasonable rules to expedite the hearing. In addition, several hearings may, if appropriate and at the discretion of the Commissioner, be consolidated into one general hearing.

Sec. 63 Finding: Upon completion of the hearing, the hearing forum shall forthwith submit a written report to the Police Commissioner, with a copy to the Bureau of Professional Standards and Development. That report shall summarize the evidence introduced by the parties, make specific findings of fact, and make recommendations as to the disposition of the charges including recommendations as to the appropriate discipline if any.

The Police Commissioner shall immediately review the report of the hearing forum. He may return it for elaboration, further explanation or further hearings and findings of fact if necessary and practicable within the time limits required by law. Recommendations made by the hearing forum will not be binding on the Police Commissioner. Within seven days after the filing of the report of the hearing officer, the Police Commissioner shall give to the employee a written notice of his decision stating fully and specifically the reasons therefor.

Sec. 64 Detective Hearings:

- a. Whenever a detective is reassigned to the regular police staff, that detective shall have the right to appeal the reassignment, pursuant to the Acts of 1950, Chapter 735. A detective who wishes to appeal must submit a notice in writing to the Police Commissioner requesting such an appeal within thirty days of the effective date of the order or reassignment.
- b. When such a notice is received, the Police Commissioner shall designate three captains to sit as members of the Trial Board after the expiration of the thirty day period following the effective date of the order or reassignment. One of the captains shall be designated as chairman and another as clerk, and an order designating the members of the Board and their duties served shall be transmitted to the Chief Clerk and to the Bureau of Professional Standards and Development.

- c. Upon receipt of the designation, the Bureau of Professional Standards and Development shall schedule the hearing and notify all interested parties of the place, date and time for the commencement of the hearing. Such notice must be received by the parties at least three days prior to the date set for the hearing.
- d. In cases where more than one member has appealed a reassignment, the appeals may be consolidated and heard by one Trial Board.
- e. The Trial Board sitting on a detective hearing shall apply the same rules governing evidence and witnesses as provided above (Sections 59 and 60), and in addition, shall also have the power to make such rules as it deems necessary to expedite the hearing.
- f. Where the assignment was the result of a complaint of misconduct or due to reasons which might impose a stigma, such as allegations of illegal conduct, the member shall be given, at the time the notice of hearing is served, a statement of charges which fairly summarizes those allegations. In addition, if the name of the complainant is known, the member shall be informed of that name. In such case, the reassignment shall be affirmed if the board finds that there is substantial evidence that the allegations are true and are sufficiently serious to reflect upon the ability of the member to perform the duties of a detective.
- g. Where the reassignment was not due to such aforesaid reason, but was an attempt to increase efficiency or economy of the Department by means of a reorganization or reallocation of manpower, or because of a member's lack of investigative ability, the reassignment shall be affirmed if the board finds there is substantial evidence that the reassignment is a good faith attempt to promote the efficiency or economy of the Department.
- h. No later than ten days after the conclusion of the hearing the board shall file its notice of decision with the Chief Clerk and the Bureau of Professional Standards and Development. If the hearing results in a change in status of the employee, the Personnel Division shall be notified by the Bureau of Professional Standards and Development. The decision shall be supported by a memorandum which shall specify reasons in support of its decision. The decision of the board as to the reassignment is final, and no provisions of Chapter 31 of the Massachusetts General Laws shall be applicable to any such hearing or determination made thereunder.
- i. The Bureau of Professional Standards and Development shall notify the parties of the result. The decision and the reasons thereof shall remain on file with the Chief Clerk and the parties may, upon reasonable notice, inspect and copy that decision.

Sec. 65 Review From Imposition of Immediate Suspension or Punishment Duty: When an employee is suspended for five days or less or is assigned punishment duty by a commanding officer, that employee receives a written notice concerning the action within twenty-four hours. The employee may then, if so wished and within forty-eight hours of the receipt of the notice, request a hearing to determine whether there is just cause for such an action. If such a request is made, then a hearing must be held within five days of the receipt of the request by the Police Commissioner. The hearing shall be conducted using the rules procedures outlined above (Sections 56 through 62).

Within two days after the conclusion of the hearing, the Police Commissioner shall give the employee concerned a written notice of the decision. Where just cause has not been found, the discipline shall be deemed not to have been imposed and the employee shall be compensated for lost time or extra hours worked. If it is decided that just cause did exist and the employee refuses to accept such a finding, the employee shall have the right of appeal pursuant to the Massachusetts General Laws.

NOTES: Rule No. 109 was amended September 14, 1979, at which time the Bureau of Inspectional Services assumed control of procedures which the Bureau of Professional Standards and Development had previously administered.

In February, 1983, The Bureau of Professional Standards and Development was given those duties which they had originally administered.

In addition, Section No. 22 was rewritten so that the Commander of the Staff Inspection Division was given the authority to initiate procedures for a letter of reprimand to be issued.

In April, 1983, violations of Rule No. 102, sections 7 and 11, were added to Section 32 of this rule as offenses covered by the five-day suspension rule. This resulted in a renumbering of section 32.

Notes: Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Sections 17, 19, 20, 24, 30, 34, 38, 41 (b,d,e,g,h), 44 (b,c,d), 46 (a,b,c), 48, 49, 52, 55, 56, 60, 61, 63, 64 (b,c,h,i).



## Rules and Procedures

### Rule 110

December 31, 2012

#### Rule 110 - ABSENCE FROM DUTY

This rule is issued to establish department policy concerning the absences of employees from duty. It is effective immediately, replacing Rules No. 36 & 38 of the 1950 Manual and superseding all previously issued orders and directives on this subject.

**GENERAL RULE:** No employee of this department shall be absent from duty except in accordance with this rule or contractual obligations without the consent of the Police Commissioner.

**Sec. 1 VACATION AND SICK LEAVE FOR SWORN PERSONNEL:** Chapter 146, Acts of 1947, as amended, govern annual vacations and sick leave allowances for police officers of the City of Boston.

**VACATION AND SICK LEAVE FOR CIVILIAN AND MANAGEMENT PERSONNEL:** The eligibility of these employees for vacation and sick leave benefits shall be determined by the current City of Boston compensation plan or by the current contract negotiated between the City of Boston and the employee's union.

**Sec 2. ANNUAL VACATION AND SICK LEAVE ALLOWANCES:** Shall be taken in accordance with the terms of this rule and Special Orders issued by the Police Commissioner.

The Police Commissioner shall arrange assignment of vacation periods for time or times as best serve the public interest. Vacation allowances may not be accumulated from one year to another without the authorization of the Police Commissioner. It shall be the policy of the Boston Police Department that sworn employees who have exhausted their allocated sick time shall have further absences charged to their vacation allowance, and shall be carried as a "vacation sick" on the district or unit time book. Civilian employees must follow the City of Boston Attendance Policy. An employee who, in this manner, exhausts all sick and vacation time must petition the Police Commissioner in writing for further leaves of absence. Service in any employ of the Commonwealth, the County of Suffolk or the City of Boston shall be included in computing the employee's length of service for vacation purposes.

Sworn personnel on sick leave who have accumulated summer vacation leave at the end of the summer vacation period or who have any vacation leave at the end of the calendar year shall be carried on vacation instead of sick-leave for the appropriate amount of time in order to exhaust these vacation credits prior to the end of the summer vacation period and the calendar year respectively.

**Sec 3. COMPENSATION IN LIEU OF VACATION:** Whenever the employment of an employee is terminated during a year by dismissal through no fault or delinquency on his part or by retirement or death without his having been granted the vacation to which he is entitled under this rule, he, or in the case of his death, his beneficiary, shall be paid at the regular rate of compensation payable to him at the termination of this employment, an amount in lieu of such vacation; provided that no monetary or other allowance has already been made. The word “beneficiary” as used in this section means the surviving beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement system of which he is a member or, if there be no such designated beneficiary, the estate of the deceased. Any employee reinstated or on leave of absence without pay may be credited with his vacation status and/or sick leave status at the termination his previous service and allowed such portion of this vacation, under Section One, as his actual service bears to full time for the same vacation year except that employees in military service shall be allowed full vacation credit.

**Sec 4. LEAVES OF ABSENCE:** Only the Police Commissioner may grant a leave of absence, with or without pay. A request for a leave of absence must be made in writing, on the prescribed department form, stating fully the reasons for the request and be submitted to the Commissioner, through Human Resources.

An employee who has exhausted all sick and vacation credits in a calendar year must petition the Police Commissioner in writing, for a leave of absence without pay for any subsequent absences during the year.

An employee who fails to petition the Commissioner within seven days after the beginning of such absence will be carried as absent without leave.

**Sec. 5 SICK LEAVE:** Employees of this department, after completing six months of continuous service, shall be allowed sick leave with pay for periods not to exceed fifteen working days for each year of service thereafter. Civilian employees shall accrue sick leave at the rate of 1 or 1 ¼ days for each month of actual service. Sick leave not used in any year may be accumulated.

Further sick leave may be granted, in special cases, by the signed authorization of the Police Commissioner. Sick leave with pay shall be granted to employees only when they are incapacitated for the performances of their duties by sickness, injury, and exposure to contagious diseases or by serious illness of a member of their immediate family. Notification of such absence shall be given as early as possible on the first day of absence. (Police Officers refer to Section #6 of this rule; civilian employees refer to Section # 7 of this rule.)

If such notification is not given such absence may, at the discretion of the Police Commissioner, be applied to vacation leave or leave without pay or the employee may be designated as absent without leave.

A Police Officer absent for a period of five days or more or absent more than ten working days in a calendar year may be required by the Police Commissioner to submit a physicians certificate as evidence that such absence was necessary.

A civilian employee may be required by the Police Commissioner to submit a physician's certificate for the necessity of absence from work in accordance with the provisions of the current contract negotiated between the City of Boston and the employee's union.

If any employee fails to file such a certificate within seven days after a request thereof, the Police Commissioner may, at his discretion, have such absence applied to vacation leave of absence without pay or he may designate the employee as being absent without leave.

**Sec. 6 OFFICERS UNABLE TO REPORT FOR DUTY:** A sworn officer who is unable to report for duty as scheduled shall report that fact by telephone to the Operations Division, on the designated line, as soon as possible and preferably at least two hours prior to the scheduled time to report; stating his name rank, I.D. number, District or Unit of assignment, and the tour of duty he is scheduled to work. The officer must also report whether the scheduled tour of duty is immediately before or after a day off.

Operations Division personnel shall record the information concerning officers reporting that they are sick on Department Form # 1938 and forward copies of all such forms to Staff Inspection and the Human Resources Division.

Immediately upon receipt of a reported absence the Operations Division shall notify the District or Unit to which the reporting officer is assigned; transmitting the information which the officer is required to supply (set out in the first paragraph of this Section). All information concerning an officer's failure to report for duty shall be entered in the District/ Unit Administrative Log and his absence recorded in the District/Unit detail book where he is assigned.

**Sec. 6A OFFICERS RETURNING TO WORK OR DUTY AFTER ILLNESS:** An officer returning from sick leave shall notify his assigned Command before the beginning of his next scheduled tour of duty, and if possible, at least two hours prior thereto. The Duty Supervisor shall then notify the Operations Division.

**Sec. 7 CIVILIAN EMPLOYEES UNABLE TO REPORT FOR WORK:** A civilian employee who is unable to report for work as scheduled shall notify his immediate supervisor as required by the current collective bargaining agreement. The employees supervisor shall obtain such information as is applicable (set out in Section # 6 of this Rule), enter the absence in the District/Unit Detail Book as a Department record and shall notify the Staff Inspection Division of the absence.

**Sec. 8 PROLONGED ABSENCES:** Police Officers absent for more than ten (10) consecutive days on account of illness or injury, not incurred in the performance of police duty, shall not be restored to duty until a certificate from an attending physician has been presented to the Personnel Division certifying that the officer is physically fit to resume police duty. Commanding

Officers may require certification by the Department physician before returning an officer to active duty status. Commanding Officers may return an officer to duty that has submitted a certificate of fitness signed by an attending physician. The Commanding Officer shall notify the Personnel Division of his action and forward a copy of the certification by the attending physician.

**Sec. 9 PROLONGED ABSENCES BY CIVILIANS:** A civilian employee, absent for 10 or more days because of non-work related sickness or injury, shall not be returned to work until a certificate from the attending physician has been presented to the Personnel Division or the employee has been examined and certified by a physician designated by this Department as being fit resume work.

A civilian employee who wishes to resume work and has a certificate of fitness signed by the attending physician, may submit such certificate to his supervisor or Commanding Officer. The Supervisor, or Commanding Officer may return the civilian employee to work pending examination by the Department Physician.

**Sec. 10 EMPLOYEE ABSENCES RECORD:** A record of the attendance of all personnel during the preceding day shall be submitted to the Payroll Unit by 10:00 a.m. of the following day, on the prescribed department form (Time and Absence Certificate). The record of attendance for Saturdays and Sundays shall be forwarded no later than 10:00 a.m. the following Monday. Time and Absence Certificates shall indicate the reasons for any absences and shall be signed by the Commanding Officer under the pains and penalties of perjury.

**Sec. 11 MEDICALLY INCAPACITATED SECTION:** After 30 calendar days of absence because of sickness, injury or disability, an employee shall be reassigned to the Medically Incapacitated Section.

An officer so assigned must obtain a certificate to return to duty from their attending physician and shall not be returned to duty until a physician designated by the Police Commissioner has examined the officer and certified that he is capable of performing assigned duties in whole or in part.

Civilian employees shall be returned to work from the Medically Incapacitated Section in accordance with the provisions of Section #9 of this Rule.

**Sec. 12 OFFICERS BECOMING SICK WHILE ON DUTY:** An officer becoming sick while on duty shall immediately report to his Duty Supervisor.

The Commanding Officer or Duty Supervisor shall have the officer transported to the Boston City Hospital for examination by a physician or surgeon.

In all cases of hospital referral, no officer shall be released from duty until he/she is so examined or unless his/her tour of duty has ended. No overtime will be authorized or approved in order that such an examination may be completed.

The officer's assigned district/unit will arrange transportation to the City Hospital in a department vehicle. Upon completion of the examination, the officer shall call his district/unit and request transportation back to his/her district/unit and request transportation back to his district/unit.

**Sec. 13 CIVILIAN EMPLOYEE BECOMING SICK WHILE WORKING:** A civilian employee becoming sick during a tour of work shall immediately notify his immediate superior or supervisor.

If a Commanding Officer or supervisor is in doubt as to the nature or duration of the sickness, injury or disability claimed by an employee, or any other reason, he may have the employee examined by a physician designated by the Police Commissioner.

**Sec. 14 NOTIFICATION TO THE OPERATIONS DIVISION:** The Duty Supervisor of a district or unit shall be responsible for notifying the Operations Division when an employee has reported becoming sick or is injured during a tour of duty. The supervisor shall also make the proper notation on the Administrative Log (Form 1.3.3), and in the District Detail Book.

**Sec. 15 CIVILIAN EMPLOYEES BECOMING INJURED WHILE WORKING:** A civilian becoming injured while working shall immediately notify his supervisor or Commanding Officer of such injury and, as soon as is practicable, shall submit a written report stating all of the facts of the incident. The supervisor or Commanding Officer receiving such a report shall complete a Massachusetts Division of Industrial Accidents "Standard Form for Employee's First Report of Injury" form (available at the Department Personnel Division) and submit the form together with a complete written report concerning the employee's injury to the Police Commissioner.

A civilian employee claiming injury sustained while working, is advised to notify the Massachusetts Division of Industrial Accidents by telephone, as soon as is practicable, since a delay in informing that division may cause the employee to lose compensation.

A civilian employee injured while working shall not resume work for this department until the employee has submitted to the Personnel Division a certificate from the Massachusetts Division of Industrial Accidents indicating that the employee has been certified as being fit to resume full employment, unless this requirement is waived by the Personnel Division of this Department.

**Sec. 16 OFFICERS INJURED WHILE ON DUTY:** In accordance with the provisions of M.G.L chapter 41, section 111F, when an officer is absent from duty because of temporary incapacity caused by injury sustained through no fault of his own, either while in the actual performance of his duty or when assigned to any special duty by a Superior Officer, and the existence of such incapacity is certified by his Commanding Officer and by a physician or surgeon approved by the Police Commissioner, full pay for lost time will be approved by the Police Commissioner. The burden of establishing that the incapacity exists and qualifies for injured leave pursuant to this

Section rests with the officer. The officer shall cooperate fully with the department in obtaining any and all medical and other evidence relevant to the determination of the appropriateness of the claim.

**Sec. 17 HOSPITALIZATION OF OFFICERS INJURED WHILE ON DUTY:** When police officers are injured in the performance of their duty, to the extent that medical or surgical treatment is necessary, they shall go to or be taken to the nearest hospital. If the officer so requests, he shall be taken to the hospital or doctor of his choice within the City of Boston. If the officer is held for treatment, his Duty Supervisor shall so inform the Operations Division which, in turn, shall notify the Departmental Hospital Liaison Officer.

**Sec. 18 REPORTS REQUIRED:** When an officer is disabled because of sickness or injury which may be related to his police duty, the officer shall submit a written report, recounting in detail the circumstances under which the injury or disability was incurred: including the time, the exact location, weather and lighting conditions (when relevant), together with the names and addresses of any witnesses to the event and all other information relevant to the incident. An officer that reports that he is unable to perform his duties because of injuries received while off duty shall submit a written report to his Commanding Officer forthwith.

The Commanding Officer shall recommend whether the department physician should examine the officer before resuming his duties.

**Sec. 19 DELAYED REPORTS:** An officer who is so severely injured, while on duty, that he cannot submit the written report, described in Section 17, during or upon completion of the tour of duty, shall submit such report as soon as he has recovered sufficiently from his injuries. In the event that an injured officer cannot submit a written report, a Superior Officer shall be assigned to procure an oral report from the injured officer. The investigative report shall not release a disabled officer from the necessity of submitting a written report as soon as he is able to do so.

**Sec. 20 INVESTIGATIVE REPORTS:** The Patrol Supervisor, or other immediate supervisor, of an officer who reports that he is disabled while on duty shall investigate the incident as soon as is practicable. An investigative report shall include, but not be limited to all of the following:

- A. A Registry of Motor Vehicles accident report whenever a motor vehicle is involved;
- B. Visiting the scene of the incident, recording relevant details;
- C. Interviewing officers and other witnesses having knowledge of the incident;
- D. A confirmation of any medical diagnosis.

Upon concluding the investigation, the supervisor shall submit a written report to the commanding officer and shall include a statement that his investigation has determined the following:

- A. Whether the reported disability could or could not have occurred as the disabled officer has reported;

- B. Whether the officer(s) involved adhered or did not adhere to Police Department procedures;
- C. Whether the incident was the result of carelessness, negligence, or improper conduct by any person or persons.

**Sec. 21 COMMANDING OFFICER'S REPORT:** Upon receiving a supervisor's investigative report (as required in Section #19), a Commanding Officer shall immediately submit a written report to the Police Commissioner, through channels, and recommend that the officer be placed in injured-on-duty status or be placed on ordinary sick leave. He shall state clearly the reasons for his recommendation, particularly if the officer has failed to comply with the provisions of this rule.

**Sec. 22 REGULATIONS GOVERNING OFFICERS ABSENT FROM DUTY BECAUSE OF SICKNESS OR INJURY:** The Police Commissioner may not allow pay from accumulated sick credit or for injury on duty status, if the reported sickness or injury proved to be feigned, simulated or exaggerated or:

- A. Arises from carelessness, negligence or improper conduct;
- B. Arises from over-indulgence in alcohol or the illegal use or abuse of narcotic drugs;
- C. If the officer shall fraudulently, by concealment, false statement or otherwise seek to deceive or mislead an attending physician or surgeon concerning his case;
- D. If the officer refuses or fails to conform to the instructions and/or recommendations of an attending physician or surgeon;
- E. If the officer fails to cooperate with the department in obtaining medical or other evidence relating to his incapacity and treatment therefore;
- F. If the officer fails to comply with the recommendations made by the Department Physician that are not in conflict with the instructions given by an attending physician.

**Sec. 23 INDEMNIFICATION:** The Police Commissioner shall determine whether it is appropriate under all circumstances for the City of Boston to indemnify an officer for reasonable hospital, medical, surgical, nursing, pharmaceutical, prosthetic and related expenses incurred as the natural and proximate result of a hazard peculiar to his employment, while acting in the performance and within the scope of his duty, without fault of his own.

Applications for indemnification will be submitted to the Police Commissioner, in duplicate on forms provided for this purpose and accompanied by an itemized original bill for each expense within six (6) months of the time the expense was incurred.

**Sec. 24 INDEMNIFICATION ADVISORY BOARD:** The Police Commissioner shall appoint three persons, one of whom shall be designated as secretary, to meet as an Advisory Board and review each application for indemnification. The advisory board shall recommend to the Police Commissioner whether such payments are appropriate. The approval of the Corporation Counsel for the City of Boston, or his designee, shall be obtained for each application for indemnification before the Police Commissioner will make a final determination.

**Sec 25 RECURRENCE OF INJURIES:** When an officer has returned to duty following an injury received in the line of duty and later reports to his Commanding Officer that he has sustained a recurrence of this disability, which requires further absence from duty, the following procedure shall be initiated:

- A. The officer shall immediately submit a written report to his Commanding Officer containing complete information concerning both the original disabling incident and the alleged recurrence. The officer's report shall be forwarded, through channels, to the Police Commissioner and a copy sent to the Personnel Division.
- B. The officer shall be carried in the Time Book for ordinary sick leave pending a medical examination and report.
- C. The officer's Commanding Officer shall request an immediate examination of the officer by the department physician.
- D. The officer shall be instructed to bring all medical reports concerning his disability to the examining physician.
- E. If the medical report of the Department physician indicates that the officer has sustained a recurrence of his original injury the Time Book shall be so amended.
- F. The burden of proof to establish a claim that the current disability is a recurrence of a prior injury sustained while on duty rests with the officer making such a claim.
- G. In all cases the recommendation and report of the department physician shall be the determining factors subject to the approval of the Police Commissioner.

**Sec. 26 EXAMINATION BY PHYSICIANS:** The department physician shall examine members of the force who report that they are injured while on duty immediately following the injury claim and prior to returning to duty unless the Personnel Division waives such examination. The department may designate medical specialists as a department physician for the limited purpose of individual examinations when the department determines a specialist's opinion is appropriate.

The Commanding Officer may return an officer absent for less than 10 days as a result of injuries sustained while on duty to duty pending an examination and certification by the department physician.

The Personnel Division may require from such an officer a detailed report of the officer's current condition, signed by an attending physician. The Personnel Division may also require a medical release from the officer for all medical records relating to the officer's incapacity from duty so that the Department Physician can obtain and review hospital, clinical and other medical evidence concerning the diagnosis and treatment of the officer.



**Sec. 27 RETURN TO DUTY:** Police officers who have been certified by the department physician as fit to return to duty shall return to duty on the date specified by the department physician.

**Sec. 28 FAILURE TO RETURN TO DUTY:** In the event that an officer absent from duty within the provisions of this Rule fails to return to duty within the time specified by the Department physician, his status shall be changed to “absent without leave” as of the date he failed to return duty.

**Sec. 29 PHYSICIAN’S CONSULTATIONS:** The physician(s) who has been attending a member of the force absent because of sickness, injury or disability incurred in the performance of his duty shall be afforded full opportunity to consult with the Police Department Physician as to the officers fitness to resume police duty. In the event that the officer sustained an on duty injury and the officers physician disagrees with the department physician’s evaluation of the officers fitness to resume duty, it shall be the responsibility of the officer to ensure that his physician submits a written adverse medical report to the Department of Personnel Division no later than twenty four hours before the officer’s scheduled return to duty. In such a case, the department physician and the employee’s physician shall jointly designate a physician agreeable to both who, at the City’s expense, shall examine the employee and render an advisory written medical opinion as to the employee’s fitness to return to duty; copies of which shall be transmitted by the employee to both the city’s physician and the employee’s physician. In the event that they are unable to agree upon a third physician, after the filing of the adverse medical report, a physician shall be jointly selected by them from a list or panel of physicians established or suggested by the Commissioner of Public Health for the Commonwealth of Massachusetts, upon which even such physician, at the city’s expense, shall examine the employee and render his advisory opinion as foresaid.

Pending receipt of such advisory opinion and action of the city physician thereupon, the City shall not require the employee to return to duty and shall continue to fully compensate him on paid injured leave for time lost due to such absence.

After consultation, the department physician shall make the final determination as to whether the officer is fit to return to duty.

**Sec. 30 EXAMINATION OF SWORN PERSONNEL:** Notwithstanding any other provisions of this rule, the Personnel Division shall have officers absent from duty for a period of three months or more, either on sick leave or on injured leave, examined by the department physician, following written notice being sent to the officer.

The department may utilize the department physician’s examination to initiate retirement or discharge proceedings as appropriate if the inability to resume employment is indicated.

**Sec.31 GENERAL RESPONSIBILITY:** The Auditing and Review Division shall evaluate the level of performance of Divisions, Districts and Units of the department in complying with the provisions of this rule.

Division personnel shall monitor the use of sick leave and shall document all sick leaves so that sick leave causes may be investigated and identified.

Edward F. Davis  
Police Commissioner

Notes:

Amended by SO 12-023, issued 08/27/2012, Section 6 was replaced.

Amended by SO 12-045 issued 12/31/12, Sections 2, 4, 5 were amended, 11 spelling error was corrected.

## Rules and Procedures

### Rule 111

December 17, 1998

#### Rule 111 - SUBSTANCE ABUSE POLICY

##### TABLE OF CONTENTS

I.	INTRODUCTION
II.	DEFINITIONS
III.	AUTHORIZED USE OF PRESCRIPTION MEDICINE
IV.	PROHIBITED CONDUCT
V.	TESTING
VI.	CONSEQUENCES OF A POSITIVE TEST
VII.	CONSEQUENCES OF VIOLATION OF THE POLICY
Appendix A	REFERRAL PROCEDURES FOR SUPERVISORS
Appendix B	REHABILITATION AGREEMENT
Appendix C	PROCEDURES FOR DRUG TESTING
Appendix D	PROCEDURES FOR ANNUAL HAIR TESTING

#### I. INTRODUCTION

To ensure a safe, healthful and productive work environment, to protect the health and welfare of the citizens of the City of Boston, and to assure compliance with the Federal Drug-Free Workplace Act of 1988, the Department has adopted this policy to address drug and alcohol abuse by sworn personnel. These procedures provide the Department with reasonable measures to ensure drug or alcohol use does not jeopardize the public or the Department's ability to serve its citizens.

It is the general intent of the policy to create a humanitarian program. Treatment and discipline are both important aspects of the plan. Drug and alcohol testing, which will be part of the program, is intended in part as a means of identifying those who need help. In fact, the testing components of the program will not be instituted until this policy has been in effect for 60 days. This two month delay is intended to allow all sworn personnel who currently have a substance abuse problem time to take appropriate actions to correct that problem prior to implementation of the procedures described below. Prior to the implementation of this policy, all Officers will receive up to three hours educational training in the effects of drugs and alcohol

in general as well as in the workplace. The training shall also include a review of this policy. All such training will occur on Department time.

The Department will not tolerate any drug or alcohol use which could affect an Officer's job performance. The citizens of the City of Boston have a right to expect that sworn personnel will carry out their duties in a safe and reliable manner, free from the effects of drug or alcohol use. This policy replaces, except where contrary to contractual obligations, any and all earlier policies or procedures based on or expanding upon the Drug-Free Workplace Act, but it does not replace or in any way supplant any other policies or procedures including, but not limited to, the Boston Police Department's rules and procedures.

These procedures are significantly more comprehensive than the Federal Drug-Free Workplace Act requirements. The Boston Police Department must, by law, comply with that Act and report our drug-free workplace activities to the Federal government. The Act requires the adoption of a policy, some training, informing sworn personnel of the availability of help, and requiring sworn personnel to report convictions for drug crimes committed on the job. The intent of the Act is admirable, but the Department believes much more must be done than these minimal requirements. There are four important ways in which these procedures are broader and more effective than the Drug-Free Workplace Act:

- we emphasize treatment and counseling rather than just discipline in many cases;
- we will employ drug and alcohol testing procedures in great part to overcome the user's denial that a problem exists, so that we may protect the public and provide help and treatment as appropriate;
- we are requiring that all sworn personnel attend comprehensive awareness and training programs;
- we are setting up a supervisor support phone system so that those who will be applying these procedures day-by-day can do so effectively, comfortably, and legally.

These procedures apply to all sworn personnel and, where contracts specifically allow, to Department contractors. The Department reserves the right to modify these procedures in whole or in part in accordance with law and contractual procedures.

## II. DEFINITIONS

- A. Controlled Substance - any drug included in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code (21 USC 802(6)), the possession of which is unlawful under Chapter 13 of that title, or any drug included within the definition of "Controlled substance" in Chapter 94C of the Massachusetts General Laws (for example, but not limited to: cocaine, marijuana, valium, morphine, anabolic steroids). The term

does not include the use of prescribed drugs which have been legally obtained and are being used for the purpose for which they were prescribed.

- B. Illegally-Used Drug - any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes, all designer drugs not listed in the Controlled Substances Act (for example, but not limited to: MDA, fentanyl), and any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose.
- C. Alcohol - colorless, volatile and flammable liquid that is the intoxicating agent in fermented and distilled liquors. It includes, but is not limited to, beer, wine and liquor. It does not include alcohol used in chemical processing, cleaning or testing.
- D. Department Property - includes buildings, offices, facilities, equipment, vehicles, land, and parking lots owned, loaned, utilized or leased by the Department. It also includes any other site at which business of the Department is transacted whether on or away from Department owned, loaned, or leased property.
- E. Accident - an unplanned, unexpected and unintended event which a) occurs on Department property, on Department business, or during working hours, and b) initially appears to have been caused wholly or partially by an Officer, and c) results in either i) a fatality, ii) bodily injury requiring medical treatment away from the scene of the event, or iii) damage to property in excess of \$2,500; an unplanned, unexpected and unintended discharge of a firearm is also an "accident".
- F. Drug Paraphernalia - any item which is clearly intended for use for the administering, transferring, manufacturing, testing or storing of a controlled substance and which is not authorized or intended for use in the course of legitimate law enforcement activities.
- G. Reasonable Suspicion of Drug and/or Alcohol Use - the reasonable suspicion standard for drug testing of sworn personnel is based upon a specific objective fact(s) and reasonable inferences drawn from that fact(s) in light of experience that the individual may be involved in the use of any illegally-used drug, controlled substance, or alcohol. Examples would include one or more of the following:
  - 1. Observable phenomena, such as direct observation of on-duty alcohol use or possession and/or direct observation of on-duty or off-duty use or possession of illicit drugs, and/or the on-duty display of behaviors which appear to be indicative of the use of any illegally-used drug, controlled substance, or alcohol and are not attributable to other factors;
  - 2. a pattern of abnormal conduct, erratic behavior or deteriorating work performance, including but not limited to, frequent absenteeism, excessive

tardiness, or frequent accidents, not attributable to other factors and which appears to be related to drug and/or alcohol abuse;

3. arrest, indictment, or conviction for a drug-related offense;
4. newly discovered evidence that the Officer has tampered with a prior drug/alcohol test;
5. repeated or flagrant violations of the Department's rules and procedures which are determined by a supervisor to pose a substantial risk of injury or property damage and which are not attributable to other factors and appear to be related to drug and/or alcohol abuse;
6. causing an accident (as defined in definition E. above).

The above examples are not all inclusive, but are intended to be illustrative. Though not a sign or symptom of substance abuse, accidental discharge of a firearm is such a serious event that it can contribute, when substantiated by more direct evidence, to a finding of reasonable suspicion. The symptoms of being affected by a drug or by alcohol are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. Although reasonable suspicion does not require certainty, mere "hunches" are not sufficient to meet this standard.

- H. Under the Influence of an Unauthorized Controlled Substance, Illegally-used Drug and/or Alcohol - The presence of a .04 alcohol content in the blood, or a verified positive drug test, at levels specified by the National Institute of Drug Abuse (NIDA), for an unauthorized controlled substance or an illegally-used drug.
- I. Medical Review Officer (MRO) - A licensed physician responsible for receiving laboratory drug testing results who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a positive test relative to the Officer's medical history and other relevant biomedical information.

### III. AUTHORIZED USE OF PRESCRIPTION MEDICINE

Sworn personnel undergoing prescribed medical treatment with any drug must report the drug used to their supervisor, pursuant to [Rule 102](#) and a determination made as to the Officer's ability to perform his duty according to that rule.

### IV. PROHIBITED CONDUCT

The following conduct by sworn personnel is prohibited:

- A. Unauthorized use, possession, manufacture, distribution, dispensation or sale of a controlled substance, illegally-used drug, drug paraphernalia, or alcohol on Department property, on Department business, in Department supplied vehicles, in vehicles being used for Department purposes, or during working hours;
- B. Unauthorized storage in a desk, locker, automobile or other repository on Department property of any illegally-used drug, controlled substance, drug paraphernalia, or alcohol;
- C. Being under the influence of an unauthorized controlled substance, illegally-used drug or alcohol on Department property, on Department business, in Department supplied vehicles or vehicles being used for Department business or during working hours;
- D. Possession, use, manufacture, distribution, dispensation or sale of illegally-used drugs or controlled substances while off duty;
- E. Switching or adulterating any urine or blood sample;
- F. Refusing consent to testing or refusing to submit a breath, urine, or blood sample for testing (except as regards "Condition of Promotion" testing);
- G. Failing to adhere to the terms of any Rehabilitation Agreement (sample attached) which the Officer has signed;
- H. Conviction under any drug or alcohol statute;
- I. Failure to immediately notify the Department of any arrest or conviction under any drug or alcohol statute;
- J. Failure to notify a supervisor of the use of a prescription drug;
- K. Refusing to sign a) a receipt for the Department's Substance Abuse Policy, b) the Consent and Release Form, c) the Chain of Custody Form, or d) a Rehabilitation Agreement;

## V. TESTING

Sworn personnel of the Boston Police Department will be tested for drugs and/or alcohol under the following circumstances:

- A. Reasonable Suspicion of Drug and/or Alcohol Use - Sworn personnel will be tested for drugs and/or alcohol when a supervisor who has been trained in making determinations of reasonable suspicion has made such a determination. Referrals for reasonable

suspicion testing will be made using the procedures set forth in Appendix A of these procedures.

- B. Follow-up Testing - Sworn personnel referred by the Department to treatment, and who undergoes any form of treatment for substance abuse, will be subject to unannounced testing for a period of thirty-six months following a return to full duties (which shall be subject to a medical certification that the Officer is qualified to safely carry a weapon).
- C. Pre-Employment Testing - All applicants for the position of Sworn Police Officer will be required to submit to a drug test. The Department will not knowingly employ as a Sworn Police Officer any individual who actively abuses alcohol, an illegally-used drug or a controlled substance. All applicants for the position of Sworn Police Officer will be advised in connection with their application for employment that, prior to being offered a position, they will be required to submit to a drug screen. Failure to consent to such a test, or a verified positive result, will disqualify the applicant for employment in a position subject to pre-employment testing.
- D. Probation Period Testing - All Probationary personnel are subject to drug testing during their probation period without prior warning and at random intervals.
- E. Condition of Promotion/Rating/Appointment Testing - Sworn personnel who are offered a promotion/appointment and/or a detective rating will be required to submit to a drug test. A negative test result shall be a condition of such promotion and/or rating. Sworn personnel may refuse to submit to such a drug test without penalty or risk of disciplinary procedures, however such refusal shall be considered a declination of the offer of promotion.
- F. Assignment to Special Unit Testing - Sworn personnel, upon assignment to specialized units as identified by the Commissioner, shall be required to submit to a drug test. Such units include: Command Staff, Drug Control, Anti-corruption, Explosive Ordnance Unit, Hazardous Materials Unit, Boston Police SWAT team, Firearms Analysis Unit, Range, and Organized Crime. This form of testing shall also be applicable upon assignment to any outside agency.
- G. Annual Drug Testing (Hair) - This provision only applies to those bargaining units that have agreed to such testing.
- H. In a joint desire to achieve and maintain a work force that is 100% drug free and in further recognition that the Department has not yet achieved such goal, the parties agree that all sworn personnel shall be subject to an annual drug test to be conducted through a fair, reasonable, and objective hair analysis testing system. Each Officer shall submit to an annual test on or within thirty (30) calendar days of each Officer's birthday. The Department shall schedule each examination and so notify each Officer as far in advance as practicable. Hair testing does not contemplate or include testing for alcohol.



- I. The Department agrees that it will establish and adhere to written collection and testing procedures for hair samples. These procedures shall be fair and reasonable so as to ensure the accuracy and integrity of the test and process. These written procedures will be appended to this Rule and become incorporated thereto. The union, should it so request, shall meet with the Department in order to discuss issues relative to the collection and testing process. Nothing contained herein alters the current policy as it relates to other drug/alcohol testing, procedures, or requirements.

Drug tests will consist of determinations of the presence of these five drugs, classes of drugs, or their metabolites: marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine (PCP), and amphetamines. In the course of testing for Reasonable Suspicion of Drug and/or Alcohol Use, other drugs or their metabolites may be tested for if their particular use is suspected. Such other drugs may include, but need not be limited to: lysergic acid diethylamide (LSD), methaqualone, barbiturates, and benzodiazepines. All urine testing will be performed under the guidelines described in Appendix C "Procedures for Drug Testing". These procedures call for the use of an immunoassay screen (i.e. "EMIT") with all positives tested for confirmation using Gas Chromatography/Mass Spectrometry (GC/MS) technology. In a GC/MS test, the specimen is heated and the vapors are passed through a column of absorbent material, where traces of the drugs separate into colored bands (gas chromatography). A mass spectrometer then analyzes the precise chemical composition of each band. GC/MS is generally considered to be the most conclusive method of confirming the presence of a drug in urine.<sup>1</sup> GC/MS results are accepted as evidence in criminal cases. Positive GC/MS results are first communicated to a Medical Review Officer (MRO) who investigates the possibility of a legitimate explanation of the test result. Where reasonable suspicion exists to test for alcohol, the Officer shall be given the option of submitting to either a breath screen test or a blood alcohol test. All breath screen tests shall be administered by a certified collection site facility utilizing DOT approved equipment and DOT procedures. All blood alcohol tests shall be administered by a certified collection site facility following procedures identified in Appendix C for identification and chain-of-custody safeguards.

## VI. CONSEQUENCES OF A POSITIVE TEST

### ILLICIT DRUGS

Sworn personnel who receive a verified positive test result for illicit drugs will be subject to termination. However, where the Officer's only violation is a positive test for illicit drug use and it is the Officer's first offense, the Commissioner shall offer voluntary submission to the following alternative program:

- up to a 45 day suspension without pay,
- execution of a Rehabilitation Agreement and submission to treatment/rehabilitation,
- placement in an administrative position and suspension of weapon carrying privileges upon return to work following suspension until certified by the treatment provider to be recovering and able to safely carry weapons, and
- submission to follow-up testing as described in section V(B) above.

Note that failure to comply with the terms of the Rehabilitation Agreement either during or after the suspension period would constitute a separate violation of this policy and shall result in a recommendation of termination.

#### ALCOHOL OR ILLEGALLY-USED DRUGS

Sworn personnel who test positive for alcohol or illegally-used drugs shall be subject to disciplinary procedures up to and including termination. However, the first time an Officer tests positive for alcohol or illegally used drugs, the Officer shall be offered and the Officer shall sign a Rehabilitation Agreement and the Officer shall receive up to a 5 day suspension. Note that refusing to sign the Rehabilitation Agreement under these circumstances constitutes a separate violation of this policy. Sworn personnel who sign the Rehabilitation Agreement and undergo treatment will be assigned administrative duties and have their weapon carrying privileges suspended until such time as they are certified, by the treatment provider, to be recovering and able to safely carry weapons, at which time the disciplinary procedures being held in abeyance shall not be served. A record of the original disciplinary action, as well as successful completion of rehabilitation, shall remain in the Officer's medical personnel file. They will also be subject to Follow-Up drug testing as described in V(B) above.

#### VII. CONSEQUENCES OF VIOLATION OF THE POLICY

Any violation of the Substance Abuse Policy shall lead to disciplinary action up to and including termination. The severity of the action chosen will depend on the circumstances of each case. The Commissioner may, at his discretion, suspend any disciplinary action while an Officer is undergoing substance abuse treatment subject to a Rehabilitation Agreement (see "Consequences of a Positive Test" above). Refusing to sign a Rehabilitation Agreement shall result in a recommendation of termination.

Refusing to submit to a drug or alcohol test (except as regards Condition of Promotion testing), or switching or adulterating any blood or urine sample, shall result in a recommendation of termination.

Failure to adhere to the terms of the rehabilitation agreement shall result in disciplinary action up to and including termination.

## Appendix A

### REFERRAL PROCEDURES FOR SUPERVISORS

The Department's supervisors are responsible for being alert to declining job performance, erratic behavior or other symptoms of possible substance abuse. Whenever a supervisor who has been trained in the making of determinations of reasonable suspicion of drug and/or alcohol use (as defined in Section II of these procedures) makes such a determination the following steps will be taken:

- A. The supervisor will document in writing all circumstances, information and facts leading to and supporting his/her suspicion. At a minimum, the report will include appropriate dates and times of suspect behavior, reliable/credible sources of information, rationale leading to referral for testing and the action(s) taken.
- B. Prior to referring an Officer for testing, the supervisor will discuss the problem with the Officer in a private location with one witness, preferably another supervisor, present. Caution will be taken not to accuse the Officer of substance abuse, but the Officer will be presented with instances of questionable behavior. If the Officer does not have an acceptable explanation for his questioned behavior, the supervisor will continue with the procedures set forth in this section. Nothing in this procedure is intended to prevent the Officer from invoking any Weingarten rights the Officer may have.
- C. The supervisor shall consult with a second supervisor of a higher rank and they shall jointly decide whether to refer an Officer for testing. All persons involved in the decision-making process will have received training in the identification of actions, appearance, and conduct which are indicative of the use of alcohol and/or drugs.
- D. In those cases where the supervisor determines that the person's behavior causes a potential threat of harm to himself or others, the Officer will be immediately removed from the work site and where there is no other misconduct resulting in suspension the Officer shall be placed on administrative leave and shall be subject to customary restrictions of such leave.
- E. Once a determination has been made to refer an Officer for testing, it will be the responsibility of the supervisor to advise the Officer of such decision and to escort the Officer to a collection facility. The supervisor should remain with the Officer at the collection site facility until testing is concluded. In the event that leaving the scene and/or remaining with the Officer is not feasible, the supervisor will 1) arrange transportation to the collection facility (the Officer will be instructed not to drive a vehicle), 2) notify the collection facility that the Officer is being sent for testing, 3) request that the collection facility notify the supervisor when collection procedures are completed, 4) arrange transportation for the Officer following the collection process, and 5) notify the Officer that he or she is not to return to work pending receipt of the test results by the Office of Internal Investigation.

- F. Upon conclusion of the examination, the supervisor will ensure that the Officer is escorted to his destination. The supervisor will direct the Officer not to drive himself to his destination. The Officer will be relieved from duty pending receipt by the Office of Internal Investigation of the test results and the Officer will be notified of this change in status.
- G. If the Officer tests negative for drugs or alcohol, the Officer will be compensated for any regularly scheduled hours he or she would have worked during the suspension period.
- H. In those cases where a supervisor discovers an Officer who possesses what appears to be a controlled substance, illegally-used drug or alcohol, he or she will proceed as described above for instances where reasonable suspicion exists, and, if the substance in question appears to be a controlled substance or illegally-used drug, will in addition perform the following steps:
  - 1. Immediately confiscate the substance and all equipment or paraphernalia directly employed with the substance. Wrap them in any available clean material (e.g. paper towel, copier paper, handkerchief). The supervisor will keep the package on his or her person or where he or she can be absolutely sure it cannot be tampered with and shall strive to process the materials as soon as possible.
  - 2. As soon as the supervisor can, he or she will put the wrapped materials, still in the wrapping, into a large envelope and seal the envelope completely. The supervisor's initials will be written over the seam of the envelope in several places.
  - 3. The supervisor will write the Officer's name, his or her own name, and the date at the top of the envelope, will promptly notify his or her commanding officer, and will turn the envelope over as soon as possible to the Office of Internal Investigation. The supervisor will witness the signing and dating of the envelope by the person to whom he or she turns it over.
  - 4. All persons who subsequently and for whatever reason have possession of the envelope will sign and date it in the presence of the previous supervisor.
  - 5. The Bureau of Professional Standards and Development will be responsible for delivering the substance to the Division of Food and Drug for analysis. Pending delivery the substance will be secured appropriately.

## Appendix B

### REHABILITATION AGREEMENT

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Dear \_\_\_\_\_:

On \_\_\_\_\_, 19\_\_\_\_, the Boston Police Department agreed to your request to seek counseling and referral to a rehabilitation program for alcohol and/or drug abuse. The following conditions apply to your rehabilitation program:

1. You must authorize your treatment provider to provide proof to the Office of Internal Investigation of enrollment in a rehabilitation program and proof of attendance at all required sessions on a monthly basis. Your attendance will be monitored closely and the Bureau of Professional Standards and Development will initiate appropriate disciplinary action up to and including termination if you do not regularly attend all sessions.
2. You must adhere to all of the requirements of the drug or alcohol treatment or counseling program in which you are enrolled.
3. If you are absent from work during the rehabilitation period without prior authorization, you must promptly submit a written doctor's certificate explaining the reason for such absence. The Department will take disciplinary action if you are absent as a result of alcohol or drug use.
4. You will pay for all costs of rehabilitation which are not covered under the employee's health plan.
5. During the thirty-six months following the completion of your rehabilitation program, the Department will test you for alcohol and/or drug use on a random basis. The Department will take prompt disciplinary action if you refuse to submit to testing or if you test positive during this period.
6. You must meet all established standards of conduct and job performance. The Department will institute appropriate disciplinary action if your on-the-job conduct or job performance is unsatisfactory.
7. Failure to comply with all of the above conditions will result in the institution of appropriate disciplinary action, up to and including termination. Furthermore, rehabilitation personnel will notify the Department in writing or appear for testimony at administrative, civil service and superior court hearings in the event an Officer has not complied with the designated rehabilitation program.

I hereby voluntarily agree to all of the above conditions and authorize my treatment provider to provide the Office of Internal Investigation with proof of my enrollment and attendance at the

recommended rehabilitation program. I sign this rehabilitation agreement of my own free will, and without duress.

_____	_____
Officer's Name	Commanding Officer's Name
_____	_____
Officer's Signature	Commanding Officer's Signature
_____	_____
Date	Date

### Appendix C

#### PROCEDURES FOR DRUG TESTING

All drug tests administered pursuant to the Department's Substance Abuse Policy will be conducted in strict accordance with the following procedures:

1. Laboratory Qualifications: The Boston Police Department (the Department) has retained a certified laboratory under the Department of Health and Human Services (HHS) Mandatory Guidelines for federal workplace drug testing programs. The use of a certified laboratory ensures that the highest standards of forensic toxicology are being met.
2. Controlled Substances: The following drugs will be tested for:
  - a. Marijuana
  - b. Cocaine
  - c. Opiates
  - d. Amphetamines
  - e. Phencyclidine
  - f. others as appropriate.
3. Security and Chain of Custody: The selected laboratory will maintain strict security at its laboratory facilities and will strictly adhere to the chain of custody procedures mandated by DOT and HHS. This will include:
  - a. Use of a standard drug testing custody and control form;
  - b. Use of a clean, single-use specimen bottle that is securely wrapped until filled with the specimen, or use of a clean, single-use collection container that is securely wrapped until utilized;

- c. Use of a tamperproof sealing system designed to ensure against undetected opening and the use of a specimen bottle with a unique identifying number which is identical to the number appearing on the custody and control form;
- d. Use of a shipping container in which the specimen and related paperwork may be transferred and which can be sealed and initialed to prevent undetected tampering;
- e. Written procedures, instructions and training to ensure the integrity of the process shall be provided to collection personnel.

4. Specimen Collection Procedures:

- a. All specimens will be collected at designated collection sites which have necessary personnel certified by the laboratory in accordance with NIDA standards, materials, equipment and supervision to provide for specimen collection, security, temporary storage facilities, and shipping or transportation to the laboratory;
- b. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe a person may alter or substitute the specimen to be provided. The following are the exclusive grounds constituting reason to believe an individual may alter or substitute a specimen:
  - 1. The Officer presents a specimen which falls outside normal temperature range (32.5°-37.7°C/90.5°-99.8°F); and
    - a. The person refuses to provide a measurement of oral body temperature; or,
    - b. Oral body temperature varies by more than 1°C/1.8°F from the temperature of the specimen.
  - 2. The last urine specimen provided by the Officer was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;
  - 3. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g. substitute urine in plain view, blue dye in the specimen presented, etc.); or,
  - 4. The Officer has previously been determined to have used a controlled substance without medical authorization and the test was being conducted under Department procedures providing for follow-up testing upon            or            after            return            to            service.

In any case where a determination is made by a collection site person to observe a specimen collection, a higher-level supervisor of the collection site person, or the Office of Internal Investigation, shall review and concur in such decision in advance. All direct observation shall be conducted by a person of the same gender as the person providing the specimen. In any case where collection is monitored<sup>2</sup> by non-medical personnel, the person shall be the same gender as the person providing the specimen.

- c. The following procedures shall be used to ensure the integrity and identity of the specimen.
  1. Toilet bluing agents will be placed in the toilet tanks whenever possible so the reservoir remains blue. Where practical, there shall be no other source of water in the enclosure where urination occurs. If there is another source of water, it shall be effectively secured or monitored so as to ensure it is not used as a source for diluting the specimen.
  2. Upon arriving at the collection site, the Officer to be tested shall present the collection site person with proper identification to ensure that he/she is positively identified as the person selected for testing (e.g., by presenting a driver's license or other photo ID, or by identification by the Office of Internal Investigation). If the Officer's identity cannot be established, the collection site person shall not proceed with the collection, and the Office of Internal Investigation shall be notified. If requested by the Officer, the collection site person shall show his or her identification to the Officer.
  3. If the Officer scheduled to be tested fails to arrive at the collection site at the assigned time, the collection site person shall contact the Office of Internal Investigation to obtain guidance on the action to be taken.
  4. The Officer to be tested will be required to remove any unnecessary outer garments (e.g., a coat or jacket) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen. The collection site person shall ensure that all personal belongings such as purses or briefcases remain with the outer garments. The Officer may retain his or her wallet. If requested, the collection site person shall provide the Officer with a receipt for any personal belongings.
  5. The Officer shall be instructed to wash and dry his/her hands prior to urination.



6. After washing his/her hands, the Officer shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.
7. The Officer may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection person shall provide the Officer with a specimen bottle or collection container, as applicable.
8. The collection site person shall note any unusual behavior or appearance of the Officer which may indicate the sample may have been tampered with on the urine custody and control form.
9. Upon receiving the specimen from the Officer, the collection site person shall determine if it contains at least 60 milliliters of urine. If the Officer is unable to provide 60 milliliters of urine, the collection site person shall direct the Officer to drink fluids and, after a reasonable time, again attempt to provide a complete sample using a fresh specimen bottle or a fresh collection container. The original specimen shall be discarded. If the Officer is still unable to provide a complete specimen, the following rules apply:
  - a. In the case of a reasonable cause test, the Officer shall remain at the collection site and continue to consume reasonable quantities of fluids until the specimen has been provided or until the expiration of a period up to 8 hours from the beginning of the collection procedure.
  - b. In the case of a pre-employment test or other test not for cause, the Office of Internal Investigation may elect to proceed as specified in 9.(a) above (consistent with any restrictions on hours of service) or may elect to discontinue the collection and conduct a subsequent collection at a later time to be scheduled by the Office of Internal Investigation.
  - c. If the Officer cannot provide a complete sample within the up to 8-hour period or at the subsequent collection, as applicable, then the MRO shall refer the Officer for a medical evaluation to develop pertinent information concerning whether the Officer's inability to provide a specimen is genuine or constitutes a refusal to provide a specimen.<sup>3</sup> The medical evaluator shall report his or her findings to the MRO. Upon completion of the examination, the MRO shall report his or her conclusions to the Office of Internal Investigation in writing.

10. Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.
11. A specimen temperature outside the range of 32.5° - 37.7°C/90.5° -99.8°F constitutes a reason to believe that the Officer has altered or substituted the specimen in accordance with paragraph 4)b(1) above. This may be cause for the Officer to be required to provide another specimen under direct observation. In such cases, the Officer supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the Officer may have altered or substituted the specimen.
12. Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the custody and control form.
13. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
14. Whenever there is reason to believe that a particular Officer has altered or substituted the specimen as provided in paragraph 4)b(1) or (3) above, a second specimen shall be obtained as soon as possible under the direct observation of a collection site person of the same gender.
15. After the urine specimen is provided, both the Officer being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. The specimen shall be sealed (by placement of a tamperproof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the Officer. If the specimen is transferred to a second bottle, the collection site person shall request the Officer to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.
16. The collection site person, in the presence of the Officer, shall place securely on the bottle an identification label which contains the date, the Officer's specimen number and any other identifying information provided or required by the Department. If separate from the label, the tamperproof seal shall also be applied.

17. The Officer shall, in the presence of the collection site person, initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.
18. The collection site person shall, in the presence of the Officer, enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the form certifying that the collection was accomplished according to the procedures described herein.
19. The Officer shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided. He or she will also have the opportunity to set forth on the form information concerning medications taken or administered in the past 30 days.
20. The Officer will also be required to read and sign a consent and release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances and release of the test results to the Office of Internal Investigation.
21. The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the Officer and shall certify proper completion of the collection process. If the specimen is not immediately prepared for shipment, the collection person shall ensure that it is appropriately safeguarded during temporary storage.
22. While any part of the above chain of custody procedures is being performed, the urine specimen and custody documents must remain under the control of the involved collection site person.
23. The collection site person shall not leave the collection site in the interval between presentation of the specimen by the Officer and securement of the sample with an identifying label bearing the Officer's specimen identification number and seal initialled by the Officer. If it becomes necessary for the collection person to leave during this interval, the collection shall be nullified and (at the election of the Office of Internal Investigation) a new collection begun.
24. To the maximum extent possible, the collection site personnel shall keep the Officer's specimen bottle within sight both before and after the Officer has urinated. After the specimen is collected it shall be properly sealed and labeled.

25. Collection site personnel shall arrange to ship the collected specimen to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers) and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date the specimens were sealed in the shipping containers for shipment. The collection site person shall ensure that the chain of custody documentation is attached or enclosed in each container sealed for shipment to the drug testing laboratory.
26. If the Officer refuses to cooperate with the collection process, the collection site person shall inform the Office of Internal Investigation and shall document the non-cooperation on the drug testing custody and control form.
27. If the sample is being collected from an Officer in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen.
28. A chain of custody form (and a laboratory internal chain of custody document, where applicable) shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

5. Laboratory Procedures:

- a. Drug testing laboratories shall be secure at all times and shall have in place sufficient security measures to control access to the premises and to ensure no unauthorized personnel handle the specimens or gain access to the laboratory process or areas where records are stored.
- b. Laboratories shall use chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on an appropriate chain of custody form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized technicians shall be responsible for each urine specimen or aliquot in their possession and shall sign and complete chain of custody forms for those specimens or aliquots<sup>4</sup> as they are received.

- c. 1) When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible tampering and compare information on specimen bottles within each package to the information on the accompanying chain of custody forms. Any direct evidence of tampering or discrepancies in the information on specimen bottles and the Department's chain of custody forms attached to the shipment shall be immediately reported to the Office of Internal Investigation and shall be noted on the laboratory's chain of custody form which shall accompany the specimens while they are in the laboratory's possession.  
  
2) Specimen bottles generally shall be retained within the laboratory's accession area until all analyses have been completed. Aliquots and the laboratory's chain of custody forms shall be used by laboratory personnel for conducting initial and confirmatory tests.
- d. Specimens that do not receive an initial test within 7 days of arrival at the laboratory shall be placed in secure refrigeration units. Temperatures shall not exceed 6°C. Emergency power equipment shall be available in case of prolonged power failure.
- e. Laboratory facilities for urine drug testing will normally process specimens by grouping them into batches. When conducting either initial or confirmatory tests, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of 10 percent controls. Both quality control and blind performance test samples shall appear as ordinary samples to laboratory analysts.
- f. 1) The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

	Initial Cutoff (ng/ml) <sup>5</sup>	Test Levels
Marijuana metabolites	100	
Cocaine metabolites	300 <sup>6</sup>	
Opiate metabolites	300	
Phencyclidine	25	

Amphetamines 1,000

g. 2) These cutoff levels are subject to change by the HHS as advances in technology or other considerations warrant identification of these substances at other concentrations. For drugs not listed in f.(1) above, cutoff levels to be used shall, when available, be those then specified by the HHS.

h. 1) All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis.

Confirmatory cutoff (ng/ml)		test levels
Marijuana metabolite <sup>7</sup>		15
Cocaine metabolite <sup>8</sup>		150
Opiates:	Morphine	300
	Codeine	300
Phencyclidine		25
Amphetamines:	Amphetamine	500
	Methamphetamine	500

i. 2) These cutoff levels are subject to change by the HHS as advances in technology or other considerations warrant identification of these substances at other concentrations. For drugs not listed in g.(1) above, cutoff levels to be used shall, when available, be those then specified by the HHS.

j. 1) The laboratory shall report test results to the MRO within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the Department, and the drug testing laboratory specimen identification number (accession number).

k. 2) The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

3) The MRO may request from the laboratory and the laboratory shall provide quantification of test results. The MRO shall report whether the test is positive or negative to the Office of Internal Investigation and may report the drug(s) for which there was a positive test, but shall not disclose the quantification of test results to the Office of Internal Investigation.

4) The laboratory may transmit results to the MRO by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and the MRO must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.

l. 5) The laboratory shall send only to the MRO the original or a certified true copy of the drug testing custody and control form (part 2), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.

m. 6) The laboratory shall provide to the Superintendent, Chief of the Office of Internal Investigation a monthly statistical summary of urinalysis testing of sworn personnel and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month. Normally this summary shall be forwarded by registered or certified mail not more than 14 calendar days after the end of the month covered by the summary.

Monthly reports shall not include data from which it is reasonably likely that information about sworn personnel's tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory will so inform the Office of Internal Investigation in writing.

7) Unless otherwise instructed by the Office of Internal Investigation in writing, all records pertaining to a given urine specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

n. Long term frozen storage (-20°C or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. The laboratory shall retain and place in properly secured long term frozen storage for a minimum of 1 year all specimens confirmed positive, in their

original labeled specimen bottles. Within this 1 year period, the Office of Internal Investigation may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after the end of 1 year, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

- o. Because some analytes deteriorate or are lost during freezing and/or storage, quantification for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.
- p. The drug testing laboratory shall maintain and make available for at least 2 years documentation of all aspects of the testing process. This 2 year period may be extended upon written notification by the Office of Internal Investigation. The required documentation shall include personnel files on all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; procedure manuals; all test data (including calibration curves and any calculations used in determining test results); reports; performance records on performance testing; performance on certification inspections; and hard copies of computer-generated data. The laboratory shall maintain documents for any specimen known to be under legal challenge for an indefinite period.

#### 6. Reporting and Review of Results

- i. An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an Officer/applicant as having used drugs in violation of Department policy. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer (MRO) prior to the transmission of the results to the Office of Internal Investigation. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face. The duties of the MRO with respect to negative results are purely administrative.
- j. 1) The MRO shall be a licensed physician with knowledge of substance abuse disorders who has been approved by the NIDA certified laboratory retained by the City.
- k. 2) The MRO shall not be an employee of the laboratory conducting the drug test.
- l. 3) The role of the MRO is to review and interpret confirmed positive test results obtained through the Department's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the Officer's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by



the tested Officer when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with the procedures set forth herein.

- m. 1) Prior to making a final decision to verify a positive test result for an Officer, the MRO shall give the Officer an opportunity to discuss the test result with him or her.
- n. 2) The MRO shall contact the Officer directly, on a confidential basis, to determine whether the Officer wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the Officer. Except as provided in paragraph (c)(5) of this section, the MRO shall talk directly with the Officer before verifying a test as positive.
  - 3) If, after making all reasonable efforts and documenting them, the MRO is unable to reach the Officer directly, the MRO shall contact the Office of Internal Investigation who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the Officer through the Office of Internal Investigation, the Internal Affairs Division shall employ procedures that ensure, to the maximum extent practicable, that the requirement that the Officer contact with the MRO is held in confidence.
  - 4) If, after making all reasonable efforts, the Office of Internal Investigation is unable to contact the Officer, the Department may place the Officer on administrative leave with pay.
- o. 5) The MRO may verify a test as positive without having communicated directly with the Officer about the test in two circumstances:
  - a. The Officer expressly declines the opportunity to discuss the test; or,
  - b. The Office of Internal Investigation has successfully made and documented a contact with the Officer and instructed the Officer to contact the MRO and more than five days have passed since the date the Officer was successfully contacted by the Office of Internal Investigation.
- 6) If a test is verified positive under the circumstances specified in paragraph (5)(b) of this section, the Officer may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the Officer from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the Officer to present

information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative as per (f) below.

7) Following verification of a positive test result, the MRO shall refer the case to the Office of Internal Investigation.

- h. Before the MRO verifies a confirmed positive result for opiates, he or she shall determine that there is clinical evidence -- in addition to the urine test --of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine). (This requirement does not apply if GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine).
- i. Should any question arise as to the accuracy or validity of a positive test result, only the MRO is authorized to order a reanalysis of the original sample and such retests are authorized only at laboratories certified by HHS and which may be selected by the Officer as long as such laboratory is certified by NIDA utilizing the same certification levels referred to in the "Laboratory Procedures", paragraph 5, subparagraph (g) of this policy. The MRO shall authorize a reanalysis of the original sample if requested to do so by the Officer within 72 hours of the Officer's having received actual notice of the positive test. If the retest is negative, the MRO shall declare the final result to be negative.
- j. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test result to the Office of Internal Investigation as negative and shall include in the report a list of all prescription medications being used by the Officer.
- k. Additionally, the MRO, based on review of inspection reports, quality control data, multiple samples, and other pertinent results, may determine that the result is scientifically insufficient for further action and declare the test specimen negative. In this situation the MRO may request reanalysis of the original sample before making this decision. The laboratory shall assist in this review process as requested by the MRO by making available the individual responsible for day-to-day management of the urine drug testing laboratory or other employee who is a forensic toxicologist or who had equivalent forensic experience in urine drug testing, to provide specific consultation as required by the Department.
- l. Except as provided in this paragraph, the MRO shall not disclose to any third party any medical information provided by the Officer to the MRO as a part of the testing verification process.
- m. 1) The MRO may disclose such information to the Office of Internal Investigation only if in the MRO's reasonable medical judgment the information indicates that

continued performance by the Officer of his or her safety sensitive function could pose a significant safety risk.

2) Before obtaining medical information from the Officer as part of the verification process, the MRO shall inform the Officer that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.

7. Protection of Sworn Personnel Records

8. Department contracts with laboratories require that the laboratory maintain sworn personnel test records in confidence. The contracts will provide that the laboratory shall disclose information related to a positive drug test only to the Office of Internal Investigation.

9. Individual Access to Test and Laboratory Certification Results

Any Officer who is the subject of a drug test conducted under this policy shall, upon written request to the Chief, Bureau of Professional Standards and Development, have access to any records relating to his or her drug test and any records relating to the results of any relevant certification, review, or revocation-of-certification proceedings.

Positive test results for drug and/or alcohol shall be retained by the Department and processed as in the same manner as are any violations of Department Rules and Procedures. Documentation leading up to or supporting a decision to test where the test is positive shall be retained and/or processed in the same manner as any violation of Department Rules and Procedures. Documentation leading up to a decision to test where the test is negative shall be filed separately with the Superintendent, Chief of the Bureau of Professional Standards and Development and shall remain confidential.

Appendix

D

PROCEDURES FOR ANNUAL HAIR TESTING

- A. Tracking System - The Department shall develop and maintain a tracking system that ensures each Officer who is subject to Annual Testing will undergo a hair test as required by Rule 111, sec. V, para. G.
- B. Notification to Submit - The Department shall provide to Commanding Officers a listing of those Officers who shall be required to submit to an annual hair test. The Commanding Officer or his/her designee shall notify the Officer when he/she shall submit to the test at Occupational Health Services.
- C. Collection Personnel - Certified employees of the Occupational Health Services Unit shall perform all hair sample collections.

- D. Identification of Officer's Identity - The Officer's identity shall be verified by checking the driver's license or other photo identification. The Department, including personnel from the Occupational Health Services Unit, may do a visual identification of the Officer, however this must be noted on the Test Request Form.
- E. Completing the Test Request Form - The Test Request Forms (TRF) are pre-printed forms that are coded specifically to the Department. The collection personnel shall fill out the form in the presence of the Officer. The TRF includes information such as the collector's identity, the Test Subject Identification Number, and where the sample was collected (ex., crown of head, nape of the neck).
- F. Completing the Sample Acquisition Card (SAC) - The SAC is a card that will hold the hair sample during transportation. A foil used for collection is included with the card. These steps may occur prior to or after the collection of the hair sample and shall be completed in the presence of the Officer.
1. The collection personnel shall sign and date the SAC. The collection personnel shall write the Test Subject Identification Number on the SAC. This number must match the number listed on the TRF.
  2. The collection personnel shall place the bar code from the TRF on the SAC to ensure the two documents are identified with one another.
- G. Collecting the Hair Sample - The collection personnel shall complete each of the following steps in the presence of the Officer.
1. The collection personnel will grasp a small lock of hair approximately  $\frac{1}{2}$  inch wide by one strand deep when held flat and cut the sample close to the scalp. If the head hair is not available other body hair shall be collected.
  2. The sample is then placed in the foil with the root ends extending approximately  $\frac{1}{4}$  inch. The foil is pressed together, trapping the sample inside. If the hair is long, the collection personnel will wrap the remaining hair around the foil.
  3. The collection personnel shall place the sample inside the SAC, sign and date the integrity seal, and place the integrity seal over the designated spot on the SAC.
  4. The Officer shall initial the SAC in the space provided.
  5. The Officer shall complete the Donor Certification section of the TRF that includes the Officer's name and telephone number. In the comments

section, the donor may provide additional information for the Medical Review Officer (MRO), (ex., use of prescription medicine or an additional phone number where the MRO can contact the Officer if the need arises).

6. The copy of the TRF that contains the Donor Certification section shall be separated from the TRF and placed in a sealed envelope addressed to the MRO. The Officer shall initial and date the sealed envelope. The sealed envelope shall be kept in a secured area until sent to the MRO, at the next regularly scheduled pick-up using an overnight carrier.
  7. The collection personnel shall place the SAC and a copy of the TRF into the collection pouch and seal the pouch.
  8. The Officer shall initial and date the collection pouch in the space provided.
- H. Storing and Shipping the Sample - The sealed collection pouch shall be kept in a secured area until sent to the laboratory, at the next regularly scheduled pick-up using an overnight carrier.
- I. Licensed Laboratory - The sample shall be tested at a licensed laboratory that is certified to perform hair testing.
- J. Review of Test Result by an authorized Medical Review Officer (MRO) - All hair sample drug test results shall be reviewed by an authorized MRO prior to the transmission of the test results to the Commanding Officer, Bureau of Professional Standards and Development (BPSD)
1. The duties of the MRO with respect to positive test results are to review and interpret confirmed, positive test results obtained through the Department's annual hair testing program. In carrying out this responsibility, the MRO shall examine alternative medical explanations for any positive test result. This action may include conducting a medical interview and review of the Officer's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested Officer when a positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results for hair samples that are not obtained or processed in accordance with the procedures set forth herein.
  2. Prior to making a final decision to verify a positive test result for an Officer, the MRO shall give the Officer an opportunity to discuss the test result with him. For example, there may be a legitimate positive test result for the use of legally prescribed or dispensed medication such as codeine for coughs, narcotic analgesics for pain, tetrahydrocannabinol for

cancer, cocaine as a vasoconstrictive anesthetic, etc. It is important to note that it is highly unlikely that a medically acceptable explanation will be found for the presence of cocaine or marijuana.

3. The MRO shall contact the Officer directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in Paragraph J(5) of this Section, the MRO shall talk directly with the employee before verifying a test as positive.
4. If after making all reasonable efforts and documenting them, the MRO is unable to reach the Officer directly, the MRO shall contact BII who shall contact the Officer and direct him to contact the MRO as soon as possible. If it becomes necessary to reach the Officer through BII, the Bureau shall employ procedures that ensure, to the maximum extent practicable, that the requirement that the Officer contact with the MRO is held in confidence.
5. The MRO may verify a test result as positive without having communicated directly with the Officer in three circumstances.
  - a. If the Officer expressly declines the opportunity to discuss the test result, the test shall be reported as positive.
  - b. If BII has successfully made and documented a contact with the Officer and instructed the Officer to contact the MRO and more than five calendar days have passed since the date the Officer was successfully contacted by BII and the Officer has not contacted the MRO, the test shall be reported as positive.
  - c. If after making all reasonable efforts and documenting them, BII has not been able to contact the Officer and fourteen calendar days have passed since BII's first documented attempt to contact the Officer, the test shall be reported as positive.
6. The MRO shall report to BII any samples that were not suitable for testing. When BII receives a test result that indicates the hair specimen was an inadequate specimen and/or was not testable for any other reason, BII shall contact the Officer and require him/her to provide another specimen for testing provided the collection occurs on or within thirty (30) calendar days of that Officer's birthday.

7. The MRO shall report whether the verified test result is positive or negative to BII. If the MRO, in his/her sole medical opinion, concludes there is a legitimate medical explanation for the positive test result, the MRO shall report the test result as negative to BII.
  8. BII shall notify each Officer who receives a positive test result and the provisions of Rule 111 shall apply.
- K. Safety-Net Tests - If an Officer receives a positive, confirmed hair test result, the Officer may request a safety-net test. The safety-net test must be performed under the same or more stringent procedures as recommended by the manufacturer.
1. To request the safety-net test, the Officer must submit a written request to the Commanding Officer, BII within 72 hours of being notified by BII of the positive test result. BII shall notify Occupational Health that a safety-net test has been requested, and Occupational Health shall schedule the safety-net test forthwith. The Officer must pay for the costs of the safety-net test and the MRO review, payable by check made out to the City of Boston at the time of the sample collection.
  2. For Officers who have requested a safety-net test, the Department shall immediately place the Officer on administrative duty pending the outcome of the safety-net test. While on administrative duty the Officer shall not carry a firearm and shall not be eligible for overtime or details.
  3. If the result of the safety-net test result is negative, the Officer shall be reimbursed for the costs of the safety-net test and the MRO review and shall be made whole, e.g., paid for any overtime or details he/she would have been eligible to perform pursuant to the current collective bargaining agreement. Likewise, said hours shall be recorded and posted pursuant to the current collective bargaining agreement. In addition, the Officer's IAD file shall be expunged of the prior positive test result that led to the safety-net test.
- L. Access and Storing of Test Results - Any Officer who is the subject of a hair test conducted under this procedure shall, upon written request to the Commanding Officer, BII, have access to any and all record(s) relating to his/her hair test result that is/are in the possession of the Department. Such results and records are confidential medical information and shall not be disclosed without the Officer's consent except to the extent necessary to effectuate the purposes of the Department's Substance Abuse Policy. Positive hair test results shall be retained by the Department and processed in the same manner as any violations of Department Rules and Procedures.

M. Applicability of Rule 111 - The hair testing procedures are effective pursuant to the collective bargaining agreement. Nothing contained herein alters the current Substance Abuse Policy as it relates to other drug/alcohol testing, procedures, or requirements, e.g., switching, adulterating or refusing to be tested are prohibited by Section IV of Rule 111.

---

<sup>1</sup>National Institute on Drug Abuse, Research Monograph 73 - "Urine Testing for Drugs of Abuse", 1986.

<sup>2</sup> A collection site person "monitors" a collection for this purpose only if he or she is in close proximity to the Officer as the Officer provides the sample, such that the collection site person can hear the Officer's actions.

<sup>3</sup>Such a referral is not necessary in pre-employment testing where the Department does not wish to hire the person.

<sup>4</sup>An aliquot is that portion of the urine specimen used for testing.

<sup>5</sup>ng = nanograms

ml = milliliters

<sup>6</sup>25 ng/ml if immunoassay specific for free morphine

<sup>7</sup>Delta-9-tetrahydrocannabinol-9-carboxylic acid

<sup>8</sup>Benzoylcegonine

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Appendix C (4-26).
- Amended by Special Order 07-056, issued October 3, 2007, Sec. V Line F. "Entry and Apprehension Team" or "Entry Team" in Boston Police Rules and Procedures and Special Orders changed to "Boston Police SWAT Team".
- Amended by SO 08-034, issued 09/12/2008, All references to the "Ballistics" or "Ballistics Unit" shall be amended to Firearms Analysis Unit. All references to the "Ballistician" or the "Department Ballistician" shall be amended to the Firearms Examiner. Section V, paragraph F.



## Rules and Procedures

### Rule 112

May 31, 1995

#### Rule 112 - DEFINING DEPARTMENTAL WRITTEN DIRECTIVES

The purpose of this Rule is to standardize the usage and issuance of the various types of written orders, rules, memorandums and other official forms of written communication within the Department.

**Sec. 1 General Considerations:** Currently within the Boston Police Department there are a number of different types of documents that are used to apprise employees about topics such as new policies and procedures, new programs, law changes, job postings or training opportunities. In order to eliminate confusion over which document is the appropriate medium for a particular subject, the following documents shall only be used in accordance with their definitions, as defined below.

#### Sec. 2 Definitions:

1. Rule and Procedure - a document that details duties, responsibilities, Department policies and procedures for an individual or a Unit that must be followed in all or in certain specified conditions. A Department Rule and Procedure does not have an expiration date and continues in full force and effect unless superseded or rescinded.
2. Special Order - A Special Order announces and puts into effect a new Department program or policy which changes previously existing duties and responsibilities or previously existing policies and procedures for an individual or a Unit. It may also announce the formation of new Offices, Units and Task Forces and detail their responsibilities. Special Orders continue in effect until such time as they are superseded or rescinded, but shall be reviewed by the Executive Committee on Rules and Procedures approximately one year from the date on which they became effective. At that time, the Executive Committee on Rules and Procedures shall determine whether a Special Order shall continue in effect or be incorporated into a Rule and Procedure.
3. Commissioner's Memorandum - A Commissioner's Memorandum shall be used to make announcements or to convey information about a specific event or activity. Examples of proper subjects of a Commissioner's Memorandum are: employment or training opportunities; declaration of a special day, i.e., Blood Relief Day, Policeman's Mass, et al; description of a City of Boston or private corporation's new program. Since this is an informational document, it has no specific expiration date beyond those that might be mentioned within the document concerning an application deadline, etc..
4. Training Bulletin - Police officers are responsible for being aware of changes in the law as they occur. To assist officers in keeping abreast of such changes, the Boston Police Academy issues Training Bulletins that summarize the laws or explain currently acceptable and recommended police procedures. Although they are designed to be

informational in nature, to the extent that such bulletins state that a particular procedure is either mandated by law or is the proper way an act should be performed, that bulletin constitutes official Department policy and shall be followed.

Prior to their issuance and distribution, Training Bulletins shall be referred to the Office of the Legal Advisor for review and approval as to law and then referred to the Rules and Procedures Review Committee. The Rules and Procedures Review Committee shall determine whether the proposed Training Bulletin is consistent with other Department policies and procedures and shall also make a determination as to whether the subject matter should be issued as a Special Order or Department Rule and Procedure instead of, or in addition to, a Training Bulletin.

Upon being approved, Training Bulletins shall be forwarded, with or without changes, to the Police Commissioner for his signature. Training Bulletins have no expiration date, but may be superseded or rescinded by newer bulletins or other Department written directives when laws and/or policies change. In addition, Training Bulletins shall be reviewed by the Executive Committee on Rules and Procedures approximately one year from the date on which they became effective. At that time, the Executive Committee on Rules and Procedures shall determine whether the Training Bulletin shall continue in effect or be incorporated into a Rule and Procedure.

**Sec. 3 Rule and Special Order Submission and Approval Procedures:** Except for emergencies or situations requiring immediate action, all proposals requiring a change or addition to the Rules and Procedures, or the issuance of a Special Order, shall be submitted to the Rules and Procedures Review Committee for their review and approval.

Upon being reviewed and approved, the proposal shall be forwarded, with or without changes, to the Executive Committee on Rules and Procedures for final review.

The Executive Committee on Rules and Procedures may decline any action on the proposal (i.e., disapprove it), forward the proposal to the Police Commissioner, with or without changes, or return it to the Rules and Procedures Review Committee for further consideration.

**Sec. 4 Emergency Situations:** Emergencies or special situations requiring immediate action may be brought to the attention of the Police Commissioner, utilizing the appropriate chain of command, without first being referred to the above committees.

**Sec. 5 Police Commissioner's Approval:** Before any Department Rule and Procedure, Special Order, Commissioner's Memorandum or Training Bulletin may be issued, it must be approved and signed by the Police Commissioner.

## **Rules and Procedures**

### **Rule 113**

**May 31, 1995**

#### **Rule 113 - PUBLIC INTEGRITY POLICY**

Sec. 1 PURPOSE: The purpose of this policy is to set forth the standards of ethics which will guide both the Boston Police Department, as an organization, and its officers and employees in the conduct of their private and professional affairs.

Sec. 2 BACKGROUND: Policing in America today, especially in a major urban area, is a complex and, for many, a stressful occupation. Naturally, the police role has evolved greatly over the years. Officers now face enormous dangers to their physical and mental health. The increased level of violence and the increased level of sophistication of today's criminal present unprecedented challenges for the criminal justice system, especially for those in law enforcement. Additionally, the temptations that they face have created an added stress for the men and women who are on the front lines in the battle against crime and disorder. These temptations not only include possibilities of personal gain, monetary and otherwise, they also encompass over-zealousness in the investigation and prosecution of criminal suspects.

In order to maintain the highest standards of honesty and integrity--as a Department and as individuals--we need to attract and retain persons of outstanding character who are qualified and willing to meet the challenges of policing a diverse urban center such as Boston. Additionally, we need to correct and retrain those who have acted in a manner inconsistent with the values of the Boston Police Department and punish and/or terminate those who are unable or unwilling to act in accordance with established standards of ethical behavior.

The necessity of such a course of action--and the need to establish and articulate a public integrity policy--is undeniable given the history of problems encountered in most American police departments, especially those in large urban areas. Boston certainly has not been immune to those problems. Corruption, brutality, falsifying evidence, and bias cannot be tolerated among individuals sworn to uphold the law. Nor can hypocrisy, unfairness, deceit and discrimination be tolerated in an organization dedicated to the highest ideals of justice and the rule of law.

The Boston Police Department, mindful of its crucial role in a democratic society, has embraced those principles and values that reflect its commitment to preserving life and property while respecting the rights and dignity of all those with whom it may become involved. Accordingly, we rededicate ourselves to those principles and values by formally adopting ethical standards that will enable us to uphold the public trust. Through the adoption of this policy statement, we reaffirm our responsibility to be accountable for our actions and the conduct of our employees. By doing so, we hope to continue to merit the trust and support of the people that we have sworn to serve.

Sec. 3 POLICY: It is the policy of the Boston Police Department that every action of the Department as an organization, and those of the individuals who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our dealings, whether with the public, other elements of the criminal justice system, or with each other, we will act in accordance with the ethical standards that are set forth below. Additionally, it is the responsibility of each and every member of the Boston Police Department to adhere to those standards and to take all necessary and prudent actions to expose those who knowingly violate the public trust. It is the responsibility of the Department to prevent, detect and correct instances of misconduct, administrative or criminal, within the organization.

Sec. 4 DEFINITIONS:

Integrity: Soundness of moral principles; the character of uncorrupted virtue; uprightness, honesty, self-control, courage, compassion.

Public Trust: Exercising public authority within the legal limits and according to the ends for which it was created, i.e., to serve the public interest.

Authority: The legally-granted right to issue commands or give directions to others.

Discretion: The authorized capacity to make judgments and choose from among a variety of actions, within the limits of law and Departmental policy, to resolve a problem.

Ethics: Standards or principles of conduct governing a profession; the rules of conduct or duty.

Corruption: Acts involving the misuse of authority by an employee in a manner designed to produce personal gain for himself, herself, or others.

Falsifying Evidence: Fabricating evidence that does not exist; destroying or distorting material evidence; knowingly failing to seek, discover or bring forth evidence that a reasonable person/officer would conclude might have an impact on the outcome of a matter before a court or tribunal of competent jurisdiction, and which prudence and justice dictates should be brought to the attention of a magistrate, officer of the court or hearing officer; or lying or deliberately misrepresenting the truth while under oath.

Bias: The use of authority, legal or otherwise, which results in the unequal application of the law toward some identifiable group or group member because of his/her affiliation with that group.

Employees: All sworn and civilian employees.

Supervisor: Supervisors, managers, directors and commanders.

Sec. 5 CANONS OF ETHICS: General Statement - In furtherance of this policy, the following Canons of Ethics are adopted. They are not meant to be exclusive, but are presented because history and sound judgment indicate that violations of these canons severely undermine the ability of the Department to gain the confidence of both its employees and the public, and also negatively affect its ability to fulfill its essential mission. They are not meant to replace or supersede existing laws, special orders, rules or regulations, but to supplement them; they also serve as a reminder of the public trust that has been conferred upon the Boston Police Department by the citizens of Boston, and the need for constant vigilance in support of that trust.

Canon One: The Boston Police Department and every employee acting under its authority shall uphold the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts and all laws enacted or established pursuant to legally constituted authority.

Canon Two: As a law enforcement organization, the Boston Police Department and its agents shall treat all those with whom it comes into contact, or who may seek its assistance, or who may come under its care or custody, with the respect and dignity inherent in every person.

Canon Three: As an employer, the Boston Police Department shall treat its personnel with fairness, respect, and consideration in all aspects of the job including hiring, assignment, promotion, training, collective bargaining, discipline and, when necessary, termination. It shall establish and promulgate rules, procedures and orders in such a manner as to promote professionalism, merit, and equal opportunity for advancement as well as equal access to resources. The Department shall value communication and solicit and respect the opinions of its employees on matters in which they have expertise, or which may affect their professional interests.

Canon Four: Police officers shall at all times be prepared for the proper discharge of their duties; knowledgeable in the law and legal procedures; competent in the use of authorized weapons and tactics; respectful of other elements in the criminal justice system; and possessing the necessary temperament and attitude to effect the cause of public safety and justice.

Canon Five: Employees shall be impartial in the use of their authority, providing fair access to their services and favoring no group or individual for any improper reason. They shall not allow their prejudices or biases to affect their official actions. They shall exercise their discretion so as to achieve the ends of justice and in a manner consistent with the rule of law and Departmental policy.

Canon Six: Employees shall avoid all conflicts of interests and appearances of impropriety. They shall never seek or accept gratuities when it can be construed to involve their official position within the department.

Canon Seven: Employees shall not engage in any corrupt or unlawful activity. They shall immediately report all corruption and illegal activity involving members of the Department that

may come to their attention to the Anti-Corruption Division.

Canon Eight: Employees shall conduct their private affairs so as not to reflect unfavorably on the Boston Police Department; or in such a manner as to affect their ability to perform their duties honestly, effectively, fairly, and without impairment.

Canon Nine: Police officers shall use only that amount of force reasonably necessary to achieve their lawful purpose. Excessive or unauthorized force is never justified and every officer not only has an affirmative duty to intervene to prevent such violence, but also to report any such instances that may come to their attention.

Canon Ten: Police officers shall exhibit the utmost respect for the legal rights of all. They shall not falsify evidence nor deny to anyone the equal protection of the law. They shall attend to all proceedings where their presence is necessary to the administration of justice and shall conduct themselves professionally and respectfully before any court or tribunal. Police reports and records shall adequately reflect the truth as it is known to the officer at the time they are created.

Canon Eleven: While the responsibility to uncover and report knowledge of illegal and unethical conduct belongs to all employees, regardless of rank or assignment, members of the command staff and supervisors may be personally accountable for the actions of the personnel under their command if they knew or should have known that their actions were illegal or unethical. This places upon them a specific duty to proactively prevent, detect, expose and punish improper conduct. Additionally, they shall conduct themselves in such a manner as to serve, by uncompromising adherence to these canons, as an example to those who serve under them.

Sec. 6 GENERAL RESPONSIBILITY: The Boston Police Department Rules and Procedures direct which unit or division shall have responsibility for certain areas of misconduct. Generally, the Anti-Corruption Division has responsibility for the investigation of ongoing criminal activity that involves abuse of position by an employee. Examples of that conduct are bribery, unlawful drug usage or distribution, extortion, conflict of interest, fraud and gaming.

The Internal Affairs Division is responsible for the administrative investigation of all police misconduct, including violations of the law. It is also responsible for monitoring complaint histories of all officers to identify and address those officers that may have developed a pattern of troublesome behavior, or who may be unfit or unsuitable for particular assignments. The Internal Affairs Division may also investigate licensed Special Police Officers who violate their license under Rule 400 or 400A.

Additionally, the Internal Affairs Division will ensure that the integrity and character of police applicants is considered when evaluating their fitness to become members of the Department.

Other agencies may have exclusive or concurrent jurisdiction for handling other types of misconduct, criminal or administrative, depending on the offense and the circumstances.

Current rules and directives should be consulted to determine the appropriate investigative entity or entities.

## SPECIFIC RESPONSIBILITIES

Historically, investigations of police misconduct have been reactive in nature and initiated only when the wrongdoing has been alleged or exposed for some reason. However, the Public Integrity Policy of the Boston Police Department incorporates the concept of proactive prevention to ensure that integrity is maintained in the organization at all times. Accordingly, specific responsibility is assigned to certain units, and the commanders and supervisors of those units. Additionally, those units or individuals will be held accountable for maintaining integrity in those areas of responsibility.

The following procedures and processes are instituted to assure that the goals of this policy are implemented by clearly defining areas of responsibilities.

### 1. The Anti-Corruption Division

Officers of the Anti-Corruption Division will be responsible for handling corruption prevention programs as well as proactive and reactive investigations. Specifically, they will:

- A. Review monthly summations of citizen and internal complaints for indicators of misuse of authority by a Department employee or misuse of City of Boston employee status for personal gain.
- B. Review the findings of Internal Affairs investigations for patterns of conduct which are indicative of corrupt police behavior.
- C. As appropriate, cooperate in the investigation of any City of Boston employee with or by any other agency including state, local, or federal authorities, offices of the various district attorneys, the office of the U.S. Attorney or the office of the Attorney General of the Commonwealth.  
The commanding officer of the Anti-Corruption Division shall be responsible for determining whether an investigation will be conducted solely by the Anti-Corruption Division or cooperatively with another unit, division, district, or area within the Department. In any event, the Anti-Corruption Division will maintain an oversight role in any criminal or corruption related investigation of any Department employee.
- D. Review the results of department inspection and audit reports to specifically identify indicators of corruption.
- E. Operate a reporting method for citizens and Department/City of Boston employees to report behavior indicative of corruption.
- F. Immediately notify the Police Commissioner through the Chief, Bureau of Professional Standards and Development when a suspicion of significant corruption enters an investigation. Inform an employee's commanding officer of such a suspicion as soon as possible when such notification would not negatively impact an on-going investigation and/or prosecution. Upon the arrest, indictment, or commencement of any other

criminal proceeding the Anti-Corruption Division shall notify the following:

1. The Police Commissioner
  2. Chief, Bureau of Internal Investigations
  3. Employee's Bureau Chief
  4. Employee's Commanding Officer
- G. Coordinate, in cooperation with the Commander of the Training and Education Division, in the development and conducting of informational and educational sessions for members of the Department as may be deemed appropriate by the Chief, Bureau of Professional Standards and Development or the Police Commissioner.
- H. Be notified and review its records before a personnel order is issued promoting, transferring, commending, or rating Department personnel. After such review, the Anti-Corruption Division will notify the Chief, Bureau of Professional Standards and Development concerning the status of active investigations or complaints sustained.
- I. Ensure that criminal or corruption related investigations of Department employees will be conducted in full conformance with the rules and procedures of the Boston Police Department, state and federal laws and court decisions, especially as they relate to employee's rights and protections against self-incrimination. Investigations will be conducted without regard to influences, pressures, or mandates from those who would improperly seek to affect the outcome of any investigation.
- J. Have the option to coordinate any prosecution in a criminal court involving a Department employee with the appropriate district attorney's office, the Office of the Attorney General of the Commonwealth, or the Office of the United States Attorney.
- K. Maintain records, files, and other data as appropriate to the proper functioning of the Division. Such information shall be only accessible to officers of the Anti-Corruption Division, the Chief of the Bureau of Professional Standards and Development and the Police Commissioner. Anonymity and confidentiality, where appropriate, shall be respected and strictly adhered to.

The mission of the Anti-Corruption Division shall not be limited to investigations of allegations of corruption or criminality on the part of employees of the Boston Police Department, but may include investigations of any agency, department, division and its employees of the City of Boston as may be deemed appropriate by the Police Commissioner. Further, the Anti-Corruption Division shall be authorized to conduct any other investigation as may be directed by the Police Commissioner.

## 2. The Internal Affairs Division

The Internal Affairs Division shall be required to immediately notify the Anti-Corruption Division concerning any allegation of corruption or serious criminal activity reported to them or uncovered during the course of any internal affairs investigation.

On a monthly basis it shall submit a report to the Chief of the Bureau of Professional Standards and Development containing information that may assist in determining whether patterns of corruption may be developing. Specifically, the report shall contain the following information for the preceding month:



- Names of Department employees complained against;
- the nature of the complaint, and;
- prior complaints (and dispositions) for each employee complained against.

This report will be forwarded to the Anti-Corruption Division for review and analysis for potential linkage to ongoing Anti-Corruption Division investigations.

### 3. Supervisors

Supervisors will be accountable for the foreseeable or preventable illegal conduct of those employees under their assigned area of supervision or command.

Supervisors are responsible for reporting any suspicious behavior which they knew or should have known was indicative of corruption. This behavior may include duty-related activities, personal or off-duty related activities, or personal patterns of conduct that may come to their attention through any means.

Commanders are responsible for monitoring the activities of their subordinate supervisors, especially in regard to the supervisor's concern for accountability and integrity within his/her respective unit or area of supervision.

### 4. All Officers and Employees

The established and published values of the Boston Police Department are applicable to all Department employees. All Department employees are responsible for reporting other Department employees whose behavior is clearly illegal or who exhibit behavior that a reasonable and prudent employee would clearly judge to be indicative of illegal activity.

All Department employees are required to fully cooperate in any investigation being conducted by the Anti-Corruption Division without regard to the conventional requirements of the chain of command. Said cooperation shall include, but is not limited to, providing the Anti-Corruption Division with any oral or written reports required by investigators, taking into consideration any and all protections against self-incrimination; any and all records, documents, or any other items of evidentiary or investigative value known to the employee or requested by Anti-Corruption Division investigators.

**Sec. 7 RESPONSE AND REPORTING PROCEDURES:** Whenever any Department employee receives a complaint, or is made aware of a complaint through any means--whether written, oral, identified complainant or anonymous; or whenever any Department employee is made aware of any criminal activities or allegations of corruption by any Department member(s) or other City of Boston employee(s); the employee shall adhere to the following procedures:

- a. Notify a sworn member of the Anti-Corruption Division, within 24 hours of being made aware of the activity or allegation by calling the Anti-Corruption Division (617)343-4366. If it is after normal business hours or sworn personnel are unavailable, then a message

and return telephone number should be left and the call will be forwarded to an on-call investigator who will return the call forthwith.

- b. Following oral notification, the employee shall submit within 24 hours a written report detailing his/her knowledge of the relevant activities or allegations directly to the Commander of the Anti-Corruption Division. Normal chain-of-command requirements and formal procedures pursuant to Rule 109 are specifically exempt from those situations covered by this rule.
- c. Subsequent communications regarding such activities or allegations shall only be between the employee and the Anti-Corruption Division directly unless the Police Commissioner, the Chief of the Bureau of Professional Standards and Development or the Commander of the Anti-Corruption Division determines otherwise.
- d. Refrain from discussing a matter referred to the Anti-Corruption Division with any other individual(s) without the consent and knowledge of the Police Commissioner, the Chief of the Bureau of Professional Standards and Development or the Commander of the Anti-Corruption Division.

The reporting requirements, as set forth in this section, shall not be construed as abrogating the responsibility of a sworn member of the Department from taking appropriate action as required by law or dictated by prudence and the exercise of sound judgment, when confronted with a situation involving criminal acts.

The criminal investigation of allegations of corruption and/or criminal behavior shall take precedence over any administrative disciplinary proceeding or investigation. However, such criminal investigation shall not preclude the Department from proceeding administratively against an employee provided that the administrative investigation or proceeding does not compromise a criminal investigation.

Sec. 8 Information regarding investigations of corruption or alleged criminal activity by members of the Department will be released to the public and media if deemed appropriate by the Police Commissioner or the Chief of the Bureau of Internal Investigations.

Sec. 9 Failure to follow the reporting requirements of this rule and any other applicable rules, or violation of any other section, may result in disciplinary action, up to and including termination.

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 6 (1) (B,F,G,H,K) and (2), Section 7 (C,D), Section 8.

## Rules and Procedures

### Rule 114

January 26, 2007

#### Rule 114 - HARASSMENT POLICY

**PURPOSE:** This rule is issued to replace Special Order 95-06, Sexual Harassment Policy, and amendments to that policy cited in Special Orders 96-15, 96-59, and 96-60, as well as Commissioner's Memorandum 95-126.

**SEC. 1 GENERAL CONSIDERATIONS:** The Boston Police Department is committed to promoting and maintaining a working environment that is free from harassment. The Department, in accordance with City of Boston policy, Mayoral Executive Orders and state and federal law, prohibits discrimination against or harassment of any person on the basis of race, color, gender, age, disability, national origin, religious creed, sexual orientation, veteran status, marital status, military status, or parental status. The focus of this Rule is on harassment and the Department's policies and procedures for handling harassment complaints.

Any form of retaliation against an employee who has complained of discrimination or harassment shall be considered prohibited conduct and could result in disciplinary action, up to and including termination of employment in accordance with the City's anti-harassment policy.

**SEC. 2 DEFINITIONS:** For purposes of this rule, the following definitions will apply:

#### **Sexual Harassment**

MGL Chapter 151 B defines the term sexual harassment as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

#### **A. Quid Pro Quo Harassment**

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual.

The following examples of conduct that could result in a claim of Quid Pro Quo harassment being filed are listed below:

1. Several openings exist in a new unit within your Bureau. You apply for one of them and your supervisor suggests that you get together after work to "discuss" your application. You decline to meet with your supervisor after work and your application is forwarded with an unfavorable recommendation.

2. After refusing to respond favorably to requests for a date from one of the supervisors assigned to your district, your regular assignment is changed whenever that supervisor is the Duty Supervisor.

### **B. Hostile or Abusive Work Environment Harassment**

Whether an environment is “hostile” or “abusive” can be determined by looking at all the circumstances, which may include:

- a) The frequency of the conduct;
- b) The severity of the conduct; and
- c) Whether it unreasonably interferes with an employee’s work performance.

The following are examples of situation that could result in a claim of Hostile or Abusive Work Environment harassment being filed:

1. The people in your office spend so much time telling sexually offensive jokes during lunch that you are uncomfortable even eating your lunch in the cafeteria.
2. Although you have complained several times to your supervisor about individuals putting up vulgar and obscene posters and/or sexually explicit pictures in the locker room and in the guardroom, no apparent efforts are taken to discourage this activity.
3. Despite your objections and knowing that you blush easily, your co-workers enjoy telling you of their weekend sexual exploits.
4. Your immediate supervisor never lets a day go by without telling you how well dressed you are or how “good” you look. Although you’ve never been asked for a date, the constant references to your appearance make you feel unsettled. Although you have told your supervisor that compliments about your appearance make you feel uncomfortable, they continue to be made.
5. Several of your supervisors always seem to put a hand on your shoulder or arm whenever they give you a new assignment. You’ve told them that you would rather they not do that, but they always seem to “forget.”

**SEC. 3 GENERAL INFORMATION:** Sexual harassment can occur in a variety of circumstances, including, but not limited to the following:

- a) The complainant, as well as the alleged harasser, may be of either sex or the same sex;
- b) The alleged harasser may be the complainant’s supervisor, agent of the employer, a supervisor in another area, a co-worker, or in some circumstances, a non-employee;
- c) The complainant does not have to be the person harassed but could be anyone

- affected by the offensive conduct;
- d) A complainant is not required to prove serious psychological injury to establish a hostile work environment claim.

**SEC. 4 RESPONSIBILITIES:** All employees are responsible for promoting an environment free from harassment and to this end are encouraged to be sensitive to what other employees consider offensive or inappropriate conversation or behavior in the workplace.

Supervisory personnel are responsible for taking all necessary steps to prevent harassment and to promote and maintain a work environment free from harassment for employees and members of the general public. **Supervisory personnel will be held responsible for the conduct of an employee, which is known or should have been known to create or which could create harassment against an employee or member of the public, unless immediate and appropriate corrective action has been taken.**

**SEC. 5 PROCEDURES:** Any Boston Police Department employee who believes that he/she has been the victim of harassment is strongly encouraged to initiate a complaint immediately. In order to provide for the complainant's ease in filing a complaint, several procedural options are available. The complainant may choose to initiate the complaint by reporting it to any of the following:

1. The District Commander or Deputy Superintendent under whose command they work; or, if not applicable, the Superintendent of their Office or Bureau; or a member of the Internal Affairs Division;

Any Superior Officer informed that an individual wishes to make an allegation of harassment shall not take the complaint himself/herself but shall bring the individual to one of the above persons. If the complainant declines to accompany the Superior Officer to one of the above individuals, the Superior Officer shall make out a Form 26 detailing the complainant's allegations and submit it to the District Commander, Deputy Superintendent, or Bureau Chief.

2. The Boston Police Department's Director of Human Resources; the Affirmative Action Officer assigned to the Supervisor of Personnel at City Hall; and/or
3. Federal/State Compliance Agencies

Should the complainant choose options #1 or #2 (Internal Options) the following procedures shall be complied with:

The District Commander, Deputy Superintendent, Superintendent, member of the Internal Affairs Division, or Human Resource Director shall:

- a) Listen to the complainant's allegations.

- b) Discuss the complained of actions with discretion, sensitivity, and due concern for the dignity of those people involved.
- c) Inform the complainant that he/she may have a representative at the meeting to assist them in their decision-making (friend, lawyer, etc.).
- d) Inform the complainant of the Department's harassment policy and complaint procedures and provide the complainant with a copy of the Department policy.
- e) Explain the informal and formal processes to the complainant and ascertain which process the complainant wishes to proceed under. Complete either a BPD Form 1920 (Formal Process) or a BPD Form 26 (Informal Process) and any additional reports necessary and forward them through proper channels.
- f) Inform the complainant that complaints may be considered untimely if the actions occurred more than one year prior to the filing of the complaint. Inform the complainant that while every reasonable effort will be made to protect the confidentiality and privacy of the individuals involved, an investigation requires that the alleged harasser be informed of the specific allegations and that witnesses be interviewed. All persons contacted or interviewed during the investigation will be requested not to discuss the subject matter of the investigation.
- g) Inform the complainant that under the informal process, the possible actions that could be taken or agreed to could consist of additional sensitivity training, oral or written reprimands, or suspensions of up to 5 days.
- h) Notify the District/Unit Commanders of the parties involved of the complaint process chosen so they may take immediate, remedial action concerning the allegations. District/Unit Commanders shall attempt to determine if there are any working conditions or practices that encouraged or permitted the alleged conduct to take place, and if so, to eliminate them.

#### **A. Informal Complaint Process**

This process consists of the mediation and ultimate resolution of a complaint by a facilitation process. The informal process is designed to deal more with a clarification of appropriateness rather than an investigation of facts. It may not be used if:

- a) Either party disputes the material facts;
- c) Allegations amount to criminal conduct (i.e., indecent assault and battery, sexual assault, extortion, etc.);
- d) Acts complained about are so egregious as to constitute serious misconduct even if they are not criminal; or
- e) The alleged harasser has within seven years previously been permitted to resolve a complaint of harassment through the informal process.

The Human Resources Director shall be responsible for maintaining records on all complainants and alleged harassers and any agreed upon resolutions. If a second or subsequent complaint is received on the same employee within the last 7 years, **the complainant shall be informed that the informal process cannot be used and the Human Resource Director shall initiate a formal investigation, BPD Form 1920**, and shall inform

the complainant of such. All such records kept by the Human Resource Director are confidential and may only be accessed by the Human Resource Director and the Police Commissioner or his/her designee. With the permission of the Police Commissioner, the disclosure of such records to the Chief, Bureau of Professional Standards and Development, may be allowed solely for the purpose of determining whether any patterns exist which have encouraged or tolerated harassment.

This process shall be completed within 30 days upon receipt of the complaint. The complainant will choose from a list, maintained by the Human Resources Director, of potential facilitators trained in sexual harassment problem resolution. This list will include, but will not be limited to, Department employees. If the complainant chooses this process, the following procedures will apply:

1. The alleged harasser will be notified by his/her District/Unit Commander of the complainant's wish to proceed informally. The alleged harasser shall be informed that the possible results of an informal facilitation process could range anywhere from an agreement that no harassment took place up to and including a 5 day suspension, if agreed to by **both** parties. If it is an alleged "first offense" and if the alleged harasser agrees to the informal process, and only if he/she agrees, take place.
2. The complainant, the alleged harasser and the facilitator shall sign an agreement acknowledging that any statements or admissions made while participating in an informal facilitation process may not be used in any later administrative or disciplinary proceeding and that all such statements or admissions shall be confidential.
3. The Human Resource Director will be notified within 5 days if the alleged harasser has agreed to the informal process.
4. The Human Resource Director will provide the complainant with a list of facilitators from which to choose and will contact the facilitator chosen by the complainant as soon as possible, who will initiate the facilitation process within 5 days and who shall have complete discretion to determine how the facilitation process should proceed (i.e., written statements, interviews, etc.).
5. The facilitator will document the agreed upon recommended resolution and forward it to the Human Resource Director and to the Police Commissioner within 10 days of the start of his/her process, unless the complainant requests an extension.
6. The agreed upon recommended resolution will be implemented within 5 days if approved by the Police Commissioner and a copy of the resolution forwarded to the Affirmative Action Director at City Hall.
7. If the alleged harasser is not a "first offender," or does not agree to the informal process, or if no resolution can be reached, or if the Police Commissioner declines to approve any agreed upon resolution, the complainant may choose another option (i.e., formal investigation, BPD Form 1920; complaint with the Affirmative Action Officer assigned to the Supervisor of Personnel at City Hall; or complaint with applicable Federal or State compliance agencies).

## **B. Formal Complaint Process**

The Formal Complaint Process will necessitate that a formal Internal Affairs investigation be completed subsequent to the filing of a BPD Form 1920.

1. The District Commander, Deputy Superintendent, Superintendent, Human Resource Director or a member of the Internal Affairs Division will complete a BPD Form 1920 detailing the specific allegations made by the complainant.
2. Every reasonable effort will be made to restrict information on the specifics of the complaint to those participating in the investigation. All persons contacted or interviewed during the investigation will be requested not to discuss the subject matter of the investigation
3. At any time during the investigation, the complainant may request the matter be resolved through a written "consent agreement" (similar to facilitation) drafted by the Legal Advisor's Office, which, if agreed to by all parties, will terminate the investigation.
4. The results of the investigation will be forwarded through proper channels to the Police Commissioner who in turn will notify the Affirmative Action Director at City Hall.

## **SEC. 6 REMEDIES:** Available remedies shall consist of:

1. Progressive disciplinary procedures, up to and including termination of employment, will be used against the harasser and/or appropriate supervisory personnel.
2. This policy will not infringe upon the rights guaranteed in collective bargaining agreements, City ordinance or law, or the Constitution, laws or regulations of the Commonwealth of Massachusetts or the government of the United States.
3. Employees who feel they have been discriminated against have 300 days from the date the alleged discrimination occurred to file a complaint with either or both of the following agencies:

- § Massachusetts Commission Against Discrimination (MCAD),  
One Ashburton Place, Room 601, Boston, MA 02108 (617) 994-6000
- § United States Equal Employment Opportunity Commission (EEOC),  
JFK Federal Building, Room 475, Boston, MA 02203 (617) 565-3200

**Note: Appendix A provides a list of Harassment Facilitators. The list includes sworn and civilian department personnel.**

Edward F. Davis  
Police Commissioner



## **APPENDIX A**

### **Harassment Facilitators**

---

Ayala-Leong, Norma	Detective	Fugitive Unit	343-4468
Brown, Gwen	Detective	SAU	343-4400
DeVoe, Richard	Detective	C-6	343-4742
Fisher, Lawrence	Sergeant	Range	343-5355
Lamberti, Maria	Civilian	Family Justice	343-4858
Lezama, Diane	Police Officer	E-5	343-4560
Perez, Marisela	Sgt. Detective	IAD/A&R	343-4323
Sheehan, Jane	Civilian	Academy	343-4410
Sumpter, Lynette	Police Officer	D-14	343-4260
Wash, Lori	Police Officer	ID Unit	343-4639
Williams-Mitchell, Angela	Police Officer	E-5	343-4560

#### Notes:

Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 5 (A).

## Rules and Procedures

### Rule 200

August 16, 2002

#### C Rule 200 - CRITICAL INCIDENT MANAGEMENT

This Rule is issued to establish the policy of the Boston Police Department for its response to and management of all Critical Incidents with special attention to the management of special circumstances. The purpose of the policy is to provide guidelines to the entire Department for the operation and management of Critical Incidents while maintaining compatibility with the Incident Command System (ICS) to efficiently manage resources and plan for the tactical resolution of an incident. In addition to having the flexibility to expand or contract as the needs of an incident require, ICS allows for the practical inclusion of outside agencies in the planning and operational process with clearly definable roles and common terminology assuring a properly coordinated effort.

##### Sec. 1.0 Incident Command System - An Overview

The Incident Command System (ICS) is a management system which has the flexibility and adaptability to be applied to a wide variety of incidents and events both small and large. The individual designated as the Incident Commander (IC) has responsibility for all ICS management functions. Those functions and their responsibilities are as follows:

1. Command - The IC is responsible for all incident or event activity. Although some functions may be left unfilled with those duties being wielded by the IC, there will always be an Incident Commander;
2. Operations - The Operations Section is responsible for directing the tactical actions to meet incident objectives;
3. Planning - The Planning Section is responsible for the collection, evaluation, and display of incident information, maintaining status of resources, and preparing the Incident Action Plan and incident-related documentation;
4. Logistics - The Logistics Section is responsible for providing adequate services and support to meet all incident or event needs; and
5. Finance/Administration - The Finance/Administration Section is responsible for keeping track of incident-related costs, personnel and equipment records and administering procurement contracts associated with the incident or event.

The Incident Commander can elect to perform all the above functions or each of these functional areas can be delegated and expanded as needed into additional organizational units with further delegation of authority.

### Sec. 1.1 Management by Objectives:

With ICS, every incident, regardless of size or complexity, must include the following:

1. A solid understanding of Department policy and direction;
2. The establishment of incident objectives;
3. The selection of an appropriate strategy; and
4. The application of tactics appropriate to the strategy, assigning the right resources and monitoring of performance.

### Sec. 1.2 Unity and Chain of Command:

In ICS, Unity of Command means that every individual has only one designated supervisor. Chain of Command means that there is a line of authority within the ranks of the organization with lower levels subordinate to and connected to, higher levels. In the vast majority of incidents, the command structure will consist only of:

1. Command; and
2. Single resource(s)

However, as incidents expand in size and complexity, the Chain of Command is expanded through an organizational structure which can consist of as many layers as needed, such as:

1. Command;
2. Sections;
3. Branches;
4. Divisions/Groups;
5. Units; and
6. Resources.

### Sec. 1.3 Establishment and Transfer of Command:

Command at an incident is initially the responsibility of the highest ranking person on scene from the agency which has jurisdiction over the incident. Transfer of Command at an incident occurs for any of the following reasons:

1. A higher ranking or more qualified person assumes command;
2. The incident situation changes over time to where a jurisdictional or agency change in command either is legally required or it would make good management sense to make such a transfer; or
3. There is a normal turnover of personnel on long or extended incidents.

#### Sec. 1.4 Organizational Flexibility:

Flexibility is key to the proper functioning of ICS. At any given time, the structure and organization of an incident should reflect only what is required to meet planned tactical objectives with the size of the current organization and that of the next operational period being determined through the incident action planning process.

Depending on the complexity and scope of an incident, a number of organizational elements may be activated in the various sections without designating individual section chiefs. The IC may decide to perform all or some management functions, while appointing section chiefs to others. Although each activated element must have a person in charge of it, a single person may initially command more than one unit.

Elements which have been activated and which are clearly no longer needed are deactivated to decrease organizational size.

#### Sec. 1.5 Unified Command:

Unified Command is an ICS management process which allows all agencies who have jurisdictional or functional responsibility for the incident to jointly develop a common set of incident objectives and strategies. This is accomplished without losing or giving up agency authority, responsibility or accountability.

Allowing all agencies who have a legitimate responsibility at an incident to be part of the Incident Command function is an important part of ICS. Under a Unified Command the following always applies:

1. The incident will function under a single coordinated (jointly decided upon) Incident Action Plan;
2. One Operations Section Chief will have responsibility for implementing the Incident Action Plan; and
3. One Incident Command Post will be established.

#### Sec. 1.6 Span of Control:

Span of Control means the number of individuals that one supervisor can effectively manage. Maintaining an effective Span of Control is particularly important on incidents where safety and accountability are a top priority.

In ICS, the Span of Control for any supervisor should fall within a range of three to seven with five being the optimum number. Any time a supervisor has fewer than three people reporting, or more than seven, some adjustment to the organization should be considered.

#### Sec 1.7 Common Terminology:

Because ICS may evolve into a Unified Command involving different agencies with various multi-agency terms, it is important to use common terminology to avoid confusion. In ICS, common terminology is applied to:

1. Organizational Elements - There is a consistent pattern for designating each level of the organization, e.g., sections, branches, et cetera.
2. Position Titles - Those charged with management or leadership responsibility in ICS are referred to by an ICS position title such as Officer, Chief, Director, Supervisor, et cetera. This is done to provide a way to place the most qualified personnel in organizational positions on multi-agency incidents without confusion caused by various multi-agency rank designations. It also provides a standardized method for ordering personnel to fill positions.
3. Resources - Common designations are assigned to various kinds of resources. Resources may also be further classified by type and type classification, e.g., a vehicle used in fire suppression would be classified as an engine, but would also be classified by type, tank capacity, staffing level, et cetera.

#### Sec. 1.8 Personnel Accountability:

ICS ensures personnel accountability through the following:

1. Check-In - Requires all personnel to check-in upon arrival at an incident;
2. Unity of Command - Ensures everyone has only one supervisor;
3. Resource Status Unit - Maintains the status of all assigned resources;
4. Division/Group Assignment Lists - Identifies resources with active assignments in the Operations Section; and
5. Unit Logs - includes a record of personnel assigned and of major events occurring in all ICS organizational elements.

#### Sec. 1.9 Integrated Communications:

The ability to effectively communicate within ICS is absolutely critical. There are at least three ways to view the communications issues that must be solved:

1. The "hardware" systems that transfer information;
2. The planning that must occur for the use of all available communications frequencies and resources; and
3. The actual procedures and processes for transferring information.

Effective communication during every Critical Incident requires a Communications Plan. Depending on the complexity of the incident and the number of agencies involved, the communications plan can be simple or complex and involve several different communication networks. These may include:

1. Command Net - Established to link supervisory personnel from Incident Commander down to and including Division and Group supervisors;
2. Tactical Nets - Established in various ways, e.g., by agency, department, geographical area or function. Tactical nets may be established for each branch or for Divisions and groups, depending upon hardware and frequency availability and specific incident needs;
3. Support Nets - Established on larger incidents to handle logistics traffic and resource status changes;
4. Ground-to-Air - Established to coordinate ground-to-air traffic; and
5. Air-to-Air - Assigned for coordination between aircraft assigned to an incident.

An awareness of available communications systems and frequencies, combined with an understanding of incident requirements, will enable the Communications Unit Leader to develop an effective Communications Plan for each operational period.

To ensure that all personnel understand clearly the information that is being transmitted, especially in a multi-agency incident management system, all transmissions will be in clear text without the use of radio codes (or miscels).

#### Sec. 1.10 Resources Management:

Resources assigned to an incident are categorized in one of the following ways:

1. Single Resources - Single Resources include both personnel and their assigned equipment.
2. Task Forces - Task Forces refer to any combination of single resources within span of control guidelines. They are assembled for a particular tactical need, with common communications and a leader. Task Forces can be pre-determined or assembled at an incident from available single resources.
3. Strike Teams - Strike Teams are combinations of a designated number of the same kind and type of resources with common communications and a leader. The number of resources to be used in the team will be based on what is needed to perform the function. Span of control guidelines should apply. Strike Teams can be pre-determined or assembled at an incident from available single resources.

Advantages of the use of both Task Forces and Strike Teams are:

1. Maximization of the effective use of resources;
2. Reduction in the span of control; and
3. Reduction in communications traffic.

Tactical Resources assigned to an incident will always be in one of three status conditions:

1. Assigned - Resources are performing an active assignment;

2. Available - Resources are ready for deployment, but not assigned; or
3. Out of Service - Resources are not available.

#### Sec. 1.11 Incident Action Plan:

Every incident must have an Incident Action Plan, oral or written, which shall provide all incident supervisory personnel with appropriate direction for future actions.

Written plans should be used when it is essential that all levels of a growing organization have a clear understanding of the tactical actions associated with the next operational period. It is important to use written action plans whenever:

1. Two or more jurisdictions are involved;
2. The incident will overlap major changes in personnel changes or go into a new operational period;
3. There is a partial or full activation of the ICS organization.

For smaller incidents, an ICS Incident Briefing Form may be used to record initial actions and list assigned and available resources. A more formal written Incident Action Plan, based on an ICS format, is necessary as incidents grow in size and/or complexity.

#### Sec. 2.0 ICS Position Responsibilities

The ICS organization develops around five major functions that are required on any incident whether it is large or small. For some incidents, and in some applications, only a few of the organization's functional elements may be required. However, if there is a need to expand the organization, additional positions exist within the ICS framework to meet virtually any need.

ICS establishes lines of supervisory authority and formal reporting relationships. There is complete unity of command as each position and person within the system has a designated supervisor. Direction and supervision follows established organizational lines at all times. The following are the major responsibilities and duties of all ICS positions. Individual agencies may have additional responsibilities and more detailed lists of duties.

#### Sec. 2.1 Incident Commander (IC) and ICS Command Staff:

The Incident Commander and the ICS Command Staff consist of the following:

1. Incident Commander
2. Information Officer
3. Liaison Officer
4. Agency Representatives
5. Safety Officer

## Sec 2.11 Responsibilities of the Incident Commander

1. Assess the situation and/or obtain a briefing from the prior IC;
2. Determine incident objectives and strategy;
3. Establish the immediate priorities;
4. Establish an Incident Command Post;
5. Establish an appropriate organization;
6. Ensure planning meetings are scheduled as required;
7. Approve and authorize the implementation of an Incident Action Plan;
8. Ensure that adequate safety measures are in place;
9. Coordinate activity for all Command and General Staff;
10. Coordinate with key people and officials;
11. Approve requests for additional resources or for the release of resources;
12. Keep agency administrator informed of incident status;
13. Approve the use of trainees, volunteers and auxiliary personnel;
14. Authorize release of information to the news media; and
15. Order the demobilization of the incident when appropriate.

## Sec. 2.12 Responsibilities of Incident Command Staff

### 1. Information Officer

The Information Officer is responsible for developing and releasing information about the incident to the news media, to incident personnel and to other appropriate agencies and organizations.

Only one Information Officer will be assigned for each incident, including incidents operating under a Unified Command and multi-jurisdiction incidents. As necessary, the Information officer may have assistants, who may or may not represent assisting agencies or jurisdictions.

The following are the major responsibilities of the Information Officer which would generally apply on any incident:

1. Determine from the IC if there are any limits on information release;
2. Develop material for use in media briefings;
3. Obtain the approval of the IC on all media releases;
4. Inform the media and conduct media briefings;
5. Arrange for tours and other interviews or briefings that may be required;
6. Obtain media information that may be useful to incident planning;
7. Maintain current information summaries and/or displays on the incident and provide information on status of incident to assigned personnel; and
8. Maintain Unit Log.



## 2. Liaison Officer

Incidents that are multi-jurisdictional, or have several agencies involved, may require the establishment of the Liaison Officer position on the Command Staff. The Liaison Officer is the contact for the personnel assigned to the incident by assisting or cooperating agencies. These are personnel other than those on direct tactical assignments or those involved in a Unified Command.

Liaison Officer major responsibilities and duties are:

1. Be a contact point for Agency Representatives;
2. Maintain a list of assisting and cooperating agencies and Agency Representatives;
3. Assist in establishing and coordinating interagency contacts;
4. Keep agencies supporting the incident aware of incident status;
5. Monitor incident operations to identify current or potential inter-organizational problems;
6. Participate in planning meetings, providing current resource status, including limitations and capability of assisting agency resources; and
7. Maintain a Unit Log.

## 3. Agency Representatives

In many multi-jurisdictional incidents, an agency or jurisdiction will send a representative to assist in coordination efforts. Known in ICS as an Agency Representative, this person is an individual assigned to an incident from an assisting or cooperating agency who has been delegated authority to make decisions on matters affecting that agency's participation at the incident. Agency Representatives report to the Liaison Officer, or in the absence of the Liaison Officer, to the Incident Commander.

Responsibilities of an Agency Representative are:

1. Ensure that all agency resources are properly checked-in at the incident;
2. Obtain briefing from the Liaison Officer or the IC;
3. Inform assisting or cooperating agency personnel on the incident that they are appointed as the Agency Representative for that agency;
4. Attend briefings and planning meetings as required;
5. Provide input on the use of agency resources unless resource technical specialists are assigned from the agency;
6. Cooperate fully with the Incident Commander and the General Staff on agency involvement at the incident;
7. Ensure the well-being of agency personnel assigned to the incident;
8. Advise the Liaison Officer of any special agency needs or requirements;
9. Report to home agency dispatch or headquarters on a pre-arranged schedule;

10. Ensure that all agency personnel and equipment are properly accounted for and released prior to departure;
11. Ensure that all required agency forms, reports and documents are complete prior to departure; and
12. Have a debriefing session with the Liaison Officer or Incident Commander prior to departure.

#### 4. Safety Officer

The Safety Officer's function is to develop and recommend measures for assuring personnel safety and to assess and/or anticipate hazardous and unsafe situations.

Only one Safety Officer will be assigned for each incident. The Safety Officer may have assistants who may or may not represent assisting agencies or jurisdictions. Safety Assistants may have specific responsibilities such as hazardous materials, air operations, et cetera.

Responsibilities of the Safety Officer are:

1. Participate in planning meetings;
2. Identify hazardous situations associated with the incident;
3. Review the Incident Action Plan for safety implications;
4. Exercise emergency authority to stop and prevent unsafe acts;
5. Investigate accidents that have occurred within the incident area;
6. Assign assistants as needed;
7. Review and approve the medical plan; and
8. Maintain a Unit Log.

#### Sec. 2.2 ICS General Staff Positions:

The General Staff consists of the following positions:

1. Operations Section Chief
2. Planning Section Chief
3. Logistics Section Chief
4. Finance Administration Section Chief

#### Sec. 2.21 Operations Section

The Operations Section is responsible for the direction and coordination of all incident tactical operations. This is done under the direction of the Operations Section Chief. The Operations Section may consist of Single Resources or be further subdivided into Branches, Division/Groups and Task Force/Strike Teams, as the needs of the incident require.

Tasks and responsibilities within the Operations Section may be divided along functional lines, geographic areas or a combination of both.

1. Responsibilities of the Operations Section Chief are:
  1. Manage tactical operations;
    1. Interact with next lower level of Section (Branch, Division/Group) to develop the operations portion of the Incident Action Plan; and
    2. Request resources needed to implement the Operation's tactics as a part of the Incident Action Plan development.
  2. Assist in development of the operations portion of the Incident Action Plan;
  3. Supervise the execution of the Incident Action Plan for Operations;
    1. Maintain close contact with subordinate positions; and
    2. Ensure safe tactical operations.
  4. Request additional resources to support tactical operations;
  5. Approve release of resources from assigned status (may not release from the incident);
  6. Make or approve expedient changes to the Incident Action Plan during the Operational Period as necessary;
  7. Maintain close communication with the Incident Commander; and
  8. Maintain a Unit Log.
2. Responsibilities of Branch Director (Branches may be functional or geographic)
  1. Obtain briefing from the Operations Section Chief;
  2. Supervise Branch operations;
  3. Develop alternatives for Branch control operations;
  4. Interact with the Operations Section Chief and other Branch Directors to develop tactics to implement incident strategies;
  5. Be prepared to attend incident planning meetings at the request of the Operations Chief;
  6. Review Division/Group assignments within the Branch and report status to the Operations Section Chief;
  7. Monitor and inspect progress and make changes as necessary;
  8. Resolve logistics problems reported by subordinates; and
  9. Maintain a Unit Log.
3. Responsibilities of Division/Group Supervisor
  1. Obtain briefing from the Operations Section Chief or appropriate Operations Branch Director;
  2. Review assignments with subordinates;
  3. Inform Resource Unit (if established) of status changes of resources assigned to the Division/Group;
  4. Coordinate activities with adjacent Divisions/Groups;

5. Monitor and inspect progress and make changes as necessary;
6. Keep supervisor informed of situation and resources status;
7. Resolve tactical assignment and logistics problems within the Division/Group;
8. Keep supervisor informed of hazardous situations and significant events;
9. Ensure that assigned personnel and equipment get to and from their assignments in a timely and orderly manner; and
10. Maintain a Unit Log.

#### 4. Responsibilities of Task Force/Strike Team Leader

1. Obtain briefing from supervisor (Division/Group Supervisor, Operations Section Chief or Incident Commander - depending upon how the incident is organized);
2. Review assignment with subordinates and assign tasks;
3. Travel to and from active assignment area with assigned resources;
4. Monitor and inspect progress and make changes as necessary;
5. Coordinate activities with any adjacent Task Force/Strike Team, single resources or functional group working in the same location;
6. Keep supervisor advised of situation and resource status;
7. Retain control of assigned resources while in available or out-of-service status; and
8. Maintain a Unit Log.

#### 5. Responsibilities of person in charge of a Single Resource

The person in charge of a single tactical resource will carry the unit designation of the resource.

1. Obtain briefing from the Division/Group Supervisor or Task Force/Strike Team Leader;
2. Review assignments;
3. Obtain necessary equipment/supplies;
4. Review weather/environmental conditions for assignment area;
5. Brief subordinates on safety measures;
6. Monitor work progress;
7. Ensure adequate communications with supervisor and subordinates;
8. Keep supervisor informed of progress and any changes;
9. Inform supervisor of problems with assigned resources;
10. Brief relief personnel and advise them of any change in conditions;
11. Return equipment and supplies to appropriate unit; and
12. Complete and turn in all time and use records on personnel and equipment.

#### 6. Responsibilities of a Staging Area Manager

Whenever an incident is not large enough for a Logistics Section to be activated, the

Staging Area Manager reports to the Operations Section Chief (or to the Incident Commander if the Operations Section Chief position has not been filled).

1. Establish layout of the Staging Area(s);
2. Post areas for identification and traffic control;
3. Provide check-in for incoming resources;
4. Determine required resource reserve levels from the Operations section Chief or Incident Commander;
5. Advise the Operations Section Chief or Incident Commander when reserve levels reach minimums;
6. Maintain and provide status to Resource Unit of all resources in Staging Area(s);
7. Respond to Operations Section Chief or Incident Commander requests for resources;
8. Request logistical support for personnel and/or equipment as needed;
9. Maintain Staging Area in an orderly condition;
10. Demobilize or move Staging Area(s) as required; and
11. Maintain a Unit Log.

#### Sec. 2.22 Planning Section

The Planning Section collects, evaluates, processes and disseminates information for use at the incident. When activated, the Planning Section is managed by the Planning Section Chief who is a member of the General Staff.

The four units within the Planning Section that can be activated as necessary are:

1. Resources Unit
2. Situation Unit
3. Documentation Unit
4. Demobilization Unit

#### 1. Responsibilities of Planning Section Chief

1. Collect and process situation information about the incident;
2. Supervise preparation of the Incident Action Plan;
3. Provide input to the Incident Commander and Operations Section Chief in preparing the Incident Action Plan;
4. Reassign out-of-service personnel already on-site to ICS organizational positions as appropriate;
5. Establish information requirements and reporting schedules for Planning Section units (e.g., Resources, Situation Units);
6. Determine need for any specialized resources in support of the incident;
7. If requested, assemble and disassemble strike teams and task forces not assigned to operations;

8. Establish special information collection activities as necessary, e.g., weather, environmental, toxic, et cetera;
9. Assemble information on alternative strategies;
10. Provide periodic predictions on incident potential;
11. Report any significant changes in incident status;
12. Compile and display incident status information;
13. Oversee preparation of Incident demobilization plan;
14. Incorporate the incident traffic plan (from Ground Support) and other supporting plans into the Incident Action Plan; and
15. Maintain a Unit Log.

## 2. Unit Leaders - Common Responsibilities

In ICS, a number of Unit Leader responsibilities are common to all units in all parts of the organization. Instead of repeating them within the responsibilities of each Unit Leader, the Common responsibilities of all Unit Leaders listed below are:

1. Obtain briefing from Section Chief;
2. Participate in incident planning meetings, as required;
3. Determine current status of unit activities;
4. Confirm dispatch and estimated time of arrival of staff and supplies;
5. Assign specific duties to staff; supervise staff;
6. Develop and implement accountability, safety and security measures for personnel and resources;
7. Supervise demobilization of unit, including storage of supplies;
8. Provide Supply Unit Leader with a list of supplies to be replenished; and
9. Maintain unit records, including a Unit Log.

## 3. Responsibilities of Resources Unit

In addition to the common Unit responsibilities listed above, this Unit is responsible for maintaining the status of all assigned resources (primary and support) at an incident by:

1. Overseeing the check-in of all resources;
2. Maintaining a status-keeping system indicating current location and status of all resources; and
3. Maintenance of a master list of all resources, e.g., key supervisory personnel, primary and support resources, et cetera.

## 4. Responsibilities of Situation Unit

In addition to the common Unit responsibilities listed above, this Unit is responsible for the collection, processing and organizing of all incident information. The Situation Unit may prepare future projections of incident growth, maps and intelligence information.

1. Beginning collection and analysis of incident data as soon as possible;

2. Collecting, processing and organizing all incident information;
3. Preparing, posting or disseminating resource and situation status information as required, including special requests;
4. Preparing future projections of incident growth, maps and intelligence information;
5. Preparing predictions, periodically or as requested;
6. Preparing the incident status summary; and
7. Providing photographic services and maps, as required.

#### 5. Responsibilities of Documentation Unit

In addition to the common Unit responsibilities listed above, this Unit is responsible for:

1. Sets up work area and begin organization of incident files.
2. Establish and provide duplication services.
3. File all official forms and reports.
4. Review records for accuracy and completeness and inform appropriate units of errors or omissions.
5. Provide incident documentation as required.
6. Store files for post-incident use.
7. Maintain accurate, up-to-date incident files, which shall be stored for legal, analytical, and historical purposes.

#### 6. Demobilization Unit

On large incidents, demobilization can be quite complex, requiring a separate planning activity. Note that not all agencies require specific demobilization instructions.

In addition to the common responsibilities listed above, this Unit is responsible for:

1. Review incident resource records to determine the likely size and extent of demobilization effort.
2. Develop the Incident Demobilization Plan.
3. Add additional personnel, workspace and supplies as needed.
4. Coordinate demobilization with Agency Representatives.
5. Monitor ongoing Operations Section resource needs.
6. Identify surplus resources and probable release time.
7. Develop incident checkout functions for all units.
8. Evaluate logistics and transportation capabilities to support demobilization.
9. Establish communication with off-incident facilities.
10. Develop an incident demobilization plan detailing specific responsibilities and release priorities and procedures.
11. Prepare appropriate directions (e.g., maps, instructions, etc.) for inclusion in the Demobilization Plan.
12. Distribute Demobilization Plan (on and off site).

13. Ensure that all Sections/Units understand their specific demobilization responsibilities.
14. Supervise execution of the Incident Demobilization Plan.
15. Brief Planning Section Chief on the Demobilization Plan.

## 7. Technical Specialists

Certain incidents or events may require the use of Technical Specialists who have specialized knowledge and expertise. Technical Specialists may function within the Planning Section, or be assigned wherever their services are required. In the Planning Section, Technical Specialists may report to either the Planning Section Chief or the Designated Unit Leader.

## Sec. 2.23 Logistics Section

With the exception of aviation support, all incident support needs are provided by the Logistics Section. The Logistics Section is managed by the Logistics Section Chief, who may assign a Deputy Section Chief. A Deputy Section Chief is most often assigned when all designated units (listed below) within the Logistics Unit are activated.

Units which may be established within the Logistics Section are:

1. Supply Unit
2. Facilities Unit
3. Ground Support Unit
4. Communication Technology Unit
5. Provisions Unit
6. Medical Unit

### 1. Responsibilities of Logistics Section Chief

The Logistics Section Chief will determine the need to activate or deactivate a unit. If a unit is not activated, responsibility for that unit's duties will remain with the Logistics Section Chief. The Logistics Section Chief's duties and responsibilities include:

1. Manage all incident logistics;
2. Provide logistical input to the Incident Commander in preparing the Incident Action Plan;
3. Brief Branch Directors and Unit Leaders as needed;
4. Identify anticipated and known incident service and support requirements;
5. Request additional resources as needed;
6. Review and provide input to the Communications Plan, Medical Plan, and Traffic Plan;
7. Supervise requests for additional resources; and



8. Oversee demobilization of Logistics Unit.

2. Responsibilities of Supply Unit

The Supply Unit's duties and responsibilities include:

1. Provide input to Logistics Section planning activity;
2. Provide supplies to Planning, Logistics, and Finance/Administration Sections;
3. Determine the type and amount of supplies en route;
4. Order, receive, distribute, and store supplies and equipment;
5. Respond to requests for personnel, equipment, and supplies;
6. Maintain an inventory of supplies and equipment;
7. Service reusable equipment, as needed; and
8. Ordering all off-site incident resources, including tactical and support resources, personnel and all expendable and non-equipment support supplies.

3. Responsibilities of Facilities Unit

The Facility Unit's duties and responsibilities include:

1. Set up, maintenance and demobilization of all incident support facilities except Staging Areas;
2. Participate in Logistics Section/Support Branch planning activities;
3. Determine requirements for each incident facility;
4. Prepare layouts of facilities and inform appropriate unit leaders;
5. Activate incident facilities;
6. Obtain and supervise personnel to operate facilities, including Base, Camp and Security Managers;
7. Provide security services;
8. Provide facility maintenance services, e.g., sanitation, lighting, etc.; and
9. Demobilize base, camp facilities.

The following Managers report directly to the Facilities Unit Leader:

1. Security Manager
2. Base Manager
3. Camp Manager

1. Security Manager

The Security Manager's duties and responsibilities include:

1. Establish contacts with local law enforcement agencies as required;

2. Contact the Resource Use Specialist (if assigned) or Agency Representatives to discuss any special custodial requirements which may effect operations;
3. Request necessary personnel to accomplish work assignments;
4. Ensure that support personnel are qualified to manage security problems;
5. Develop a security plan for incident facilities;
6. Adjust the security plan for personnel and equipment changes and release.
7. Coordinate security activities with appropriate incident personnel;
8. Keep the peace, prevent assaults, and settle disputes through coordination with Agency Representatives;
9. Prevent theft of all property;
10. Investigate and document all complaints and suspicious occurrences;
11. Demobilize in accordance with the Incident Demobilization Plan; and
12. Provide safeguards necessary for protection of personnel and property from loss or damage.

## 2. Base Manager

The Base Manager's duties and responsibilities include:

1. Determine requirements for establishing an Incident Base;
2. Understand and comply with establishing restrictions;
3. Determine personnel support requirements;
4. Ensure that appropriate sanitation, security and facility management services are in place at the Base;
5. Obtain necessary equipment and supplies;
6. Ensure that all facilities and equipment necessary for base support operations are set up and functioning;
7. Make sleeping area assignments;
8. Ensure strict compliance with applicable safety regulations;
9. Ensure that all facility maintenance services are provided;
10. Ensure that adequate security and access control measures are being applied; and
11. Demobilize Base when directed.

## 3. Camp Manager

On large incidents, one or more camps may be established. Camps may be in place several days or they may be moved to various locations.

The Camp Manager's duties and responsibilities include:

1. Determine or establish number of personnel assigned to camp;

2. Determine any special requirements or restrictions on facilities or operations.
3. Obtain necessary equipment and supplies;
4. Ensure that all sanitation, shower, and sleeping facilities are set up and properly functioning;
5. Make sleeping arrangements and assignments;
6. Provide direct supervision for all facility maintenance and security services;
7. Ensure strict compliance with safety regulations;
8. Ensure that all camp-to-base communications are centrally coordinated;
9. Ensure that all camp-to-base transportation scheduling is centrally coordinated;
10. Provide overall coordination of camp activities to ensure that all assigned units operate effectively and cooperatively in meeting incident objectives; and
11. Demobilize the camp in accordance with the Incident Action Plan.

#### 4. Ground Support Unit

The Ground Support Unit's duties and responsibilities include:

1. Participate in Support Branch/Logistics Section planning activities;
2. Provide support services (fueling, maintenance, and repair) for all mobile equipment and vehicles, with the exception of aviation resources;
3. Order maintenance and repair supplies (e.g., fuel, and spare parts);
4. Provide support for out-of-service equipment;
5. Develop the Incident Traffic Plan;
6. Maintain an inventory of support and transportation vehicles;
7. Record time use for all incident-assigned ground equipment (including contract equipment);
8. Update the Resources Unit with the status (location and capability) of transportation vehicles;
9. Provide ground transportation of personnel, supplies and equipment; and
10. Maintain incident roadways as necessary.

##### 1. Equipment Manager

The Equipment Manager reports to the Ground Support Unit Leader and is responsible for the following:

1. Service, repair, and fuel for all equipment;
2. Transportation and support vehicle services; and
3. Maintenance of equipment use and service records.

## 5. Communication Technology Unit

The Communication Technology Unit's duties and responsibilities include:

10. Advise on communications capabilities/limitations.
11. Prepare and implement the Incident Radio Communications Plan (ICS Form 205)
12. Establish and supervise the Technology, Incident Communications Center and Message Center.
13. Establish telephone, computer links, and public address systems.
14. Establish communications equipment distribution and maintenance locations.
15. Install and test all communications equipment.
16. Oversee distribution, maintenance and recovery of communications equipment, e.g., portable radios and FAX machines.
17. Develop and activate an equipment accountability system.
18. Provide technical advice on:
  1. Adequacy of communications systems
  2. Geographical limitations
  3. Equipment capabilities
  4. Amount and types of equipment available
10. Develop plans for the use of incident communications equipment and facilities.

## 6. Provisions Unit

The Provisions Unit's duties and responsibilities include:

9. Determine food and water requirements;
10. Determine method of feeding to best fit each facility or situation;
11. Obtain necessary equipment and supplies and establish cooking facilities;
12. Ensure that well-balanced menus are provided;
13. Order sufficient food and potable water from the Supply Unit;
14. Maintain an inventory of food and water;
15. Maintain food service areas, ensuring that all appropriate health and safety measures are being followed;
16. Supervise caterers, cooks, and other Provisions Unit personnel as appropriate; and
17. Provide food for the entire incident, including all remote locations (e.g., Camps, Staging Areas), and for personnel unable to leave tactical field assignments.

## 7. Medical Unit

The Medical Unit's responsibilities and duties include:

0. Develop an Incident Medical Plan (to be included in the Incident Action Plan).
1. Determine level of emergency medical activities prior to activation of Medical Unit.
2. Provide medical aid.
3. Acquire and manage medical support personnel.
4. Prepare the Medical Emergency Plan (ICS Form 206).

5. Develop procedures for managing major medical emergencies.
6. Respond to requests for:
  1. Medical Aid
  2. Medical Transportation
  3. Medical Supplies
7. Assist the Finance/Administration Section with processing paper work related to injuries or deaths of incident personnel.

Note that the provision of medical assistance to the public or victims of the emergency is an operational function, and would be done by the Operations Section and not by Logistics Section Medical Unit.

#### Sec. 2.24 Finance/Administration Section

The Finance/Administration Section is responsible for managing all financial aspects of an incident. Not all incidents will require a Finance/Administration Section. Only when the involved agencies have a specific need for Finance/Administration services will the Section be activated. There are four units, which may be established within the Finance/Administration Section.

1. Time Unit
2. Procurement Unit
3. Compensation/Claims Unit
4. Cost Unit

#### 1. Responsibilities of Finance/Administration Section Chief

The Finance/Administration Section Chief's duties and responsibilities include:

1. Manage all financial aspects of an incident.
2. Provide financial and cost analysis information as requested.
3. Gather pertinent information from briefings with responsible agencies.
4. Develop an operating plan for the Finance/Administration Section.
5. Fill supply and support needs.
6. Determine need to set up and operate an incident commissary.
7. Meet with Assisting and Cooperating Agency Representatives as needed.
8. Maintain daily contact with agency(s) administrative headquarters on Finance/Administration matters.
9. Ensure that all personnel time records are accurately completed and transmitted to home agencies according to policy.
10. Provide financial input to demobilization planning.
11. Ensure that all obligation documents initiated at the incident are properly prepared and completed.
12. Brief agency administrative personnel on all incident-related financial issues needing attention or follow-up.

## 2. Time Unit

The Time Unit's duties and responsibilities include:

1. Determine incident requirements for time recording function.
2. Contact appropriate agency personnel/representatives.
3. Ensure that daily personnel time recording documents are prepared and in compliance with agency(s) policy.
4. Maintain separate logs for overtime hours.
5. Establish and manage commissary operation on larger or long-term incidents.
6. Submit cost estimate data forms to Cost Unit as required.
7. Maintain record security.
8. Ensure that all records are current and complete prior to demobilization.
9. Release time reports from assisting agency personnel to the respective Agency Representatives prior to demobilization.
10. Collect and process time records for each operational period.

Two positions may report to the Time Unit Leader:

1. Personnel Time Recorder - Oversees the recording of time for all personnel assigned to an incident. Also records all personnel-related items, e.g., transfers, promotion, etc.
2. Commissary Manager - Establishes, maintains, and demobilizes commissary. Also responsible for commissary security.

## 3. Procurement Unit

All financial matters pertaining to vendor contracts, leases, and fiscal agreements are managed by the Procurement Unit. This Unit works closely with local fiscal authorities to ensure efficiency.

The Procurement Unit's duties and responsibilities include:

1. Review incident needs and any special procedures with Unit Leaders.
2. Coordinate with local jurisdiction on plans and supply sources.
3. Obtain Incident Procurement Plan.
4. Prepare and authorize contracts and land-use agreements.
5. Draft memoranda of understanding.
6. Establish contracts and agreements with supply vendors.
7. Provide for coordination between the Ordering Manager, agency dispatch, and all other procurement organizations supporting the incident.
8. Ensure that a system is in place, which meets agency property management requirements. Ensure proper accounting for all new property.

9. Interpret contracts and agreements, and resolve disputes.
10. Coordinate with Compensation/Claims Unit for processing claims.
11. Coordinate use of imprest funds (funds loaned or advanced for the operation of the incident) as required .
12. Complete final processing of contracts and send documents for payment.
13. Coordinate cost data in contracts with Cost Unit Leader.
14. Maintain equipment time records.
15. Manage all equipment rental agreements.
16. Process all rental and supply fiscal document billing invoices.

Equipment Time Recorder - Oversees the recording of time for all equipment assigned to an incident. Also posts all charges or credits for fuel, parts, service, etc., used by equipment.

#### 4. Compensation/Claims Unit

In the ICS, Compensation-for-Injury and Claims are contained within one Unit. Separate personnel may perform each function, however, given their differing activities. These functions are becoming increasingly important on many kinds of incidents.

Compensation-for-Injury oversees the completion of all forms required by workers' compensation and local agencies. A file on injuries and illnesses associated with the incident will be maintained, and all witness statements will be obtained in writing. Close coordination with the Medical Unit is essential.

The Compensation/Claims Unit's duties and responsibilities include:

1. Establish contact with incident Safety Officer and Liaison Officer (or Agency Representative if no Liaison Officer is assigned).
2. Determine the need for Compensation-for-Injury and Claims Specialist and order personnel as needed.
3. Establish a Compensation-for-Injury work area within or as close as possible to the Medical Unit.
4. Review Incident Medical Plan.
5. Review procedures for handling claims with Procurement Unit.
6. Periodically review logs and forms produced by Compensation/Claims Specialists to ensure compliance with agency requirements and policies.
7. Ensure that all Compensation-for-Injury and Claims logs and forms are complete and routed to the appropriate agency for post-incident processing prior to demobilization.
8. Investigate all claims involving property associated with or involved in the incident.

Two specialists report to the Compensation/Claims Unit Leader:

1. Compensation-for-Injury Specialist - Administers financial matters arising from serious injuries and deaths on an incident. Work is done in close cooperation with the Medical Unit.
2. Claims Specialist - Manages all claims-related activities (other than injury) for an incident.

#### 5. Cost Unit

The Cost Unit's duties and responsibilities include:

1. Coordinate with agency headquarters on cost reporting procedures.
2. Collect and record all cost data.
3. Develop incident cost summaries.
4. Prepare resources-use cost estimates for the Planning Section.
5. Make cost-saving recommendations to the Finance/Administration Section Chief.
6. Provide all incident cost analysis.
7. Ensure the proper identification of all equipment and personnel requiring payment.
8. Records all cost data, analyzes and prepares estimates of incident costs, and maintains accurate records of incident costs.

### Sec. 3.0 Mission Statement

The primary mission of the Department in any Critical Incident situation is the protection and preservation of life. Tactical operations that are conducted in these instances shall be managed by the Operations Chief who shall be guided by the premise that preservation of life extends to all persons, and includes sworn personnel, suspects, perpetrators, hostages and uninvolved bystanders. The Department recognizes that Critical Incidents may also create multi-jurisdictional or multi-functional responsibilities and, should the situation require, it is fully prepared to establish a Unified Command to ensure the efficient use of resources and expertise to bring about a successful resolution of the incident or the efficient transfer of command should jurisdictional or functional needs change.

The Department recognizes that in such situations personnel are subjected to extraordinary demands and stresses and shall provide, under the direction of the Stress Support Unit, evaluation, education and stress mediation through a Critical Incident Debriefing process.

### Sec. 4.0 Critical Incident Definitions

Sec. 4.1 Barricaded Suspect: Any person who has the demonstrated capability and/or the stated intention to cause death or great bodily harm to himself and/or another person and has



achieved tactical superiority by the use of physical obstruction including but not limited to buildings, open fields, vehicles or any other natural or man-made barrier.

Sec. 4.2 Critical Incident: Any man-made or natural disaster, major violent incident, or incident involving an act of violence or potential act of violence in which public safety personnel and/or civilians are subject to extreme danger.

Sec. 4.3 Code 99: The Department's code which identifies a situation as being a Special Threat Situation and sets the appropriate notification/response system in action.

Sec. 4.4 Code 100: The Department's code which identifies a situation as being a Crowd Control Problem and sets the appropriate notification/response system in action.

Sec. 4.5 Code 101: The Department's code which identifies a situation as one involving Fire, Explosion or Structural Collapse incidents and sets the appropriate notification/response system in action.

Sec. 4.6 Code 102: The Department's code which identifies a situation as being one involving a Mass Casualty incident and sets the appropriate notification/response system in action.

Sec. 4.7 Code 103: The Department's code which identifies a situation as being a Natural Disaster (e.g. hurricane, major storm, etc.) incident and sets the appropriate notification/response system in action.

Sec. 4.8 Code 104: The Department's code which identifies a situation as being one involving Hazardous Materials (HazMat) or Weapons of Mass Destruction (WMD) incidents and sets the appropriate notification/response system in action.

Sec. 4.9 Code 105: The Department's code which identifies a situation as being one involving Active Shooter Rapid Deployment Protocol incidents and sets the appropriate notification/response system in action.

Sec. 4.10 Critical Incident Negotiation Team: A group of sworn officers who have been specially trained in negotiation techniques.

Sec. 4.11 Critical Incident Negotiation Team Coordinator: A Superior Officer who is an active member of the Critical Incident Negotiation Team, as well as being responsible for their selection, training, operational use and administrative affairs.

Sec. 4.12 Crowd Control Problem: Any situation involving a large crowd of people where the use of planned tactics is necessary to maintain public safety.

Sec. 4.13 Entry and Apprehension Team: Officers, under the direction of a supervisor, specifically trained and equipped in containment, assault and firearm tactics, for the purpose of

apprehending persons who are probably armed and/or barricaded and/or the rescue of hostages or victims.

Sec. 4.14 Firearms Control: Absolute adherence to the principle that there shall be no discharge of firearms unless authorized by the Incident Commander, except in self defense or the preservation of life.

Sec. 4.15 Hostage Situation: Any incident where a suspect(s) is holding a hostage(s) and where the suspect(s) threatens the life of, or great bodily injury to, the hostage(s), with the unlawful intent of evading arrest, escaping, obtaining the release of persons in custody, obtaining money and/or property or attaining any other objective.

Sec. 4.16 Incident Base: Location at the incident where the primary logistics functions are coordinated and administered. The Incident Command Post may be collocated with the Base.

Sec. 4.17 Incident Commander (IC): The Incident Commander (IC) shall be the person with responsibility for the overall management of the incident. Except in multi-jurisdictional or multi-functional Unified Commands, the command function is the responsibility of a single person, who remains in command until formally relieved, or until transfer of command is accomplished. The IC shall be the highest ranking officer present, subject to the provisions of Rule 101, concerning Command and Control. Whenever a District Commander is relieved of the position of Incident Commander by a person of higher rank, the District Commander shall then be the Deputy Incident Commander.

Sec. 4.18 Incident Command Post (ICP): The location at which the primary command functions are executed. The ICP may be collocated with the Incident Base.

Sec. 4.19 Incident Command System (ICS): A system of incident management with the flexibility to expand and contract to meet the needs of any situation. It is a nationally recognized system that was originally mandated for use in Hazardous Materials Incidents. ICS is a model for all multi-jurisdictional events and provides for the proper application of five major management activities - Command, Operations, Planning, Logistics and Finance. It also provides a workable framework for Mobilizations and De-Mobilizations, and in cases of multi-jurisdictional or multi-functional responsibilities, allows for the formation of a Unified Command.

Sec. 4.20 Information Officer: A sworn officer from the Office of Media Relations shall be designated by the IC as the Information Officer, who shall ensure the security of the Press Area and coordinate with the Incident Commander as to what information can be released without jeopardizing the safety of the hostages, the police or the tactical plan.

Sec. 4.21 Liaison Officer: A Superior Officer so designated by the IC who shall act as the command officer of the command post. The Liaison Officer shall serve as the link to outside resources and agencies and coordinate the arrival and placement of resources, both personnel and material with the Staging Area Manager.

Sec. 4.22 Operations Chief (OC): The person in charge of the Operations Section who is responsible for the management of all tactical operations at the incident. Unless otherwise designated by the IC, the Operations Chief shall be the highest ranking officer present from the Special Operations Division.

Sec. 4.23 Operations Section: The Section responsible for all tactical operations at the incident. The Section includes any Branches, Divisions and/or Groups, Task Forces, Strike Teams, Single Resources and Staging Areas necessary to support tactical operations.

Sec. 4.24 Perimeter:

Sec. 4.24.1 Inner Perimeter: Area of containment closest to the situation.

Sec. 4.24.2 Outer Perimeter: Area of containment located immediately outside of the inner perimeter.

Sec. 4.24.3 Traffic Perimeter: Area of containment farthest from the situation, that prevents unauthorized persons from interfering with the situation.

Sec. 4.25 Recording Officer: Until otherwise designated by the IC, the Recording Officer shall be an officer assigned to the original response unit. The Recording Officer shall keep an incident log of all the pertinent facts and details surrounding the incident in chronological order.

Sec. 4.26 Sniper: Any person who causes, attempts to cause or threatens to cause death or bodily injury to other persons by discharging or threatening to discharge a firearm or other lethal weapon from an initially concealed position.

Sec. 4.27 Special Threat Situation: Any situation involving a barricaded suspect, a hostage situation, a threatened suicide or the execution of a search/arrest warrant.

Sec. 4.28 Staging Area: Location(s) at an incident which provide for efficient resource management by providing a specific location(s) beyond the outer perimeter for responding personnel, equipment and units to be placed while awaiting an operational assignment. Unless the Logistics Section has been activated, Staging Areas are managed by the Operations Section under the direction of a Staging Area Manager.

Sec. 4.29 Staging Area Manager: Unless the Logistics Section has been activated, the Staging Area Manager reports to the Operations Section Chief and is the person responsible for checking-in and managing the resources being held in reserve at the Staging Area while they are awaiting an operational assignment. The Staging Area Manager shall be responsible for ensuring that an accurate record is kept of all responding units and/or personnel and that a report of such is provided to the Recording Officer at the conclusion of the incident.

Sec. 4.30 Terrorism: The calculated use of violence or threats of violence by a person(s) or a group(s) to instill fear for the purpose of coercing or intimidating governments or society in the pursuit of goals that are generally political, religious or ideological.

Sec. 4.31 Unified Command: A unified team effort which allows all agencies with responsibility for an incident, either geographical or functional, to manage the incident by establishing a common set of incident objectives and strategies. This is accomplished without losing or abdicating agency authority, responsibility or accountability.

## Sec. 5.0 Critical Incident Types

Response procedures using the Incident Command System shall be utilized for all Critical Incidents, including, but not limited to:

1. Special Threat Situations - Code 99 ([see Addendum A](#));
  1. Barricaded suspect;
  2. Hostage situation;
  3. Threatened Suicide; and
  4. Execution of Search/Arrest Warrants;
2. Crowd Control Incidents - Code 100 ([see Addendum B](#));
3. Fire, Explosion and Structural Collapse Incidents - Code 101 ([see Addendum C](#));
4. Mass Casualty Incidents - Code 102 ([see Addendum D](#));
5. Natural Disasters, e.g., blizzard, hurricane, major snow or ice storm, etc. - Code 103 ([see Addendum E](#));
6. Hazardous Materials (HazMat) and Weapons of Mass Destruction (WMD) Incidents - Code 104 ([see Addendum F](#));
7. Active Shooter Rapid Deployment Protocol Incidents - Code 105 ([see Addendum G](#)).

## Sec. 6.0 Duties and Responsibilities of Responding Officers

The following duties and responsibilities apply in all situations in which the Boston Police Department is the agency with primary responsibility for resolving a particular type of critical incident. The duties and responsibilities of Boston Police Officers at critical incidents that are the primary responsibility of other agencies (EMS, Fire, etc.) shall be to provide support to those agencies by performing duties such as, directing traffic, controlling access (perimeter control) and conducting evacuations and warnings.

### Sec. 6.1 First Responding Officers:

The first officer(s) to arrive at the scene, regardless of rank, shall assume the duties of Incident Commander (IC) until relieved and shall:

1. Determine the type of Critical Incident;
2. Identify and locate any injured persons, rendering first aid as necessary, and evacuate both the injured and any bystanders, if it is safe to do so;
3. Notify the dispatcher and relay the following information:
  1. Appropriate Critical Incident code;
  2. Exact location of the incident;
  3. Location to which responding units should be sent; and
  4. Areas or streets that may be unsafe for units to enter;
4. Request a Patrol Supervisor;
5. Detain witnesses to establish the following:
  1. Crime(s) committed, if any;
  2. Number of suspect(s) and weapon(s), if any;
  3. Number and location of hostage(s), if any; and
  4. Identity of all parties involved;
6. Maintain radio communication with the Dispatch Center keeping the dispatcher informed of progress of the situation; and
7. Keep the radio channel as clear as possible by maintaining appropriate radio discipline.

The response unit originally assigned to the call by the dispatcher is responsible for completing the incident report. Unless otherwise designated by the IC, this unit will be assigned as the Recording Officer for the incident and shall maintain an incident log of all the pertinent facts and details surrounding the incident in chronological order.

#### Sec. 6.2 Patrol Supervisor:

The Patrol Supervisor assigned by the dispatcher shall:

1. If the Patrol Supervisor is the highest ranking officer present, subject to the provisions of Rule 101, concerning Command and Control, announce arrival and assumption of command to all officers on-scene by radio and assume the duties of Incident Commander (IC);
2. Ensure that the Recording Officer maintains an incident log of all responding units, assignments, events, radio traffic and any other pertinent facts and details surrounding the incident in chronological order;
3. Debrief the first responding officer(s);

4. Evaluate the situation, verify the type of Critical Incident and notify Operations to make the appropriate notifications;
5. In coordination with the dispatcher, shift to an alternate communications channel or request a clear channel. Ensure that all officers on scene and in the Staging Area(s) make the shift to the appropriate radio channel;
6. Establish an inner perimeter. (The inner perimeter is to be staffed only by authorized uniformed personnel, excepting Negotiators. Where necessary, personnel shall be deployed or re-deployed based on the degree of danger to officers, bystanders and hostages.);
7. Establish an outer and traffic perimeter and deploy perimeter control personnel. Allow only authorized persons inside the outer perimeter;
8. Ensure injured and bystanders are evacuated, if safe to do so;
9. Establish a forward command post (FCP) and request the mobile command post (MCP) respond to a designated Staging Area;
10. Establish a Staging Area beyond the outer perimeter and ensure that all responding units report to that location. Assign an officer to act as the Staging Area Manager at the Staging Area;
11. Assign personnel to obtain required police information and continue communications, if established;
12. Request additional resources, as necessary; and
13. Ensure containment and isolation of crime scene and perimeter areas.

#### Sec. 6.3 District Commander:

The District Commander shall:

1. Announce arrival and assumption of command to all officers on-scene by radio; evaluate the situation and debrief the Patrol Supervisor;
2. Assume command as the IC unless relieved;
3. Maintain control of the inner perimeter; and
4. Ensure establishment of an Incident Command Post and press assembly area and assignment of a sworn officer as the Information Officer. When available, the person designated as the Information Officer shall be relieved by the Director of the Office of Media Relations, who shall then be designated as the Information Officer.

#### Sec. 6.4 Incident Commander:

The IC shall have absolute command and control over the Critical Incident. The IC has full responsibility and authority over all personnel, equipment and their utilization for the duration of the incident. Additionally, the IC shall:

1. Announce arrival and assumption of command to all officers on scene by radio.
2. Ensure establishment of Command Post and its communications links and assign an officer as Liaison Officer.
3. Maintain liaison with concerned agencies and other affected jurisdictions and establish a Unified Command system if necessary;
4. Debrief the previous Incident Commander involved in the incident to obtain a clear understanding of the situation and evaluate the resources on scene.
5. Appoint and/or designate individuals to fill ICS Command Staff positions as deemed necessary;
6. Call on any other Department or outside resources needed to support and/or resolve the situation.
7. Ensure that only uniformed officers, with the exception of Hostage Negotiators, are at or within the inner perimeter.
8. Obtain maps of the area and a floor plan of the location.
9. In the absence of a Planning Section having been designated, assign officers, preferably Detectives, to obtain background information and gather intelligence.
10. Ensure the availability of persons with necessary technical skills or persons with pertinent knowledge regarding the incident.
11. Ensure contact with Stress Support Unit personnel and assignment of trained peer counselors for the Critical Incident Stress debriefing process, if deemed necessary;
12. After the incident has been resolved, conduct a Technical Debriefing; and
13. In conjunction with a Formal Debriefing, prepare the After Action Report for the Chief, Bureau of Field Services. The Formal Debriefing and After Action Report shall critique the entire operation, including the management of the incident and the units, personnel and equipment involved.

#### Sec. 6.5 Dispatcher - Communications Division:

Upon being notified that a Critical Incident actually exists, the dispatcher shall immediately direct a Patrol Supervisor to respond, if one is not already on the scene.

Additionally, the dispatcher shall:

1. Advise the Operations Duty Supervisor of the situation;

2. Assign a separate radio frequency or clear the channel of the incident and advise all units to maintain radio discipline;
3. Dispatch sufficient units to contain and isolate the area as directed by the IC. Units so deployed will be sent to the Staging Area to check in with the Staging Area Manager and stand by for assignment(s);
4. Determine and advise responding units of streets that may be unsafe to enter;
5. Notify the responding Patrol Supervisor of actions taken and request that the Patrol Supervisor notify Operations of the status of existing conditions and requests for specific needs;
6. Dispatch ambulance and fire apparatus to the Staging Area; and
7. Advise all units not assigned to the incident to remain out of the area.

#### Sec. 6.6 Duty Supervisor: Communications Division

The Duty Supervisor, Communications Division when notified by a dispatcher that a Critical Incident could exist shall:

1. Notify through the most efficient means available, the Commissioner's Office, the Office of the Superintendent-in-Chief, the Chief, Bureau of Field Services, Commander, Special Operations Division, the District Commander and, if applicable, the Area Deputy Superintendent, the on-call Deputy Superintendent and, if applicable, the Night Superintendent.
2. Designate a Communications Division Clerk(s) to begin a log of all radio and telephone communications requests and notifications made relative to the incident.
3. Notify the Telecommunications Management Unit for the Mobile Command Post, and Lighting Unit to respond, as directed by the IC.
4. Establish and maintain telephone contact with the Mobile Command Post as soon as it is on scene.
5. Ensure that all actions required of the Dispatcher have been performed and that appropriate radio discipline is being maintained.
6. Monitor the incident and ensure that all officers involved are advised of changes in command and other important information.
7. Request assistance of support agencies, e.g., Public Utilities, as necessary when requested by IC.



8. Notify the Stress Support Unit's on-call officer that a Critical Incident is in progress and direct them to respond to the Staging Area.

#### Sec. 7.0 Support Personnel and Services

Sec. 7.1 Radio Shop/Signal Services: Upon being notified of a Critical Incident, the Radio Shop shall deploy to the scene with the Mobile Command Post, fully equipped for response for Critical Incidents.

Sec. 7.2 Liaison Officer: A Superior Officer shall be designated the Liaison Officer by the IC. The Liaison Officer shall act as the command officer of the command post and shall also be the link to outside resources and agencies and coordinate the arrival and placement of resources, both personnel and material with the Staging Area Manager.

Sec. 7.3 Information Officer: A sworn officer from the Office of Media Relations shall be designated by the IC as the Information Officer. The Information Officer shall ensure the security of the Press Area and coordinate with the Incident Commander as to what information can be released without jeopardizing the safety of the hostages, the police or the tactical plan.

Sec. 7.4 Logistics Section Chief: In the event of a prolonged operation the Incident Commander shall designate a person to assume the responsibilities of Logistics Section Chief, who shall be responsible for the following, when so ordered by the IC:

1. Establish central transportation and supply post at or near the Staging Area;
2. Maintain and issue supplies required for operation;
3. Arrange for feeding and bedding of officers if necessary;
4. Maintain complete record of supplies and equipment issued;
5. Account for expenditures, lost or damaged property and contractual agreements; and
6. Inspection and maintenance of equipment and rehabilitation of personnel.

#### Sec. 8.0 Post Incident Procedures

Sec. 8.1 Technical Debriefings: Upon termination of a Critical Incident the IC shall conduct a Technical Debriefing of all personnel involved in the incident and ensure Stress Support Unit personnel make arrangements for Critical Incident Stress Debriefings.

Conducted by the Incident Commander with all personnel directly involved, including Communications Division personnel, the purpose of the Technical Debriefing is to critique the Department's response, both in terms of personnel and resources, while events are fresh in the minds of the participants, for the purpose of learning, evaluating and making recommendations, as well as to aid in preparation of the After Action Report.

Sec. 8.2 Critical Incident Stress Debriefings: Upon termination of a Critical Incident, if deemed necessary by the Director, Stress Support Unit, or designee, incident debriefings of personnel

intensely involved in and/or affected by the incident, for the purpose of post-incident stress evaluation, education and mediation shall be conducted. These debriefings will be conducted by members of the Boston Police Critical Incident Support Team (BPCIST).

The Boston Police Critical Incident Support Team (BPCIST) Coordinator and/or other team members will be dispatched to the appropriate location to conduct a post-incident defusing for the officers involved in a Critical Incident. The on-scene BPCIST members will further assess the situation to determine the need for a formal debriefing and communicate their findings to the BPCIST Coordinator who shall further advise the Director, Stress Support Unit.

Upon being advised by the BPCIST Coordinator, a formal debriefing may or may not be required at the discretion of the Director, BPD Stress Support Unit or their designee.

Whenever a formal Critical Incident Stress Debriefing is deemed necessary, attendance by all officers directly involved shall be mandatory. It is the responsibility of the BPCIST Coordinator, or their designee from the Team, to notify the District or Unit Commander of the time and place the formal CISD will be held. District or Unit Commanders shall ensure that the officers involved in the incident attend.

#### Sec. 8.3 After Action Report/Formal Debriefing

The Incident Commander shall submit to the Chief, Bureau of Field Services, in addition to any other reports required, an After Action Report which shall include an analysis of the personnel, equipment, operation and management of the incident, as well as any recommendations for improvement.

Upon submission of all reports, the Chief, Bureau of Field Services shall hold a Formal Debriefing with the IC, Commander of the Special Operations Division, all involved Unit Commanders and any others he so designates, for the purpose of learning, evaluating and making recommendations.

---

### Addendum A - Code 99 Special Threat Situations

#### 1. Barricaded Subjects/Hostage Situations/Threatened Suicides

##### General Considerations

Special Threat Situations are among the most delicate and sensitive encounters the Department is called upon to handle. Lives are at stake and the actions of the Department will determine the outcome. The success of any Special Threat Situation plan hinges on unity of command, teamwork, communication, coordination of personnel and tactical decision making.

The procedures described herein are designed to address those actual situations which have reached such a serious magnitude that a major Department response is necessary. It does not address those incidents which can and/or must be resolved immediately.

The very nature of barricaded suspect or hostage situations indicates that this is an extremely sensitive area. The following guidelines are intentionally broad in scope, because no two situations are exactly alike. Whether it be the number of hostages and/or suspects, the mental condition of the suspect(s), the geographical location, or any other variable, each situation must be evaluated and acted upon in its own set of circumstances.

### Sec. 1 Negotiation/Use of Force Policy

Once it has been determined that a Special Threat Situation exists, the Communications Division shall be notified that a Code 99 situation exists. It is the policy of this Department that except for situations where exigent circumstances require an immediate forceful response, non-force alternatives will be utilized before resorting to forceful measures. The goal to be pursued in responding to these situations is the successful termination of the operation without injury and/or loss of life. Additionally, it is the policy of this Department that the Boston Police SWAT Team shall be utilized in all Special Threat Situations and that the Critical Incident Negotiation Team shall be utilized in all Special Threat Situations involving Barricaded Subjects, Hostages and/or threatened suicides.

### Sec. 2 Goal of Negotiations

In these situations the primary goal of the Department is to save and preserve the lives of police officer(s), the hostage(s), citizen(s), and hostage taker(s), barricaded suspect(s) and/or threatened suicides.

In order to achieve this goal the Department will pursue the following objective:

1. Establish and maintain complete organizational control on scene.
2. Obtain tactical advantage over the suspect(s).
3. Negotiate safe release of the hostage(s) and apprehension of the suspect(s).
4. Explore every source of intelligence information.

### Sec. 3 Purpose of Negotiations

The primary purpose of negotiation is to slow down the initiative of the suspect(s) and create an atmosphere of trust. Most suspects are in a state of conflict and anxiety: and are emotionally unstable, hypersensitive to their environment, and unable to cope or focus their thoughts. The first objective of the negotiator is to reduce the suspects anxiety and return the suspect(s) to a decision-making state. Communication and stalling for time are the primary tactics used. Time allows the police to prepare alternatives, plan for different eventualities and provides an opportunity for the suspect(s) to make a mistake. Practically all demands are

negotiable, except, demands for weapons and explosive materials, or the exchange of hostages.

#### Sec. 4 Stockholm Syndrome:

During any hostage situation, negotiators and other police personnel should be aware of the Stockholm Syndrome. It consists of one or more of the following behaviors:

1. The hostages begin to have positive feelings toward their captors;
2. The hostages begin to have negative feelings toward the authorities; or
3. The hostage takers begin to develop positive feelings towards their hostages.

Being aware of this syndrome is essential when considering the validity of information from hostages or attempting a rescue assault.

#### Sec. 5 Use of Outside or Third Party Interveners

Third party Interveners, i.e. family, friends, clergy, psychiatrists, etc.: use of such parties must be carefully considered and shall not be allowed unless:

1. The Critical Incident Negotiation Team Coordinator or his designee has interviewed and approved the person, and
2. The IC has approved his/her utilization upon the recommendation of the Critical Incident Negotiation Team Coordinator.

Past experience has demonstrated that family members in particular can cause negative responses and aggravate the situation.

Therefore, before allowing their use as third party Interveners, the Critical Incident Negotiation Team Coordinator will:

1. Determine their identity, background and character.
2. Determine the constructive potential and likely impact of the intervener(s) on the suspect.
3. Establish clear guidelines for intervener's participation.
4. Brief the intervener(s) and agree on what position they will establish with the suspect(s).

#### Sec. 6 Containment and Fire Control

That stabilization of life-threatening situations through containment and fire control creates a tactical environment in which negotiation and problem solving can provide the basis for resolving the incident.

The primary concern of all personnel is the protection of life, whether it be of police officers, hostage(s), suspect(s), or innocent person(s). Therefore, after the initial confrontation is over and the situation is contained, only the Officer-In-Charge can authorize the discharge of weapons. No officer shall discharge a firearm without authorization of the Officer-In-Charge except in an emergency, self-defense or preservation of life.

#### Sec. 7 First Responding Officers:

The first responding officer and/or supervisor must recognize and carefully assess the seriousness and potential threat inherent in a potential barricaded suspect or hostage incident. The first officer(s) to arrive at the scene, usually patrol officers, shall:

1. Respond utilizing controlled - silent response;
2. Determine that a Special Threat Situation exists by determining;
  1. Whether or not a suspect has seized hostages;
  2. If a suspect has contained himself by gaining physical control of the crime scene; and
  3. If this is a threatened suicide requiring the intervention of a trained negotiation team and/or entry and apprehension team.
3. Not return fire or assault the suspect. Officers shall exercise restraint in using firearms. Return fire must be based on the immediate threat to life or great bodily injury by a suspect, the hostage/bystanders must be clear of the line of fire and the armed suspect must be clearly visible and identifiable.
4. Contain the suspect by establishing an inner perimeter and begin isolating the area;
5. Notify the dispatcher and relay the following information;
  1. A Code 99 situation exists;
  2. Exact location of the incident;
  3. Number and location of hostages;
  4. Number and description of suspects and weapons;
  5. Possible avenues of escape;
  6. Location to which responding units should be sent;
  7. Areas or streets that may be unsafe for units to enter.
6. Request the Patrol Supervisor;
7. Evacuate injured and bystanders;
8. Detain witnesses;
9. Develop Required Police Information (RPI) including;

1. Crime committed;
  2. Number of suspects and weapons;
  3. Number and location of hostages;
  4. Injuries;
  5. Identity of all parties involved.
10. Attempt to establish communication with the suspect, but make no attempt to negotiate with the suspect;
  11. Avoid accepting deadlines;
  12. Make no threats; and
  13. Maintain radio communication with the Dispatch Center keeping the dispatcher informed of progress of the situation.

Unless otherwise assigned by the IC, the unit originally assigned to the call by the dispatcher is responsible for completing the incident report, taking charge of prisoners and filing complaints when necessary.

If the originally-assigned unit is re-assigned by the IC or is unable to remain at the scene, the Patrol Supervisor or the IC shall assign a unit to replace the originally assigned unit. The replacement unit shall be responsible for completing the incident report, taking charge of any prisoners and filing complaints when necessary.

#### Sec. 8 Patrol Supervisors:

In addition to the general responsibilities of responding Patrol Supervisors, the Patrol Supervisor assigned by the dispatcher shall:

1. Assume the duties of the IC and announce arrival and assumption of command to all officers on scene by radio;
2. Assign an officer to maintain a log of all responding units, assignments, events and radio traffic;
3. Evaluate the situation and debrief the first responding officers;
4. In conjunction with the dispatcher, sift to an alternate communications channel or request a clear channel. Ensure that all officers on scene are informed and make the shift.
5. Establish an inner perimeter staffed by uniformed personnel only, excepting Hostage Negotiators, until such duties can be assumed by the Boston Police SWAT Team. Deploy

and/or re-deploy personnel based on the degree of danger to officers, bystanders and hostages;

6. Ensure the injured and bystanders are evacuated;
7. Establish an outer and traffic perimeter and deploy perimeter control personnel;
8. Establish a forward command post (FCP) and request the mobile command post (MCP);
9. Establish a staging area beyond the outer perimeter and ensure that all responding personnel and units report to that location for check in. Assign an officer to act as the staging area manager;
10. Assign personnel to develop required police information (RPI), to gather intelligence and to continue communications, if established;
11. If not established yet, establish communication with the suspect, but make no attempt to negotiate;
12. Request that the Boston Police SWAT Team and the Critical Incident Negotiation Team respond;
13. Request that an ambulance and fire apparatus respond to the staging area; and
14. Ensure continued containment and isolation of the area.

#### Sec. 9 District Commanders:

In addition to the general responsibilities of responding District Commanders, the District Commander shall:

1. Assume the duties of the IC and announce arrival and assumption of command to all officers on scene by radio;
2. Evaluate the situation and debrief the previous IC (Patrol Supervisor);
3. Maintain control of inner perimeter until such duties are turned over to the Boston Police SWAT Team;
4. Ensure the establishment of a command post and press assembly area;
5. Assign an officer to be the Liaison Officer to maintain communication with concerned agencies and other affected jurisdictions;
6. Request additional resources and units, as necessary;

7. Ensure that personnel have been assigned to develop required police information (RPI), to gather intelligence and to continue communications, if established;
8. Ensure that an inner perimeter has been established that is staffed by uniformed personnel only, excepting Hostage Negotiators, until responsibility for such duties is taken over by the Boston Police SWAT Team and such other uniformed personnel as may be necessary. Deploy and/or re-deploy personnel based on the degree of danger to officers, bystanders and hostages;
9. Obtain maps of the area and floor plan of the location;
10. Ensure that the Boston Police Critical Incident Support Team has been notified; and
11. At the conclusion of the situation, prepare and submit the After Action Report.

#### Sec. 10 Dispatch Center Dispatcher:

Upon being notified that a Special Threat Situation (Code 99) exists, the dispatcher shall immediately direct a Patrol Supervisor to respond, unless one is already on scene. Additionally, the dispatcher shall:

1. Advise the Dispatch Center Duty Supervisor of the situation;
2. Assign a separate radio frequency or clear the channel for the incident;
3. Dispatch sufficient units to contain and isolate the area. Units so deployed will be sent to the staging area unless directed to specific points by the IC;
4. Advise responding units of streets that may be unsafe to enter or use;
5. Notify the responding Patrol Supervisor of actions taken and request that the PS notify Operations of the status of existing conditions and any requests for specific needs;
6. Dispatch ambulance and fire apparatus to the staging area; and
7. Advise all units not assigned to the incident to remain out of the area.

#### Sec. 11 Dispatch Center Duty Supervisor:

When notified by a dispatcher that a Special Threat Situation exists, the Dispatch Center Duty Supervisor shall:

1. Notify the Commissioner's Office, the Bureau of Field Services, The Bureau of Special Operations, the on-call Deputy Superintendent, the Area and/or District Commander and the Commander of Mobile Operations.



2. Designate a Communications Division Clerk to begin a log of all radio communication requests and notifications made relative to the incident;
3. Notify the Critical Incident Negotiation Team Coordinator and the on-call Critical Incident Negotiation Team;
4. Notify the Commander, Boston Police SWAT Team;
5. Notify the Radio Shop and have the Mobile Command Post and the Lighting Unit respond;
6. Establish and maintain land line contact with the Mobile Command Post as soon as possible;
7. Ensure that all actions required of the dispatcher have been performed;
8. Monitor the progress of the incident and ensure that all officers involved are advised of changes in command and other important information;
9. When requested by the IC, request necessary assistance from other agencies;
10. Notify the Boston Police Critical Incident Support Team that a critical incident is in progress and provide them with the land line number of the Mobile Command Post.

#### Sec. 12 Critical Incident Negotiation Team Coordinator

1. Administrative Responsibilities:
  1. Selection of the Critical Incident Negotiation Team Members.
  2. Planning and scheduling of training programs for newly selected and experienced negotiators.
  3. Maintenance of an on-call system and Team Roster which will be provided to the Commander, Communications Division. The Commander, Communications Division is responsible for posting the list in the Dispatch Center Duty Supervisor notification log.
  4. Evaluation of Critical Incident Negotiation Teams and members. Periodic review of needs and goals in order to maintain proficiency.
  5. Design and development of innovative techniques and equipment for Critical Incident Negotiation Team members.
2. Operational Responsibilities:
  1. Function under the command and control of the Incident Commander, unless an Operations Section Chief has been designated.
  2. Assume responsibility for all Critical Incident Negotiation Team operations.
  3. Use the on-call system and Team Roster to request specific negotiators to respond to the scene.

4. Determine the number of negotiators needed at the scene to efficiently and effectively maintain Critical Incident Negotiation Team (unit) operations.
5. Assign each negotiator at the scene.
6. Act as staff advisor to the IC regarding the status of negotiations, the capabilities and resources of the Critical Incident Negotiation Team and alternative tactics.
7. Evaluate ongoing negotiations and recommend the implementation of various strategies to negotiators.
8. Coordinate Critical Incident Negotiation Team operations with the Entry and Apprehension Team Commander.
9. Evaluate suspects and the suspect's potential for destructive behavior.
10. Secure and determine which persons other than negotiators may speak with the suspect.

### Sec. 13 Critical Incident Negotiation Team

The Critical Incident Negotiation Team will deploy to the scene upon notification. At the scene, they will be under the command and control of the Critical Incident Negotiation Team Coordinator. Team members will assist the primary negotiator or act as the primary negotiator when so directed. Their duties shall include:

1. Contact the suspect.
2. Keep the suspect in a problem-solving status.
3. Develop alternative tactics and/or options for the peaceful resolution of the suspect(s).
4. Develop intelligence information as to the identity, cause and demands of the suspect(s).
5. Interview all witnesses, police and civilian, who may have relevant information.
6. Assist the Boston Police SWAT Team Commander.
7. Advise and update Critical Incident Negotiation Team Coordinator as to situation status, direction and tactics utilized.

### Sec. 14 Boston Police SWAT Team:

Responsibilities of the Entry and Apprehension Team are:

1. Respond with adequate personnel when notified by the Communications Division;
2. Be under the command of and act as staff advisor to the IC as to the capabilities and resources of his unit;

3. Supervise and direct all personnel manning the inner perimeter;
4. Limit access to inner perimeter and strictly enforce the policy that only authorized uniformed personnel, except Negotiators, shall be at or forward of the inner perimeter;
5. Have Boston Police SWAT Team personnel in position to ensure the safety of Negotiators and hostages;
6. Ensure the presence of specialized equipment and personnel with the necessary technical skills for the proper use of such equipment are brought to the scene. Deploy special equipment and munitions within established guidelines;
7. Ensure the evacuation of civilians and unauthorized police personnel;
8. Obtain and/or provide maps, floor plans, etc., of locations where hostages are held;
9. Provide scouting reports of location(s) where hostages are held;
10. Deploy sniper/observer teams to cover and observe locations where hostages are held;
11. Ensure the suspect(s) and suspect's location are under constant surveillance;
12. In conjunction with the IC, develop plans that allow decisive action to be taken, if and when conditions provide a tactical advantage;
13. Designate personnel from the Boston Police SWAT Team to take the suspect(s) into custody in the event of a peaceful or negotiated surrender;
14. Designate personnel from the Boston Police SWAT Team to make a forced entry if one is required;
15. Designate personnel from the Boston Police SWAT Team to follow the hostage movement vehicle if one is negotiated and contain the perimeter at the new location;
16. Initiate tactical and operational plans upon being so directed by the IC or a designated Operations Section Chief.

#### Sec. 15 Mobility/Relocation

The movement of a hostage location is an extremely hazardous operation requiring precision, coordination and control. Therefore, due to the inherent dangers involved in a change of location, the relocation of the hostage-takers and hostages(s) should be executed only when all other alternatives have failed and the relocation will:

1. Improve the safety of the hostage(s);
2. Result in the reduction of the number of hostages held.

The movement of the hostage-taker(s) and hostage(s) should include electronic surveillance, vehicle surveillance of front, rear and parallel streets and air cover. The movement shall be controlled. All major roadways, parallel streets and intersecting streets shall be closed to allow the unobstructed passage of the convoy. If possible, the relocation site should be selected in advance and secured by Boston Police SWAT Team personnel.

#### Sec. 15.1 Change in Jurisdictional Responsibility

If the relocation movement involves intra-state, interstate or international boundaries, the state Police, FBI, FAA and IC of the new jurisdiction shall be notified and included in the planning at the earliest possible moment.

In Special Threat Situations where the hostage/victim is a foreign official or an official guest of the United States, or which involves a federal crime, such as bank robbery, jurisdiction is shared concurrently by the FBI and Boston Police Department. If control of the situation was initiated by the Boston Police Department, primary jurisdiction shall be retained by the Boston Police Department until or unless the FBI clearly states that they are assuming command of the situation. In such instances, the FBI is then responsible for bringing the situation to a successful conclusion.

If the Special Agent-in-Charge of the FBI Boston Office, or his designee, states that jurisdiction of the situation will remain concurrent, decisions will be made jointly between the Boston Police Department IC and the senior FBI Special Agent on scene by establishing an ICS Unified Command.

#### Sec. 15.2 Post-relocation Consolidation and Negotiation

Unless exigent circumstances develop which require an immediate forceful response, upon establishment of the suspect(s) and the hostage(s) at a new location, the IC shall re-evaluate the situation and attempt to re-establish negotiations.

#### Sec. 16 Post-Incident Procedures

Post-Incident procedures (after-action reports, debriefings, et al) will be conducted in accordance with standard critical incident post-incident procedures.

---

### Addendum B - Code 100 Crowd Control Situation

Introduction:

In the United States of America, as in the City of Boston, all people have a First Amendment right of free speech and assembly guaranteed by both the federal and state constitutions. The Boston Police Department not only recognizes the right of free speech, but also will actively protect people in the exercise of this right. It is the policy of the Boston Police Department that during marches, demonstrations, protests or rallies, whether they are planned or unplanned and/or possess parade permits or lack such permits, to preserve the peace while protecting the rights of all those assembled and protecting the property of all.

Along with guaranteeing the right to exercise certain freedoms or liberties, the Constitution places duties and obligations on both demonstrators and non-demonstrators – including members of law enforcement. Those who exercise their right to march, demonstrate, protest, rally or exercise any other First Amendment activity are obligated to respect and not abuse the civil and property rights of others. Likewise, police officers are obligated not to let their own personal, political or religious views affect their actions, regardless of the race, gender, sexual orientation, physical disabilities, appearance or affiliation of anyone exercising their lawful First Amendment rights.

Whenever it becomes necessary to control the actions of a crowd that has become an “unlawful assembly,” the Department shall do so with optimal efficiency, minimal impact upon the community and using only such force as is reasonable and necessary.

In crowd control situations where the demonstrators are engaged in unlawful conduct, the Department shall make reasonable efforts to employ “non-arrest” methods of crowd management as the primary means of restoring order. Such methods can be, but are not limited to, establishing contact with the crowd and obtaining voluntary compliance with police directives to minimize enforcement actions. Should such methods prove unsuccessful, arrests shall be made for violations of the law in order to restore and maintain order, protect life and property and protect vital facilities and infrastructures.

#### General Considerations:

Incident Command at the scene of a crowd control problem within the City shall reside with the Boston Police Department. In addition to the general responsibilities described previously, the duties of officers at a crowd control situation are to perform the following tasks within the limits of their training and personal protective equipment. A crowd is quick to sense fear, indecision, poor organization and training on the part of police officers and will take instantaneous advantage of it. The responsibilities placed on officers are important if they are to maintain the public tranquility and well being.

In managing a crowd control situation or civil disturbance, the policy of this Department is to use the least stringent phase of force necessary to accomplish the objective in the safest possible manner for all involved. The application of force is determined by the escalating levels or potential escalating levels of force faced by the officers in a crowd control situation or civil disturbance. Any and all use of force by the Boston Police Department and those law enforcement agencies called upon to assist the Boston Police Department shall be determined by the authorized Command and Control structure put in place for a particular crowd control or civil disturbance event – planned or unplanned.

As outlined above, it may not be feasible to apply each phase of the Use of Force Continuum in the order written. Circumstances may require that one or several of the phases be discarded depending upon the level of opposition encountered. The situation, use of force or violence used by the crowd, amount of damage being done to property that the Incident Commander or Tactical Commander encounters will dictate the phase and use of force by the police.

No two crowd control situations or civil disturbances are the same. This can be due to some of the following: type of event, location, weather, size of the crowd, make up of the crowd, mood of the crowd, time of day or night and any incidents that may have led up to the event or situation. The Incident Commander or Tactical Commander must consider the number of officers present to police the event and the type of equipment available to them at the time. The Incident Commander or Tactical Commander must also consider the amount of time it will take for the equipment or additional officers to arrive to deal with the crowd control problem at hand.

The appropriate level of force will be determined and authorized only by the Incident Commander and/or the on-scene Tactical Commander.

#### Sec. 1 **Types** of Crowd Control Situations:

- A. Organized Marches & Demonstrations (orderly crowd) – defined as a march or demonstration that takes place where the participants do no damage to property or injure any persons and do not materially interfere with the civil or property rights of others. In some cases, the participants will work with the police to move the march or demonstration along to its completion. Such marches or demonstrations may be planned or unplanned and could have a parade permit or lack a parade permit.

As long as the situation does not escalate, the responsibility of the police is limited to monitoring crowd activities. The police presence could be in platoon formation or in

individual officers strategically placed in and around the area, including motorcycle escorts. Normal patrol and use of force policies and responsibilities would apply.

- B. Peaceful Civil Disobedience – defined as a march or demonstration that takes place where some or all of the participants engage in some form of civil disobedience. This type of situation could manifest itself as a peaceful building takeover, a “sit-down” that blocks the entrance to a building or roadway or marching against the traffic on public streets. Demonstrators will sometimes ask to be arrested and/or will try to get arrested, and will assist and/or cooperate in the arrest process. Events such as these will usually not result in property damage and will involve only a limited infringement of the civil and property rights of others.

The initial response of the police at the scene of an unlawful, but non-violent march or demonstration will be to monitor the crowd’s activities and to provide a uniformed police presence while evaluating the situation. The Incident Commander or Tactical Commander on scene will determine whether or not to deploy crowd control tactics and formations and/or the use of force to make mass arrests based on the fluid scenario and the degree of disruption.

- C. Non-Peaceful Civil Disobedience – defined as a march or demonstration, whether they possess a parade permit or lack such a permit, that could be static or moving where the participants engage in unlawful behavior that causes damage to property and/or injury to themselves or others. This type of march or demonstration significantly infringes on the civil or property rights of others and/or causes major disruption to the city’s infrastructure, parks, roadways, traffic or commerce.

The presence of police officers at the scene of a civil disturbance or crowd control situation will not necessarily prevent an unruly crowd from committing acts of violence or destruction of property. During non-peaceful acts of civil disobedience, violent marches, violent rallies or violent demonstrations, the Incident Commander will monitor the crowd’s behavior and direct law enforcement personnel to engage persons involved in any violent and/or criminal activities as appropriate. The Incident Commander or the Tactical Commander on scene will decide to what degree the Use of Force Continuum for Crowd Control Situations or Civil Disturbances

outlined below shall be utilized, up to and including the employment of mass arrests to restore order.

## Sec. 2 Use of Force Continuum for Crowd Control Situations and Civil Disturbances

The five phases of force described below do not alter or change the Use of Force policies of the Boston Police Department as described in BPD Rules 303, 303A and 304 and, to the extent possible, any and all law enforcement agencies working with the Department. These five

phases of control are meant to give officers guidelines as to what weapons systems or tools are appropriate for particular situations and when to apply them.

Listed below in Section 8, (F), are the four levels of Department response to crowd control situations or civil disturbances and who should respond. Note that Level III (and higher) authorizes the Public Order Platoons, made up of members of the Special Operations Division the Youth Violence Strike Force and Drug Control Unit. Each to be equipped with less lethal weapons systems and chemical munitions and equipment and to utilize them as deemed necessary to neutralize the situation.

- A. Constructive Force – mere uniformed police presence. This presence may be in the form of individual officers assigned to posts or officers assigned to crowd control formations. Officers may be in soft uniforms (standard police uniforms) or outfitted in authorized crowd control equipment. Generally, there is no physical contact between police and demonstrators at this level of force.
- B. Physical Force – in accordance with the provisions of BPD Rule 304, this is reasonable force, which is defined as the least amount of force that will permit officers to subdue or arrest a subject while still maintaining a high level of safety for themselves and the public. Such force may involve hands-on touching, but does not include the use or deployment of tools or weapons systems. The decision to use physical force may include the deployment of officers in squads or platoons whether they are on foot, motorcycles, bicycles, or in cruisers. Such deployment may involve the use of approved crowd control formations such as skirmish lines, wedge formations, crossbow formations and arrest teams (with or without protective shields) that are capable of dispersing a crowd or making arrests.
- C. Mechanical Force – Force within this area is broken down into two stages of tools and/or weapons systems:
  1. Stage I – In accordance with Rule 304 §5, the Department currently authorizes several baton-type or impact implements for use as non-lethal weapons against assailants, i.e., 24” police baton, 36” riot batons, et cetera. Additionally, within this level Department issued incapacitating spray (OC spray), as well as the Jay-Cor pepper ball system and/or smoke canisters may be utilized.
  2. Stage II – Includes the use of Less-lethal projectiles, i.e., FN 303 projectile system, sting balls, 12 Gauge CTS Super Sock BeanBag Munitions, 37mm or 40mm launched munitions, noise flash diversionary devices and smoke canisters. Less-lethal munitions consist of projectiles launched or otherwise deployed for the purpose of overcoming resistance, preventing escape, effecting an arrest or reducing serious injury. Less-lethal munitions are meant to significantly reduce the likelihood of causing serious injury or death and are divided into three (3) broad categories:



- a. Target Specific – Involves a situation where there is an identified individual target who is involved in unlawful or criminal activities. In tactical situations, any and all of the above weapons may be used by the Boston Police SWAT Team. Likewise, any and all of the above weapons systems may be authorized for use in a crowd control situation or civil disturbance. However, only officers who have been trained and certified in their use may use the above weapons.
  - b. Group Specific – Involves a situation where there is no identified individual target or where group behavior must be modified. In such situations, Department authorized less-lethal weapon systems would be utilized against a crowd in order to move them from an area, to prevent injury to civilians and/or officers or to prevent damage or destruction of property. As noted above, only officers who have been trained and certified in their use may use the above weapons.
  - c. Tactical Discharge – Involves a pre-planned operation. Most such situations will involve the Entry and Apprehension Team in situations such as warrant service against a high risk offender, neutralization of a barricaded subject, a high risk take-down arrest (either static or mobile), disarming an emotionally disturbed person that is doing or threatening harm to themselves or others, et cetera. In such situations, Department authorized less-lethal weapon systems would be utilized under the direction and supervision of the on scene Tactical Commander, but only by officers who have been trained and certified in their use.
- D. Chemical Force – Tools or weapons systems that disperse chemical irritants or incapacitating spray. Such force includes, but is not limited to, the use of OC spray, hand-held MK-9 or MK-46 canisters, OC sting ball munitions, Jac-Cor OC and FN 303 OC projectile systems, 12ga. launched munitions, 37mm and 40mm launched chemical munitions and hand-held and launchable CS agents.
- E. Deadly Force – Deadly force may only be used in accordance with the provisions of BPD Rule 303. There is no exception to the Department’s use of force policy regarding the use of deadly force during crowd control situations and/or civil disturbances. Such situations do not alter the Department’s use of force policy regarding the use of deadly force.

It is the responsibility of the Incident Commander or, when designated, the Operations Section Chief (on scene Tactical Commander) to evaluate the crowd control situation or civil disturbance to determine the level of force to be utilized and to authorize its use.

### Sec. 3 Definitions

- A. Containment – to confine unlawful disorder to the smallest possible area.

- B. Isolation – to prevent growth of the unlawful disorder and to deny access to others who, for their own safety, are not involved.
- C. Dispersal – to disperse the crowd and to take appropriate action against law violators

#### Sec. 4 Tactical Objectives

- A. Control the crowd, march or moving protest with safety and with minimal injury, taking into consideration the sworn officers, the protesters and the uninvolved bystanders.
- B. Establish order and traffic control points as directed by the Incident Commander.
- C. Respect the rights of all citizens to peacefully protest and/or march.

#### Sec. 5 Duties of First Responding Officer

In addition to any general responsibilities described previously, first responding officers shall:

- A. Evaluate the situation and notify the Communications Division of the existence of a Code 100 event including its type, nature and/or cause. Possible types are not limited to:
  - 1. Peaceful stationary protest;
  - 2. Moving protest or march on city streets, parks or private property;
  - 3. Building take-over or blocking of entrances or exits;
  - 4. Sit-down protest in the city streets or on private property;
  - 5. Demonstration at a government facility or transportation facility; and
  - 6. Crowd control problem at a fire, structural collapse, HazMat incident, concert or sporting event;
    - B. Estimate the size of the crowd and their intentions, if known, and notify the Communications Division;
    - C. Request a Patrol Supervisor respond to the scene;
    - D. Assume the role of Incident Commander until relieved, including the following duties:
      - 1. Identify a staging area for responding units;

2. Notify the Communications Division as to the best route for additional responding units;
3. Notify the Communications Division of the locations of streets that will need to be blocked, diverted or closed;
4. Request the Communications Division contact other agencies if impacted, e.g., MBTA Police, State Police, Federal Agencies and MBTA bus routes, if affected;
5. Begin an incident log; and
6. Prepare to brief the Patrol Supervisor.

#### Sec. 6 Duties of Communications Division

- A. Notify the Patrol Supervisor responsible for that Sector;
- B. Make all requested notifications and pages to Command Staff, the District Commander and any impacted outside Agencies; and
- C. Prepare to open a clear channel for communications and assign a dispatcher for the incident, if requested.

#### Sec. 7 Duties of Patrol Supervisor

In addition to any general responsibilities described previously, upon arrival the Patrol Supervisor shall:

- A. Announce arrival and assumption of the duties of the Incident Commander by radio;
- B. Get a briefing from the first responding officer and re-evaluate the crowd control situation;
- C. Re-evaluate the staging area and notify the Communications Division if the staging area will remain the same or be re-located due to the changing situation;
- D. Assign someone to the staging area to act as the staging area manager;
- E. Re-evaluate the size and/or number of people in the crowd and update the Communications Division;
- F. Ensure that an incident log is being maintained, either by the first responding officer or another designee;
- G. Assign or re-assign responding units and brief them as to their duties;

- H. Attempt to make contact with the protest organizers and find out their intentions, their route of march and/or the length of their protest;
- I. Attempt to determine if the event has been issued a permit by the City or another organization;
- J. Meet with other agency representatives if on the scene (MBTA Police, State Police, Campus Police, Boston Transportation Department, et cetera);
- K. Request that Mobile Operations respond, if deemed necessary;
- L. Evaluate the need for further resources from the Bureau of Special Operations;
- M. Request the activation of the Emergency Deployment Team (EDT), if deemed necessary;
- N. Upon their arrival at the staging area, ensure that the EDT is properly equipped and are organized into equal squads under the command of a supervisor;
- O. Evaluate the need to have prisoner transport wagons respond to the staging area; and
- P. Prepare to brief the District Commander or other higher ranking officer who responds and assumes command.

#### Sec. 6 Duties of District Commander and/or Incident Commander

In addition to any other duties described previously, the District Commander or other higher ranking officer on scene shall:

- A. Announce their arrival and assumption of the duties of the Incident Commander by radio;
- B. Receive a briefing from the previous Incident Commander;
- C. Re-evaluate the staging area and notify the Communications Division if the staging area will remain the same or be re-located due to the changing situation;
- D. Ensure that a staging area manager has been designated;
- E. Ensure that an incident log is being maintained either by the first responding officer or another designee;
- F. Identify the appropriate level of Department response needed, such as:
  - 1. Level I – The first level of deployment in accordance with the District Commander's plans is made up of district personnel. This deployment is in anticipation of a small

to medium-sized group with little or no violence or disruption to the event. Level I response will be under the direct command of the District Commander;

2. Level II – The second level of deployment will be to utilize the Department’s Emergency Deployment Team (EDT). The escalation to Level II will depend on the escalation of size of the crowd, their behavior and the violence and disruption being caused. The decision to escalate to Level II will be made by the District Commander, or in the case of an emergency prior to the arrival of the District Commander, the Incident Commander. If the EDT is to be used, the Incident Commander will ensure that they are properly equipped and are organized into equal squads under the command of a supervisor.
  3. Level III – the third level of deployment will consist of the activation of the Public Order Platoons (POP). The POP’s will be made up of personnel from the Special Operations Division and the Youth Violence Strike Force and Drug Control Unit. The POP’s will be deployed in cases of extreme violence and disruption or when the potential exists for such a situation to develop. The POP’s will be equipped with “less lethal” weapons, chemical munitions and any other equipment deemed necessary to neutralize the situation. The decision to escalate to Level III will be made by the Incident Commander.
  4. Level IV – The fourth level of deployment will consist of full deployment of Department resources, as well as other agencies, i.e., mutual aid. The escalation to Level IV should be considered prior to full scale rioting and in cases where the loss of control of the situation is imminent. The decision to escalate to Level IV will be the responsibility of the Incident Commander after consultation with the Emergency Operation Center (EOC).
- G. Make such assignments as necessary under the Incident Command System to ensure the safe and timely resolution of the incident;
  - H. Be aware of the limits of the training and personal protective equipment possessed by the responding officers;
  - I. Give timely updates on conditions to the Communications Division for dissemination to the Emergency Operations Center and the Command Staff;
  - J. Evaluate the need for prisoner transport wagons to respond to the staging area and/or request additional prisoner transport wagons;
  - K. Request a representative from the Office of Media Relations respond to the scene to act as the Information Officer;
  - L. Request units from Boston Emergency Medical Service respond to the staging area;

- M. Request Special Operations K-9 and/or Mounted units respond to the staging area in anticipation of performing security and crowd control duties, if deemed necessary;
- N. Request the Video Unit respond to the staging area;
- O. If not already on scene, request the Intelligence Unit respond to the staging area; and
- P. If the situation has been upgraded to a Level II, Level III or Level IV response, designate an Operations Section Chief to be in charge of the tactical response.

Addendum C - Code 101  
Fire and Structural Collapse  
Incidents

- 1. Fires
- 2. Structural Collapse

I. FIRES

Incident Command at the scene of a working fire within the City resides with the Boston Fire Department. The general duties of police officers at Fire incidents is to perform the following tasks within the limits of their training and personal protective equipment:

Provide personnel to secure the area and the Incident Command Post during an incident;

Establish access control and traffic control points as directed by the Incident Commander; and

Evacuate or notify affected populations and assist in making other warnings as directed by the Incident Commander.

Sec. 1 Duties of First Responding Officer

In addition to the general duties of first responding officers described previously, officers shall:

- 1. Notify the Communications Division of the conditions found on scene and confirm the existence of a Code 101 event, including;
  - 1. The type of fire and its extent;
  - 2. The intensity of the smoke;
  - 3. Wind direction and approximate speed; and

4. Whether or not there are victims inside the fire zone;
2. Determine a safe route of entry (uphill, upwind) for other responders and advise if personal protective equipment is needed for a safe response;
3. Begin an Incident Log;
4. Unless the Fire Department is already on scene, assume Incident Command and prepare to secure the area immediately adjacent to the fire;
5. Maintain radio communications with the Communications Division and keep them advised as to the progress of the situation;
6. Detain any witnesses to establish if a crime has been committed and identify any suspects and/or weapons utilized; and
7. Prepare to brief the Patrol Supervisor and/or responding Fire Department personnel.

## Sec. 2 Communications Division

1. Notify the Boston Fire Department;
2. Notify Emergency Medical Services;
3. Notify the Patrol Supervisor responsible for that Sector;
4. Dispatch sufficient units to control and isolate access to the scene; and
5. Make such other notifications as may be required.

## Sec. 3 Duties of Patrol Supervisor

In addition to the general responsibilities described previously, responding Patrol Supervisors shall:

1. In the absence of Fire Department personnel, announce their arrival and their assumption of the duties of the Incident Commander by radio;
2. If Fire Department personnel are on scene, establish liaison with their Incident Commander and render any assistance required within the limits of training and personal protective equipment;
3. Ensure that the first responding officer or another designee is maintaining an Incident Log;
4. Identify a staging area for responding law enforcement assets and designate a staging area manager;
5. Secure the perimeter and the Incident Command Post;
6. Establish access control and traffic control points as directed by the Incident Commander (Ranking on-scene Fire Department Officer);

7. Begin planning evacuation routes for implementation (only upon receipt of a lawful order to do so); and
8. Prepare to brief the District Commander.

#### Sec. 4 District Commander

In addition to the general responsibilities described previously, District Commanders shall:

1. Announce their arrival and their assumption of command of all law enforcement assets on-scene by radio;
2. Respond to the Incident Command Post and receive a briefing from the Patrol Supervisor;
3. Designate a Superior Officer to work with the Fire Department Operations Chief;
4. Make such assignments as necessary under the Incident Command System to ensure the safe and timely resolution of the incident;
5. Be prepared to render any assistance required within the limits of the training and personal protective equipment possessed by responding officers; and
6. Give timely updates on conditions to the Communications Division for dissemination to the Command Staff.

## II. STRUCTURAL COLLAPSE

Incident Command at the scene of a Structural Collapse within the City resides with the Boston Fire Department. The duties of Police at Structural Collapse incidents is to perform the following tasks within the limits of their Training and Personal Protective Equipment:

1. Provide personnel to secure the area and the Incident Command Post during an incident;
2. Establish access control and traffic control points as directed by the Incident Commander; and
3. Evacuate or notify affected populations and assist in making other warnings as directed by the Incident Commander.

#### Sec. 1 First Responding Officer

In addition to the general duties of first responding officers described previously, officers shall:

1. Notify the Communications Division of the conditions found on scene and confirm the existence of a Code 101 event, including;
  1. The type of structure and extent of collapse;



2. The presence of any significant hazard; and
3. Whether or not there are victims inside the structure;
2. Determine a safe route of entry for other responders and advise of areas or streets that are deemed unsafe for units to enter or use;
3. Begin an Incident Log;
4. Unless the Fire Department is already on scene, assume Incident Command and prepare to secure the area immediately adjacent to the structure;
5. Maintain radio communications with the Communications Division and keep them informed as to the progression of the incident;
6. Render first aid to injured persons if able to do so; and
7. Prepare to brief the Patrol Supervisor and/or responding Fire Department and Emergency Medical Service personnel.

#### Sec. 2 Communications Division

1. Notify the Boston Fire Department;
2. Notify the Emergency Medical Service;
3. Notify the Patrol Supervisor responsible for that Sector; and
4. Dispatch sufficient units to isolate and control access to the scene and make such other notifications as may be required.

#### Sec. 3 Duties of Patrol Supervisor

In addition to the general responsibilities described previously, responding Patrol Supervisors shall:

1. In the absence of Fire Department personnel, announce their arrival and their assumption of the duties of the Incident Commander by radio;
2. If Fire Department personnel are on scene, establish liaison with their Incident Commander and render any assistance required within the limits of training and personal protective equipment;
3. Ensure that the first responding officer or another designee is maintaining an Incident Log;
4. Identify a staging area for responding law enforcement assets and designate a staging area manager;
5. Secure the perimeter and the Incident Command Post;
6. Establish access control and traffic control points as directed by the Incident Commander (Ranking on-scene Fire Department Officer);
7. Prepare to brief the District Commander.

#### Sec. 4 District Commander

In addition to the general responsibilities described previously, District Commanders shall:

1. Announce their arrival and their assumption of command of all law enforcement assets on-scene by radio;
  2. Respond to the Incident Command Post and receive a briefing from the Patrol Supervisor;
  3. Designate a Superior Officer to work with the Fire Department Operations Chief and Emergency Medical Services;
  4. Make such assignments as necessary under the Incident Command System to ensure the safe and timely resolution of the incident;
  5. Be prepared to render any assistance required within the limits of the training and personal protective equipment possessed by responding officers; and
  6. Give timely updates on conditions to the Communications Division for dissemination to the Command Staff.
- 

Addendum D - Code 102  
Mass Casualty Incident

#### General Considerations

Incident Command at the scene of a Mass Casualty Incident within the City resides with the Boston Fire Department. The duties of Police at Mass Casualty incidents is to perform the following tasks within the limits of their training and personal protective equipment:

1. Provide personnel to secure the area and the Incident Command Post during an incident;
2. Establish access control and traffic control points as directed by the Incident Commander; and
3. Assist in making warnings and notifications as directed by the Incident Commander.

#### Sec. 1 First Responding Officer

In addition to the general duties of first responding officers described previously, officers shall:

1. Notify the Communications Division of the conditions found on scene and confirm the existence of a Code 102 event, including;
  1. The type of incident and approximate number of casualties;
  2. The presence of any significant hazard;
  3. The presence of an obvious vapor plume; and
  4. Whether or not there are victims and an estimate of their number;
2. Determine a safe route of entry for other responders and advise if personal protective equipment is needed for a safe response;

3. Begin an Incident Log;
4. Unless the Fire Department is already on scene, assume Incident Command and prepare to secure the immediate area; and
5. Prepare to brief the Patrol Supervisor and/or responding Fire Department and Emergency Medical Service personnel.

#### Sec. 2 Communications Division

1. Notify the Boston Fire Department;
2. Notify the Emergency Medical Service;
3. Notify the Patrol Supervisor responsible for that Sector; and
4. Make such other notifications as may be required.

#### Sec. 3 Duties of Patrol Supervisor

In addition to the general responsibilities described previously, responding Patrol Supervisors shall:

1. In the absence of Fire Department personnel, announce their arrival and their assumption of the duties of the Incident Commander by radio;
2. If Fire Department personnel are on scene, establish liaison with their Incident Commander and render any assistance required within the limits of training and personal protective equipment;
3. Have the ranking officer of the Hazardous Materials Unit respond and be guided by the advice of the Hazardous Materials Officer as to personnel safety considerations and methods of deployment of Law Enforcement Assets;
4. Ensure that the first responding officer or another designee is maintaining an Incident Log;
5. Identify a staging area for responding law enforcement assets and designate a staging area manager;
6. Secure the perimeter and the Incident Command Post;
7. Establish access control and traffic control points as directed by the Incident Commander (Ranking on-scene Fire Department Officer);
8. Begin planning evacuation routes for implementation (only upon receipt of a lawful order to do so); and
9. Prepare to brief the District Commander.

#### Sec. 4 District Commander

In addition to the general responsibilities described previously, District Commanders shall:

1. Announce their arrival and their assumption of command of all law enforcement assets on-scene;

2. Respond to the Incident Command Post and receive a briefing from the Patrol Supervisor;
  3. Designate a Superior Officer to work with the Fire Department Operations Chief;
  4. Designate a Superior Officer to work with the Emergency Medical Service Operations Chief;
  5. Make such assignments as necessary under the Incident Command System to ensure the safe and timely resolution of the incident;
  6. Be prepared to render any assistance required within the limits of the training and personal protective equipment possessed by responding officers; and
  7. Give timely updates on conditions to the Communications Division for dissemination to the Command Staff.
- 

Addendum E - Code 103  
Natural Disasters  
(e.g., hurricane, major storm, etc.)

#### General Considerations

Incident Command at the scene of a Natural Disaster Incident (e.g., hurricane, major storm, etc.) within the City resides with the Boston Emergency Management Agency (BEMA) who will activate the Boston Emergency Operations Center (EOC) whenever necessary.

With the possible exception of tornadoes or earthquakes, a Code 103 - Natural Disaster event usually has sufficient lead time for adequate preparation. The Department would maintain liaison with the agency having primary jurisdiction of the event and provide such law enforcement resources as are requested.

Generally, the duties of the Police Department at natural disaster incidents is to perform the following tasks within the limits of their training and personal protective equipment:

1. Maintenance of law and order;
2. Coordination of all law enforcement activities in Boston;
3. Providing crowd control and traffic control;
4. Providing access control to restricted areas;
5. Protecting key facilities;
6. Warning support (loudspeakers, radios, etc.)
7. Maintaining liaison and coordination with other law enforcement agencies;
8. Providing damage assessment support;
9. Evacuating, relocating and housing of prisoners;
10. Supporting aerial search and rescue operations;

11. Supporting medical rescue operations;
12. Providing policy, coordination and operations group staff support; support to the EOC for 24-hour operation during an emergency; and
13. Providing security for reception centers, lodging and feeding facilities and emergency shelters.

The Police Commissioner, Superintendent-in-Chief or their designee shall establish liaison with the EOC and provide such support and resources as are required.

---

### **Addendum F - Code 104**

#### **Hazardous Materials (HazMat) and Weapons of Mass Destruction (WMD) Incidents**

1. Hazardous Materials (HazMat)
2. Weapons of Mass Destruction (WMD)

#### **I. HAZARDOUS MATERIALS**

##### **General Considerations**

Incident Command at the scene of a Hazardous Materials (HazMat) incident within the City resides with the Boston Fire Department. The duties of Police at HazMat incidents is to perform the following tasks within the limits of their Training and Personal Protective Equipment

1. Provide personnel to secure the area and the Incident Command Post during an incident;
2. Establish access control and traffic control points as directed by the Incident Commander; and
3. Evacuate or notify affected populations and assist in making other warnings as directed by the Incident Commander.

##### **Sec. 1 First Responding Officer**

In addition to the general duties of first responding officers described previously, officers shall:

1. Notify the Communications Division of the conditions found on scene and confirm the existence of a Code 104 event, including;

1. The type of materials involved, if possible, and whatever indications of a release are visible from a safe distance;
  2. Wind direction and approximate speed;
  3. The presence of an obvious vapor plume; and
  4. Whether or not there are victims;
2. Determine a safe route of entry for other responders and advise if personal protective equipment is needed for a safe response;
  3. Begin an Incident Log;
  4. Unless the Fire Department is already on scene, assume Incident Command and prepare to secure the immediate and downwind hazard areas;
  5. Maintain radio communications with the Communications Division and keep them informed of the progression of the situation;
  6. Render first aid to any victims if it can be done without becoming contaminated; and
  7. Prepare to brief the Patrol Supervisor and/or responding Fire Department and Emergency Medical Service personnel.

## Sec. 2 Communications Division

1. Notify the Boston Fire Department;
2. Notify the Boston Police Hazardous Materials Unit;
3. Notify the Emergency Medical Service;
4. Notify the Patrol Supervisor responsible for that Sector;
5. Dispatch sufficient units to control and isolate access to the scene; and
6. Make such other notifications as may be required.

## Sec. 3 Duties of Patrol Supervisor

In addition to the general responsibilities described previously, responding Patrol Supervisors shall:

1. In the absence of Fire Department personnel, announce their arrival and their assumption of the duties of the Incident Commander by radio;
2. If Fire Department personnel are on scene, establish liaison with their Incident Commander and render any assistance required within the limits of training and personal protective equipment;
3. Have the ranking officer of the Hazardous Materials Unit respond and be guided by the advice of the Hazardous Materials Officer as to personnel safety considerations and methods of deployment of Law Enforcement Assets;
4. Ensure that the first responding officer or another designee is maintaining an Incident Log;
5. Identify a staging area for responding law enforcement assets and designate a staging area manager;
6. Secure the perimeter and the Incident Command Post;

7. Establish access control and traffic control points as directed by the Incident Commander (Ranking on-scene Fire Department Officer);
8. Begin planning evacuation routes for implementation (only upon receipt of a lawful order to do so); and
9. Prepare to brief the District Commander.

#### Sec. 4 District Commander

In addition to the general responsibilities described previously, District Commanders shall:

1. Announce their arrival and their assumption of command of all law enforcement assets on-scene by radio;
2. Respond to the Incident Command Post and receive a briefing from the Patrol Supervisor;
3. Be guided by the recommendations made by the Hazardous Materials Officer;
4. Designate a Superior Officer to work with the Fire Department Operations Chief;
5. Make such assignments as necessary under the Incident Command System to ensure the safe and timely resolution of the incident;
6. Be prepared to render any assistance required within the limits of the training and personal protective equipment possessed by responding officers; and
7. Give timely updates on conditions to the Communications Division for dissemination to the Command Staff.

#### Sec. 5 Hazardous Materials Unit

1. An officer from the Hazardous Materials (HazMat) Unit shall respond to the scene of all HazMat incidents and report to the highest ranking Department officer on scene.
2. The HazMat officer shall confer with Fire Department personnel, make his own assessment as to the safety of law enforcement responders and make recommendations for the safe staging and assignment of these assets to the Ranking Boston Police officer on scene.
3. The HazMat officer shall be responsible for making continuous site assessments and conducting timely briefings of the Ranking Officer on-scene, as well as the Duty Supervisor of the Communications Division.
4. If an unsafe condition exists which unduly threatens the lives and safety of law enforcement assets, the HazMat officer shall bring it to the attention of the Ranking Officer on-scene, who shall be guided by his recommendations to re-deploy or suspend operations.
5. HazMat officers shall act according to the limits of their training and personal protective equipment.

## II. WEAPONS OF MASS DESTRUCTION (WMD)

### General Considerations

Weapons of Mass Destruction (WMD) events would likely be terrorist events that usually target locations of special significance at times when a large population would be present in order to obtain the greatest amount of casualties. Using Chemical, Biological or Radiological agents, WMD events may seriously affect both the short term and long term health, infrastructure and economic welfare of the City.

The primary jurisdiction and lead-investigating agency will be the FBI, whose field office will set up a Joint Operations Center (JOC). BEMA will set up their EOC in order to support the JOC. The duties of the Boston Police are to perform the following tasks within the limits of their training and personal protective equipment:

1. Provide Security personnel to limit access to the "exclusion zone" and incident command post during the incident;
2. Establish access control and traffic control points as directed by the Incident Commander (IC);
3. Evacuate or notify affected populations to shelter in place, and assist in making other warnings as directed by the IC;
4. Assist the FBI with intelligence gathering and crime scene services;
5. Provide EOD services in search of secondary devices; and
6. Provide tactical response team services.

#### Sec. 1 First Responding Officer

In addition to the general responsibilities described previously, first responding officers shall:

1. Notify the Operations of conditions found including and confirm the existence of a Code 104 event, including:
  1. Identifying the type of materials involved if possible and whatever indications of a release are visible from a safe distance;
  2. Determining wind direction and approximate speed;
  3. The presence of an obvious vapor plume;
  4. Signs and symptoms of any victims;
2. Identify safe routes of entry (Uphill, Upwind) for other responders and advise the Communications Division of areas and streets that are unsafe for units to enter;
3. Advise if Personal Protective Equipment is needed for a safe response;
4. Begin incident log;
5. Unless the Fire Department is already on scene, assume Incident Command and prepare to secure the immediate and downwind hazard area;
6. Request and prepare to brief the Patrol Supervisor and responding Fire Department personnel;
7. Maintain radio communications with operations informing of progression of situation;
8. Assist with victims if it can be done without becoming contaminated; and



9. If it can be done without becoming contaminated, detain witnesses so as to establish if a crime was committed, the number and description of any suspects, and a description of any dissemination devices used.

#### Sec. 2 Communications Division

1. Notify Boston Fire Department;
2. Notify Boston Emergency Medical Services;
3. Notify the Boston Police Hazardous Materials Unit;
4. Notify the Patrol Supervisor responsible for that Sector;
5. Dispatch sufficient units to isolate and control access to the scene; and
6. Secure a clear channel for incident operations.

#### Sec. 3 Patrol Supervisor

1. Unless Fire Department personnel are already on scene, announce arrival and assumption of Incident Command by radio;
2. If Fire Department Personnel are on scene, establish liaison with the Incident Commander and render any assistance required within the limits of training and personal protective equipment;
3. Have the ranking officer of the Hazardous Materials Unit respond to his location and be guided by the advice of the Hazardous Materials Officer as to personnel safety considerations and methods of deployment of Law Enforcement Assets;
4. Assign an officer to maintain an incident log if the First Responding Officer is to be assigned other duties;
5. Identify the most appropriate pre-designated Staging Area for responding Law Enforcement Assets and assign a Staging Area Manager;
6. Secure the "Hot Zone" and Incident Command Post;
7. Establish Access Control and Traffic Control Points as directed by the Incident Commander (Ranking on-scene Fire Department Officer if JOC not in place);
8. Begin planning evacuation routes and be ready for implementation upon receiving a lawful order to do so; and
9. Request and prepare to brief the District Commander.

#### Sec. 4 District Commander

1. Announce arrival and assumption of command of all Law Enforcement Assets on-scene by radio;
2. Respond to Incident Command Post, receive a briefing from the Patrol Supervisor;
3. Be guided by recommendations made by the Hazardous Materials Officer;
4. Identify and appoint a Superior Officer to work with the ICS Operations Section Chief;
5. Make such assignments as are necessary under the Incident Command System to ensure the safe and timely disposition of the incident;

6. Be prepared to render any assistance required within the limits of the training and personal protective equipment possessed by responding officers; and
7. Give timely updates on conditions to the Communications Division for dissemination to the Command Staff.

#### Sec. 5 Hazardous Materials Unit

1. An officer from the Hazardous Materials (HazMat) Unit shall respond to the scene of all HazMat incidents and report to the highest ranking Department officer on scene.
2. The HazMat officer shall confer with Fire Department personnel, make his own assessment as to the safety of law enforcement responders and make recommendations for the safe staging and assignment of these assets to the Ranking Boston Police officer on scene.
3. The HazMat officer shall be responsible for making continuous site assessments and conducting timely briefings of the Ranking Officer on-scene, as well as the Duty Supervisor of the Communications Division.
4. If an unsafe condition exists which unduly threatens the lives and safety of law enforcement assets, the HazMat officer shall bring it to the attention of the Ranking Officer on-scene, who shall be guided by his recommendations to re-deploy or suspend operations.
5. HazMat officers shall act according to the limits of their training and personal protective equipment.

---

### **Addendum G – Code 105** **Active Shooter Incident Rapid** **Deployment Protocol**

---

**Sec. 1 Purpose:** The primary mission in an active shooter incident is to save as many lives as possible. The only way to accomplish this is to locate the threat and neutralize it as quickly as possible.

**Sec. 2 General Considerations:** Active shooter incidents present complex problems for the Boston Police Department as well as for law enforcement in general. Active shooter cases may involve a suspect or suspects with multiple weapons, high caliber weapons and, in some cases, automatic weapons. Active shooter scenarios can happen at any time and at any place. The common factor in all the cases is that there is “ongoing shots fired” and the suspect(s) is actively engaged in creating death or great bodily injury. Immediate Action Rapid Deployment tactics are not a substitute for conventional response tactics to a barricaded gunman.

### **Sec. 3 Definitions:**

A. Active Shooter – Suspect(s) activity is immediately causing death and serious bodily injury. The activity is not contained and there is immediate risk of death or serious injury to potential victims.

B. Rapid Deployment Protocol – The swift and immediate deployment of law enforcement resources to on-going, life-threatening situations where delayed deployment could otherwise result in death or great bodily injury to innocent persons.

### **Sec. 4 Duties of the First Responding Officer:**

- A. Assess the situation.
- B. Until relieved by a supervisor, assume the duties of the Incident Commander (IC) and establish an Incident Command.
- C. Request appropriate resources:
  - 1. Supervisor
  - 2. Additional Patrol Units
  - 3. Boston Police SWAT Team
  - 4. Hostage Negotiation Team
  - 5. Emergency Medical Services
  - 6. Bomb Squad
  - 7. Fire Department
  - 8. Outside agency support if needed
- D. Determine if Rapid Deployment Protocol (Move to Contact) action is necessary.
- E. Broadcast Situation to Responding Units:
  - 1. Location of incident and address with cross street, if possible.
  - 2. Type of location involved, School, Business Private Home Playground etc.
  - 3. Safest approach for responding units.
  - 4. Location & number of suspect(s) (if known).
  - 5. Type(s) of weapon(s) involved (if known).
- F. Establish a Command Post location.
- G. Designate a staging area for responding units.
- H. Designate the members of the Contact and/or Rescue Team(s) ensuring that each team consists of a minimum of four (4) officers.

### **Sec. 5 Contact Team:**

- A. Contact Teams consist of a minimum of four (4) Officers:
  - 1. Team Leader:
    - a. Formulates & implements a plan.
    - b. Makes deployment decisions and delegates team member responsibilities.

2. Assistant Team Leader:
    - a. Communicates with responding units.
    - b. Acts as additional Contact or Rescue Officer.
  3. Point Officer:

Provides cover for area of responsibility and engages suspect(s), if necessary.
  4. Rear Guard Officer:

Provides cover for area of responsibility and engages suspect(s), if necessary.
- B. The Contact Team(s) shall:
1. Move to make contact with the threat and neutralize it.
  2. Limit suspect(s) movement by containment.
  3. Prevent escape.
  4. Continue to move past any victims.
  5. Communicate progress (location and situation).
  6. Provide preliminary assessment:
    - a. Victim(s) – location & medical needs (prioritize if possible –dead vs. living and condition).
    - b. Explosive(s) – type(s) and location, if known.
    - c. Suspect(s) – description and location, if known.
    - d. Weapon(s) – type(s) and number, if known.

## **Sec. 6 Rescue Team:**

- A. Only the Incident Commander may determine when and/or whether to deploy a Rescue Team(s). The first responding officer shall wait for a supervisor to assume command and make this decision.**
- B. When deployed, a Rescue Team shall consist of a minimum of four (4) officers:
- 1. Team Leader:**
    - a. Formulates & implements a plan.
    - b. Makes deployment decisions and delegates team member responsibilities.
  2. Assistant Team Leader:
    - a. Communicates with responding units.
    - b. Acts as additional Contact or Rescue Officer.
  3. Point Officer:

Provides cover for area of responsibility and engages suspect(s), if necessary.
  4. Rear Guard Officer:

Provides cover for area of responsibility and engages suspect(s), if necessary.
- C. The Rescue Team shall:

1. Rescue and recover the victim(s).
  2. Extract victim(s) to a designated safe area.
  3. Notify Command Post of the number of victims, the types of injuries, if any, and the seriousness of injuries, if any.
  4. Report suspect(s) location to Contact Teams.
  5. Emphasize custody and control of victims or potential victims.
  6. Initiate identification and accountability of victims.
  7. Coordinate all actions with Contact Team Leader and the Command Post.
- D. When multiple victims are present the Rescue Team shall request that the IC expand the Rescue Team size or number of teams operating in the building.

### **Sec. 7 Tactical Considerations:**

#### **A. Contact/Rescue Team Concerns:**

1. Element of surprise
2. Maintaining offensive initiative
3. Security
4. Flexibility of planning/thought
5. Maneuverability
6. Economy of force
7. Deployment of multiple teams:
  - a. Crossfire/Backdrop.
  - b. Target identification.
  - c. Maintenance of radio communication.
  - d. Movement in unfamiliar surroundings.
  - e. Task saturation.
  - f. Lack of direct supervisory control.

#### **B. Approach of Contact/Rescue Teams - Use cover and concealment**

whenever you can:

1. Cover – vehicles/other solid objects, etc.
2. Concealment – lighting, fog, smoke, etc.

#### **C. Approach Considerations:**

1. Number of suspect(s).
2. Last known location of suspect(s).
3. Type of suspect(s) weapons.
4. Size & layout of structure.
5. Windows & glass doors – approach from the “Cold” angle or side if possible.
6. Floor plans of building.
7. Try to locate the property manager or custodian to obtain plans or information about the building.

#### **D. Entry Considerations:**

1. Confusion – victims hiding and frightened and not responding to law enforcement officer directions.
2. Remember that in the Boston School system they are taught to use the B.R.A.C.E. system. The acronym stands for:

**B - Barricade**

**R – Report**

A – Assess

C – Control & Communicate

E - Evacuation

Refer to Boston Public School Safety Contingency Plans for further information about the actions of school administrators and students.

3. Transmit entry point to dispatcher and supervisor if on scene.
4. Update dispatcher and supervisor of location regularly
5. Transmit location of injured victims by using Room numbers or other landmarks within building.
6. Base further movement on the location & direction of other contact Teams if being used.
7. Divide location by levels, wings, floor or groups of smaller buildings.
8. Contact/Rescue Teams shall use the 360-degree coverage formation when moving. The strength of this formation is the firepower moving toward the threat.

**Sec. 8 Boston Police SWAT Team:**

- A. Boston Police SWAT Team personnel are generally better equipped and trained to resolve a crisis scenario. However, continued assistance by the first responding officers is critical. As soon as is practical after Entry and Apprehension Team personnel arrive on scene, the IC shall ensure that first responding officers:
  1. Coordinate and relinquish contact responsibility from the first Contact Teams to Entry and Apprehension Team personnel.
  2. Assist with containment responsibilities, if necessary and if it can be done in a safe manner.
  3. Assist with Rescue Teams, if necessary.
  4. Act as a “pathfinder” for the Entry Team:
    - a. Direct to last known location of suspect(s).
    - b. Report location of explosive, if known.
    - c. Report location of victims if known.
    - d. Provide any pertinent information such as suspect(s) description, weaponry etc.

- e. If relieved, safely leave the building and report to the Incident Commander at the Command Post for debriefing.
- B. Inner perimeter and Outer perimeter shall be maintained in the manner prescribed in Rule 200, Critical Incident Management.

---

**ADDENDUM H**  
**EMERGENCY DEPLOYMENT TEAM**

**Purpose:**

To ensure a uniform response to Emergency Deployment Team call-outs for critical incidents within the City of Boston.

**General Considerations:**

The Emergency Deployment Team (EDT) is used to assemble a large group of police officers when an immediate response is required. The EDT may be used for, but not limited to, demonstrations, missing children, major fires or explosions, terrorist assaults, security for large crime scenes, etc.. Since the call-out of the EDT usually occurs during times of critical incidents, a swift but safe response is imperative. While an immediate response is expected, officers are reminded that regardless of the emergency, they must adhere to M.G.L. c. 89 § 7B (Operation of Emergency Vehicles).

EDT call-outs will be governed by Rule 200 - Critical Incident Management by using the Incident Command System (ICS).

**Section 1**

The Duty Supervisor of each shift will, before roll call, choose three officers from that District to be part of the EDT. One Patrol Supervisor from each Area will also be selected for the EDT. District Commanders in each Area will design a schedule so that one supervisor from that Area is assigned to the EDT each tour. The Supervisor and Police Officers assigned to the EDT will be so noted on that shift's batting order. Batting orders will be faxed to the Dispatch Center immediately after roll call. The Dispatch Center Duty Supervisor will review the batting orders from each District to make sure each District and Area has fulfilled its requirements as it relates to the EDT. Dispatchers shall contact each EDT officer assigned to their channel to confirm their EDT status for that shift.

**Section 2**

During times when the District Commander or the Night Commander is not available and the

Incident Commander has requested an EDT call-out, the Dispatch Center Duty Supervisor shall determine if an officer above the rank of sergeant is needed as the platoon commander. If so warranted, the Dispatch Center Duty Supervisor shall ensure the dispatch of a lieutenant from a district other than the district of incident occurrence. The responding lieutenant shall arrive and assume control as the EDT platoon commander. Normally, a lieutenant would not be needed when the EDTs are activated for traffic control or lost children incidents. However, a lieutenant shall be required to respond to all call-outs for critical incidents and actual or anticipated large crowd disturbances.

### Section 3

An Incident Commander is authorized to request an EDT call-out. The Incident Commander should do so by notifying the Dispatcher to activate the EDT. The Incident Commander requesting the EDT should immediately choose a safe staging area and identify safe routes for officer response. The staging area should be outside the inner perimeter and particular attention should be paid to wind direction and topography, when relevant to the situation.

### Section 4

Officers and Supervisors responding to a call-out for an EDT shall respond to the staging area with their Emergency Deployment Team equipment. Whenever a Police Officer assigned to the EDT is unable to immediately respond to an EDT call-out, the officer will immediately notify the Dispatcher. The Dispatcher will immediately notify the Dispatch Center Duty Supervisor, who will assign another unit to respond. For this reason, ALL District Patrol Supervisors and response units assigned to motor vehicles will carry their Emergency Deployment Team equipment in their assigned police vehicle. All other sworn personnel shall have this equipment available to them in the District.

### Section 5

Emergency Deployment Team Equipment shall consist of: a ballistic vest, gas mask, 36" baton, riot helmet with face shield, protective work gloves, dust mask, nitrile gloves, gear bag and any other equipment issued or authorized by the Police Commissioner.

Emergency Deployment Team Equipment shall be inspected every Sunday by the District Duty Supervisor at each roll call. This inspection shall be recorded in the administrative detail book.

---

## **Addendum I** **CORPORATE EMERGENCY ACCESS SYSTEM (CEAS)**

Sec. 1 Purpose: CEAS is designed to reduce the potential impact of economic injury to a municipality following a serious or catastrophic event by providing quick access to affected work-sites by critical organization employees after an area has been designated as safe. Rapid



facilitation of business recovery activities in an impacted area will allow organizations to assess damage, maintain core IT systems, meet regulatory obligations, and secure or remove critical records and data. Department personnel will assist the Mayor's Office of Emergency Preparedness (MOEP) to ensure that the objectives of this program are met.

**Sec. 2 Process:** Department personnel shall use the following guidelines for determining authorized access to restricted areas during a critical incident.

- A. Access is accomplished by providing a credential, recognized by law enforcement, to essential employees and critical service providers selected by the employer. (Please see attached example)
- B. Credentials are issued pre-event to participating individuals in order to streamline access, eliminate confusion, and give authorities increased control after a disaster event.
- C. Credentials only become valid when public safety officials activate the program, usually following an incident or where control of a specific area is required.
- D. Law enforcement officials control access into restricted areas once immediate safety concerns have been mitigated, and may expand or restrict access at anytime.
- E. There are five levels of access within the system that can be activated at the discretion of officials and are associated with CEAS:
  - a. **Level X - Prohibited Access.**
  - b. **Level D - Direct Involvement only**– Cardholders directly involved in mitigating the emergency.
  - c. **Level C - Critical Industries Only Access** – Critical industries identified by MOHS for priority access based on National Infrastructure Protection Center (NIPC) guidelines as well as unique local needs. Cardholders represent the industries deemed “critical” to the economic welfare of the city.
  - d. **Level B - All Industries for basic functions.** Cardholders represent employees of all other participating businesses.
  - e. **Level A - All permitted with possible vehicular limitations.** There are no cards issued with Level A access. Level A is a condition that may be initiated in the event vehicular restrictions must be enacted. Only CEAS cardholders will be able to drive motor vehicles into the City during a Level A activation.
- F. Utility workers and health care professionals with proper employee identification are treated as “emergency responders” and do not require a CEAS credential.
- G. Working press will have press credentials, giving them access to designated areas. The media industry is considered a “Critical Industry,” (Level C).

### **Sec. 3 Program Administration:**

- A. Businesses may apply for credentials based on the number of employees at each of their worksites.
- B. Credentials are issued using a photo ID. (Please see attached example)
- C. The system is self-governed by its participants, who are responsible for identifying their own essential employees, managing turnover, and any title and responsibility changes.
- D. All administrative aspects of the program are handled by the Business Network of Emergency Resources (BNet), a NYS not-for-profit corporation:

Business Network of Emergency Resources, Inc.  
President: Dr. Robert H. Leviton  
11 Hanover Square  
New York, NY 10005  
Phone: 888-353-BNET  
Email: [support@bnetinc.org](mailto:support@bnetinc.org)  
[www.CEAS.com](http://www.CEAS.com)

### **Corporate Emergency Access System (CEAS) Card Composition**

**Rear of**

## Rear of Card

### Note:

- Amended by SO 07-018, issued April 5, 2007, adding Addendum I.
- Amended by SO 07-038, issued June 29, 2007, addendum G (edit to Section 7, subsection D #8).
- Amended by SO 07-056, issued October 3, 2007, "Entry and Apprehension Team" or "Entry Team" in Boston Police Rules and Procedures and Special Orders changed to "Boston Police SWAT Team" in the following sections:

Sec. 4.13

Addendum "A" Code 99

Sec. 1

Sec. 8 - line 5 & 12

Sec. 9 - line 3 & 8

Sec. 11- line 4

Sec. 13- line 6

Sec. 14- Title / line 5, 13, 14 &15

Sec. 15- Mobility/relocation

Addendum "B" Crowd Control

Sec. 2 C- line 2 sub-paragraph "a".

Addendum "G" Code 105 Active Shooter

Sec. 4 - line C Sub-line 3

Sec. 8 - Title / Line "A" sub-line 4

## Rules and Procedures

### Rule 201

June 7, 2006

#### Rule 201 - BOSTON POLICE DEPARTMENT HOMELAND SECURITY ADVISORY SYSTEM

**PURPOSE:** The Boston Police Department takes an All Hazards approach to critical incidents and significant events involving public safety. This All Hazards approach provides general guidelines for deploying resources, implementing security measures and establishing appropriate enforcement postures during critical incidents or major events.

**GENERAL CONSIDERATIONS:** This advisory system is phased in Threat Conditions of increasing operational readiness and security. Threat Conditions may be initiated for terrorist threats and/or attacks, violent protests, riots, natural disasters, major accidents and other emergencies requiring a heightened department-wide state of readiness.

The Police Commissioner, or designee, is responsible for determining when a Threat Condition should be changed. Once the determination has been made to change a specific Threat Condition, the Dispatch Center Duty Supervisor will initiate implementation and make the initial notifications. When an incident results in a Threat Condition being changed, the Boston Regional Intelligence Center (BRIC) Supervisor shall ensure that a 1.1 incident report is completed.

All personnel are responsible for the successful implementation of a Threat Condition. Ongoing training should be conducted at all levels to ensure that personnel remain aware of their responsibilities within each Threat Condition.

**Sec. 1 DEFINITIONS: For the purpose of this rule, the following words or phrases are defined.**

**12 on/12 off schedule** – A work schedule for personnel are as follows: 7:30AM to 7:30PM or 7:30PM to 7:30AM. Sworn officers and essential civilian personnel will be notified which shifts they are assigned each time the schedule is revised. The schedule will be revised January 1 and July 1 of each year and whenever there is a major transfer of personnel in the department.

**All Hazards Approach** – A strategic and tactical approach in preparing, responding, and mitigating all hazards (mechanical, man-made, and natural) that the Department may be required to address.

**Non public-safety activities/training** - Any activity that is not directly related to 911-response or the pending threat in general. This would include training days, events such CSO youth activities, etc.

**Emergency Deployment Team (“EDT”)** – A group of officers called out in an emergency and governed by Rule 200 Addendum H.

**Emergency Deployment Team Equipment** - Per Rule 200 Addendum H, Emergency Deployment Team Equipment shall consist of: a ballistic vest, gas mask, 36" baton, riot helmet with face shield, protective work gloves, dust mask, nitrile gloves, gear bag and any other equipment issued or authorized by the Police Commissioner. This shall also include any other personal protective equipment that is issued by the department after required training.

**Rule 201 - Boston Police Department  
Homeland Security Advisory System  
PAGE TWO**

**Critical Incident Exodus Plan** – A plan to facilitate movement of commuter and resident traffic quickly in the event of an emergency.

**Neighborhood Evacuations** – The evacuation of citizens from a section of the city.

**Police Facility Evacuations** – The evacuation of a specific Boston Police Building.

**Dispatch Center** – In the National Incident Management System (NIMS) and the Incident Command System (ICS), the term Operations has a specific definition that is not compatible with the BPD definition of the Operations Division. Because much of our All Hazards Approach Model is based on NIMS/ICS we must change the name of our Operations Division to Dispatch Center for the purpose of Rule 200 and 201.



Boston Police Department Homeland  
Security Advisory System

**Threat Conditions Guide**

Threat Condition	Protocols Activated
<p><b>LOW</b></p> <p><b>GREEN</b></p>	<p>This condition is declared when there is a low risk of disaster or terrorist attack. Personnel shall implement the following general measures:</p> <ul style="list-style-type: none"> <li>• Refine and exercise as appropriate, preplanned protective measures;</li> <li>• Ensure personnel receive proper training on the Boston Police Homeland Security Advisory System and specific preplanned department protective measures;</li> <li>• Institute a process to assure that all police facilities are regularly assessed for vulnerability to terrorist attacks, and all reasonable measures are taken to mitigate these vulnerabilities;</li> <li>• All non-uniformed personnel to wear I.D. cards while in police facilities.</li> </ul>
<p><b>GUARDED</b></p> <p><b>BLUE</b></p> <p>IN ADDITION TO ABOVE MEASURES</p>	<p>This condition is declared when there is a general risk of disaster or terrorist attack. Personnel shall implement the following general measures:</p> <ul style="list-style-type: none"> <li>• Ensure building integrity and security;</li> <li>• Escort all visitors in police facilities;</li> <li>• Verify and inspect all inbound deliveries and services;</li> <li>• Interoperability system tested;</li> <li>• Units exercise heightened caution when responding to related calls for service;</li> <li>• Monitor potential target areas;</li> <li>• Note and report suspicious circumstances, packages and activity.</li> </ul>
<p><b>ELEVATED</b></p> <p><b>YELLOW</b></p> <p>IN ADDITION TO ABOVE MEASURES</p>	<p>This condition is declared when there is a significant risk of disaster or terrorist attack. Personnel shall implement the following general measures:</p> <ul style="list-style-type: none"> <li>• Review/update physical security measures and postings;</li> <li>• Identify all vehicles within operational and support areas;</li> <li>• Conduct inspections for suspicious items, persons and vehicles;</li> <li>• Delivery and service persons will be checked for authenticity;</li> <li>• Review neighborhood evacuation plans and the Critical Incident Exodus Plan.</li> </ul>
<p><b>HIGH</b></p> <p><b>ORANGE</b></p> <p>IN ADDITION TO ABOVE MEASURES</p>	<p>This condition is declared when there is a high risk of disaster or terrorist attack. Personnel shall implement the following general measures:</p> <ul style="list-style-type: none"> <li>• Coordinate security efforts with Federal, State, and local law enforcement;</li> <li>• Take additional precautions at public events and possibly recommend alternative venues or even cancellations;</li> </ul>

	<ul style="list-style-type: none"> <li>• Prepare to execute contingency procedures, such as moving to an alternative site or redeployment of the workforce;</li> <li>• Implement as needed, physical security measures and postings;</li> <li>• Terminate all non-essential contract work and deliveries;</li> <li>• Conduct detailed searches of all operational areas and vehicles;</li> <li>• Limit or restrict parking around sensitive areas and buildings.</li> </ul>
<p><b>SEVERE</b></p> <p><b>RED</b></p> <p>IN ADDITION TO ABOVE MEASURES</p>	<p>This condition is declared when there is a severe risk of disaster or terrorist attack. Personnel should consider the following general measures:</p> <ul style="list-style-type: none"> <li>• Access in police facilities is limited to authorized personnel. Verify identities and need for access;</li> <li>• Restrict/Deny parking in controlled areas;</li> <li>• Erect barriers and obstacles to control traffic around police facilities;</li> <li>• Increase and redirect personnel to address critical emergency needs;</li> <li>• Prepare to execute neighborhood evacuation plans and the Critical Incident Exodus Plan;</li> <li>• Mobilize and reposition specially trained teams</li> </ul>

<b>LOW GREEN</b>	This condition is declared when there is a low risk of disaster or terrorist attack.	
<b>Tasks</b>	<b>Operational Instructions</b>	<b>Responsible Party</b>
Activation Protocol	Police Commissioner or designee will notify Dispatch Center D.S. for broadcast via a combination of technologies (i.e., MDT, pagers, land line, etc.) to all Districts and response units.	PC or designee
Notifications	The Dispatch Center Duty Supervisor follows pre-established procedure to initiate the required notifications.	Dispatch Center D.S.
Personnel Callback	Ensure callback lists are current.	District/Unit Commanders
Work Shifts/ Resources activated	Regular Shifts maintained.	District/Unit Commanders
Special Equipment Advisement	All 9-1-1 response units to have Emergency Deployment Team (EDT) Equipment in vehicle (per Rule 200 Addendum H).	District/Unit Supervisors
Intelligence	General Awareness of local conditions and the larger threat environment.	BRIC

Dispatch	Calls dispatched as normal.	Dispatch Center
BFS/Patrol Enforcement Posture	Normal; monitor high profile/potential target areas.	BFS/Patrol Force
BFS Districts	Units to exercise heightened caution when responding to related calls for service. Observe & report suspicious activity.	BFS/Districts
Special Operations	Normal.	Commander, SOD
EDT	Emergency Deployment Teams designated and notified for each shift and verified with Dispatch Center D.S.	District Supervisors
Detectives/Plain Clothes Officers	Normal; Uniforms readily accessible to officers..	PC or Designee
Station/Unit Security	Note and report suspicious circumstances, packages and activity. Ensure building integrity and security is maintained. Review facility evacuation plans.	HQ Security, District/Unit Commanders
Access Security	I.D. check enforced at all Stations and identified sites.	HQ Security, District/Unit Commanders
Vehicle Security	Normal.	All Personnel
Neighborhood Evacuation/ Critical Incident Exodus Plans	Familiarization by responsible personnel.	Dispatch Center and District Duty Supervisors
Planning	Review and exercise all operational plans.	BFS/Districts
Media/Press Release	Not required at this time.	PC or designee

<b>GUARDED BLUE</b>	This condition is declared when there is a general risk of disaster of terrorist attack.	
<b>Tasks</b>	<b>Operational Instructions</b>	<b>Responsible Party</b>
Activation Protocol	Police Commissioner or designee will notify the Dispatch Center D.S. for broadcast via a combination of technologies (i.e., MDT, pagers, land line, etc.) to all Districts and response units.	PC or designee
Notifications	The Dispatch Center Duty Supervisor follows pre-established procedure to initiate the required notifications.	Dispatch Center D.S.
Personnel Callback	Ensure callback lists are current.	District/Unit Commanders



Work Shifts/Resources activated	Regular Shifts maintained.	District/Unit Commanders
Special Equipment Advisement	All 9-1-1 response units to have Emergency Deployment Team (EDT) Equipment in vehicle (per Rule 200 Addendum H).	District/Unit Supervisors
Intelligence	Close monitoring of potential threats. Review of local vulnerabilities.	BRIC
Dispatch	Calls dispatched as normal, Interoperability equipment tested.	Dispatch Center
BFS/Patrol Enforcement Posture	Normal; monitor high profile/potential target areas.	BFS/Patrol Force
BFS Districts	Units to exercise heightened caution when responding to related calls for service. Observe & report suspicious activity.	BFS/Districts
Special Operations	Normal.	Commander, SOD
EDT	Emergency Deployment Teams designated and notified for each shift and verified with Dispatch Center D.S.	District Duty Supervisors
Detectives/Plain Clothes Officers	Normal; Uniforms readily accessible to officers.	PC or designee
Station/Unit Security	Note and report suspicious circumstances, packages and activity. Ensure building integrity and security is maintained. Review and exercise facility evacuation plans.	HQ Security, District/Unit Commanders
Access Security	I.D. check enforced at all Stations and identified sites. All Visitors escorted in police facilities.	HQ Security, District/Unit Commanders
Vehicle Security	Normal.	All Personnel
Neighborhood Evacuation/ Critical Incident Exodus Plans	Familiarization by responsible personnel.	Dispatch Center and District Duty Supervisors
Planning	Review and exercise all operational plans.	BFS/Districts
Media/Press Release	Not required at this time.	PC or designee

<b>ELEVATED YELLOW</b>	This condition is declared when there is a significant risk of disaster or terrorist attack.
------------------------	--

<b>Tasks</b>	<b>Operational Instructions</b>	<b>Responsible Party</b>
Activation Protocol	Police Commissioner or designee will notify the Dispatch Center D.S. for broadcast via a combination of technologies (i.e., MDT, pagers, land line, etc.) to all Districts and response units.	PC or designee
Notifications	The Dispatch Center Duty Supervisor follows pre-established procedure to initiate the required notifications.	Dispatch Center D.S.
Personnel Callback	Test of callback procedure initiated with specified personnel.	Dispatch Center D.S. & District/Unit Commanders
Work Shifts/Resources activated	Regular Shifts maintained.	PC or designee
Special Equipment Advisement	All 9-1-1 response units to have Emergency Deployment Team (EDT) Equipment in vehicle (per Rule 200 Addendum H).	District/Unit Supervisors
Intelligence	Identify threats and produce updated assessments of specific local vulnerabilities.	BRIC
Dispatch	Calls dispatched as normal. Interoperability channel activated and tested.	Dispatch Center
BFS/Patrol Enforcement Posture	Increased awareness of high profile/potential targets areas.	Supervisors
BFS/District	Units to exercise heightened caution when responding to related calls for service. Observe & report suspicious activity.	BFS/Districts
Special Operations	Normal.	Commander, SOD
EDT	Emergency Deployment Teams designated and notified for each shift and verified with Dispatch Center D.S.	District Duty Supervisors
Detectives, Plain Clothes Officers	Normal. Uniform accessible for immediate deployment.	PC or designee
Station/Unit Security	Note and report suspicious circumstances, packages and activity. Ensure building integrity and security is maintained. Review facility evacuation plans.	HQ Security, District/ Unit Commanders
Access Security	Limit public access to designated sites. Verify and inspect all inbound deliveries and services. All non-uniformed personnel to wear I.D. cards while in police facilities.	HQ Security, District/ Unit Commanders

Vehicle Security	Identify all vehicles within operational and support areas. All vehicles will be visually inspected and a key log maintained.	HQ Security, District/ Unit Commanders
Neighborhood Evacuation/ Critical Incident Exodus Plans	Reviewed by all personnel.	Dispatch Center and District Duty Supervisors
Planning	Review appropriate plans with supervisors and personnel.	BFS/Districts
Media/Press Release	Not required at this time.	PC or designee

<b>HIGH ORANGE</b>	This condition is declared when there is a high risk of disaster or terrorist attack.	
<b>Tasks</b>	<b>Operational Instructions</b>	<b>Responsible Party</b>
Activation Protocol	Police Commissioner or designee will notify the Dispatch Center D.S. for broadcast via a combination of technologies (i.e., MDT, pagers, land line, etc.) to all Districts and response units.	PC or designee
Notifications	The Dispatch Center Duty Supervisor follows pre-established procedure to initiate the required notifications.	Dispatch Center D.S.
Personnel Callback	Initiate callback of personnel as needed.	PC or Designee
Work Shifts/Resources activated	<ul style="list-style-type: none"> <li>• Review 12 on/12 off shift deployment plan and remind personnel of assignments;</li> <li>• Unified Command Center may be activated;</li> <li>• Mobile Command Post may be activated;</li> <li>• Barrier Truck readied for deployment;</li> <li>• Liaison Officers designated to prepare for Mutual Aid requests and coordination.</li> </ul>	PC or designee
Special Equipment Advisement	Supervisors ensure that all personnel have Emergency Deployment Team (EDT) Equipment in vehicle. (Per Rule 200 Addendum H).	District/Unit Supervisors
Intelligence	Closely monitor the potential for attack. Produce daily assessments regarding local vulnerabilities. Intelligence Center activated with UASI and MSP Fusion Center notification. Duty watch post established on a 24 hour basis.	BRIC

Dispatch	911 calls dispatched as normal unless otherwise specified by PC or designee. All threat related calls reported to the BRIC. Interoperability channel monitored.	Dispatch Center
BFS/Patrol Enforcement Posture	No non-public safety activities/training initiated except those cleared through PC or designee.	District/Unit Commanders
BFS Districts	Districts will monitor high profile/potential target areas. Discretion will be used for the initiation of all non-threat related incidents. All patrol functions will be coordinated through the Dispatch Center or when activated, the Unified Command Center.	BFS/Districts
Special Operations	Threat specific staffing increases will occur as needed among the Special Operations Division Units. Public Order Platoon's rosters will be collected; staging areas and transportation will be prearranged in anticipation of the immediate deployment of POP's.	Commander, SOD
EDT	Emergency Deployment Teams designated and notified for each shift and verified with Dispatch Center D.S.	District/Unit Commanders
Detectives, Plain Clothes Officers	Unless specifically identified by the P.C. or designee: Detectives will be in uniform; Anti Crime Units will be in uniform; DCU and YVSF in Battle Dress Uniform (BDUs).	PC or designee
Station/Unit Security	Implement as needed, physical security measures and postings. Review facility evacuation plans. All personnel to wear ID cards.	HQ Security, District/ Unit Commanders
Access Security	Terminate all non-essential contract work and deliveries unless specifically identified by the P.C. or designee. Escort all non-police personnel after first obtaining clearance.	HQ Security, District/ Unit Commanders
Vehicle Security	Limit or restrict parking around sensitive areas and buildings.	HQ Security, District/ Unit Commanders
Neighborhood Evacuation/ Critical Incident Exodus Plans	Reviewed by all personnel.	Dispatch Center and District Duty Supervisors
Planning	Develop and distribute Incident Action Plans for each shift.	BFS
Media/Press Release	Press release issued by Mayor's Office.	PC or designee

<b>SEVERE RED</b>	This condition is declared when there is a severe risk of disaster or terrorist attack.	
<b>Tasks</b>	<b>Operational Instructions</b>	<b>Responsible Party</b>
Activation Protocol	Police Commissioner or designee will notify the Dispatch Center D.S. for broadcast via a combination of technologies (i.e., MDT, pagers, land line, etc.) to all Districts and response units.	PC or designee
Notifications	The Dispatch Center Duty Supervisor follows pre-established procedure to initiate the required notifications and group pages for the type of incident that exists.	Dispatch Center D.S.
Personnel Callback	Callback initiated of ALL personnel. Personnel are to respond to duty stations immediately following the pre-determined 12on/12off schedule.	District/Unit Commanders
Work Shifts/Resources activated	<ul style="list-style-type: none"> <li>• Emergency recall of ALL sworn personnel and Dispatchers/call-takers per pre-determined 12on/12off schedule;</li> <li>• Unified Command Center activated and staffed;</li> <li>• Mobile Command Post manned and on stand-by;</li> <li>• Barrier Truck manned and on stand-by;</li> <li>• Liaison Officers coordinate Mutual Aid requests.</li> </ul>	PC or designee
Special Equipment Advisement	Responding units deployed wearing appropriate Emergency Deployment Team (EDT) equipment.	District/Unit Supervisors
Intelligence	Closely monitor the potential for attack. Produce daily assessments regarding local vulnerabilities. Intelligence Center activated with UASI and MSP Fusion Center notification. Duty watch post established on a 24-hour basis.	BRIC
Dispatch	Only Emergency calls involving life and safety dispatched. All threat related calls reported to Intelligence Unit. D.S. may assign Headquarters personnel to assist in the Dispatch Center as needed.	Dispatch Center Commander
BFS/Patrol Enforcement Posture	Only respond to incidents involving life and safety.	District/Unit Commanders
BFS Districts	Focus is event. Maintain availability as a resource.	BFS/Districts

Special Operations	The Special Operations Division and all Public Order Platoons will report to designated staging areas. All units will be prepared for immediate deployment.	Incident Commander
EDT	Emergency Deployment Teams deployed as needed.	Incident Commander
Detectives, Plain Clothes Officers	Unless specifically identified by the P.C. or designee: Detectives will be in uniform; Anti Crime Units will be in uniform; DCU and YVSF in Battle Dress Uniform (BDUs).	PC or designee
Station/Unit Security	Erect barriers and obstacles to control traffic flow. Review facility evacuation plans. All personnel to wear ID cards.	HQ Security, District/Unit Commanders
Access Security	Deny access to all non-police personnel. Verify identities and need for access.	HQ Security, District/Unit Commanders
Vehicle Security	Restrict/Deny parking in controlled areas.	HQ Security, District/Unit Commanders
Neighborhood Evacuation/ Critical Incident Exodus Plans	Implemented as required.	Dispatch Center and District Duty Supervisors
Planning	Develop and distribute Incident Action Plan for each shift.	PC, SIC or designee
Media/Press Release	Press release issued by Mayor's Office.	PC or designee

Albert E. Goslin  
Superintendent In Chief  
Acting Police Commissioner

## **Rules and Procedures**

### **Rule 202**

**August 12, 1980**

#### **Rule 202 - PICKETING, STRIKERS AND LABOR DISPUTES**

This rule is issued to establish guidelines for uniformed personnel when they are required to deal with labor disputes, strikes and picketing. It is effective immediately, superseding all previously issued written directives concerning police action in these situations and amends Rule No. 202 issued June 22, 1976.

##### **Sec. 1 GENERAL CONSIDERATIONS**

The police role at the scene of any labor dispute is to maintain order while protecting life and property. Similarly, the police are required to protect the rights of citizens who are exercising their right to peaceably assemble. It is where these conflicting interests clash that the police role becomes complex. Violence cannot be tolerated nor may the denial of egress and ingress to premises being picketed or the interference with the use of public thoroughfares be allowed to continue.

The key to effective police action in these circumstances is to be fair and objective in the performance of police duties. Police officers must not allow themselves to become the focus of the dispute. They must avoid taking sides or provoking any action that could result in violence. If violence does occur the police cannot ignore their duty to restore order. In doing so they are reminded to use the minimum force necessary.

Requests for the services of police officers at labor disputes will be performed by off-duty officers as special assignments at the prevailing overtime rate for the maximum basic salary of the officer so assigned. (This will not include any differential pay for detectives or specialists.) Such special assignments shall be mandatory and assigned and recorded similar to present overtime assignments. Private business concerns requesting such services will be billed by the Police Department and payments to officers recorded and reported in the usual manner.

##### **Sec. 2 POLICY**

It must be noted that both sides in a labor dispute have definite rights and responsibilities. Strikers have a right to assemble and to picket peacefully to publicize and dramatize their cause. They do not have the right to intimidate non-strikers or to impede persons or vehicles entering or leaving an employer's property. The employer has a right to conduct his business and to have his property safeguarded from damage or destruction. The police task is to protect the rights of both sides. This can become increasingly difficult as a strike becomes protracted. In such cases, the police must remain tolerant and patient but never reluctant to take decisive action when necessary.

Arrests at picket and/or strike scenes should be avoided except for flagrant violations which require immediate action. Only the minimum force necessary shall be used to effect arrests. Offenders shall be removed as quickly as possible to avoid an emotional reaction from fellow picketers or strikers. Whenever possible, it is preferable to obtain sufficient information to present to a court later for the issuance of a court process against the persons concerned.

### Sec. 3 PROCEDURES

An important factor in avoiding disorder and the subsequent necessity for making arrests is to establish an early contact with the leaders of demonstrations and/or strike leaders and company officials. At such a meeting police responsibility can be set out in detail and the cooperation of the prospective participants can be sought as their obligation to maintain public safety and good order is made clear to them by a police spokesman.

When a strike is imminent or has already begun, a department spokesman shall meet with representatives of management and labor, preferably including picket captains, to advise them of police policy with respect to picketing. (A similar meeting shall be arranged, when possible, with leaders of any civic group picketing or group which is known to be contemplating picketing.) The means by which this police policy would be carried out should be clearly explained and an attempt should be made to reach an understanding with respect to the actions of all concerned parties.

Area commanders shall conduct or assign police spokesman to conduct such meetings as are required by this section and then notify the Division of Informational Services of the outcome of the meeting. The Division of Informational Services shall make a public announcement when such a meeting is held and the understanding that was reached by the concerned parties. If the parties involved in a strike cannot be brought together in a meeting with the police the area commander shall notify both management and labor by letter of the police policy and the means intended to be used to enforce it. A public announcement shall then be made that such notice was given.

When a picket line is established, it shall be the obligation of the officer in charge at the scene to make contact with the leader of the pickets and seek his cooperation. Good relations between the police and pickets can ease law enforcement problems.

If an incident arises, or if it is apparent that a potentially dangerous situation is arising, it should be called to the attention of the picket leader immediately. He should be encouraged to handle the problem promptly. In many instances, this will eliminate the need for police intervention.

Police officers shall not enter company property during a strike except to perform a proper police purpose. They shall not park department or personal vehicles upon company property or use any company facilities. At a strike scene, police officers shall not use a company cafeteria nor shall they accept invitations to eat with either union or management personnel.



Pickets must leave sufficient room on sidewalks for pedestrian traffic. When the picket line is moving there must be sufficient room between pickets to allow a person to pass through without colliding with the pickets. Police officers shall ensure that all persons who wish to do so have the opportunity to enter or leave premises peacefully. Pickets must not interfere with the use of public thoroughfares either by pedestrian or vehicular traffic. Vehicles must be allowed to enter or leave premises where a strike is in progress.

When picketing is conducted contrary to the provisions of this rule the pickets shall be given specific instructions as to what actions they will be required to take in order to comply with police policy. If such instructions are not complied with a sufficient number of police officers shall be employed to carry out the department policy. Any persons resisting or interfering with such police action may be arrested and removed from the scene.

When possible, if violence occurs or is obviously imminent, the area should be cordoned off until order is restored or the threat of violence removed.

NOTE: Rule No. 202, promulgated June 1976, was amended August, 1980 by inserting the third paragraph in Section One. (From General Order No. 346, March 30, 1971).

## **Rules and Procedures**

### **Rule 203**

**September 25, 1985**

#### **Rule 203 - HANDLING OF ACCIDENT VICTIMS AND EMERGENCY MEDICALCASES**

This rule is issued to establish Police Department policy for the handling of accident victims and emergency medical cases by personnel of the department. It is effective immediately, superseding all previously issued directives and replacing Rule No. 203, Handling Accident Victims and Emergency Medical Assistance, dated June 4, 1979.

Sec. 1 GENERAL CONSIDERATIONS: Traditionally police officers have been expected to have more than ordinary knowledge about first-aid and the care and treatment of the injured. In order to prepare members of this force to cope with the many demands for their assistance this department has maintained instructional courses so that all sworn personnel would be able to assist the sick and injured.

However, it must be remembered by all department personnel that according to medical authorities, and in compliance with Massachusetts General Law Chapter 111-C, police are required to, and will better aid the victim, by waiting for an ambulance. It is understood that tremendous pressure will be placed on officers by family and people at the scene to immediately transport the victim to the hospital. Therefore, the procedures prescribed by this rule shall be strictly complied with.

Sec. 2 The Department of Health and Hospitals (D.H.H.), City of Boston, will be responsible for the transportation of all emergency medical cases and the following procedures will be adhered to by all Department personnel:

1. Officers dispatched to or coming upon an on-sight emergency medical case or accident victim will inform the Operations Division of the condition of the victim and request an ambulance. In compliance with Chapter 111-C the officers MUST WAIT for an ambulance to arrive to transport the person to a hospital, unless one of the three conditions described under the following section (Section 3, Exceptions), exists.
2. Officers will not move the victim except to remove them from possible danger, such as, but not limited to, fire, explosion or building collapse.
3. If the condition of the victim deteriorates while waiting for an ambulance the Operations Division shall be immediately informed. If the ambulance does not arrive within five minutes a check should be made with the Operations Division every five minutes thereafter until its arrival.

4. While waiting for the ambulance appropriate first aid should be administered. After opening the airway and checking for breathing, if the victim is not breathing, mouth-to-mouth or mouth-to-nose resuscitation should be started.

After checking the pulse and finding it absent, closed chest massage should be started in combination with mouth-to-mouth resuscitation. (This is called Cardiopulmonary Resuscitation.)

If the victim is bleeding severely, bleeding should be controlled by placing a clean cloth material over the wound and applying direct-firm pressure. Use your bare hand if you have no clean cloth. Use other methods in combinations that were taught in the First Responders Course at the Police Academy. A tourniquet should be used only as a last resort.

5. All automobile accidents coming to the attention of the police shall be investigated promptly to determine whether cause exists for criminal complaint. In this connection, the principals involved should be interviewed to ascertain if personal injuries resulted from the accident.

6. All incidents involving Sick or Injured Assists (including Maternity and Mental Cases) or whenever any department of the city is affected, will no longer be Missiled Out. Boston Police Department Form 1.1, Incident Report, shall be submitted on all Sick and Injured Assists (including Maternity and Mental Cases). It will not be necessary to include either the name of the examining or admitting physician or the diagnosis in the report, and it shall continue to remain the responsibility of the admitting or receiving hospital to make the necessary notification to the next of kin.

Sec. 3 EXCEPTIONS: Police Officers may transport a sick or injured person in the following situations:

A. VOLUNTARY TRANSPORTATION: Public Health regulations provide that a sick or injured person may voluntarily choose to be transported to a hospital in a vehicle which is not an ambulance. Therefore, in cases of medical emergency where there is no ambulance available or when the public safety is threatened, sick or injured persons may be transported to a hospital in a police vehicle.

In such cases, the Operations Division will determine if police provide such transportation.

B. MAJOR CATASTROPHE: The Rules and Regulations of the Department of Public Health state that in the case of a major catastrophe in which the number of certified ambulances capable of emergency dispatch in the locality of the catastrophe are insufficient to render the required emergency medical transportation services, the services of department vehicles may be used to render emergency medical transportation.

C. MENTALLY ILL PERSONS: Shall be transported by the Department of Health and Hospitals in accordance with this rule unless such persons cannot be effectively transported by the Emergency Medical Technicians due to their violent behavior and/or the likelihood that serious bodily harm will result to themselves or the public. In such cases mentally ill persons may be transported by department personnel.

Sec. 4 EMERGENCY MEDICAL TECHNICIANS: Persons responding in the dispatched ambulances, and some Fire Department personnel, will be trained Emergency Medical Technicians. These persons can be identified by the EMT shoulder patch or Identification Card and they are trained para-professionals who will assume responsibility for the care and transportation of the victim.

Police Officers will assist as requested as they would assist a physician.

Sec. 5 PRISONERS: Persons taken into custody by the police who require emergency medical treatment, shall be transported in accordance with this rule. Such persons shall be accompanied by a police officer and if admitted to the hospital for treatment, officers will notify their commanding officer and remain with the prisoner until relieved or until the prisoner is officially released from custody as provided by law.

AMENDMENTS: Section 2 was amended by adding subsections 5 & 6.

## Rules and Procedures

### Rule 204

January 26, 2007

#### Rule 204 - PROCEDURES TO FOLLOW IN SEXUAL ASSAULT CASES

In conformance with Rule 112, Sec. 2, Special Order 92-43, "Procedures to Follow in Sexual Assault Cases," issued September 24, 1992, is hereby rescinded and replaced with Rule 204, "Procedures to Follow in Sexual Assault Cases." The provisions of this Rule are effective immediately and replace all previously issued Rules, Orders, Memorandums, and Directives on this subject.

##### **Sec. 1 GENERAL CONSIDERATIONS:**

The Department's establishment of the Family Justice Division (FJD), which includes the Sexual Assault Unit (SAU), the Crimes Against Children Unit (CACU) and the Domestic Violence Unit (DVU), necessitates the need to issue an updated and comprehensive rule with procedures to follow in sensitive and classified sexual assault investigations. The purpose of this rule is to provide officers and investigators with guidelines for responding to reports of sexual assault, assisting victims, conducting interviews with victims and witnesses and interrogating suspects. Timely and responsive law enforcement intervention can increase the reporting of sexual assault crimes, enhance the community's confidence in the police department, strengthen investigations, and facilitate successful prosecution.

##### **SEC. 2 RAPE SHIELD CONSIDERATIONS IN OFFICIAL POLICE REPORTS:**

Massachusetts General Laws provide for confidentiality protection for victims of sexual assault, specifically:

- A. **M.G.L. c. 41 s. 97D - Confidentiality of reports of rape and related offenses; violations; penalties** - "All reports of rape and sexual assault or attempts to commit such offenses and all conversations between police officers and victims of said offenses shall not be public reports and shall be maintained by the police departments in a manner which will assure their confidentiality. Whoever violates any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars, or both."
- B. **M.G.L. c. 265 s. 24C - Victim's name; confidentiality** - "That portion of the records of a court or any police department...which contains the name of the victim in an arrest, investigation or complaint for rape or assault with intent to rape...shall be withheld from public inspection, except with the consent of a justice of such court where the complaint or indictment is or would be prosecuted. Said portion of such court record or police record shall not be deemed to be a public record under the provisions of section seven of chapter four. Except as otherwise provided in this section, it shall be unlawful to publish, disseminate or otherwise disclose the name of any individual identified as an alleged victim of any of the offenses described in the first paragraph. A violation of this

section shall be punishable by a fine of not less than two thousand five hundred dollars nor more than ten thousand dollars.”

- C. **Complaint Control Form (1920)** - In the event that a Complaint Control Form 1920 (Form 1920) is completed against a Department employee alleging the employee committed a sexual assault or for conduct arising out of an incident that involved a response to a sexual assault, do not identify the complainant or anyone else as a sexual assault victim in the Form 1920. Personnel must comply with M.G.L. c. 41, s. 97D, “Confidentiality of Reports of Rape and Related Offenses” and M.G.L. c. 265, s. 24C, “Withholding Rape Victim’s Name From Public Disclosure.” Instead, input the original Incident Report Central Complaint number (CC #) on the Form 1920 where the sexual assault victim would have been identified.
  
- D. **Other Department Reports** – Do not identify the victim of a sexual assault in any other Department reports. For example, when completing a Recommendation for Commendation form, do not include the name(s) of sexual assault victim(s) or the address of the incident. Personnel must always be mindful of the confidentiality of rape reports and the protection of the victim’s identity.

### **SEC. 3 OPERATIONS DIVISION - DISPATCHER and 911 CALL TAKER RESPONSIBILITIES:**

Communications personnel play a critical role in focusing the initial police response by compiling necessary information concerning the victim and offender, providing initial aid to the victim, and helping to preserve evidence. When a caller reports a sexual assault, communications personnel shall follow standard emergency response procedures to include:

- A. Evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect’s current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence should also be obtained.
- B. Ensuring that a uniformed patrol officer(s), and the Patrol Supervisor are dispatched to respond to any and all reports of a sexual assault.
- C. Ensuring that an on-duty District Detective is dispatched.

### **SEC. 4 FIRST RESPONDING OFFICER’S RESPONSIBILITIES:**

- A. As part of the emergency response, officers must:
  - 1. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance, if needed.
  - 2. Evaluate the scene for people, vehicles, or objects involved as well as possible threats.
  - 3. Communicate all vital information to the Patrol Supervisor and other responding officers, and address any possible language barriers.
  - 4. Secure the crime scene and ensure that evidence is not lost, changed, or contaminated.
  - 5. Ask the victim whether he/she has reported the sexual assault to anyone (police officer, friend, neighbor, relative, etc.)

- a. If the victim has reported the sexual assault to anyone else at any time previously, the officer shall obtain that person's name, address, and contact information.
  - b. If the victim has not reported the sexual assault to anyone previously, the officer shall ask the victim to tell him/her in his/her own words what happened. The officer shall document the victim's statement, including the victim's demeanor as he/she makes the statement. The officer shall limit questions to clarify basic information. The SAU Detective will perform a later in-depth interview.
6. Begin a search for the suspect when appropriate.
  7. If the responding officer requests assistance from the SAU, the officer should clearly explain to the victim his or her role. The responding officers shall limit the preliminary interview so that the SAU Detective does not later ask the victim the same questions. Responding officer(s) shall record their observations of the crime scene in writing by completing a Form 26.

B. Preliminary Victim Interview:

1. The purpose of the preliminary interview is for the first responding officers to establish whether a crime has occurred.
2. In the initial response with **adult victims**, the first responding officers must first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s).
3. In the initial response concerning a **child victim** (under age 16), the first responding officers shall interview the child's parent, guardian, caretaker, or adult to whom the child reported the sexual assault. The first responding officer shall not conduct an interview of a child except to solicit basic information or to clarify information that the child has not previously disclosed the information to another adult. Only the responding SAU Detective and the Suffolk County District Attorney's Office will conduct in-depth interviews with child victims.

C. Identifying and Locating Witnesses and Suspects:

1. First responding officers shall question the victim to obtain a complete description of the suspect, whether or not a weapon was used, what vehicles were used, if any, the suspect's direction of flight, and names, addresses and telephone numbers of the victim and all witnesses.
2. First responding officers shall identify any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed by the SAU Detective. The SAU Detectives will conduct a more in-depth follow-up interview of all witnesses and suspects.

D. Additional Duties and Responsibilities of First Responding Officers:

1. If probable cause exists to arrest, the responding officers shall make the arrest. The responding officers should not wait for the SAU Detectives to arrive on scene before making the arrest. If an arrest is made, the victim's name **shall not** appear on the Application for Complaint. (See the addendum to this rule that contains a sample copy of an Application for Complaint in sexual assault cases).
2. Brief the Patrol Supervisor and the on-call SAU Detective. The SAU Detective is the Investigator-in-Charge of the investigation.
3. Preserve and protect the crime scene, just as an officer would in a homicide crime scene under Rule 205, "Death Investigation," Section 6 and Rule 309, "Procedures for Handling Physical Evidence." The SAU Detective(s) shall first respond to where the victim is located, usually a hospital. After the SAU Detective(s) completes his/her preliminary interview with the victim, he/she shall then proceed to the crime scene. Officers must hold and secure the crime scene until the SAU Detective arrives on scene and subsequently releases the crime scene.
4. Do not collect any evidence from the crime scene unless there is an emergency, such as inclement weather, and evidence may be lost or destroyed. During an emergency, and only when a District Detective is not on a tour of duty, the Patrol Supervisor is responsible for collecting and preserving evidence. Otherwise, the responding SAU Detectives shall be responsible for the collection of physical evidence (See Section 8D).
5. Complete the original 1.1 Incident Report. Include all relevant facts and information. If there are multiple victims, there must be a separate and distinct 1.1 Incident Report completed for each victim.
6. Ensure that each and every element of the crime(s) charged is articulated in the narrative of the 1.1 Report to ensure the existence of **probable cause** for each crime charged. In order to do this, officers shall ask the victims to tell him / her in his / her own words what happened. The officer shall not question the victim, except for clarification. Additionally, officers must utilize specific words to describe the actual sexual assault that occurred. (Acceptable example: "The suspect sexually assaulted the victim by penetrating the victim's vagina with his penis without the victim's consent." Unacceptable example: "The suspect sexually assaulted the victim.")
7. Ensure that any and all excited utterances by the victim, suspect, or witnesses, are recorded verbatim in the narrative of the 1.1 Report.
8. Ensure that all responding units are identified by call sign and name in the 1.1 Report.
9. Document the call sign and name of the SAU Detective who responded to the scene.
10. Ensure that a Form 51A and other mandated reporter forms, such as Elder Abuse and Disabled Persons, are completed whenever applicable.

## **SECTION 5. PATROL SUPERVISOR'S RESPONSIBILITIES:**

### **A. Upon arrival:**

1. Debrief the First Responding Officers.



2. Confirm or dispel whether or not a sexual assault has occurred, and make contact with the SAU Detective, when necessary.
  - a. In general, unless connected to a sexual assault crime, indecent exposure, open and gross lewdness, and sexual harassment are not sexual assaults. The District Detectives shall be responsible for investigation these types of incidents. Do not contact the SAU for these types of incidents.
  - b. If the Patrol Supervisor confirms that a rape, aggravated rape, or attempted rape has occurred, he/she shall notify the Operations Division and request that the on-call SAU Detective be contacted and requested to respond in person.
  - c. The on-call SAU Detectives shall respond in person to all confirmed reports of aggravated rape, rape, and attempted rape.

They generally will not respond in person to reports of indecent assault and battery but they will conduct a complete and thorough follow-up investigation. However, if the Patrol Supervisor or Duty Supervisor believes that a particular indecent assault and battery requires an in-person SAU Detective response, then the Patrol Supervisor or Duty Supervisor should discuss and resolve this issue with the on-call SAU Supervisor.

3. Ensure that the First Responding Officer(s) complies with this rule.
4. If probable cause exists to arrest, make the arrest. Do not wait for the SAU Detectives to arrive on scene before making an arrest.

**B. Upon arrival of the SAU Investigator-in-Charge (IIC):**

1. Brief the SAU IIC. This will be the on-call SAU Sergeant-Detective or SAU Detective.
2. Assist the SAU IIC with crime scene management during the preliminary investigation, utilizing whatever personnel are deemed necessary.
3. Preserve and protect the crime scene according to Rule 205, "Death Investigation," Sections 6 and 7 and Rule 309, "Procedures for Handling Physical Evidence." The responding SAU Detectives shall first respond to where the victim is located, usually the hospital. Officers must preserve and protect the crime scene until the SAU Detectives arrive on scene.
4. Ensure that the crime scene is vacated only at the direction of the SAU IIC as relayed through the Operations Division Duty Supervisor.
5. Notify and update your Duty Supervisor and seek his/her assistance, if necessary.

**SEC. 6 OPERATIONS DIVISION DUTY SUPERVISOR RESPONSIBILITIES:**

- A. Ensure that the Sexual Assault Unit is contacted by telephone at 617-343-4400 concerning any confirmed report of an aggravated rape, rape, or attempted rape as ordered by the Patrol Supervisor. This notification shall include: the nature of the incident, the responding officer's call sign, the Patrol Supervisor's call sign, the location of the incident, the hospital where the victim was transported, and any other pertinent information that the SAU Detective may need.

- B. Between the hours of 1:00a.m. and 7:30a.m, notify the on-call SAU Detective by Department pager and provide similar information as above.
- C. Do not dispatch a uniformed officer from any district to respond outside the city to complete a 1.1 Incident Report. Whenever a person is a victim of rape, aggravated rape, or attempted rape in the city of Boston, but fails to report the incident until he/she returns to his/her residence located outside the city of Boston or proceeds to a hospital located outside the city of Boston, the on-call SAU Detective shall respond to the outside residence or hospital and complete the original 1.1 Incident Report.
- D. Concerning reports of indecent assault and battery, the SAU Detective will not respond in person to a residence or hospital located outside the City of Boston. However, this will be decided on a case-by-case basis by the on-call SAU Detective. Regardless of whether the on-call SAU Detective responds in person outside the city for reports of indecent assault and battery, the on-call SAU Detective shall still complete the original 1.1 Incident Report.

## **SEC. 7 DUTY SUPERVISOR'S RESPONSIBILITIES**

- A. Ensure that the Patrol Supervisor, First Responding Officer(s), and District Detectives have complied with this rule.
- B. Ensure that the type of crime listed in the 1.1 Incident Report cites a specific crime, e.g., rape, rape of a child by force, indecent assault and battery over 14. Also ensure that any other crimes that are committed such as kidnapping, and assault and battery by means of a dangerous weapon (gun/knife, etc.) are also articulated in the narrative with the appropriate elements and probable cause for each crime.
- C. Ensure that the type of crime cited as the type of incident, matches the type of crime articulated in the narrative.
- D. Ensure that 1.1 Incident Reports are complete and accurate.
- E. Ensure that only sworn personnel complete sexual assault 1.1 Incident Reports. Civilian employees, cadets, and any other special police officers, including but not limited to, Municipal Police, Housing Police, and School Police, are **prohibited** from completing sexual assault 1.1 Incident Reports.
- F. Ensure that a 1.1 Incident Report is completed for all reports of sexual assault, regardless of which police district the crime occurred in.
- G. Ensure that a 1.1 Incident Report is completed for all reports of a sexual assault that occurred outside Boston. The type of incident should be "Sexual Assault – Outside Agency." These reports should specifically state that a sexual assault occurred in another jurisdiction and that jurisdiction has been notified. Contact that outside agency immediately to inform them of the crime and ascertain, what, if any, assistance is warranted.
- H. Ensure that a completed copy of the 1.1 Incident Report is immediately faxed to the Sexual Assault Unit at 617-343-4861. Simply faxing a copy of the 1.1 Incident Report to the Sexual Assault Unit is not deemed to be proper notification to the SAU that a sexual assault has occurred. Proper notification to the SAU means **both** faxing a copy of the completed 1.1 Incident Report **and** ensuring that the Patrol Supervisor has

communicated verbally with an on-duty SAU Detective, SAU Civilian Liaison, or the on-call SAU Detective.

- I. Between the hours of 1:00 a.m. and 7:30 a.m., contact Operations to page the on-call SAU Detective concerning all aggravated rapes, rapes, and attempted rapes. This is not necessary for reports of indecent assault and battery, unless the Patrol Supervisor or Duty Supervisor deems it necessary to speak with the on-call SAU Detective or on-call SAU Supervisor.
- J. Do not dispatch any district police officer or detective to any hospital to retrieve any rape kits. Rape kits shall be collected and entered into the Evidence Management System by SAU Detectives.
- K. When a person is arrested for a sexual assault committed in Boston, (aggravated rape, rape, attempted rape, and indecent assault and battery) with or without a warrant, the Duty Supervisor must immediately notify the Operations Division and request notification of an on-duty SAU Detective or the on-call SAU Detective (1:00 a.m – 7:30 a.m.) for response to the district police station in person. This SAU Detective shall attempt to interrogate any and all suspects arrested for any sexual assault crimes committed in Boston.
- L. Ensure that no sworn police officers, detectives, or supervisors conduct an interrogation of any sexual assault suspect. Only the SAU Detectives shall conduct interrogations of sexual assault suspects. However, if a suspect makes a statement, utterance, or admission after receiving Miranda warnings, and the SAU Detective has not arrived at the station, ensure that such statements are documented in writing (Form 26).
- M. If a victim reports a sexual assault by a Boston Police Officer, contact the on-call SAU supervisor to respond to interview the victim. Once it is confirmed that a Boston Police officer is a suspect, the SAU supervisor shall request the Operations Division to notify the on-call investigator from the Internal Affairs Division.

#### **SEC. 8 DISTRICT DETECTIVE'S RESPONSIBILITIES:**

- A. Respond with the uniformed Police Officer and Patrol Supervisor to all reports of sexual assaults.
- B. Assist the uniformed Police Officer and Patrol Supervisor in preserving and protecting any crime scene, and in identifying and locating any witness and suspects.
- C. Assist the on-call SAU Detective.
- D. In the event there are exigent circumstances such as inclement weather, and where the destruction of evidence is imminent and the SAU Detective has not arrived on scene, the District Detective shall photograph, collect, and preserve the evidence. The District Detective shall document and complete all relevant paperwork before transferring the evidence over to the SAU detective. If a District Detective is not performing a tour of duty at the time, the Patrol Supervisor shall assume responsibility for the collection and preservation of evidence (See Section 4D).

#### **SEC. 9 DISTRICT DETECTIVE COMMANDER'S RESPONSIBILITIES:**

- A. Assign a District Detective to investigate reports of indecent exposure, open and gross lewdness, or sexual harassment that are not connected to a sexual assault crime. The SAU will not investigate these types of incidents.
- B. Ensure that District Detectives comply with this rule.

**SEC. 10 THE ON-CALL SEXUAL ASSAULT UNIT DETECTIVE'S RESPONSIBILITIES:**

The on-call SAU Detective is the IIC. The IIC has primary responsibility for the investigation of all incidents involving sexual assaults. This also includes the follow-up investigation, interviews of victims and witnesses, interrogations of suspects, seeking criminal complaints, arrest warrants and search warrants, and the preparation of cases for prosecution.

The IIC shall ensure that the following steps are taken, as applicable:

- A. Respond in person to any hospital, whether inside or outside the City of Boston, when notified that a victim was sexually assaulted in the City of Boston and the crime alleged is aggravated rape, rape, or attempted rape.
- B. Establish radio contact with the officers at the scene.
- C. Complete a 1.1 Incident Report whenever responding to a hospital or victim's residence located outside the city of Boston.
- D. Collect and preserve any and all physical evidence from the crime scene and hospital.
- E. Photograph and/or videotape the crime scene.
- F. Utilize the services of the Crime Lab, Identification and Photography Unit, Crime Scene Response Unit and any other Department resources whenever necessary.
- G. Ensure that Rape Kits and Toxicology Kits are retrieved from hospitals and entered into the Evidence Management System and forwarded to the Crime Lab or other appropriate unit for analysis in a timely manner.
- H. Confirm with the Operations Division Duty Supervisor that proper notifications are being made.
- I. Record your arrival on crime scene and make note of those present. Evaluate the adequacy of the inner and outer perimeters and ensure that the crime scene is protected.
- J. Ensure witnesses have been identified and located.
- K. Debrief the Patrol Supervisor, the first officer(s) on the scene and the first responding officer(s).
- L. Record the condition of the crime scene in notes.
- M. Interview witnesses and suspect(s) and obtain statements.
- N. Obtain a search warrant to search the crime scene, if necessary. If the crime scene is in a residence the preferred method of search shall be with a search warrant approved by an SAU Supervisor and the Suffolk County District Attorney's Office, before submitting such warrant for judicial approval.
- O. If a search warrant is to be obtained, freeze the crime scene until a search warrant is obtained and executed.
- P. Record the processing of the crime scene while collecting and preserving evidence.

- Q.** Do not relinquish control over the crime scene until it has been completely processed. Notify the Operations Division Duty Supervisor with instructions to vacate the crime scene.
- R.** Prepare investigative reports.
- S.** Review all other reports, statements and forms for completeness and accuracy.
- T.** Conduct line-ups or photo arrays when necessary, in cases that require victim or witness identification of a suspect. Follow Rule 330, "Procedures for Collection and Preservation of Eyewitness Identification Evidence."
- U.** Arrange for arrest warrants and/or search warrants and the formal charging of the suspect(s).
- V.** Complete a supplemental 1.1 report in order to clear a case, i.e., "Cleared by Arrest", "Exceptionally Cleared" and "Unfounded."
- W.** Immediately establish contact with the District Attorney's Office and review the case and prosecution strategy.

#### **SEC. 11 PROTECTING VICTIM'S RIGHTS:**

SAU Detectives shall provide victims information on:

- A. The rights of a crime victim and the criminal justice process.
- B. How to contact police if harassed or intimidated by the suspect(s).
- C. The requirement of all agencies to obtain written permission from the victim prior to releasing information.
- D. What information is part of a public record and what will be held confidential.
- E. The possibility of media coverage and what information the media has access to regarding sexual assault crimes.
- F. The possibility of availability of compensation for victims of crime, including medical and counseling expenses.

#### **SEC. 12 COMMUNITY NOTIFICATION PROCEDURES:**

When there is a reasonable likelihood that public knowledge of certain information about sexual assault investigations will help prevent future assaults, the public has a right to know that information. It is the Department's responsibility to notify the public in those situations through the media and other established community notification systems. The Department shall consider the release of information on a case-by-case basis, while at all times keeping the best interest of the victim as the top priority.

Edward F. Davis

Police Commissioner

## Rules and Procedures

### Rule 205

October 22, 1998

#### Rule 205 - DEATH INVESTIGATION

The following Rule is issued to establish procedures for Department personnel responding to and/or investigating all reports of the death of a person. The Suffolk County District Attorney, by statute ([M.G.L. c. 38, § 4](#)), is in charge of all death investigations conducted in the County of Suffolk. This Rule also includes the investigation of certain other types of incidents that may or may not result in a death.

#### Sec. 1 GENERAL CONSIDERATIONS

In order to standardize procedures and ensure that each investigation is conducted in a fixed, orderly manner, the following procedures shall serve as a guide to the responding officer and investigator to be followed in all cases. These guidelines are to be construed in a general sense and in no way relieve an investigator from completing any other steps that may be required by a particular case. These procedures should be considered the basic, essential steps for a **preliminary** investigation. The investigator is encouraged to use judgment and initiative in determining what each case demands in the way of additional or **follow-up** investigations. Where there is a doubt or question as to how to proceed in the investigation, the investigator is to consult his/her supervisor.

Beginning with the police call taker who initially takes the call and obtains a crucial piece of information - to the first responding officer - to the investigator - a complete, detailed, practical and thorough investigation is based on team work, cooperation, documentation and compliance with basic crime scene and investigative procedures. The first fifteen (15) to twenty (20) minutes at any incident is decisive in controlling and managing the crime scene.

#### Sec. 2 DEFINITIONS

**Next of Kin:** A relative of a victim who will be recognized in order of priority as follows: 1) spouse, 2) son or daughter, 3) father or mother, 4) legal guardian, 5) grandson or granddaughter, 6) brother or sister, 7) aunt or uncle.

**Personal Property:** May include, but is not limited to: currency, jewelry, bankbooks, wills, negotiable bonds and securities, firearms, et cetera.

**Sudden Death:** The death of a person due to natural causes involving neither violence nor suspicion of violence, but without a physician in attendance (unattended natural death).

### **Sec. 3 RESPONSIBILITIES OF THE PERSON RECEIVING NOTIFICATION**

The **person receiving notification** shall make every effort to obtain and record the following information:

- Exact time the notification was received
- Exact location of the incident;
- Condition of the victim(s);
- Whether suspect(s), or suspect(s)'s vehicle(s) is known
- Locations and descriptions of suspect(s) or suspect(s) vehicle
- Means and direction of flight of suspect(s) or suspect(s)'s vehicle(s);
- Location of the person who first notified the police, if the person will remain there, or the location where the person can be met; and
- Name, address and phone number of the person who first notified the police.

### **Sec. 4 RESPONSIBILITIES OF THE POLICE DISPATCHER**

The **police dispatcher** shall:

- Dispatch sufficient personnel and equipment to handle the situation based on available information,
- Dispatch a District Patrol Supervisor,
- Dispatch a District Detective,
- Dispatch medical and other assistance; and
- Notify the Operations Duty Supervisor.

### **Sec. 5 RESPONSIBILITIES OF THE FIRST OFFICER ON THE SCENE**

The **first officer(s)** on the scene, regardless of rank, has three (3) main objectives which are listed below in order of priority, as applicable:

- Determine whether the victim is alive or dead and initiate the necessary response;
- Determine if a crime has been committed, apprehend the perpetrator if still present, or give the appropriate descriptions to the dispatcher; and
- Secure and protect the crime scene and identify any witnesses, suspects and other persons present.

### **Sec. 6 RESPONSIBILITIES OF THE FIRST RESPONDING OFFICER**

The **first responding officer(s)** assigned to the call or incident shall be responsible for performing the following duties, as applicable:

- Request a **Patrol Supervisor** and other assistance as necessary;
- Take accurate, detailed, and complete notes;
- Address and determine the entire area of the crime scene including paths of entry and exit and any areas that may include evidence;
- Isolate the area and refrain from entering the crime scene and/or disturbing, touching, or using any item found therein. **If an object must be moved**, note its exact location, position, and consider the possibility that the object may contain fingerprints. Outside crime scenes require specific steps to protect the scene. At an outside crime scene, a police line shall be established fifty (50) feet in all directions where appropriate or at such distances as required to freeze the crime scene;

- Prohibit all unauthorized persons from entering the crime scene, including police personnel;
- Restrict police vehicles so they are parked away from the crime scene until the boundaries of the crime scene can be definitively established;
- Instruct medical personnel as to how to enter the crime scene so as to disturb the crime scene as little as possible. The officer should observe the medical personnel and note what objects they move and/or touch;
- Initiate a chronological log (in/out) containing names, titles, and identification numbers of any police, medical, and/or technical personnel entering and leaving the crime scene. **(The log sheet shall be turned over to the investigator-in-charge after the crime scene is vacated and shall be kept in the case file.);**
- Prohibit anyone from smoking at or on the crime scene;
- Prohibit anyone from using any telephone(s) located at or on the crime scene;
- Locate and identify the person who first notified police;
- Separate the witnesses while obtaining preliminary statements;
- Brief the **Patrol Supervisor** and the **investigator-in-charge** of the investigation;
- Complete incident reports and other reports, as applicable;
- All officers responding to a death investigation shall submit a separate written report (BPD Form 26). District Commanders shall ensure that the original of all such reports is forwarded to the Homicide Unit within twenty-four (24) hours; and
- Vacate the crime scene only at the direction of the **investigator-in-charge** as relayed through the **Operations Duty Supervisor**.

## **Sec. 7 RESPONSIBILITIES OF THE PATROL SUPERVISOR**

**The Patrol Supervisor** on arrival at the crime scene shall be responsible for performing the following duties, as applicable:

- Take charge of the crime scene and assign personnel as deemed appropriate;
- Assign an officer to accompany the victim(s) to the hospital;
- Assign an officer to accompany any vehicle(s) which are being towed and held for evidence or for later processing;
- Debrief the first responding officer so as to ascertain the facts surrounding the incident;
- Ensure that the duties of the first responding officer are being performed satisfactorily with particular attention to: initiating and keeping up to date a chronological log; isolating and protecting the crime scene; and identifying and separating any witnesses;
- Establish a Command Post **outside** of the inner perimeter of the crime scene, if applicable;
- Establish an outer perimeter;
- Brief the **investigator-in-charge**;
- Assist the **investigator-in-charge** with crime scene management during the **preliminary** investigation, utilizing whatever personnel are deemed necessary;
- Update the **Operations Duty Supervisor**;
- Ensure that all incident reports and other reports are completed and typed;



- Ensure that separate reports (Form 26) are submitted and signed by each member of the unit in which both the first officer on the scene and the first responding officer are assigned; and
- Ensure that the crime scene is vacated only at the direction of the **investigator-in-charge** as relayed through the **Operations Duty Supervisor**.

#### **Sec. 8 RESPONSIBILITIES OF AN OFFICER ASSIGNED TO ACCOMPANY VICTIM TO HOSPITAL**

If victim is moved to the hospital, the victim should be accompanied by a police officer. The officer accompanying a victim to the hospital is responsible for attempting to ascertain the condition of the victim; for attempting to identify possible witnesses and family members of the victim; and, for the handling and custody of the victim's clothing and other evidence on the victim's person. Such clothing and other evidence should not be mixed together, but should be separated and held as evidence pending the arrival of **homicide investigators, District investigators or Patrol Supervisors**, depending upon which unit is appropriate. Officers are responsible for obtaining the name of the attending physician and, if applicable, the time the victim(s) is pronounced dead.

#### **Sec. 9 ADDITIONAL RESPONSIBILITIES OF PATROL SUPERVISOR IF DEATH IS SUSPECTED TO BE A SUDDEN DEATH**

Only the **Medical Examiner** may rule that the death of a person is a **Sudden Death**, decline jurisdiction, and order the release of the body. In any case where a **Patrol Supervisor**, after assisting the **investigator-in-charge** at any preliminary investigation, suspects that the death may be ruled a **Sudden Death**, the following responsibilities, considerations, and duties shall be in addition to those listed in the previous section.

The **Patrol Supervisor** shall:

- Contact the **Medical Examiner** with all pertinent information gathered in the preliminary investigation;
- Ensure that the Department of Health and Hospitals Emergency Medical Technicians (EMTs) are summoned to the scene of each reported death where there is no physician in attendance. If the EMTs make a determination that the victim has no vital signs in accordance with guidelines issued to them, they shall indicate this information on a report form and a copy of their report is to be given to the **investigator-in-charge**;
- Ensure that the reporting officer includes the names and Unit designation of the responding EMTs on the incident report;
- Ensure that if the **Medical Examiner** accepts jurisdiction of the body, the body not be removed, except at the direction of the **Medical Examiner**;
- Ensure that the scene remains protected until the investigation at the scene is completed; and
- Ensure that if the decedent was under the care of a physician, that an attempt was made to contact the physician to find out the nature of the illness, and whether the physician will sign the death certificate.

#### **Sec. 10 RESPONSIBILITIES OF THE OPERATIONS DUTY SUPERVISOR**

**The Operations Duty Supervisor** shall be responsible to notify the following:

- District Duty Supervisor;
- Homicide Unit **(from on call list)**;
- District Attorney's Office **(from on call list)**;
- Medical Examiner's Office;
- Identification and Photography Unit; District Commander;
- Crime Lab **(if requested by the investigator-in-charge)**;
- Ballistics Unit **(if requested by the investigator-in-charge)**; and
- Any other Department resources as necessary **(as requested by the investigator-in-charge)**.

#### **Sec. 11 ASSIGNMENT OF INVESTIGATIVE RESPONSIBILITIES**

The assignment of investigative responsibilities detailed below applies only to those homicides and sudden deaths occurring within the City of Boston where the Suffolk County District Attorney has designated the Boston Police Department Homicide Unit as the "law enforcement representative". The assignment of investigative responsibilities detailed below specifically does not apply to homicides or sudden deaths which occur in areas or locales wherein the Suffolk County District Attorney has designated the State Police, or any other agency, to be the "law enforcement representative."

**a) A Homicide Unit Investigative Team Supervisor** shall be designated as the **investigator-in-charge** and has the responsibility for the investigation of all incidents involving any:

- Homicide;
- Violent, suspicious or sudden death when the cause is unknown;
- Any suicide that occurred in a police facility, or by a person in police custody, or in a Suffolk County correctional facility (M.G.L. c. 40, § 36A and Rule 318);
- Unidentified dead bodies, irrespective of the cause of death;
- Aggravated battery where the victim is in critical condition and there is a likelihood that the victim will die; and
- Incident at the direction of the **District Attorney** or the **Medical Examiner** (e.g., physician-assisted suicides, etc.).

The **Homicide Unit Investigative Team** is responsible for the collection, processing and custody procedures for any evidence gathered. In those investigations conducted by the **Homicide Unit Investigative Team**, the Homicide Unit Commander is responsible for overseeing the follow-up investigation. In all homicide cases, the Area Detective Commander is responsible for the assignment of a District Detective to assist the **Homicide Unit Investigative Team** that will coordinate the investigative effort within their District.

**b) The District Detective investigator-in-charge** as designated by the **Area Detective Commander** shall be responsible for investigations on their District involving:

- Accidental deaths, sudden deaths and suicides, except for those which are listed above and are assigned to the Homicide Unit; and

- Other investigations, distinct from those ruled homicides, as directed by the **District Attorney** or the **Medical Examiner**.

The **District Detective** is responsible for the collection, processing and custody procedures for any evidence gathered. In those death investigations conducted by **District Detectives**, the **Area Detective Commander** is responsible for overseeing the follow-up investigation.

## **Sec. 12 RESPONSIBILITIES OF INVESTIGATOR-IN-CHARGE**

**The investigator-in-charge** shall ensure that the following steps are taken, **as applicable**:

- Record date, time, and by whom assigned to case;
- Confirm with the **Operations Division Duty Supervisor** that proper notifications are being made;
- Record arrival on crime scene and make note of those present;
- Evaluate the adequacy of the inner and outer perimeters and ensure the crime scene is protected;
- Ensure witnesses have been located and identified;
- Debrief the **Patrol Supervisor, the first officer(s) on the scene** and the **first responding officer(s)**;
- Record condition of crime scene in notes;
- Obtain name of next of kin and ensure that they are notified in-person, if possible. For out of state or out of jurisdiction notifications, arrange for the local police department to make an in-person notification;
- Arrange for identification of body;
- Interview witnesses and suspect(s) and obtain statements;
- Supply the **Medical Examiner** with any additional information that may have been obtained as a result of interviews;
- Search the crime scene (with warrant, if necessary);
- Photograph the crime scene. Use photographs and/or videotapes (eliminate any unnecessary background noise);
- Sketch the crime scene;
- Record the processing of the crime scene while collecting and preserving evidence;
- Collect relative hand-written documents, such as suicide notes, as evidence with the original to remain a part of the case file and copies to be provided to the **District Attorney and Medical Examiner**. Copies of suicide notes may be provided to family members or a relative after the investigation is completed and there has been a finding that the death is a suicide;
- Examine scene for any medication and forward to **Medical Examiner** (obtain signed receipt for medication forwarded);
- Interview next of kin and/or close friends and obtain past medical history, name of doctor, and note any recent illness and/or hospitalization;
- Obtain a copy of the responding EMT's report;
- Compile a history of victim's mental health and physical condition for the **Medical Examiner** and include in the case report;
- Record condition and position of body, clothing worn, condition of hands, etc.;

- Record any trauma, rigor mortis, lividity, body temperature (by touch) and any other observable conditions of the body;
- Arrange for removal of body when processing is complete at the direction of the **Medical Examiner**;
- Consult with the **District Attorney** or their designee to determine when the crime scene may be vacated;
- Notify the **Operations Duty Supervisor** with instructions to vacate the crime scene;
- Prepare investigative reports;
- Review all other reports, statements and forms for completeness and accuracy;
- Conduct re-enactment, if deemed appropriate;
- Conduct line-ups or photo arrays when necessary, in cases which require victim or witness identification of a suspect;
- Review case with **District Attorney** or their designee; and
- Arrange for arrest warrant and/or search warrants and the formal charging of the suspect(s) with the approval of the Homicide Unit Commander (BPD), and the Chief of the Homicide Division of the District Attorney's Office, unless impractical.

### **Sec. 13 REMOVAL OF DEAD BODIES**

A dead body shall only be moved at the direction of the **Medical Examiner** or the **District Attorney** or their designee (M.G.L. c. 38, § 4). The **Medical Examiner** must be notified of the known facts concerning the time, place, manner, circumstances, and suspected cause concerning any person who has died. The **Medical Examiner** has the lawful right to take charge of the body (M.G.L. c. 38, § 4).

Once the **District Attorney** or their designee arrive at the scene or is notified of the discovery of the dead body, the **District Attorney** shall have authority to direct and control the criminal investigation of the death and removal of the body and coordinate the investigation with the police (M.G.L. c. 38, § 4).

Transportation of bodies of persons who have died from any disease dangerous to public health must be in accordance with the rules and regulations of the Department of Public Health (M.G.L. c. 111, § 107).

If a body is found in water, it may be moved to the nearest shelter. Prior to moving the body, the location and position shall be carefully recorded and if possible, marked and photographed.

If a body in a public place is moved, it should be placed on a stretcher in the exact position it is found. The area should be marked, the body outlined on the ground, and the location photographed. Particular attention must be given to the body's position and to blood or fluid secretions.

If the **Medical Examiner** declines jurisdiction but there is no known next of kin or relative of the deceased to make funeral arrangements, personnel from the **Medical Examiner's** office shall remove the body to the Office of the Chief **Medical Examiner**.

If the Medical Examiner declines jurisdiction and there are next of kin or relatives to make funeral arrangements, the District detectives SHALL be required to do the following:

- A. If the next of kin CAN be notified prior to the completion of the original 1. 1 incident report, the name of the deceased shall be recorded in Box #11, and the name of the next of kin will be recorded in the narrative section of the 1. 1 incident report.
- B. If the name of a next of kin can be determined, but CANNOT be notified before the original 1. 1 report is completed the deceased name shall not be recorded in box 411. The District detectives shall conduct a follow-up investigation and submit a supplementary report, recording the name of the deceased in Block 411, and the name of the next of kin in the narrative section of the report.

In **all** cases, officers shall remain on scene until such time as the body is removed, either by personnel from the **Medical Examiner's** office or by an undertaker.

#### **Sec. 14 BODIES REMOVED FROM FIRE SCENES**

The EMTs are responsible for examining the victim and making on-scene pronouncements. The **Medical Examiner's** office will be notified immediately and requested to respond.

Fire Department personnel will handle the removal of the victim(s) and placement into the Police Department wagon and from the wagon to the Office of the Chief **Medical Examiner**. All equipment necessary for the removal will be provided by Health and Hospitals or the Fire Department. **Police Department wagons will be used only to transport the victim to the mortuary and police personnel shall not handle the victim(s).**

#### **Sec. 15 VEHICLES REMOVED FROM CRIME SCENES**

Whenever possible all vehicles will be processed at the crime scene. If it becomes necessary to remove a vehicle prior to processing, evidence shall only be removed after being photographed and latent print processing has been completed.

Vehicles held as evidence or for processing **shall only be towed on a flatbed tow truck** and shall be towed for safekeeping to the station house of the District of occurrence or to a secured location at the direction of the Homicide Unit Investigative Team Supervisor or, where appropriate, the District **investigator-in-charge**. The reporting officer ordering the tow is responsible for completing the tow slip receipt, the MN inventory (BPD Form 2012) and recording the tow on the original incident report. Such incident report shall include the name of any officer assigned to accompany a vehicle towed for evidence or for later processing.

The vehicle should be clearly marked as evidence and the District **Duty Supervisor** shall be notified as to the vehicle's whereabouts. **In order to maintain the chain of custody, officers assigned to accompany such vehicles shall stay with the vehicle until relieved.**

## **Sec. 16 CRIME SCENE SEARCH GUIDELINES**

Officers should be alert to important details or evidence which are transient in nature and which may be subject to chemical changes or which may be moved. The officer must be crime scene conscious and attempt to assess and determine the entire area of the crime scene. **Crime scene processing must continue until complete.** It should be kept in mind that once a crime scene is abandoned, if only for a short period of time, it is often impossible to legally gain possession of the premises again.

a) Except for consent searches which have received the **prior** approval of both the Commander of the Homicide Unit and the Chief of the Homicide Division of the District Attorney's Office, a search warrant shall be obtained prior to searching a crime scene **in any case where individual property rights guaranteed by the Fourth Amendment to -the U.S. Constitution and/or Article 14 of the Massachusetts Declaration of Rights could be violated or infringed upon.**

b) The **Homicide Unit Investigative Team Supervisor** shall review the affidavit and submit the affidavit to an Assistant District Attorney from the Homicide Division of the District Attorney's office for approval.

c) **The Homicide Unit Investigative Team Supervisor** shall directly supervise the service and return of the warrant.

## **Sec. 17 NON-CRIMINAL DEATH SCENE SEARCH GUIDELINES**

The primary role of any officer involved in a Death Investigation on scenes of accidental, suicide and sudden deaths is to establish the circumstances surrounding the death and to determine whether criminal misconduct took place.

If a preliminary investigation reveals with reasonable certainty that no criminal misconduct took place, it is only necessary to search those areas that directly relate to the circumstances and cause of death.

There will be no independent cursory searches of the decedent's property outside of what is discovered in plain view on or near the body of the decedent, unless the **Medical Examiner** orders a search. **This search shall be the responsibility of the Patrol Supervisor.** The search shall be conducted in the presence of a police officer who shall record all items impounded.

## **Sec. 18 IMPOUNDING PROPERTY PROCEDURES**

All bulk property shall be secured, locked and sealed with the crime scene.

Keys to premises occupied by the deceased shall be delivered to the **Medical Examiner** unless he authorizes them to be retained by the police. No police officer shall admit any person into

premises of the deceased or surrender keys to such premises without the authorization of the **Medical Examiner** or his representative.

In all cases in which the **Medical Examiner** accepts jurisdiction of a dead body, the **Medical Examiner** is responsible for the property of the deceased person. The **Medical Examiner** shall, **unless such money or property is required as evidence**, deliver it to the person entitled to its custody or possession or, if not claimed within sixty (60) days, to a public administrator (M.G.L. c. 38, § 18).

In all cases in which the **Medical Examiner** declines jurisdiction of an unattended natural death, all personal property discovered on or near the body of the deceased shall be taken to the station house of the District of occurrence, inventoried and turned over to the Duty Supervisor. Upon receiving a receipt for such property from the next of kin, the Duty Supervisor shall release such property.

In either case, no property shall be released until it is inventoried, itemized, and recorded on a property receipt. The property receipt must be signed by the person accepting the property before the property may be released. This release shall be recorded on a supplementary incident report, including the identification of the person accepting the property.

A copy of the property receipt shall be attached to the original incident report and also to the District copy. The original property receipt shall be attached to the District Property Receipt Book. A copy shall also be delivered to the **Medical Examiner**.

#### **Sec. 19 ALL DEATH INVESTIGATION REPORTS**

Police officers are required to write reports for all deaths that occur in their jurisdiction **without a physician in attendance**. However, the **District Attorney** or the **Medical Examiner** may direct that a report be written and an investigation be conducted in cases involving a suspected physician-assisted suicide. The basic report requirements are the same for any such death, regardless of the age of the deceased (including infants and apparent still-borns), the apparent health or mental condition of the deceased prior to death and/or the possible cause of death.

#### **ALL DEATH REPORTS SHALL BE TYPED.**

The incident report also must indicate whether or not the **Medical Examiner** accepted jurisdiction of the body. When the name of the undertaker is available, it should also be recorded on the incident report.

Police officers shall not take it upon themselves to determine the cause of death, nor shall they put any such assumptions in their reports. The **Duty Supervisor** shall classify all such deaths as "death investigations" and shall ensure that those words are typed in the block on the incident report (1. 1) labeled "Type of Incident." Upon an investigation being classified or re-classified by the **Medical Examiner** as a homicide, or otherwise, the **investigator-in-charge** shall be responsible for submitting a supplementary incident report (1. 1) which shall include the **Medical Examiner's** finding.

Original incident reports shall include **only** the following information, with all other pertinent information included only on the Form 26 report:

- Describe the exact address and floor where the body was found;
- List the name and area of assignment of the officer who found the body;
- List the names and unit numbers of ALL persons responding to the crime scene, including, but not limited to: Police, Fire, Health and Hospitals, Medical Examiner's Office and the District Attorney's Office;
- List the time the EMTs determined the deceased person could not be resuscitated;
- In the event the victim is transported to a hospital, list the name of the attending physician and the time the victim was pronounced; and
- Include whether or not the **Medical Examiner** accepted jurisdiction of the body, where the body was taken and who removed it.

## **Sec. 20 INFORMATION NECESSARY FOR FORM 26 REPORTS**

**Form 26 reports shall be typed and shall be as detailed and complete as possible.**

They shall include the following information, as applicable:

- Include the name of the victim, if known;
- Describe the exact place where the body was found (this should be specific as possible, giving, if necessary, both the address and the location within that address, such as: bathroom in Apt. 3 on the second floor, 123 Main Street);
- Describe the position of the body;
- Describe the clothing or any other covering on the body;
- Describe any visible injuries or discolorations on the body;
- List the names of all other persons present, and/or those who may have knowledge of the incident;
- List the name and area of assignment of the officer who found the body;
- List the names of the responding EMTs and their unit number;
- List the time of the EMT's determination that the deceased person could not be resuscitated;
- List the name of any physician who was recently caring for the deceased;
- List any known illnesses or diseases of the deceased;
- List any prescription medications found in the name of the deceased or known to be currently used by the deceased;
- List the name of the next of kin, include addresses, telephone numbers, etc.;
- Include the time of notification of family or friends of the death, or what efforts were made, or are being made, to make such notification;
- Include the identity of any member of the Clergy who was called; and
- Include where the body was taken and who removed it.

## **Sec. 21 INVESTIGATOR-IN-CHARGE REPORTS IN DEATH INVESTIGATIONS**

**Investigator-in-charge** Investigative Reports (Form 26) in Death Investigations will describe the investigation in the following sequence and format, as applicable:

- Give a narrative summary;



- Describe in detail, who, what, where, when, why and how;
- When witnesses are interviewed or statements taken, they shall be listed numerically, (i.e. 1,2,3,). Include a short paragraph summarizing the statement given. Statements of witnesses and subjects must contain sufficient personal history and data so that they may be located in the future;
- If an area canvass is conducted, all persons interviewed and/or addresses visited must be listed. State time, identifying persons name, address, telephone number, and what information was obtained. If no one was at home at address, state no contact was made and give time. All reports must be signed by officer preparing report;
- Briefly describe the scene of the crime and body position, condition, clothing, trauma, disposition of body, etc.;
- List personal data on the victim/subject of the investigation;
- List any medical history of the victim/subject;
- List any past history of the victim/subject;
- List the name(s) of the next of kin, include addresses, telephone numbers, etc.;
- List all property secured and its location;
- List any vehicle(s) and location, including tow receipt numbers, if applicable; and
- List any additional information.

## **Sec. 22 FILING FOR INQUEST AND/OR CRIMINAL CHARGES**

**The Homicide Unit Investigative Team Supervisor** shall consult with an Assistant District Attorney from the Homicide Division of the District Attorney's Office outlining all evidence and probable cause to support charges prior to the filing of any criminal charges. If a suspect has been arrested on any criminal charge, criminal charges are considered filed when the application for complaint has been properly completed and filed with the court. The **District Attorney** or their designee shall determine the cases in which a direct indictment will be sought.

The **Homicide Unit Investigative Team Supervisor** investigating an unidentified dead body is responsible for ensuring that all pertinent information is completely and accurately entered into the National Crime Information Center (NCIC) Unidentified Person File in a timely manner.

Any warrants for the arrest of a suspect will be sought from a Judge, Grand Jury or Clerk Magistrate subsequent to the review and approval of the **District Attorney** or their designee. Upon issuance of an arrest warrant or indictment warrant, the **Homicide Unit Investigative Team Supervisor** assigned to investigate the case is responsible for ensuring that all computer entries are complete and accurately entered. Discrepancies noted in any of the information entered into the Warrant Management System shall immediately be brought to the attention of the Clerk of Court for the court of issue so they may be corrected.

If there is reason to believe a suspect has fled from the jurisdiction, an Unlawful Flight to Avoid Prosecution (UFAP) federal warrant will only be sought if deemed appropriate by the **District Attorney** or their designee.

The **District Attorney** will determine when it is appropriate to institute procedures for an inquest before a justice of the court of jurisdiction ([M.G.L. c. 38, § 8](#)).

Paul F. Evans  
Police Commissioner

## Rules and Procedures

### Rule 206

January 26, 2007

#### Rule 206 - Improvised Explosive Devices (IED)

This Rule is issued to establish Police Department procedures and policies when department personnel are responding to, investigating or handling explosive devices. Members of the department shall adhere to these guidelines to ensure that cautious and appropriate measures are taken when dealing with explosives to prevent death and injury and to protect property. This rule is effective immediately and supersedes all previously issued written orders and directives concerning this subject.

**Sec. 1 GENERAL CONSIDERATIONS:** The threat of terrorism poses a significant challenge to public safety personnel and the public worldwide. Terrorists groups and individuals are increasingly resorting to the use of improvised explosive devices to create anxiety and fear and to maim and kill. Law enforcement officers must know what actions to take when confronted with a possible explosive device to ensure their safety and the safety of others.

**Sec. 2 FIRST RESPONDER PROCEDURES:** When Department personnel encounter a possible explosive device they shall not touch it. Officers shall refrain from using electronic communication devices such as two-way radios and cellular telephones in the immediate proximity of the suspicious object.

In such situations, officers shall immediately move at least 300 feet from the object and notify the Operations Division of the suspicious object and give Operations its exact location and other relevant details. If the object is within a building, the officer(s) at the scene shall have the premises evacuated. The officer(s) shall ensure the safety of evacuees and persons outside the building by moving them at least 300 feet from the location of the object. If the object is outdoors, the officer(s) shall maintain the same 300-foot perimeter around the suspicious object.

If the officer at the scene cannot effectively evacuate people from a building or area due to volume or other reasons, he/she shall notify Operations and request appropriate resources to perform the evacuation and maintain a secured perimeter around the suspicious object location.

Officers must bear in mind that terrorist groups and others utilize secondary improvised devices to injure and kill first responders. Officers shall make efforts to detect additional suspicious objects in the vicinity of the primary device.

Officers must also remember that a location where an improvised explosive device is found is a crime scene. Officers must make every effort to curtail access to the scene and preserve evidence.

**Sec. 3 OPERATIONS DIVISION:** Upon receiving information from an officer at the scene that a possible improvised explosive device exists, the Operations Division shall immediately notify the Explosive Ordnance Unit and relay all pertinent information. The Explosive Ordnance Unit shall notify the Special Operations Division when an improvised explosive device is found. The Special Operations Division and the District of occurrence shall supply all needed support personnel and equipment.

The Operations Division shall also notify the following agencies when an improvised explosive device is found:

- The Federal Bureau of Investigation
- The Bureau of Alcohol, Tobacco, Firearms and Explosives

When the threat of a nuclear explosive is received the Operations Division shall notify the Federal Bureau of Investigation. When notified that military ordnance has been found the Operations Division shall notify the U.S. Army at Fort Devens.

**Sec. 4 EXPLOSIVE ORDNANCE UNIT:** Upon notification from Operations that a suspicious object has been found, the Explosive Ordnance Unit shall immediately respond to the location and conduct an assessment of the object. Upon arrival the Supervisor or Senior Bomb Technician assigned to the Explosive Ordnance Unit will assume control and responsibility of the incident. The Supervisor or Senior Bomb Technician shall coordinate with District Supervisors to ensure all safety and security measures are in place prior to the Bomb Technicians initiating a render safe procedure. The Supervisor or Senior Bomb Technician shall also make certain that no one, except Explosive Ordnance Unit personnel, is within the 300-foot secured perimeter. Members of the Explosive Ordnance Unit shall follow approved procedures during the examination, handling, transportation and detonation of a suspected improvised explosive device.

**Sec. 5 TRANSPORTATION:** Only the Explosive Ordnance Unit shall transport improvised explosive devices. The Special Operations Division shall provide a police cruiser to proceed in front of the vehicle transporting the explosive and such motorcycle officers as are needed to cope with traffic.

The Explosive Ordnance Unit shall not transport explosives through tunnels. The Explosive Ordnance Unit shall not transport explosives over bridges unless there is no alternative route available.

**Sec. 6 STORAGE:** The only approved area for the storage of explosive devices is at the Boston Police Departments Pistol Range, and Moon Island Bunker, and the Pistol Range personnel must be notified prior to transportation to that site.

**Sec. 7 DISPOSAL:** The primary disposal area for explosives is the Boston Police Department revolver range on Moon Island. In addition to the procedures set forth in the previous section

(5) of this rule, the Explosive Ordnance Unit shall notify the Chief of the City of Quincy's Fire Department prior to the transportation of any explosives to Moon Island.

Before any explosive device is detonated on Moon Island, the Explosive Ordnance Unit shall notify the Logan Airport Control Tower.

In an extreme emergency, if two or more explosive devices are found in different locations at the same time it may be necessary to use an alternate disposal area. An alternate area would be an open field or park in an area close to where the explosive was found. For example:

- Downtown Boston: the Boston Common
- Brighton: Roger's Park or Smith Field
- Charlestown: Barry Playground
- Dorchester: Garvey Park, Ronan Park, Malibu Beach, Walsh Park
- East Boston: Constitution Beach, Bell Island Marsh
- Hyde Park: Kelley Field, Ross Field, Smith Field
- Jamaica Plain, Playstead Park at Franklin Park, Daisy Field on Jamaica Way
- Mattapan: Barry's Ledge; Franklin Park Ball Field
- Roslindale: Fallon Field, Healy Field
- South End: Carter Playground; Jim Rice Ball Field
- South Boston: Columbia Park, M Street Ball Field, Carson Beach
- West Roxbury: W.R. Crushed Stone, Billings Field, Millennium Park

**Sec. 8 PUBLIC INFORMATION:** Descriptions and photographs of improvised explosive devices have in the past resulted in groups and individuals copying or attempting to copy such devices. Therefore, no person shall give a description of an explosive device to a member of the news media. No person, other than police personnel, shall photograph an explosive device. Only the Office of Media Relations shall disseminate information concerning explosive devices.

Edward F. Davis  
Police Commissioner

## Rules and Procedures

### Rule 300

October 18, 2012

#### Rule 300 - BUREAU OF PUBLIC INFORMATION – RELEASE OF OFFICIAL INFORMATION

This rule is issued to establish the policy of the Police Department with regard to releasing official public information to members of the news organizations or to other persons outside the department. The rule clearly recognizes the rights of news media personnel to obtain information and photographs at the scene of emergencies or other police activities. Its provisions are effective immediately, superseding all previously issued Rules, Orders, Bulletins, Memoranda and directives regarding communication with the news organizations or release of official information.

**Sec. 1 GENERAL CONSIDERATIONS:** The relationship between the police and the news organizations in a democratic society is based upon complementary rather than conflicting interests. News Organizations have a legitimate need for information about public safety activities and provide a wide reaching opportunity to inform to the public about matters involving crime, quality of life and public safety.

Crime, and police efforts to prevent it, is a matter of public concern. The Boston Police Department is regularly involved in events about which members of the news media legitimately need information or photographs. Under such circumstances, the members of the Department, both sworn and civilian, have three responsibilities: 1) to bring the police operation at hand to a successful conclusion, 2) to protect the constitutional rights of accused persons, and 3) to cooperate with media efforts to obtain and disseminate factual timely information.

The Boston Police Department actively seeks to establish a cooperative climate in which information involving matters of public interest may be obtained in a manner that does not hamper police operations or abridge the rights of the accused.

**Sec. 2 THE BUREAU OF PUBLIC INFORMATION):** The Bureau of Public Information is the central source of information for release by the Department and responds to requests for information by the news media and the community. Members of BPI provide information and updates to the media at major incident scenes, prepares and distributes news releases, coordinates and assists at news conferences, coordinates and authorizes the release of information about victims, witnesses and suspects, assists in crisis situations within the agency and coordinates the release of authorized information., Members of the Bureau also update the Department's blog ([www.BPDNews.com](http://www.BPDNews.com)); and are responsible for posting messages on the Department's Official Social Media sites. The Bureau of Public Information is open seven days a week from 8:00 a.m. to 11:00 p.m.

**Sec 3 PUBLIC RECORDS:** Members of the Department should understand the provisions of [M.G.L. c. 4 § 7](#) and [M.G.L. c. 66 § 10](#). These sections 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 disclosure by other statutes. Included among those documents that the public has a right to inspect and copy is BPD Form 1.1, Incident Reports, except those portions of the report that fall within one of the following enumerated exemption clauses:

- **CORI Records:** Except for information that is released contemporaneous with an arrest, specifically exempted from disclosure are all records that come under the Criminal Offenders Record Information law (CORI) which prohibits disclosure of any information about an arrest including the summaries of criminal records or probation records whether obtained from Boston Police files or by Boston Police from other agencies.
- **Victim and Juvenile Identities:** Prohibited by law is the disclosure of the names of victims in sexual assault cases, as well as details of sexual assaults. Prohibited by Departmental policy is the disclosure of the names of juveniles. (Juveniles are considered those persons less than 17 years of age.)
- **Investigative Information:** The Public Record Law also provides that "investigative materials necessarily compiled out of the public view by law enforcement or other investigative officials, the disclosure of which would probably so prejudice the possibility of effective law enforcement that it would not be in the public interest," are exempt from public disclosure. **It is the policy of the Department to release such information to news media personnel, contemporaneous with an incident and consistent with sections 3 and 4 of this Rule, if such release does not interfere with police investigations.** The Police Commissioner will make final decisions on release of such information after consultation with the Bureau Chief of Public Information and the Legal Advisor.

**Sec. 4 INFORMATION THAT DEPARTMENT MEMBERS MAY NOT RELEASE:**

- The existence or contents of a prior criminal record of the accused (C.O.R.I.).
- Character or reputation of the accused.
- Existence or contents of any confession or statement of the accused.
- The accused person's participation in, or refusal to submit to, any examination or test and/or the results thereof.
- Possibility of a guilty plea.
- Opinions as to the guilt or innocence of the suspect.
- Opinions as to the quality of the evidence of the case.
- Identity of known witnesses or possible witnesses.
- Statements or testimony of witnesses except as part of the record of a public court proceeding.
- Police pictures of persons arrested, or pictures that have been made a part of a criminal record (unless published to aid in the capture of a wanted suspect; or authorized by an appropriate bureau chief or his/her designee).

- Names or addresses of rape or attempted rape victims and any details of sexual assaults, or attempts to commit such offenses.
- Information contained in an officer's Internal Affairs file; exceptions are noted in Section 5.
- Photographs of police personnel, **unless** permission is given by the individual involved, the individual's immediate family, or in special cases, the Police Commissioner.
- Specific addresses (other than home towns), family data, or other personal data regarding police personnel, **unless** the person involved gives permission (information that can be released is noted in Section 5).

**Sec. 5 INFORMATION THAT DEPARTMENT MEMBERS MAY RELEASE CONTEMPORANEOUS WITH AN INCIDENT OR WITH THE APPROVAL OF THE BPI:**

- Nature of charges.
- Basic facts and circumstances of an arrest.
- Identity of investigating and arresting officers.
- Length of the investigation leading to the arrest.
- Description of physical evidence seized unless release of such information would unduly jeopardize a case.
- Identity of the arrestee, if 17 years of age or older.
- The age, sex, and hometown (but not the name) of the accused if under 17 years of age.
- Schedule of and/or results from any stages of the judicial process (including quotations from public records of the court).
- An officer's age, date of appointment, hometown, and date of retirement or resignation, awards or commendations.
- Any criminal charges pending against an officer.
- Results of a completed IAD investigation, only with the approval of the Bureau Chief of Public Information, the Superintendent of BII or the Police Commissioner.
- Nature of charges against an officer in an on-going IAD investigation.
- Identities of persons killed; only after obtaining confirmation that the next-of-kin have been properly notified.

**Sec. 5.1 DISPLAYS OF DRUG MONEY:** The Department will on occasion display drugs, weapons, and other evidence seized at crime scenes or during arrests. Frequently such evidence includes large sums of money. The BPD will not display money to be photographed, but may release information as to the amount of money seized in an operation. Evidence including: drugs, drug paraphernalia, weapons, and other items may be displayed at news conferences to and allowed to be photographed after clearance by the BPI.



**Sec. 6 PHOTOGRAPHING PRISONERS:** News organizations have the right to photograph persons in police custody. However, officers will not pose prisoners for news photographs nor will they allow prisoners to be photographed by media outlets inside police buildings.

**Sec. 7 ACCESS OF NEWS MEDIA PERSONNEL:** A newsperson's primary responsibility is to report the news by gathering information and/or taking photographs. Since the opportunity to do so is often of a momentary or transitory nature, especially at an emergency scene, an officer should not obstruct a newsperson in the performance of his or her duties. **However, to preserve the integrity of a crime scene while evidence is being collected; members of news organizations will not be permitted within 50 feet of an active crime scene.**

Newspersons may photograph or report anything they observe at an emergency scene. When publication or broadcast of such coverage could interfere with an investigation or place a victim, suspect, witness or other person in jeopardy, withholding publication is dependent upon the willingness of the news organization. In the event of a conflict with news organization members, officers shall immediately advise a supervisor to notify the BPI. Officers shall not, however, interfere with or obstruct news media personnel as long as their activities remain within the confines of the law. Any violations of this procedure should be immediately reported to the BPI. On public streets, news photographers and their equipment have the right to be free from assaults and unnecessary interference or obstruction while engaged in the lawful performance of their duties at the scene of a crime or other major event.

On scene disagreements shall immediately be reported to the BPI. Any officer involved in a confrontation with any member of the news media shall submit a report of the incident to his/her immediate supervisor and the Bureau Chief of Public Information as soon as possible. Members of the news media are not exempt from any municipal, state or federal statute.

**Sec. 8 NEWS MEDIA ACCESS AND CROWD CONTROL:** In order to ensure public safety and to prevent citizens from entering a restricted area, police personnel will establish police lines where necessary at all major events. It is the policy of the Department to allow duly accredited representatives of any news service, newspaper, television, or radio station to enter areas normally closed to the public by police lines. **ALLOWING NEWSPERSONS INTO SUCH AREAS IS, HOWEVER, DEPENDENT UPON THE TACTICAL SITUATION 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 TO ALLOW THEM TO COVER AN EVENT.**

The decision to assume the risk of danger remains with the individual newsperson involved and it is not the responsibility of the police to provide for the safety of those members of the news media who voluntarily choose to subject themselves to danger. It is the responsibility of department personnel assigned at events where police lines are established to ensure that only news media members **WITH THE APPROVED IDENTIFICATION** are allowed to cross police lines or enter areas set aside for the news media. **THIS WILL REQUIRE CHECKING NEWS MEDIA MEMBERS FOR APPROVED NEWS MEDIA CREDENTIALS AND REQUIRING THEM TO WEAR THESE CREDENTIALS ON THEIR OUTERMOST GARMENT.**

Officers shall direct questions relative to credentials to the ranking supervisor at the scene and a BPI representative. 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.

**Sec. 8.1 RULE 200 ADDENDUM A – HOSTAGE AND BARRICADED SUSPECT SITUATIONS:** In order to bring hostage and barricaded suspect situations to a successful conclusion, protect the constitutional rights of accused persons and cooperate with media efforts to obtain and disseminate factual information, the media and the department must adhere to established procedures. In any hostage or barricaded situation the media will:

- Collectively designate a ground level pool camera and one pool helicopter camera for shared coverage. The Department's Chief Hostage Negotiator reserves the right to exclude aerial coverage if he/she deems it hazardous to the situation;
- Refrain from airing critical ground or aerial videotape until the situation has been resolved;
- Refrain from interfering with the negotiation process. This includes contacting, by any means, suspects or other persons involved in the situation without the guidance of the Chief Hostage Negotiator.

In any hostage or barricaded situation the Department will, under the direction of the Chief Hostage Negotiator:

- Provide the ground level camera man, accompanied at all times by an officer from BPI, a location within the inner perimeter;
- Provide frequent informational reports during the incident, as well as access to critical personnel after the incident;
- Provide a media station in the outer perimeter of the incident where reporters can obtain information safely during the incident without interfering in the tactical operations. Providing information shall include live remote stand-ups, interviews and informational updates without including deployment information or video footage concerning tactical operations.

**Sec. 9 BPI NOTIFICATION:** Officers shall direct all requests for information and interviews to the BPI. Duty Supervisors, on-scene Supervisors, and Supervisors assigned to the Operations Division shall make every effort to get pertinent information on any unusual (newsworthy) incident/arrest to BPI as soon as possible. This will allow the BPI to disseminate the facts to the media in a timely manner while removing this obligation from other Districts/Units, which are receiving similar requests.

In addition, the Bureau Chief or a representative from BPI is always on call. Officers shall contact the Bureau Chief or on call designee through the Operations Division for major incidents occurring during hours when the Bureau is closed. The highest-ranking Superior Officer on scene shall make a determination as to whether or not an incident is classified as major.

The following types of incidents require notification of the Chief of the Bureau of Public Information by the Operations Division:

- An incident involving a potential Civil Rights Law violation. Information shall be released only with the approval of the Chief of the Bureau of Public Information...
- An on-going trial or upcoming court case, Department policy, hiring practices, deployment of personnel, internal investigations of Department personnel or **any legal matter or potential legal matter**. Information shall be released only after clearance by the BPI in consultation with the Legal Advisor, when applicable.
- Homicide or serious shooting or stabbing of a juvenile.
- Homicide with multiple victims.
- Suicide in a district cell.
- Multiple deaths (motor vehicle accident, fire, etc.).
- Police officer shot.
- Police officer seriously injured.
- Police officer involved in a shooting.
- Police officer involved in a serious IAD incident.

**Sec. 10 RELEASE OF ROUTINE INFORMATION:** When BPI is closed, and the incident is of routine nature, such as a Part One Crime (except a Sexual Assault), the basic information, except for information outlined in Sections 3 and 4, may be given to members of the media by the Duty Supervisor or Senior Officer of the Operations Division. Any information given to the media from the Duty Supervisor or Senior Officer of the Operations Division must be forwarded to BPI

If necessary on routine police matters in order to answer a legitimate request for information that may be released, the Operations Duty Supervisor will call the Unit or District involved, obtain the information and call the news media back. In all cases BPI should be notified as soon as possible.

The Operations Division Duty Supervisor will maintain contact with all units involved in major incidents.

**Sec. 11 REQUESTS FOR INTERVIEWS:** The news media and members of the public frequently direct inquiries to the Department seeking interviews on a variety of general police subjects or to request a departmental member as a guest. The decision to release such information or to grant interviews will be made, according to the facts of each situation, by the BPI. This does not apply to requests for routine information discussed above in Section 9. If you are uncertain whether information requested by the media constitutes a "Request for Interview," check with the BPI.

Only Command Staff members (with the knowledge of the Chief of the Bureau of Public Information) are authorized to speak on behalf of the Department. The Chief of the Bureau of Public Information or other Command Staff members may provide information of a factual nature to the media at a crime scene, as governed by this policy. If a Command Staff member speaks on camera or releases information to a newsperson, he/she must alert as soon as

possible, the BPI, as to the content of the information given. Only ONE member of the Department's Command Staff is authorized to speak at any one event or crime scene.

**Sec. 12 TOURS OF POLICE FACILITIES:** Requests for tours of police facilities should be directed to the BPI for approval and assignment based upon the tactical and operational needs of the Department.

**Sec. 13 ENDORSEMENT OF COMMERCIAL PRODUCTS:** The Department does not endorse commercial products or allow its facilities to be used for such endorsements. Department personnel shall not make any endorsements of commercial products in their capacity as members of the Department without specific permission from the Police Commissioner.

**Sec. 14 PARTICIPATION IN MOVIES, COMMERCIALS, ETC.:** All requests for the use of Boston Police Department personnel and/or equipment in movies, documentaries, docudramas, commercials, advertisements, television shows, or similar projects must be cleared through the Bureau Chief of Public Information.

The Department will not normally grant permission for its equipment or police facilities to be used for television, motion pictures, or other similar productions. However, representatives from the news media may be allowed to operate their cameras and recording equipment **inside** police facilities only after authorization is given by the BPI.

News media representatives have the right to be present outside police facilities at any time as long as they are not interfering with officers performing their duties.

Edward F. Davis  
Police Commissioner

## Rules and Procedures

### Rule 301

April 29, 2013

### Rule 301 - PURSUIT DRIVING

#### Section 1. Introduction

The Boston Police Department places the highest value on the lives and safety of its officers and the public they serve. Ever mindful of the responsibility this entails, the Department acknowledges that every officer's duty to apprehend violators of the law will be tempered with the need to minimize the risk to officers and the public. It is the position of the Department that all law violators be apprehended whenever doing so can be accomplished without presenting an unwarranted risk of harm to the public or to the officer(s).

#### Section 2. Purpose

This rule is issued to establish guidelines and regulations for pursuit situations. It is effective immediately, superseding all previously issued rules, regulations, orders, and directives having to do with pursuits.

Generally, pursuit driving is not justified and is prohibited unless the occupants of the vehicle are known to be wanted for the commission or the attempted commission of a violent or life threatening felony or the vehicle is being operated in an erratic or dangerous manner which poses a threat of harm to the public if it is not stopped. The commission of any motor vehicle violation and/or operating a stolen motor vehicle, in themselves, are not sufficient to meet the above criteria.

The City of Boston is a highly congested urban area which generally precludes pursuit driving in a safe manner. Therefore, every effort shall be made to prevent a suspect vehicle from escalating a situation into one which requires a pursuit. Pursuit driving is only permitted in situations that represent a threat of harm to the public or the officers, if the suspect vehicle and/or occupants are not apprehended. The Department recognizes that it is better to allow a suspect to escape than to engage in a pursuit under conditions that unnecessarily jeopardize the safety of the public and the officer(s).

#### Section 3. Definitions:

For the purposes of this rule the following definitions will apply:

**Sec. 3.1. BAPERN: Boston Area Police Emergency Radio Network.** A system that allows the Boston Police Operations Division to communicate and coordinate all departments sharing BAPERN capability; these departments include various law enforcement agencies located in and

around the City of Boston. Most importantly, BAPERN provides the Boston Police Department with the capability necessary to continue to control a pursuit which extends into other jurisdictions.

**Sec. 3.2. Discontinuing a Pursuit:** An officer informing the Operations Division that the officer is no longer engaged in pursuing a suspect vehicle and turning off the police vehicle's emergency equipment (lights and siren) while simultaneously reducing the speed of the police vehicle to the posted speed, observing all motor vehicle and traffic laws, and disengaging from following the suspect vehicle.

**Sec. 3.3. Authorized Police Emergency Vehicle:** Includes Department cruisers, motorcycles, prisoner wagons, trucks, SUVs, Harbor Patrol water vessels, and any other mode of transportation recognized as a vehicle by the Massachusetts Registry of Motor Vehicles that are equipped with lights and sirens.

**Sec. 3.4. Motor Vehicle Pursuit:** A motor vehicle pursuit exists when an officer, in an Authorized Police Emergency Vehicle, with lights and sirens activated, actively attempts to apprehend occupants of a suspect vehicle in which the driver increases speed and/or takes evasive actions in an attempt to avoid apprehension.

**Sec. 3.5. Primary Pursuit Unit:** The first police unit that initiates a pursuit and continues as the first police vehicle in the pursuit.

**Sec. 3.6. Secondary Pursuit Unit:** The police unit that becomes involved as a backup to the Primary Pursuit Unit.

#### **Section 4. Vehicle Surveillance Procedures:**

Consistent with Department policy that a pursuit be avoided whenever possible, officers shall take the following steps whenever they have a suspect vehicle under surveillance that they seek to pull over:

1. Immediately notify the Operations Division that a suspect vehicle is under surveillance and report their call sign, the reason for the surveillance, the best possible description of the suspect vehicle and its occupants and its direction of travel and roadways being used;
2. Follow the suspect vehicle at a discreet and safe distance, constantly informing the Operations Division of the progress of the surveillance. Blue lights and siren shall not be utilized during the surveillance phase;
3. The Operations Division shall utilize all resources available to limit the mobility of the suspect vehicle before pursuit ensues. When possible, unmarked units should be summoned to take over the surveillance and follow the suspect vehicle until it stops and the suspect(s) can be approached on foot, or the suspect flees, and a pursuit ensues;

4. Blue lights and siren shall only be utilized after the suspect vehicle actively attempts to evade the police unit which is conducting the surveillance or accelerates and/or fails to stop after having been directed to do so.

### **Section 5. Pursuit Decision:**

**Sec. 5.1. Pursuit Situations:** An officer shall refrain from engaging in a vehicle pursuit unless the officer reasonably believes that:

1. A felony involving serious bodily injury or death or a credible threat of serious bodily injury or death has been committed, or attempted, by an occupant of the vehicle, [According to Rule 303 Section 8, the suspects' vehicle is not considered a deadly weapon] OR
2. An occupant of the vehicle is suspected of being illegally in possession of a dangerous weapon, or in possession of a dangerous weapon used to threaten, injure or kill another person, OR
3. An occupant of the vehicle poses an on-going immediate threat of serious bodily harm or death to another person.

**Sec. 5.2. Pursuit Decision Factors:** Officers and supervisors should always keep in mind that the decision to pursue a suspect vehicle is revocable. In making the determination to pursue a suspect vehicle, factors to be considered shall include, but are not limited to:

1. severity of crime/offense believed to have been committed by one or more occupants of the vehicle;
2. the risks of the pursuit to the officer, the public, and the suspect(s) versus the necessity to apprehend the suspect(s) should the vehicle not be stopped;
3. alternatives to pursuit;
4. whether the identity of the occupant is known to the point where later apprehension is possible;
5. driving skills of the officer and the performance capabilities of the pursuit vehicle and the vehicle being pursued;
6. type of area (residential, commercial, school zone; and the volume, type, speed and direction of vehicle traffic);
7. population density (including volume of and pedestrian traffic);
8. type of police vehicle (unmarked cruiser, marked cruiser, motorcycle);
9. time of day;
10. road and weather conditions;

11. officer(s) familiarity with the area;
12. speeds involved;
13. quality of radio communications;
14. secondary pursuit unit and other support available in the area to contend with the number of occupants upon a stop.

## **Section 6. Transmitting Information:**

**Sec. 6.1. Operations Division Notification:** Whenever the operator of a vehicle fails to stop after having been directed to do so and an officer engages in a motor vehicle pursuit, he/she must immediately notify the Operations Division of the pursuit and the following:

1. The officer's radio call sign
2. The officer's current location
3. The offense or reason for the pursuit
4. The best possible description of the pursued vehicle including year, make, color, license plate number
5. The number of occupants, and their identity if known, descriptions (including age and clothing if possible) in case of a bailout
6. The known or suspected presence of any weapons in the vehicle as well as other threats or hazards
7. The direction of travel, roadway being used, and speed of the pursuit
8. If the pursuit is about to enter another jurisdiction

**Sec. 6.2. Updates to Operations Division:** This information must be continually updated throughout the pursuit, but if/as a Secondary Pursuit Unit joins the pursuit and is sufficiently close to the Primary Pursuit Unit, the secondary unit shall assume responsibility for pursuit updates to the Operations Division.

## **Section 7. Pursuit Control and Coordination:**

**Sec. 7.1. Operations Dispatcher Responsibilities:**

1. Upon receipt of a transmission from a unit indicating he/she is engaged in a pursuit, the dispatcher has the primary responsibility for coordinating the pursuit.
2. The dispatcher shall designate the initiating unit as the Primary Pursuit Unit, order the frequency cleared, determine the best available Secondary Pursuit Unit, and deploy that unit to join the pursuit.
3. The dispatcher shall notify the Patrol Supervisor of the district where the pursuit is taking place and the Operations Division Supervisor as soon as practicable.



4. In the event the Patrol Supervisor has engaged him/herself as Primary or Secondary Pursuit Unit, the dispatcher will contact the closest available supervisor to take control of the pursuit.
5. Once a Secondary Pursuit Unit has joined the pursuit, the dispatcher shall establish and use that unit as the point of communications for the pursuit, unless the Primary Pursuit is a two-officer unit. This allows the Primary Pursuit Unit officer to devote full attention to driving.
6. The dispatcher shall closely monitor the progress of the pursuit and promptly relay pertinent information relative to location, route, hazards, descriptions, etc. to other units and supervisors (and adjacent districts/jurisdictions that may be impacted).
7. The dispatcher shall request the closest available Canine Team be deployed in the direction of the pursuit to assist at the termination point should it result in a flee on foot.
8. The dispatcher shall coordinate any support requested by the Pursuit Units or supervisor(s).
9. If a pursuit is entering the city from another jurisdiction or district, the dispatcher shall gather and convey all pertinent information to the district Patrol Supervisor of the district receiving the pursuit.
10. The dispatcher shall make a notification via BAPERN when outside agencies become involved or the pursuit leaves the city of Boston.
11. The dispatcher will communicate the order to discontinue the pursuit and confirm that all pursuit participants acknowledge the termination upon receiving such direction from either the Primary Pursuit Unit, the patrol supervisor, the Operations Division Supervisor or any superior officer of the department.
12. The dispatcher shall broadcast lookout information relative to the suspect vehicle and/or its occupants if officers lose sight of the suspect vehicle or the occupants flee on foot.
13. The dispatcher, where possible, shall remind officers that pursuant to MGL Chapter 89, Section 7B, they must stop at all stop signs and red lights while engaged in pursuit driving.

**Sec. 7.2. Operations Division Duty Supervisor's Responsibilities:**

1. Upon notification of a pursuit, the Operations Division Duty Supervisor shall immediately familiarize him/herself with the details of the pursuit and ensure the management and control of the pursuit is assumed by the Patrol Supervisor.
2. If no justification for the pursuit is given by the initiating officer and the Patrol Supervisor has not yet assumed command of the pursuit, the Operations Division Duty Supervisor shall direct the discontinuance of the pursuit.
3. The Operations Division Duty Supervisor shall monitor the progress of the pursuit and in the event communications are lost with the Patrol Supervisor, temporarily assume responsibility for the management and control of the pursuit, including but not limited to making the decision to discontinue the pursuit when provisions of this directive call for such action.
4. The Operations Division Duty Supervisor shall ensure that the closest available Canine Team, whether BPD or other jurisdiction, be deployed in the direction of the pursuit to assist at the termination point should it result in a flee on foot. The Canine Team will be advised of the direction of the pursuit, information about the vehicle and occupant(s), threats and hazards, and weapons.
5. When a pursuit is about to enter another jurisdiction, the Operations Division Duty Supervisor shall ensure coordination with the other jurisdiction(s) and make the notification via a BAPERIN to the appropriate jurisdiction or agency.

### **Sec. 7.3. Primary Pursuit Unit Responsibilities:**

1. Upon deciding to initiate a pursuit, and providing the dispatcher with the information called for in Section 6 (Transmitting Information), the Primary Pursuit Unit officer shall engage emergency lights and sirens.
2. The Primary Pursuit Unit shall maintain radio communications with the dispatcher conveying pursuit status information until that role can be assumed by the Secondary Pursuit Unit, unless the Primary Pursuit Unit is a two officer unit.
3. The Primary Pursuit Unit shall maintain a distance behind the suspect vehicle that keeps the suspect vehicle in sight but at a sufficiently safe distance to safeguard the officer(s) in the event the suspect vehicle takes dangerous evasive action or stops quickly.
4. If at any time the Primary Pursuit Unit loses sight of the suspect vehicle he/she shall discontinue the pursuit, but may continue to search the area without emergency equipment engaged in accordance with all traffic laws.

### **Sec. 7.4. Secondary Pursuit Unit Responsibilities:**

1. The Secondary Pursuit Unit will join the pursuit, maintaining a safe distance behind the Primary Pursuit Unit, and shall engage emergency lights and sirens.
2. Once the Secondary Pursuit Unit is in place in the pursuit, that unit will assume the responsibility for radio transmissions relative to the pursuit from the Primary Pursuit Unit, unless the Primary Pursuit Unit is a two officer unit.
3. The Secondary Pursuit Unit shall assume the primary position if the Primary Pursuit Unit must drop out of the pursuit, but he/she will not pass the Primary Pursuit Unit unless requested to do so over the radio by the Primary Pursuit Unit.

#### **Sec. 7.5. Patrol Supervisor's Responsibilities:**

Once a Patrol Supervisor is assigned to a pursuit, he/she will be responsible for the management and control of the pursuit and post-incident management, unless relieved by a higher ranking officer via radio.

1. The Patrol Supervisor shall acknowledge acceptance of supervisory responsibility upon notice from the dispatcher that a pursuit has been initiated in the district. The supervisor may control the pursuit from a stationary point or drive toward the area of the pursuit utilizing emergency driving per Rule 302.
2. The Patrol Supervisor shall determine that the pursuit was initiated in accordance with the provisions of this Rule. Based on this determination and known circumstances, the supervisor shall either acknowledge his/her approval of the pursuit to the dispatcher or he/she shall order the pursuit discontinued.
3. The Patrol Supervisor shall continuously monitor radio transmissions relative to the pursuit, and assess risks brought on by the weather, visibility, pursuit speed, road conditions, vehicular and pedestrian traffic and other conditions to determine if the necessity of the pursuit continues to outweigh the risks to officers and the public and should be continued.
4. The Patrol Supervisor shall discontinue a pursuit if the pursuing officers are not adequately broadcasting sufficient information necessary to make informed decisions as to the continuance of the pursuit.
5. The Patrol Supervisor shall monitor the pursuit to ensure that only authorized units are participating in the pursuit.
6. The Patrol Supervisor shall determine the need for additional resources and coordinate support such as police units at the termination point of the pursuit to assist with arrests or a foot chase.
7. The Patrol Supervisor shall respond to the termination point of the pursuit, regardless of outcome to control police actions, provide supervision, support and guidance to pursuing officers, and to coordinate any search or follow-up of leads.
8. The Patrol Supervisor shall complete a Pursuit Report and submit it through the Duty Supervisor to the District Commander.

## **Sec. 7.6. All Pursuit Units – Requirements and Limitations:**

**Sec. 7.6.1 Applicable Statute:** Officers shall conform to the provisions of Massachusetts General Law, chapter 89, Section 7B, and use the blue emergency lights and siren of their vehicle when engaged in a pursuit. Officers should be aware that the majority of Department motor vehicle accidents occur in intersections and with this in mind officers should use extreme caution while navigating through intersections. The applicable statute states:

*“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 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 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.”*

**Sec. 7.6.2. One-way Streets and Divided Highways:** Officers shall take all necessary precaution to avoid operating a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If, however, facts and circumstances present themselves to require either action, the officer must be able to justify their actions and show that all possible safety for the public was taken into account.

**Sec. 7.6.3. Use of Electronic Devices:** Operators of pursuit vehicles shall not use MDT computers, cell phones or other hand-held electronic devices, excluding police radios, while engaging in a pursuit.

**Sec. 7.6.4. Vehicle Defect:** Pursuit units shall discontinue participation in a pursuit at any time when the officer becomes aware of a defect with his/her vehicle that could impact its safety and effectiveness as a pursuit vehicle.

**Sec. 7.6.5. Unreasonable Speed:** The Primary and Secondary Pursuit Units shall not, at any time, operate a Department vehicle at such a rate of speed or in such a manner as to cause the officer to lose control of a pursuit vehicle or otherwise endanger the public.

**Sec. 7.6.6. Reckless and Hazardous Driving Maneuvers:** Reckless and hazardous driving maneuvers by the suspect shall not be replicated by the pursuing officer.

**Sec. 7.6.7. Vehicle Contact:** Officers shall not use their police vehicle to deliberately make contact with a pursued vehicle.

**Sec. 7.6.8. Vehicle Positioning:** Officers shall not intentionally drive along side or in front of a pursued vehicle, unless authorized by a Patrol Supervisor.

**Sec. 7.6.9. Roadblocks and Barricades:** The use of roadblocks or the barricading of a roadway is justified and authorized only when the use of deadly force is justified, and it must be authorized by the Patrol Supervisor as a last resort to apprehend a suspected violent felon. Police vehicles used to barricade a roadway will have all emergency lights activated and they will be unoccupied and no one will be positioned behind them.

**Sec. 7.6.10. Tire Deflation Devices:** When it is operationally feasible and trained personnel are able to deploy tire deflation devices they may be used if authorized by Patrol Supervisor. Supervisors should be mindful of vehicle's speed when determining whether to utilize tire deflation devices. No officer shall attempt to overtake a pursued vehicle in an attempt to put down a tire deflation device. No such device will be used to stop a vehicle with fewer than four tires.

**Sec. 7.6.11. Firearm Discharge Prohibition:** Please see Rule 303, Section 8.

### **Section 8. Discontinuance of Pursuit:**

Department members shall discontinue a pursuit when conditions make it unreasonable to continue and/or when ordered to do so by any Superior Officer of the Boston Police Department. The same factors which were considered prior to engaging in a pursuit shall be continuously considered in determining whether or not to discontinue a pursuit once it has begun. The officer operating the primary pursuit vehicle shall be prepared to articulate the facts justifying any decision to initiate, continue and/or discontinue a pursuit. If there is a

disagreement as to whether a pursuit should continue, the highest ranking officer shall make the determination. If there is a disagreement among supervisors of the same rank, the decision of the Operations Duty Supervisor shall prevail.

**Sec. 8.1. Discontinuance Factors:** Any number, or combination of factors may contribute to the unreasonableness of continuing a pursuit. Among them are the following:

1. The Primary Pursuit Unit loses sight of the suspect vehicle for more than 30 seconds.
2. The officer is failing to keep up with the suspect vehicle and/or it is too powerful to keep up with.
3. The pursuit enters a congested area making pursuit hazardous.
4. Visibility, weather, or road conditions have deteriorated.
5. The pursuit is entering a school zone with children near the roadway.

**Sec. 8.2. Radio Notification:** Each officer participating in a pursuit that has been discontinued shall acknowledge his/her discontinuance over the radio and give his/her location at the termination of the pursuit.

**Sec. 8.3. Ceasing Suspect Pursuit:** Pursuing officers shall not follow the suspect vehicle after the decision to discontinue the pursuit has been made.

**Sec. 8.4. Reappearance of Suspect:** In the event the suspect vehicle in a discontinued pursuit reappears, any decision to re-engage the pursuit will require the pursuing officer to justify a new pursuit. If the former pursuit was discontinued because of high risk factors, the officer must articulate how the risk has changed.

**Sec. 8.5. Return to Regular Speed:** Upon discontinuing a pursuit, officers shall immediately turn off their emergency lights and siren, return to posted speed limits.

## **Section 9. Pursuit Vehicle Considerations:**

**Sec. 9.1. Pursuit with Passengers Prohibited:** Officers shall not engage in a pursuit when their vehicle is occupied by prisoners, suspects, complainants, witnesses or any other persons not on duty either as police officers for the City of Boston or for another law enforcement agency working with or assisting the Department. This restriction applies regardless of whether or not the passenger has signed a waiver of liability, i.e., "ride alongs."

If the non-police passenger is not a suspect or prisoner, at the officer's discretion and with the passenger's agreement, the passenger may be discharged at a safe and secure location. The dispatcher should be advised of the location and a non-pursuit unit should be dispatched to retrieve the passenger.

**Sec. 9.2. Unmarked Units:** Department policy shall be that only Authorized Police Emergency

Vehicles (as defined in this Rule) may lead a pursuit.

Whenever officers assigned to unmarked vehicles are following a suspect vehicle which then accelerates and/or fails to stop after having been directed to do so, the officers shall notify the Operations Division of the vehicle with which they are concerned, and after providing all information relevant to the suspect vehicle, may continue to follow such vehicle, but shall observe all motor vehicle laws until relieved by a marked unit. Upon being relieved by a marked response unit, the unmarked unit shall discontinue pursuit and follow at a safe distance.

**Sec. 9.3. Personal Vehicles:** Officers are strictly prohibited from using a personal or private motor vehicle to engage in a pursuit. An officer who witnesses the commission or attempted commission of a violent or life threatening felony or observes a vehicle being operated in an erratic or dangerous manner which poses a threat of harm to the public if it is not stopped shall, if they are in a personal or private motor vehicle, notify the Operations Division of the vehicle involved, its direction of travel and the crime involved. The officer may then, with the permission of the Operations Division, follow the vehicle but only if it is possible to do so in conformance to all traffic laws and without creating an undue risk of harm to the public or themselves.

**Sec. 9.4. Motorcycle Units and other Vehicles:** If a pursuit is initiated by a motorcycle unit, that unit may continue to pursue only until a marked cruiser assumes the role of Primary Pursuit Unit. If at any time, even the momentary risks associated with the pursuit become too great for motorcycle unit involvement, or if the motorcycle unit cannot be replaced within a reasonable time, the motorcycle unit shall discontinue the pursuit.

Emergency equipped Sport Utility Vehicles, pick-up and other trucks (marked or not) should be restricted from use as pursuit vehicles. Just as with motorcycles, when officers operating these vehicles initiate a stop that turns into a pursuit, they shall discontinue pursuit as soon as a marked cruiser assumes the role of Primary Pursuit Unit.

## **Section 10. Outside Law Enforcement Agencies Conducting a Pursuit in the City of Boston:**

**Sec. 10.1. Outside Law Enforcement Agency Notification to Boston Police Department:** All federal, state and local law enforcement agencies conducting a pursuit in or about to enter the confines of the City of Boston, regardless of the primary jurisdiction of the roadway on which the pursuit is being conducted, are requested to notify the Boston Police Operations Division (preferably via BAPERN).

Upon notification, the Boston Police Department shall utilize BAPERN to coordinate and control all pursuits with the exception of those which may occur on the Southeast Expressway, Storrow Drive, or the Massachusetts Turnpike.

**Sec. 10.2. Operations Division Notification:** The agency conducting the pursuit will be requested to provide the Operations Division with the following information:

1. The identification of the unit in pursuit by call sign and the law enforcement agency to which it belongs;
2. The best possible description of the vehicle and its occupants;
3. The reason for the pursuit, especially the nature of the offense involved;
4. The direction of travel, an estimate of the speed of the suspect vehicle and the roadways being used.

**Sec. 10.3. Radio Broadcast:** When an outside agency pursuit enters the City of Boston, the relative information (the path of the pursuit, vehicle and occupant description) should be broadcast over the appropriate radio channel to inform officers in the proximity of the pursuit.

**Sec. 10.4. Request for Information:** The Operations Division Duty Supervisor shall initiate a request for relevant information immediately on being made aware of a pursuit conducted by an outside agency entering the City of Boston.

**Sec. 10.5. Patrol Supervisor Notification.** Upon being apprised of such pursuit, the Operations Division is to notify the Patrol Supervisor of the affected district and the Operations Division Duty Supervisor as soon as practicable.

The Patrol Supervisor of the affected district will acknowledge receipt of the information.

**Sec. 10.6. Secondary Pursuit Unit:** When a pursuit enters the City of Boston and there is only one pursuit unit from the other jurisdiction in pursuit, the Operations Duty Supervisor or the Patrol Supervisor may assign a Secondary Pursuit Unit. If the pursuit continues beyond the city, the Boston unit will discontinue the pursuit and the Primary Pursuit Unit will be notified, unless authorized by a supervisor to continue pursuit.

When a pursuit initiated in another jurisdiction enters the City of Boston, the role of Boston police officers in the actual pursuit will be limited to Secondary Pursuit Unit support. If the pursuing agency has two of its own units involved, Boston officers shall not pursue but rather shall monitor progress and respond to the pursuit termination point (if in the city) to assist with arrests. No other stop tactics (tire deflation, barricade) will be employed by Boston police officers.

**Sec. 10.7. Pursuit Discontinuance:** Any supervisor can discontinue a pursuit by Boston units participating in a pursuit initiated by an outside law enforcement agency.

While the Boston Police Department recognizes the statutory authority of outside law enforcement agencies to conduct fresh and continued pursuit into other jurisdictions (MGL Ch.



41, Sec. 98A), if the decision is made to terminate Boston Police participation in a pursuit, any outside agency which is involved in the pursuit shall be so advised of that decision and the reasons therefore.

### **Section 11. Pursuit into Other Jurisdictions:**

**Sec. 11.1. Operations Division Notification:** When a pursued vehicle leaves the City of Boston the pursuing officers shall notify the Operations Division who shall transmit the information outlined in Section 3 via BAPERN to the police department having primary jurisdiction.

**Sec. 11.2. Number of Units Determination:** The Patrol Supervisor shall determine the number of units permitted to continue a pursuit into another jurisdiction. The Patrol Supervisor shall respond to the termination point of the pursuit.

**Sec. 11.3. Pursuit of Felons Outside Jurisdiction:** Boston police officers shall only pursue felons into other jurisdictions when the occupants of the vehicle are known to be wanted for the commission or attempted commission of a violent or life threatening felony.

### **Section 12. Pursuit Reports:**

The Patrol Supervisor who monitored the pursuit shall respond to the termination point of the pursuit and make an assessment of the scene. During this assessment if the officer(s) that initiated the pursuit are assigned to and working in a capacity for a Division/Unit out of the chain of command of the Patrol Supervisor, the Patrol Supervisor shall make contact with a supervisor from that Division/Unit if available and request he/she respond to the scene, and responsibility for the Pursuit Report Form (BPD Form 1647, revised 3/89) shall then belong to that supervisor. Prior to the end of his/her tour of duty, the Pursuit Report Form shall be submitted by the appropriate supervisor to the Commander of the District or Unit where the officer(s) is assigned, to the Chief of the Bureau of Field Services and to the Superintendent-In-Chief. The Supervisor shall detail the reasons for and the circumstances of the pursuit in the Pursuit Report. The District/Unit Commander shall evaluate and, if necessary, obtain reports from all Police Officers involved as to their compliance with each and every section of this Rule. In order to justify decisions with respect to any type of driving conduct, the officer operating the vehicle must be able to articulate facts supporting his or her decision. Completed evaluations will subsequently be submitted to the Chief of the Bureau of Field Services and the Superintendent-in-Chief.

NOTE: Rule Number 301, promulgated September 1974, revised in February 1982; revised in September 1999.

Edward F. Davis  
Police Commissioner



## Rules and Procedures

### Rule 302

April 29, 2013

### Rule 302 - EMERGENCY DRIVING

#### **Sec. 1. Introduction:**

The Department and its members are bound to respond to requests for assistance for service with as much dispatch as is reasonably possible. Emergency driving enables the police officer to respond more quickly than would normally be feasible to situations where a speedy response is a critical necessity. However, such driving and the hazards it entails should occur only when clearly justified by the nature of the need for service and made necessary by conditions at hand that, without the use of emergency driving, would tend to render the police response ineffective. Every effort must be taken to ensure the safety of the public, as well as Department members, at all times. The benefits of a quick response – while important to the public – can be lost instantly if the risks associated with that response results in an aborted effort.

#### **Sec. 2. Purpose:**

This rule is issued to establish guidelines and regulations for emergency driving of authorized police emergency vehicles other than in pursuit situations. It is effective immediately, superseding all previously issued rules, regulations, orders, and other directives related to emergency driving.

The following rule is established so that all sworn personnel operating authorized Boston Police Department vehicles exercise due caution and due regard when engaging in an emergency driving situation. Only sworn personnel will operate Departmental vehicles in an emergency mode. It is recognized that “emergency driving” can become “pursuit driving” in a short amount of time and that officers need to react and operate vehicles accordingly, but never at the expense of safety. [See Rule 301 - Pursuit Driving.]

#### **Sec. 3. Definitions:**

For the purpose of this rule, the following definitions will apply:

**Sec. 3.1. Authorized Police Emergency Vehicle:** includes Department cruisers, motorcycles, prisoner wagons, trucks, SUVs, Harbor Patrol water vessels, and any other mode of transportation recognized as a vehicle by the Massachusetts Registry of Motor Vehicles that are equipped with lights and sirens.

**Sec. 3.2. Code 3:** Designation for emergency driving, using emergency lights and siren.

**Sec. 3.3. Emergency Driving:** refers to operation of an authorized police emergency vehicle, other than in pursuit, in excess of the legal speed limit and/or contrary to traffic signs and signals, with lights and sirens activated.

**Sec. 3.4. Priority One Call:** Calls for service in this category indicate that a police presence is needed at the scene of an incident. Immediate response to these calls is critical. Conditions that will define a call for service as a Priority One are:

- § Any apparent threat of life, any danger of serious physical injury, any major property damage, or any incident that may result in the same;
- § Any active felony or violent misdemeanor, or active incident that may result in either serious physical injury or major property damage or loss and any felony or violent misdemeanor that recently occurred (within 15 minutes), and there is a probability that a suspect(s) may be apprehended;
- § Any serious injury or illness that may result in substantial physical harm if police assistance is delayed;
- § Any domestic violence incident; or
- § Any incident involving exigent or unique circumstances that demands an immediate police response (i.e., sniper, explosive device, gas leak).

**Sec. 3.5. Priority Two Call:** Calls for service in this category indicate that a police presence is needed at the scene, but unlike a Priority One call, an immediate response is not critical. Conditions that would classify a call for service as a Priority Two call are:

- § Any recent or active crime or incident that does not represent a significant threat to life and property, including but not limited to, a felony which has just occurred but without injury to the victim and the suspect(s) has fled the scene (longer than fifteen minutes);
- § Any in-progress incident that could be classified as a possible crime (e.g., suspicious person or vehicle, prowler);
- § Any property damage incident that represents a significant hazard to the free flow of traffic; or
- § Any incident that would require a prompt, but non-emergency response.

**Sec. 3.6. Priority Three or Lower Call:** Calls for service in these categories indicate that some type of police response is needed but could be delayed for a period of time without adverse effect. Conditions that would classify a call for service as a Priority Three or lower priority call (priority 4-9) are:

- § Any non-active crime or incident that does not require an immediate investigation (i.e., a B&E that was not recently committed, but which is being reported at this time);
- § Any incident that involved non-emergency and/or non-criminal services; or
- § Any other incident that is no longer active, yet due to its nature, cannot be responded to by phone.

#### **Sec. 4. Operation of Emergency Vehicles Law:**

**Sec. 4.1. Legal Considerations:** Chapter 89, Section 7B of the Massachusetts General Laws, Operation of Emergency Vehicles, states that:

"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, 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.**" *(emphasis added)*

NOTE: Officers should take all necessary precaution to avoid operating a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If, however, facts and circumstances present themselves to require either action, the officer must be able to justify their actions and show that all possible safety for the public was taken into account. Officers should also be aware that the majority of Department motor vehicle accidents occur in intersections and with this in mind officers should use extreme caution while navigating through intersections.

**Sec. 4.2. Examples of allowable emergency driving tactics.** While officers shall exercise the utmost caution when entering any intersection, regardless of controls and signals, while

engaged in emergency driving, the following are examples of allowable emergency driving tactics:

- § Passing a red stop signal or stop sign only after coming to a FULL STOP as required by statute.
- § When entering a multi-lane intersection against a red stop signal or stop sign, proceeding through the intersection one lane at a time.
- § Slowing down at all other intersections and yield signs, proceeding only when the intersection is safe to enter.

## **Sec. 5. Emergency Driving Response to Calls for Service:**

### **Sec. 5.1. Responsibilities of Officers:**

**Sec. 5.1.1. Priority One.** An officer receiving a Priority One call for service may utilize emergency driving after acknowledging receipt of the call to the Dispatcher.

**Sec. 5.1.2. Priority Two and lower.** An officer receiving a Priority Two or lower call for service may utilize emergency driving, but must communicate this intention to use emergency driving to the Dispatcher by indicating that they are responding "Code 3".

**Sec. 5.1.3. Self Initiated Call for Service.** It is understood that an officer may temporarily use emergency driving (particularly lights and sirens) for traffic stops as well as during "on-site" incidents. In these cases, it is not necessary for the officer to communicate the use of lights and sirens to the Dispatcher. If however, the temporary emergency driving turns into "pursuit driving," the officer will immediately notify dispatch and follow the procedures outlined in Rule 301.

### **Sec. 5.2. Responsibilities of the Dispatcher:**

It is the responsibility of the Dispatcher in such situations to:

1. State the Priority Level of the call;
2. Make the officer aware of any unusual or hazardous traffic conditions reported in the area; and
3. Make the officer aware of any risks or additional details that might impact officer safety, as well as any changes in circumstances.

**Sec. 5.3. Responsibilities of Supervisor.** Supervisors in the field shall monitor all dispatched Priority One calls to which their officers are dispatched to ensure the response strikes a balance between the priority of the call and the risks to the public and responding officer(s).

**Sec. 5.4. Upgrading/Downgrading Emergency Response:** An emergency response may be upgraded or downgraded by the responding officer, the Patrol Supervisor, or the Dispatcher. Any disagreement as to the level of response shall be resolved by the highest ranking officer. In the event of a disagreement between district's Patrol Supervisor/ Duty Supervisor and the Operations Duty Supervisor, the judgment of the Operations Duty Supervisor shall prevail.

**Sec. 5.4.1. Upgrading / Downgrading by Officer:** Anytime an officer elects to engage in emergency driving when responding to a lower priority call, the elevated response and the reason justifying it shall be articulated to the Dispatcher. Dispatchers can then direct an appropriate response level and number of officers. This also offers the appropriate supervisor the opportunity to weigh in on the appropriateness of response. Any downgrading of a call by an officer because of information he/she possesses, should also be transmitted to the Dispatcher.

**Sec. 5.4.2. Upgrading / Downgrading by Supervisor:** Supervisors should authorize adjustments to the response if conditions known to the supervisor about the call (traffic, weather, etc.) justify upgrading or downgrading the response. Supervisors should continue to monitor the call and further adjust the response, as needed as the call evolves, and ensure responders arrive or terminate response as directed.

**Sec. 5.4.3. Upgrading / Downgrading by Dispatcher:** Dispatchers should be guided by several considerations as they determine the appropriateness of a modified response level. Public and officer safety are paramount when making these decisions. It is the Dispatcher's obligation to convey information to responders and supervisors about risks, weapons, suspects and other details that impact officer safety. This information will also help officers determine the actual exigency of the call. The Dispatcher must consider the following prior to making a decision on whether to upgrade or downgrade the response:

- § Are violent acts ongoing?
- § Is there still an immediate threat of danger?
- § Are suspects still on the scene?
- § Are the identities of suspects known?

**Sec. 5.5. Suspension of Emergency Driving:** If an officer using emergency driving in response to a call for service is notified by the Dispatcher or supervisor that his/her emergency response is no longer authorized, he/she shall cease emergency driving immediately and proceed within the legal speed limit and in compliance with the rules of the road, without lights or sirens activated. Emergency response discontinuance can be ordered by the officers responsible for the call, the Dispatcher or the field supervisor. Any momentary disagreement should be resolved by the field supervisor. If at any time during an emergency response, an officer determines a tactical advantage would be gained by turning off lights and sirens, the officer must obey all traffic laws.

**Sec. 5.6. Occupied Vehicle:** Officers shall not engage in emergency driving if the authorized police emergency vehicle is occupied by any person(s) other than sworn or otherwise authorized law enforcement personnel.

**Sec. 6. Weather and Environmental Conditions:**

The officer engaged in emergency driving must be constantly aware of environmental, weather and traffic conditions and their effect upon the propriety of high speed operation. His/her speed and the general manner in which he/she operates the emergency vehicle must reflect cognizance of such conditions. An officer shall terminate emergency driving in the event that he/she can no longer control the situation, or the speed of emergency operations in relation to road conditions, or when the risk to citizens outweighs the urgency of the emergency. After terminating emergency driving for reasons stated in this section the officer(s) shall immediately notify the Dispatcher.

**Sec. 7. Deference to Other Emergency Vehicles:**

An officer not engaged in emergency driving shall yield to another emergency response unit (i.e. fire, ambulance) that is in emergency response mode. While in emergency operation, an officer shall not pass another emergency response unit that is making an emergency run in the same direction as the officer, unless the operator of the first vehicle pulls over and yields for the officer to proceed.

**Sec. 8. Training:**

The Academy shall maintain and update the emergency driving curriculum. All sworn personnel shall complete the training curriculum.

Edward F. Davis  
Police Commissioner



## Rules and Procedures

### Rule 303

April 11, 2003

### Rule 303 - USE OF DEADLY FORCE

#### INTRODUCTION

This rule is issued to provide guidelines and regulations governing the use of deadly force by members of the Department, to ensure the safety of our police officers and the public, and to establish procedures for the orderly investigation of firearm discharges. Its provisions are effective immediately, superseding all previously issued rules, regulations, orders, bulletins and directives regarding the use of deadly force by Boston police officers.

In the establishing of these regulations it is understood that they will not likely cover every conceivable situation which may arise. In such situations officers are expected to act with intelligence and sound judgment, attending to the spirit of the rule. Any deviations from the provisions of Sections 5, 6, 7, or 8 of this rule shall be examined on a case by case basis.

Note: Weapons and ammunition coming into the custody of Police Department personnel shall be handled in accordance with the provisions of Rule [No. 311, Procedures for the Ballistics Unit](#).

Sec. 1 Definitions: For the purpose of this rule, the following definitions will apply:

Deadly Force is that degree of force likely to result in death or great bodily injury. The discharge of a firearm toward a person constitutes the use of deadly force even if there is no express intent to kill or cause great bodily injury.

Great bodily injury means bodily injury which creates a substantial risk of death or which is likely to cause serious injury, permanent disfigurement or loss, or extended impairment of the function of any bodily member or organ.

Immediate danger of death or great bodily injury includes circumstances under which (1) such a danger exists in reality, or (2) such a danger is apparent, and the officer is unable to affirm or disaffirm its actual existence.

Prudence means using cautious, discreet or shrewd action and having due regard for the rights of citizens while maintaining an awareness of the responsibilities of acting as a police officer.

Reasonableness is moderate and/or fair action within reason, suitable to the confrontation.

The Investigating Officer in Charge (IOIC) is the Detective Superior Officer of the Firearm Discharge Investigation Team so designated by the Commander of the Homicide Unit and assigned to investigate the facts of the incident and to determine the justification for the use of deadly force.

Sec. 2 General Considerations: The primary purpose for which a sworn member of the Department is issued a firearm and trained in its use is the protection of life and limb, both theirs and that of every other person needing such protection. Although the firearm is a necessary weapon for present-day policing, its potential to inflict death or great bodily injury mandates that it be used with discrimination and within clearly-defined limits. This rule establishes those limits.

In the interests of personal safety, police officers must seek to gain and maintain an advantage over persons known or suspected to be armed. Such an "edge" may take the form of numerical superiority in manpower and firepower or of an officer staying "one jump ahead" of a subject likely to produce a weapon. Officers seeking to maintain the advantage over a subject suspected of being armed are in a difficult position; they must be prepared to use a firearm should it be necessary, yet show the restraint required to ensure the propriety of their actions. The situation demands the utmost ability to think clearly, quickly and decisively and to use the firearm in a safe and effective manner.

The Boston Police Department recognizes its legal duty to protect the rights of all individuals to due process of law and a fair trial. Its members are thereby bound to refrain from any use of force that unnecessarily tends to administer punishment at the hands of a police officer. The responsibility for punishment of criminal offenders rests solely with duly constituted courts of law and penal institutions and is by no means extended to the police.

Sec. 3 Training and Qualification: Police officers in this Department will be held accountable for proficiency as well as compliance with Department policy in the use of firearms. All sworn members of the Department are responsible for maintaining a degree of expertise in the use and handling of all firearms approved for their carrying. Specifically, sworn members authorized to carry a firearm shall qualify with their issued firearm(s) on a course of instruction approved by the Massachusetts Criminal Justice Training Council at least twice each year - once during the period from January 1st - June 30th and once during the period from July 1st - December 31st. A qualifying score of 80% or higher is required. When members of the Department are issued a new weapon, they shall qualify at the Department range in the use of that weapon prior to resuming street duties. This shall not apply to the emergency use of a comparable spare weapon issued on a temporary basis.

In the event an officer fails to qualify, the officer will be temporarily re-assigned to the Department Range. It will be the responsibility of the Commanding Officer of the Department Range to ensure that the officer's firearm is taken from them until such qualification is achieved. Any officer who, after such intensive training as determined by the Commanding Officer of the Department Range, has still failed to qualify will be subject to reevaluation as to

their fitness to continue to perform the duties of a police officer. Under no conditions shall an officer who fails to qualify be allowed to perform any street police duties.

Frequently, officers have activated themselves during off-duty situations where there is a need to draw a personal firearm and the possibility exists to use such weapon. On self activation, the officer's actions are guided by all Departmental rules and regulations, hence there is a need to show familiarization with any personal weapon which is carried while off-duty.

Members of the Department who are licensed to carry firearms pursuant to M.G.L. c. 140, § 131 and who own and carry a personal firearm while off-duty shall fire a familiarization course as designed by the Commanding Officer of the Department Range. This course will be fired during regular qualification times and police officers shall provide their own ammunition.

Officers complying with this portion of the rule will notify their Commanding Officer of their intent to do so and shall be authorized to carry more than one weapon while on duty for the sole purpose of attending the familiarization course at the Department Range. This authorization shall be temporary and will only allow the officer to carry the off-duty weapon to and from the range. The off-duty weapon shall be secured in the District gun locker prior and subsequent to completion of the familiarization course.

Sec. 4 Security and Maintenance of Department Firearms: Members of the force shall take all reasonable precautions to insure that weapons issued to them by the Department are protected from loss, misuse or theft.

Members are responsible for keeping their issued weapons clean and in good working order. A weapon which malfunctions shall be returned to the Boston Police Range forthwith.

Sec. 5 Pointing Firearms: Officers shall not point firearms at persons except when reasonably justified under the circumstances. In situations involving the strong possibility of great danger (e.g. searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress, etc.) officers should carry their weapon in a position that will facilitate its speedy and safe use. While officers should not point a weapon unless they are prepared to use it, the fact that they have done so must not be interpreted as an obligation to fire.

Sec. 6 Discharge of Firearms: The law permits police officers to use reasonable force in the performance of their duties but only to the degree required to overcome unlawful resistance. This doctrine of "reasonable use of force" applies to the use of firearms as well as to non-lethal force. Also, because of their destructive potential, the use of firearms must be further restricted to the purpose for which they are issued, that of protecting life and limb. The discharge of a firearm by a member of the Department is permissible only when:

A. There is no less drastic means available to defend oneself or another from unlawful attack which an officer has reasonable cause to believe could result in death or great

bodily injury, or

B. There is no less drastic means available to apprehend a fleeing felon when the officer has probable cause to believe that: (1) the subject has committed a felony during the commission of which they inflicted or threatened to inflict deadly force upon the victim, or (2) that there is substantial risk that the felon in question will cause death or great bodily injury if their apprehension is delayed, or

C. There is no less drastic means available to kill a dangerous animal or one so badly injured that humanity requires its removal from further suffering.

Officers who find it necessary, under the provisions of this rule, to discharge firearms shall exercise due care for the safety of persons and property in the area and shall fire only when reasonably certain that there is no substantial risk to bystanders.

Sec. 7 Warning Shots and Signals: Firearms shall not be used as a signaling device. A firearm shall not be used to summon assistance or to give signals or to warn a fleeing felon to stop. This does not mean that officers may not discharge their firearm without the intent to kill or disable if in their best judgment there is no alternate method of convincing a would-be attacker that they are ready and able to defend themselves or others if the potential threat is not discontinued.

Sec. 8 Moving/Fleeing Vehicles: Firearms shall not be discharged from a moving vehicle. Firearms shall not be discharged at a moving or fleeing vehicle unless the officer or another person is currently being threatened with deadly force by means other than the moving vehicle. For the purposes of this section, the moving vehicle itself shall not constitute the threatened use of deadly force. Therefore, officers shall move out of the path of any oncoming vehicle instead of discharging a firearm at it or any of its occupants. Moving to cover, repositioning and/or waiting for additional responding units to gain and maintain a tactically superior police advantage maximizes officer safety and minimizes the necessity for using deadly force.

The above prohibitions exist for three 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 other innocent persons, and
3. The vehicle may crash and cause injury to officers or other innocent persons if the bullets disable the operator.

Sec. 9 Permissible Weapons, Magazines and Ammunition: Officers shall carry on duty only weapons, magazines and ammunition authorized and issued by the Department. Officers must carry all weapons with a fully loaded magazine, in addition to having one round in the chamber. Officers shall keep spare magazines fully loaded. Approved Department weapons, and their respective magazine capacities, include, but are not limited to:

- Glock Model 22 – 15 Rounds
- Glock Model 23 – 13 Rounds
- Glock Model 27 – 9 Rounds with flat floorplate, 10 rounds with extended floorplate
- Sigarms .45 Caliber Pistol – 8 Rounds – Officers shall carry this weapon with the manual safety engaged at all times, except just prior to discharge, or if necessary to disengage the safety to facilitate the loading and unloading process

Regardless of whether an officer is on duty or off duty, an officer may only carry a Department issued weapon on his/her person in a Department issued or Department authorized holster.

The Department may selectively issue other weapons to qualified personnel, if they are deemed necessary to ensure the safety and effectiveness of police operations. Officers armed with such weapons shall use those weapons in accordance with the provisions of this rule as well as any additional guidelines given at the time of issuance.

No police officer shall accept a Department issued weapon unless he/she has qualified in its proper use. No Superior Officer shall issue a Department weapon to any other officer without first asking if the officer is qualified in its use.

A Department armorer or a Department approved armorer, at the discretion of the Commanding Officer of the Boston Police Range, are the only persons allowed to perform all repairs or modifications to Department issued firearms, magazines or other weapons.

Sec. 10 Reporting Firearms Discharges: All firearm discharges, except discharges which occur during Department authorized or approved firearms training, while lawfully engaged in target practice or while hunting (unless a discharge occurring during one of these three exceptions results in death, personal injury or property damage), require the submission of an incident report (1.1) which includes information relative to injuries and damage to property.

- An officer who discharges his firearm during the course of his duties shall immediately notify the Operations Division that they have been involved in a "Code 303" and request that a Patrol Supervisor respond to the scene. The officer shall make a verbal report of the discharge to the responding Patrol Supervisor. In the event that someone has been injured, officers will request medical assistance. The supervisor shall request that Operations make all appropriate notifications including the Firearm Discharge Investigation Team. A full written report of the discharge must then be made prior to

the termination of the officer's tour of duty, unless medical reasons dictate that the report be made at a later date.

- An off-duty officer discharging a firearm in the City of Boston shall immediately notify an Operations Division Supervisor. The Operations Division shall notify the Officer in Charge of the District in which the discharge took place and the Firearm Discharge Investigation Team. The officer involved in the firearm discharge shall submit the necessary reports without delay to a Superior Officer assigned to the Firearm Discharge Investigation Team. The Officer in Charge of the District in which the discharge took place shall notify the off-duty officer's Commanding Officer.
- An officer who discharges a weapon outside of the City of Boston shall immediately notify and make a report of the discharge to the Police Department which has jurisdiction where the discharge occurred, identify themselves as being a Boston police officer and notify an Operations Division Supervisor as soon as possible. The Operations Division shall immediately notify the officer's Commanding Officer and the Firearm Discharge Investigation Team. Officers who have discharged a firearm shall complete a BPD Form 2415 (Firearms Discharge Report) in its entirety.

Sec. 11 Investigation of Firearm Discharges: The manner in which police officers use firearms is an extremely critical issue to the Department, one in which the community and the courts allow little margin for error. To insure that proper control in this area is maintained, all reported discharges of firearms by officers of this Department will be thoroughly investigated by the Firearm Discharge Investigation Team.

The Firearm Discharge Investigation Team has sole responsibility for investigating firearm discharges involving a member of the Department. Failure to cooperate with the investigation shall be grounds for disciplinary action. The foregoing does not prevent an officer from exercising their constitutionally protected rights to remain silent or to speak with legal counsel.

The District Commander of the District wherein a police officer discharges a firearm shall be responsible for assigning a Superior Officer to assist the Firearm Discharge Investigation Team in their investigation into the discharge.

In those incidents where the use of deadly force results in death, the District Attorney's Office, pursuant to the terms of M.G.L. c. 38, § 4, will assume control of the investigation. The statute reads, in part, "The District Attorney or his law enforcement representative shall direct and control the investigation of the death and shall coordinate the investigation with the office of

the chief medical examiner and the police department within whose jurisdiction the death occurred."

In all instances where a Boston police officer discharges a firearm resulting in injury, the District Attorney's Office will be notified and his designees from the Boston Police Department will conduct an independent investigation to determine the facts of the case.

Responsibilities: Patrol Supervisor

Shall respond immediately to a reported use of deadly force, Code 303, within his District and assume command of the investigation pending the arrival the District Commander and/or the Firearm Discharge Investigation Team.

Shall notify the Operations Division of the firearm discharge. In turn, the Operations Division shall be responsible for making all necessary notifications.

Shall initiate such preliminary steps as are necessary to conduct a thorough investigation and hold himself in readiness to assist the District Commander and the Firearm Discharge Investigation Team upon their arrival. In this respect, the Patrol Supervisor shall have the authority to order as many units to the scene of the firearms discharge as is deemed necessary or to take any other appropriate action to complete the task.

Shall establish an outside perimeter around the area of the incident.

Shall ensure that the scene is preserved pending the arrival of the Firearm Discharge Investigation Team in a manner pursuant to [Rule 309](#), Procedures for Handling Physical Evidence and Other Property Coming into Police Custody.

Shall take possession of the firearm which has been discharged and ensure that it is turned over to the Department Ballistician as soon as possible. In so doing, the Patrol Supervisor shall preserve all firearms in the condition in which they are found. The Patrol Supervisor must use extraordinary care in this respect as the firearm may still be loaded.

In the event that more than one officer is present at a shooting incident, the Patrol Supervisor, as soon as circumstances allow, shall collect all firearms which belong to the officers who were at the scene and store them until a Department Ballistician can ascertain which have been fired. Firearms determined not to have been discharged will then be returned to the police officers to whom they were issued as soon as possible.

Responsibilities: District Commander

The District Commander will respond to the scene and assume overall command of the situation pending the arrival of the Firearm Discharge Investigation Team. Additionally, the District Commander will:

Assign a Superior Officer to assist the Firearm Discharge Investigation Team and ensure that any and all District resources are made available to complete the investigation. The District Commander will have the flexibility to assign any Superior Officer to fulfill this task.

Ensure that full cooperation is extended to the Firearm Discharge Investigation Team and any designated investigators from the District Attorney's Office.

Responsibilities: Commander, Homicide Unit

Shall be responsible for ensuring that a Firearm Discharge Investigation Team is assigned to investigate all reported firearm discharges by Department personnel except discharges which occur during Department authorized or approved firearms training, while lawfully engaged in target practice or while hunting (unless a discharge occurring during one of these three exceptions results in death, personal injury or property damage).

The Commander, Homicide Unit shall have the flexibility and discretion to assign any investigators deemed appropriate as being members of the Firearm Discharge Investigation Team.

The Commander, Homicide Unit, shall have ultimate responsibility for ensuring the thoroughness of any investigation regarding a firearm discharge or the use of deadly force by Department personnel.

Responsibilities: Firearm Discharge Investigation Team

The Firearm Discharge Investigation Team shall respond to the scene as expeditiously as possible and immediately meet with the Patrol Supervisor and be briefed relative to the known facts surrounding the incident.

Shall notify the Operations Division that they are taking control of the scene and the investigation. Notifications must be done "on-air."

Shall be allowed any resources they deem necessary to conduct a complete investigation.

Shall conduct an investigation to determine the facts of the incident.

Shall ensure that a thorough search is conducted at the scene.



Shall ensure that witnesses are identified, separated and interviewed.

Shall coordinate with any other simultaneous investigations.

Shall submit a preliminary report within five (5) days to the Commander, Homicide Unit, to the Commander of the District or Unit where the officer is assigned and to the Commander of the District or Unit where the discharge occurred, to the Bureau Chief of the appropriate command and to the Superintendent-In-Chief. The Superior Officer in Charge of the Firearm Discharge Investigation Team shall make a recommendation in the preliminary report, based upon an assessment of the facts known, as to the justification for the use of deadly force, whether or not the firearms discharge was accidental and whether or not it involved personal injury, death or damage to personal property.

Pending this report, the Officer involved will be assigned to administrative duties in their unit of assignment. However, if the preliminary investigation indicates that the firearm discharge was justified, the Officer may be restored to regular duties, with the approval of their Commanding Officer, the Bureau Chief of the appropriate command, the Superintendent-in-Chief and the concurrence of the Police Commissioner.

The Firearm Discharge Investigation Team shall submit a comprehensive, detailed report, with recommendations, within thirty (30) days to the Commander of the Homicide Unit and to the Superintendent-in-Chief. An extension may be granted to the thirty (30) day time frame with the permission of the Superintendent-In-Chief.

Sec. 12 Disposition: Upon receiving a report pertaining to a firearms discharge and investigation by the Firearm Discharge Investigation Team, the Superintendent-in-Chief may accept it or return the report with a request for further information or clarification. In every case, the authority and responsibility for final Departmental disposition of a firearms discharge incident rests solely with the Police Commissioner. Upon accepting a report and making a final disposition in a firearm discharge case, copies of the Police Commissioner's decision shall be sent to the appropriate District, Unit and Bureau Commanders.

Notes:

- Amend by SO-07-058, issued October 15, 2007 Section 9, Paragraph 1.
- Amended by SO 08-034, issued 09/12/2008, all references to the "Ballistics" or "Ballistics Unit" shall be amended to Firearms Analysis Unit. All references to the "Ballistician" or the "Department Ballistician" shall be amended to the Firearms Examiner. Section 10.

## Rules and Procedures

### Rule 303A

June 22, 2000

#### Rule 303A - USE OF LESS - LETHAL FORCE

This rule is issued to establish guidelines for the use of less-lethal force by members of this Department in the performance of their duties, and to establish appropriate training, reporting, and documentation for such use of force.

##### Sec. 1 DEFINITIONS:

1.1 Less-Lethal Force Philosophy is a concept of planning and force application that meets operational objectives, with less potential for causing death or serious physical injury than the use of deadly force.

1.2 Reasonableness is moderate and/or fair action within reason, suitable to the confrontation.

1.3 Super Sock Round, also known as a flexible projectile, is fired through a 12 gauge shotgun.

##### Sec. 2 GENERAL CONSIDERATIONS:

The Department has adopted the less-lethal force philosophy to assist in the de-escalation of potentially violent situations. The less-lethal force philosophy shall not preclude the use of deadly force.

##### Sec. 3 TRAINING AND QUALIFICATION:

Training shall consist of Department approved training and qualification program in the use of a 12 gauge shotgun. Supervisors shall be trained and qualify four times per year in the proper use of a less lethal shotgun. Supervisors trained in the use of this weapon will be held accountable for proficiency as well as compliance with Department policy in the use of such weapon.

##### Sec. 4 SECURING OF LESS LETHAL SHOTGUN AND AMMUNITION:

Each less lethal shotgun shall be stored in a District gun locker 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 District gun locker. The less lethal shotgun will have an orange colored stock. The words "less lethal" will be noted on the stock to identify that the less lethal shotgun is used strictly for flexible projectile rounds. Every Thursday the day tour Duty Supervisor shall perform a visual inspection to verify that the shotgun is stored in a safe condition, as well as insure that the requisite number of flexible projectile rounds are accounted for. This information shall be recorded in a District Control Log.

During the Patrol Supervisor's tour of duty, the less lethal shotgun shall be loaded with four flexible projectile rounds in the magazine, with an empty chamber, with safety lock on, and secured in the locking device located in the trunk of the Patrol Supervisor's vehicle.

#### Sec. 5 AUTHORIZATION AND USE OF LESS LETHAL WEAPONS:

Only supervisors who have completed the Department training and qualification program shall be authorized to use a 12 guage less lethal shotgun.

If the possibility of the use of less lethal force is determined to be an option the Patrol Supervisor shall be notified and respond to the scene. If the possibility of the use of less lethal force is determined to be a reasonable option by the Patrol Supervisor, then the Patrol Supervisor shall notify the Boston Emergency Medical Services to respond.

The Patrol Supervisor shall designate an on-scene officer to provide lethal force coverage and, if deemed appropriate shall designate two or more officers for suspect take down.

Upon discharge of the shotgun the District Commander and Duty Supervisor shall be notified. Suspects who are struck by a flexible projectile round shall be transported to a medical facility for examination.

#### Sec. 6 REPORTING AND INVESTIGATION:

Any discharge of a less lethal shotgun other than training shall be investigated pursuant to Rule 303.

## Rules and Procedures

### Rule 304

April 29, 2013

#### Rule 304 - USE OF NON-LETHAL FORCE

This rule is issued to establish guidelines for the use of non-lethal force by members of this Department in the performance of their duties, and to establish appropriate training, reporting, and record keeping procedures for such use of force. Effective immediately, it supersedes all other rules, regulations, procedures, orders, bulletins, and directives issued previously regarding the use of non-lethal force by Boston police officers.

Because there are an unlimited number of possibilities, allowing for a wide variety of circumstances, no rule can offer definitive answers to every situation in which the use of non-lethal force might be appropriate. Rather, this rule will set certain specific guidelines and provide officers with a concrete basis on which to utilize sound judgment in making reasonable and prudent decisions, attending to the spirit over the letter of the rule.

The “Reasonableness” of a particular use of force must be judged from perspective of reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (Graham v. Connor 490 U.S. 386)

Sec. 1 DEFINITIONS: For the purpose of this Rule the following definitions will apply:

1. Reasonable Force A balanced response suitable to the confrontation that is necessary to overcome unlawful resistance and regain control of the situation.
2. Non-Lethal Force is that amount of force that will generally not result in serious bodily injury or death.
3. Prudence is cautious, discreet, or shrewd action having due regard for the rights of citizens while maintaining an awareness of the responsibilities of a police officer.
4. Reasonableness means within reason, moderate and/or fair action suitable to the confrontation. The final decision as to the prudence and reasonableness of a police action will be determined on a case by case basis by those members of the Department called upon to judge the propriety of a fellow officer's action. Such judgments may not conflict with the expressed provisions of this or any other rule or order.
5. Totality of the Circumstances: the sum of all elements in a situation used to determine the presence or absence of excessive force (nature of subject offense, actions of third parties, officer's physical odds, feasibility or availability of force alternatives).

6. Serious Bodily Injury: Serious bodily injury is defined as any bodily injury which creates a substantial risk of death; causes serious, permanent disfigurement; or results in extended loss or impairment of the function of any bodily member or organ.

7. Controlled Substance is a drug or substance in any schedule or class referred to in M.G.L. c. 94C, including Class A, B, C, D and E.

Sec. 2 GENERAL CONSIDERATIONS: The policy of the Boston Police Department is to use only that amount of force that is reasonably necessary to overcome resistance in making an arrest or subduing an attacker.

The right to use non-lethal force is extended to police officers as an alternative in those situations where the potential for serious injury to an officer or civilian exists, but where the application of lethal force would be extreme.

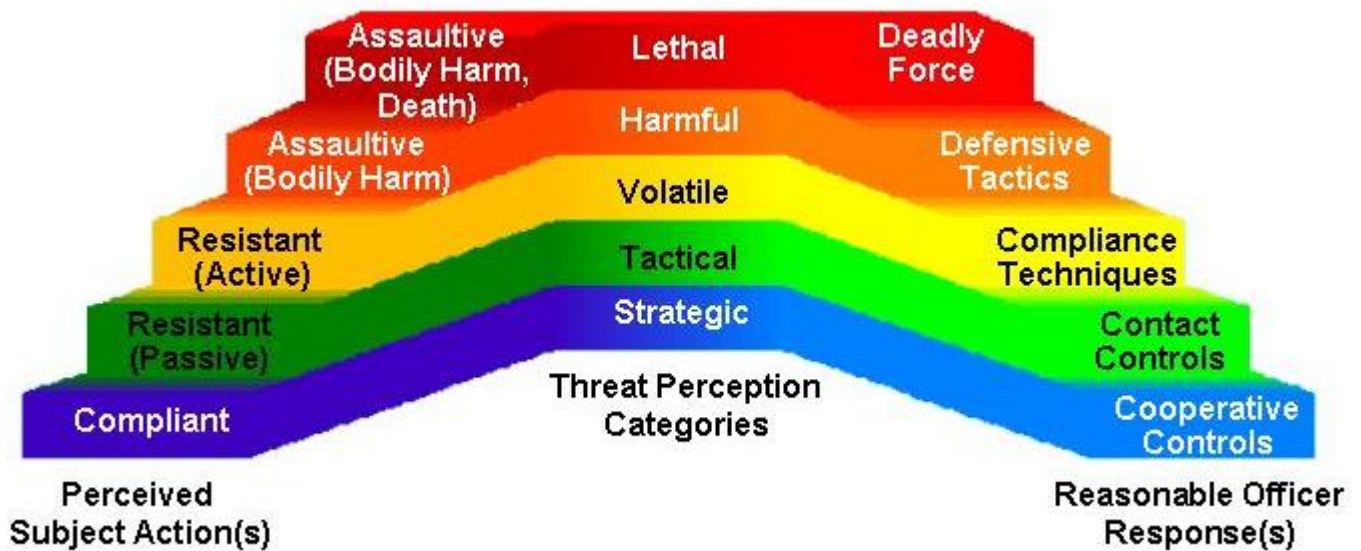
The availability of a variety of non-lethal weapons is necessary to provide the police officer with a sufficient number of alternatives when presented with a physical confrontation. However, since such force will not likely result in serious injury and the close public scrutiny that accompanies the use of deadly force, this availability may also increase the possibility for overzealous and inappropriate use of force. Therefore, application of non-lethal force will generally be limited to defensive situations where (1) an officer or other person is attacked, or (2) an officer is met with physical resistance during an encounter.

An officer may also use non-lethal force if, in the process of making an arrest, the officer is met with passive resistance, i.e., an individual who refuses to get out of an automobile, or a protester who is illegally occupying a particular place. Such force should be a reasonable amount required to move the subject based on the totality of the circumstances. An officer who encounters resistance should be assisted by any other officers present. Two or more officers may effect an arrest, without the use of force which one officer cannot complete without resorting to the use of force.

As a result of the increased potential for injury, officers shall refrain from utilizing restraint techniques that include squeezing the trachea, windpipe, or throat area to stop a subject from ingesting any controlled substance. This does not preclude an officer from using other reasonable methods to secure evidence that may be destroyed or lost during an encounter. As with all use of force it must be reasonable and suitable to the confrontation.

When the officer believes that an individual has swallowed a controlled substance, the officer shall take the following actions: If the officer has probable cause to arrest the individual, the officer shall make the arrest and detain the individual. If the officer does not have probable cause to arrest the individual, the officer shall ask the individual to remain at the scene. The officer shall notify dispatch of his belief that the individual swallowed a controlled substance

and shall request EMS to come to the aid of the individual. The officer shall protect the scene and the individual while awaiting EMS.



The use of Force Model was developed in 1991 by Dr. Franklin Graves, Federal law Enforcement Training Center and Professor Gregory J. Connor, University of Illinois Police Training Institute.

Sec. 3 TRAINING AND QUALIFICATION: Police officers in the Department will be held accountable for proficiency, as well as compliance with Department policy in the use of non-lethal force. Specifically, sworn members shall qualify by successfully completing the course of instruction on non-lethal force approved by the Training and Education Division. This course will be conducted as part of in-service training and will include a practical application segment and a written test component. Whenever the Department adopts new non-lethal force implements, officers will qualify in their use prior to carrying or using them on duty.

In the event that an officer fails to complete the required certification, the officer will be temporarily reassigned to the Academy. The Academy will then provide a remedial training program in order to ensure such certification. Officers who still fail to qualify will be subject to reevaluation as to their fitness to continue to perform the duties of a police officer.

Sec. 4 INCAPACITATING AGENT: Officers will carry only the type of incapacitating agent issued by the Department.

In electing to use an incapacitating agent against an armed subject, officers should understand that its effects are not uniformly predictable and certain individuals may remain undeterred by its application. Any such use should be accompanied by a realization that officers may need to take further action to ensure their safety. Conversely, all officers should be aware of the potential, however limited, for serious injury arising from the use of an incapacitating agent.

For this reason, officers should generally confine the use of incapacitating agents against armed or unarmed persons to the following situations:

1. In self defense or to defend another person.
2. When an officer, during an encounter is met with active resistance.

Officers should be aware of the increased potential for serious injury to the suspect when incapacitating agents are used under the following circumstances:

1. When the subject is less than two feet away.
2. When the subject is in an enclosed area without ventilation.
3. When the subject lacks normal reflexes, such as the ability to blink, or is otherwise incapacitated.

When an incapacitating agent has been applied to a subject, officers should, upon securing the suspect, provide for the thorough dousing of the exposed areas with water as soon as is practicable. This should be done as soon as possible since the seriousness of any injury or burn is directly related to the length of time the exposed area remains untreated.

Sec. 5 SERVICE BATON: The Department currently authorizes several baton-type implements for use as non-lethal weapons against assailants. Upon issuance to and qualification by an officer, the only baton-type implements authorized for that officer's use shall be their Department issued baton.

The primary purpose of these weapons is to provide officers with an advantage when fending off and subduing an UNARMED assailant. Officers should not rely on these weapons to overcome an ARMED attack, since they are not intended for such use.

All officers should bear in mind the essentially defensive nature of the use of non-lethal force, as outlined above in General Considerations, Section 2, when using these weapons. Except in extreme situations, where the officer is in imminent danger of serious injury, no blows should be struck above the thigh, other than to the arms. Additionally, officers should be aware of the potential for permanent disability arising from a blow to the groin, and should limit such blows to extreme situations.

Sec. 6 EVALUATION OF SUSPECT BY EMERGENCY MEDICAL TECHNICIANS : The process of booking and jailing a suspect is often time consuming and confusing, allowing for the possibility

of overlooking an injury that might have been brought about by police use of force. Indeed, many injuries may not be obvious even to the injured party. Such injuries, if left untreated, could result in serious problems for both the victim and the Department.

Therefore, this Department will have Emergency Medical Technicians examine all suspects who fall under either of these categories:

1. The suspect has an obvious injury, which in the opinion of the Duty Supervisor, requires treatment.
2. The suspect requests medical treatment for any injury, whether obvious or not.
3. The suspect ingests or swallows any controlled substance.

Sec. 7 INVESTIGATION OF USE OF FORCE: This Department will thoroughly investigate every incident in which an officer strikes someone with any object or an incapacitating agent is used on a subject, or when a visible injury occurs with officer(s) on scene.

All such applications of force or visible injury as described above shall be immediately reported verbally to the involved member's patrol supervisor. By the end of the tour of duty, an officer who has used non-lethal force shall make out a written report describing the incident including the names of the officer and other persons concerned, the circumstances under which such force was used, the nature of any injury inflicted and the care given afterwards to the injured party.

Upon receipt of verbal notification, the Patrol Supervisor shall respond to the scene and make an initial assessment of the incident. During this assessment if the officer(s) involved are assigned to and working in a capacity for a Division/Unit out of the chain of command of the Patrol Supervisor, the Patrol Supervisor shall make contact with a supervisor from that Division/Unit if available and request he/she respond to the scene. The investigation of the incident shall then be the responsibility of that Division/Unit supervisor. Prior to the end of the tour of duty the Patrol/Unit Supervisor shall conduct a complete investigation on the use of such non-lethal force and submit a report to the Commanding Officer of the District or Unit where the officer(s) is assigned. Such report shall include the Supervisor's findings and recommendations based upon the assessment of facts known, as to the justification for the use of force. A complete Supervisor's investigation shall consist of the following, where applicable:

1. Supervisor's investigative report;
2. A copy of the incident report, BPD Form 1.1;



3. Reports from the officer(s) alleged to have utilized non-lethal force;
4. Reports from all Department personnel that were present;
5. Reports on all interviews of civilian witnesses to the incident.
6. Use of Force Tracking Form (0027-BFS-1106), with above information attached.

At the discretion of the involved member's Commanding Officer, further investigation of the incident may be undertaken. Once all the facts have been compiled and substantiated, the Commanding Officer shall submit a report of the incident through channels to the Police Commissioner within seven (7) days.

Once the Police Commissioner indicates that the report and the associated investigation is satisfactory, copies of every such report shall be forwarded to the Bureau of Professional Standards, the Human Resources Division and the Training and Education Division.

The Bureau of Professional Standards shall maintain a comprehensive file of all use of force reports. Further, the Bureau of Professional Standards, acting on its own authority may, or at the request of the Police Commissioner shall, investigate all incidents involving the use of non-lethal force that, based on the information at hand, indicate non-compliance with Department policy.

The Bureau of Professional Standards shall forward the results of all investigations undertaken to the Police Commissioner, who may accept it and act upon its recommendations, in total or in part, or return the report with a request for further information or clarification. In every case, the authority and responsibility for final departmental disposition of a Use of Non-Lethal Force incident rests solely with the Police Commissioner.

Note: Rule 304, issued by Special Order 94-37 on October 11, 1994, was amended by the issuance of Special Order 95-16, which made clear what constitutes a proper Patrol Supervisor's report (see section 7, para 3).

Notes:

Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 7.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 305**

**April 17, 1992**

#### **Rule 305 - AWARDS**

This rule is issued to establish the system by which the Department rewards sworn and civilian members for outstanding performance. It is effective immediately, superseding all previously issued rules, orders, bulletins, and other directives regarding awards given by the Department.

Sec. 1.0 GENERAL CONSIDERATIONS: One of the most important ways in which the Police Department establishes policy is through rewards. The most meaningful way the department can say that a certain kind of behavior is important is to reward people who engage in that behavior.

Traditionally, rewarding police officers fairly and equitably has been extremely difficult. Most awards in the past have been given for single acts of heroism, a practice which fails to take into account the many police officers who consistently do good work but never happen upon that unique situation requiring conspicuous bravery.

The system of awards set forth in this rule is designed to encourage the department to consistently recognize and reward the kinds of behavior that are the basis of high quality police service.

Sec. 2.0 ACTIONS FOR WHICH AWARDS ARE GIVEN: The Department will give awards for exemplary performance in a variety of categories, among them:

Extraordinary Bravery in Performance of Duty

Meritorious Police Service, for example:

Identification of criminal offenders and criminal activity

Apprehension of offenders

Crime prevention activities

Assisting individuals in danger of physical harm

Protecting constitutional rights of individuals or groups

Traffic services

Assisting people who cannot care for themselves

Resolving group conflicts , such as family trouble and tenant-landlord disputes

Identifying potentially serious law enforcement or governmental problems

Providing extraordinary community service

Exceptional Service to the Department, for example:

Responsible for innovative suggestions for improvement in department functions or skillful implementation of new programs

Exemplary Proficiency, for example:

Skill in the use of firearms

Driving skill

Sec. 3.0 AVAILABLE AWARDS: There are a number of department awards available for different types of commendable behavior all of which are made through the process established in this rule.

Sec. 3.1 The Letter of Commendation is the basic award of the department and must be awarded before higher awards can be made. It is given for actions that, in the context of the particular district or unit, are exemplary or exceptional.

When awarded at the district or unit level, by the District or Unit Awards Board, the Letter is signed by the Chairman of that Board and an original copy is given to the commended officer.

The Letter of Commendation is issued also in conjunction with all higher awards given by the Department Awards Board. In such cases, it reiterates the reasons for the award and is signed by the Police Commissioner.

The letter is typewritten on standard Boston Police letterhead.

A copy of every Letter of Commendation will be place in the commended Officer's personnel file.

Sec. 3.2 The Certificate of Commendation is given by the Department Awards Board for actions that are outstanding, even when compared to similar actions Department-wide. It is signed by the Police Commissioner as is the Letter of Commendation that accompanies and explains it.

Sec. 3.3 The William J. Taylor Meritorious Service Award is the highest award available other than those awarded for valor and heroism. It is given once a year at the Annual Awards Presentation Ceremony to distinguish a member whose performance over the previous year is in the highest traditions of Boston Police service. The award is given to one officer per year, upon the recommendation of the Department Awards Board. It is accompanied by a Letter of Commendation from the Commissioner explaining the reasons for the award.

Sec. 3.4 The Medal of Honor is given once a year at the Annual Awards Presentation Ceremony to officers cited for outstanding valor in situations occurring during the previous year. The medal is awarded upon recommendation of the Department Awards Board and is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.5 The Detective Thomas J. Gill Memorial Medal of Honor will be awarded once a year at the Annual Awards Presentation Ceremony to officers cited for outstanding valor in situations occurring in the previous year. The medal is awarded upon recommendation of the Department Awards Board and is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.6 The Detective Sherman C. Griffiths Memorial Medal of Honor will be awarded once a year at the Annual Awards Presentation Ceremony to officers cited for outstanding valor in situations occurring in the previous year. The medal is awarded upon recommendation of the Department Awards Board and is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.7 The Detective Roy J. Sergei Memorial Medal of Honor will be awarded once a year at the Annual Awards Presentation Ceremony to officers cited for outstanding valor in situations occurring in the previous year. The medal is awarded upon recommendation of the Department Awards Board and is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.8 The Police Officer Louis H. Metaxas Memorial Medal of Honor will be awarded once a year at the Annual Awards Presentation Ceremony to officers cited for outstanding valor in situations occurring in the previous year. The medal is awarded upon recommendation of the Department Awards Board and is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.9 The Police Officer Jeremiah J. Hurley Memorial Medal of Honor will be awarded once a year at the Annual Awards Presentation Ceremony to officers cited for outstanding valor in situations occurring in the previous year. The medal is awarded upon recommendation of the Department Awards Board is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.10 The Mayor's Medal of Excellence was established on June 26, 1989 by the Police Commissioner. It is awarded annually at the Annual Awards Presentation Ceremony to a police

officer or officers who, in the previous year, distinguished themselves and are judged for the highest form of superior merit in any form of police duties.

Sec. 3.11 The Walter Scott Medal is awarded once a year at the Annual Awards Presentation Ceremony to distinguish an officer for valorous conduct in some situation during the previous year. Ordinarily, it is awarded to only one officer a year; however, upon recommendation of the Department Awards Board, more than one medal may be awarded. This should be the case only when the medal is being awarded to officers whose conduct in the same situation was equally valorous. The medal is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award.

Sec. 3.12 The Schroeder Brothers Memorial Medal is the highest award given by the Department. It is awarded once a year at the Annual Awards Presentation Ceremony to an officer whose conduct in some situation is judged by the Department Awards Board to be the highest form of valor exhibited by an officer during the previous year. It is awarded to only one officer a year and is accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the award. Because this award is the highest recognition of valor which the department can make it may not be awarded every year but will be reserved for those particular acts of valor which are outstanding.

Sec. 3.13 Special Citations, when appropriate, are given at the Annual Awards Presentation Ceremony to members of the department or other persons whose conduct is laudable but who are not eligible to receive other awards. Citations are awarded upon recommendation of the Department Awards board and are accompanied by a Letter of Commendation from the Commissioner setting forth the reasons for the citation.

Each recipient of a specific department award shall receive an insignia which shall be distinctive for each type of award. This bar, or insignia, shall be worn over the right breast pocket of the uniform shirt or jacket.

Sec. 3.14 Life Saving Award, when appropriate, to be awarded at the Annual Awards Presentation Ceremony to a police officer or officers whose actions either valorous or otherwise prevent a life to be lost i.e. fire, drowning or cardiac arrest. The Life Saving Award is awarded upon recommendations of the Department Awards Board and is accompanied by a Letter of Commendation from the Commissioner setting for the reasons for the award.

Sec. 4.0 PROCEDURES FOR RECOMMENDING AWARDS: Recommendations for awards may be made by anyone in or out of the Department. All recommendations must be submitted on BPD Form #1645, Recommendation for Commendation, to the District of Unit Board having jurisdiction over the officer being recommended.

Recommendations originating outside the Department will be transferred onto Form #1645 by the Chairman of the Unit Board and submitted to the Board for consideration. At the same

time, copies of the letter commending the officer will be forwarded to him and to his personnel file.

Recommendations originating from within the Department will be submitted on Form #1645.

In considering recommendation for commendation, each Unit Board will review all available reports and, as necessary, interview persons who can shed additional light on the recommendation. Once the Board has fully considered a recommendation, it may decline to commend the member's action or it may issue a Letter of Commendation. If a letter is awarded, the Unit Board may also forward the case to the Chairman of the Department Awards Board to be considered for a higher award.

The Department Board, also in making its evaluations, will explore all available sources of information. The Board has three options. It may reject the recommendation or, as an immediate action, may choose to award a Certificate of Commendation from the Commissioner. The Board may choose to delay action and consider the recommendation for one of the annual awards. If it does so and the recommendation is not accepted for an annual award a Certificate of Commendation may still be given.

Before the Annual Awards Presentation Ceremony the Department Awards Board will meet and consider all remaining recommendations for higher awards those recommendations that have not either been rejected nor received Certificates of Commendation. Those that do not receive annual awards may, at the discretion of the board, be awarded Certificates or discarded.

Sec. 5.0 DISTRICT AND UNIT AWARDS BOARD: There will be two separate levels of review to process recommendations for awards. The first level will be composed of the Commanding Officer of the district or unit (Chairman), one sergeant, one detective, two patrolmen, one representative of the Boston Police Superior Officers Federation, and one representative of the Boston Police Patrolmen's Association. In Units employing a significant number of civilians, a civilian will be included in the Awards Board. Boards representing an entire Bureau may be chaired by a designee of the Superintendent. Boards are hereby established in the following units.

AREA A: Criminal Investigation Section

AREA B: Housing Patrol Unit

AREA C: Administrative Services Bureau

AREA D: Investigative Services Bureau

AREA E: Commissioner's Office  
Bureau of Field Services (Headquarters)

The persons who will sit on the Area or Units Awards Board, except for those appointed by the Superior Officers Federation and the Patrolmen's Association, will be elected by their constituencies once a year (in January) or as vacancies occur. Area of Unit Awards Boards will meet once monthly to review and act upon all recommendations for commendations received since the previous meeting. The decisions and recommendations of each Area or Unit Awards Boards will be made by consensus when possible or by a vote when necessary. All members of the Board will enjoy equal status in voting.

The Chairman of each such Board is responsible for seeing that elections take place as necessary and for scheduling and coordinating monthly meetings as required. He will also ensure that the decisions and recommendations of the Board are acted upon and that all appropriate reports and forms are routed to their proper destinations.

Sec. 6.0 DEPARTMENT AWARDS BOARD: The Department Awards Board will meet quarterly to act upon all recommendations submitted for its review since its last meeting. Only recommendations submitted by the Area or Unit Awards Boards will be considered.

The Department Awards Board will be composed of the Superintendent of the Bureau of Field Services, or his designee, as Chairperson; a Deputy Superintendent from the Bureau of Professional Standards and Development; a representative from the Internal Affairs Division; a representative from the Office of the Police Commissioner; and three field Area/District Commanders appointed by the Police Commissioner to serve for a period of one year.

The decisions and recommendations of the Department Awards Board will be made by consensus when possible or by a vote when necessary. All members of the Board will enjoy equal status in voting.

The Chairman of the Department Awards Board will schedule and preside over the quarterly meetings and will ensure that all recommendations properly submitted for its review are acted upon expeditiously. He will ensure also that the decisions of the Department Awards Board are carried out.

Awards that are worn over the right breast pocket shall be worn in a consistent manner. The highest award shall be worn closest to the heart, in rows of three, with the highest awards on top. To establish a hierarchy, the medals shall be worn in a particular order:

1. Schroeder Brothers Medal (dark red)
2. Walter Scott Medal (blue)
3. Department Medal of Honor (red/white/blue)
4. William J. Taylor Award (white/green)
5. Mayor's Medal Of Excellence (black/yellow)
6. George Hanna Medal of Honor (red/white/red with H device)
7. George Hanna Medal of Valor (red/white/red with V device)
8. George Hanna Award of Merit (red/white/red with M device)
9. Theodore Roosevelt Award (red/white/blue/white/red)

10. Live Saving Award (white/red/white)
11. Commissioner's Special Citation (green)
12. Commissioner's Commendation (purple)
13. Officer of the Month (light blue)
14. Unit Citation (white/blue/white/blue/white/blue/white/blue/white)
15. Thomas Sullivan Award (white/blue)
16. Years of Service (white/blue/yellow/blue/white with numeric device)
17. Education (green/white/green with A, B or M device)
18. Department Honor Guard (yellow/blue)
19. Certified Instructor (yellow/red)
20. Entry and SWAT Team (black/white)
21. Hostage Negotiator (blue/red)
22. Democratic National Convention (red/white/blue/white/red with DNC device)

Note:

- Amended by Special Order 96-3, issued January 9, 1996, which changed the pocket over which awards should be worn from "left breast pocket" to "right breast pocket".
- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures.
- Amended by SO 13-021, issued 5/9/2013. That added the Sec. 3.14 and the last paragraph to Sec. 6.



## Rules and Procedures

### Rule 306

October 22, 2008

### Rule 306 - UNIFORMS AND EQUIPMENT

#### UNIFORMS AND EQUIPMENT

This rule is issued to establish regulations for the wearing and maintenance of the Boston Police Department uniform. It is effective immediately, replacing Rule 306, Uniforms and Equipment, Amended, dated October 28, 1985 and superseding all other written directives issued by the Department concerning uniforms and equipment. The following jackets and hats are **no longer** authorized:

- Special Order 80-94 (Superior Officer Nylon Jacket)
- Special Order 81-63 (Cloth Winter Reefer)
- Special Order 06-036 (Mesh Top, Eight Point, Dark Blue Police Cap)
- Other equipment not authorized:
  - 28" Leather Jacket
  - Orange Rain Coat

#### **Sec. 1 General Considerations:**

The primary reason police officers wear uniforms is to make them readily identifiable and thereby, readily accessible to the citizens they serve. People need and appreciate the sense of security provided by a visible police presence, and their belief about police service is often based upon the way officers look as well as their record of performance. It is, therefore, vital that officers of this department maintain a neat and clean appearance at all times and that the uniform they wear be easily identifiable as that of a Boston Police Officer.

NOTE: Officers in uniform are prohibited from wearing any civilian clothing with or over their uniform while on duty.

Officers shall wear such uniform and insignia of rank and be provided with such equipment, as the Commissioner shall prescribe.

#### **Sec. 2 Care and Maintenance:**

- A) All insignia of rank and equipment furnished to officers shall remain the property of the Department.
- B) Officers shall keep their uniforms clean, well-brushed and pressed, badges and buttons clean and bright, and wear well polished black shoes. Caps shall be worn straight on the

head, not tilted to the side or rear. The grommet shall not be bent, shortened, or removed.

- C) Each officer shall be held responsible for the proper use, care, and keeping of his/her uniform/equipment and for the return of the same when requested.
- D) When an officer's uniform/equipment becomes damaged or destroyed in the performance of duty it will be replaced or repaired by the Department at no cost to the officer if such damage was not caused by reason of the officer's own negligence.
- E) It will be deemed neglect of duty on the part of an officer to fail to take reasonable care of his/her equipment, to lose any part of his/her equipment through carelessness, or to neglect to report such loss immediately to the officer in command at the Area, Division, or Unit to which he/she is assigned.
- F) An officer shall return any part of his/her equipment or property of the Department that has been issued to him/her, when a duly authorized officer has made a demand upon him/her. The equipment shall be in as good condition as it was when issued, reasonable wear and depreciation excepted.

### **Sec. 3 Classes of the Boston Police Uniform:**

As designated by the Superintendent-in-Chief or in his absence the Chief, Bureau of Field Services:

#### **Class A**

- 1) Police Officers: Long-sleeve dark blue shirt and black tie.
- 2) Superior Officers: Long-sleeve dark blue shirt and black tie.
- 3) Superintendents and Deputy Superintendents: Long-sleeve dark blue shirt and black tie.
- 4) Weather uniform jacket.  
**Blauer Model Number 9915Z**
- 5) Authorized wearing of V-neck police blue sweaters as an outer garment in lieu of the uniform jacket is optional for all ranks.

Police officers choosing to wear the optional sweater must, at all times, wear a uniform shirt and tie with the sweater tucked into the uniform trousers to allow access to gun belt equipment.

An optional pullover turtleneck jersey may be worn under the optional sweater in lieu of the shirt and tie. An optional pullover turtleneck jersey may be worn under the long sleeve shirt, in lieu of the tie, with or without jacket. An optional pullover turtleneck jersey shall never be worn as the outermost garment.

#### **Class B**

- 1) Police Officers: Long-sleeve shirt and tie, with or without the all weather jacket.
- 2) Superior Officers: Long-sleeve shirt and tie, with or without the all weather jacket.
- 3) Superintendents and Deputy Superintendents: Long-sleeve shirt and tie with or without the all weather jacket.

- 4) Police officers choosing to wear the optional sweater must, at all times, wear a uniform shirt and tie with the sweater tucked into the uniform trousers to allow access to gun belt equipment.

An optional pullover turtleneck jersey may be worn under the optional sweater in lieu of the shirt and tie. An optional pullover turtleneck jersey may be worn under the long sleeve shirt, in lieu of the tie, with or without jacket. An optional pullover turtleneck jersey shall never be worn as the outermost garment.

### **Class C**

- 1) Police Officers: Short-sleeve shirt with or without all weather jacket.
- 2) Superior Officers: Short-sleeve shirt with or without all weather jacket.
- 3) Superintendents and Deputy Superintendents: Short-sleeve shirt with or without all weather jacket.

NOTE: Sweater is not an option for Class C.

### **Sec. 4 When the Uniform Will Be Worn and Who Wears It:**

All sworn members of the Department shall wear the uniform of the day while on duty, with the following exceptions:

- 1) Personnel of the Office of the Police Commissioner
  - 2) Personnel of the Bureau of Professional Standards and Development with Investigative Responsibilities
  - 3) Personnel of the Bureau of Investigative Services
  - 4) District Detectives
- 
- A) All other officers shall wear the uniform, except that the Bureau Commanders may authorize officers who do not come into contact with the public, or officers who are given investigative assignments, or for the efficiency of the Department or safety of the officers, to wear plainclothes.
  - B) Police officers on normal patrol, on paid details, meeting the public, in public facilities, at community meetings and when before the public, must be in uniform.
  - C) Personnel on paid details shall wear the standard uniform of the day, with cap, except they need not wear jackets when inside premises.
  - D) Personnel need not wear caps while inside vehicles, but must put them on before alighting from the vehicle.
  - E) All officers attending court shall wear the uniform of the day for their respective unit of assignment.
  - F) Wearing of the Boston Police Uniform is prohibited in connection with the following circumstances:
    - a) During or in connection with private employment.

- b) When participating in off-duty activities, including, but not limited to, public speeches, interviews, picket lines, marches, rallies, or any other public demonstration which may imply official sanction, unless prior written approval has been granted by the Police Commissioner.
- c) When a Department employee is called for jury duty, this service is performed in the employee's capacity as a citizen of the Commonwealth, not in one's professional capacity as an employee of the Boston Police Department. No Boston Police Officer shall wear his/her uniform while appearing as a juror.

Dress Uniform: Superintendents, Deputy Superintendents, Captains and Lieutenants shall wear a white shirt and tie, without the BPD insignia affixed to the shirt collar when wearing the Dress Command Summer Blouse (velvet trimmed for Superintendents and Deputy Superintendents).

#### **Sec. 5 Detectives Attire:**

Detectives are to be dressed in business casual attire **unless** assigned in an undercover capacity. Business casual attire **does not** include the wearing of sneakers, jeans, shorts or shirts without collars. Detectives appearing in court shall be dressed in business attire as defined in Rule 320 Section B.

#### **Sec. 6 Uniform Specifications:**

**All officers are required to wear the uniforms and equipment suitable to their assigned units. All uniforms must conform to Department specifications as outlined below. All detectives, and officers regularly assigned to plain clothes, must keep the uniform of the day available to them at all times at their reporting place.**

All uniformed officers, including detectives wearing a uniform, shall carry and/or wear only a Department issued safety holster and such other weapons and equipment as are issued and approved by the Department for uniformed sworn personnel. The Department issued weapon, safety holster, baton, and chemical irritant shall be carried and/or worn by all uniformed sworn personnel, including detectives wearing a uniform while on a tour of duty, assigned to a paid detail, or appearing in court, unless specifically excepted by another Department Rule or Special Order.

##### **A) Cap accessories**

Police Officers – Silver Metallic Expansion Cap Band

Detectives – Gold Metallic Expansion Cap Band

Sergeants – Gold Three Piece Rope Cap Braid

Captains and Lieutenants – Gold Cloth Cap Band

Superintendents and Deputy Superintendents – Gold Cloth Cap Band

##### **B) Caps:**

§ Standard cloth, eight point, dark blue police cap for police officers, with black mohair trim for Sergeants, Lieutenants, and Captains. Deputy Superintendents will wear the same cap with velvet trim and a gold leaf trim on the visor.

§ Blauer Black Balaclava Model #126. For use by Police Officers assigned to outside duty or when authorized by the Superintendent-in-Chief or in his absence the Chief, Bureau of Field Services.

### C) Jackets:

All weather uniform jacket.

**Blauer Model Number** **9915Z**

---

- o Ripstop Taslan nylon shell fabric – dark navy
- o Waterproof, windproof, breathable CROSSTECH fabric
- o Blood, body fluid, and chemical resistance
- o Seams sealed with GORE-SEAM tape
- o Zippered side openings
- o Zip out B.WARM insulated quilted liner
- o Double storm-flap front
- o Double-entry lower pockets
- o Pit zippers for access to shell
- o Non-conductive zippers, snaps, and hardware
- o Military style epaulets with uniform buttons
- o Badge tab
- o Standard SCOTCHLITE deploys from underside of cuff
- o Removable, waterproof hood stores away

§ **Dress Command Blouse** - Gold buttons, dark blue with velvet trim on sleeves and collar, with four-½ inch gold trim on sleeves for Superintendents with cloth star cluster (4) sewn straddled over the epaulets and three-½ inch gold trim on sleeves for Deputy Superintendents with cloth star cluster (3) sewn straddled over the epaulets. The Boston Police Department patch will be worn on both the left and right sleeve, 1” directly below the shoulder seam. For dress use only by Superintendents and Deputy Superintendents.

§ **Dress Command Blouse** – Gold buttons, dark blue with two-½ inch gold trim on sleeves and gold thread cloth bars (double) sewn on epaulet for dress use by Captains. Gold buttons, dark blue with one ½ inch gold trim on sleeves and gold thread cloth bar (single) sewn on epaulet for Lieutenants. The Boston Police Department patch will be worn on both the left and right sleeve, 1” directly below the shoulder seam. For dress use only by Captains and Lieutenants.

### D) Optional Uniforms:

§ Dress Summer Blouse for police officers, Detectives, and Sergeants: Dark blue with ¾ inch Copeland blue braid trim on sleeves and blue piping on epaulet for police officers

and Detectives. Dark blue with one inch black mohair trim to be worn on sleeves for Sergeants. Sergeant stripes will be worn on both sleeves and all other rank insignia shall be worn on the shoulder epaulets. Police Officers shall wear silver (nickel) buttons and Detectives and Sergeants shall wear gold (gilt) buttons where appropriate on the jacket. The Boston Police Department patch will be worn on both the left and right sleeve, 1" directly below the shoulder seam. For dress use only by Police Officers, Detectives, and Sergeants.

§ **Optional Storm Coat** – Blauer Storm/Blizzard Coat, navy blue,  $\frac{3}{4}$  length, single breasted with zipper and hood. Police Officers shall wear silver buttons and Detectives and Superior Officers shall wear gold buttons. The Boston Police Department patch will be worn on both the left and right sleeve, 1" directly below the shoulder seam. **Storm/Blizzard coat can only be worn when Officers are on a detail or assigned to a walking beat, or if authorized by the Superintendent-in-Chief or in his absence the Chief, Bureau of Field Services.**

§ The only optional authorized sweater, as an outer garment, must conform to either of the following: Police Blue, 100 percent virgin wool, Blauer Commando 200 "V" neck sweater, unbulky 2 X 2 rib knit – or – Police Blue, 70 percent low pile acrylic, 30 Colonial spun wool, Blauer Commando 210 "V" neck sweater, unbulky 2 X 2 rib knit. In either case, the sweater must be reinforced with patches at the shoulders and elbows, and equipped with epaulets on the shoulders with Velcro fasteners and a double stitched badge tab attached on the outside left breast. The sweater must also have a 7/8" X 2" microphone strap tab sewn under the left or right epaulet and tacked to stabilize the epaulet when a microphone is attached. The Boston Police Department patch will be worn on both the left and right sleeves directly below the shoulder seam. Sergeant stripes will be worn on both sleeves and all other rank insignia will be affixed on the shoulder epaulets as described below in Section 5, subsection Z.

§ The authorized turtlenecks for all ranks must conform to the following specifications: black, full turtleneck shirt, long sleeve, pullover top, jersey knit constructed of 91-93% cotton and 7-9% Lyrca, spandex or equal with 4.5 inch high collar folded to 2.25 inch collar when worn. Centered horizontally on the front of the collar shall be embroidered on a single line the words "Boston Police" in 3/8 inch letters' silver varnished thread for Police Officers; gold varnished thread for Detectives and Superior Officers. There shall be no other markings, manufacturer's labels or logos on the outside of the garment. The Superintendent-In-Chief or in his absence the Chief, Bureau of Field Services remains the final determinant of all uniform issues.

**Officers assigned to the Special Operation Division, with the approval of the Chief, Bureau of Field Services, shall wear additional uniforms approved by the Commander of the Special Operations Division.**

**E) Shirts:**

Officers of all ranks, while in uniform, shall only wear the authorized Navy Blue colored shirts listed below, except that Superintendents, Deputy Superintendents, Captains, and Lieutenants, when wearing the Dress Command Blouse, shall wear white shirts when so directed by the Superintendent-in-Chief or in his absence the Chief, Bureau of Field Services. When the Class C uniform is worn without a jacket and tie, no "T" shirt shall be visible under the open neck of the uniform shirt, unless it is white, and the sleeves of the "T" shirt shall never extend below the end of the sleeve of the uniform shirt. The department-issued City Hall patch will be worn on the left and right sleeves.

Sworn personnel in uniform shall only wear one of the authorized shirts listed below:

§ **Flying Cross** All Weather Tropical Deluxe 65% Dacron Polyester, 35% Avril Rayon, navy blue in color, both long and short sleeves, with permanent military crease and pleated pockets.

- i. Model number 47W6676 Long Sleeve (Men's)
- ii. Model number 97R6676 Short Sleeve (Men's)
- iii. Model number 104W6676 Long Sleeve (Women's)
- iv. Model number 154R6676 Short Sleeve (Women's)

§ **Flying Cross** Deluxe Wool Washable, 75% Dacron Polyester, 25% Worsted Wool Blend. Navy Blue in color with permanent military crease front and back and pleated pockets with concealed zipper front.

- i. Model number 07W8786Z Long Sleeve  
(Men's)
- ii. Model number 57R8786Z Short Sleeve  
(Men's)
- iii. Model number 107W8786Z Long Sleeve  
(Women's)
- iv. Model number 157R8786Z Short Sleeve  
(Women's)

§ **Blauer Classact 8400**, long sleeve shirt, 2 ply worsted 8.5 oz. plain weave 55/45 washable wool blend with 10% stretch. Traditional five-crease military styling for permanent creases. Pleated pocket flaps with scalloped flaps, pencil slot and hook and loop closure. Epaulets, badge eyelets, and two button adjustable cuffs in Police Blue (navy blue).

§ **Blauer Classact 8410**, short sleeve shirt, 2 ply worsted 8.5 oz. plain weave 55/45 washable wool blend with 10% stretch. Traditional five-crease military styling for permanent creases. Pleated pocket flaps with scalloped flaps, pencil slot, and hook and loop closures. Epaulets, badge eyelets, and two button adjustable cuffs in Police Blue (navy blue).

§ **Elbeco Special Duty**, 65% Dacron Polyester, 35% Avril Rayon Blend, Navy Blue in color with permanent military crease front and back and pleated pocket.

- i. Model number 214-3 Long Sleeve (Men's)
- ii. Model number 2214-3 Short Sleeve  
(Men's)
- iii. Model number 8214-3 Long Sleeve  
(Women's)
- iv. Model number 8814-3 Short Sleeve  
(Women's)

§ **Fechheimer Command Shirt**, 100% Polyester, Navy Blue in color with permanent military crease front and back and pleated pocket without a concealed zipper front.

- i. Model number 12020 Long Sleeve (Men's)
- ii. Model number 12000 Short Sleeve (Men's)
- iii. Model number 12030 Long Sleeve  
(Women's)
- iv. Model number 12010 Long Sleeve  
(Women's)

#### **F) Trousers:**

§ Regulation dark blue with whipcord or worsted material, non-pegged, without flares or cuffs. ¾ inch Copeland blue braid for Police Officer, one inch black mohair strip to be worn by Superior Officers, Deputy Superintendents, and Superintendents.

- Riding breeches of dark blue worsted or whipcord material with ¾ inch Copeland blue braid shall be worn by police officers assigned to and while working on mounted or motorcycle duty.
- Superintendents and Deputy Superintendents shall wear one-inch velvet stripe on trousers for **dress only**.

Sworn personnel shall only wear one of the authorized trousers listed below:

- **Blauer Classact 8500**, plain weave trousers, navy blue in color, with four pockets, 11.5 oz. plain weave washable wool blend, 55% polyester, 45% wool
- **Blauer Classact 8510P8**, serge trousers, navy blue in color with eight pockets, 14.5 oz. worsted washable wool blend, 55% polyester, 45% wool
- **Elbeco** pants, navy blue in color



- i. Model number E8920, pant with 6 pockets, 14 oz. serge, 55% polyester, 45% wool
- ii. Model number E8931, pant with 6 pockets, 100% wool serge
- iii. Model number E514, pant with 4 pockets, 12 oz. washable serge, 75% polyester, 25% wool

- **Fechheimer Brothers Company**, trousers

- i. Model 33298, 12-12 ½ oz. elastique weave
- ii. Model 43298, Raeford #6038-30, 75% Dacron, 25% wool weave, serge
- iii. Model 32298, 13-13 ½ serge weave, 55% Dacron 45% wool

**G) Necktie:**

- Plain black with pointed bottom. Minimum width of 3" and maximum width of 4." **A breakaway tie is recommended.**

**H) Socks:**

- Black or navy blue. For medical reasons partially white sock can be worn provided no white shows above the top of the shoes.

**I) Shoes:**

- Low quarter, military style, black shoes of smooth leather or Corfam, with plain toes and laces; buttons, straps, or buckles are not permissible. Soles shall not be more than ¾ of an inch in thickness. Heels shall not be more than 1" in height (measured from the sole). Short boots may be worn instead of shoes, provided that they are polished, and that the soles and heels are within specifications allowed for shoes. Pants shall not be tucked into boots, except as authorized by the Police Commissioner for special events. Shoes shall be clean, have no visible logos and able to take a shine (See Section 2, Paragraph B). Black running shoes shall not be worn with the uniform.

**J) Boots:**

- Black leather, over calf style. For use by Officers while on motorcycle or mounted patrol duty only.

**K) Buttons:** Boston Police buttons with the City Seal insignia are optional for shirt pockets and epaulet. Police Officers shall wear silver buttons and Detectives and Superior Officers shall wear gold buttons.

**L) Gloves:**

- Black gloves (fabric or leather)



- **Blauer Model Number 107**
  - Hi-vis yellow hat cover

NOTE: Hat cover is reversible. To be worn only with, the color that coordinates with the jacket.

### **All Weather Uniform Pants**

- **Blauer Model Number 9972**
  - CROSSTECH 3 layer construction
  - Waterproof, windproof, breathable
  - Blood, body fluid, and chemical resistance
  - Seams sealed with GORESEAM tape
  - Elastic waistband, drawstrings, adjustable belt keepers
  - Snap tab take up at leg bottoms for adjustment
  - Zippered leg openings to the knee
  
- Foul weather gear as is authorized for personnel assigned to the Special Operations Division.

### **P) Helmets:**

- Riot Helmet – Black with the identification number for Police Officers, Sergeants, Lieutenants, Captains, Deputy Superintendents and Superintendents centered on the front.
- Motorcycle Helmet – BPD blue with department issued helmet badge centered on the front. For use by officers assigned to mounted or motorcycle patrol only.

### **Q) Trouser Belt:**

- Plain black leather, 1 ¾" wide with silver colored buckle for Police Officers and gold colored buckle for Detectives and Superior Officers.

**R) Leather/Nylon Equipment:** It is mandatory for all officers to wear an equipment belt over the trouser belt whenever the officers are in uniform and assigned to outside duties.

- Plain black leather equipment belt, silver colored buckle for Police Officers and gold colored buckle for Detectives and Superior Officers.
- Standard department-issued safety holster will not be replaced and will be worn whenever officers are in uniform. This includes uniformed officers assigned to inside duty, officers on paid details, and officers appearing in court.
- Radio
- Magazine Pouch
- Handcuff carrier
- Belt keeper
- Baton keeper
- OC Spray holder
- Web Gear (**ONLY POP platoon members while wearing Battle Dress Uniforms (BDU's) when authorized by the Superintendent-in-Chief or in his absence the Chief, Bureau of Field Services.** All equipment is black.

**S) Service Weapon:** (As authorized by the Commissioner)



**T) Eyewear:**

- Safety Goggles
  - Must be worn by Officers when operating motorcycles while on duty.
- Sunglasses
  - Sunglasses may be worn during the daylight hours only, and must be of a color and style that compliments a proper uniform appearance. The following are acceptable:
    - i. Non-mirror lenses - Iridium lenses are acceptable (Lens color must be conservative in nature and compliment a proper uniform appearance.)
    - ii. Frames and lenses must be free of ornamentation.
    - iii. Frames (metal or plastic) will be silver, gold, black or brown.
    - iv. Neck straps may be worn for officers safety (but must be thin material, black or brown in color)

**U) Baton:**

- Expandable baton to be worn on the equipment belt.

**V) Riot Baton:**

- 36" baton to be kept with the riot helmet.

**W) Oleoresin Capsicum Spray:**

- Department-issued.

**X) Ear Piece-only ear piece to be worn is Department issued for radio**

**Y) Handcuffs:**

- To be worn on the equipment belt.

**Z) Emblems, Patches, Tie Clips, and Badges:**

- § Silver coat badge to be worn over the left breast of the outermost garment by Police Officers. Gold badge to be worn by all Detectives and Superior Officers.
- Silver initials "BPD" to be worn on both collars of the shirt parallel to the bottom edge of the collar, ½" up from and parallel with the bottom edge and 1" in from the front edge of the collar by Police Officers. Gold initials "BPD" to be worn by all Detectives and Superior Officers in the same manner.
- City Hall patches to be worn on the both sleeves of all uniform shirts, jackets, coats, and BDU's, directly below the shoulder seam on both the left and right sleeve.
- All Unit personnel may wear Special Unit pins, approved by the Police Commissioner, on the flap of the left breast pocket of all shirts and jackets.

- Gold chevrons worn by all Sergeants on both sleeves of their shirts, jackets, blouses, and reefers.
- Special insignias such as pins, flags, and clover leaves are not to be worn on the cap or uniform clothing except for:
  - Those ribbons designating the recipient of any medal or commendation awarded by the Department under rule 305: Awards
  - Such other Department approved ribbons as the Police Commissioner shall from time to time determine
    - i. The ribbon designating a recipient of the Theodore Roosevelt Award is authorized for wear.
    - ii. The ribbon designating a recipient of the George Hanna Award is authorized for wear.
    - iii. A Democratic National Convention Ribbon, red, white, blue, white, red with gold device (DNC) is authorized to be worn on the uniform. Only those officers who provided police services during the period, July 23, 2004 to July 30, 2004, are authorized to wear this ribbon.
    - iv. Department Award ribbons are optional to be worn with all uniforms, except special events (funerals, parades, Annual Awards Presentation), where award ribbons shall be worn.
- Insignias or pins designating membership in official bargaining units

ALL SUCH RIBBONS SHALL BE WORN OVER THE RIGHT BREAST POCKET OF THE UNIFORM JACKET OR SHIRT.

- A United States flag emblem 1 ¼ " wide by 5/8" in height with dual fasteners is authorized to be worn on the uniform. It is authorized as an optional emblem and shall only be worn on the uniform shirt, *centered on the flap* of the right breast pocket with the blue field to the outside. No other flag emblem or pin shall be worn on the uniform. No Medals or pins of any kind shall be worn on the right pocket flap with the American Flag pin.
- Department Award ribbons are optional to be worn with all uniforms, except special events (funerals, parades, Annual Awards Presentation), where award ribbons shall be worn.
- Silver tie clip of Department design will be worn by Police Officers, the clip to be centered on the tie. Gold tie clip of Department design to be worn by all Detectives and Superior Officers, Superintendents and Deputy Superintendents.
- § One gold metal bar worn by all Lieutenants positioned ½" in from the shoulder seam and centered on the epaulets (**from front to rear**) of the shirt, jacket, blouse, and reefer.
- § Two gold metal bars worn by all Captains positioned ½" in from the shoulder seam and centered on the epaulets (**from front to rear**) of the shirt, jacket, blouse, and reefer.
- § Three gold metal stars worn by all Deputy Superintendents mid-shoulder on the epaulets of the shirt and jacket.

- § Four gold metal stars worn by all Superintendents mid-shoulder on the epaulets of the shirt and jacket.
- § Five gold metal stars worn by the Superintendent-in-Chief mid-shoulder on the epaulets of the shirt and jacket.
- § A cloth cluster will be worn on the dress command blouse by all Superintendents and Deputy Superintendents. Sleeve rank for command winter reefer, command summer blouse and dress command blouse; three gold stripes for Deputy Superintendents and four gold stripes for Superintendents.
  
- § Service bars, one bar for each five years of service **as a police officer** in the Boston Police Department, may be worn on both sleeves of the Dress Command and/or Summer blouse by sworn personnel.
  - o Gold bars for officers the rank of Sergeant and above.
  - o Blue bars for Police Officers and Detectives.
- § Embroidered, gold thread, cloth rank insignia may be worn on the epaulets in place of the metal rank insignia by all officers who hold the rank of Lieutenant, Captain, Deputy Superintendent, or Superintendent. The embroidered gold thread cloth rank insignia must be the same color, size, and design as the metal rank insignia.

#### **DEPARTMENT AUTHORIZED MODIFIED DUTY WEAR FOR SPECIALIZED UNITS**

(Bureau of Investigative Services & Bureau of Professional Development)

- Pants – Tactical Pants color khaki – 7 pocket – cotton canvas
- Shirt – Dark navy blue polo shirt (3 buttons) with ribbed no roll collar
- Jacket - 3 in 1 Jacket w/ waterproof / breathable outer shell w/zip out fleece jacket liner and unit name & logo on left breast of both shell and liner
- Department Authorized:
  - o Black Boots/Shoes
  - o Black Belt (1/2") with badge clearly visible
  - o Holster

#### **Sec. 7 Bicycle Patrol Uniforms:**

**Bicycle Patrol Uniform Jackets** - Blauer jacket - 9970-1 (or Department approved equivalent). SuperShell Jacket with CROSSTECH Fabric, waterproof, windproof, breathable 3 layer CROSSTECH, abrasion resistant IllumiNITE™ reflective patch fabric, Zip-out B.WARM™ fleece liner, seams sealed with GORE-SEAM tape, drop shoulder design & articulated elbows for unrestricted movement, waterproof zippered cargo/hand warmer pockets with flaps & hidden, pencil slots, interior security pockets are accessed with zippers from under front, fly flaps, double storm files & chin guard cover front zipper, side openings use waterproof zippers for unrestricted access to equipment, zippered openings on shoulder patches allow attachment of emblems, and provide two additional pockets, badge tap; elasticized hoop and loop cuffs, 30" backlength, 9970-1 is **hi-vis** version with



illumiNITE™ with Scotchlite upgrade package. Add “Boston Police” stenciled in 4” white lettering on the back (on black section). Department patch on both sleeves directly below the shoulder seams, badge tab over left breast.

**Bicycle Patrol Uniform Shirts** - BLAUER-8132 (or Department approved equivalent). Colorblock Knit Short & Long Sleeve Shirts. Colorblock design combines high-visibility with a uniform appearance, fluorescent yellow upper body and sleeves provide daytime visibility, SCOTCHLITE™ reflective stripes around chest and arms provide, nighttime visibility, unique bi-component blend fabric of B.COOL™ on the outside and cotton on the inside provides the comfort of cotton with colorfastness of polyester, half-zip pullover front for added ventilation, zippered pocket with external pencil slots, knit sport collar made from same fabric as body for true color matching, reinforced epaulets topstitched to secure microphones, badge eyelets with internal support strap, extra-long shirt tails stay tucked in, entire pattern is cut extra-long to allow for shrinkage in length. Add "Boston Police" stenciled in 4" black lettering on the back (on yellow section), Department patch on both sleeves directly below the shoulder seams, badge tab over left breast.

**Bicycle Patrol Uniform Pants** - Olympic by J. Marcel (or Department approved equivalent). Bicycle pants for officers assigned to Bicycle Patrol. Supplex or equivalent waterproof fabric with zipper and six Velcro belt loops, two back pockets, two side pleated cargo pockets, elastic bottoms, pant leg zippers, with 1" Scotchlite trim reflective tape on legs, with Olympic zip off legs, and shamie pads in seat. **Color: LAPD blue.**

**Bicycle Patrol Uniform Boots** - BATES ENFORCED SERIES ULTRA-LITES BOOTS (or Department approved equivalent).

**Bicycle Patrol Uniform Boots - BATES 8" ULTRA-LITES BOOTS (or Department approved equivalent).** Leather/1680 denier nylon, fiberglass shank, oil- and slip resistant outsole, EVA insert with shock absorbing polyurethane heel and forepart pads. **Color - Black**

**Bicycle Patrol Uniform Belt** - UNCLE MIKES EQUIPMENT BELT (or Department approved equivalent). Constructed from a durable single layer of nylon webbing, velcro adjustable. **Color - Black**

**Bicycle Patrol Uniform Hood** – SHELLACLAVA (or Department approved equivalent). Nylon lycra hood with brushed acrylic fibers, cold weather, 1 piece hood and neck protection. **Color - Black**

**Bicycle Patrol Uniform Holster** - UNCLE MIKES PRO-3 (or Department approved equivalent). Triple retention duty holster with internal locking device, mid-ride, straight draw holster, cordura nylon, closed cell foam and smooth nylon lining, molded straight track, retention strap/thumb break, adjustable tensioning device, fits belts up to 2 ¼ W. **Color - Black**

**Bicycle Patrol Uniform Helmet** - BELL BIKE PATROL HELMET VENTURE (or Department approved equivalent). Vented design, EPS foam liner, tight fit microshell, Snap on visor, straps adjust with camlock system, multiple size pads, Model BZ-105670. **Color - Black**

**Bicycle Patrol Uniform Gloves** - DUTY HATCH PATROL GLOVE (or Department approved equivalent). Velcro closure for snug fit, spandex back glove, padded palms, high density foam and rubber Kevlar, clarino synthetic leather material for secure grip. **Color - Black**

**Bicycle Patrol Uniform Gloves** - WINTER HATCH ARTIC PATROL GLOVE (or Department approved equivalent). Rubberized palm, trigger-control index finger for firearm control, multi-layer protection, breathable/water proof liner, fiber fill, 100% polyamide shell. **Color - Black**

**Class A Uniform:**



**Class B Uniform:**



**Class C Uniform:**



## **SPECIAL NOTE**

Following is the list of all equipment/accessories issued by the department:

BATON  
RIOT BATON  
BADGE  
EQUIPMENT BAG  
GAS MASK  
GAS MASK CARRYING CASE  
ID CARD  
OC SPRAY  
OC HOLDER  
PERSONAL PROTECTIVE EQUIPMENT (WMD)  
BATON KEEPERS  
BODY ARMOR  
BOOTS (Motorcycle and mounted patrol officers only.)  
CAP ACCESSORIES (Band and Cap Badge  
    Silver for Police Officers,  
    Gold for Superior Officers  
EMBLEMS, PATCHES, TIE CLIPS, CHEVRONS, BADGES  
GLOVES  
**HANDCUFFS**  
HELMETS  
LEATHER EQUIPMENT: Standard department-issued holster for service pistol.  
SAFETY GOGGLES (Motorcycle operators)  
SERVICE WEAPON (As authorized by the Commissioner.)  
WALKIE-TALKIE RADIO AND HOLDERS, CHARGERS AND SPARE BATTERY

Note:

- Amended by SO 13-21, issued 05/09/2013, which edited Section 6 Uniform Specifications, Bullet Z. Added: "Department Award ribbons are optional to be worn with all uniforms, except special events (funerals, parades, Annual Awards Presentation), where award ribbons shall be worn."

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 306A**

**October 24, 1995**

#### **Rule 306A - DISPLAY OF BADGES AND I.D. CARDS**

This rule is issued to establish regulations for the display or use of the Department Badge of Office and Personnel Identification Card. It is effective immediately, superseding and replacing all other rules, orders, circulars, bulletins and directives that have been previously issued for the guidance of personnel in the wearing of badges and I.D. cards at crime scenes, while in Department facilities or while in uniform.

Sec. 1 General Considerations: Badges are Department property issued to all sworn personnel and to Police Cadets. They are symbols of public trust and delegated authority. Sworn members of the Command Staff are issued a gold shield which is not numbered. Superior Officers and Detectives are issued a numbered gold shield. Patrol Officers are issued a numbered silver shield. Police Cadets are issued a distinctive, silver Cadet badge which is not numbered. School Traffic Safety Supervisors are issued a numbered silver badge.

Identification cards are Department property, issued to all employees of the Department for the purpose of identification. Department identification cards contain a photograph of the employee, the employee identification number, the rank and the unit of assignment.

#### **Sec. 2 Display of Identification:**

**Sworn:** Sworn personnel shall carry their badges and identification cards on their person readily accessible for display at all times. The officer's rank and badge number shall always be readily identifiable on the badge.

While in uniform, sworn personnel shall wear their Department badges on the left breast of their outermost garment. While in civilian clothes, sworn personnel shall prominently display either their identification card or their Department badge while in any Department facility or while on any crime scene.

**Civilian:** All civilian personnel shall prominently display their identification card while in any Department facility or while on any crime scene.

While in uniform, Police Cadets and School Traffic Safety Supervisors shall wear their Department badges on the left breast of their outermost garment. While in civilian clothes, Police Cadets and School Traffic Safety Supervisors shall prominently display their identification card while in any Department facility or while on any crime scene.

Sec. 3 Exchange of Badge Prohibited: The badge to be carried by an officer shall be that which is issued. The badge shall not be altered, exchanged or transferred except by order of the Police Commissioner. Officers shall not use another officer's badge or replica of a badge in likeness of the original; nor shall they allow any person not appointed a member of the Department to use an official badge at any time.

Sec 4 Loss of Badge or Identification Card: It shall be deemed to be neglect of duty on the part of an employee who fails to take reasonable care of their badge or identification card. Loss or damage to a badge or identification card shall be reported immediately to the employee's Commander or Director.

The cost of repair or replacement shall be charged to the employee, unless such employee can show that such loss or damage was not incurred through personal negligence.

Sec. 5 Prohibition of Reproduction: The official insignia of the Boston Police Department, its logo, the official badge or any likeness thereof shall not be reproduced or utilized on decals, letterheads, business cards or in any other manner except by authority of the Police Commissioner.

Sec. 6 Issuing of Identification Cards: All Department employees shall be issued a new identification card every five years. All Department employees shall be issued a new identification card upon change of status or unit of assignment. It shall be the responsibility of each employee to ensure that their identification card properly reflects their current title and their current assignment.

All Department employees may have identification card photographs, signatures and fingerprints taken at the district stations or at the Human Resources Division. Department identification cards shall be distributed through the Human Resources Division. Upon being issued a new identification card, the employee must surrender the old card.

Commanders and Directors shall be responsible to ensure compliance with all of the provisions of this rule.



## Rules and Procedures

### Rule 307

November 27, 2007

### **Rule 307 - SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION (CORI) AND THE PUBLIC RECORD LAW (PRL)**

This rule is issued to ensure compliance with Massachusetts General Laws Chapter 6, Sections 167-178 and the Code of Massachusetts Regulations, Title 803, Chapter 2.04. These statutes and policies outline the regulations and liabilities associated with Criminal Offender Record Information (CORI). This rule is effective immediately, superseding all rules, orders, bulletins and other directives previously issued in connection with the release of CORI. In conjunction with this rule, members of the Department shall also adhere to the guidelines issued in Rule 300, News Media Relations – Release of Official Information.

**Sec. 1 GENERAL CONSIDERATIONS:** The policy of the Boston Police Department with regard to the release of official information to the news media and other persons interested in Departmental activities has been set forth in Rule 300, News Media Relations – Release of Official Information. However, since the Acts of 1973, Chapter 1050, gives the public the right of access to certain public records, and M.G.L. Chapter 6 exempts Criminal Offender Record Information from public access, the Department is obliged to protect its personnel from civil and criminal liabilities that may result from the improper disclosure of protected records. All Boston police officers are eligible to receive Criminal Offender Record Information in the course of their official duties. However, having obtained such information, no police officer shall give, furnish, or disseminate, directly or indirectly, any probation records or other criminal offender record information except as authorized by this rule. The Department will thoroughly investigate any and all instances of the unauthorized release of CORI information, as conveying the contents of an individual's probation or police record to any unauthorized person or agency may result in civil and criminal liability.

**Sec. 2 DEFINITIONS:** For the purposes of this rule, pursuant to M.G.L. c. 6 §§ 168-178 and 803 C.M.R. 2.00 – 9.00, the following definitions shall apply:

**A. Criminal Justice Agencies** – those agencies at all levels of government which perform as their principal function, activities relating to crime prevention, including research or the sponsorship of research; the apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; or the collection, storage, dissemination or usage of CORI.

**B. Criminal Offender Record Information** – records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. This includes photographs and fingerprints, which are recorded as a result of the initiation of a criminal proceeding. CORI does not include:

- **Statistical Records and Reports** – CORI shall not include statistical data in which individuals are not identified and from which identities are not ascertainable.
- **Juvenile Data** – CORI shall not include information concerning a person who is under the age of 17 years unless that person is prosecuted criminally as an adult.
- **Intelligence Information** – CORI shall not include records and data compiled by a criminal justice agency for the purpose of criminal investigation, including reports of informants, investigators or other persons, or from any type of surveillance associated with an identifiable individual. Intelligence information shall also include records and data compiled by a criminal justice agency for the purpose of investigating a substantial threat of harm to an individual, or to the order or security of a correctional facility. This information may still be protected from public disclosure, per the investigatory exemption to the Public Records Law. Contact the Office of the Legal Advisor prior to releasing this information to a member of the public.
- **Information Regarding Minor Offenses** - CORI shall not include information concerning offenses that are not punishable by incarceration.
- **Photographs or Fingerprints of an Unidentified Individual** – CORI shall not include photographs, fingerprints, or other identifying data of an individual used for investigative purposes if the individual is not identified. This information may still be protected from public disclosure, per the investigatory exemption to the Public Records Law. Please contact the Office of the Legal Advisor prior to releasing this information to a member of the public.
- **Information of a Deceased Individual** – CORI shall not include information regarding a deceased individual. Restrictions on the access to and dissemination of an individual’s CORI terminate upon his / her death.

**C. Criminal History Systems Board (CHSB)** – the entity which is given the duty of promulgating regulations regarding the collection, storage, dissemination and usage of CORI.

**Sec. 3 AGENCIES ALLOWED TO RECEIVE CORI:** M.G.L. Chapter 6, Section 172 provides that CORI may be disseminated, whether directly or through an intermediary, only to:

- A. Criminal justice agencies;
- B. Other agencies and individuals required to have access to such information by statute including US Armed Forces recruiting offices for the purpose of determining whether a person enlisting has been convicted of a felony;
- C. The active or organized militia of the commonwealth for the purpose of determining whether a person enlisting has been convicted of a felony; and
- D. Any other agencies and individuals where the CHSB has determined that the public interest in disseminating such information to these parties clearly outweighs the interest in security and privacy.

**Sec. 4 PUBLIC DISSEMINATION OF CORI:** The public dissemination of CORI is allowed under the following circumstances:

**A. Victim receipt of CORI** – M.G.L. Chapter 6, Section 178A provides that a victim of a crime, a witness, or a family member of a homicide victim, all as defined by M.G.L. Chapter 258B, Section 1, shall be certified by the CHSB, upon request, to receive CORI, provided that the request for said information relates to the offense in which the person was involved;

**B. Contemporaneous with investigation** - A criminal justice agency with official responsibility for a pending criminal investigation or prosecution may disseminate CORI that is specifically related to and contemporaneous with an investigation or prosecution;

**C. Contemporaneous with search for person** - A criminal justice agency may disseminate CORI that is specifically related to and contemporaneous with the search for or apprehension of any person; and

**D. Information regarding incarceration / custody status** – A criminal justice agency with jurisdictional responsibilities for an offender shall release information regarding an individual's custody status and placement within the criminal justice system where:

- The individual named in the request or summary has been convicted of a crime punishable by a term of imprisonment of 5 years or more or has been convicted of any crime,
- Sentenced to any term of incarceration, and
- At the time of the request:
  - o Is serving a sentence of probation or incarceration; or
  - o Is under the supervision of the Parole Board; or
  - o Having been convicted of a misdemeanor has been released from all custody or supervision for not more than one year; or
  - o Having been convicted of a felony has been released from all custody or supervision for not more than two years; or
  - o Having been sentenced to the custody of the Dept. of Correction has finally been discharged there from, either having been denied release on parole or having been returned to penal custody for violation of parole, for not more than three years.

#### **Sec. 5 LIABILITY FOR UNAUTHORIZED DISCLOSURE OF CORI:**

**A. Civil Liability** – M.G.L. Chapter 6, Section 177 sets forth the civil liabilities that may be incurred by those who willfully communicate CORI to anyone not authorized to receive it.

**B. Criminal Liability** – M.G.L. Chapter 6, Section 178 states “[a]ny person who willfully requests, obtains or seeks to obtain CORI under false pretenses, or who willfully communicates or seeks to communicate CORI to any agency or person except in accordance with the provisions of sections 168-175, inclusive, or any member, officer, employee or agency of the board or any participating agency, or any person connected with any authorized research program, who willfully falsifies CORI, or any records relating thereto, shall for each offense be fined not more than \$5000.00, or imprisoned in a jail or house of correction for not more than one year, or both.”

**Sec. 6 PROCEDURES:** Members of the Department shall strictly adhere to the following procedures to maintain the security of CORI:

- A.** Members of the Department who are not assigned to the Identification Unit shall not give, furnish or disseminate, directly or indirectly, any CORI to any individual or agency outside the Department. However, members of the Department may disseminate CORI to criminal justice agencies with whom the Department is engaged in a criminal investigation. Members shall refer any agency or individual seeking such information to the Identification Unit.
  
- B.** The Attorney General of Massachusetts has notified all local licensing bodies and all other non-criminal justice agencies authorized to receive CORI by the CHSB not to make record requests through local police departments or the Massachusetts State Police. Department personnel who furnish CORI to such non-criminal justice agencies may be subject to the civil and criminal sanctions of M.G.L. Chapter 6, Sections 177 and 178. Personnel shall refer all non-criminal justice agencies to the CHSB for access to CORI.

**Sec. 7 REQUESTS FOR CORI BY OUTSIDE AGENCIES:** Identification Unit personnel shall only honor requests for CORI from non-federal outside criminal justice agencies certified by CHSB when the requests are in writing, whether by Teletype or US Mail. The Identification Unit will also honor e-mails with confirmed government URL and faxes with appropriate agency letterhead. The Identification Unit will not honor walk-in requests. Identification Unit personnel shall provide CORI to federal law enforcement agents on a walk-in basis upon proof of identity. Identification Unit personnel in doubt as to the eligibility of a person(s) to receive CORI shall contact the Office of the Legal Advisor for guidance.

**Sec. 8 RECORD OF CORI REQUESTS:** M.G.L. Chapter 6, Section 172 mandates that each agency holding or receiving CORI shall maintain, for such period as the board shall determine, a listing of the agencies or individuals to which it has released or communicated such information. From time to time, the CHSB or council may review such listings, or reasonable samples thereof, to determine whether any statutory provisions or regulations have been violated.

Except as otherwise provided, each time Department personnel request criminal or non-criminal records or photographs from the Identification Unit's Records Section, they shall complete BPD Form 0032-BIS-0107. The Records Section shall provide this form and after completion, shall maintain it in Section files. This applies to telephone (intradepartmental) and walk-in requests.

**Sec. 9 REQUESTS TO THE IDENTIFICATION UNIT BY BOSTON POLICE PERSONNEL:** Requests by members of the Department for CORI and/or photographs can be made in person or by telephone. In all cases of telephone requests in which the requesting officer is unknown to the Identification Unit/Records Section person receiving the call, the Identification Unit/Records Section person shall return the call to verify the identity of the requesting officer before any information is released. He/she shall call the place of assignment of the requesting officer, or

his/her assigned department cell phone to verify the officer's identity, not his/her home or a private telephone number. Identification Unit/Records Section personnel shall complete a copy of BPD Form 0032-BIS-0107 each time Boston Police personnel request information and maintain this form in Section files.

**Sec. 10 SPECIAL SEARCHES:** The Identification Unit's Record Section' files may be searched by the following persons without the assistance of the Section's personnel. They shall not be required to sign for necessary information; however, records shall not be removed from the file room:

- § Chief, Bureau of Professional Standards and Development, and his/her designee
- Commanding Officer, Homicide Unit, and his/her designee

**Sec. 11 CJIS ACCESS:** The data stored in the CJIS is documented criminal justice information and must be protected to ensure correct, legal, and efficient dissemination and use. Only law enforcement and criminal justice personnel in the performance of their authorized criminal justice activities can obtain information from or through CJIS.

Department personnel must be certified by the Criminal History Systems Board to access Board of Probation (BOP) records electronically through the CJIS Mobile Data Terminal System. In addition, all CJIS terminal and Mobile Data terminal operators must be re-certified once every two years.

The CJIS Automated Board of Probation file was created to provide users with on-line access to both the adult and juvenile arraignment and disposition data maintained by the Office of the Commissioner of Probation. Information provided in response to a BOP query is CORI.

**Sec. 12 PUBLIC RECORDS LAW:** M.G.L. Chapter 4, Section 7 (26) provides that every record of a city, town or state agency is deemed public, unless an exemption under the Public Records Law (PRL) applies. M.G.L. Chapter 66, Section 10 states that if the agency can demonstrate that any of the PRL exemptions apply to a record, the specific information must be redacted and the remaining information is deemed public and must be disclosed. CORI falls within the "statutory exemption" of the PRL. **All PRL requests must be referred to the Public Information Office in Headquarters, or to the Office of the Legal Advisor.**

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 308**

**April 24, 1996**

#### **Rule 308 - CRIME STOPPERS PROGRAM**

Sec. 1 Purpose: To delineate the procedures under which the Crime Stoppers Program operates and the responsibilities of both the Crime Stoppers Unit and Detectives who are assigned a case which contains information received from a Crime Stoppers Tip.

Sec. 2 Definitions:

A. Boston Police Foundation – a non-profit organization comprised of local business leaders dedicated to funding and promoting innovative programs for the Boston Police Department;

B. Boston Police Crime Stoppers Program – a sponsored initiative of the Boston Police Foundation;

C. Crime Stoppers Board – those civilian members of the Boston Police Foundation committed solely to the Crime Stoppers Program;

D. Crime Stoppers Unit – the operational arm of the Crime Stoppers Program, located within the Boston Police Department and staffed by Boston Police employees;

E. Police Coordinator – the sworn Boston Police Superior Officer charged with commanding the Boston Police Crime Stoppers Unit;

F. Tipster – an individual who remains anonymous but who provides confidential information on a crime to the Crime Stoppers Program either by mail or through the telephone tip line;

G. Funneling – where an informant is known to a detective, the informant provides specific information to that detective about a crime and then the detective instructs the informant to call Crime Stoppers to collect an award;

H. Immediate Family Member – a person's spouse, child, parent or sibling.

Sec. 3 General Considerations:

A. The Boston Police Crime Stoppers Program is an endeavor of the Boston Police Foundation. It is a partnership relying on cooperation between the Boston Police Department, local news media and the citizens of Boston. The goal of Crime Stoppers is to assist the Boston Police Department in solving crimes of violence against the person (felonies) by utilizing media highlighting and an anonymous telephone tip line. Awards are paid to tipsters whose

information results in the arrest and indictment of an offender. Awards in the cash amount of not less than \$100 nor more than \$1,000 are paid by the Boston Police Foundation.

B. The role of the Boston Police Department's Crime Stoppers Unit is to receive anonymous information on unsolved crimes and pass this information to the appropriate Unit/District for investigation.

C. It is of the utmost importance that Department personnel protect the anonymity of the tipster and respect the confidentiality of information received through the program. Anonymous calls to Crime Stoppers eliminates the caller being subpoenaed to court as there is no record of their identity.

D. The Crime Stoppers Program is NOT an Informant Fund. Information found to be "FUNNELED" to Crime Stoppers will be considered a violation not only of this rule but of the spirit of the program in keeping with the anonymity concerns. Individuals found to have been "funneled" are not eligible for a cash award. Department personnel found to have "funneled" known informants to Crime Stoppers shall be subject to Department discipline.

E. Crime Stoppers generally pays awards only on productive tips received by telephone (1-800-494-TIPS) or by mail. If an individual anonymously contacts a detective and wishes to remain anonymous, but still be paid for information on a crime, the detective may refer the individual to Crime Stoppers at 1-800-494-TIPS, as long as he does not have specific knowledge of what the actual crime information the individual is going to provide. As an alternative, if circumstances dictate, the detective may explain the Department's policy on Confidential Informants.

F. Individuals wanting to provide information in person to Crime Stoppers are NOT to be directed to the Crime Stoppers Unit. They shall be advised to contact Crime Stoppers by telephone at 1-800-494-TIPS.

G. In situations where an individual has attempted, but was unable to notify Crime Stoppers by phone or by message left on the answering machine, and the information is of such urgency that notification must be made to police immediately, eligibility for an award may be considered, provided:

1. the individual attempted to contact the Crime Stoppers Unit first; and
2. the detective receiving the information notifies the Crime Stoppers Unit by telephone or mail of the following:
  - a. an individual who wishes to be considered for a Crime Stoppers award has provided information on a crime;
  - b. details regarding the individual's unsuccessful attempts to contact Crime Stoppers; and

c. the investigation commenced or was furthered as a result of the information.

H. In all but exceptional circumstances (at the discretion of the Crime Stoppers Board) individuals who provide Department personnel with specific information on a crime, without first attempting to contact the Crime Stoppers Unit, are not eligible for a Crime Stoppers award.

I. Department personnel shall not, at any time, advise individuals they are eligible for a cash award. Determining the eligibility and the amount of an award is the sole responsibility of the Crime Stoppers Board. All inquiries regarding eligibility shall be directed to the Crime Stoppers Unit.

#### Sec. 4 Crime Stoppers Unit Responsibilities:

A. On receipt of a telephone call to the Crime Stoppers tipline (1-800-494-TIPS), members of the Crime Stoppers Unit shall:

1. if the caller is interested in receiving an award for the information or is likely to call back with further information, provide the caller with a code number;
2. assess the information and do as much pre-investigation as possible, such as matching the information with a reported crime and checking with Unit/District detectives;
3. if the information is suitable for further investigation, generate a Crime Stoppers Tip Summary;
4. forward the Crime Stoppers Tip Summary to the appropriate Unit/District Commander for further investigation whereupon the assigned investigator shall be responsible for corroborating the information received;
5. if the nature of the information requires immediate action, notify the appropriate Unit/District Commander directly and forward a Crime Stoppers Tip Summary at the earliest opportunity;
6. on the return of the Crime Stoppers Tip Summary, if a crime has been solved, prepare a report to be presented by the Police Coordinator to the Crime Stoppers Board Award Committee.

B. The Crime Stoppers Board Award Committee meets on a monthly basis and reviews all cases submitted for award consideration since the time of the last meeting. The committee determines if an award should be paid and if so, the amount of the award. Determinations on eligibility and on the amount of any award by the Crime Stoppers Board Award Committee are final. The Crime Stoppers Unit will be advised of the Committee's decisions.



C. If an award has been authorized, a member of the Crime Stoppers Unit shall, when the Tipster calls back, advise the tipster of the amount of the cash award and explain the process for obtaining it.

#### Sec. 5 Individuals Not Eligible for Crime Stoppers Cash Awards:

A. Under the operating procedures of Crime Stoppers, callers never have to reveal their identity. However, the TIPSTER is NOT eligible for an award, if the Crime Stoppers Police Coordinator becomes aware of information which identifies a tipster as falling into any of the following categories:

1. any law enforcement officer or a member of their immediate family;
2. employees of the Boston Police Department and members of their immediate family;
3. a member of the Boston Police Foundation's Crime Stoppers Board;
4. a suspect or accomplice of the crime;
5. the victim of the crime or a member of their immediate family;
6. funneled informants.

#### Sec. 6 Confidentiality:

A. Once information has been received by Crime Stoppers, there is no guarantee as to which detective(s) will be assigned to investigate. Department personnel in receipt of anonymous information shall:

1. treat the source of the information as strictly confidential;
2. always be concerned about protecting the anonymity of the tipster;
3. not photocopy a Crime Stoppers Tip Summary;
4. not mention Crime Stoppers in any police reports (always make reference to "Acting on information received");
5. not advise the suspect that the information came through Crime Stoppers;
6. not show the Crime Stoppers Tip Summary to the suspect (to protect the anonymity of the TIPSTER and not put them at risk);

7. not attach any Crime Stoppers Tip Summaries to police reports, search warrants or other court documents;

8. if an arrest is made, attach a copy of the 1.1 report and booking sheet with photo to the Crime Stoppers Tip Summary and forward it to the Crime Stoppers Unit through the Unit/District Commander;

9. if no arrest is made as a result of the tip, make a notation as to the outcome of the investigation on the Crime Stoppers Tip Summary and return it to the Crime Stoppers Unit through the Unit/District Commander (a supplementary report is not required).

B. Should any Department personnel receive a subpoena to attend court as a result of an arrest based on Crime Stoppers information, that person shall, as soon as possible and well in advance of the court date, notify the district attorney in charge of the case that the information was obtained through Crime Stoppers.

C. All requests to see the Crime Stoppers Tip Summary, whether by a district attorney or a defense attorney, shall be directed to the Office of the Legal Advisor. Only the Legal Advisor can approve the release of a copy of the Tip Summary in response to such a request.

## **Rules and Procedures**

### **Rule 309**

**November 8, 1982**

#### **Rule 309 - PROCEDURES FOR HANDLING PHYSICAL EVIDENCE AND OTHER PROPERTY COMING INTO POLICE CUSTODY**

This rule is issued to establish guidelines for the collection, handling and preservation of physical evidence; and for the handling and preservation of other property coming into police custody. Its provisions are effective immediately, replacing written directives concerning these subjects.

**General Considerations:** The importance of properly handling physical evidence cannot be overemphasized. Police Officers of every rank and assignment must be very careful to quickly recognize articles of evidentiary value and to collect, protect and preserve these articles in such a manner as to ensure that their value as evidence is not compromised.

The continuity of possession of evidence must be maintained and documented so that it will be possible to establish the security of the evidence from the time it was collected until it is presented in court.

**Sec. 1 Crime Scene Protection:** When it appears that a serious crime has been committed, it shall be the responsibility of the first officer arriving at the location to isolate and protect the scene until appropriate search may be conducted, or the situation has been analyzed by a Patrol Supervisor. Once the Patrol Officer (first on the scene), has attended to whatever emergencies exist, it shall be that officer's responsibility to identify and protect the immediate crime scene and all articles that appear to pertain to the crime.

Pending a search, the officer charged with protecting the crime scene shall not allow any unauthorized person to enter, including Police Officers, or to move or tamper with any article, whether of obvious evidential value or not. He shall preserve the scene until the arrival of an investigative unit, unless otherwise directed by a Superior Officer. He shall record the name of every Police Officer who responds to the scene.

**Sec. 2 Evidence Technician to be Summoned:** When the seriousness of the crime so justifies, the Patrol Supervisor or the Officer in Charge at the scene shall request, through his Duty Supervisor, that an evidence technician be sent to the scene. The evidence technician assigned shall be responsible for collecting, tagging and/or bagging and preserving the relevant physical evidence found (as directed in the "Collection and Identification" section of this Rule).

**Sec. 3 When Evidence Technician Is Unavailable:** In the absence of an Evidence Technician at the scene of a less serious crime, the Superior Officer in charge of the case, while making the

preliminary investigation, shall conduct an appropriate search for articles of physical evidence and shall collect and submit such articles as directed in the following section.

Sec. 4 Collection and Identification: Whenever any item of evidence is found, seized, recovered or otherwise collected, it shall be:

A. Noted as to position and location by diagramming, on an appropriate Form (1.1 or 1.1.1) by the officer who collects such evidence.

B. Photographed in the position found (if practicable).

C. Collected, packaged and tagged in such a manner as to prevent damage or contamination with other materials.

It is necessary also to show that evidence, particularly liquids and other substances easily altered has not been contaminated by careless handling. This is important, not only for court presentation but also to ensure that analysis is not hampered or invalidated.

Wet, damp or blood-soaked clothing, or other items of evidence, shall never be placed in plastic bags or other containers until they have been thoroughly air-dried in order to prevent contact, contamination or putrefaction.

Clothing of one individual must be kept separate from other individuals' clothing or other materials and never combined with other clothing or materials in the same bag or container.

D. All collected evidence shall be tagged or bagged by the collecting officer who shall record on each tag or bag his name, I.D. number, Area, the date, time and the location where the evidence was found, and all other pertinent data that may be of consequence. In addition he shall ensure that all such information is recorded on the Department Incident Report.

E. Collected evidence shall be forwarded to the appropriate examining unit as soon as is practicable, together with a copy of the Incident Report and a Request for Examination Form.

A Property Tag must be attached to all property which comes into the custody of the Department in the categories of evidence, confiscated property and recovered property.

When feasible, an Evidence Envelope shall be used for all property which comes into the custody of the Department except for firearms and ammunition.

Evidence such as bullets, hairs and fibers shall not be tagged but shall be placed in suitable individual containers.

Sec. 5 Custody: Once it has been properly identified, tagged and or bagged, evidence which requires examination or analysis shall be hand delivered to the proper Departmental Unit;

firearms and ammunition to the Firearms Analysis Unit, ([Rule No. 311](#)); evidence requiring chemical analysis to the Crime Lab, ([Rule No. 312](#)); latent prints to the Identification Unit, ([Rule No. 313](#)); alcoholic beverages and controlled substances to the State laboratory Institute, ([Rule No. 310](#)) by the officer whom the Commanding Officer shall assign to do so.

Sec. 6 Area Evidence Record: Each Area and Unit which assumes custody of physical evidence shall maintain an Area Evidence Record on the approved Department Form. The Duty Supervisor shall enter into the Area Evidence Record an itemized list of all evidence which comes into police custody of his area or unit during his tour of duty. He shall ensure that such evidence is tagged with a red tag, properly filled out, before the property is secured.

On the property tag shall be recorded the C.C. number of the incident; the date of occurrence; warrant number; if any, the name and I.D. number of the officer who seized the property; and the page number of the Area Evidence Record where the property has been recorded. All relevant information shall be recorded in the Area Record also. The reverse side of the page shall be used to record each time that the evidence is removed and returned to the Area Property Room, with the date such movement was made.

Before any evidence is transferred from an Area Property Room the Commanding Officer or the Property Officer shall note the removal of the evidence on the reverse side of the appropriate page of the Area Evidence Record. The officer recording the removal and the officer assuming control of the evidence shall both sign the Record. In addition, a receipt for the evidence shall be completed and stapled into the Area Receipt Book.

When evidence is returned to the Property Room the officer surrendering custody and the Commanding Officer or the property Officer recording the return shall both sign the Record.

This procedure shall apply to all changes in the custody of evidence whether for safekeeping, scientific analysis, further investigation or court presentation.

Sec. 7 Area Property Room: Each Commanding Officer of an Area or Unit which assumes custody of evidence or property shall designate a room, capable of being secured, as the Area/Unit Property Room.

Sec. 8 Area Property Room Control: Only the Commanding Officer and his designated Property Officer shall have keys to the Area Property Room and they are the only persons authorized to put property into that room or to remove it.

The Commander may temporarily designate this authority to other officers because of absences from duty.

When evidence or other property is brought into the area or unit and the property room cannot be utilized, it shall be the responsibility of the Duty Supervisor to ensure the security of the property until it can be placed in the property room.

Whenever the owner of evidence or other property in police custody is notified that the property will be released, such notification shall also include the hours when an authorized officer will be available to release the evidence or property.

Sec. 9 Prisoner's Personal Property to be Held as Evidence: When any property is taken from a prisoner at the time of arrest or booking which is to be held as evidence, the procedures set forth in Rule No. 318 (Prisoners, Section 9), shall be complied with.

Sec. 10 Safeguarding Non-evidence Property: All property that is not evidence which comes into police custody shall be safeguarded by compliance with the following procedures:

Each area and unit whose personnel collect property, not classified as evidence, shall maintain two Area Property Books, numbered "ONE", Department Form #2075, and "TWO", Department Form #2074, in which shall be recorded all lost, stolen or abandoned property which is taken into police custody by personnel of the area or unit. Bureau of Special Operations personnel shall deliver property in their custody to the Station House of the area where they assumed custody of the property.

Sec. 11 Recording Property in Custody: The Duty Supervisor shall enter into the appropriate Property Book an itemized account of the property which comes into police custody during his tour of duty. He shall ensure that such property is tagged with a white property tag, properly filled out, before the property is secured.

Sec. 12 Area Property Book "ONE": Shall be utilized to maintain a permanent record of small items which can be returned to the owner without entailing long storage by the Department. Items such as wallets, handbags, books and papers, the owners of which can be readily ascertained, shall be recorded in Property Book One.

The white property tag shall contain a notation indicating the page and line numbers where the property is recorded in the Area Property Book One.

Property Book One shall be notated to record when a property owner was notified of the whereabouts of his property and when the said property was delivered or mailed to the owner. When property is delivered to the owner, he shall sign for the receipt of the property in the Property Book.

Sec. 13 Area Property Book "TWO": Shall be utilized to record all property that is not evidence and which is not recorded in Property Book One. Each entry shall be recorded on a separate page with the C.C. number of the Incident. Each page shall be numbered in sequence. A white property tag shall be attached to each item and the tag shall contain the incident C.C. number and the page number of the Property Book Two where the property has been recorded.

Sec. 14 Area Unit Property Officer: Shall maintain the Area Property Room in an orderly condition and ensure that all evidence is tagged with red tags and all other property tagged

with white tags. He shall secure no property until after ascertaining that it is tagged, that the tag is properly made out with a C.C. number and Property Book reference indicating where the property is recorded.

The Area Property Officer shall at least once a month, take an inventory of the contents of the Property Room and shall notify the Department Property Clerk of all property which has been in custody for more than 60 days.

The Area Property Officer shall notify the Department Property Clerk whenever perishable or worthless property is taken into custody so that it may be disposed of.

Sec. 15 The Department Property Clerk: Or his designee, is alone empowered to dispose of perishable or worthless property. When such disposition is made, the Department Property Clerk or his designee, shall sign the appropriate page(s) of the Area Property Book where such property is recorded, signifying that such disposition was authorized and shall record the date of the authorization.

Sec. 16 Gasoline Powered Vehicles and Equipment: Which come into the custody of the Police Department as lost, stolen or abandoned property, shall not be stored in an Area Station House until the gasoline has been drained from the vehicle or the equipment.

Sec. 17 Release of Recovered Stolen Property: If stolen property is recovered and it is evidence essential to the prosecution of the case involved which needs processing or other analysis, it shall be collected and held as evidence until the person in charge of the prosecution, or the court, determines that it can be returned to the owner.

However, when the following conditions occur, the investigating officers shall be guided by the instructions of their Commanding Officer who may determine that all or part of the property may be returned to the owner after it has been identified, photographed and processed at the scene.

A. Property which is perishable.

B. Property which would be impractical for the police to move or which would create a storage problem.

When such property is released to the owner or victim at the scene or elsewhere, it shall be the responsibility of the investigating officer(s) to obtain a signed receipt for all property returned. The receipt from the owner shall be stapled to the current page of the Area Receipt Book. The Incident Reports of the case shall mention the disposition of all property so released.

Sec. 18 Release of Property in Police Custody: By virtue of their office, Commanding Officers may deliver lost, stolen or abandoned property in their custody to the owner. They shall

procure a receipt from the person to whom they deliver the property and the receipt shall be stapled into the Area Receipt Book.

If the property has been listed in an Area Evidence or Property Book the recipient of the property shall sign that book.

Sec. 19 Valuable Property Transferred to the Chief Clerk of the Department: Money or other valuable property, especially evidence in a criminal proceeding, may be delivered to the office of the Chief Clerk of the Department, pending final disposition of the case or until a stipulation has been agreed upon by the prosecution and defense counsel as to the disposition of the property.

Sec. 20 Delivery of Property in Custody to the Department Property Clerk: Each Area/Unit Property Officer shall inform the Department Property Clerk, at least once a month, of lost, abandoned or unclaimed stolen property which has been in his custody for sixty days. The property Officer shall indicate which property is stolen and not held as evidence, for the information of the Department Property Clerk, on Department Form #99.

The Property Officer shall ensure that all transfers of property from the Property Room are recorded in the Area Property Books.

Sec. 21 Disposition of Property by the Department Property Clerk: The Department Property Clerk shall be guided by the provisions of the General Laws, Chapters No. 134 and 135, when disposing of property in his possession.

All officers should be aware that pursuant to Chapter 134 of the G.L., certain found property may be claimed by the finder after one year if the owner has not claimed it.

Sec. 22 Doubtful Ownership of Property: Whenever any property in the custody of any member of the Department, by virtue of his office, becomes the subject of controversy or doubts as to the rightful ownership, such property shall not be delivered to any person until the Department Legal Advisor has reviewed the matter and rendered his opinion, and the Police Commissioner has ordered such delivery, in writing; or by order of a court.

Sec. 23 Inspection of Property Rooms and Property Books: Officers of the Staff Inspection Division shall make periodic inspections of all Department Property Rooms and of Evidence and Property Record Books to ensure that all of the provisions of the Department Rule are being complied with.

NOTE: Rule No. 309, promulgated November 6, 1979, was amended in August, 1982. The Rule was rewritten and extensive changes made in the procedure for handling property. Also, the use of Area Evidence Records, Department Form #2080 and Area Lost and Found Property Records, Forms #2073 and #2074, was instituted.



### Addendum 1

Boston Police Evidence Control Unit Standard Operating Procedure (See attachment).

Appendix B State Lab Sample Submission Procedure (See attachment).

#### Notes:

- Amended by SO 08-002, issued January 4, 2008, adding Addendum 1.
- Amended by SO 08-034, issued 09/12/2008, all references to the “Ballistics” or “Ballistics Unit” shall be amended to Firearms Analysis Unit. All references to the “Ballistician” or the “Department Ballistician” shall be amended to the Firearms Examiner. Section 5.

## Rules and Procedures

### Rule 309A

May 8, 2006

#### Rule 309A - Handling and Disposition of Seized Money

In conformance with Rule 112, Sec. 2, Special Order 92-16, Handling and Disposition of Seized Money, dated April 15, 1992, is hereby incorporated as Rule 309A. The provisions of this Rule are effective immediately and all previously issued Rules, Orders, Memorandums and Directives on this subject are hereby rescinded and replaced by its provisions.

#### PURPOSE:

To ensure the proper handling, documentation and disposition of all U. S. Currency coming into the possession or custody of personnel during the course of their duties.

#### Sec. 1 EVIDENCE AND NON-DRUG FORFEITURE PROCEDURES

Whenever a member of the Department comes into the possession or custody of U.S. currency seized pursuant to any action that does not come under the terms of M.G.L. c. 94C, section 47, a Seized Money Form ([BPD #2292A](#)) will be completed and such money will be delivered to the Central Cashier's Unit, Bureau of Administration and Technology, in accordance with established procedure, and held there for safekeeping.

Note: A Seized Money Form ([BPD #2292A](#)) will be completed for each defendant from whom money was seized.

#### Sec. 2 DRUG FORFEITURE PROCEDURES

Whenever a member of this department comes into possession or custody of U.S. currency seized pursuant to the terms of M.G.L. c. 94C, section 47, his/her District or Unit Commanding Officer will ensure that the officer involved completes a Seized Money Form ([BPD #2292B](#)). The seized money will be counted by the officer in the presence of a superior officer, both of whom will sign the Seized Money Form to verify the amount enclosed.

The Seized Money Form ([BPD #2292B](#)) will consist of an original and three (3) copies to be routed as follows:

- § A copy to be retained by the officer who initiated the Seized Money Form
- § A copy to be filed at the district where the seizure was made
- § The original and one copy to accompany the seized money to the Financial Evidence Officer, Drug Control Unit.

The seized money, a copy of the 1.1 incident report, and the original and one copy of the Seized Money Form will be placed in a plastic evidence bag and heat sealed.

Personnel shall comply with all existing procedures as set forth in Department Rule 309, Procedures For Handling Physical Evidence and Other Property Coming Into Police Custody, and Department Rule 318, Prisoners.

Note: A Seized Money Form (BPD #2292B) will be completed for each defendant from whom money was seized.

### Sec. 3 DELIVERY PROCEDURES

All officers, on a twenty-four (24) hour basis, will have delivery access to a drop safe located at Boston Police Headquarters, 1 Schroeder Plaza, Main Lobby. The officer depositing the heat sealed money package will make an entry in a control log (BPD Form #2577) that will be in the custody of the officer on duty at the main desk. The depositing officer will enter the following information on the control log:

- § Time and date of delivery
- § CC#
- § Printed name and signature of the officer making the deposit
- § I.D.# and Unit of the officer making the deposit.

The officer making the delivery will then deposit the heat sealed money package into the drop safe.

### Sec. 4 FINANCIAL EVIDENCE OFFICER, DRUG CONTROL UNIT

The Financial Evidence Officer will retrieve the money package from the safe deposit box. The Financial Evidence Officer will unseal the money package in the presence of a superior officer and both will verify the amount deposited by signing the Seized Money Form. The signed original of the Seized Money Form will then be placed in the Financial Evidence Unit files and the signed copy of the Seized Money Form will be returned to the originating District/Unit.

If a discrepancy in the amount is noted, the Financial Evidence Officer will submit a Form #26 report to the Commanding Officer of the Drug Control Unit immediately upon discovery. The Commanding Officer of the Drug Control Unit will notify the Commanding Officer of the District/Unit involved as soon as practicable. If the discrepancy cannot be resolved within the District/Units involved, the Drug Control Unit Commander will forward all information concerning the discrepancy to the Chief, Bureau of Investigative Services and the Chief, Bureau of Professional Standards and Development.

### Sec. 5 DISPOSITION

The Financial Evidence Officer will deposit the money in the Boston Police Department Special Drug Evidence Account. The officer assigned to the case will bring his copy of the Seized Money Form, signed by the Financial Evidence Officer, to any court appearance. Any additional requests from the Court will be referred to the Financial Evidence Officer for compliance.

The District Attorney's Office will forward to the Financial Evidence Officer all orders of judgment issued by the court in matters of final disposition of seized money and awarding of said money or a portion thereof to the Boston Police Department. The Financial Evidence Officer will ensure delivery of said documentation to the Chief, Bureau of Investigative Services and to the Drug Evidence Account Administrator at City Hall. The Drug Evidence Account Administrator will deliver the respective forfeiture amounts to the City Treasury Trust Office for deposit into the Law Enforcement Trust Fund. The Drug Evidence Account Administrator will also distribute so ordered forfeiture proceeds to the Suffolk County District Attorney's Office.

The Chief, Bureau of Investigative Services or his designee will provide any required documentation to the Bureau of Administration and Technology's Finance Division.

Kathleen M. O'Toole  
Police Commissioner

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 4.

## Rules and Procedures

### Rule 310

July 24, 1997

### Rule 310 - SAFEGUARDING, DISPOSITION AND DESTRUCTION OF DRUGS UNDER THE CONTROLLED SUBSTANCES LAW

This rule is issued to establish Department policy for the safeguarding, disposition of and/or destruction of controlled substances required under [M.G.L. c. 94C](#).

#### Sec. 1 General Considerations

Department personnel must be especially vigilant in their attention to the details to be followed by this rule for the handling of controlled substances in order to ensure:

- the continuity of evidence for the successful prosecution of cases in which such substances are evidence; and
- compliance with [M.G.L. c. 94C](#), especially concerning the destruction of such substances.

This rule constitutes the policy of the Boston Police Department and no other procedure will be utilized with regard to drug seizures. All officers will act in accordance with this rule, and under no circumstances shall any officer deviate from it.

#### Sec. 2 Excerpts of Relevant Law

##### Chapter 94C

Section 47(e): Any officer, department, or agency having custody of any property subject to forfeiture under this chapter or having disposed of said property shall keep and maintain full and complete records showing from whom it received said property, under what authority it held or received or disposed of said property, to whom it delivered said property, the date and manner of destruction or disposition of said property and the exact kinds, quantities and forms of said property. Said records shall be open to inspection by all federal and state officers charged with enforcement of federal and state drug control laws. Persons making final disposition or destruction of said property under court order shall report, under oath, to the court the exact circumstances of said disposition or destruction.

Section 47A: The Police Commissioner, Chief Superintendent or other officer or board at the head of each police department in the Commonwealth shall appoint a police officer to act as custodian of all controlled substances and narcotic drugs seized in the course of any arrest or investigation. Such custodian shall be designated as the "evidence officer".

### Sec. 3 Drug Evidence Officer

The Commander of the Central Drug Depository Unit is hereby designated the "Evidence Officer".

### Sec. 4 Definitions

Central Drug Depository - The secure repository for all drugs seized by Boston police officers or special officers licensed by the Police Commissioner.

Court Order of Destruction - A document signed by authorized court personnel ordering that drug evidence be disposed of by the Department of Public Health, State Laboratory Institute.

Court Storage Safe - A secure combination safe for the purpose of storing drugs delivered from the Central Drug Depository to the courts.

Discrepancy - A drug evidence item that is missing or recorded incorrectly after a thorough examination, or an incident involving altered packaging of drug evidence.

District Drug Storage Safe - A secure safe for the purpose of temporarily storing seized drugs until they are retrieved by Central Drug Depository personnel.

Drug Destruction Officer - An officer, designated from time to time by the Central Drug Depository Commander, to assist in the process of delivering drug evidence to the Department of Public Health, State Laboratory Institute for destruction.

### Sec. 5 Department Forms

Certificate of Destruction (BPD Form 1744) - Description of evidence completed by the Drug Destruction Officer and presented to the Department of Public Health, State Laboratory Institute at the time of destruction.

Drug Receipt (BPD Form 1753) - Details the actual contents of the seizure.

Drug Control Log Book (BPD Form 2015) - Permanent District record of the arrest and seizure information.

Drug Depository Form (BPD Form 2338) - Case summary sheet.

Court Custody Log (BPD Form 2601) - Chain of custody of drug evidence within the court system.

Drug Transport Log (BPD Form 2651) - Record of drug evidence picked up and/or delivered by Central Drug Depository personnel.

## Sec. 6 Central Drug Depository Pickup and Delivery

Central Drug Depository personnel shall make deliveries and pickups, Monday through Friday, except holidays, or when otherwise authorized by the Commander of the Central Drug Depository. All pickups and deliveries shall be done in a Department vehicle and no items will be left unattended during this procedure. Officers assigned to the Central Drug Depository shall make deliveries and/or pickups to and from the Department of Public Health, State Laboratory Institute. They shall acquire the analysis numbers for each new item delivered to the laboratory at the time of the delivery.

### PHASE 1. – District Logging

Sec. 7 Whenever a police officer or a special officer licensed by the Police Commissioner comes into possession of a controlled substance, paraphernalia that requires residue analysis, or needles and syringes being held as evidence in a criminal case, they shall immediately deliver those substances to the Duty Supervisor of the District of occurrence where the seizure took place. In the event a seizure occurs outside of the City of Boston, seized items shall be delivered to the Duty Supervisor of the District where the investigation originated.

Sec. 8 In any instance, an incident report (BPD Form 1.1) describing the seizure shall be submitted.

As with all seizures, probable cause and undercover purchases of controlled substances will be documented by completing an incident report (BPD Form 1.1). However, because the recording of specific information relative to any purchase of controlled substances prior to the investigation's conclusion may hinder investigative efforts and jeopardize the safety of undercover officers and confidential informants, information provided on such incident reports will be recorded as follows:

- The location of all probable cause and undercover purchases conducted in furtherance of an investigation will be protected by entering the address of the District Station for the District of occurrence of the seizure instead of the actual address where the probable cause or undercover purchase was made;
- No time pertaining to the seizure will be specified on the incident report; and
- Details pertaining to the probable cause or undercover purchase, including the date of the purchase and the location where the purchase occurred, will be documented on BPD Form 2494, Request for Funds.

All other paraphernalia shall be handled the same as non-drug related evidence. Controlled substances shall only be stored in the authorized District Drug Storage Safe, or at the Central Drug Depository, unless the case is being heard in court and the controlled substances have been delivered to the Supervisor of Cases at the involved court.

Sec. 9 The Central Drug Depository only accepts items that fall in one of the following three categories:

- Suspected controlled substances delineated in M.G.L. c. 94C;
- Paraphernalia that requires residue analysis; and
- Needles and syringes, with or without residue, that are held for evidentiary purposes.

In order to provide for the safe disposal of hypodermic needles or syringes, which are not needed as evidence in a criminal case, the Boston Public Health Commission, Emergency Medical Services (E.M.S.) supplies Hazardous Waste Disposal Containers to all Districts. Any such hypodermic needles or syringes that come into the possession of a member of this Department, will be disposed of only by depositing them in an approved Hazardous Waste Disposal Container.

Whenever a Hazardous Waste Disposal Container becomes full or begins to emit an unpleasant odor, the Duty Supervisor shall contact an E.M.S. Supervisor to arrange for the container to be removed and replaced with a new one.

Needles and syringes being held for evidentiary purposes, any related paraphernalia that require residue analysis and all suspected controlled substances must be placed in drug envelopes, in accordance with the following procedure:

All controlled substances or paraphernalia submitted must be in a heat-sealed plastic bag, initialed along the seal, before they are placed in the State Laboratory envelope according to category. Prior to being placed in a heat-sealed plastic bag, needles and syringes being held for evidentiary purposes must first be placed in a special canister supplied by the Central Drug Depository.

All controlled substances shall be separated by the following categories, each requiring a separate heat-sealed plastic bag:

- Powders (cocaine, crack, heroin, etc.)
- Vegetable matter (marijuana, hash, etc.)
- Pills, tablets, capsules, liquids, glues, etc.

Each category of drugs must then be placed in a separate State Laboratory envelope, also supplied by the Central Drug Depository. These envelopes shall contain the following paperwork:

- Original Drug Receipt (BPD Form 1753) with a notation of the book and page number from the Drug Control Log Book (BPD Form 2015);



- Copy of the Incident Report (BPD Form 1.1); and
- Original Drug Depository Form (BPD Form 2338).

On each of the State Laboratory envelopes, the following information shall be entered:

- Name of the arresting officer;
- Name of the defendant;
- Court of jurisdiction;
- Incident report number; and
- Book and page number from the Drug Control Log Book.

If an incident produces more than one (1) category of items, the above listed paperwork shall be placed in the first of the sequence of the State Laboratory envelopes (e.g., envelope # 1 of 3), and marked as such. Multiple State Laboratory envelopes resulting from one incident shall then be placed in the large envelopes supplied by the Central Drug Depository.

If these steps are not complied with, evidence will not be accepted by Central Drug Depository personnel.

Sec. 10 The Drug Storage Safes have been provided for each District station to ensure a secure facility for the safekeeping of controlled substances. District Commanders shall ensure that these procedures are complied with and that all controlled substances are safely kept and suitably recorded until retrieved by officers of the Central Drug Depository in accordance with this Rule. Every District Commander shall ensure that all controlled substances held for evidence or otherwise, are safely retained in the Drug Storage Safes, under the immediate care and control of the Duty Supervisor. District Commanders shall ensure that a sufficient number of Drug Control Log Books (BPD Form 2015) are available at their respective District.

Note: A poster, supplied by the Drug Control Division, which contains the fax and telephone numbers for the Central Drug Depository shall be posted in conspicuous places at the District stations.

Sec. 11 The Duty Supervisor shall be held responsible for ensuring that all controlled substances, needles and syringes being held for evidentiary purposes or related paraphernalia that require residue analysis which come into the possession of any police officer on their District during their tour of duty, are properly stored within a Drug Storage Safe and that the proper entries are recorded. In the event that the evidence is too large to place in the Drug Storage Safe, it shall be the responsibility of the Duty Supervisor to secure it, preferably in the District Evidence Locker, and to record such in the Drug Control Log Book.

The Duty Supervisor shall review all incident reports submitted for their signature in order to ensure that all controlled substances or related paraphernalia brought in as evidence or otherwise, are properly recorded in the Drug Control Log Book at their respective District, prior to signing the incident report. When Central Drug Depository personnel come to make a pickup, the Duty Supervisor shall ensure that the Depository personnel sign the Drug Control Log Book confirming that they have taken possession of the items listed.

Sec. 12 All Districts shall maintain a record, the Drug Control Log Book, containing the following information which shall be entered immediately by the Duty Supervisor of the District of occurrence where the seizure took place (or where the investigation originated, if the seizure occurred outside the City of Boston):

- Date the evidence was received or seized;
- Incident report number;
- Name of the first officer coming into possession of the controlled substance (usually the arresting officer);
- Name of the person from whom the controlled substance was received or seized (unless the seizure was the result of a probable cause or undercover purchase in furtherance of an investigation; if applicable, signify probable cause or undercover buy);
- Location of the arrest or seizure (unless the seizure was the result of a probable cause or undercover purchase in furtherance of an investigation; if applicable, the location of the seizure shall be recorded using the address of the station house for the District of occurrence where the seizure took place, or where the investigation originated, if the seizure occurred outside the City of Boston);
- Under what authority the controlled substance was seized (e.g., arrest warrant, search warrant, arrest without warrant, probable cause buy, undercover buy, etc.);
- Suspected type of drug, number of containers, and description (e.g., four paper folds with white powder);
- Date the entry is being made;
- Duty Supervisor's signature and identification number, indicating the accuracy of the information and that they have secured the seizure;
- Delivering officer's signature and identification number, indicating the accuracy of the information; and

- When applicable, the signature and identification number of the Central Drug Depository personnel picking up the drugs from the District, indicating that an intact seizure has been accepted by the Depository personnel.

## PHASE 2. – District Pickup

Sec. 13 Personnel of the Central Drug Depository, while making pickups, shall:

- Report to the Duty Supervisor whenever making a pickup at the respective District;
- Unlock and re-lock the safe for the removal of stored evidence;
- Sign the Drug Control Log Book confirming that they have taken possession of the items recorded;
- Enter all analysis numbers and Central Drug Depository numbers, from previous pickups, in the Drug Control Log Book, on the respective pages; and
- Maintain the Drug Transport Log.

Sec. 14 Whenever Central Drug Depository personnel make a pickup, it shall be the responsibility of the Duty Supervisor to fill out the Drug Control Log Book on each effected page with the following information:

- Date of the pickup;
- Name of the Depository officer;
- Duty Supervisor's identification number;
- Duty Supervisor's signature, indicating that custody of the seizure has been yielded to the Central Drug Depository; and
- After the above information has been completed, the Central Drug Depository person making the pickup shall also place their signature in the Drug Control Log Book, acknowledging receipt of the seizure.

Sec. 15 Central Drug Depository personnel making pickups shall maintain a record of all seizures transported on the Drug Transport Log. The log shall contain the incident report number of the seizure, the number of envelopes involved in the seizure, the origin and destination of the seizure, the signatures of the person delivering the seizure, the person receiving the seizure, and the signature of the Supervisor at the Central Drug Depository verifying the total number of seizures transported.

Sec. 16 Whenever a discrepancy is discovered, the Duty Supervisor shall immediately notify the District Commander, the Central Drug Depository Commander, the Drug Control Division Commander, and the Internal Affairs Division Commander. The Duty Supervisor shall submit a written report (BPD Form 26) to the District Commander prior to the end of the tour of duty. The District Commander shall forward all such reports upward through the chain of command, to the Chief, Bureau of Field Services who shall forward a copy of all such reports to the Internal Affairs Division Commander. The Internal Affairs Division shall conduct an immediate investigation.

Central Drug Depository personnel involved in the making of pickups where a discrepancy is noted shall each submit a separate written report (BPD Form 26) to the Central Drug Depository Commander prior to the end of the tour of duty. Central Drug Depository personnel shall make a note of the discrepancy in the Drug Control Log Book prior to signing. The Central Drug Depository Commander shall forward all such reports upward through the chain of command, to the Chief, Bureau of Investigative Services who shall forward a copy of all such reports to the Internal Affairs Division Commander.

Sec. 17 The personnel at the Central Drug Depository Unit shall make the appropriate entries into the Depository database, thereby generating a Central Drug Depository case number and label for each case. The labels shall then be attached to the State Laboratory envelope and the Central Drug Depository envelope. The Central Drug Depository case number shall also be recorded on the Drug Receipt (BPD Form 1753).

PHASE 3. – Court Procedures

Sec. 18 Central Drug Depository personnel shall make deliveries and pickups of drug evidence to and from the Supervisor of Cases at the various courts on a daily basis, Monday through Friday, except holidays. Only the Supervisor of Cases or their designee will have the combination to the Court Storage Safe. The Drugs shall be disbursed to the testifying officers as needed for testimony and shall be returned to the safe by the Supervisor of Cases for retrieval by Central Drug Depository personnel. The safe shall never be left unlocked between individual disbursements of evidence to the testifying officers. The combination will be changed on a yearly basis and the Supervisor of Cases shall submit periodic reports naming the designees who know that combination at the request of and to the Central Drug Depository Commander.

The courts being serviced are:

Suffolk Superior Court	Charlestown District Court
Boston Municipal Court	East Boston District Court
Brighton District Court	Dorchester District Court
Roxbury District Court	South Boston District Court

## West Roxbury District Court

NOTE: Drug evidence for the Boston Juvenile Court will be delivered to the Supervisor of Cases in Boston Municipal Court.

Sec. 19 It shall be the responsibility of the officer who will be testifying in a case involving drug evidence to notify the Central Drug Depository as soon as possible after they are notified to appear in court and prior to the court date, if possible, to arrange for the delivery.

The Court Storage Safes in the offices of the Supervisor of Cases are adequate for nearly all deliveries. However, in cases that involve large quantities or where it is not feasible to deliver, the testifying officer shall contact the Central Drug Depository for further instructions. This contact should be made after notification to appear in court has been made, and prior to the court date, if possible, to arrange for the delivery.

Officers receiving notification to appear in Federal Court, or any other court or agency not being serviced by the delivery system, shall inform the Central Drug Depository at least twenty-four (24) hours prior to the scheduled appearances (weekends excluded). Appropriate arrangements for the delivery and pick-up of the drug evidence will be made by the Central Drug Depository. Officers shall follow the instructions of the Depository personnel relative to the pick-up and delivery of the drug evidence.

Sec. 20 The Central Drug Depository can be reached by fax or by phone. Phone calls can be received twenty-four (24) hours a day by means of an answering machine. All communication with the Central Drug Depository shall include the following information:

- Central Drug Depository case number (e.g., 92-6500);
- Defendant's name;
- Incident report number;
- Date scheduled to appear in court; and
- Court.

Sec. 21 At the conclusion of each day of the officer's testimony, the officer shall deliver the drug evidence to the Supervisor of Cases for deposit in the Court Storage Safe.

The officer shall fill in the following information on the labels affixed to the drug envelope:

- Continuance date;
- Court;

- Name of the judge;
- Name of prosecuting attorney;
- Name of the defense attorney;
- Disposition of the case; and
- Whether or not (yes or no) a court order of destruction has been issued.

The supervisor receiving the drug evidence from the testifying officer shall ensure compliance with this Rule. Central Drug Depository personnel shall retrieve the drug evidence on a daily basis from the courts.

Sec. 22 In the event that the trial is still in progress beyond the time of the retrieval by the Depository personnel, the testifying officer shall bring the drug evidence to the station house of the District in which the court is located, and deliver it to the Duty Supervisor, to be placed in the Drug Storage Safe and logged in the Drug Control Log Book. It shall be the responsibility of the testifying officer to document that delivery in a written report (BPD Form 26) addressed to the Central Drug Depository Commander. This report shall be submitted through the Supervisor of Cases to be forwarded to the Central Drug Depository. If the drug evidence is needed in court the following day, it is the responsibility of the testifying officer to fax a copy of the written report (BPD Form 26) to the Central Drug Depository and include the District station in which the drugs were deposited.

In the event that the Supervisor of Cases, or their designee, discover that there is drug evidence remaining at the end of the day that was not retrieved by the Depository personnel, they shall bring the drug evidence to the station house of the District in which the court is located, and deliver it to the Duty Supervisor, to be placed in the Drug Storage Safe and logged in the Drug Control Log Book.

The evidence shall be retrieved by Central Drug Depository personnel at the next scheduled pickup.

Sec. 23 In no instance will the drug evidence be left in court overnight unless it is held as evidence by the presiding judge and/or the clerk magistrate assisting the presiding judge. In the event that the court holds the drug evidence, it shall be the responsibility of the testifying officer to document such in a written report (BPD Form 26) addressed to the Central Drug Depository Commander. If such person holds the drug evidence, the testifying officer shall immediately send a copy of the written report (BPD Form 26) via fax to the Central Drug Depository. This report shall be submitted through the Supervisor of Cases to be forwarded to the Central Drug Depository. Under no circumstances is drug evidence to be left in the custody of any other person, including any prosecuting attorneys.

In the event that the court intends to hold the drug evidence for a protracted period of time due to an appeal or the defendant being held in default, the testifying officer must include that in the report. It shall be the responsibility of the Central Drug Depository Commander to periodically review these cases and to have the drug evidence picked-up when they are released by the court.

Sec. 24 In the event that the court orders the breaking of the seal on the drug evidence, it shall be the responsibility of the testifying officer to document that order in a written report (BPD Form 26) addressed to the Central Drug Depository Commander. This report shall be submitted through the Supervisor of Cases along with the drug evidence to be forwarded to the Central Drug Depository.

Sec. 25 At the conclusion of any case in which a controlled substance has been presented into evidence, the officer concerned with the case shall not leave the court without requesting, through the prosecuting attorney, an order from the court for destruction of the controlled substance, provided the court has not made some other disposition. Any officer who receives a destruction order from a court shall submit such order, including both the incident report number and the Central Drug Depository case number, through the Supervisor of Cases to be forwarded to the Central Drug Depository.

Sec. 26 The Court Custody Log has been devised to control the sequence of possession after drugs are delivered to the court. The Supervisor of Cases will receive an original Court Custody Log, on which is listed the Central Drug Depository number for each case delivered by the Central Drug Depository personnel, who shall retain a copy. The Supervisor of Cases shall ensure that all entries are complete for each case.

#### PHASE 4. – Destruction

Sec. 27 All suspected controlled substances, needles and syringes and/or paraphernalia which are in the possession of the Central Drug Depository and for which no prosecution is to be made shall be submitted for analysis to the Department of Public Health, State Laboratory Institute prior to destruction.

Sec. 28 When a case is continued without a finding or held in default, the evidence shall be retained until the end of the continuance. All other controlled substances which have been held as evidence after the case is disposed of shall be destroyed as described below. Periodically, at the discretion of the Central Drug Depository Commander, a petition may be made to the courts for a remedy to purge old cases.

Sec. 29 The Central Drug Depository Commander shall be responsible for and make all necessary arrangements for the transportation of drug evidence to be destroyed. When necessary, the Central Drug Depository Commander shall have the authority to designate any member of their unit as the Drug Destruction Officer.

Sec. 30 If the original certificate of analysis has been lost or misplaced it shall be the responsibility of Central Drug Depository Commander to obtain a duplicate certificate from the Department of Public Health, State Laboratory Institute. The Drug Destruction Officer delivering the drugs shall obtain a detailed, itemized receipt with the destruction number from the Department of Public Health, State Laboratory Institute. The Central Drug Depository Commander shall retain the original receipt at the Central Drug Depository.

Sec. 31 The Central Drug Depository shall maintain drug destruction records in which entry shall be made of the submitting officer's name and employee identification number and receiving officer's name and employee identification number, together with the Department of Public Health, State Laboratory Institute analysis number. Such destruction number shall be stamped upon the receipt, the certificate of analysis and the certificate of destruction. All drug evidence turned in to the Central Drug Depository shall be securely maintained by the Central Drug Depository Commander until destroyed.

Sec. 32 No controlled substances and/or paraphernalia will be presented by the Central Drug Depository for destruction without the certificate of analysis. The certificate of analysis number must be the same as the one supplied by the Department of Public Health, State Laboratory Institute.

Sec. 33 All drug evidence to be destroyed must be in the original sealed plastic container in which it was placed after being analyzed by the Department of Public Health, State Laboratory Institute. Opened, damaged, or unsealed containers will not be accepted for destruction unless accompanied by proper documentation. If any opened, damaged, or unsealed container is presented for destruction, the Central Drug Depository Commander, the Drug Control Division Commander and the Internal Affairs Division Commander shall be notified immediately. In such cases, the Drug Destruction Officer shall submit a written report (BPD Form 26) to the Central Drug Depository Commander prior to the end of the tour of duty. The Central Drug Depository Commander shall forward all such reports, upward through the chain of command, to the Chief, Bureau of Investigative Services who shall forward a copy of all such reports to the Internal Affairs Division Commander. The Internal Affairs Division shall conduct an immediate investigation.

Sec. 34 All controlled substances and/or paraphernalia to be destroyed must be incinerated and reduced to ashes. All such drug evidence in the custody of this Department shall be transported by the Central Drug Depository personnel to the incinerator of the Department of Public Health, State Laboratory Institute to be destroyed. All drug evidence shall be examined and records verified by a Deputy Superintendent or a Captain designated by the Chief of the Bureau of Field Services, in the presence of the Central Drug Depository Commander, the Drug Destruction Officer and two members of the Department of Public Health, State Laboratory Institute. They shall check all drug evidence against the records of the Department of Public Health, State Laboratory Institute before destruction.



In the event that a discrepancy is discovered, the Drug Control Division Commander and the Internal Affairs Division Commander shall immediately be notified. In such cases, the Central Drug Depository Commander shall submit a written report (BPD Form 26), upward through the chain of command, to the Chief, Bureau of Investigative Services, prior to the end of the tour of duty. The Internal Affairs Division shall conduct an immediate investigation.

Sec. 35 The names of all such officers and officials and all relevant circumstances involved in the disposition and destruction of controlled substances or other paraphernalia shall be maintained in the records of the Central Drug Depository.

Sec. 36 After any controlled substance and/or paraphernalia have been destroyed, in accordance with this Rule, the designated Deputy Superintendent or Captain at the site shall sign a Certificate of Destruction which shall contain an itemized list of all materials destroyed. The certificate shall then be signed by two members of the Department of Public Health, State Laboratory Institute who are present. The Central Drug Depository Commander shall make the following distributions of the certificate:

- Each original certificate shall be retained;
- Deliver one copy to the Department of Public Health, State Laboratory Institute; and, if applicable
- Deliver one copy to the court having jurisdiction of the case in which such destroyed evidence was concerned.

After a destruction is completed, the Central Drug Depository Commander shall submit a written report, upward through the chain of command, to the Chief, Bureau of Investigative Services stating the number of cases destroyed.

#### PHASE 5. – Audit

Sec. 37. The Auditing and Review Division shall conduct an audit of randomly selected drug evidence items at the Evidence Control Unit at least once each quarter. The date of these audits shall be determined by the Chief of the Bureau of Professional Standards and Development. In the event that a discrepancy is discovered, the Evidence & Supply Division Commander and the Internal Affairs Division Commander shall be immediately notified. The Internal Affairs Division shall launch an immediate investigation.

#### Addendum 1

- [Boston Police Evidence Control Unit Standard Operating Procedure \(See attachment\).](#)
- [Appendix B State Lab Sample Submission Procedure \(See attachment\).](#)

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 37.
- Amended by SO 08-001, issued January 4, 2008, replaced Section 37; SO 08-002, issued January 4, 2008, adding Addendum 1

## **Rules and Procedures**

### **Rule 311**

**July 24, 2001**

#### **Rule 311 - PROCEDURES FOR HANDLING FIREARMS EVIDENCE**

This rule is re-issued to establish the Department policy and procedure for safeguarding, disposal of, and/or destruction of firearms and ammunition that come into Department custody. It is effective immediately, superseding all previously issued rules, orders, bulletins and other directives concerning evidence and custody.

Sec. 1 General Considerations: Department personnel shall be especially vigilant in their attention to the details of the procedures established by this rule for the handling of firearms. The purpose of this rule is to:

1.1 Insure the continuity of evidence for the prosecution of cases in which firearms or ballistic evidence is involved.

1.2 Insure that every firearm discharged by a member of this Department, except when in training or practice, is examined by a Firearms Analysis Examiner Unit Firearms Toolmark Examiner (FTE); and

1.3 Insure proper control of all firearms coming into the possession of Department personnel for any reason.

Sec. 2 Definitions: For the purposes of this rule, the word "firearm" shall mean "firearm" as defined in G.L. c. 140 § 121 (including pistols, firearms, certain shotguns, air pistols and machine guns), as well as any instrument capable of discharging a bullet or shot or toy-guns, replicas or starter's pistols.

For the purpose of this rule, "ammunition" shall include cartridges or cartridge cases, primers, bullets or propellant powder designed for use in any firearm, rifle or shotgun. Ammunition shall not include chemical mace, pepper spray or other such aerosol propellant designed to temporarily disable.

Sec. 3 Firearms Coming into the Possession of Police Officers: Whenever a firearm comes into the possession of a police officer, the officer shall complete an Incident Report, a Firearm Submission Form (BPD Form 2419), and the Firearms Analysis Examiner Unit Control Log. A description of the firearm (including serial number) and any ammunition recovered, as well as notice of whether the person found in possession of the firearm is licensed to carry a firearm under G.L. c. 140 § 131 or possesses a Firearms Identification Card under G.L. c 140 § 129B, shall be included in the Incident Report whenever such information shall not jeopardize an

investigation. In addition, the Duty Supervisor or designated superior officer shall record the firearm recovery in the District/Unit Firearms Control Log.

Officers shall handle all firearms and ammunition in a safe manner, being mindful that all recovered firearms, magazines and ammunition are processed for fingerprint evidence. The Duty Supervisor or designated Superior Officer shall secure the firearm in the gun locker at the district of occurrence. An officer designated by the day tour Duty Supervisor shall deliver the firearm, along with a copy of the Incident Report to the Firearms Analysis Examiner Unit. Under no circumstances shall a firearm or other ballistic evidence be released to an outside agency until the Firearms Analysis Examiner Unit has examined it. Once the Firearms Analysis Examiner Unit has examined the evidence, it may be released to an outside agency for examination only by a court order, order of the Police Commissioner, or order of the Commander of the Firearms Analysis Examiner Unit.

In all incidents involving a firearm in the City of Boston, the Duty Supervisor or designated superior officer shall forward a copy of the Incident Report to the Commander, Licensing Unit. The Duty Supervisor shall also forward all License to Carry Firearms and Firearm Identification Cards that come into the possession of the Department to the Commander, Licensing Unit. The Commander, Licensing Unit shall review the circumstances regarding the firearm incident and take necessary action available under the law regarding the status of the license. If the license is issued outside the City of Boston, the Commander, Licensing Unit shall forward the license and supporting documentation to the appropriate licensing authority.

Sec. 4 Receipt of Firearms Discharged by Department Personnel: Upon receipt of a Department issued firearm, or personal firearm that has been discharged by a police officer in any such circumstances outlined in Rule 303, §§ 10 and 11, the Firearms Analysis Examiner Unit FTE shall retain the firearm for test purposes. If no person or property has been struck as a result of a discharge, the FTE shall immediately test-fire the firearm and retain one or more bullets for comparison purposes.

If a person has been struck or property damaged as a result of a discharge, the Firearms Analysis Examiner Unit FTE shall retain the firearm as long as necessary to complete the investigation(s). All firearms shall be retained by the Firearms Analysis Examiner Unit until such time as the Police Commissioner authorizes, in writing, that the firearm may be returned to the officer. After completion of the investigation(s) the firearm shall be returned as soon as possible to the officer involved in the discharge. When appropriate, a different firearm shall be issued to the officer and the records shall be so amended. The department Range Master or designee will issue and maintain all department firearms. When appropriate, the department Range Master or designee shall temporarily issue a spare firearm. Whenever a spare firearm is issued, a receipt shall be obtained and a proper entry made in the gun locker inventory book. Any firearm, including a police officer's, that is temporarily stored in the gun locker, shall be clearly identified by a tag.

Sec. 5 Firearm Examination: The Firearms Analysis Examiner Unit shall be responsible for examining all firearms and ammunition that come into the custody of the Boston Police Department. All firearms received by the Firearms Analysis Examiner Unit shall be entered into the National Crime Information Center (NCIC), for record purposes and query. All firearms received by the Firearms Analysis Examiner Unit shall be test fired, and all cartridge cases and projectiles shall be submitted for examination and the results shall be logged into appropriate computerized systems (e.g., IBIS and Drugfire).

Sec. 6 Destruction of Unclaimed Firearms and Ammunition: Firearms taken into custody by Department personnel shall be disposed of according to law. In those cases wherein weapons are seized and for which there is no court prosecution, such weapons shall be held for one year from the date of seizure at which time a letter shall be sent by certified mail, return receipt requested, to the owner of record. The letter shall advise the owner to contact the Firearms Analysis Examiner Unit. If the owner fails to contact the Firearms Analysis Examiner Unit within 30 days, the Firearms Analysis Examiner Unit shall destroy such weapons in the prescribed manner.

Firearms that have been submitted to the Firearms Analysis Examiner Unit as a result of court order will, at the expiration of the order, be returned to the owner only when and if the court that issued the order of confiscation subsequently issues an order to return the firearm. Absent a court's order for return, firearms will be destroyed as mandated by Massachusetts General Laws and Department Policy.

The Firearms Analysis Examiner Unit shall maintain a permanent case file on each weapon destroyed. The file shall include a copy of the Incident Report, a copy of the letter sent to the owner of the firearm, the postal receipt, and any court orders or other police reports concerning the firearm.

The destruction of weapons under conditions of this section shall be verified and witnessed by the Commanding Officer of the Forensic Technology Division, a Deputy Superintendent, a superior officer of the Internal Affairs Division, and a representative of the Federal Bureau of Alcohol, Tobacco, and Firearms.

When ammunition is forwarded to the Firearms Analysis Examiner Unit pursuant to a Restraining Order, it shall be retained only as long as it is safe to do so. The storage of ammunition presents certain obvious hazards and any amount beyond the storage capability of the Firearms Analysis Examiner Unit shall be destroyed.

Sec. 7 Ballistic Evidence Used in Court Proceedings: The Firearms Analysis Examiner Unit shall prepare firearm evidence for court. When the evidence is needed for trial, the officer shall report to the Firearms Analysis Examiner Unit and sign out the evidence and Ballistic Unit FTE's report without incurring overtime. In ordinary cases, such as Unlawfully Carrying a Firearm, Discharging a Firearm, etc., the Firearms Analysis Examiner Unit shall provide the prosecuting officer with a notarized certificate indicating that the firearm is accepted in all District Courts,

except the Boston Municipal Court, without the presence of the Firearms Analysis Examiner Unit FTE in court. In all cases before the Boston Municipal Court, the Superior Court and the Grand Jury, the presence of the FTE is also required.

When a case is concluded, firearm(s) and ammunition involved shall be returned to the Firearms Analysis Examiner Unit with a record of the court disposition. The disposition shall include the date, name of the court, name of the judge, sentence or other disposition and the disposition of the firearms(s) and/or ammunition.

All firearms shall be released through the Firearms Analysis Examiner Unit in accordance with section § 8 of this Rule.

If the firearm(s) and/or ammunition are ordered confiscated or destroyed by the District Court, documentation of the court's order shall be returned with the evidence, to the Firearms Analysis Examiner Unit for disposal.

In District Court proceedings where there has been no final decision as to the disposition of the firearms, i.e., when the defendant has defaulted, the case has been continued for a period of more than one month, the case has been appealed to the Superior Court, or probable cause has been found and the case is held for the Grand Jury, the firearm(s) and/or ammunition shall be returned to the Firearms Analysis Examiner Unit immediately.

Sec. 8 Return of Firearms in Department Custody: The following procedures shall be followed for any member of the public requesting the return of a firearm through general request or in circumstances not addressed in Section 5A. All requests shall be made in writing to the District Commander in the District where the weapon was seized or voluntarily relinquished to the Department. The District Captain shall submit a report and supporting documentation (including but not limited to all Incident Reports, court orders, a Board of Probation check, firearm license inquiry and civil restraining order inquiry) to the Chief, Bureau of Field Services. The report shall include a recommendation regarding the return of the weapon and concerns, if any, regarding the petitioner's suitability to possess a Class "A" or Class "B" license to Carry Firearms or Firearm Identification Card.

The Chief, Bureau of Field Services shall forward the report to the Commander, Licensing Unit. The Commander, Licensing Unit shall review the Captain's recommendation and supporting documentation and take necessary action available under the law regarding the status of the petitioner's license. The Commander, Licensing Unit shall attach a report regarding the status of the petitioner's licenses and forward the package to the Office of the Legal Advisor.

The Office of the Legal Advisor shall prepare a memorandum to the Police Commissioner recommending the return of the weapon, denying the petitioner's request or setting forth particular conditions in which a firearm or ammunition may be returned. No weapon that has come in to the custody of the Department shall be released prior to the approval of the Police Commissioner. The office of the Legal Advisor shall forward the Police Commissioner's decision

and supporting documentation to the Firearms Analysis Examiner Unit. The Firearms Analysis Examiner Unit shall notify the petitioner of the action taken on his/her request and make arrangements for the petitioner to retrieve the weapon if approved.

All requests for return of firearms or ammunition shall be completely processed by the Department within thirty (30) days from the date of the receipt of the request. The Firearms Analysis Examiner Unit shall maintain a file of all requests for return of firearms and supporting documentation with their case files.

Sec. 9 Reports of Wounds Caused by Firearms and Air Rifles: Whenever a physician or hospital, in accordance with G.L. c. 112, § 12-A, reports the treatment of a wound caused by the discharge of a gun, pistol, BB gun, other air rifle, or other firearm, an appropriate unit shall be dispatched to initiate an investigation. Whenever a physician or hospital reports that a bullet or fragment of a bullet is removed from the person being treated, an appropriate unit shall be dispatched to receive the bullet, or fragment. This evidence shall be stored in an envelope properly identifying it with the case to which it is related, in the District gun locker and shall be delivered to the Firearms Analysis Examiner Unit as soon as possible when a Firearms Analysis Examiner Unit FTE is on duty.

Sec. 10 Night or Weekend Request for Services of the Firearms Analysis Examiner Unit: It shall be incumbent upon the District or Unit supervisor or investigator at the scene to determine if there is a need for Firearms Analysis Examiner Unit personnel to respond. Through the Operations Division, the supervisor on scene shall request a Firearms Analysis Examiner Unit FTE to respond for all night and weekend cases where a delay in rendering the desired services would hamper the investigation. Other requests shall be held for on duty Firearms Analysis Examiner Unit personnel. In all cases, the Firearms Analysis Examiner Unit shall be responsible for the processing of Firearms Analysis Examiner evidence. In cases where vehicle(s) have to be examined, the vehicle(s) shall be towed to the examination bay at Police Headquarters and the examination by the Firearms Analysis Examiner Unit FTE shall be conducted during the day tour of duty.

Sec. 11 Proper handling of ballistic evidence at crime scenes: Whenever possible spent bullets, cartridge cases, etc., should be left where found until photographs and/or sketches are made at the scene and measurements taken. In the absence of the Firearms Analysis Examiner Unit FTE, the evidence may then be collected, packaged, tagged or labeled, and stored in the District or Unit gun locker and shall be delivered to the Firearms Analysis Examiner Unit as soon as possible when a Firearms Analysis Examiner Unit FTE is on duty, without incurring overtime. Under no circumstances should such evidence be forwarded by Department mail. Whenever there is any doubt as to the proper handling of firearms, spent bullets etc., during the Ballistic Unit FTE's working tour of duty, the Ballistic Unit should be contacted by telephone to ascertain, according to explained circumstances, the proper handling and delivering of such evidence. Bullets that may be connected with any crime, that are found embedded in any article or substance, shall be removed only by a FTE.

The fuming of a firearm for fingerprints shall be handled by the Crime Scene Response Unit. In the event that the Crime Scene Response Unit is not available, firearm fuming may be conducted by other personnel trained in firearm fuming. In extraordinary cases, the fuming of firearm(s) may be handled by the Latent Prints Section of the Physical Comparison Unit.

Notes:

- Amended by SO 08-034, issued 09/12/2008, Effective immediately, the name of Rule 311 is amended to **Procedures for Handling Firearms Evidence**. All references to the **“Ballistics”** or **“Ballistics Unit”** in the Boston Police Rules and Procedures, Special Orders, and any other internal Boston Police documents shall be amended to **Firearms Analysis Unit**. All references to the **“Ballistician”** or the **“Department Ballistician”** in the Boston Police Rules and Procedures, Special Orders, and any other internal Boston Police documents shall be amended to the **Firearms Examiner**.
- Amended by SO 10-005, issued 1/21/2010, replaced the last paragraph in Section 11.
- Amended by SO 10-011, issued 3/23/2010, replaced the last paragraph in Section 11.



## **Rules and Procedures**

### **Rule 312**

**August 23, 2001**

#### **Rule 312 - CRIME LABORATORY - EVIDENCE AND CRIME SCENES**

Rule 312, Crime Laboratory - Evidence and Crime Scenes, is hereby re-issued to establish Police Department policy and procedure for safeguarding, analyzing and disposing of physical evidence collected by Department personnel. This rule supersedes Rule 312, dated March 1, 1977, Special Order 98-18, issued June 9, 1998 and all previously issued orders, bulletins and other directives concerning crime laboratory procedures. All evidence that is to be submitted to the Crime Laboratory Unit and all scenes of crimes or suspected crimes, vehicles or accident scenes where the services of the Unit are required shall be dealt with according to this rule.

Sec. 1 GENERAL CONSIDERATIONS: Department personnel must be attentive to the procedural details involved in the handling of a crime scene and the evidence that may be present. Past court decisions have increased the importance of physical evidence as a means of identifying and prosecuting criminals. However, physical evidence must now meet higher standards and will be challenged or rejected if it is improperly handled. Police officers must quickly recognize articles of evidentiary value and collect, protect and preserve those articles in such a manner that their value as evidence is not comprised.

Physical evidence, to maintain its value in court, must be shown to have remained unaltered or untampered with, except as scientific examination, analysis, comparison, etc., required. To fulfill that requirement, the chain of custody must be maintained and it must be possible to establish the security of the evidence from the time that it was collected until it is presented in court.

Crime scenes, if they are to be examined by personnel of the Crime Laboratory Unit, must be subject to as little traffic, handling or disturbance as it is possible for officers at the scene to permit.

Sec. 2 BPD CRIME LABORATORY UNIT PURPOSE: The Boston Police Crime Laboratory Unit provides scientific expertise, forensic testing, and support services to the Boston Police Department. Crime scene processing, evidence collection and preservation, analysis of evidence, reporting of results and conclusions, are services performed daily by the crime lab personnel. The Crime Laboratory interacts with all units within the Boston Police Department and provides expert testimony in the prosecution of criminal cases. This unit maintains a professional relationship with the Suffolk County District Attorney's Office, medical, law enforcement, and correctional facilities throughout the Commonwealth of Massachusetts, FBI Crime Laboratory, as well as crime laboratories throughout the country.

### Sec. 3 SERVICES PROVIDED BY BPD CRIME LABORATORY:

- A. Crime Scene Processing
- B. Evidence Collection
- C. Evidence Preservation
- D. Analysis of Evidence
  - 1. Examination of Evidence for Biological Fluids, Blood, Semen, etc. (Serology)
  - 2. DNA Analysis
  - 3. Microscopic Examination of Hairs and Fibers
  - 4. Firearms
    - a. Microscopic examination and chemical processing of physical evidence to determine distance of discharge of firearms
    - b. Restoration of obliterated serial numbers
    - c. Collection of trace evidence from firearms.
  - 5. Glass
    - a. Examination of bullet holes in glass.
    - b. Examination of glass fragments to determine possible origin.
    - c. Examination to determine optical properties.
  - 6. Paint
    - a. Physical matching of paint chips.
    - b. Chemical and/or instrumental analysis of paint to determine origin.
  - 7. Examination and Analysis of Liquids, Powders, and Solids (with the exception of drugs).
  - 8. Physical Matching and Photographic Documentation of physical evidence.
  - 9. Reproduction and Evaluation of Footwear Impressions.
  - 10. Examination of Hit and Run Scenes and Vehicles.
  - 11. Microscopic Examination and Comparison of Trace Evidence.
  - 12. Examination and Comparison of Tool Marks.

13. Restoration of Serial Numbers from Metal Surfaces such as Vehicles, Tools, Machines, etc.

- E. Reporting of Results
- F. Courtroom Testimony
- G. Providing Training and Education

Sec. 4 PROCEDURES: Evidence submitted to the Crime Laboratory must be submitted in a properly labeled and sealed container with a brief description of the item, name of collector, date, time and location of collection and any other appropriate chain of custody information, otherwise such evidence will not be accepted. It must be accompanied by an incident report and a request for analysis.

Physical evidence for examination may be collected by crime laboratory personnel or police officers at the crime scene. The evidence must be submitted to the Crime Laboratory Unit as soon as possible to maintain the integrity of the evidence and facilitate its analysis. Evidence collected from victims of a homicide are delivered to the laboratory by the Office of the Medical Examiner. If the examination of the physical evidence is beyond the capabilities of the Crime Laboratory, federal or other forensic agencies will be utilized.

Crime Laboratory Unit personnel should be utilized where it is necessary to strengthen a case by the examination of physical evidence. The physical evidence can be collected, properly packaged, labeled and taken by a police officer to the police area or unit concerned for bar-coding and temporary safekeeping until delivered to the Crime Laboratory. In all cases where the Crime Laboratory Unit is utilized, the area or unit concerned shall be responsible for forwarding a copy of the completed Department Incident Report.

Where physical evidence is submitted to the Crime Laboratory or collected by laboratory personnel at the request of investigating officers, the officer conducting the investigation will be given a Crime Laboratory Unit Evidence Receipt. It will be incumbent upon the officer to keep the Crime Laboratory Unit informed of the status of the case for the subsequent analysis and disposition of the physical evidence. This policy prevents the accumulation of evidence in the Crime Laboratory Evidence storage facilities.

In cases where vehicles need to be examined, the vehicles should be towed to the Crime Laboratory Examination Bay at Boston Police Headquarters, 1 Schroeder Plaza. Contact the Identification Unit to make arrangements for use of the Vehicle Examination Bay. Examination of vehicles may take place at an Area or District garage if the examination bay is unavailable. The examination of vehicles by crime laboratory personnel will be conducted during normal hours of operation.

Sec. 5 WEEKEND, NIGHT REQUESTS FOR CRIME LABORATORY SERVICES AND SUBMISSION OF EVIDENCE:

## CRIME LABORATORY UNIT NORMAL OPERATING HOURS

Monday through Friday  
9:00 am to 5:00 PM  
Closed Holidays and Weekends

- A. Night or weekend services are not available except in extraordinary cases. Any area or unit requiring the services of the Crime Laboratory Unit on weekends and after duty hours, Monday - Friday, will make known their request through the Duty Supervisor, Operations Division.

There are many instances occurring, especially at night or during a weekend, when the services of the Crime Laboratory Unit personnel are requested. It shall be incumbent upon the area, unit supervisor or investigator at the scene to make the determination to request the services of crime laboratory personnel. Such a request should only occur where such a delay in rendering desired services would hamper the investigation of an incident. Otherwise, requests for the Crime Laboratory Unit services should be made during normal hours of operation.

PROCEDURE: The following procedure must be followed when evidence is submitted after business hours:

1. All personnel not assigned to BPD Headquarters submitting evidence after hours must report to the front Security desk to receive clearance to come to the Crime Laboratory Unit located on 2 South. The evidence lockers/cabinets are located to the left of S 244
2. All evidence must be enclosed in a properly labeled and sealed container (paper bag or box) and accompanied by a completed BPD Incident Report.
3. Complete a Crime Laboratory After Hours Sign-In Form, itemizing each piece of evidence submitted. Date, time, signature and ID# are required on this form.
4. After completing the After Hours Sign-In Form, place it along with the evidence and BPD Incident Report into an available locker/cabinet. Lock locker/cabinet and place key in key drop slot (located in locker # 4). Any items to be refrigerated (examples- sexual assault kits, blood, any items with body fluids) should be placed in the stainless steel refrigerator. Secure the door after placing evidence inside.

5. Wet items of evidence or wet clothing must NOT be placed in evidence lockers. All items of evidence must be dried, properly packed and sealed before placing in evidence lockers.
6. Do not use lockers for Ballistic Evidence. Firearm evidence is forwarded to the Ballistics Unit in accordance with Rule 311.
7. Evidence without proper documentation or improperly packaged will not be accepted by the Crime Laboratory Unit. The Crime Laboratory Unit will contact the submitting agency or individual to rectify or return improperly packaged or documented evidence.
8. Evidence is retrieved from lockers/cabinets and itemized on the next business day; subsequently, an itemized receipt is sent to the submitting officer by business mail.

Paul F. Evans  
Police Commissioner

## **Rules and Procedures**

### **Rule 313**

**June 19, 1995**

#### **Rule 313 - PROCEDURES FOR IDENTIFICATION UNIT**

This rule is issued to establish Department policy and procedures for the Identification Unit of the Technical Services Division. It is effective immediately, superseding all previously issued Rules, Orders, Memorandums, Bulletins or directives concerning the scope of the Identification Unit's duties and responsibilities.

Sec. 1 General Considerations: Because of the important functions which are performed by the Identification Unit, it is imperative that the procedures and the capabilities of the Unit should be known to all Department personnel. Video and still photographs of crime and serious accident scenes and latent fingerprints which may be discovered at crime scenes are only some of the technical capabilities of this Unit. Identifying criminals, amnesia victims, unknown deceased persons, et al, is another facet of this Unit's responsibilities. The Unit also maintains the Integrated Identification Imaging System, a computerized photographic imaging, fingerprinting and criminal record keeping system of persons who have been arrested.

#### Sec. 2 Capabilities of the Identification Unit

##### A. Photography

1. Color photographs in major cases.
2. Color photographs in rape, A & B and other serious cases.
3. Polaroid black and white and color.
4. Layout and preparation of photographic evidence for court.
5. Processing of all black and white still film and Color c-41 process film (35 MM and 120 MM).
6. Preparation of Department Identification Cards.
7. Maintaining the Integrated Identification Imaging System and assisting Department personnel and victims in identifying persons accused of committing crimes.
8. Viewing and converting VHS and 8 MM Video images to Polaroid prints.

##### B. Fingerprints

1. Amnesia victims.
2. Dead bodies, homicides or unknown.
3. Elimination prints (crime scene) for homicides or other major cases.
4. Crime scene search and development of latent prints for homicides or other major cases.
5. Identification of subjects by fingerprints.
6. Preparation of fingerprint exhibits for court.
7. Collection and/or analysis of physical evidence pertaining to fingerprints for homicides or other major cases (in exceptional cases federal agencies will be contacted for assistance, i.e., FBI Laboratory, et al).
8. Examination of latent prints submitted to the Latent Print Section of the Identification Unit, using computerized enhancement and submission to the State Police computer if the latent print is judged by Department latent print experts as being identifiable.

### Sec. 3 Procedures for Identification Unit

#### A. Prisoner Identification and Records Processing Procedures

In accordance with the provisions of Rule 318, Prisoners, every person arrested, for any cause, shall be taken at once to the District station house covering the District within which such person was arrested where they shall be booked, fingerprinted and photographed using the Integrated Identification Imaging System. In addition to being processed using the Integrated Identification Imaging System, all suspects arrested for homicide, rape and other serious offenses, as determined by the Duty Supervisor, shall be transported to the Identification Unit where a set of inked major case prints will be taken.

Only sworn personnel who have been trained in the use of the Integrated Identification Imaging System may book prisoners or be designated as booking officers. In addition, no person may operate an Integrated Identification Imaging System terminal unless they have been trained in its use and are properly logged onto the system. Duty Supervisors and designated Booking Officers are responsible for properly logging on and off the system to prevent unauthorized personnel from accessing it.

Arresting officers, regardless of whether or not they have been so trained, shall not serve as the booking officer for their own prisoner(s).

The Identification Unit shall be responsible for ensuring the quality of all prisoner photographs (mugshots) and fingerprint images entered into the Integrated Identification Imaging System by

the District booking officers and received at the Identification Unit on one of the several computer workstations dedicated to booking verification.

Identification Unit personnel shall be responsible for quality control by ensuring that District booking officers enter clear photographs and readable fingerprint images into the Integrated Identification Imaging System. Identification Unit personnel shall also be responsible for classifying fingerprints and sending a confirmation message to the District booking officer once such classification and verification has been completed. However, Identification Unit personnel shall not classify or verify a booking until the entire file has been accepted.

Identification Unit personnel assigned to booking verification shall ensure that:

1. Photographic images are clear;
2. Fingerprints are clear and readable;
3. Information received is full and complete (i.e., race and sex match photo image, reported tattoos or scars are photographed, etc.);
4. Unacceptable or incomplete records are rejected and the appropriate District station notified electronically in order that corrections may be made;
5. Booking records, once accepted, are classified and checked against the central computer database in an attempt to identify the arrested person;
6. Upon completion of the classification and verification process, enter the appropriate information in the booking record and send a computer confirmation message to the District station for disposition.

In addition, Identification Unit personnel shall notify the District booking officer (by both telephone and computer confirmation ) of any "Master Name" on file for the offender.

Upon receiving such notification, District booking officers shall print an updated copy of the Arrest Booking Sheet and destroy all copies of the Arrest Booking Sheet that do not have the "Master Name" on it. District booking officers shall ensure that arresting officers are given an updated copy of the Arrest Booking Sheet.

Delayed Prisoner Processing Procedures: In the event the Integrated Identification Imaging System central database is down for service or communication links with the District booking stations are not functioning and the system cannot be brought back on line within a reasonable period of time, the following procedures shall be in effect:



1. All booking information will be temporarily stored locally on the booking District's hard drive until such time as communication with the central database has been restored and the information can be transferred (uploaded).
2. Hard copies of the booking information (photographs and fingerprints) shall be printed out at the District and hand-carried to the Identification Unit where they shall be verified by Identification Unit personnel.

Bail Considerations: No prisoner arrested for a felony or for a violation of M.G.L. c. 209A shall be considered eligible for bail until their booking information has been accepted and their identity has been verified by the Identification Unit. All other prisoners are eligible for bail as soon as Identification Unit personnel determine the fingerprints are readable, photographic images are clear and their booking information is full and complete.

## B. Photography

1. In all cases, District detectives, investigating officers, or patrol supervisors will be available to properly direct technicians to areas and items that are involved in the crime and which should be photographed.
2. The Identification Unit is to be called for the services of a photographer in the case of Department vehicles involved in accidents in all cases where, based on the seriousness of the accident, a Patrol Supervisor determines such a need exists.
3. If a Department vehicle is involved in an accident in which a death or serious injury may result, the Identification Unit shall be notified and all vehicles are to remain at the scene pending arrival of photographers.
4. Persons that are victims of a crime (A & B, rape, etc.) who are to be photographed should be photographed at the District by the District detectives. If the District detectives are unable to take appropriate photographs, victims shall be accompanied to the Identification Unit by District detectives or police officers and are not to be sent on their own. If not accompanied, the services of the Photographic Unit will not be provided.
5. All explosive devices will be photographed by Department photographers prior to disposal, if this can be done in safety and under the direction of a Bomb Squad Supervisor.
6. All requests for photographic services shall be entered both into a log at the Identification Unit and into a computerized record of all such requests.
7. Color film will be processed once a day only. Any item received for processing after the start of color runs will be held for processing in the next day's work.

8. In the case of homicides or other serious crimes, the area or building shall, whenever possible, be cordoned off or closed to all but necessary personnel, such as investigators, until the completion of photographic and fingerprint services are completed. This will greatly enhance the investigation and provide the investigators with an unchanged view of the scene.

### C. Mass Arrest and Prosecution Procedures

In incidents in which large numbers of arrests are necessitated, the following Mass Arrest and Prosecution Procedures will be implemented and followed consistent with the peculiarities of the particular incident.

After a staging area has been established in accordance with [Department Rule 200](#), Critical Incident Management, the Department photographers, formed into teams, will have the responsibility of taking photographs. The photographers will take both the badge number of the arresting officer and the name of the prisoner, where possible, on a pre-numbered sheet in the proper sequence as the pictures are taken. The arresting officer should always search the prisoner at the scene of the arrest. Whenever drugs or dangerous weapons or other contraband are found, the arresting officer should hold up these articles so as to be included in the arrest film. The photography team will remain at the arrest scene after the wagons are dispatched to the detention facility. A superior officer will be directing the film processing of multiple arrests.

Meanwhile, at the detention facility, a photography team will film the booking process with polaroid cameras. A fingerprint technician will then take a flat impression of one hand of the prisoner on a ten print card and staple the card to the polaroid picture. Both the picture and the ten print card with the flat print impression will be attached to the booking arrest form.

In court, the prosecuting officer must be able to locate and identify cases by means of associating pictures taken both at the scene of the arrest and at the detention facility. It will be the respective responsibility of the photography teams at both locations to coordinate their efforts in assisting the prosecuting officer.

Photographers at the arrest scene must arrange for their photographs to be correlated with the corresponding arrest form, with the polaroid picture attached, for presentation in court. Further, a fingerprint technician from the Identification Unit must be present in court in the event the technician is called upon to confirm the prints of the prisoner, when the latter denies the charge against him.

Arrangements will be made by the Commander, Technical Services Division to have sufficient officers present at the detention facility, especially booking officers, in order to safely process the prisoners and carry out a thorough searching operation. Lieutenants, sergeants and other sworn personnel in the District where the detention facility is located can be used for the booking process. If this should not prove expedient, other Districts will be called upon to provide the necessary personnel.



## **Rules and Procedures**

### **Rule 314**

**January 16, 2004**

#### **Rule 314 - TRAFFIC ENFORCEMENT**

This rule is issued to provide guidelines governing the enforcement of traffic regulations. It is effective immediately, superseding all previously issued rules, regulations, orders, and other directives relating to traffic enforcement by officers of the department.

##### **Sec. 1 GENERAL CONSIDERATIONS:**

The patrol force is the most visible segment of the department and must play a primary role in traffic enforcement. The overall objectives of traffic enforcement shall be achieved through the fair and equitable enforcement of the motor vehicle laws. Officers on routine patrol are to be attentive to the movement of vehicles and traffic conditions in their area. When a motor vehicle violation is observed, after notifying the dispatcher and stopping the offender, the police officer is expected to take an appropriate enforcement action. The immediate objective of traffic enforcement is to lessen the number of accidents and the attendant injuries and damages. The long-range goal is to increase the level of voluntary compliance. This can only be accomplished through diligent and consistent enforcement of the traffic laws by all members of the department.

##### **Sec. 2 RESPONSIBILITY OF DISTRICT COMMANDERS:**

District Commanders are responsible for ensuring that these traffic enforcement guidelines are met by all personnel in their commands. In addition, it is the District Commander's responsibility to evaluate the requests made by supervisory personnel for additional assistance and if appropriate, request that the Mobile Operations Division provide such assistance. The District Commander must make the determination of proper resource allocation within their district. Fixed locations for selective traffic enforcement activities shall be determined by the District Commander or by the Chief, Bureau of Field Services (or designee). The identification of such locations shall be based on information or data that indicates a particular location or area may be experiencing a high number of motor vehicle accidents, fatalities, speeding, or other traffic related quality of life issues. The information used in selecting these enforcement locations may be derived from a variety of sources, including but not limited to; internal and/or external sources of accident information, community complaints or concerns, and patterns of reported or observed traffic incidents.

It is expected that District Commanders will ensure that all personnel in their commands take immediate, self-initiated action to enforce traffic laws and that their personnel report all special problems or conditions. Commanders will be held strictly accountable for the performance of their subordinates.

### Sec. 3 RESPONSIBILITY OF SUPERIOR OFFICERS:

Superior officers are responsible for ensuring that patrol officers adhere to the traffic enforcement performance guidelines and that officers under their command are taking appropriate action when violations occur in their presence.

Superior officers are expected to take note when frequent problems exist on their area, for example, an intersection where cars continually run a red light or a frequent accident site. They should direct patrol officers to observe closely such areas and situations. If at a particular location a sector car spends a disproportionate amount of time on traffic enforcement or if repeated violations occur without enforcement it is the responsibility of the sergeant to notify his District Commander that additional assistance may be required for selective enforcement at that location.

During each tour of duty, when inspecting sector cars and foot patrols, the sergeant will make sure that all officers have citation books.

### Sec. 4 ENFORCEMENT OPTIONS:

Officers are reminded that the primary purpose of enforcement action is to protect the public safety by correcting dangerous driver behaviors and ensuring voluntary driver compliance with the traffic laws. Toward this end, officers may use their discretion in choosing an appropriate enforcement action based on the operator's driving behavior, seriousness of the offense, danger created by the violation, or other information relevant to the infraction. Traffic enforcement options available to officers include:

1. Verbal warning to the driver that such conduct is illegal and dangerous.
2. Written warning notice on citation form.
3. Civil citation.
4. Complaint notice on citation form.
5. Arrest of operator.

Written warnings, citations and complaint notices are to be submitted at the end of the tour of duty. Traffic arrests are to be handled according to proper arrest procedures. When a taxicab is stopped for a violation, a Hackney Carriage violation tag is to be issued in addition to any other enforcement which is taken. The pink copy shall be turned in to the district at the end of the tour and shall then be forwarded to the Hackney Carriage Unit.

**Sec. 5 HIGH PRIORITY VIOLATIONS:**

Those violations which substantially increase the risk of causing serious motor vehicle accidents or pedestrian injury are to be considered high priority violations. Any officer who observes a high priority violation shall, whenever practicable, take immediate enforcement action. While mitigating circumstances may be considered, civil citations should generally be the enforcement action taken for high priority violations. High priority violations shall include the following:

- (1) Speeding (particularly violations 10mph or more over the speed limit)
- (2) Failure to stop for a red light (particularly violations that create a substantial hazard)
- (3) Failure to stop for stop signs (particularly violations that create a substantial hazard)
- (4) Failure to yield to pedestrians in a crosswalk
- (5) Improper passing of a school bus

**Sec. 6 PRE-EMPTING ASSIGNED CALLS:**

Officers who observe a traffic violation while on assignment must decide whether it is serious enough to preempt the assigned call. If they believe it is, they must notify the dispatcher of the nature of the violation. The dispatcher will have the final authority of the assignment.

**Sec. 7 OFFICERS ASSIGNED TO WALKING BEATS:**

Officers on walking patrol or traffic duty who observe a motor vehicle violation will signal the driver to stop if it is safe to do so. The officer will then take appropriate enforcement action. All officers shall have their motor vehicle citation books readily available.

James M. Hussey

Acting Police Commissioner

## **Rules and Procedures**

### **Rule 315**

**April 11, 1991**

#### **Rule 315 - HANDCUFFS**

Rule 315 is issued to establish Boston Police Department policy regarding the use of handcuffs by members of the force in the performance of their duties. Because of the variety of circumstances which may be encountered by officers, no rule can suggest definitive methods for every situation in which the use of handcuffs may be appropriate. Rather, this rule will set certain specific guidelines to provide officers with a firm basis on which to utilize sound judgment in making reasonable and prudent decisions.

Sec. 1 General Considerations: Failure to use handcuffs or the improper use of them can result in embarrassing incidents to officers, and can create potentially dangerous situations for the officers and the public. The Department issues handcuffs to all sworn personnel as standard equipment to be used as a restraining device, not a mechanism for subduing prisoners. Officers should not, however, be lulled into a false sense of security after applying handcuffs. The subject can still kick and if the handcuffs have not been properly applied, they can become a lethal weapon on the wrist of a desperate person. Handcuffs issued by the Department are double-locking handcuffs and whenever they are applied the double-locking feature should be used if possible, since they are then more difficult to pick and will also prevent violent prisoners or persons restrained for psychological purposes from injuring themselves by the handcuffs tightening during a struggle.

Sec. 2 When Carrying Handcuffs: Your handcuffs are carried in a way so that they are easily accessible by either hand and in the loaded position so they are ready for immediate use.

Sec. 3 Maintenance: Handcuffs are a mechanical device which must be cleaned and lubricated periodically and inspected frequently to ensure their proper function when needed. Keep the ratchet and lockwork free of dirt, lint or other substances which may limit function. Periodically lubricate the ratchet with lead graphite.

Sec. 4 Handcuffs are to be used: Whenever a person is arrested or taken into custody, regardless of age or sex, in a manner which is consistent with this Rule, unless exigent circumstances exist which make it justifiable for an officer not to do so; in which case, the officer(s) responsible shall be prepared to justify his failure to use handcuffs.

Sec. 5 When Handcuffing a Suspect: There are various techniques and positions for controlling, handcuffing and searching suspects. Whether using the standing, kneeling or prone positions, the suspect is in an off balance position. When possible, the officer should approach a suspect from the side or rear with his/her weapon holstered and secured, gun side away from the suspect. Remain alert for any unpredictable moves. Handcuff the suspect with their hands

behind their back, thumbs up, palms out. Place the jaw of the handcuffs against the prisoners right wrist about 1 inch above the wrist bone. Press the jaws firmly against the check and re-engage. The suspect's other hand is then cuffed in a similar manner. Now both cuffs are adjusted one (1) inch above the wrist bone to the desired size with the palms out, thumbs up. Be careful that the skin is not placed in the jaws or that the circulation is impeded. When practicable, double lock the handcuffs after both cuffs are in place.

Note: For extra security, if the suspect is wearing a sturdy belt, this may be used to more securely contain the suspect. To do so, after applying one of the handcuffs pass the free end of the second handcuff under the suspect's belt and apply to the other wrist. As described above, be sure the keyhole is facing up. After both handcuffs are in place, double lock them if practicable.

Sec. 6 Officers shall thoroughly search the suspect after applying the handcuffs, unless exigent circumstances exist which make it justifiable for an officer not to do so; in which case, the officer(s) responsible shall be prepared to justify his/her failure to search. Officers may search for instruments which could be used to avoid arrest or effect an escape from custody and evidence of the crime for which the arrest is made. No matter how many times a prisoner is searched or how long he has been incarcerated or if a prisoner changes custody, always do a complete and thorough search.

Booking Search: A Booking Search may be made of any person being incarcerated. The purpose of a booking search is not to discover evidence. It is conducted in order to protect the owner's property, to avoid disputes over property, to avoid false claims, to assist in identification and to prevent suicides and other physical harm. Items of a sizable nature discovered during a booking search will be admissible under the plain view theory.

Periodically check the suspect's hands to see that they are in good condition and to foil any possible escape attempt.

Sec. 7 Two Prisoners With One Pair of Handcuffs: When circumstances require, two prisoners can be secured with one pair of handcuffs provided proper safeguards are taken. The right wrist of one prisoner is handcuffed, as described above. When practicable, pass the free end under the prisoner's belt, the right wrist of prisoner number two is secured by the other handcuff. The two prisoners are handcuffed right wrist to right wrist to limit mobility and the prisoners are in an off balance position. Now do a thorough search of the prisoners.

Sec. 8 Two or More Prisoners: As officers of this Department are instructed at the Police Academy, when multiple arrests have been made and several prisoners are to be transported, every precaution should be taken to reduce the likelihood of attempts be made to escape. Therefore, when two or more prisoners are being handcuffed, officers are advised to link on are of each prisoner through the arm of the first prisoner handcuffed before cuffing the second wrist of each prisoner to his first wrist.



Sec. 9 Handcuffed in Front of the Body: If the suspect is wearing a belt, turn the buckle to the rear and after cuffing one hand, pass the free end of the cuff under the belt before cuffing the second hand. Remember, only handcuff in the front if the person is suffering from a physical deformity, disability or if she is pregnant.

Sec. 10 When Removing Handcuffs: Keep the suspect off balance to discourage an escape attempt or attack. Having other officers present is highly recommended.

Under no circumstances are handcuffs to be removed while a prisoner is being transported or while in police headquarters or in any other place to which the prisoner is transported except for the purpose of fingerprinting, writing on forms as may be required or when absolutely necessary. Never let go of the handcuffs when one is still on the prisoner's wrist. The open cuff is an excellent weapon.

Sec. 11 Safe Custody of Prisoners: Officers having prisoners in their custody shall be held strictly responsible for the safe custody of the prisoners under their care and this responsibility is theirs at all times.

Sec. 12 When Practicable, Avoid:

- A.) Handcuffing a prisoner with his hands in front, except as noted in Section 9 of this rule.
- B.) Searching a prisoner before handcuffing.
- C.) Handcuffing a prisoner to a police officer.
- D.) Handcuffing a mentally disturbed person except as a temporary measure to allow him to be secured with proper restraining devices with which he cannot injure himself.

Sec. 13 Flexcuffs: Flexcuffs may be used during demonstrations or when multiple arrests are to be made. They are applied as handcuffs, behind the back, palms out, thumbs up.

Note: Once the flexcuffs have been applied they must be cut off. It is very easy to apply flexcuffs too tightly.

Sec. 14 Extra Handcuffs: Officers are authorized to carry an extra pair of handcuffs if they wish to do so provided they are Department issue or approved. To date, the only Department issue/approved handcuffs are the Smith & Wesson Model #100, Nickel Chain Handcuffs. However, the Department has now also approved the Peerless Standard Nickel Chain Handcuffs and the Peerless Standard Hinged Chain Handcuffs.

**Notes:**

Amended by SO12-022, issued 08/03/2012, which reworded the first sentence in the first paragraph of Section 6.

## **Rules and Procedures**

### **Rule 316**

**February 8, 1989**

#### **Rule 316 - DEPARTMENT MOTOR VEHICLE ACCIDENTS**

This rule is issued to provide guidelines and regulations for the reporting and investigating of all motor vehicle accidents in which Police Department Vehicles are involved. It is effective immediately and it is intended to complement all other Rules and Regulations and Department policies regarding the operation of Police Department vehicles.

##### **Sec. 1 Notification**

When a Department vehicle is involved in an accident the operator of the vehicle must immediately notify the Operations Division of the accident and the location. The operator shall then determine if there are any injuries and request an ambulance, if required, from the Operations Division before administering any needed first aid. The operator of the police vehicle will then have the responsibility of obtaining the necessary information to complete a 1.1 Incident Report.

If the vehicle is a two officer unit and the operator has been injured in a manner which prevents him from completing a 1.1 Incident Report, the observer will assume the responsibility of making the 1.1 Incident Report.

If the police vehicle involved is a one officer unit and the operator is unable to complete a 1.1 Incident Report due to an injury, the Patrol Supervisor shall summon another unit to the scene to complete the 1.1 Incident Report.

In the event that the operator of the department vehicle is precluded from completing the 1.1 report at the scene of the accident due to an injury, he shall complete a supplemental written report concerning the accident on BPD Form 26 as soon as practicable. The fact that a 1.1 report concerning the accident has been filed by either an observer or another officer does not excuse the operator from this responsibility.

##### **Sec. 2 Investigation**

The Operations Division shall dispatch an Area Patrol Supervisor of the Area of occurrence and any other units that may be required to assist at the scene. That Patrol Supervisor shall conduct a thorough on-scene investigation of the accident to include photographs of damaged property, interviews of all operators and witnesses, both civilian and police personnel and determine that appropriate citations have been issued, and shall submit a complete report of the accident on a Boston Police Department form 1899 (Revised) to his Commanding Officer PRIOR TO THE END OF HIS TOUR OF DUTY.

In the event that the department vehicle involved in the accident is not normally assigned to the Area of occurrence, then the supervisor of the unit to which the vehicle is assigned shall be responsible for the investigation. If the unit supervisor is unavailable, then the Area Patrol Supervisor shall be responsible for the investigation.

In the event of a serious personal injury to any party, or at the discretion of the responding Patrol Supervisor or Unit Commander, a Superior Officer of the Staff Inspection Unit will be summoned to the scene. The Staff Inspection Superior Officer shall be responsible for ensuring that a complete and thorough investigation is conducted.

In the event the accident occurs outside the city, the supervisor of the unit to which the vehicle is assigned shall be notified to conduct the investigation. If the unit supervisor is unavailable then an Area Patrol Supervisor will be assigned to conduct the investigation.

### Sec. 3 Reporting

The Commanding Officer shall submit a full report of the accident including recommendations as to who should be held responsible and bear the expenses for the damage to the Department vehicle, whether, if negligence is shown, any disciplinary action should be brought against the operator of the Department vehicle and any other relevant recommendations to the Chief, Bureau of Field Services within 48 hours (Saturdays, Sundays and Holidays excepted). For the purposes of this rule, a full report shall be:

- 1.1 Incident Report -- To be completed by the operator of the vehicle, or, in the event of injury to the operator, by the observer, unit supervisor or Area Patrol Supervisor.
- Commonwealth of Massachusetts E23 Report -- To be completed by the operator of the vehicle.
- BPD Form 1899 (Revised) -- To be completed by the unit supervisor or the Area Patrol Supervisor and signed off by the Area or Unit Commander.

For the purposes of investigating accidents involving department motor vehicles, the BPD Form 1899 (Revised) shall replace Form 26.

In addition to the above, copies of the Form 1899 (Revised) will be forwarded to the Director of Personnel, the Legal Advisor's Office and the Bureau of Administration and Technology

### Sec. 4 Review Board

With the promulgation of this order there is established within the Department a Motor Vehicle Accident Review Board (hereinafter referred to as the "Board"). The Board will be convened by the Chief of the Bureau of Field Services whenever he deems it to be appropriate. In addition, the Board shall review reports wherein Department personnel are involved in multiple

accidents and any other Department motor vehicle accident involving personnel where the Commanding Officer recommends that it be brought to the attention of the Board.

Additionally, the Chief of Field Services may convene an inquiry into the circumstances surrounding a motor vehicle accident. The operator of the vehicle and the investigating supervisor may be called in to clarify the circumstances surrounding the accident and the contents of the subsequent reports. This inquiry shall have the authority, based on its findings, to recommend a Trial Board.

#### Sec. 5 Board Membership

The membership of the Board, appointed by the Police Commissioner, shall consist of the following Department personnel: a Superintendent or a Deputy Superintendent, based on seniority, as Chairman. In addition to the Chairman, the Board shall consist of two Deputy Superintendents, the Director of Transportation and a member of the Training and Education Division.

Individuals appointed to the Board shall serve at the discretion of the Police Commissioner.

#### Sec. 6A Board Authority

The Board will receive all reports submitted relating to a motor vehicle accident and may summons and interview any person who may have information pertinent to the accident. With the approval of the Police Commissioner, the Board Chairman may use any Department resource required for a complete inquiry.

Sec. 6B The Board shall advise the Police Commissioner whether to accept the Commanding Officer's recommendation or to reject it, and may make any further recommendations it deems necessary, including recommending disciplinary action.

#### Sec. 7 Record Keeping

The Bureau of Administration and Technology shall be the repository for all motor vehicle accident reports for the Board. Reports summarizing the accident data will be sorted by the operator's identification number, Area, District, Unit and the situation or other categories requested by the Board and will be produced on a quarterly basis.

#### Sec. 8 Responsibility for Damage

As indicated in Rule No. 103-A, Sec. 21, the operator of a vehicle "...shall be held responsible for any damage to his assigned vehicle which is due to his negligence."

#### Sec. 9 Civil Claims Arising from Accidents Involving Department Motor Vehicles

Any department employee who retains an attorney to prosecute a "third party" liability claim for personal injuries arising out of an on-duty motor vehicle accident shall immediately notify his commanding officer of such claim in writing including the name and address of such attorney.

Note:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures.

## **Rules and Procedures**

### **Rule 317**

**December 30, 1992**

#### **Rule 317 - MISSING CHILDREN AND PERSONS**

This rule is issued in order to establish uniform procedures to ensure that reports of missing persons are promptly recorded, assessed and investigated. 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 cases, as all missing children are at risk.

##### **I. General Considerations**

With the establishment by the FBI of a federal clearing house of information concerning missing children and another clearing house for recording unidentified dead bodies, it is essential for law enforcement officers to gather complete information when they are informed that a person is missing. It is also necessary for this department to ensure that complete information is supplied to the federal agencies. Therefore, the following procedures shall be strictly complied with by all Police Department personnel.

##### **II. Definitions**

The following definitions are in common use by both the NCIC and MCH Systems Board. In order to comply with both NCIC and State definitions of missing person categories, Officers should be guided by the below listed definitions:

- a. Disability: A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
- b. Endangered: A person of any age who is missing and in the company of another person under circumstances indicating that his/her physical safety may be in danger.
- c. Involuntary: A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping.
- d. Juvenile: A person who is missing and declared unemancipated as defined by the laws of his/her state of residence and does not meet any of the entry criteria set forth in a, b, c, or e.
- e. Catastrophe Victim: A person of any age who is missing after a catastrophe.

f. Parental Kidnapping: MGL 265-26A provides in part that, "Whoever, being a relative of a child less than eighteen years old, without lawful authority, holds or intends to hold such a child permanently or for a protracted period, or takes or entices such a child from his lawful custodian..."

### III. INITIAL RESPONSE & RESPONSIBILITIES

Sec. 1 The primary responding officer who is informed that a child or a person is missing shall take a full description including whether or not the person is either mentally or physically impaired, together with all other information which may aid in locating the missing person and will notify Operations so that an immediate broadcast can be made.

The Officer will also record the name, address, telephone number, relationship and signature of the complainant and record all information received promptly on a Boston Police Department Incident Report Form 1.1 and Boston Police Department Missing Person Form 2602 to his Duty Supervisor.

Sec. 2 An Officer, upon receiving a report of a missing child or person will notify the Missing Persons Unit, Tel.# 343-4687, who in turn will fill out Boston Police Department Form 2608 and initiate an NCIC entry.

The Duty Supervisor shall forward a copy of the Form 1.1 and Form 2602 to the Missing Persons Unit.

Sec. 3 If the report concerns a missing child, the Officer also shall inquire:

- a. whether the child's absence is a significant deviation from established patterns of behavior and cannot be explained;
- b. whether the child is believed to be with adults, including parents and other relatives, who may endanger the welfare of the child.

To facilitate follow-up procedures, all department personnel should be aware that children under the age of eighteen (18) years shall be recorded as missing children. District Commanders shall ensure that at least once each day for five (5) days after a report is received that a child under the age of eighteen (18) years is missing, an Officer under his command shall visit or contact the home of the complainant to ascertain whether the child who was reported missing has returned.

After the initial five-day period, a complainant who has reported a child under the age of eighteen (18) years as missing shall be visited or contacted at least once a week until the child has been located. The name of the person contacting the complainant as well as the date and time that each contact was made shall be recorded in the missing person file.

When it appears that a crime such as a kidnapping may have occurred, the Supervisor shall ensure that a copy of Boston Police Department Form 1.1 report is sent forthwith to the Bureau of Investigative Services. The Duty Supervisor shall also treat the incident as a Missing Persons incident (endangered) and the Missing Persons Unit shall be notified.

Sec. 4 District Commanders shall ensure that separate active and inactive files are maintained for missing children and for missing persons.

Each follow-up contact with the complainant is recorded with the date, time and name of the person making such contact on the 1.1 report.

#### IV. THE ELDERLY, MENTAL ILLNESS, OR DISEASE

Sec. 1 Whenever a missing person report is received involving a resident who is suspected to be suffering from Alzheimer's Disease, is in poor mental health, or is sixty (60) years of age or older, the District Commander shall ensure that at least once a day for five (5) days after a report is received that a missing person who is suspected of suffering from Alzheimer's Disease, sixty (60) years of age, or is of poor mental health, an Officer under his command shall visit or contact the home of the complainant to determine whether the victim has returned.

Whenever the victim of the missing persons report is sixty (60) years or older, the Senior Response Unit (SRU) shall coordinate with the District Officers in establishing a plan of action appropriate for the situation, as well as notify the City of Boston Commission on Affairs of the Elderly of their activities.

After the initial five-day period, a complainant who has reported a suspected victim of Alzheimer's Disease, a person of poor mental health, a person sixty (60) years of age or older missing shall be visited or contacted at least once per week until the person is located.

The name of the Officer contacting the complainant as well as the date and time that each contact was made shall be recorded on the missing persons report.

Sec. 2 The District Commander shall also ensure that a complainant is visited or contacted at least once each week by an Officer of his command when the complainant has reported a person over the age of eighteen (18) years as being missing.

#### V. PRELIMINARY INVESTIGATION

Sec. 1 Cases involving missing persons shall be assigned for investigation by the Officer-In-Charge of the District.

Sec. 2 The initial responding officer should conduct a preliminary inquiry which should include an interview with the person who initiated the report to verify information already furnished and to obtain further facts which may be helpful, including the following information:



- a. whether the person is drug dependent.
- b. if there is a delay in the reporting of a missing person ascertain the reason for such delay.
- c. in the case of a child, school attending and, if relevant, person who was supposed to pick up the child or other mode of transportation.
- d. 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;
- e. details regarding any known mental, emotional or physical impairment of the missing person and whether he or she requires any medications; if medications are required, the type, frequency and last administration should be ascertained, if possible;
- f. whether the person has ever been reported missing on previous occasions;
- g. 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.
- h. 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, house, arcades, playgrounds, place of employment, and other places frequented by the child, as well as local hospitals.
- i. Where appropriate, police records should be consulted for any further information about the missing child.

Sec. 3 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.

Sec. 4 Photographs of the missing person always should be obtained, if available. Such photographs, with an accompanying description should be posted in the Police Station where it may be viewed by all Officers. A copy of the photo should be sent to the Missing Persons Unit. The responding officer should ensure that the complainant's signature is obtained to release and disseminate information and photographs to any other agency or to the media if it should become necessary.

## VI. FOLLOW-UP INVESTIGATION

Sec. 1 The second phase of the investigation of a missing person case is the follow-up investigation. This will require a careful review of the initial reports, additional interviews if deemed appropriate or any other area of exploration necessary to locate the missing person.

Sec. 2 In cases of a missing person, regardless of age, the investigating officer should request from the parent, legal guardian, or reporting entity, when deemed appropriate, (1) written authorization for the release of medical and dental records, as well as a copy of such records; and (2) a copy of the missing person's fingerprints.

Sec. 3 Each missing child case requires a suitable follow-up by police. The investigating officer should ensure that BPD Form 2602 is filled out properly to be certain that Federal reporting requirements are complied with. Whenever a child is reported missing by a parent, guardian, or governmental unit responsible for the child, Mass. General Laws, Chap. 22A, Sec. 4, requires that police immediately undertake to locate the child. It is a further requirement of law that the police notify the child's school of the disappearance whether or not school is in session and it is also a requirement of law that the school notify the police when someone requests such child's records or when they have any information as to the whereabouts of the child (M.G.L. c. 22A. s.9). Great caution must be exercised before classifying a child as voluntarily missing.

Sec. 4 A VOLUNTARY MISSING CASE investigation focuses on the family, friends, school, and life-style of the missing youth. Survival resources that the youth may have should be considered. In determining whether a child is voluntarily missing, officer 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 action should taken by the investigating officer, including filing a neglect and abuse report with the Department of Social Services (DSS).

Sec. 5 A PARENTAL KIDNAPPING CASE requires a thorough investigation as the abducting parent may be in violation of Mass. General Laws, 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 child care. A thorough check of bank records, employment, labor unions, credit bureaus, and the Federal Parent Locator Service, Tel.# 202-401-9267, should be made in an attempt to locate the abductor. If friends or relatives are thought to be in contact with the abductor through 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 may seek a federal Unlawful Flight to Avoid Prosecution (UFAP) warrant through the United States Attorney's Office.

Sec. 6 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. The search for an abducted child has two (2) purposes: (1) primarily, to find the child and ensure his or her safety, and (2) secondarily, to identify, locate, and apprehend the perpetrator and prepare a case that will result in his or her conviction in a criminal court.

Sec. 7 UNKNOWN MISSING CASES should be investigated using all of the techniques discussed in the other three 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. There should be no waiting period established before taking action. If any unusual circumstances are present every available resource should be made available and an extensive search and investigation conducted.

a. The District Commander or Duty Supervisor will determine the need of outside resources, agencies, or special equipment.

b. 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 the Officer-in-Charge and in coordination with Informational Services and consultation with the family of the missing person.

## VII. RECOVERY OF MISSING PERSONS

Sec. 1 Whenever a missing person is located, officers shall ensure that medical attention is provided, if required.

Sec. 2 When Officers locate an adult missing person, the party originating the report of the status of the missing person, bearing in mind the missing person's right to privacy, shall be notified.

Sec. 3 When a missing child is found, the district of occurrence shall be notified and the Duty Supervisor shall request that the parent or legal guardian come to the station for the child. If the parent or guardian cannot be notified, the district of recovery shall be notified to convey the child to a hospital to provide temporary custody for the child. The Department of Social Services (DSS) shall be notified.

Sec. 4 If a missing person is found outside of the City of Boston jurisdiction, the Boston Police Department Missing Persons Unit shall be notified. It should be the responsibility of the Missing Persons Unit to notify the Boston Police District which initiated the missing person report and the Duty Supervisor of that district shall ensure that a supplemental 1.1 report is made.

If a missing person is found in a Boston police district other than the district reporting the person missing, the recovering district shall notify the Missing Persons Unit and the Duty Supervisor so that the necessary reports and notifications can be made.

Sec. 5 All missing persons, when found, shall be questioned as to their whereabouts and activities. Police should also 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 persons story. If there is any indication of

neglect or abuse of a child, a Chapter 119, sec. 51A report should be filed with the Department of Social Services (DSS).

Sec. 6 Officers locating a person who may, because of age, physical or mental condition including amnesia, not be able to identify himself, should conduct an immediate on scene investigation. This should include a precise recording of the condition of the subject as well as questioning any person present. The Officer should also notify the Missing Persons Unit, who will be responsible for initiating an administrative message via N.C.I.C.

Sec. 7 If a missing person is found dead, the Homicide Unit, the Medical Examiner and the District Attorney or his representative shall be notified. If the deceased is not identified, the Department of Public Safety (Missing Persons Unit) shall be notified with as much information as possible including the following if it is pertinent:

a. Unidentified Deceased - Any unidentified deceased person and/or body parts when a body has been dismembered.

b. Unidentified Catastrophe Victim - Any unidentified disaster victim and/or body parts when a body has been dismembered as a result of a disaster.

## Rules and Procedures

### Rule 318

May 26, 1995

#### Rule 318 - PRISONERS

This rule is issued to establish guidelines for the care and treatment of prisoners, including persons held in protective custody ([Rule 318-A](#)) and juveniles held in custody ([Rule 318-B](#)). It replaces Rule 318, dated February 28, 1990, and supersedes all previously issued Rules, Orders, Memorandums, Bulletins and directives concerning the processing, safekeeping and treatment of prisoners in the custody of members of this Department, at the House of Detention and the Juvenile Pre-Arrestment Facility.

**GENERAL CONSIDERATIONS:** Officers shall be held strictly responsible for the safe custody of the prisoners under their care and this responsibility is theirs at all times. Prisoners and suspects shall be treated in a fair and humane manner and the rights to which they are entitled shall be respected.

**Sec. 1 ARREST PROCEDURE:** Except when otherwise ordered or allowed, every person arrested shall be taken at once to the station house of the District wherein such person was arrested where a computerized Department Booking Sheet (hereinafter referred to as a "Booking Sheet") shall be completed promptly by a Booking Officer who shall then photograph and fingerprint the arrested person using the Integrated Identification Imaging System. In addition to being processed using the Integrated Identification Imaging System, all suspects arrested for homicide, rape and other serious offenses, as determined by the Duty Supervisor, shall have a full set of inked prints taken by a trained fingerprint technician.

**Sec. 2 EXAMINATION FOR VISIBLE INJURIES:** When a person under arrest or in protective custody is brought to a station for an original booking, or one who has been previously booked at another facility is being surrendered to a receiving facility, the Duty Supervisor shall immediately examine the prisoner and if he finds cuts, bruises or other injuries shall forthwith make a written report thereof to the Commanding Officer ([M.G.L. c. 276 § 33](#)). For the purposes of [M.G.L. c. 276 § 33](#), a Booking Sheet shall be considered sufficient documentation of injuries and shall be forwarded to the Chief, Bureau of Professional Standards and Development. If a Booking Officer has been designated, it is the responsibility of that officer to notify the Duty Supervisor of any injuries to the prisoner.

If a prisoner is suffering from wounds or injuries which appear to have been inflicted during the arrest process, the Duty Supervisor shall record the fact on the Booking Sheet and notify the Commanding Officer. The Commanding Officer shall forthwith inquire into the circumstances of the case and if it appears that any injuries on a prisoner are incidental to the arrest process he shall initiate an investigation and shall submit a full and complete report to the Police Commissioner.

When a person in custody is found to be suffering from wounds or injuries requiring medical attention, the Duty Supervisor shall summon medical assistance. If so advised, the prisoner shall be sent to a hospital. Such person, if under arrest, shall be in the legal custody of the police.

Sec. 3 SICKNESS OR INJURY: Seriously injured prisoners will receive medical attention at a hospital prior to the booking process.

When officers transport a prisoner to a hospital or medical facility prior to the booking process, the prisoner's property shall be inventoried and held by the hospital. Contraband or evidence shall be handled in accordance with [Rule 309, Evidence and Found Property](#).

In the event that a prisoner is transported to a hospital or medical facility after the booking process, his/her property will remain in the custody of the District.

When a prisoner is unconscious, the Duty Supervisor shall be notified, every effort shall be made to restore consciousness and medical assistance shall be summoned.

Any unusual appearance or behavior displayed by a prisoner shall receive immediate attention.

Properly prescribed medicines found to be in the prisoner's possession shall be taken into custody. If the person in custody so requests, the Duty Supervisor shall allow a proper dosage, as prescribed on the medicine label, to be given to the prisoner. Dosages and their frequency of ingestion, shall not exceed the limitations set forth on the medicine container. Each dose of medication issued shall be recorded on the appropriate form for that prisoner, using the Integrated Identification Imaging System, by the Duty Supervisor or a Booking Officer.

Sec. 4 BOOKING PROCEDURES: All persons taken to a station house under arrest shall be placed before a Booking Officer where they shall be booked under the direction of the Duty Supervisor or his designee. The Duty Supervisor's authority to designate officers to process prisoners does not relieve the Duty Supervisor of his responsibility for the booking process.

No person may be designated as a Booking Officer unless they have been trained in the use and operation of the Integrated Identification Imaging System. Arresting officers, regardless of whether or not they have been so trained, shall not serve as the Booking Officer for their own prisoner(s).

In addition, no person may operate an Integrated Identification Imaging System terminal unless they have been trained in their use and are properly logged onto the system. Duty Supervisors and designated Booking Officers shall ensure that they properly log on and off the system to prevent unauthorized persons from gaining access to it.

The Duty Supervisor will also designate a Boston Police Officer to conduct a search of the person and be responsible for the removal of all personal property from the prisoner. The searching officer will ensure that all items, such as belts, neckties, boots, shoes and laces, or

any article which might be used for suicidal purposes are taken from the prisoner, whether during an original booking or a prisoner being received from another police facility, whether or not previously booked.

The Booking Officer shall book, photograph and fingerprint all arrested persons using the Integrated Identification Imaging System. In so doing, the Booking Officer shall:

A. Properly complete the computerized Booking Sheet. (All appropriate spaces on the Booking Sheet shall be completed.)

B. Ensure that they properly photograph any visible scars, marks, tattoos, injuries or amputations of all prisoners being booked.

C. Ensure that the prisoner's personal property is properly inventoried.

Ensure that all money and other property taken from a prisoner shall be placed in a Prisoner's Property Envelope and that the property is safeguarded in accordance with Department policy and procedures. (Refer to Section 7 of this rule.)

The legitimate purposes of an inventory (custodial) search are: (1) the safeguarding of the prisoner's property, (2) the protection of police officers from charges of theft, (3) the ascertainment of or the verification of the identity of a prisoner and (4) the keeping out of the cells anything dangerous to the prisoner, other prisoners, visitors, and police officers. While conducting an inventory (custodial) search, a police officer may open a closed container and examine its contents solely to meet the legitimate purposes of the inventory (custodial) search stated above. Documents or other records may be read or otherwise examined only to the extent necessary for such inventory purposes, including identity checking, and ensuring the arrestee's physical well-being.

In the case of large sums of money or property of unusually high value coming into the custody of the Department, the District Commander shall take whatever precautions necessary to safeguard that money or property.

D. Ensure the removal from the prisoner(s) of belts, neckties, boots, shoes, and any other property which may be used for suicidal purposes.

E. Check the state's on-line suicide list prior to transmitting an arrested person's booking information to the Identification Unit for verification.

F. Upon completion of the booking process, transmit the booking information to the Identification Unit for acceptance, verification and confirmation. Prisoners shall then be eligible for bail in accordance with the restrictions stated below in Section 7, Booking Verification, "Bail Considerations".

G. When a prisoner is being surrendered to another facility, the Juvenile Pre-Arrestment Facility or another law enforcement agency, the prisoner's property shall be handed over to the officer responsible for transporting the prisoner accompanied by a Prisoner Transportation Sheet and a Booking Sheet for each prisoner so transferred. The transporting officer shall acknowledge receipt of the prisoner's property by signing the arrest sheet above the signature of the prisoner.

The transporting officer shall deliver the prisoner's property and the above forms to the person in charge at the receiving District or agency who shall care for the prisoner's property in accordance with the provisions of this rule. In the case of the Juvenile Detention Facility, the Transporting Officer should deliver the property to the Duty Supervisor or the person in charge of that facility.

Sec. 5 USE OF TELEPHONE: The Duty Supervisor of a station house wherein a person is held in custody shall permit the use of the telephone within one hour for the purpose of allowing the person in custody to communicate with his family or friends, or to arrange for release on bail, or to engage the services of an attorney. If the prisoner has no funds the Department phone may be used ([M.G.L. c. 276 § 33A](#)).

Sec. 6 FINGERPRINTING AND PHOTOGRAPHING: State law mandates that whoever is arrested by virtue of process or is taken into custody by an officer and charged with the commission of a felony shall be fingerprinted according to the system of the Identification Section and the Department of Public Safety and may be photographed ([M.G.L. c. 263 § 1A](#)).

In addition, under this Rule, all persons arrested and booked at a Boston Police District station house shall be fingerprinted and photographed by the Duty Supervisor, or a designated Booking Officer, using the Integrated Identification Imaging System and in accordance with the operating procedures governing such use.

Booking Officers shall ensure that they properly log on and off the system and to the extent possible, restrict unauthorized personnel from accessing the terminal.

Upon completing the booking process for an arrested person, the Booking Officer shall transmit the information to the Identification Unit for verification and confirmation. Booking information that is determined by the Identification Unit to be incomplete or unacceptable shall be re-transmitted once appropriate corrections have been made.

Sec. 7 BOOKING Verification: The Identification Unit shall be responsible for ensuring the quality of all prisoner photographs (mugshots) and fingerprint images entered into the Integrated Identification Imaging System by the District Booking Officers and received at the Identification Unit on one of the several computer workstations dedicated to booking verification.



Identification Unit personnel shall ensure such quality control by making sure that District Booking Officers enter clear photographs and readable fingerprint images into the Integrated Identification Imaging System. Identification Unit personnel shall also be responsible for classifying fingerprints and sending a confirmation message to the District Booking Officer once such classification and verification has been completed. However, Identification Unit personnel shall not classify or verify a booking until the entire file has been accepted.

Identification Unit personnel assigned to booking verification shall ensure that:

1. Photographic images are clear;
2. Fingerprints are both clear and readable;
3. Information received is full and complete (i.e., race and sex match photo image, reported tattoos or scars are photographed, et al);
4. Unacceptable or incomplete records are rejected and the appropriate District station notified electronically in order that corrections may be made;
5. Booking records, once accepted, are promptly classified and checked against the central computer database in an attempt to identify the arrested person;
6. Upon completion of the classification and verification process, the appropriate forms are entered in the booking record and a computer confirmation message is sent to the District station for disposition.

In addition, Identification Unit personnel shall notify the District Booking Officer (by both telephone and computer confirmation ) of any "Master Name" on file for the offender.

Upon receiving such notification, District Booking Officers shall print an updated copy of the Booking Sheet and destroy all copies of the Booking Sheet that do not have the "Master Name" on it. District Booking Officers shall ensure that arresting officers are given an updated copy of the Booking Sheet.

Delayed Prisoner Processing Procedures: In the event the Integrated Identification Imaging System central database is down for service or communication links with the District booking stations are not functioning and the system cannot be brought back on line within a reasonable period of time, Duty Supervisors shall ensure that the following procedures are followed:

1. All booking information will be temporarily stored locally on the booking District's hard drive until such time as communication with the central database has been restored and the information can be transferred (uploaded).

2. Hard copies of the booking information (photographs and fingerprints) shall be printed out at the District and hand-carried to the Identification Unit where they shall be verified by Identification Unit personnel.

Bail Considerations: No prisoner arrested for a felony or for a violation of [M.G.L. c. 209A](#) shall be considered eligible for bail until their booking information has been accepted and verified by the Identification Unit. All other prisoners shall be considered eligible for bail once Identification Unit personnel have determined that their fingerprints are readable, their photographic images are clear and their booking information is full and complete.

Sec. 8 PERSONAL PROPERTY HELD AS EVIDENCE: When any property taken from a prisoner is to be held for evidence, the following procedures shall be followed:

A. Property held as evidence shall be placed in a Property Envelope, and/or appropriately tagged, and a notation shall be made on the Incident Report and the Booking Sheet.

B. The size and type of evidence shall be the determinants of the methods used to prevent contamination thereof, and to protect the continuity of possession of the evidence.

C. Cash property shall always be designated as "bills" and/or "coin" and the total amount held shall be entered on the Booking Sheet.

D. The property section of the Booking Sheet shall be utilized to designate all property being held as evidence.

E. If for any reason a prisoner is unable or unwilling to sign for the receipt of his property, the Booking Officer shall sign in the space provided for the prisoner's signature and shall record the reason that the prisoner did not sign for himself.

F. If a partial return of property is to be made, the District hard copy of the Booking Sheet shall have a notation made on it so that only that property which is not returned to an individual is listed. The prisoner shall sign for his property, in the space provided, on the Booking Sheet in the presence of the Booking Officer.

G. Upon completion of the prisoner's receipt, the property held as evidence which is taken from the prisoner, shall be transferred to the proper unit for the tests and use to be made of it (as determined by the type of evidence); ensuring the continuity of possession by obtaining the signature of the unit member who receives it. A receipt for all evidence shall be stapled into the unit's Receipt Book.

Any officer who accepts a receipt for property, under any circumstances, shall enter his initials and ID number immediately above the signature on a receipt for property.

Sec. 9 FEMALES: All female prisoners, after being booked in accordance with the rules and procedures of the Department, shall be sent as soon as possible to the Suffolk County Jail in a Department vehicle.

Female prisoners shall be searched by a female Boston Police Officer. If no female police officer is available, the prisoner shall be transported to the Suffolk County Jail to be searched.

It shall be the responsibility of the operator of the police vehicle to notify the Operations Division Dispatcher via radio transmission of the point of departure, the exact time and the odometer reading. Upon their arrival at their destination they will again notify the Operations Division and again give the time, vehicle mileage and odometer reading.

The only time when male and female prisoners may be transported together is if they are arrested together for complicity in the same offense. Then, they may only be transported from the scene of the crime to the station for the booking process.

Any article taken from a female prisoner when she is booked at a station house which may be regarded as evidence shall be handled as provided under the section concerning evidence and retained for presentation in court ([Rule 309, Evidence/Found Property](#)).

Female prisoners in police custody shall not be confined in a cell within a cell-block at any station house. Whenever the temporary detention of a female prisoner is necessary, she shall be placed in a detention room, when one is available, or in a secured room to be held under guard.

Sec. 10 JUVENILES: When an individual who appears to be intoxicated is taken into police custody and is found to be under the legal age at which alcoholic beverages may be bought, the Duty Supervisor shall endeavor by all proper means to ascertain the place or places at which the minor obtained the liquor. A report of the results of the inquiry shall be noted on the Incident Report, BPD Form1.1.

Prisoners under seventeen years of age shall not be carried in a vehicle which is occupied at the same time by a prisoner above that age, except when the prisoner under seventeen has been arrested in the company of that older person or for complicity in the same offense.

For further information on dealing with juvenile prisoners, refer to [Rule 318-B](#).

Sec. 11 DISABLED PERSONS: Department personnel will make every effort to accommodate any disabled person taken into custody and provide reasonably speedy bail.

Pursuant to [M.G.L. c. 221 § 92A](#), whenever a deaf or hearing impaired person is arrested for an alleged violation of a criminal law or ordinance, arrangements shall be made through the Operations Division to provide a qualified interpreter to assist such person regarding any interrogation, warning, notification of rights or taking of a statement. Any admission or

statement made by a hearing-impaired person made in the absence of a qualified interpreter or a voluntary waiver will not be admissible in court.

Sec. 12 CELL INSPECTION: Prisoners who are not bailed shall be placed in cells with no more force being used than is necessary to overcome resistance.

Prior to placing a prisoner in a cell, an officer will examine the cell for any unauthorized articles and remove them. This officer will also check the locking mechanism to ensure it is not defective. Defective cells are not to be used. If the cell is defective the Duty Supervisor will be notified, who will contact the building superintendent. A note of the problem will be entered on the District Administrative Log. If contact cannot be made with the building superintendent, a report will be left for the District Commander, who will make the notification.

Sec. 13 PRISONER INSPECTION: The Duty Supervisor or the Director of the Juvenile Pre-Arrestment Facility shall visit, or cause to be visited, all persons in their custody at least once every fifteen minutes, and shall ensure that each visit is recorded in the Prisoner Inspection Record ([M.G.L. c. 40 § 36B](#)).

Sec. 14 SUICIDES AND ATTEMPTED SUICIDES: Whenever a person in the custody of the Police Department has committed suicide, the Duty Supervisor shall immediately notify the Operations Division Duty Supervisor who shall notify the Internal Affairs Division, the Homicide Unit and the Medical Examiner's office. The cell in which a suicide has occurred shall be secured and not used until viewed by the Medical Examiner.

Whenever a person in the custody of the Police Department has attempted to commit suicide, the Duty Supervisor shall immediately notify the Operations Division Duty Supervisor who shall notify the Internal Affairs Division. The cell in which an attempted suicide has occurred shall be secured and not used until viewed and released by an Internal Affairs Division investigator.

The District Commander of a lockup facility, or in the case of the Juvenile Pre-Arrestment Facility, the Commander of District A-1, shall file an Incident Report, BPD Form 1.1. and a Special Report (BPD Form 26), through appropriate channels to the Office of the Police Commissioner, whenever a person in police custody commits suicide, dies, or inflicts self-injury at a lockup facility which subsequently results in his/her death. The report shall identify the deceased and describe, in complete detail, the circumstances of the death. A copy of the report shall also be forwarded to the Office of the Medical Examiner.

The District Commander of a lockup facility, or in the case of the Juvenile Pre-Arrestment Facility, the Commander of District A-1, shall file an Incident Report, BPD Form 1.1, and a Special Report (BPD Form 26), through appropriate channels to the Office of the Police Commissioner, whenever a person in police custody attempts to commit suicide. The report shall identify the person who attempted to commit suicide and shall describe, in complete detail, the circumstances of the attempt.

Whenever, in the opinion of the Duty Supervisor or the person in charge of any police facility, a prisoner shows indications that he may attempt to commit suicide (e.g. extreme depression, anxiety), the Duty Supervisor or person in charge of that facility shall be responsible for taking all reasonable precautions to prevent such an attempt.

Should a prisoner show that he may attempt to commit suicide, the Duty Supervisor shall immediately ensure that the prisoner is closely monitored. The Duty Supervisor shall then notify the Duty Supervisor at the Operations Division who shall dispatch 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 such medical assistance is unavailable, the Duty Supervisor shall have the prisoner transported to a hospital, accompanied by police officers, where a determination can be made as to whether he is suicidal.

Department personnel receiving prisoners should familiarize themselves with any information provided by the Department concerning the past history of individuals who may come into their custody.

Whenever a person in police custody attempts or threatens suicide at a lockup facility, the Booking Officer or in the case of the Juvenile Pre-Arrestment Facility, the Duty Supervisor of District A-1, shall immediately telephone the Teletype Unit of the Operations Division, providing the name of the subject, current address, date of birth, the charge(s) for which the subject is being detained, and the date, time and nature of the attempt or threat. The Teletype Unit shall then send an administrative message to the Criminal History Systems Board. A copy of the report pertaining to the attempted or threatened suicide shall be forwarded to the Office of Strategic Planning and Research.

If a person attempts or threatens suicide in a lockup facility and is transferred to another lockup facility, the Duty Supervisor shall deliver, or caused to be delivered, to the receiving facility at the time of delivery of the prisoner, a copy of the Incident Report, BPD Form 1.1, relating to the attempted or threatened suicide.

Sec. 15 FOOD/SERVICES: No member of the force or employee of the Department shall accept a fee for rendering any services to persons in custody; nor shall any member or employee receive any money or any item of value from a prisoner for any purpose whatsoever without the knowledge and consent of the Duty Supervisor. (See [Rule 102, Sec. 22, Gifts/Gratuities](#))

Police officers shall not recommend to prisoners or others the employment of any specified person as attorney or counsel, nor shall they furnish the names of persons as bondsmen or be concerned in matters of bail, other than as prescribed in [Rule 321, Bail and Bail Commissioners](#).

Prisoners shall be made as comfortable as possible. They shall be supplied with clean water to drink.

Prisoners shall not be allowed to receive food or drink other than that which is supplied to the Department by authorized vendors.

Sec. 16 AUTHORIZED VISITORS: No person shall visit with a prisoner unless authorized by the Duty Supervisor, and then only in the presence and hearing of a police officer assigned for that purpose. However, when a prisoner has retained counsel he shall be allowed to consult with his counsel in a secured area, within the sight of, but not within hearing of, the Duty Supervisor or an officer assigned for that purpose.

The Duty Supervisor may restrict visits by friends and relatives subject to the availability of personnel, presentation of identification and the needs of the Department.

Sec. 17 TRANSPORTATION: Persons arrested while the Municipal Court or District Courts are in session, who are in a fit condition, shall be taken before said Courts; but if not in a fit condition, such persons shall be detained until they are in a fit condition, unless otherwise lawfully disposed.

Prisoners shall not be transported in vehicles in excess of the seating capacity. When necessary, extra trips shall be made and prisoners awaiting transportation to court shall be returned to cells.

Duty Supervisors shall ensure that no prisoner is transferred from a station to a court, or elsewhere, who is not decently clothed.

Prisoners transported from station houses to other places for any purpose whatsoever, shall be guarded by a sufficient number of patrol personnel and shall be restrained individually or to other prisoners in accordance with Department [Rule No. 315, Handcuffs](#).

HANDCUFFS SHALL NOT BE REMOVED EXCEPT TO FACILITATE FINGERPRINTING, WRITING ON FORMS OR WHEN OTHERWISE ABSOLUTELY NECESSARY.

Sec. 18 ESCAPES: Whenever a prisoner escapes, the Duty Supervisor will be notified immediately. If the escape is from a cell, all exits from cell-blocks, as well as the building, will be secured by a sufficient number of officers and an orderly, methodical search will be conducted.

If an escaped prisoner cannot be immediately located, the Duty Supervisor will immediately notify the Operations Division, furnishing a complete description, name and address and the nature of the arrest. This information will be broadcast to all units.

A report of any escape shall be made as a supplement to the original 1.1 report and forwarded through the chain of command.

The Internal Affairs Division will be immediately notified of any escape.

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 2.

## Rules and Procedures

### Rule 318A

September 1, 2004

#### Rule 318A - CARE AND TREATMENT OF PERSONS IN PROTECTIVE CUSTODY

This rule is issued to provide Boston Police Officers with an outline of the responsibilities and obligations of Police Officers who take persons into protective custody under the Massachusetts Alcoholism Treatment and Rehabilitation Law, [MGL Chapter 111-B](#). Pursuant to Ch. 111-B, incapacitation shall mean, "the condition of an intoxicated person who, by reason of consumption of intoxicating liquor is (1) unconscious, (2) in need of medical attention, (3) likely to suffer or cause physical harm or damage property, or (4) disorderly."

GENERAL CONSIDERATIONS: The Boston Police Department has adopted several measures to ensure that persons taken into custody are afforded all the rights which the law allows them. This section shall deal solely with incapacitation due to alcohol intoxication.

In instances where the incapacitation is due to drugs, the person in custody shall be transported to a hospital or medical facility.

Sec. 1            INCAPACITATED PERSONS' RIGHTS: Every incapacitated person assisted to a police station shall be informed of their right to use the telephone. Such a person also has the right to request to be administered an alcohol breath test. Signs in English and Spanish explaining the right of the person in custody to take an alcohol breath test shall be posted in the area of each department booking desk. Commanding officers shall ensure that these signs are maintained. Whenever a deaf or hearing-impaired person is taken into protective custody arrangements shall be made through the Operations Division to provide a qualified interpreter to assist such person.

Sec. 2            DUTY SUPERVISORS: The Duty Supervisor shall:  
Be personally responsible to examine persons held in protective custody for visible injuries. In the event that a person in protective custody is injured, the Duty Supervisor shall abide by the provisions of Rule 318, Section 2, which requires a full report to be made and forwarded to the Chief of the Bureau of Professional Standards and Development.

Ensure that the appropriate department form is completely filled out for each person held in protective custody. This fulfills the record-keeping requirements of the law concerning "entry of custody" for persons held in protective custody. Visible injuries must be noted on such forms and forwarded to the Chief, Bureau of Professional Standards and Development.

Ensure that it is noted on the Protective Custody Form whether the person in custody exercised the right to take an alcohol breath test and the results of the test.



Sec. 3 PROTECTIVE CUSTODY FORM: Persons in custody must be informed, in writing, of their lawful right to have an alcohol breath test. Duty Supervisors shall insure that all persons brought to the district stations as incapacitated persons are given the opportunity to read the written notice of their right to have an alcohol breath test, which is printed on the department's Protective Custody Form (BPD Form 24). The Duty Supervisor shall have the person in custody sign the form where indicated, which notes that he/she has received notice of his right to have a breathalyzer test administered.

ALCOHOL BREATH TEST RESULTS ARE TO BE USED AS FOLLOWS:

A. If the result is a reading of .10 or above, the person shall be presumed to be intoxicated and shall be placed in protective custody at a police station or transferred to a detoxification facility.

B. If the result is a reading of .05 or less, the person shall be presumed not to be intoxicated and shall be released from custody immediately.

C. If the result is a reading that is more than .05 but less than .10, no presumption shall be made. However, a reasonable test of coordination and speech must then be administered and only if this test indicates that the person is intoxicated may he/she be placed in protective custody at a police station or be transferred to a detoxification facility.

Sec. 4 NOTIFICATION OF PARENT OR GUARDIAN: The police must notify immediately the parent or guardian of a person who is under the age of 18 when held in protective custody.

Furthermore, a person under the age of 18 must be released to such parent or guardian, at the request of the parent or guardian. (Formerly, this release upon request applied to juveniles, those under the age of 17.)

Sec. 5 The officer in charge at the district station is required by law to notify the nearest detoxification facility that a person is being held in protective custody. In the event a treatment facility is not available, the person in custody may be held at the station until recovered from the intoxication or for a period not to exceed twelve (12) hours, whichever is sooner.

The Commanding Officer of the district shall insure that a current listing of all such facilities available for his district is maintained near the booking desk. The Duty Supervisor shall ensure that the above notification procedure is completed in all cases and that the appropriate sections of the Protective Custody Form are completed, including the name of the person at the facility who was contacted.

When treatment is available at the facility the incapacitated person shall be transported to that location as promptly as possible.

Sec. 6 Police Officers are reminded that when they are acting in a reasonable manner and pursuant to the provisions of Ch. 111-B, they shall not be criminally or civilly liable for such acts.

Detoxification Facilities (Updated September 1, 2004)

Andrew House Detox  
Long Island, Morse Building  
Quincy, MA  
617-479-9320

Arbour Hospital  
49 Robinwood Road  
Jamaica Plain  
617-522-4400

CAB Detox  
784 Mass Avenue  
Boston  
617-247-1001

Detoxification Facilities

Dimock Detoxification Center  
Dimock Community Health Center  
55 Dimock Street  
Roxbury  
617-442-9661

Faulkner Hospital  
1153 Centre Street  
Jamaica Plain  
617-983-7710

St. Elizabeth Hospital  
736 Cambridge Street  
Brighton  
617-789-2574

Kathleen M. O'Toole  
Police Commissioner

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 2.

## Rules and Procedures

### Rule 318B

September 13, 1995

#### **Rule 318B - PROCEDURES FOR HANDLING ARRESTED JUVENILES AND USE OF THE JUVENILE DETENTION FACILITY**

This rule establishes the policy for the care and treatment of juveniles who come into custody of the Boston Police Department and supersedes all previously issued rules, orders, directives and memorandums. As used in this Rule, the term "juvenile" shall mean any child that has not yet reached their seventeenth birthday.

Sec. 1 GENERAL CONSIDERATIONS: Police officers are authorized and encouraged to use the least restrictive appropriate placement available, given the facts of the offense, in dealing with juveniles. This rule contains references to the applicable statutes or regulations governing the treatment of juveniles taken into custody by the Boston Police Department and the options available to Police Officers under those rules and regulations. Generally, beyond what is minimally required by a particular statute, officers should choose among the available options and use the least restrictive appropriate placement available.

Except as noted in this rule, the provisions of [Rule 318](#), Prisoners, apply in their entirety to the custody of juveniles.

Sec. 2 ARREST OF JUVENILES: Juveniles placed under arrest fall into one of the two categories defined below:

A. Delinquent Child: A child between seven and seventeen who violates any city ordinance, or town by-law or who commits any offense against a law of the Commonwealth ([M.G.L. c. 119, § 52](#)). A delinquent child may be arrested in any situation where an adult could be arrested in order to enforce federal, state and local laws defining criminal and traffic offenses.

B. Status Offender: A child under seventeen who has committed an act that is against the law, but which would not be against the law if it were committed by an adult. Examples of status offenders include, but are not limited to:

1. Child in Need of Services (CHINS): A child below the age of seventeen who persistently runs away from the home of his parents or legal guardian, or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or legal guardian's inability to adequately care for and protect said child, or a child between the ages of six and seventeen who persistently and willfully fails to attend school or persistently violates the lawful and reasonable regulations of his school ([M.G.L. c. 119, § 21](#)).

An officer may only arrest a juvenile under the authority of the CHINS statute when the juvenile has failed to obey a summons issued by the court or when the arresting officer has probable cause to believe that the child has run away from home and will not respond to a summons.

2. Transportation of Alcoholic Beverages by Minors, [M.G.L. c. 138, § 34C](#). This is a status offense only when committed by a minor who has not yet reached their seventeenth birthday.

Sec. 3 PROTECTIVE CUSTODY: Juveniles may be taken into Protective Custody under two statutes, [M.G.L. c. 111B](#) or [M.G.L. c. 94C, § 36](#). When a juvenile is brought to the station, the juvenile's parents or legal guardians must be immediately notified. Department policy is that officers must make every reasonable effort not to keep a juvenile in protective custody more than four hours. Juveniles may also be taken into custody in certain situations without there being probable cause to arrest. Examples of such situations are the Children in Need of Services (CHINS) Act ([M.G.L. c. 119, § 39E](#)) or situations where it is believed that the life or health of the child is in immediate danger.

Sec. 4 BOOKING PROCEDURE: A juvenile under arrest should be brought to the station for booking. When booking is completed, the Duty Supervisor should be informed of the facts and circumstances of the case. The Duty Supervisor shall immediately notify a juvenile probation officer of the District Court and the juvenile's parent or guardian. The purpose of these procedures is to allow inquiry into the case. While this initial phase of the investigation and notification process is pending, the juvenile should be detained.

A. Juvenile Lockup Docket Form (BPD Form 2727): The Booking Officer shall complete all requested information on the Juvenile Lockup Docket Form for all juveniles under the age of 17 who are placed in a secure station house lockup.

1. Only juveniles who are held in a secure station house lockup should be recorded on these forms;
2. Only the amount of time that is actually spent in lockup should be recorded;
3. All times shall be recorded in military time (i.e., 5 p.m. is 1700 hours).

Commanding Officers shall ensure that the above forms are forwarded to the Bureau of Field Services no later than the first week of the month for the period covering the prior month. The Bureau of Field Services shall be responsible for sending such forms to the Executive Office of Public Safety, Committee on Criminal Justice.

Sec. 5 DETENTION POLICIES: The policies which govern the detainment of juveniles are set by both Massachusetts and federal law. Those policies are as follows:

A. Status offenders (including CHINS arrests) may not be placed in a "secure" lockup for any amount of time. Status offenders may only be referred to an approved "shelter care facility" or held in a "non-secure" environment and separated visually and audibly from adult prisoners.

1. Approved "Shelter care facilities" are also the preferred alternative for any juvenile who is eligible for release but whose parent or guardian cannot be contacted, or who refuses to take him or when there is a concern for the health and safety of the juvenile if returned to the parent or guardian.

B. Juveniles under the age of fourteen (14) may not be detained in a police lockup for any amount of time.

C. Juveniles between the ages of fourteen (14) and seventeen (17) who are charged with delinquency offenses may be held in police lockup for no more than six (6) hours for the purpose of identification and processing. Such detention must only be in Department of Youth Services (DYS) approved cells.

1. In accordance with the procedures described below in §§ 7-8, once a determination has been made to detain a juvenile, the juvenile should be transferred to the Department Juvenile Detention Facility.

Sec. 6 RELEASE AFTER BOOKING: The Duty Supervisor may make the decision to release a juvenile to the juvenile's parent, guardian or other reputable person if they promise, in writing, to supervise the juvenile and insure his or her appearance in court. The juvenile may also be released to a probation officer upon that probation officer's request. Booking Officers must complete the Juvenile Release Form, BPD 2331A/B whenever a juvenile is released from custody.

Sec. 7 JUVENILE DETENTION FACILITY: The Boston Police Department Juvenile Detention Facility is located on the fifth floor of District 1, 40 New Sudbury Street. One or more of the criteria listed below must apply in order for a juvenile who is not a "status offender" to be transported to the Detention Facility.

A. The arresting officer requests in writing that a juvenile between the ages of 14 and 17 be detained and the Duty Supervisor concurs.

B. A court issuing an arrest warrant for a juvenile between the ages of 14 and 17 directs in the warrant that the juvenile shall be held in safekeeping pending the juvenile's appearance in court.

C. A probation officer directs that a juvenile aged 14 to 17 be detained.

A juvenile being detained is eligible for bail in accordance with the laws of the Commonwealth.

Sec. 8 JUVENILE DETENTION FACILITY ADMISSION PROCEDURES: Once the Juvenile Detention Facility has been determined to be the appropriate placement for an arrested juvenile, the following steps will be taken:

- A. The Duty Supervisor of the District holding the juvenile will contact the facility staff by telephone.
- B. If the specified criteria have been met and space is available, the juvenile will be transported to the facility.
- C. The transporting officers will bring the juvenile to the Juvenile Detention Facility.
- D. The transporting officers will present the prisoner, his belongings and the following paperwork: Prisoner Transportation Sheet, Booking Sheet, arrest warrant (if applicable) and a copy of the Incident Report Form (BPD Form 1.1).
- E. The facility Supervisor will review the paperwork and make a brief physical examination to ensure that the juvenile is not sick, injured or under the influence of drugs or alcohol prior to accepting the juvenile. The transporting officers will not leave until the juvenile has been received by the facility.

The Juvenile Detention Facility does not have the ability to handle sick, injured, intoxicated or drug-influenced juveniles and will not accept them. Such juveniles should be taken to the Boston City Hospital for needed medical treatment prior to being referred to the facility.

Juveniles may only be transferred to the Juvenile Detention Facility during the hours they are open and if they have room to accept them. The Day Duty Supervisor for the District in which a juvenile was arrested shall ensure the juvenile is picked up and transferred to court before 10:00 a.m. on the next morning court is in session.

Sec. 9 Juvenile Detention Facility Hours of Operation:

The hours of operation for the Juvenile Detention Facility are as follows:

Monday, 6:00 p.m.	through	Tuesday, 10:00 a.m.
Tuesday, 6:00 p.m.	through	Wednesday, 10:00 a.m.
Wednesday, 6:00 p.m.	through	Thursday, 10:00 a.m.
Thursday, 6:00 p.m.	through	Friday, 10:00 a.m.
Friday, 6:00 p.m.	through	Monday, 10:00 a.m.

Note: Amended by Special Order 95-68, issued November 14, 1995, due to an address change for the approved shelter care facility for status offenders in the Metro Boston Region.

Amended by Special Order 97-36, issued October 10, 1997, which added Section 9, Juvenile Detention Facility Hours of Operation

APPROVED SHELTER CARE FACILITY FOR STATUS OFFENDERS  
HELD IN THE CUSTODY OF THE BOSTON POLICE DEPARTMENT

Commanding Officers must ensure that this notice is made available to all Duty Supervisors and Booking Officers and placed in the area where arrested persons are processed. At the present time, there is only one approved shelter care facility for status offenders in the Metro Boston Region.

Metro Boston Region

Core, Inc.  
4 Thirteenth Street  
Charlestown, MA 02129  
(617) 241-0500

Central Region

Youth Opportunities Upheld, Inc.  
81 Plantation Street  
Worcester, MA 01604

YOU, Inc.

(508) 849-5600, ext. 236 (day)

(800) 435-9990

United Homes (508) 640-0089

Luk (800) 922-8169

Western Region

Center for Human Development  
332 Birnie Avenue  
Springfield, MA 01107

(413) 733-6624 (day)

(413) 733-6624 (hotline)

Southeast Region

Versacare  
P.O. Box 2037

Northeast Region

Lawrence Boys' Club  
136 Water Street

140 Park Street  
Attleboro, MA 02703

(508) 226-1660 (day)  
(508) 226-6031 (hotline)

Lawrence, MA 01841

(617) 841-0053 (eve)



**Rules and Procedures**  
**Rule 318C**  
**September 26, 2001**

**Rule 318C - CARE AND CUSTODY OF FEMALE PRISONERS**

This Rule establishes guidelines and procedures for the Care and Custody of Female Prisoners and supersedes the previous Rule 318C that was issued on March 13, 1991.

Sec. 1 GENERAL CONSIDERATION: Female prisoners arrested or detained by members of the Boston Police Department will be processed in the usual manner at the District of arrest or detention and then transported to District D-4 subject to the additional procedures described below.

Sec. 2 AVAILABILITY: District D-4 shall be open at all times for the housing of female prisoners.

Sec. 3 PROCESSING: The guidelines for the booking procedure, as provided for in [Rule 318](#), will be strictly adhered to. All forms including the Booking Sheets, BPD Form 2.1 and/or the Protective Custody Form, BPD Form 24 (with special attention being paid to Box #29 - Right to a Breathalyzer Test), will be completed in their entirety and reviewed and signed off on, where applicable, by the Duty Supervisor.

Sec. 4 SEARCHES: In accordance with the provisions of [Rule 318 §§ 4 & 9](#), all female prisoners shall be subject to a custodial inventory search of their person and property at the time that they are booked.

The Duty Supervisor at the District of arrest or detention and the Duty Supervisor at District D-4 are responsible for ensuring that the procedures outlined in [Rule 318D](#), Strip Search and Body Cavity Search Procedures, are strictly adhered to for all prisoners in their custody or under their control.

Sec. 5 EVIDENCE: Any property taken from a female prisoner which may be used as evidence shall be handled in strict accordance with [Rule 318, § 8](#).

Sec. 6 PROPERTY/TRANSPORTATION/BAIL: In accordance with the provisions of [Rule 318, § 7](#), Booking Procedures, and Special Order 99-46, Interim IAFIS Booking Procedures, all prisoners shall be held at the District of arrest or detention until the I.D. Unit sends an "event" message to the District of arrest or detention, notifying them that the Integrated Automatic Fingerprint Identification System (IAFIS) has been checked and has indicated:

1. The IAFIS check has been completed and the prisoner is eligible for bail; or
2. There is an existing NCIC warrant which the District must verify; or

3. IAFIS has rejected the fingerprints and they must be re-taken and re-submitted.

If the Integrated Automatic Fingerprint Identification System (IAFIS) is out of service and/or the FBI fails to contact the I.D. Unit within two (2) hours of the record having been submitted, the I.D. Unit shall notify the District of such and the procedures detailed under [Rule 318, §7](#), Delayed Prisoner Processing Procedures, shall be followed. Those procedures allow prisoners, except for prisoners arrested for a felony or for a violation of [M.G.L. c. 209A](#), to be considered for bail only after their booking information has been accepted and verified by the Identification Unit.

Duty Supervisors shall ensure that all reasonable efforts are made for female prisoners to arrange for bail prior to making arrangements to transport such prisoners to District D-4. Additionally, Duty Supervisors shall ensure that female prisoners who are unable to be bailed or who are ineligible for bail shall only be transported to District D-4 by the District of arrest or detainment after the above procedures have been followed.

Transporting officers will ensure that all property listed in the booking sheet is transported along with the arrestee. Transporting Officers shall turn over the prisoner's property to the Booking or Receiving Officer at District D-4 and shall require such Booking or Receiving officer to sign BPD Form 2.1 and/or BPD Form 24, in the appropriate box, attesting to the receipt of the prisoner's property.

Transportation of female prisoners to court will be provided by the District of arrest or detainment.

Sec. 7 ILLNESS/INJURY: The Duty Supervisor at the District of arrest or detainment shall ensure that female prisoners who are injured or ill are treated in accordance with the provisions of [Rule 318, §§ 2-3](#) prior to transporting such female prisoners to District D-4.

Sec. 8 HOSPITALIZATION: Regardless of whether or not a female prisoner has been transported to District D-4, if medical personnel determine that hospitalization of a female prisoner is required, the District of arrest or detainment shall provide escort for the ambulance and provide for prisoner security at the hospital.

In the event that District D-4 provides escort for the ambulance of a prisoner who is being hospitalized and who was arrested or detained by another District, the District of arrest or detainment shall be responsible for providing security at the hospital immediately upon being advised of the need for such prisoner transport. The decision as to whether such security at the hospital is necessary shall be made by the Duty Supervisor of the District of arrest or detainment

## **Rules and Procedures**

### **Rule 318D**

**December 13, 2005**

### **Rule 318D - STRIP SEARCH, VISUAL BODY CAVITY SEARCH, AND BODY CAVITY SEARCH PROCEDURES**

This rule is issued to establish guidelines, regulations and procedures outlining when and how strip searches, visual body cavity searches, and body cavity searches may be performed. It is effective immediately, superseding all previously issued rules, regulations, orders and other directives concerning the procedures to be used when searching prisoners. Officers shall conduct these searches with due recognition and deference for the human dignity of those being searched.

#### **Sec. 1 GENERAL CONSIDERATIONS/PURPOSE:**

The purpose of this Rule is to clarify Department policy relative to custodial strip searches, visual body cavity searches, and/or body cavity searches authorized by a warrant.

A search conducted incident to arrest may be made only for the purposes of seizing fruits, instrumentalities, contraband, and other evidence of the crime for which the arrest has been made, in order to prevent its destruction or concealment; and removing any weapons that the arrestee might use to resist arrest or effect his escape (M.G.L. C. 276, s. 1).

A search incident to a lawful arrest can progressively extend into a strip search, or visual body cavity search, only if the officer has probable cause to believe that the prisoner has concealed such items on his/her person or his/her clothing that cannot otherwise be discovered by the usual search incident to arrest. Before an officer may command removal of an arrested person's last layer of clothing, he/she must have probable cause to believe that he/she will find a weapon, contraband, or the fruits or instrumentalities of the crime that he/she could not reasonably expect to discover without forcing the arrested person to discard all of his/her clothing. This Rule will provide guidelines for conducting a strip search and/or visual body cavity search.

This Rule also clarifies the Department's policy governing body cavity searches. When an officer has a high degree of probable cause to believe that an arrestee has secreted contraband and/or weapon(s) in any body cavity, that officer must seek a warrant pursuant to [G.L. c. 276](#) to authorize a qualified medical professional to perform a "body cavity

search[.]" This requirement must be strictly adhered to even if an object is observed partially protruding from the body cavity. (Note: The exigent circumstances exception to the warrant requirement will apply if a suspect attempts to swallow contraband in the presence of the officer).

## Sec. 2 DEFINITIONS:

- Strip Search: A search that refers to an inspection of a naked individual without any scrutiny of his/her body cavities. It is a search in which a detainee is commanded to remove the last layer of his/her clothing.
- Visual Body Cavity Search: A search that extends to a visual inspection of the anal and genital areas. The mouth is not considered a body cavity.
- Body Cavity Search: A search conducted pursuant to a warrant that authorizes a physician to conduct an internal manual inspection of any human body cavity.

## Sec. 3 ROLE OF DUTY SUPERVISOR:

It shall be the responsibility of the Duty Supervisor to make the determination whether or not a strip search and/or a visual body cavity search should be conducted. It shall also be the responsibility of the Duty Supervisor to make the determination whether to seek a warrant for a body cavity search.

The Duty Supervisor will ensure that every provision of this Rule is complied with in those cases where a strip search and/or visual body cavity search is to be performed.

## Sec. 4 STRIP SEARCH AND/OR VISUAL BODY CAVITY SEARCH

Strip searches and/or visual body cavity searches MAY NOT be conducted as a routine part of the booking procedure.

A strip search and/or a visual body cavity search may **ONLY** be conducted if the DUTY SUPERVISOR finds that the suspect is in

custody, and the officer has PROBABLE CAUSE to believe that the suspect has a weapon, contraband, or the fruits or instrumentalities of the crime that he could not reasonably expect to discover without forcing the suspect to discard all of his/her clothing.

After such a finding is made, the Duty Supervisor shall ensure that the following procedures are followed:

1. The search will be performed by an officer who is the SAME GENDER as the prisoner, and will be conducted in an area that affords COMPLETE PRIVACY.
2. The strip search and/or visual body cavity search shall be recorded on the incident report. The incident report shall include the facts supporting the probable cause determination, the name of the officer performing the search, and the location where the search is conducted.
3. Any evidence or property discovered shall be seized, recorded and secured in the normal manner, and recorded on the incident report as well as on the booking sheet. If no evidence is found, the reporting officer shall make a notation to that effect on the incident report.
4. Arrestees may be requested to manipulate their own body parts. Police officers may not touch or prod any body part. In the event that the strip search and/or visual body cavity search is not accomplished, due to a lack of cooperation on the part of the arrested person, the Duty Supervisor shall determine whether or not the arrested person is placed in a cell or kept under guard.

Police officers are prohibited from conducting a strip search and/or visual body cavity search outside the confines of the District Station, except in cases of an authorized search warrant for a dwelling, building, or other place that specifies a search of a specific person and/or "any person present."

In no event shall force be applied to accomplish a strip search and/or visual body cavity search unless authorized by a warrant. If the warrant specifies the search of "any person present" and the superior officer in charge of the search has probable cause to believe that a person present has a weapon, contraband, or the fruits or instrumentalities of the crime that he/she could not reasonably expect to discover without forcing the person present to discard all of his/her clothing, he/she may conduct a strip search and/or visual body cavity search. All

responsibilities listed for the Duty Supervisor in this section shall be transferred to the superior officer in charge of the search.

#### Sec. 5 BODY CAVITY SEARCH:

Body cavity searches may only be conducted when authorized by a warrant. It shall be the responsibility of the Duty Supervisor to make the determination whether a warrant should be sought authorizing a body cavity search.

NOTE: Precautions should be taken by police officers when handling evidence recovered in this fashion, such as wearing protective gloves.

#### Body Cavity Search Procedure

1. Under no circumstances shall a body cavity search be conducted by a police officer.
2. If an officer has a high degree of probable cause to believe that a weapon, contraband, or the fruits or instrumentalities of the crime may be secreted in a body cavity of the arrested person, a search warrant shall be sought. This applies even when an item may be viewed partially protruding from the body cavity. If the arrested person personally extracts any items from their own body cavity, no such warrant will be necessary
3. The Duty Supervisor, or his designee, shall make application for the warrant in accordance with established Department procedures (See Special Order 95-5).
4. Only a judge may issue such a warrant.
5. Only a qualified medical professional, pursuant to a warrant, may conduct an intrusion of a body cavity, or extract any items from the body cavity. After the warrant is issued, the arrested person shall be transported to a medical facility so that a qualified medical professional may extract any items from the body cavity. The Duty Supervisor shall ensure that the arrested person is constantly monitored during this trip to the medical facility until such time that the body cavity search is completed.
6. The body cavity search shall be recorded on the incident report, including the name of the physician conducting the search, the name of the officer seizing the evidence or property, the name of the authorizing Duty Supervisor, and the facts contributing to the high degree of probable cause determination. The arrested person shall then be transported back to the station where the evidence or property discovered shall be seized, recorded and secured in the normal manner, and recorded on the incident

report as well as on the booking sheet. If no evidence is found, the reporting officer shall make a notation to that effect on the incident report.

Note: Although not considered a body cavity search, in the event that an arrested person creates an exigent circumstance by endangering his or her own health by swallowing an item, the arrested person shall be immediately transported to a medical facility for treatment. The Duty Supervisor shall ensure that the arrested person is constantly monitored during the trip to the medical facility until such time that the treatment is completed. Any evidence or property recovered by medical personnel shall be seized, recorded and secured in the normal manner, and recorded on the incident report, as well as on the booking sheet. A search warrant is not necessary in those cases where medical personnel perform an operation necessitated by good medical practice, for medical reasons, and only incidentally results in the recovery of evidence for police use.

Kathleen M. O'Toole  
Police Commissioner

## **Rules and Procedures**

### **Rule 318E**

**June 12, 2006**

#### **Rule 318E - FUGITIVE FROM JUSTICE – PROCEDURES**

**PURPOSE:** This rule is issued to establish Department policy and procedures and ensure compliance with existing statutes and regulations when encountering individuals wanted by an out of state jurisdiction.

**SEC. 1 GENERAL CONSIDERATIONS:** Members of the department must follow specific procedures when encountering persons wanted by an out of state jurisdiction for criminal violations. Officers must rely on information provided by the out of state jurisdiction to establish probable cause for an arrest. Officers must pay special attention to extradition language before making an arrest for “Fugitive from Justice.” Members of the department must carefully document actions taken and follow up with procedures cited in this rule.

**SEC. 2 DEFINITIONS:** For purposes of this rule, the following definitions shall apply. Officers will note that the terms extradition and rendition can be used interchangeably, depending on the jurisdiction involved. However, when an individual is surrendered from one country to another country, the term extradition is used exclusively.

**A. Extradition:** The surrender by one state or country to another of an individual accused or convicted of an offense outside its own territory and within the territorial jurisdiction of the other, which, being competent to try and punish him/her, demands the surrender (Black’s Law Dictionary, 5<sup>th</sup> edition).

**B. Rendition:** The return of a fugitive to the state in which he/she is accused of having committed a crime, by the order of the governor of the state to which the fugitive has gone (Black’s Law Dictionary, 5<sup>th</sup> edition).

A trial court justice is also authorized to demand the return of a fugitive.

**C. Uniform Criminal Extradition Act (UCEA):** Most states, including Massachusetts, have adopted this federal act. The UCEA allows the arrest of fugitives in a state accused of a crime in another state for which the penalty is at least one year in jail.

Officers should also note M.G.L. Chapter 276, Sections 11-20, Fugitives from Justice and Chapter 209D, Uniform Interstate Family Support Act, Article 8, Interstate Rendition.



SEC. 3 PROCEDURES: When an officer determines during a lawful stop through an MDT or Nova Base query that an out of state warrant exists, he/she shall adhere to the following procedures:

A. MDT Query: During an MDT query, if an officer determines that an individual is a "Wanted Person" from an out of state jurisdiction, the officer shall pay particular attention to specific extradition/rendition instructions. The officer shall read the entire prompt within the MIS field to determine whether the person is subject to extradition/rendition.

When reading a Warrant Hit Notification on an MDT, if a NOEX " (No Extradition) is displayed in the MIS field, NO ARREST shall be made. The officer will release the person and complete an FIOFS and an incident report utilizing incident type "Investigate Persons." The incident report shall include the following:

- § NCIC Reference Number (NIC Number)
- § OCA Number (Originating Case Agency)
- § Name of Department, City and State

B. Nova Base Query: Officers without access to an MDT may make a warrant query based on the lawful stop of an individual by contacting Nova Base at Operations. Officers shall request a query of this individual supplying all available information. Upon a "Hit Notification" (Hit on a Wanted Person), Nova Base shall contact the warrant unit for verification of the information. Warrant unit personnel shall check on the information and relay its findings to Nova Base. Nova Base shall then notify the requesting officer whether or not an arrest is authorized.

The Warrant Unit shall comply with the following procedures:

- § Advise unit to standby for warrant verification
- § Carefully read message in the containment field
- § Carefully advise unit of extradition/NOEX instructions included in Teletype response

Strict attention must be paid to extradition/rendition, extradition/rendition limitations, and NOEX orders.

C. Arrest Process: Upon determining that a person is subject to extradition/rendition, the officer shall transport the subject to the district of arrest occurrence and send a "Hit Confirmation" request (YQ message), entering "U" in the priority field, to the originating agency to confirm the warrant and the agency's willingness to extradite. The officer will also request to have a copy of the warrant faxed to him/her.

After receiving confirmation of extradition/rendition (YR message), and a copy of the warrant, the officer shall complete the booking process, make out an incident report

and complete a court application for complaint charging the person as a “Fugitive from Justice” (MGL Chapter 276 Section 20A) along with any additional local charges.

D. Hit Notification through Identification Unit: When a suspect has been booked on unrelated charges and the Identification Unit is notified through IAFIS that an arrested person is wanted on an NCIC warrant, the ID Unit shall enter this information into the imaging system and notify the Fugitive Unit and the Duty Supervisor of the district where the person is in custody.

After the Duty Supervisor receives confirmation of a wanted person from the Identification Unit, he/she will assure that the procedures set forth for individuals subject to extradition/rendition are followed. However, the arresting officer shall complete a supplementary incident report using “Fugitive from Justice” in the crime category. The arresting officer will also make out a court application for complaint charging the suspect as a “Fugitive from Justice” (MGL Chapter 276 Section 20A) on behalf of the demanding state. The officer will attach a copy of the supplementary report and complaint to the original court complaint package.

When an individual is booked as a Fugitive from Justice, the district shall fax a copy of the following documents to the Fugitive Unit at 617.343.5351 and Teletype at 617.343.4750:

- § Incident/Supplementary report(s)
- § Application for Complaint
- § Copy of Warrant
- § Copy of YQ and YR message
- § Confirmation of extradition from originating agency and any other pertinent information

Albert E. Goslin  
Superintendent In Chief  
Acting Police Commissioner

## **Rules and Procedures**

### **Rule 320**

**March 8, 1982**

#### **Rule 320 - COURTS**

This rule is issued to establish the duties and responsibilities of police officers appearing in any of the various courts in the Commonwealth.

**GENERAL CONSIDERATIONS:** Police officers are expected to have greater knowledge of court proceedings than the general public. As law enforcement officers they are expected to be knowledgeable of the laws, ordinances and court procedures. When they appear in court they are expected to have their cases properly prepared; in addition, they are expected to make their best possible appearance.

Sec. 1 All Boston Police Officers appearing in court shall wear the uniform of the day, with the following exceptions:

- A. The outermost garment may be removed while officers are inside the court house.
- B. Personnel assigned to plainclothes duty may appear in civilian clothes provided they make a neat and business-like appearance. Male personnel shall wear a suitcoat and a necktie; female personnel shall be suitably attired.

On-duty officers are required to submit a Court Attendance Form to the Supervisor of Cases for his signature and shall return it to their area or unit. The Supervisors of Cases at the various courts shall insure that police personnel are attired in accordance with this rule and shall notify area and unit commanders in writing of personnel who appear in court dressed other than as required by this rule.

Sec. 2 All officers shall be present in court when a court process has been issued for their appearance on a specific date and time. Failure to appear will be sufficient justification for a hearing by the court to determine whether or not the officer should be held in contempt of court. If such a proceeding is initiated against an officer, the officer will have to prove to the satisfaction of the court that the delay in appearance was unavoidable. The burden of proof will be upon the officer to convince the justice on the issue before the court. Failure to convince the court in this matter may result in a contempt finding by the court and a money assessment against the officer.

Any officer who receives a notification that he is to appear for such a hearing shall submit a written report to his commanding officer setting forth all of the facts. Departmental disciplinary action may be instituted against an officer who fails to report his receipt of a notice to appear for a hearing.

Sec. 3 No officer shall attempt to procure a Direct Indictment without the assistance of an Assistant District Attorney and with his approval.

Sec. 4 On many occasions police officers are required to appear at a District Court and a Superior Court proceeding on the same day. Unless their presence is essential at the commencement of the Superior Court, due to the status of a particular case, these officers are permitted by the Superior Court prosecutor to attend the District Court proceeding before going to the Superior Court.

Any officer who has to appear in District Court, prior to Superior Court, shall telephone the Superior Court Supervisor, First Session, prior to departing from the District Court, to determine whether his Superior Court case has been called in the First Session of said Court and continued to another date. In this event the presence of the officer will not be required at Superior Court and he will be advised by the Court Supervisor not to appear at that Court.

Sec. 5 A police officer who is in charge of a case which is ready for trial shall insure that he is properly prepared; the witnesses present and all evidence suitably arranged for presentation to the court. He shall request the Court to have witnesses properly recognize in continued cases. He shall not agree with the defendant's counsel in any case to make certain recommendations to the court as to the disposition of the case but he may make recommendations when requested to do so by the court.

Sec. 6 No officer shall confer with the defendant in a criminal case or with the defendant's counsel unless the Assistant District Attorney assigned to the case is present.

Sec. 7 When summoned to the office of the District Attorney or to the Superior or Appellate Court with a case, the officer in charge of the case shall ascertain whether the defendant has a previous record of conviction, and if he has, shall have a certified copy of the record of conviction ready to be presented to the District Attorney of the Court.

Sec. 8 A police officer shall immediately notify the prosecutor of a case in which he is involved of all material facts which could affect the prosecution of the case as soon as such facts become known to him.

Sec. 9 Whenever a motion to suppress evidence is allowed in a lower court or in the Superior Court, it shall be the responsibility of the officer in charge of the prosecution of the case to make a report in writing to his commanding officer within 48 hours, giving all of the pertinent facts relative to the case.

The commanding officer concerned shall forward a copy of this report and a resume of the case and copies of all affidavits to the Staff Inspection Division within five (5) days.

Sec. 10 A police officer shall render the utmost attention and respect toward Magistrates and Judges at all times.

Sec. 11 A police officer, when giving evidence, shall speak calmly and explicitly in a clear, distinct and audible tone, so as to be easily heard by the court and jury. He shall give evidence with the strictest accuracy, confining himself to the case before the court, neither suppressing nor overstating the circumstances with a view to favoring any person or from ill-will to either side. When cross-examined, an officer shall answer with the same readiness and civility as when giving evidence in support of the charge, remembering that the ends of justice will be best served by his desire simply to tell the whole truth, whether it be in favor or against the defendant.

Sec. 12 A police officer who is criticized by the court because of his testimony or behavior, or for giving improper or unsatisfactory evidence, for tardiness, for failing to appear at the appointed time, or any other reason, shall make a report of the facts to his commanding officer, who, in turn, shall report to the Police Commissioner with his recommendations.

Sec. 13 A police officer shall not testify in any court in any civil case arising out of the performance of his official duties unless legally summoned so to do, or unless he shall have received permission, or an order so to do from his commanding officer or the Police Commissioner.

Sec. 14 A police officer shall not testify for any person, firm or agency, other than the City of Boston or the Boston Police Department, in any criminal case, or in any administrative hearing before the Police Commissioner, or before any Federal, State, County or Municipal body unless legally summoned to do so; and in any case, he shall before testifying, inform his commanding Officer, in writing, of the testimony he intends to give, who shall then immediately notify the Superintendent of his assigned Bureau and the Office of the Legal Advisor. The Superintendent of the officer's assigned Bureau shall ensure that a copy of all such reports required by this section is delivered forthwith to the Police Commissioner.

Whenever a Department employee is subpoenaed to appear and/or produce Department records in a civil action, either at a deposition, hearing or trial, or is otherwise contacted by an attorney representing a party to a civil action, he or she shall immediately fax the information (including the subpoena) to the Office of the Legal Advisor.

Sec. 15 TRANSFER OF CUSTODY FORM: It is important for the Police Department to maintain records of the disposition of evidence presented in court. Therefore, every officer who has presented physical evidence in court shall have a department "Transfer of Custody Form," completely filled out whenever such evidence leaves his custody, either while the case is in progress, i.e., when a District Attorney or a Court Officer assumes custody, or at the conclusion of a case when such evidence is transferred in accordance with the Court Order for disposition.

Sec. 16 The officer who has surrendered custody of evidence shall submit the Transfer of Custody Form, forthwith, to the Commanding Officer of his area or unit, who shall insure that it is properly filed.

Sec. 17 DISPOSITION OF EVIDENCE: At the conclusion of any case in which a firearm, controlled substance, or other contraband has been presented as physical evidence, the officer concerned with the case shall request an order from the Court for the disposition of the evidence. Whether the Court orders the evidence confiscated or returned to the owner, the officer shall not leave the Court without such Court Order for disposition of the evidence.

Sec. 18 If a firearm is ordered to be confiscated the Officer shall forward the firearm to the Department Firearms Examiner (Rule No. 311).

Sec. 19 If a controlled substance is ordered to be confiscated the officer shall forward such substance to the Drug Control Unit (Rule No. 310).

Sec. 20 Any physical evidence not within classifications outlined in the foregoing two sections shall be transferred according to the Court Order of disposition and a Transfer of Custody Form submitted.

Sec. 21 If the Office of the District Attorney has conducted the prosecution of a case involving physical evidence, the officer concerned in the case shall request the District Attorney to obtain a Court Order for the disposition of the evidence. Upon receipt of the Court Order for the disposition of evidence the officer shall comply with such order as outlined in the previous sections of this Rule.

Sec. 22 EXTRA COMPENSATION: No police officer who receives a salary or an allowance by the day or hour from the City of Boston shall, except as otherwise provided by law, be paid any fee or extra compensation for official service performed by him in any criminal case; or for aid rendered to another officer; or for testifying as a witness in a criminal case during the time he receives such salary or allowance; or for the services at an autopsy or inquest; or in proceedings for the commitment of insane persons.

Whoever receives extra compensation or a witness fee in violation of this section may be punished by a fine of not more than one hundred dollars under the provisions of [General Laws \(Ter. Ed\) C. 262, S. 50](#).

Sec. 23 An officer submitting a Court Attendance Form for overtime payment, in accordance with the provisions of the relevant Collective Bargaining Agreement then in force, and the Department Rules and Orders governing court appearances then in effect, shall be held strictly accountable for the accuracy and completeness of the form and the submission of the form by the officer shall be an indication by the officer that he is making claim for payment to which he is rightfully entitled.

Sec. 24 The submission of a Court Attendance Form by an officer which is inaccurate in any material fact or for which the submission is not justified shall be considered a grave offense for which the commanding officer of the officer concerned shall thoroughly investigate and report in writing to the Police Commissioner with his recommendations.

Sec. 25 The Supervisor of Cases shall be held responsible to assure that all Court Attendance Forms submitted to him are filled out completely and accurately and that they are submitted by officers entitled to do so.

Sec. 26 A police officer assigned or detailed to a court for the purpose of supervising the presentation of cases by officers of this department shall observe closely the conduct of the officers and shall report, in writing, any irregularities or violations of this rule to the commanding officer of the officer concerned.

#### Addendum 1

- [Boston Police Evidence Control Unit Standard Operating Procedure \(See attachment\).](#)
- [Appendix B State Lab Sample Submission Procedure \(See attachment\).](#)

#### NOTE:

- Rule No. 320 was amended in January, 1982, in Section one the requirement that on-duty officers shall submit a Court Attendance Form to the Supervisor of Cases, was added.
- Special Order 97-57, issued December 22, 1997, deleted the old Rule 320, § 4, which previously mandated that officer's complete a Supervisor of Cases Report. That report is no longer required. The Rule was then re-numbered accordingly.
- Additional comments on "Review Process on Police Officer Court Conduct" is provided in Special Order 91-13, February 6, 1991.
- Amended by SO 08-002, issued January 4, 2008, adding Addendum 1.
- Amended by SO 08-012, issued March 25, 2008, section 9. Amended by SO 08-034, issued 09/12/2008, all references to the "Ballistics" or "Ballistics Unit" shall be amended to Firearms Analysis Unit. All references to the "Ballistician" or the "Department Ballistician" shall be amended to the Firearms Examiner. Section 18.

## Rules and Procedures

### Rule 320A

March 25, 2008

#### Rule 320A - COURT OVERTIME PAY

##### Sec. 1 ISSUANCE OF COURT APPEARANCE AUTHORIZATION SLIPS:

It shall be the responsibility of the Supervisor of Cases to issue a copy of BPD Form #0004-BAT-0504, herein after referred to as a Court Overtime Slip, to such officers who are required to appear in court on an overtime basis. He shall also be responsible for insuring that only those officers whose testimony is essential for the successful prosecution of a criminal case will be directed to appear. Every off-duty officer, under summons from a court, shall present his summons to the Supervisor of Cases in order to obtain a Court Overtime Slip.

In those courts where the Duty Supervisor of the district where the court is located is responsible for sign-in/sign-out, the Duty Supervisor shall comply with the above.

Every officer who is required to appear in Court on an overtime basis without a summons/notice to appear, shall be required to have the Court Overtime Slip authorized by his/her District/Unit supervisor.

In the event an officer is required to attend a court where there is no Supervisor of Cases assigned (i.e.: Federal Court or outside the city), the Duty Supervisor of the District/Unit to which the officer is assigned shall act as Supervisor of Cases.

It shall be the responsibility of the officer who sets up a hearing to ensure that the Supervisor of Cases receives a copy of the summons immediately upon the hearing being scheduled. The Supervisor of Cases shall ensure that each such summons is entered on the Appearance Status List.

Sec. 2 DISTRICT/UNIT CONTROL LOGS: It shall be the responsibility of the District/Unit Commander to ensure that a control log for the recording of all Summons/Notices to Appear received from the various courts, shall be maintained. The control log shall be maintained as in Section 3 below.



Sec. 3 CONTROL LOG MAINTENANCE:

The control log shall be organized by date of appearance.

The control log will record:

PO Name	ID#	Court	Defendant	CC#	Docket#	Served By	Date Served
---------	-----	-------	-----------	-----	---------	-----------	-------------

The served by column will record the name of the person who personally served the summons/notice to appear to the officer

Sec. 4 PROCESSING OF COURT OVERTIME SLIPS: It shall be the responsibility of the Commander, Court Unit to assure that the Supervisor of Cases properly performs his/her assigned tasks concerning the recording of court overtime by off-duty officers and the issuance of Court Overtime Slips.

Every off-duty police officer of this Department appearing in the Suffolk Superior Court, Boston Municipal Court, Boston Juvenile Court and other Courts situated in Boston, shall obtain a Court Overtime Slip from the Supervisor of Cases assigned to that court at the time of his arrival.

Except: Those officers who are required to appear in Court on an overtime basis without a summons/notice to appear, shall obtain the Court Overtime Slip from his/her District/Unit supervisor.

It shall be the responsibility of the Supervisor of Cases to record on the form, in the spaces provided, the arrival and departure times of the officer submitting the form and to endorse the said form.

When an officer is required to appear in two different courts on the same date, the Supervisor of Cases in the first court shall enter only the arrival time and sign the form; the Supervisor of Cases in the second court shall enter the officer's departure time, and sign the form. No officer appearing before the courts as an off-duty witness shall be issued, or shall accept, more than one Court Overtime Slip for any calendar day

Sec. 5 DISTRIBUTION OF COMPLETED COURT OVERTIME SLIPS:

Part #1: (Green Original) To be forwarded daily by the Supervisor of Cases to the Area or Unit on whose payroll the officer submitting the form is carried.

Part #2: (Pink Copy) To be retained by the Officer to whom it was issued for a record of his accrued court time.

Sec. 6 PROCEDURES FOR SUPERVISORS: The Supervisor of Cases of the Suffolk Superior Court, the Boston Municipal Court, the Boston Juvenile Court, and the Superior Officer assigned to the other courts by the Commanding officer of the Court Unit, for the purpose of supervising the appearing officers and the processing of Court Overtime Slips, shall maintain a list for each date recording the following information relative to all officers:

Date, Name, ID#, Unit, Defendant, CC#, Docket#, Case Status, Officer Status

Sec. 7 SUPERVISOR OF CASES WEEKLY REPORT: Each Monday (or Tuesday if Monday is a holiday) the Supervisor of Cases shall forward to the Commander, Court Unit a report covering the week prior including the following information:

All officers who failed to appear

To include: Date, Name, ID#, Unit, Defendant, CC#, Docket#

All officers who did not appear on time and did not notify the Supervisor of Cases

To include: Date, Name, ID#, Unit, Defendant, CC#, Docket#, Time of arrival.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 320B**

**August 28, 1980**

#### **Rule 320B - THE APPLICATION FOR COMPLAINT FORM**

This rule is issued to establish the Police Department procedures which shall be adhered to when sworn personnel are applying for criminal complaints in the various courts within the City of Boston.

It is effective immediately and replaces all written directives issued previously concerning this subject and is a supplement to the Department Rule No. 320, entitled Courts.

General Considerations: The Application for Complaint Form is a Court document, it is not a Boston Police Department Form.

The form, and a slightly different version to be used when juvenile offenders are involved, shall be utilized by department personnel in accordance with the provisions of this rule.

**Sec. 1 WHO COMPLETES THIS FORM:** Generally, officers making arrests for offenses committed within the jurisdiction of a Court will not appear in court to seek the original complaint. Area or Unit Commanders shall assign an officer to perform this function. The arresting officer will complete the Form.

Exceptions to this principle will be situations where the arresting officer charges an arrestee with assault and battery upon the arresting officer. Upon rare occasions there may be an incident, other than an assault and battery upon a police officer, which in the opinion of an Area/Unit Commander necessitates the appearance of the arresting officer in court to seek a complaint. In these exigent circumstances, the approval of such appearance must be obtained from the Area Commander in advance.

**Sec. 2 ARRESTED PERSONS SHALL BE TAKEN TO THE AREA OF OCCURRENCE:** All city-wide units, such as M.O.P. and the Mounted Unit, shall take their prisoners to the station house of the area where the arrest was made. The arresting officer(s) shall fill out the Application for Complaint Form; area personnel will seek the complaint.

**Sec. 3 COMPLETION OF THE FORM:** An Application for Complaint Form shall be filled out by the arresting officer for each arrest at the time of booking the prisoner or when a citation is issued.

A separate form shall be completed for each offense charged and for each person arrested.

Every form shall be completed by typewriter or be hand-printed.

The original copy must be complete and legible; checked by the Duty Supervisor who shall initial it; after which four copies shall be made on a duplicating machine.

Sec. 4 DISTRIBUTION OF THE FORM:

A. The original copy will be retained by the Clerk of Court.

B. One copy will be retained by the Supervisor of Cases, with a copy of the 1.1 and the 2.1, and an attached sheet of paper on which are the names, addresses and telephone numbers of victims or complainants. In serious felony cases the names, addresses and telephone numbers of witnesses should not be put on the 1.1 Incident Report in order that their identity may be protected prior to court action.

C. One copy shall be retained by the arresting officer.

D. One copy shall go to the Commander of the Area where the incident occurred.

E. One copy shall be filed at the area or unit where the arresting officer is assigned.

Sec. 5 ARRESTING OFFICERS RESPONSIBILITIES: When the arresting officer has filled out an Application for Complaint Form, he shall sign it and shall then attach to it copies of the 1.1 Incident Report and the 2.1 Arrest Record and a sheet of paper containing the names, addresses and telephone numbers of the victims or complainants (or the number of a telephone where they can be contacted). This will enable the Supervisor of Cases to contact these people, if necessary.

Sec. 6 CRIMINAL COMPLAINT BOOKS: Criminal Complaint Books, which contain the proper wording for complaints, offenses and also the Chapters and Sections of the Massachusetts General Laws have been distributed throughout the department. These books shall be kept at the front desk for reference. (Planning and Research has additional books.)

Sec. 7 COURT APPEARANCE ROSTER: Department Form No. 2046, Court Appearance Roster, shall be utilized by all areas and units so that personnel will know in advance when they are scheduled to appear in court.

Each officer shall sign the Court Appearance Roster when his name is posted, signifying he is aware of the date he is to appear.

A roster, in chart form, shall be posted in each area and unit guard room. An 8-1/2" x 11" roster shall be maintained at each Duty Supervisor's desk.

Sec. 8 The Supervisor of Cases shall prepare a Court Appearance Roster for each area or unit having officers applying for complaints every day that such applications are made. Two copies

of this roster shall be prepared and sent to each area or unit whose officers have appeared for complaints before that particular court.

#### Sec. 9 COURT PROCEDURES WITH APPLICATION FOR COMPLAINT AFTER AN ARREST:

##### ARRESTING OFFICER:

- A. Take the prisoner to the area station to be booked and then complete a 1.1 Incident Report.
- B. Complete the arrest form of the suspect.
- C. Complete an Application for Complaint Form in its entirety.
- D. Notify the victim(s) to appear in court of jurisdiction and report to the Supervisor of Cases at 9:00 A.M.

##### DUTY SUPERVISOR:

- E. Book the prisoner and complete a 2.1 Arrest Record.
- F. Check the Application for Complaint Form to insure that it is properly filled out and includes the proper wording of the criminal offense charged, the Chapter and Section of the Statute Law and a concise narrative of the incident, explaining the circumstances which generated the arrest.
- G. The Duty Supervisor shall initial the Application for Complaint Form, signifying his approval of form and substance.
- H. Forward to his Commanding Officer a copy of the Application for Complaint Form and the accompanying 1.1 Report.

##### COMMANDING OFFICER:

- I. Shall review the Application for Complaint Form and the 1.1 Incident Report and assign a day officer to process the complaint application(s) in court.

##### SUPERVISOR OF CASES:

- J. Shall review the Application for Complaint Form together with the 1.1 and 2.1, submitted by the day officer (complainant) to insure that the three forms are in order and shall insure that a separate sheet of paper has been submitted containing the names, addresses and telephone numbers of the victim(s) or complainants. If this is a victim type of incident the subject victim(s) will meet the complainant officer at the desk of the Supervisor of Cases.

DAY OFFICER, SEEKING A COMPLAINT:

K. Shall proceed to the District Attorney's screening unit in courts where said unit is operational with or without the victim(s). The screening unit will evaluate the complaint for form and substance. Victim, if any, will be interviewed.

L. Following the screening of the complaint application, the complainant will appear before the Clerk or Assistant Clerk of Court to obtain the complaint itself. The complainant will sign the complaint and request that the name of the arresting officer be noted on the official complaint, said name to be in brackets below that of the complainant.

M. Upon receipt of the complaint, the complainant will appear before a Justice of the Court sitting in the arraignment session. During the arraignment of the defendant the complainant will notify the Justice of the dates on which the arresting officer is available for trial purposes; said dates shall be mentioned in conformity with department policy relative to court appearances of arresting officers.

N. After arraignment the complainant will provide the Supervisor of Cases with the docket number of the case and the continuance date set for trial purposes. This information shall be inserted in the proper spaces set forth in the Court Appearance Roster.

SUPERVISOR OF CASES:

O. Shall prepare a separate Court Appearance Roster for each area and unit having officers applying for complaints each day. He shall prepare two copies of the roster form and send them to each area and unit whose officers appeared for complaints before the particular court which he is assigned.

## **Rules and Procedures**

### **Rule 321**

**April 15, 1992**

#### **Rule 321 - BAIL AND BAIL COMMISSIONERS**

Sec. 1 GENERAL CONSIDERATIONS: The purpose of setting terms for any pre-trial release is to assure the presence in court of the person released. Any person charged with an offense other than an offense punishable by death, or for an offense on which a warrant of arrest has been issued by the Superior Court, is required to be released on his personal recognizance, unless the person setting the terms of release determines other-wise. The following procedures are established in order to ensure that prisoners are provided with an opportunity to be bailed as promptly as possible.

Sec. 2 BOARD OF PROBATION CHECKS: All persons arrested and detained in Boston Police facilities, and who are to be considered for bail, shall be checked through the Board of Probation (BOP). Such check will be made via Datamax machine. A copy of the BOP report will be attached to the booking sheet (BPD Form 2.1), and will be available for inspection by the Bail Magistrate. Individuals not being considered for bail may also be checked.

Sec. 3 NOTIFICATION OF BAIL MAGISTRATE: After completion of the BOP check as provided in section two of this Rule, the Duty Supervisor, or his/her designee, shall notify the appropriate Bail Magistrate assigned to provide service for the facility where the prisoner is being held. This notification shall be made as soon as possible upon completion of the usual administrative procedures (e.g., fingerprinting, photographing, breath testing, etc.). Such notification shall be made without regard as to whether the prisoner has funds, since persons being held under circumstances justifying a release, who are unable to provide a fee, shall be released by the Magistrate without charge.

Sec. 4 BAIL MAGISTRATE DESIGNATION LIST: The Office of Bail Administration has established a list of personnel authorized to release person from police custody for each district.

Sec. 4.1 Said list will be distributed to each district and kept at the booking desk. No authorized notations or additions will be made to such list. Any changes or additions will be made only upon authorization of the Police Commissioner.

Sec. 4.2 There are three categories in which bail personnel have been designated:

Sec. 4.2.1 "PRIMARY MAGISTRATE" - the bail magistrate(s) who have been designated to provide regular coverage to that holding area, and who should be contacted first.

Sec. 4.2.2 "PRIMARY BACK-UP MAGISTRATE" -- the bail magistrate(s) who have designated to be contacted if the Primary Magistrate(s) cannot respond, or fail to respond within a reasonable amount of time.

Sec. 4.2.3 "AVAILABLE MAGISTRATE" - the bail magistrate(s) who area authorized to respond to the holding area, but who should be contacted only if neither of the above designated magistrates can respond, or fail to respond within a reasonable amount of time.

Sec. 4.3 When the services of bail personnel are required, notification will be made by calling bail personnel in the order established by the list. The "Primary Magistrate" category will be exhausted before moving to the "Primary Back-Up Magistrate category. This category will be exhausted before moving to the "Available Magistrate" category. No attempt will be made to apportion calls among bail personnel.

Sec. 5 BAIL MAGISTRATES AND BONDSMEN VIOLATIONS: This Department must play a significant role in assuring that fairness, efficiency, and dignity characterize the operation of the bail system. To this end, officers should be aware of procedures for assuring compliance with the Superior Court Rules.

Sec. 5.1 No Bail Magistrate shall be permitted to bail a prisoner, except in compliance with the procedure in Section 4 of this Rule.

Sec. 5.2 No Bail Magistrate may be given access to the papers of any arrested person whose bail has been set by another Bail Magistrate. Bail once set is final and cannot be altered by a second Bail Magistrate.

Sec. 5.3 Any Bail Magistrate or bail bondsman present at a police station at a time when he does not have specific business there should be asked to leave. The soliciting of business by bondsmen are not permitted to respond to calls or requests from anyone other than the defendants, their families or attorneys, or authorities who hold the defendants in custody.

Sec. 5.4 Officers should notify persons violating the Superior Court Rules that their conduct is improper and, if the conduct persists or is repeated, they should notify the Office of Bail Administration by sending a written report through Department channels to the Police Commissioner.

Sec. 6 BUSINESS CARD: Business cards of officials authorized to take bail shall not be kept for distribution at any Department facility, and officials concerned will be subject to the rules applicable to those places.

Sec. 7 UNAUTHORIZED DISCLOSURE: All criminal information checks are confidential. Disclosure to unauthorized non-police personnel is a criminal offense and a violation of Boston Police Department Rule 307.



## Rules and Procedures

### Rule 322

January 28, 2003

#### Rule 322 - DEPARTMENT PROPERTY

This rule is being issued to establish the duties and responsibilities of Police Department employees concerning Police Department property. It is effective immediately, superseding all previously issued directives.

Sec. 1 All property, as defined in Sec. 2, owned or controlled by the Police Department, whether for general purposes or in use by individual members, shall be managed by the Commanding Officer of the Office, Bureau, District, Division, or Unit occupying or using such property; such custody over the headquarters building and the property therein shall be exercised by the Commissioner.

Sec. 2 Department Property and the Issuing Authorities are defined as follows:

Equipment	Issuing Authority
Department Issued Firearm & Holster Ammunition & Magazines	Department Range
Badge OC Spray & OC Spray Holder Body Armor Handcuffs Gas Masks Helmets Batons Emergency Equipment Bag Issued Uniforms & Clothing	Central Supply Division
Radios/Chargers Pagers Cell phones	Telecommunications Unit
Laptop Computers	Informational Technology Division
Vehicles and Equipment	Fleet Management Division
Department Identification Cards	Human Resources Division

Sec. 3 Property supplied by the department to individual members shall be furnished by the Issuing Authority, as defined in Sec 2. The Issuing Authority is charged with the responsibility of keeping accurate records relating to the acquisition, issuance, disposition and return of such property.

Sec. 4 Every employee will be required to sign a receipt from the Issuing Authority for department property which is issued for use while the employee is a member of the department. Employees are responsible for ensuring that Department property assigned to them is secured at all times. If Department property is left in a motor vehicle it must be stored in the trunk or another secure location out of sight of passers by.

Sec. 5 When a department employee is transferred from one Office, Bureau, District, Division, or Unit to another they shall retain all the department property in their possession unless the Commander directs otherwise. The Commander shall ensure that all department equipment and property that was specifically issued for use by the employee while assigned to the Unit/Division is returned to the Issuing Authority. An employee surrendering any department property in their possession to a Commander shall receive a copy of department form 2980 as a receipt for such property surrendered. It shall be the responsibility of the employee to insure that any property surrendered by them is properly and completely identified on the form 2980 which they accept. Employees should maintain copies of receipts for their records.

Sec. 6 Commanders shall ensure that all department property is returned to the Issuing Authority upon the suspension for more than 7 days, retirement, termination of employment or death of an employee under their command and that Department Form 2980 has been completed and forwarded to the Human Resources Division.

Sec. 7 When any member of the force is disabled or hospitalized while on duty it shall be the responsibility of their immediate Superior Officer to take possession of their Department Issued Firearm, ammunition and magazines and store them in the district /unit gun locker.

Sec. 8 District and Unit Commanders are charged with the responsibility of taking possession of Department Issued Firearms, ammunition and magazines, department radios and chargers, OC spray and OC spray holders issued to an employee of their command and forwarding them to the Issuing Authority for custodial purposes under the following conditions:

- A. When an employee has been reassigned to the Human Resources Divisions' Medically Incapacitated Section.
- B. When an employee, in the opinion of the Commander, is suffering from an emotional illness or condition which renders them unfit for duty.

Sec. 9 District and Unit Commanders are charged with the responsibility of taking possession of the employees' Badge and Department Identification Card, Department Issued Firearm, Ammunition and magazines, Department Radio and charger, OC spray and OC spray holder, and forwarding them to the Issuing Authorities;

- A. When a member of their command has been reassigned to the Human Resources Divisions'
- Administrative Leave Section
  - Extended Leave Section
  - Leave of Absence Section or,
  - Suspended Section

Sec. 10 District and Unit Commanders may take possession of other Department property issued to employees absent from duty because of any of the foregoing reasons when they determine that it is in the Department's best interest. When a Commander takes possession of Department property, under the conditions outlined in Sections 6, 7, 8 or 9 they shall forward them to the Issuing Authority for custodial purposes, complete Department Form 2980 and forward to the Human Resources Division.

Sec. 11 The Issuing Authority shall not re-issue Department property, taken into custody under the provisions of the previous sections of this Rule, without consent of the Commander who forwarded the property with the exception of the Department Issued Firearm which shall be returned only with the approval of the Police Commissioner.

Sec. 12 Prior to retiring from, or terminating their service with the Department, officers shall deliver their Department Issued Firearm, Ammunition and Magazines to the Department Range and their OC spray and OC spray holders and other issued equipment as defined in Sec. 2 to the Central Supply Division where Department Form 2980 shall be initiated. They shall also deliver all other Department property which has been issued to them to the Issuing Authority where Department Form 2980 shall be completed. Employees shall maintain a copy of their Department Form 2980, the original shall be submitted to the Human Resources Division.

Sec. 13 The Human Resources Division of this Department shall not certify any employee for retirement or termination of service until the original copy of Department Form 2980 has been received in the Human Resources Division. A copy of the completed form 2980 shall be attached to all retirement or termination of service paperwork being processed through the Department.

Sec. 14 Whenever any Police Department property which has been issued to an employee, which is in the custody of an employee or under their control or is being utilized by said employee, is lost, stolen, damaged or destroyed, the employee shall report promptly and in writing to their Commander a complete statement which shall contain all of the facts concerning the property. The Commander shall forward their report, together with their recommendations as to who shall bear the expense occasioned by such loss, theft, damage or

destruction of Department property, to the Chief of the Bureau of Administration and Technology.

Sec. 15 When the determination has been made that an employee is liable for the loss, damage or destruction of Department property and the recommendation has been made that the employee shall bear the expense of replacing or repairing the property, the Director of Finance shall forthwith send the officer or employee a bill specifying the amount of money to be paid to the Police Department.

If such bill is not paid within sixty (60) days thereafter or arrangement for payment has not been negotiated, the Finance Division shall forward written notification of that fact to the Bureau Chief and the Commander of the employee involved. The Chief, Bureau of Administration and Technology, after consultation with the Department Legal Advisor, shall notify the Bureau Chief of the employee involved to institute immediate disciplinary action.

Notes: Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 2, 14 and 15.

## **Rules and Procedures**

### **Rule 322A**

**January 28, 2003**

#### **Rule 322A - RETENTION AND DESTRUCTION OF RECORDS AND MATERIALS**

##### **Purpose:**

This Rule is established in order to ensure Department compliance with M.G.L. c. 66, § 8, regarding retention of certain Department records and the destruction of certain other records, and such higher standards for retention and destruction as the Department may require.

##### **GENERAL CONSIDERATIONS:**

This Rule does not apply to the following records which shall be retained permanently and are not subject to any city or state mandated retention schedule:

- criminal records;
- material which may be used as evidence;
- records relating to an event for which legal processes have been issued and are pending against a person; and
- Records of the Identification Section which come under the Criminal Offender Records Act.

##### **Sec. 1 Definitions:**

Intra-Departmental Records - shall be defined as records covered by M.G.L. c. 66, § 8, but not specifically subject to state retention schedules.

Non-sensitive Records - shall be defined as those records referred to in Sections 3, 4, 5 and 6 of this Rule.

Record Series - shall be defined as a set of records organized or filed in accordance with a single filing system.

Retention Schedule - shall be defined as the minimum period of time that records must be retained as determined by the Secretary of State, Supervisor of Public Records, Records Management Section and/or such other standards as may be set by ordinance, law or Department policy.

Sensitive Records - shall be defined as those records listed below in Section 2 of this Rule.

##### **Sec. 2 RECORDS TO BE MAINTAINED PERMANENTLY:**

The originals of the following records shall be permanently retained (Note: Parenthetical notation indicates the Division or Unit that is responsible for retention of the listed record or records):

- Arrest Reports (Field Reports Unit)
- Auctioneer's License (Licensing Unit)
- Auto Theft, Recovery & Verification Reports (Insurance Reports Unit)
- Bicycle Registration (Licensing Unit)
- Death Report (Suicides, Sudden Deaths, Unexplained) (Field Reports Unit)
- Departmental Annual Report (One Mint Copy) (Office of Research & Evaluation)
- Drug Control Log (Districts)
- Equipment Inventory (Units/Districts)
- Equipment Maintenance Logs (Central Supply)
- Fatal Motor Vehicle Accident Report (Auto Investigators, Districts)
- Firearm Identification Card (Licensing Unit)
- Firearm, License to Carry (Application) (Licensing Unit)
- Firearm, License to Carry (Licensing Unit)
- Firearm, License to Sell (Licensing Unit)
- Firearm, Wound Report (Field Reports)
- Firearm, Report of Discharge by Police Officer (Internal Affairs)
- Gunsmith License (Licensing Unit)
- Incident Report (Field Reports Unit)
- Investigation Report, Murder (Homicide Unit)
- Journal Log (Districts)
- Junk Collector's License (Licensing Unit)
- Junk Shopkeeper's License (Licensing Unit)
- License to Buy, Sell, Exchange or Assemble Secondhand Motor Vehicles... (Licensing Unit)
- License to Deal in Secondhand Articles (Licensing Unit)
- License to Keep a Public Lodging House (Licensing Unit)
- License to Sell Ammunition (Licensing Unit)
- Pawnbroker's Daily Report (Pawn Unit)
- Pawnbroker's License (Licensing Unit)
- Personnel Orders (Human Resources Division), Special Orders and Commissioner's Memoranda (Office of Research & Evaluation) & Training Bulletins (Training & Education Division)
- Personnel Records

Appointment Certificate and Civil Service Records (Records & Central Attendance Management Unit)

Employment History Record (Records & Central Attendance Management Unit)

Detail and Time Books (a/k/a Payroll-Departmental) (Payroll Unit)

- Property Receipt Books (Districts/Central Supply Division)

- Rules and Regulations (a/k/a Rules & Procedures) (Office of Research & Evaluation)
- Secondhand Dealer's Daily Report (Pawn Unit)
- Supplementary Incident Report (Field Reports Unit)

If any of the above records are microfilmed by the Department, they may then be destroyed after written permission has been granted by the Chief, Bureau of Administration and Technology in accordance with this Rule.

#### Sec. 3 Records Maintained for Seven Years:

- Overtime Slips (Payroll Unit)

#### Sec. 4 RECORDS MAINTAINED FOR THREE YEARS:

The originals of the following records shall be retained for a period of three (3) years before seeking written permission to destroy or dispose of them:

- All records pertaining to moneys, collected as licensing fees and other administrative cash receipt books and cash disbursements (One year after they have been released by the Auditor) (Central Cashier)
- Bicycle Courier's License (Licensing Unit)
- Bicycle Courier's Service License (Licensing Unit)
- Correspondence with non-Departmental individuals and agencies: if of no informational or evidential value (Individual Authors)
- E-911 Call Detail Record (Operations Division)
- Evidence Control Form (Central Supply Division)
- Leave Reports (Records & Central Attendance Management Unit)
- Licensed Premise Inspection Notice (Licensing Unit)
- Missing Person Card (Missing Person Unit)
- Motor Vehicle Citation (Districts)
- Motor Vehicle Citation Audit Sheet (Districts)
- Notice of Sale of Unclaimed Property (Central Supply Division)
- Overtime Report (Payroll Unit)
- Parking Violation Ticket (Districts)
- Prisoner Inspection Record (Districts)
- Protective Custody Report (Districts)
- Radar Log (Districts)
- Roll Call Report (Districts)
- Traffic Ticket Distribution Control Logs (Districts)
- Vacation Report (Records & Central Attendance Management Unit)

#### Sec. 5 RECORDS MAINTAINED FOR ONE YEAR:

The originals of the following records shall be retained for a period of one year before seeking written permission to destroy or dispose of them:

- Collective Musician's License (One year after expiration of license) (Licensing Unit)
- Cruiser Maintenance Report (One year after retirement of vehicle) (Fleet Management Division)
- Itinerant Musician License (One year after expiration of license) (Licensing Unit)

#### Sec. 6 Tape Recordings:

The following shall be eligible to be disposed of or reused 60 days after disposition of the case, provided no litigation is pending, unless an inquiry or request has been made for a specific tape. Any such tape which is the subject of any inquiry, request, investigation or litigation, may not be disposed of or reused without first obtaining the prior written approval of the Commander, Operations Division. The Commander, Operations Division shall ensure that a separate tape recording has been made of any tape which is the subject of any inquiry, request, investigation or litigation, prior to authorizing its disposal or reuse.

- Dispatch Tapes
- Tape Recordings of Phone Calls (E-911, etc.)

#### Sec. 7 DESTRUCTION OF SENSITIVE RECORDS:

Sensitive records shall be destroyed or otherwise disposed of only in compliance with the following procedures:

- A. The contents of the records to be destroyed or disposed of shall be duplicated in some fixed form (i.e., microfilm).
- B. The respective Bureau Chiefs shall submit a report in writing, semi-annually, or sooner if the necessity arises, to the Chief, Bureau of Administration and Technology, or their designee, detailing all sensitive records which have been duplicated in compliance with the above paragraph.
- C. The Chief, Bureau of Administration and Technology, or their designee, shall notify in writing, through the Superintendent-in-Chief, any and all concerned Districts and Divisions of the pending destruction of the records. All concerned District and Division Commanders or Directors shall notify the Chief, Bureau of Administration and Technology, or their designee, through the Superintendent-in-Chief, of the approximate cubic feet of records in each series of sensitive records.
- D. The Chief, Bureau of Administration and Technology, or their designee, shall total the cubic feet in each series of records to be destroyed for the Department. The Chief, Bureau of Administration and Technology shall then prepare a written request for the destruction of the records. The request shall include a description of the record by series, date and quantity. The request shall also reference the approved City retention schedule and include a notification of the intended time, place and method of disposal.



This request shall be made to the City Archivist who will forward it to the City Clerk, Corporation Counsel and the Commonwealth of Massachusetts Supervisor of Public Records.

- E. Upon receipt of the written approval from the City Clerk and Corporation Counsel, the Chief, Bureau of Administration and Technology shall inform the Property Clerk of said approval. The Property Clerk shall arrange to have the records destroyed in conformance with procedures established by the Bureau of Administration and Technology and approved by the Police Commissioner. Said records shall be destroyed within 90 days of receipt of the written approval from the City Clerk.
- F. The Chief, Bureau of Administration and Technology shall submit a certificate of disposal to the City Archivist listing all records destroyed within thirty (30) days of such destruction.

#### Sec. 8 DESTRUCTION OF NON-SENSITIVE RECORDS:

Non-sensitive records shall be destroyed or otherwise disposed of only in compliance with the following procedures:

- A. Each District and Division Commander or Director, seeking to dispose of non-sensitive records in compliance with applicable retention schedules, shall notify the Chief, Bureau of Administration and Technology, or their designee, through their respective Bureau Chief, of the record(s) series which they intend to destroy and of the approximate cubic feet of the records in each series.
- B. The Chief, Bureau of Administration and Technology, or their designee, shall total the cubic feet in each series of records to be disposed of for the Department. The Chief, Bureau of Administration and Technology shall then prepare a written request for the disposal of the records. The request shall include a description of the record by series, date and quantity. The request shall also reference the approved City retention schedule and include a notification of the intended time, place and method of disposal. The request shall be made to the City Archivist who will forward it to the City Clerk, Corporation Counsel and the Commonwealth of Massachusetts Supervisor of Public Records.
- C. Upon receipt of the written approval from the City Clerk and Corporation Counsel, the Chief, Bureau of Administration and Technology, through the Superintendent-in-Chief, shall inform the concerned Districts and Divisions of said approval. The District and Division Commanders or Directors shall dispose of the records through established Departmental procedures within 90 days of receipt of the written approval from the City Clerk. After having destroyed said records, District and Division Commanders or Directors shall give notification of such destruction, through their respective Bureau Chiefs, to the Chief, Bureau of Administration and Technology.
- D. The Chief, Bureau of Administration and Technology shall submit a certificate of disposal listing all records disposed of to the City Archivist within thirty (30) days of such destruction.

## Sec. 9 INTRA-DEPARTMENTAL RECORDS:

Intra-Departmental records shall be destroyed or otherwise disposed of in compliance with the following procedures after having been retained for a minimum of six (6) months:

- A. Each District and Division Commander or Director seeking to dispose of Intra-Departmental records shall notify the Chief, Bureau of Administration and Technology, through their respective Bureau Chiefs.
- B. Upon receipt of the written approval of the Chief, Bureau of Administration and Technology, the District and Division Commanders or Directors shall dispose of the records through established Departmental procedures.

### Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Sections 2, 7, 8 and 9.

## **Rules and Procedures**

### **Rule 323**

**March 9, 2011**

## **Rule 323 - Field Interaction/Observation/Encounter Report (FIOE Report)**

### **Section 1: GENERAL CONSIDERATIONS**

This rule has been developed to assist officers in ensuring that intelligence and information is gathered only on persons suspected of engaging in criminal activity or persons associating with those suspected of criminal activity. Additionally, while this rule offers guidance on those stops that implicate an individual's Fourth Amendment right, it also clarifies how officers should document interactions with individuals suspected of criminal activity, or associates of those individuals, that amount to mere encounters or observations.

A Field Interaction/Observation/Encounter ("FIOE") Report provides officers with the mechanism to document such interactions and describe the conditions and relative circumstances involved in those interactions. The FIOE Report is a law enforcement sensitive report and must be treated with care and caution to avoid unnecessary dissemination unless in support of a legitimate law enforcement purpose. It is the responsibility of all officers throughout the Department to be familiar with the considerations and elements of this important law enforcement activity and the requirements of this rule.

Police officers are encouraged, as part of the Department's community policing philosophy, to communicate and develop relationships with those individuals as part of their fundamental duties. These communications that take place as part of officers' fundamental duties do not warrant documentation in the form of a FIOE Report; however, if an officer finds him/herself in a situation outlined herein, such documentation is required.

### **Section 2: PURPOSE**

The FIOE Report is a mechanism to allow the Department to document and accumulate up-to-date information concerning known criminals and their associates, the clothing they may be wearing, the vehicles they use, the places they frequent, and persons suspected of unlawful design.

The information gathered in an FIOE Report may prove useful in support of investigations or intelligence development. Because it is documentary evidence, it may corroborate oral testimony about an individual, vehicle, associations, or other information of value to a prosecution. The ability to effectively document a field interaction will often become a vital piece of information when viewed in the context of other known information or evidence.

### **Section 3: DEFINITIONS**

For the purposes of this rule the following definitions will apply to the described terms:

Sec. 3.1. Encounter is defined as a consensual interaction with an individual that does not escalate into a formal stop and/or frisk. If you encounter an individual with the purpose of gathering intelligence, you must document the interaction.

Sec. 3.2. Field Interaction/Stop is defined as the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Sec. 3.3. Frisk is defined as the pat down of the outer clothing, and the area within the immediate control of the person for **weapons**. An officer may only conduct a frisk when s/he has objective articulable facts which lead him/her to believe that the person with whom s/he is dealing may be armed, and thus poses a threat to the officer or others.

Sec. 3.4. Intelligence consists of stored information on activities, associations of individuals, organizations, business, and/or groups who are either (1) suspected of actual or attempted planning, organizing, financing, or commission of criminal acts or are (2) suspected of being associated with criminal activity with known or suspected criminals.

Sec. 3.5. Observation is defined as a direct viewing of an individual by an officer that does not include actual contact with the individual. Reasonable suspicion is not required to conduct an observation of an individual; however, the purpose of documenting the observation must be to gather intelligence in order to justify documenting the observation.

Sec. 3.6. Probable Cause exists when an officer reasonably believes a person has committed a crime. The belief is reasonable when it rests on an objective, substantial basis as contrasted with a mere subjective suspicion. Probable cause may be based on direct observations or a combination of factors, including, but not limited to, the individual's prior criminal record, flight from the police, and the giving of evasive or conflicting responses to police questioning.

Sec. 3.7. Reasonable Suspicion exists when an officer, based on specific and articulable facts, and the rational inference from those facts, believes that an individual has committed, is committing, or is about to commit a criminal offense.

Sec. 3.8. Search is conducted for the specific purpose of seizing evidence. An officer must have probable cause in order to conduct a search of an individual or his/her property.

#### **Section 4: SITUATIONS WARRANTING THE COMPLETION OF AN FIOE REPORT**

An FIOE Report should be submitted subsequent to a field interaction/stop, a frisk, an observation, or an encounter, as defined in Section 3. An FIOE Report shall be submitted for each individual involved in the field interaction/stop, frisk, observation or encounter.

Regardless of the reason for the FIOE Report, Officers must identify the basis for the stop. This must include supporting information used to establish reasonable suspicion in the event of a field interaction/stop or a frisk or the intelligence purpose when conducting an observation or encounter. Officers must also include the race of the individual and may also include ethnicity, when appropriate. The Officer shall also record the time, date, and location of the field interaction/stop, frisk, observation or encounter prior to submitting the FIOE Report. An FIOE Report is required in the following circumstances:

Sec. 4.1. Field Interaction/Stop—An officer may stop an individual to conduct a field interaction only where reasonable suspicion is present. An officer may conduct a Field Interaction/Stop when:

- A. The appearance or demeanor of an individual suggests that s/he is part of a criminal enterprise or has engaged in a criminal act;
- B. The actions of an individual suggest that s/he is engaging in a criminal activity; or
- C. The actions of an individual suggest that s/he is about to engage in criminal activity.

Sec. 4.2. Frisk—An officer may frisk an individual only where reasonable suspicion exists to make a stop and the officer has a reasonable fear for his/her safety. The following is a list of occasions that may pose sufficient justification to conduct a frisk. This is not meant to be an exhaustive list and simply serves as examples of possible factors to consider.

- A. The type of crime suspected involves violence or the use or threat of deadly weapons;
- B. More than one (1) suspect must be handled by a single officer;
- C. The Officer has prior knowledge of the individual's use of deadly force and/or propensity to carry deadly weapons; or
- D. Visual indications that suggest that the individual is carrying a firearm or other deadly weapon.

Sec. 4.3. Observation—An officer may document an observation of an individual(s) where the information collected serves a legitimate intelligence purpose. For example, an officer may complete an FIOE Report when s/he observes:

- A. An individual known to be associated with a gang;
- B. An individual that is the subject of an on-going investigation; or
- C. An individual in a suspicious neighborhood or location as a result of his/her known associations.

Sec. 4.4. Encounter—An officer may approach an individual, either on foot or in his/her vehicle, and engage in a voluntary encounter. In order to justify documenting the encounter, the officer must have a legitimate intelligence purpose for the encounter and must cease communications if the subject individual does not participate voluntarily, unless reasonable suspicion exists to escalate the encounter into a field interaction/stop. For example, an officer may complete an FIOE Report after speaking to an individual that is:

- A. Known to be associated with a gang;
- B. Known to the officer to be a felon;
- C. In a suspicious neighborhood or location as a result of his/her known associations; or

- D. Present in an area at an inappropriate hour of the day or night.

### **Section 5: HOMELAND SECURITY**

Whenever an officer determines that an individual may be engaged in suspicious activity that relates to Homeland Security the officer shall document the determination and the police response related to the activity on an FIOE Report and Incident Report. Some examples of such suspicious activity may include, but are not limited to, the following;

- Persons observed, or reported to have been, taking photographs, making sketches, or taking unusual interest in the details of certain infrastructure such as tunnels, bridges, fuel storage facilities, or similar venues that may be considered high value targets for terrorism activity.
- Persons who are in possession of, or attempt to gain possession of, uniforms, equipment, or identification that may not be consistent with legitimate needs.
- Persons in possession of false or altered identification documents.
- Persons involved in acquiring unusual materials, or inordinate amounts of materials that could be used in the making of dangerous devices.

### **Section 6: SUBMISSION OF FIOE REPORTS**

Every on duty police officer shall carry FIOE Forms. FIOE Reports must be completed in ink and submitted to a detective supervisor prior to the end of the officer's tour of duty. The detective supervisor shall then inspect the FIOE Report for legibility, completeness, and articulation of justification for the field interaction, frisk, observation or encounter. Any incomplete or illegible FIOE Reports shall be returned to the submitting officer for correction. No other officer shall make any corrections, additions, or alterations to the FIOE Report. Once an FIOE Report is complete and has been approved by a detective supervisor, the officer shall enter the FIOE into the FIOE database within forty-eight (48) hours of approval and forward the original to the Boston Regional Intelligence Center (BRIC).

### **Section 7: ACCESS TO FIOE REPORTS**

The Department will provide access to the FIOE Report database for each sworn officer and authorized user. The Information Services Group (ISG) will serve as the administrator of the central database and ensure that users have adequate access and training in the use of the database.

Officers will have the following access permissions:

- **ADD** an FIOE Report directly into the system
- **READ** all FIOE's within the system
- **SEARCH** for specific FIOE's within the system
- **PRINT** FIOE's in order to comply with court discovery or to include in investigative files

### **Section 8: DISSEMINATION**

Officers may access the FIOE database to conduct searches or to print FIOE's when there is a legitimate law enforcement purpose for doing so, such as an ongoing investigation or in support of a prosecution. All FIOE Reports ordered by the court to be produced, requested by defense counsel, or requested by a member of the public shall be directed to the Office of the Legal Advisor.

### **Section 9: RETENTION**

FIOE Reports shall be maintained in the electronic database for a period not to exceed five (5) years from the date the individual was last referenced in an FIOE Report. If an individual does not appear in the FIOE electronic database for five (5) years, all FIOE Reports naming that individual as the subject shall be deleted from the electronic database and any related paper copies shall be destroyed.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 324**

**February 20, 1998**

#### **Rule 324 - CALL INTAKE HANDLING PROCEDURES FOR ENHANCED 9-1-1 AND COMPUTER AIDED DISPATCH**

This Rule is issued to establish Department procedures for call intake handling with the Enhanced 9-1-1 emergency call handling system mandated by state law ([M.G.L. c. 6A, §§ 18A-18F](#)), and the Computer Aided Dispatch System (CAD).

In accordance with the Massachusetts Enhanced 9-1-1 emergency call handling system, the Boston Police Department is the primary Public Safety Answering Point (PSAP) for the City of Boston. Emergency Medical Services (EMS) is part of the primary PSAP facility. In addition to entering emergency calls into the CAD system for neighborhood police services, the Operations Division will transfer appropriate calls to the EMS and also to secondary PSAP's with jurisdiction in the City of Boston, such as the Boston Fire Department, Massachusetts State Police-Boston, Massachusetts State Police-Logan Airport (MassPort), Massachusetts Bay Transit Authority (MBTA) Police, and Boston University and Harvard University Police Departments.

The Operations Division is the designated back-up PSAP for Brookline. The Boston Fire Alarm is the designated back-up PSAP for the Operations Division.

#### **Sec. 1 GENERAL CONSIDERATIONS:**

The underlying principle of the Massachusetts Enhanced 9-1-1 emergency call handling system is to put the caller needing emergency service in contact with the proper service provider quickly and without confusion, and to respond even when the caller is unable to provide location information. Furthermore, these procedures are designed to conform to the Americans with Disabilities Act (ADA) and to standards that ensure reliability and uniformity in the handling of emergency calls among the PSAP's. To further that goal, the Statewide Emergency Telecommunications Board (SETB) has also established the following standards:

No caller shall be procedurally required to speak with more than two (2) Emergency Call-Takers; the primary and one remote. No caller shall be placed on "hold" for any reason. If an emergency call is inadvertently transferred from a PSAP to the wrong agency, that agency will gather the necessary information and relay it to the proper agency.

A public safety agency that receives a request for emergency service outside its jurisdiction shall promptly forward the request to the proper PSAP having jurisdiction for that geographical area.



Any emergency unit dispatched to a location outside its jurisdiction in response to a request shall render service to the requesting party until relieved by the public safety agency responsible for that geographical area.

## Sec. 2 DEFINITIONS:

For the purpose of this Rule the following definitions will apply:

**Abandoned Call**, a call placed to 9-1-1 in which the caller disconnects before the call can be answered by an Emergency Call Taker.

**Active Incident**, an incident or call for service that has been assigned to a police unit by the dispatcher.

**Advised Incident** (formerly called a "closed incident"), an incident or call for service that has been entered into the CAD system for the sole purpose of generating a CC number. Police patrol resources are not utilized in the process of obtaining a CC number for an Advised Incident.

**Boston Area Police Emergency Radio Network (BAPEREN)**, the radio frequency used by greater Boston area law enforcement agencies to communicate with each other.

**Call Transfer**, the extending of a 9-1-1 call by an Emergency Call Taker to connect the caller with the appropriate agency.

**Differential Police Response (DPR)**, CAD software used for lower priority calls to advise a caller of the approximate time of arrival of a police unit.

**Hang-up Call**, a call placed to 9-1-1 in which the caller disconnects before the Emergency Call Taker is satisfied with the information obtained.

**Incomplete Call**, a call placed to 9-1-1 in which sounds or voices can be heard on the line but no discernible communication is passed on.

**Primary Public Safety Answering Point (PSAP)**, the facility assigned the responsibility of receiving 9-1-1 calls and either directly dispatching emergency response units or transferring or relaying emergency 9-1-1 calls to other public or private safety agencies.

**Secondary Public Safety Answering Point PSAP**, a facility that receives 9-1-1 calls only when they are transferred from the primary PSAP or on an alternate routing basis when calls cannot be completed by the primary PSAP.

**Silent Call**, a call placed to 9-1-1 in which no voice communication is passed on to the Emergency Call Taker.

Teletypewriter (TDD), a device used by a speech or hearing impaired caller to make a telephone call.

Type Code, a six-letter abbreviation that best describes the nature of an incident which has been assigned to patrol or investigative units by the dispatcher.

Waiting Incident, an incident or call for service that has not yet been assigned to a police unit by the dispatcher.

### Sec. 3 INITIAL CALL TAKING PROCEDURE:

The call handling techniques taught in the forty (40) hour Association of Public-Safety Communications Officers (APCO) course are the methods approved by the Department. The following procedures are intended to address policy issues not covered in the APCO course.

A. Calls received through 9-1-1 by Emergency Call Takers: Upon logging on to the Answering Position Unit (APU) and receiving an emergency telephone call for service, the Emergency Call Taker shall:

1. Answer each call within 10 seconds in the following manner: "9-1-1, this line is being recorded. What is your emergency? What is the location of your emergency?"
2. Verify with the caller the information on the Automatic Number Identifier (ANI) and Automatic Location Identifier (ALI) screen. The need for assistance may not necessarily be at the location of the 9-1-1 caller. Ensure that the exact location where emergency personnel are needed has been identified. ANI and ALI information are confidential and shall NEVER be passed along to a caller. Emergency calls received on the non-emergency seven-digit lines do not display ANI or ALI information, therefore, all such calls for bomb threats or suicides shall be traced through the phone company by immediately notifying the Operations Duty Supervisor, who shall contact NYNEX and request a trace on the phone number in question.
3. The Emergency Call Taker shall automatically introduce all necessary and pertinent information, including the exact location where emergency personnel are needed, into the CAD by using the CAD Interface.
4. In all cases, the Emergency Call taker shall obtain the following information:
  - a. Where? (Where is it occurring? Where are you right now?)
  - b. What? (What happened? What is wrong? What is occurring now?)
  - c. Who? (Who is calling? Who is being attacked?)

- d. When? (When did this happen? When is this going to happen? When did you notice it?)
  - e. How? (How are you involved? How many are involved? How often does this occur?)
  - f. Why? (Why did this happen? Why is the person there?)
  - g. Remarks: The Emergency Call Taker shall enter relevant information that may be helpful to the Dispatcher and/or the responding officers, such as:
    - i. Description of suspect(s) including clothing or unusual characteristics (scars, missing teeth);
    - ii. Description of vehicle if used and direction of flight; and
    - iii. Property taken or any unusual circumstances
5. Never give legal advice.
  6. Always use the Public Address (PA) system to immediately notify the Police Dispatcher of a Priority One call and then enter the information into the CAD terminal. The PA system shall always be used for "Officer in Trouble" (OT) calls or for any situation involving officer safety.
  7. Always use the PA system to immediately notify the Police Dispatcher while supplementing or modifying a waiting or active incident with additional information which upgrades the call to a Priority One call.
  8. Evaluate the call for service, assign the proper Type Code, and the CAD will assign the call the appropriate priority (see Rule 324-A, Section 3).
  9. Inform any caller, whose request for service is Priority One, that a response unit will respond as soon as possible.
  10. Inform any caller, whose request for service is Priority Two, that a response unit will respond as soon as a unit is available.
  11. Inform any caller, whose request for service is not Priority One or Priority Two and which fails to generate a Differential Police Response (DPR) screen, that a police officer assigned to their neighborhood will be notified of their request for service and will respond during the course of their shift.
  12. If the call generates a Differential Police Response (DPR) screen, advise the caller of the approximate time of arrival of a police officer as indicated by the CAD. Inform any caller, whose request is for any lower priority service, that they may file a phone report with the Neighborhood Interaction Unit (NIU) (except for certain excluded incidents, see Section 4, para. B). If the call is to be referred to the NIU, inform the caller that a police

operator will call them back and take their report by telephone. If the caller, upon speaking with an Emergency Call Taker, requests that a Response Unit be sent to an incident usually handled by the NIU, the Emergency Call Taker will inform the caller that the call will first be reviewed by an Operations Division Supervisor for approval and then inform the Operations Division 9-1-1 Supervisor of the situation (see Sec. 4, para. C). The Emergency Call Taker shall be guided by the supervisor's instructions.

B. Teletypewriter Taking Procedure: Upon receiving a Teletypewriter (TDD) emergency call, the Emergency Call Taker shall:

1. Watch for:
  - a. a flashing "T" on the ANI screen indicating that the unit is in TDD mode;
  - b. the outgoing programmed TDD message scrolling across the APU screen; and
  - c. listen for the electronic sound (a tweedle) indicating a TDD call. The Emergency Call Taker shall then make contact using the programmed TDD message keys by pressing in sequence the keys memory, star, zero (MEM, \*, 0) and then switching to the APU keyboard
2. If the call is a Silent Call, and the APU does not automatically go into TDD mode, press the TDD key twice for TDD mode and then press in sequence the keys memory, star, zero (MEM, \*, 0) to send the programmed TDD message. If no response, send the programmed TDD message again before processing the call as a Silent Call. All Silent Calls shall be tested twice for TDD, if necessary.
3. Utilize the TDD keyboard component of the APU and press in sequence the keys memory, star, zero (MEM, \*, 0) to establish contact with the TDD caller and then gather information as outlined in Section 3. Always use simple language.
  - a. Never transfer a TDD call.
  - b. Never place a TDD call on hold.
  - c. Never use call conferencing with a TDD call.

C. Silent Call Handling Procedures: Silent calls to Enhanced 9-1-1 may involve a variety of emergency situations in which the caller can hear but is unable to speak due to illness (i.e., heart attack, seizure, stroke, etc.); or a caller may be unable to speak aloud due to domestic violence, a home invasion or other reason. When the Emergency Call Taker has tested twice for TDD and determines that the call is not TDD but a Silent or an Incomplete Call, the Emergency Call Taker shall:

1. Come out of TDD mode and re-establish voice path.
2. Give the caller verbal commands; "If you need the Police press '1' on your touch-tone pad. For Fire, press '2,'. For Ambulance, press '3.'" If no response, repeat the commands.

- a. To ensure statewide uniformity, the SETB has approved the following touch-tone number codes:

'1' for Police;

'2' for Fire;

'3' for Ambulance;

'4' for YES; and

'5' for NO.

Example: If the caller presses '1,' a DIAL "1" will display in the lower left hand field of the ANI screen, indicating a request for a Police response.

3. Confirm the indicated response by stating; "You have indicated that you need the Police, if that is correct Press '1.'

Example: If the caller presses '1' again the lower left ANI screen will display a DIAL "11". This indicates a '1' for the first request for Police followed by another '1' indicating the confirmation.

4. Ask the caller additional questions in a YES or NO format by instructing the caller to Press '4' for YES or '5' for NO.
5. If the silent caller does respond to verbal commands using the touch-tone number method, the Emergency Call Taker shall;
  - a. Enter the information gathered into the CAD using the "Details to Follow" function with a Call Type of SILCAL (Silent Call); and
  - b. Remain on the open line until a response unit arrives, supplementing the original call if any more information is gathered.
6. If the silent caller does not respond to verbal commands using the touch-tone number method, the Emergency Call Taker shall:
  - a. Continue listening on the open line and enter a call into the CAD using the "Details to Follow" function with a Call Type of SILCAL (Silent Call) or INCCAL (Incomplete Call), as the case may be; and
  - b. Remain on the open line until a response unit arrives, supplementing the original call if any more information is gathered.

D. Abandoned Call Procedures: Upon receiving an Abandoned Call, the Emergency Call Taker shall:

1. Call back the ANI phone number to find out if an emergency exists or to gather more information. If the line is busy, contact the NYNEX operator and request an "operator interrupt," advising the operator of the reason.
2. If the person answers, determine whether a police response is required and:
  - a. if no response is required, enter an "Advised Incident" into the CAD documenting the call; or
  - b. if a response is required, enter the information into the CAD using the "Details to Follow" function with a Call Type of ABANCA (Abandoned Call) and remain on the open line until a response unit arrives, supplementing the original call if any more information is gathered.
3. If no person answers after four (4) rings, enter the call into the CAD with a call type of ABANCA (Abandoned Call).

E. Hang-up Call Procedures: Upon receiving a Hang-up Call, the Emergency Call Taker shall:

1. Call back the ANI phone number to find out if an emergency exists or to gather more information. If the line is busy, contact the NYNEX operator and request an "operator interrupt," advising the operator of the reason.
2. If the person answers, determine whether a police response is required and:
  - a. if no response is required, enter an "Advised Incident" into the CAD documenting the call; or
  - b. if a response is required, enter the information into the CAD using the "Details to Follow" function with a Call Type of HANGUP (Hang-up Call) and remain on the open line until a response unit arrives, supplementing the original call if any more information is gathered.
3. If no person answers after four (4) rings, enter the call into the CAD with a call type of HANGUP (Hang-up Call).

NOTE: All Silent, Incomplete, Abandoned and Hang-up Calls must be stored by pressing the key marked, "ANI STO/RCL".

F. Language Line Procedure: Upon receiving an emergency 9-1-1 call from a non-English speaking caller, the Emergency Call Taker shall:

1. Attempt to ascertain the language the caller speaks and keep the caller on the line while pressing the Auto Dial button for the AT&T Language Line. (If necessary, the Emergency Call Taker shall dial direct.)
2. When the Language Operator answers, the Emergency Call Taker shall tell the Operator which language the caller speaks, if known, and give the BPD Client number and the Emergency Call Taker's three digit "personal code number".

3. Stay on the line for an interpreter who speaks the caller's language to come on the line. Through the interpreter, the Emergency Call Taker shall gather the necessary information.

G. Emergency Call Transfer to Secondary PSAP Procedure: Upon receiving an emergency 9-1-1 call that must be transferred to another service provider (EMS) or secondary PSAP (Boston Fire, State Police, etc.), the Emergency Call Taker shall:

1. Always warn the caller that their call is being transferred by saying, "stay on the line, this call is being transferred," before transferring an emergency call.
2. For calls received on the 9-1-1 emergency number, stay on the line long enough to ensure that the secondary PSAP Emergency Call Taker has engaged the caller in conversation.
3. For calls received on a non-emergency seven digit line, stay on the line until the call is completed by the secondary PSAP. Failure to stay on the line will disconnect the caller from the secondary PSAP Emergency Call Taker.
4. 4. When a call is transferred to another service provider or to a Secondary PSAP, other than EMS and Boston Fire, the Emergency Call Taker shall enter an Advised Incident into the CAD to document the transfer.

H. Call Types Transferred by Single Button Key to EMS:

1. All emergency calls requesting medical assistance.

I. Call Types Transferred to Secondary PSAP's:

1. Calls Transferred by Single Button Key to the Boston Fire Department:

- a. All emergency calls reporting smoke, fire, or fire alarms.
- b. All emergency calls reporting attempts to start a fire.
- c. All emergency calls reporting hazardous materials or questionable spills.

2. Calls Transferred by Single Button Key to State Police-Boston:

- a. All emergency calls on State Police-Boston property involving police or criminal matters.
- b. All motor vehicle accidents without personal injury on State property.

NOTE: All emergency calls on State Police-Boston property involving personal injury shall be entered into the CAD by the Boston Emergency Call Taker, thereby initiating a timely EMS and/or Boston Fire response. The Boston Emergency Call Taker shall then notify the State Police for a police response via the inter-PSAP line.

3. Calls Transferred by Single Button Key to State Police-Logan Airport (MassPort):

- a. All emergency calls on State Police-Logan Airport (MassPort) property involving police or criminal matters.
- b. All motor vehicle accidents without personal injury on MassPort property.

NOTE: All emergency calls on State Police-Logan Airport property involving personal injury shall be entered into the CAD by the Boston Emergency Call Taker, thereby initiating a timely EMS and/or Boston Fire response. The Boston Emergency Call Taker shall then notify the State Police-Logan Airport for a police response via the inter-PSAP line.

4. Calls Transferred by Single Button Key to the MBTA Police:

- a. All emergency calls on MBTA vehicles or property involving police or criminal matters.
- b. All motor vehicle accidents without personal injury involving MBTA vehicles or on MBTA property.

NOTE: All emergency calls on MBTA property involving personal injury shall be entered into the CAD by the Boston Emergency Call Taker, thereby initiating a timely EMS and/or Boston Fire response. The Boston Emergency Call Taker shall then notify the MBTA Police for a police response via the inter-PSAP line.

5. Calls Transferred by Single Button Key to the Boston University Police Department:

- a. Only 9-1-1 calls on Boston University property involving loud music and party disturbances.

6. Calls Transferred by Single Button Key to Harvard University Police Department:

- a. Only 9-1-1 calls on Harvard University property involving loud music and party disturbances.

J. Inability to Complete an Emergency Call Transfer or Incorrect Call Transfer: In the event that an Emergency Call Taker attempts to transfer an emergency call to EMS and/or Boston Fire and a busy tone is heard indicating that all lines are in service, the Emergency Call Taker shall obtain the information from the caller and enter it into the CAD using one of the following call types:

1. EMSREQE
  2. Boston FireREQF
  3. Both EMS and Boston FireREQEF
2. In the event that an Emergency Call Taker cannot complete an emergency call transfer to a non-Boston secondary PSAP (State Police, MBTA Police, etc.), the Emergency Call Taker shall obtain the information from the caller and enter it into the CAD as an



Advised Incident, and the information shall be relayed by phone to the appropriate agency by the Emergency Call Taker.

3. In the event that an emergency call is inadvertently transferred to the wrong service provider, the Emergency Call Taker shall press the cancel button and complete the transfer to the correct service provider as quickly as possible. After the transfer has been completed to the correct service provider, the Emergency Call Taker shall call the canceled PSAP to tell them to disregard the call, referring to the ANI and ALI information on their abandoned call.

K. Out of Jurisdiction Call Handling Procedures: Occasionally, a Boston Emergency Call Taker may receive a 9-1-1 emergency call from a citizen residing in another jurisdiction outside the Boston PSAP. In the event that an out of jurisdiction emergency call is received, the Emergency Call Taker shall:

1. Gather pertinent information as outlined in Section 3 of this Rule and relay it to the agency indicated by the ESN (Emergency Service Number) on the ALI screen;
2. Enter the information into the CAD as an "Advised Incident"; and
3. Notify the Operations Duty Supervisor that an out of jurisdiction emergency call was received and complete an ALI Discrepancy Form (see Section 5, para. E, sub-para. 2).

L. Misuse of the System, Procedure for Terminating an Inappropriate, Non-emergency Call to 9-1-1: Emergency Call Takers sometimes receive inappropriate calls on the emergency line in which a caller misuses the system by asking for information or for a weather report, thereby jeopardizing the integrity of the 9-1-1 system. Upon receiving an improper, non-emergency 9-1-1 call for which no response is necessary, the Emergency Call Taker shall:

1. Repeat the message: "This is 9-1-1, what is your emergency?"
2. If the caller persists in misusing the 9-1-1 system with inappropriate questions or statements, then:
  - a. Do not respond to the inappropriate questions or statements but attempt again to determine if the caller has an emergency by repeating: "This is 9-1-1, Do you have an emergency?"
  - b. Ensure that no police, Boston Fire or EMS response is necessary before stating "stay on the line, this call is being transferred." Then the Emergency Call Taker may, after storing the call ANI and ALI data, transfer the inappropriate caller to the programmed recorded message using key #9
3. Notify the Operations Division 9-1-1 Supervisor of the incident of misuse of the 9-1-1 emergency system as soon as possible. Upon notification, the Operations Division 9-1-1

Supervisor shall listen to the Dictaphone tape and review the ALI information and, if necessary, call back the ANI phone number to ensure that no emergency existed.

4. In cases of misuse of the 9-1-1 emergency system, the Emergency Call Taker shall not use terms like "I know where you are," or threaten a caller with the ALI or ANI information. In each case of misuse of the 9-1-1 system, the Emergency Call Taker shall store the information and notify the Operations Division 9-1-1 Supervisor.

#### Sec. 4 TELEPHONE REPORT TAKING PROCEDURE:

A. 9-1-1 Emergency Call Takers: Upon receiving a call for a non-life threatening incident which requires a police incident report not involving a crime in-progress or an excluded incident (as listed in paragraph B), the Emergency Call Taker shall:

1. Inform the caller that they may report the incident over the telephone and an Emergency Call Taker from the NIU will call them back and take their report by phone.
2. Enter the call into the CAD indicating in the remarks section that the caller has requested to file a phone report with the NIU.
3. The Emergency Call Taker shall consult with an Operations Division 9-1-1 Supervisor whenever:
  - a. doubt exists in the mind of the Emergency Call Taker about how to handle the call;
  - b. an incident has the potential for harm;
  - c. an incident is suspicious or newsworthy; or
  - d. there is substantial physical evidence at the scene.

B. Incidents excluded from referral to the Neighborhood Interaction Unit: The following is a list of incidents and offenses (or attempts) that shall not be handled by the NIU Emergency Call Taker:

- a. Reports of Death (e.g., Homicide, Sudden Death, etc.);
- b. Sexual Assaults (e.g., Rape, Indecent A&B, etc.);
- c. Any incident involving child abuse or neglect;
- d. Any incident involving domestic violence;
- e. Crimes against persons age 65 or older;
- f. Any incidents involving physical injury at the scene;
- g. Any incidents "in-progress" or that occurred within the last ten minutes;
- h. Any incidents where the offender is on-scene or in the immediate area;
- i. Incidents of community disorders or hate crimes;
- j. Missing persons;
- k. Any Hazardous Material incident;
- l. Breaking and Entering;

- m. Incidents where the value of the loss is equal to or greater than \$5,000;
- n. Larceny of a motor vehicle;
- o. Incidents involving damage to a cemetery, monument or prominent place or building; and
- p. Any walk-in or on-sight incidents.

C. Incidents referred to the Neighborhood Interaction Unit: The following is a list of incidents and offenses (or attempts) that shall be handled by NIU police operators. Neighborhood response units shall not be dispatched to these types of incidents without the prior approval of an Operations Division 9-1-1 Supervisor:

- a. Simple assaults;
- b. Vandalism;
- c. Larceny from a motor vehicle;
- d. Larceny where the loss value is under \$5,000;
- e. Theft of services, i.e., taxi fare evasion, gasoline drive-off, etc.;
- f. Bogus checks, worthless documents;
- g. Impersonations;
- h. Lewd or obscene phone calls;
- i. Threatening phone calls; and
- j. Confidence games (e.g., shell games, 3-card monte, etc.).

Note: Any incident involving or resulting from a domestic violence situation shall not be handled by an NIU Emergency Call Taker. Such incidents could include assaults, threats, vandalism, et cetera.

D. Emergency Call Takers Assigned to the Neighborhood Interaction Unit: Upon logging onto the CAD terminal, the Emergency Call Taker assigned to the NIU shall:

1. Display all Waiting Calls for the NIU (Dispatch Group CS) and select the incident that has been waiting the longest and/or a call that has been referred to the NIU as a result of a failure to meet Differential Police Response dispatch guidelines (i.e., an unexpected delayed response);
2. The Emergency Call Taker shall consult with an NIU Supervisor whenever:
  - a. doubt exists in the mind of the Emergency Call Taker about how to handle the call;
  - b. an incident has the potential for harm;
  - c. an incident is suspicious or newsworthy; or
  - d. there is substantial physical evidence at the scene.
3. For calls that have been referred to the NIU for exceeding the original projected time frame for a response unit to be assigned to a call, Emergency Call Takers shall:

- a. Call back the caller and notify them that, "Due to the excessive volume of E-911 calls in your District, the police dispatcher has been unable to assign a unit to your call within the original projected time frame. Would you like to report the incident over the telephone or would you like an updated projected time frame for a unit to be assigned to your call?"
  - b. If the caller wishes to wait for a response unit to be assigned to their call (or if a call is referred to the NIU without a call back number), the NIU Emergency Call Taker shall accept the new projected time for a response unit to be assigned to the call by pressing the "enter" key on the keyboard. The Emergency Call Taker shall then notify the caller of the new projected response time.
  - c. If the caller wishes to report the incident by telephone, the NIU Emergency Call Taker shall re-direct the call from the appropriate dispatch group into the NIU for processing and send an electronic message to the dispatcher informing them that the incident (include the incident report number) is being processed by the NIU. The call will then be processed in accordance with the procedures set forth below.
4. Call back the caller and complete an incident report, OR, if there is no answer on the call back number:
  - a. activate the SUPP key and supplement the call, documenting the attempted call back;
  - b. call back the caller again within fifteen minutes, supplementing the call each time;
  - c. if the caller cannot be contacted by telephone after trying for one (1) hour, miscel the call.
5. Submit the completed incident report to the Operations Division NIU Supervisor for review and signature.
6. Photocopy the signed incident report and mail a copy to the caller.
7. Place the completed original incident report in the proper District/Area slot for pick up, OR, if the caller is calling from outside the City to report a high profile incident (Armed Robbery, Assault and Battery, etc.,) that occurred while in the City:
  - a. notify the Operations Division Duty Supervisor;
  - b. fax a copy of the completed incident report to the District where the incident occurred;
  - c. notify the District Duty Supervisor by telephone that a high profile incident report has been faxed; and

- d. make a notation on the NIU shift tally sheet that the above procedures were followed.

9. Complete the NIU tally sheet for all calls handled by the unit for that tour of duty.

#### Sec. 5 PROCEDURE FOR SERVING AS A BACK-UP FOR BROOKLINE 9-1-1

A. Boston Emergency Call Takers: While serving as a back-up PSAP for the Town of Brookline and receiving an emergency 9-1-1 call for service in Brookline, the Boston Emergency Call Taker shall:

1. Notify the Operations Division Duty Supervisor and the police dispatchers via the P. A. system, as soon as possible, that an emergency 9-1-1 call for Brookline has been received;
2. Handle the Brookline 9-1-1 call as outlined in Section 3 (Initial Call Handling Procedure) except write the information on a computer card and hand-carry it to the appropriate police dispatcher; and
3. Use the single button key transfer to transfer the call to Boston EMS who will then use a single button key transfer to contact Brewster Ambulance or dial 522-3060 for calls requesting Emergency Medical Services. For calls reporting smoke or fire, notify the Brookline Fire Department by calling 730-2260.

B. Operations Division Duty Supervisor: Upon being notified that the Operations Division is receiving Brookline 9-1-1 emergency calls, the Operations Division Duty Supervisor shall:

1. Assign a spare dispatcher to the Special Events dispatch work station or any other available work station to dispatch the Brookline 9-1-1 calls to Brookline response units via the Boston Area Police Emergency Radio Network (BAPERN) until relieved by a Brookline police dispatcher;
2. Ensure that the police dispatcher activates the BAPERN channel on the dispatch console in order to dispatch calls directly to Brookline response units; and
3. Contact the Brookline Police Department Shift Commander to ascertain the reason for the calls and, if necessary, have the Brookline Police Department Shift Commander make the appropriate notifications and arrangements.

#### Sec. 6 PROCEDURES FOR CALL MANAGEMENT

A. ACD (Automatic Call Distributor): The ACD ensures that incoming Emergency 9-1-1 and non-emergency seven digit calls are distributed to the available Emergency Call Taker with the longest idle time. If no 9-1-1 Emergency Call Takers are available (gate 1), the ACD will automatically distribute the incoming calls to other answering positions (gates) within the Boston PSAP in the following order:

1. Neighborhood Interaction Unit (gate 2);
2. Police Telephone Operator (gate 3);
3. Police Supervisor's Clerk (gate 4); and
4. Police Supervisor (gate 5).

Note: Depending on existing conditions and staffing, 9-1-1 calls may be routed to EMS positions within the Boston PSAP after the Operations Division 9-1-1 Supervisor consults with the EMS Supervisor. Overload 9-1-1 calls may then be distributed to EMS positions in the following order:

5. EMS Emergency Call Takers (gate 6);
6. EMS Supervisor (gate 7); and
7. EMS C-MED console (gate 8).

B. Supervisory Monitor Function: During each tour of duty, the Operations Division 9-1-1 Supervisor shall use the monitor function to ensure that all Emergency Call Takers are in compliance with the Department Rules and Procedures. The monitor function does not alert the Emergency Call Taker that the supervisor is on the line.

C. Supervisory Interrupt Function: The supervisory position will be capable of interrupting any 9-1-1 call to offer assistance to the Emergency Call Taker. When the interrupt function is used, the Emergency Call Taker and the caller will hear an audible beep.

D. Automatic Call Distributor (ACD) Failure: In the event of an ACD failure, 9-1-1 emergency calls that are not answered in the Operations Division within six rings will automatically be forwarded to the back-up PSAP, Boston Fire Alarm. When an ACD failure is detected, the Operations Division Duty Supervisor shall make the following notifications:

1. Operations Division Commander;
2. Service Response Center (SRC); and
3. Boston Police Telecommunications Division - from 8 a.m. to 5 p.m., by calling the Telecommunications Division by telephone; at all other times, by paging both the Director of Telecommunications and the Supervisor of Telecommunications.

Additionally, the Operations Division Duty Supervisor shall notify and consult with the Shift Supervisor of Boston Fire Alarm to determine if additional Emergency Call Takers from Operations should be conveyed to Boston Fire Alarm to handle the forwarded 9-1-1 calls.

If additional Emergency Call Takers are required, the Operations Division Duty Supervisor shall make arrangements to transport Operations personnel to Boston Fire Alarm, and if necessary, order a recall for off-duty personnel.

E. No Record Found, ALI Discrepancies: When an emergency 9-1-1 call is received with ANI but no ALI information and the display indicates "No record found," the Emergency Call Taker shall:

1. Contact the Service Response Center (SRC) and provide the phone number as displayed on the ANI screen. The SRC will look up the number and provide an address to the Emergency Call Taker.
2. The Emergency Call Taker shall complete an ALI Discrepancy Form not only for "No Record found" calls, but for any call in which the ALI data is inaccurate.
3. Completed ALI Discrepancy Forms shall be turned in to the Operations Division Duty Supervisor before the end of the tour of duty. The Operations Division Duty Supervisor shall forward the forms to the Operations Division Commander for processing by the Municipal Database Liaison.
- F. CAD/GEO File Discrepancies: When an emergency 9-1-1 call is received and there is a discrepancy between the ALI information and the CAD/GEO File, the display will indicate "No such address." The Emergency Call Taker shall then:
  1. Fill out a CAD/GEO File Discrepancy Form; and
  2. Turn in all such discrepancy forms to the Operations Division Duty Supervisor before the end of the tour of duty. The Operations Division Duty Supervisor shall forward the discrepancy forms to the Operations Division Commander who shall forward them to the CAD/GEO File Administrator for processing so that the necessary corrections may be made to the CAD/GEO File.

#### Sec. 7 Any Shutdown of the Operations Division

At any time that the Operations Division system can not operate as a primary PSAP, due to electronic failure, catastrophe, evacuation of Headquarters, etc., the following notifications are to be made by the Operations Division Duty Supervisor:

1. Chief, Bureau of Field Services;
2. Operations Division Commander;
3. Service Response Center (SRC); and
4. Boston Police Telecommunications Division - from 8 a.m. to 5 p.m., by calling the Telecommunications Division by telephone; at all other times, by paging both the Director of Telecommunications and the Supervisor of Telecommunications.

The Operations Division Duty Supervisor shall notify the Shift Supervisor of Boston Fire Alarm to determine if additional Emergency Call Takers from Operations should be conveyed to Boston Fire Alarm to handle the forwarded 9-1-1 calls.

The Operations Division Duty Supervisor shall make arrangements to transport Operations personnel to Boston Fire Alarm, and if additional Emergency Call Takers are required, order a recall for off-duty personnel.

The Operations Division Duty Supervisor shall reassign all Operations Division Personnel as deemed necessary.

NOTE: If the telephone system is not working or if a massive computer system failure occurs, thereby interfering with the proper making of the above notifications, the Duty Supervisor shall take whatever steps are reasonably necessary to ensure that the above notifications are made in the most expeditious manner possible.

#### Sec. 8 Accountability

The Operations Division Duty Supervisor shall be responsible for ensuring full compliance with this Rule by Operations Division personnel during their assigned shift. The Operations Division Commander shall be responsible for ensuring overall compliance of this Rule.



## **Rules and Procedures**

### **Rule 324A**

**February 20, 1998**

#### **Rule 324A - TWO-WAY RADIO AND MOBILE DATA TERMINAL PROCEDURES**

This Rule is issued to establish Department procedures for the management of response to incidents through the two-way radio and Mobile Data Terminal (MDT) systems as an integral part of the Enhanced 9-1-1 system, hereinafter referred to as the 9-1-1 system.

It is important to remember that the two-way radio and the MDT represent an officer assigned to the field's primary contact with Headquarters. Officers assigned to the field rely on this for assistance and protection.

In order to ensure uniformity, all Bureaus, Divisions, Districts and Units will use their radio call signs in conformance with this Rule. This Rule shall be utilized to ensure the effective and efficient use of the Boston Police Department radio system and the Mobile Data Terminal (MDT) system in a manner that is compatible with the Computer Aided Dispatch (CAD) system. Any changes, additions, or deletions of call signs must be approved by the Chief of the Bureau of Field Services (BFS).

#### **Sec. 1 GENERAL CONSIDERATIONS:**

**Confidentiality of Callers:** MDTs will allow officers assigned to the field access to the name, address and phone number of the person who called 9-1-1. However, citizens who call 9-1-1 do not always want to be identified for fear of retaliation or for other reasons. Officers should be aware of the confidentiality issue and take extra precautions to protect the identity of the caller at all times. In the event responding officers need additional information regarding a particular call, they shall request the Dispatcher contact the caller via the callback number to obtain such information instead of approaching the caller themselves. Additionally, officers shall avoid two-way radio transmission of a caller's name, address and/or phone number. Whenever possible, officers shall clear information from their MDT computer screens prior to exiting their cruisers by pressing the CLR key.

**LEAPS and NCIC Information:** As in all circumstances, information obtained via MDT from the Law Enforcement Agencies Processing System (LEAPS) and from the National Crime Information Center (NCIC) should be treated as confidential information for the use of police personnel only. Officers are reminded that all Criminal Offender Record Information (CORI) is confidential and protected by state law (M.G.L. c. 6, § 172).

**Updated CAD Information:** Officers responding to an MDT 9-1-1 call should be aware that CAD information is routinely supplemented and modified. Therefore, to be certain that their actions are based on the most recent information, officers should use the "Recall" command to obtain and read such information before exiting their cruisers.

Premise Information: In the upper right hand corner of a 9-1-1 call on the MDT computer screen, officers may see two letters, such as AH, PW, or OC indicating that the address they are responding to has Premise Information. The Address History (AH) feature of the CAD cross references Central Complaint (CC) numbers of 9-1-1 calls to that address for the last thirty (30) days. Police Warning (PW) may contain information about recent gang or drug activity. Occupant Information (OC) may inform officers about a handicapped person who lives at an address and may not be able to answer the door. All officers should use the "Recall" command to obtain and read any Premise Information associated with an address before they exit their cruisers to enter that address.

## Sec. 2 COMMUNICATIONS CONDUCT:

Any officer(s) assigned a vehicle shall examine the two-way radio and MDT to ensure that they are functioning properly. Defective two-way radios and MDTs shall be noted on the vehicle's Motor Vehicle Inspection Form and brought to the attention of the Patrol Supervisor prior to leaving the station to begin patrol.

Courteous and judicious use of transmission time is imperative in order to ensure the efficient and effective operation of the two-way radio and MDT system. Only essential information shall be transmitted by two-way radio or MDT, as excessive and unnecessary communications can be confusing and may cause misunderstandings. All transmissions must be clear, concise and accurate.

All officers are advised that all two-way radio and MDT transmissions are recorded and, in some cases, may become public information. MDT transmissions are subject to periodic review for appropriateness and conformance to this Rule by the Auditing and Review Division. All transmissions are also subject to constant monitoring by Supervisory and Operations Division personnel. Personnel found to be making personal or inappropriate transmissions using MDTs or two-way radios are subject to disciplinary action. Examples of prohibited transmissions are, but are not limited to:

- A. Unnecessary two-way radio conversations or MDT transmissions are prohibited;
- B. Transmissions on the two-way radio or MDT which are argumentative or involve the use of sarcasm, et cetera, are prohibited;
- C. Use of profane and obscene language is prohibited;
- D. Logging onto an MDT using someone else's access code number or password is prohibited;
- E. Identify yourself by using only your proper call sign; use of personal names during transmission is prohibited, except in an emergency; and
- F. Logging onto the two-way radio system with, or using, someone else's call sign is prohibited.

Sec. 3 Mobile Data Terminal Procedures: Police Officers assigned to response units equipped with Mobile Data Terminals shall:

- A. Sign on MDT and log on the air via the MDT;
- B. Receive calls for service via MDT;
- C. Acknowledge receipt of calls for service by transmitting appropriate MDT code;
- D. Inform dispatcher of arrival to assignment by transmitting appropriate MDT code;
- E. Clear assignment by transmitting the appropriate MDT code;
- F. Check vehicles, warrants and premise history information via MDT;
- G. Communicate all self-initiated low priority on-sight incidents and motor vehicle stops to the dispatcher via MDT; and
- H. Log off the air via the mobile radio; logging off via the MDT is prohibited.

## EMERGENCY CALL PROCEDURES

Sec. 4 CRITERIA FOR ASSIGNING PRIORITY STATUS: This section provides Operations Division personnel with guidelines to use in evaluating the urgency of a call for service and assigning the appropriate police response.

Operations Division personnel shall adhere to the policy and procedures outlined herein regarding the assignment of priority to a call for service and police response. Dispatchers shall exercise prudent judgment and flexibility in evaluating and/or re-assigning the nature of a call when discretion is required due to exigent circumstances. Incidents entered into the CAD system will be automatically assigned priorities as listed below.

### A. Priority One (Critical):

Calls for service in this category indicate that a police presence is needed at the scene of an incident. Immediate response to these calls is critical. Calls in this category shall be dispatched by two-way radio for the safety of responding officers and to alert other officers in the vicinity. Conditions that will define a call for service as a Priority One are:

1. Any apparent threat of life, any danger of serious physical injury, any major property damage, or any incident that may result in the same;
2. Any active felony or violent misdemeanor, or active incident that may result in either serious physical injury or major property damage or loss. Also considered as a Priority One call would be any felony or violent misdemeanor that recently occurred (within 15 minutes), and there is a probability that a suspect(s) may be apprehended;
3. Any serious injury or illness that may result in substantial personal harm if police assistance is delayed;
4. Any incident involving exigent or unique circumstances that demands an immediate police response (i.e., sniper, explosive device, gas leak); or
5. Any domestic violence incident.

### B. Priority Two (Less Critical):

Calls for service in this category indicate that a police presence is needed at the scene, but unlike a Priority One call, an immediate response is not critical. Calls in this category shall be dispatched by two-way radio for officer safety reasons and to alert other officers in the vicinity. Conditions that would classify a call for service as a Priority Two call are:

1. Any recent or active crime or incident that does not represent a significant threat to life and property. These types of incidents would include a felony which has just occurred but without injury to the victim and the suspect(s) has fled the scene (longer than fifteen minutes);
2. Any in-progress incident that could be classified as a possible crime (e.g., suspicious person or vehicle, prowler, et cetera);
3. Any property damage incident that represents a significant hazard to the free flow of traffic; or
4. Any incident that would require a prompt, but non-emergency response.

#### C. Priority Three or Lower Priority Call (Delayed Response):

Calls for service in these categories indicate that some type of police response is needed but could be delayed for a period of time without adverse effect. Calls in this category shall be dispatched by voice for officer safety reasons and to alert other officers in the vicinity. Detailed information regarding calls in this category will be transmitted via the MDT. Callers should be notified of the potential delay at the time the call is received by the 9-1-1 Emergency Call Taker. Conditions that would classify a call for service as a Priority Three or lower priority call (priority 4-9) are:

1. Any non-active crime or incident that does not require an immediate investigation (i.e., a B&E that was not recently committed, but which is being reported at this time);
2. Any incident that involved non-emergency and/or non-criminal services; or
3. Any other incident that is no longer active, yet due to its nature, cannot be responded to by phone.

#### Sec. 5 PROCEDURE FOR MANAGING CALLS:

A. Operations Dispatcher: The Operations Dispatcher shall deploy field units with the objective of achieving the Department's goal of keeping the same officer in the same neighborhood at least 60% of the time. While the Department is committed to providing a timely response to all high priority incidents (priority 1 and 2 calls), the dispatcher shall observe the Same Cop/Same Neighborhood philosophy when dispatching lower priority incidents. Strict emphasis shall be placed on keeping response units in their assigned sectors when assigning lower priority calls. The CAD call stacking and Differential Police Response (DPR) features shall be utilized to help accomplish this task.

Only low priority calls shall be stacked for sector units. Additionally, the dispatcher should work cooperatively with the Patrol Supervisor to ensure a fair distribution of the district's 9-1-1 workload.

Priority One Calls: Upon receiving a new incident or supplemented or modified life threatening information over the public address system from a 9-1-1 Emergency Call Taker concerning an incident assignment to a response unit, the Operations Dispatcher shall immediately notify the appropriate unit by two-way radio. Additionally, the Operations Dispatcher when dispatching these Priority One calls shall ensure an adequate response by assigning units in the following order:

1. The Rapid Response Unit whose patrol area encompasses the location of the incident;
2. The Rapid Response Unit whose patrol area is adjacent to the patrol area containing the location of the incident;
3. Any Rapid Response Unit whose close proximity to the incident would significantly enhance the police response;
4. A two-officer District wagon;
5. Two Neighborhood Service Units;
6. Any two-officer District Detective Unit;
7. Two Mobile Operations (MOP) motorcycles whose close proximity to the incident would significantly enhance the police response; or
8. Any combination of the Patrol Supervisor and a service unit, foot beat, mounted, K-9 or motorcycle officer whose beat encompasses or is adjacent to the location of the incident.

NOTE: Response units always have the option of requesting back-up assistance at any time.

Priority Two Calls (Less Critical): Priority Two calls for service shall be assigned to response units in the following order:

1. The Neighborhood Beat Officer or Neighborhood Service Unit whose patrol area encompasses the incident location;
2. The closest available Neighborhood Service Unit whose proximity to the incident would significantly enhance the police response;
3. A District-wide Neighborhood Service Unit;
4. The Mounted Officer whose patrol area encompasses the incident location;
5. The K-9 Unit whose patrol area encompasses the incident location;
6. Any MOP cycle whose close proximity to the incident would significantly enhance the police response;
7. The Mounted Officer whose patrol area is adjacent to the incident location;
8. The K-9 Unit whose patrol area is adjacent to the incident location;
9. A District Detective Unit;

10. Any District response unit already assigned a Priority Three or lower priority call for service (priority 4-9);
11. The Patrol Supervisor whose supervisory area encompasses the incident location.

**NOTE:** At the discretion of the Operations Dispatcher, a Rapid Response Unit or District Wagon may be dispatched in place of one of the above units. In addition, responding officers have the discretion to request other appropriate or available units for assistance when necessary (e.g., B&E alarms, entering a building or dwelling, et cetera).

Priority Three or Lower Priority Calls (Delayed Response): Priority Three or lower priority calls for service shall be assigned to response units in the following order:

1. The Neighborhood Beat Officer or Neighborhood Service Unit whose patrol area encompasses the incident location;
2. The closest available Neighborhood Service Unit whose proximity to the incident would significantly enhance the police response;
3. A District-wide Neighborhood Service Unit;
4. The Mounted Officer whose patrol area encompasses the incident location;
5. The K-9 Unit whose patrol area encompasses the incident location;
6. Any MOP cycle whose close proximity to the incident would significantly enhance the police response;
7. The Mounted Officer whose patrol area is adjacent to the incident location;
8. The K-9 Unit whose patrol area is adjacent to the incident location;
9. A District Detective Unit;
10. The Patrol Supervisor whose supervisory area encompasses the incident location.

**NOTE:** At the discretion of the Operations Dispatcher, a Rapid Response Unit or District Wagon may be dispatched in place of one of the above units. In addition, responding officers have the discretion to request other appropriate or available units for assistance when necessary (e.g., B&E alarms, entering a building or dwelling, et cetera).

Rapid Response Unit Re-assignment: When a Rapid Response Unit, upon investigating a reported Priority One call for service does not make an arrest and determines that the reported incident will require the completion of a lengthy incident report or was not a Priority One incident, the Rapid Response Unit shall notify the Operations Dispatcher of its findings and the Operations Dispatcher shall, after reviewing the incidents pending list, determine whether the Rapid Response Unit or a Neighborhood Service Unit will complete the assignment. If the Dispatcher determines that the Rapid Response Unit will handle the call for service, that Rapid Response Unit shall complete an incident report or miscel the call, whichever is appropriate.

The Dispatcher, upon deciding that a different unit will complete the assignment, will instruct the Rapid Response Unit to remain at the incident location until the arrival of the Neighborhood

Service Unit or until it is assigned to another call for service. If a dispute develops with the reassignment, the Operations Dispatch Supervisor shall be notified to resolve the assignment.

In the event the Rapid Response Unit is assigned another call for service before the Neighborhood Service Unit has arrived, the Rapid Response Unit shall inform the caller or other responsible person, if known, that the neighborhood police officer is responding to complete the report and give further assistance if needed.

**B. Operations Division Supervisors:**

The success of Call Management as outlined in this Rule depends largely on the Supervisors in the Operations Division. Therefore, to ensure compliance with Call Management objectives, the Operations Division Supervisors shall:

1. Acquire a complete and clear understanding of the Call Management program and its deployment strategy.
2. Ensure that projected unit assignment times for DPR incidents are passed on to callers.
3. Make periodic checks of dispatchers' work stations to ensure compliance with call stacking guidelines.
4. Make periodic checks of response units' status and direct dispatchers to remind units to clear their assignments as quickly as possible.
5. Ascertain the status of the Patrol Supervisors on all channels.
6. Make periodic checks on NIU call takers to ensure compliance with DPR call back procedures.

**I. Operations Division Duty Supervisor:**

The Operations Division Duty Supervisor shall ensure compliance with these procedures by:

- a. Ensuring adequate staffing of Dispatchers, Supervisors, 9-1-1 Emergency Call Takers, Telephone Operator, Stolen Car Unit, Towed M/V Unit and clerks. Assign people accordingly and ensure that all personnel are given lunch hours and breaks.
- b. Checking the computer for pending calls and investigating as to why units are on calls for over twenty (20) minutes. In addition, check as to why units are still logged on from a previous tour of duty.
- c. Monitoring broadcasts for log-ons, log-offs, and non-response.
- d. Notifying the appropriate units and/or individuals when required by Department procedures or whenever a high profile incident occurs.

- e. Monitoring for unprofessional transmissions, particularly Unit to Unit channels, e.g., Channel 7, 9, 10, etc..
- f. Distributing any Department Orders or forms to personnel as necessary.
- g. Checking the bilingual voice message when all lines are busy.
- h. Ensuring that pager messages are sent and properly logged.
- i. Ensuring the sick line phone is staffed and that Districts/Divisions are notified of their sick officers. Ensuring that a written record is kept of all such calls.
- j. Checking the Horizon Board for the status of 9-1-1 Operators on duty.
- k. Being prepared for the tracing of telephone calls and for submitting the proper form if the trace is completed.
- l. Seeing that copies of incident reports (BPD Form 1.1) are directed to the appropriate units.
- m. Handling complaints from civilians and calls for Operations Dispatch Supervisors, as necessary.

II. Operations Division 9-1-1 Supervisor:

Operations Division 9-1-1 Supervisors shall ensure compliance with these procedures by:

- a. Inspecting the 9-1-1 Emergency Call Takers' work area, including 9-1-1 phones and voice boxes.
- b. Ensuring that trained personnel are assigned to all necessary positions.
- c. Monitoring personnel by telephone and computer to analyze their competency.
- d. Remaining available for any questions from 9-1-1 personnel pertaining to requests for assistance from the public.
- e. Providing cross-training (when available) to ensure personnel will be able to substitute for another position when needed.
- f. Ensuring that tours for visitors to Operations have a minimum effect on work areas.
- g. Keeping the Operations Duty Supervisor updated on all pertinent issues.

III. Operations Division Dispatch Supervisor:

Operations Dispatch Supervisors shall ensure compliance with these procedures by:

- a. Ensuring prompt log-on and log-off of units.
- b. Checking repeatedly the status of all units to ensure availability for calls.
- c. Ensuring prompt dispatch of high-priority calls.
- d. Monitoring motorized pursuits, terminating when appropriate; getting pursuit reports.
- e. Enforcing time and duration of Code 10's.
- f. Ensuring prompt clearing of alarm and service calls.
- g. Monitoring two-way radio transmissions for professional usage by field personnel.
- h. Assuming command of any serious incident requiring the opening and continued use of Channel One.
- i. Determining that all equipment is working properly.



- j. Reminding personnel that the Operations Dispatcher and/or Dispatch Supervisor will determine if a call will be dispatched, depending on the availability of all units.
- k. Keeping the Operations Duty Supervisor updated on all pertinent issues.
- l. Assist dispatchers in verifying units' status.

C. District Patrol Supervisor: The Patrol Supervisor shall review all Motor Vehicle Inspection Forms and ensure that any patrol vehicle containing a defective two-way radio or MDT is sent to the Telecommunications Management Unit (a/k/a Radio Shop) for repairs as soon as possible.

Regarding Call Management, the District Patrol Supervisor shall also be responsible for the following:

1. Ensuring that all patrol units clear their assignments in an expeditious manner.
2. Assisting the dispatcher in checking units' status and deployment.
3. Ensuring that officers change their system password via MDT when necessary.
4. Monitoring two-way radio and MDT calls to response units and by randomly responding to incidents within their Districts.
5. Monitoring response times and times spent on calls.
6. Responding personally to incidents in appropriate cases.
7. Determining the status and approximate locations of response units under their command, i.e., District wagons, walking, mounted, K-9, and MOP Units assigned to their District.

Additionally, while it is the dispatcher's responsibility to assign calls for service to the appropriate response units, the Patrol Supervisor shall monitor the number of low priority calls stacked for each sector unit. The purpose of monitoring stacked calls is to ensure that the Department honors projected unit assignment times and to prevent an unreasonable workload for any one patrol unit. This monitoring of stacked calls may be accomplished via the MDT installed in the Patrol Supervisor's vehicle.

Sec. 6 DISPATCHING A UNIT: The Operations Dispatcher, when dispatching a unit by two-way radio, shall announce "Operations to --," properly inserting the unit's call sign. Designations such as "Cars," "Wagons," "P.S.," "Unit," should not be used.

Example:

Dispatcher: Operations to Alpha 101

or

Operations to Charlie 202

or

Operations to Delta 674

During overlapping shifts, the Dispatcher shall utilize the shift designated code:

Dispatcher: Alpha 101A

or

Charlie 202D

or

Delta 674F

Sec. 7 GIVING AN ASSIGNMENT: Calls with a Priority of One or Two shall be dispatched by two-way radio using as few words as possible, yet giving as much information as will be helpful to the officers. The Operations Dispatcher shall give the type of call followed by the location. The Operations Dispatcher shall include whether the incident is occurring inside or outside and any apartment number, if given. The Operations Dispatcher shall conclude the call by announcing the time.

Example:

Dispatcher: Operations to Delta 301

Unit: Delta 301

Dispatcher: 290 Comm. Ave., Apt. #10, family disturbance

Unit: Delta 301, acknowledged

Dispatcher: 2200 hours

The following format shall be used in broadcasting Priority One or Priority Two calls for service:

Example:

STEP	ACTION	ANNOUNCEMENT
Step #1	Call the Unit	Alpha 101
Step #2	Announce Incident Type	Robbery in Progress

Step #3

Announce Detailed Location Bank of Boston

751 Washington Street

Calls with a Priority Three or lower priority will be dispatched by radio. Detailed information regarding calls in these categories will be transmitted via MDT.

Example:

Dispatcher: Operations to Delta 301

Unit: Delta 301

Dispatcher: 290 Comm. Ave., Apt. #10, B & E Report.

Unit: Delta 301 acknowledged.

When an assignment is dispatched by MDT, the unit will press the equipment's "en route" key to indicate that they are responding to the assigned call.

Sec. 8 UNIT ARRIVALS ON SCENE: All units will announce their on scene arrival Units not equipped with an MDT shall make such announcement over the two-way radio. The announcement will give the unit's call sign, followed by the code "Adam Robert." The Operations Dispatcher will acknowledge by stating "Operations acknowledged" or by repeating the message, "Adam Robert" preceded by the unit's call sign.

Example:

Unit: C101 Adam Robert

Dispatcher: Operations acknowledged or C101 Adam Robert

MDT equipped units will announce their on scene arrival by simply pressing the "en route" key.

Sec. 9 ANSWERING FIELD UNITS: Operations Dispatchers should answer a unit by announcing the word, "Operations" followed by the calling unit's call sign.

Example:

Field Unit: E102

Dispatcher: Operations E102

Field Unit: Seven Paul

Dispatcher: Operations acknowledge Seven Paul or E102 Seven Paul

Sec. 10 HOURLY TIME ANNOUNCEMENTS: Every hour, standard time announcement will be given individually by each Operations Dispatcher.

Example:

Dispatcher: This is the Boston Police Operations on Channel Two at 1400 hours.

Sec. 11 FIELD UNIT PROCEDURES: When communicating with the Operations Dispatcher, units should adhere to the following practices and/or recommendations:

#### A. Radio Procedures

1. Plan your message.
2. Before transmitting, listen to make sure you will not interrupt a transmission currently in progress.
3. Depress the microphone button and pause before speaking.
4. Identify yourself by using only your proper call sign.
5. Place your mouth 1-3 inches from the microphone.
6. Speak normally and clearly, as in a telephone conversation.
7. Use an even, modulated tone of voice, avoiding any vocal display of emotion such as loss of temper, impatience or sullenness.
8. Release microphone button as soon as you have finished your message.
9. Give the Dispatcher adequate time to acknowledge your transmission.
10. If possible, avoid lengthy messages. If you have a lengthy message, transmit a portion of it, request an acknowledgment of the message so far, and then continue. If a call is properly covered by a miscel, then a miscel will suffice.

B. MDT Procedures: When using an MDT to miscel or clear a call, an officer shall add appropriate comments to the disposition:

Example: C D/14B, house in darkness, no answer at front door.

C D/RPT, victim will call later with additional information.

1. Acknowledge your calls by pressing the "en route" key.
2. Report your arrival on the scene by the code "Adam Robert" or by pressing the "on scene" key.
3. Clear your call promptly using the appropriate MDT commands.

Sec. 12 Vehicle or Field Stops:

A. Radio Procedures: When using the two-way radio for making car stops or stopping an individual, officers shall transmit the following information:

1. Location;
2. Registration number and vehicle description;
3. Number of occupants;
4. Description of individual(s); and
5. Activity of the vehicle or individual stopped.

B. Vehicle or Field Stops Using the MDT: When using the MDT for making a car stop or stopping an individual, officers should use the appropriate CAD type codes such as SS (Subject Stop) or TS (Traffic Stop), including registration number and vehicle/suspect description. For officer safety reasons, to alert the Dispatcher and nearby units of the location of a vehicle or individual stop, officers equipped with MDTs may use the two-way radio Field Stops procedure, if desired.

#### Sec. 13 Radio Codes:

The primary purpose for using radio codes is to save time and avoid confusion and misunderstanding.

A. Use the proper code when a miscel or a service assignment code is called for. Unless requested by the Dispatcher, an officer should not give an explanation of his/her service response. The miscel will suffice. Avoid Unnecessary Conversation.

B. Use commonly accepted and/or standard abbreviations or names when transmitting information.

1. Utilize the standard phonetic alphabet as used in miscel codes;
2. Utilize crime information that accurately reflects the incident; and
3. Utilize proper designations.

Example: A&B DW: A cutting, stabbing, shooting

C. Think before you say anything using radio codes or any other radio transmission.

Sec. 14 CALL SIGN STRUCTURE: The call sign structure consists of five digits as follows:

DIGIT 1: Location and/or Organization

A (alfa) = District 1

L (lima) = District 18

B (bravo) = District 2

M (mike) = Special Events (BFS)

C (charlie) = District 3      N (nova) = Operations  
D (delta) = District 4      R (romeo) = Paid Details  
E (echo) = District 5      S (silver) = B.A.S.  
F (fox) = District 6      T (tango) = Special Operations  
G (gold) = District 7      V (victor) = B.I.S.  
H (harry) = District 11      X (x-ray) = B.I.I.  
J (jake) = District 13      Y (yankee) = Administrative  
K (kilo) = District 14

(Note: Spoken over the air using only those phonetics in parentheses.)

#### DIGIT 2 Unit Type

1 (one) = Rapid Response  
2 (two) = Patrol Wagon  
3 (three) = Motorcycles  
4 (four) = Neighborhood Service Units  
5 (five) = K-9  
6 (six) = Neighborhood Beat Officers  
7 (seven) = Mounted Patrols  
8 (eight) = Detectives  
9 (nine) = Sergeants  
A (alfa) = Lieutenants  
B (bravo) = Captains  
C (charlie) = Command Staff

D (delta) = Other

K (kilo) = Anti-Crime

(Note: Spoken over the air using only those phonetics in parentheses.)

DIGIT 3-4 Numbers

01 (one) through 99 (ninety-nine)

DIGIT 5 Shift

A (ay) = 11:45 p.m. - 7:30 a.m.

D (dee) = 7:30 a.m. - 4:00 p.m.

F (eff) = 4:00 p.m. - 11:45 p.m.

NOTE: Digit 5 will be used by Operations only when there is a situation when two units with the same call sign are logged-on at the same time.

Exception: Officers who are off-duty and/or working a paid detail who do not have a call sign but who need to contact the Operations Division via radio shall identify themselves by utilizing the number engraved on their two-way portable radio unit (e.g., Portable radio #1234 will transmit as "Unit 1234 to Operations").

Sec. 15 Officer in Trouble/Emergency Broadcast Procedures:

When an officer utilizes the "Emergency" button on their portable radio or MDT device to request immediate assistance, the Operations Dispatcher shall immediately take steps to ensure the officer's safety, using all necessary resources to determine whether or not the officer in question is in need of assistance or is experiencing radio difficulty.

Operations Dispatchers shall take note that when the "Emergency" button is depressed on an MDT, the message sent via MDT displays the unit's call sign, last assigned location and the name of the officer assigned to the unit. Units which are not currently assigned will still display their last known assignment, not their current location. The procedure for ensuring that officers receive needed assistance shall be the same regardless of whether or not they summon assistance via their portable radio or MDT.

If the officer in question is on assignment, patrol units shall be dispatched to the officer's last known location. Upon arrival, responding units shall immediately make an assessment of the situation and apprise the Operations Dispatcher as to whether or not additional help is needed.

If the officer requesting assistance is not on assignment or is not at the location assigned, the Operations Dispatcher shall request that all available units attempt to locate the officer and ensure whether or not the officer is not in need of assistance. Upon locating the officer, responding units shall immediately notify the Operations Dispatcher that the officer has been located, render immediate assistance, if necessary, and apprise the Operations Dispatcher as to whether or not additional help is needed.

Anytime an officer realizes that they have accidentally pressed their "Emergency" button, either on their portable radio or MDT, they shall immediately inform the Operations Dispatcher so that responding units may be called off.

#### Sec. 16 NON-RESPONSE RADIO PROCEDURE

All Department field units, including Supervisors and Detectives, are required to log on by two-way radio or by MDT, if assigned to a vehicle equipped with an MDT, with the Operations Dispatcher within fifteen (15) minutes of the start of the tour of duty whenever the unit is working. All field units will log off with the Operations Dispatcher when relieved at the end of the unit's tour of duty by the District/Division Supervisor.

When Logged on, all units are presumed to be on the air at all times and available to respond to call from the Operations Dispatcher. If a unit goes off the air for any reason (i.e., becomes unavailable for calls), the unit will request permission from the Operations Dispatcher, giving its location and the reason. If the reason is an authorized service assignment, the unit will use the proper service assignment code. The Operations Dispatcher or Operations Dispatch Supervisor may deny any request, at their discretion, if continued availability of the unit is essential. District Supervisory personnel still wishing to utilize such units shall contact the Operations Duty Supervisor, who shall have the final say on such utilization.

#### Sec. 17 RADIO RESPONSE FAILURE NOTIFICATION

When any unit fails to log on or off with the Operations Dispatcher or, if any unit fails to respond to an Operations Dispatcher after being called two (2) consecutive times, the Operations Dispatch Supervisor will be notified who shall immediately notify the Patrol Supervisor via two-way radio of the unit in question. Immediate steps shall be taken to determine whether or not that unit needs assistance or is experiencing radio difficulty.

If the non-responding unit is listed as being off on an assignment, the Patrol Supervisor, or any other unit designated by the Operations Dispatcher, shall proceed to that location and check on the safety of the officer(s) assigned to that unit. If the unit in question is not on assignment or is not at the location they are assigned to, the Operations Dispatcher shall request that all available units attempt to locate the unit in question to ensure the unit does not require assistance. Once located, the unit shall contact the Operations Division as soon as possible.



Once the unit has been located and the safety of the officer(s) has been assured, the Patrol Supervisor will conduct an investigation to determine the reason for the unit failing to respond. All of the unit's two-way radios will be tested. The Patrol Supervisor will record the results of the preliminary non-response investigation on the Supervisor's activity log prior to the completion of the tour of duty.

The Operations Dispatch Supervisor will record on a Radio Response Failure Notification Form, the name and call sign of the Patrol Supervisor notified, date, District/Division and unit call sign. A copy of the Radio Response Failure Notification Form shall be forwarded, via Department mail, to the District/Division Commander or Director to take corrective action, if deemed appropriate.

Within seven days, the completed Radio Response Failure Notification Form shall be forwarded, via the chain of command, to the Auditing and Review Division, where it shall be kept on file.

#### Sec. 18 ACCOUNTABILITY

The Operations Division Duty Supervisor shall be responsible for ensuring full compliance with this Rule by Operations Division personnel during the assigned shift. The Operations Division Commander shall be responsible for ensuring overall compliance of this Rule.

## **Rules and Procedures**

### **Rule 324B**

**July 13, 2001**

#### **Rule 324B - Mobile Audio/Video System (MAVS)**

This Rule is issued to establish guidelines and procedures for the proper use of the Mobile Audio/Video System (MAVS) in Boston Police Department vehicles.

##### **Sec. 1 PURPOSE:**

The MAVS shall be used primarily to enhance officer safety and assist in the documentation of events made during motor vehicle stops and other critical incidents. In addition, MAVS may be used for training and educational purposes so long as digital masking/mosaic effect is used to preclude the officer(s) identity. The Department shall notify the officer(s) involved prior to using the tape for training purposes.

##### **Sec. 2 TRAINING AND AUTHORIZATION:**

Only officers who have completed the Department training program shall be authorized to operate the MAVS.

##### **Sec. 3 FIELD OPERATION:**

###### **3.1 Maintenance of System**

At the beginning of each shift, the operator assigned to the MAVS shall ensure that a recording device has been inserted in the vehicle and that the equipment is working properly. The operator shall also ensure that the camera is properly positioned and adjusted to record events. The operator should check to make sure that there is a sufficient amount of recording device remaining for his/her shift. Any malfunctions shall be brought to the attention of the Patrol Supervisor and noted in the Motor Vehicle Inspection Report (BPD Form 25). If the problem can not be resolved, the MAVS shall be taken to the Radio Shop for evaluation and necessary repairs.

###### **3.2 Activation**

Activation of the emergency lights will automatically initiate the MAVS. The operator shall ensure that the MAVS remains activated during, but not limited to, the following situations: (1) motor vehicle stops; (2) pursuits; (3) OUI observations and field sobriety tests; and (4) other traffic related and pedestrian stops. Officers may keep the MAVS activated when responding to any incident in which a recording may be useful for evidentiary and/or training purposes. Officers shall notify the subject that he/she is being recorded by audio and video.

###### **3.3 Documentation**

The officer shall note in the incident report, and any related reports, that the MAVS was activated. The recording identification number shall also be placed in the report for reference purposes.

#### Sec. 4 RECORDING CONTROL AND MANAGEMENT:

##### 4.1 Security

Recordings from the MAVS shall only be removed by a superior officer. The superior officer will be responsible for properly logging in the recording and forwarding it to the Evidence Management Division for storage. The original recording shall remain, at all times, in the custody of the Evidence Management Division for a period of 90 days. In the event an outside entity/party requests copies of the tape, the Department will provide the officer(s) involved with notification of such request as soon as possible. Upon request, officers may obtain a copy of a tape, said copy containing only the portion of the tape related to the officer.

##### 4.2 Copies

All requests for access to, or copies of recordings shall be made in writing to the Commander, Evidence Management Division. The EMD shall forward copies of the written requests, and the recording, through the chain of command. Copies of recordings may be submitted to the Bureau of Professional Standards and Development (BPSD) for training purposes. Only the incident in question will be duplicated on a separate recording and released. The original shall be returned to storage.

Paul F. Evans  
Police Commissioner

#### Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 4.2.

## **Rules and Procedures**

### **Rule 325**

**AUGUST 16, 2004**

#### **Rule 325 - PAID DETAILS**

This rule establishes guidelines and procedures for police officers performing paid details and supersedes any previously issued directives.

Sec. 1 GENERAL CONSIDERATIONS: Police Officers are first and foremost employees of the Boston Police Department. The fact that a private business is providing compensation to the City of Boston for the services of the officer shall have no relevance in the performance of his official duties. Officers have the primary responsibilities of enforcing the laws of the Commonwealth, City Ordinances and protecting the safety of the public.

Sec. 2 AUTHORIZED DETAILS: Sworn officers may only accept details processed through the Department's established system. Under no circumstances shall an officer seek, solicit or promote paid details outside the approved system of detail distribution.

Sec. 3 AUTHORIZED VENDORS: Authorized vendors may request details at Area Stations. All new details must be approved by the Deputy Superintendent or a designee before the detail is authorized.

The Department may occasionally establish a list of vendors who are delinquent in payment and who are not eligible to secure a paid detail officer.

Sec. 4 AUTHORIZED METHOD OF PAYMENT: The authorized method of payment to sworn personnel for a detail is a City of Boston payroll check at the rate established by the Police Commissioner pursuant to collective bargaining.

Exceptions to this policy, such as in the case of details performed at non-profit shelters for the homeless, may be approved from time to time by the Chief of the Bureau of Field Services.

Those details transient in nature, such as carnivals and feasts, can be paid in person at the Detail Billing & Payment Unit, Room 506, Boston Police Headquarters, or may be paid directly to the officer in money order form made payable to the Detail Billing & Payment Unit. The money order must be attached to the detail card at the time the card is turned in. Under no circumstances shall an officer accept payment in cash. [Amended by S.O. 94-28, Aug. 29, 1994]

Pursuant to Rule 102, Section 22 of the Rules and Regulations of the Boston Police Department, officers shall not solicit, seek or accept any gift or gratuity, including food, drink or admissions to public transportation or public amusements for themselves or others, from an individual, merchant or business establishment, when it can be construed to involve their position as a Boston Police Officer.

Sec. 5 ASSIGNMENT: A paid detail is an official Department assignment. Therefore, all officers performing paid details shall adhere to all rules and regulations of the Boston Police Department.

Police Officers may not conduct personal business while performing a detail.

Officers performing a paid detail shall:

- Report to the detail on time;
- Personnel on paid details shall wear the standard uniform of the day, with cap, except they need not wear jackets when inside premises. Officers on outside details shall wear the uniform of the day with cap. (B.P.D. Rule 306, Section 4B)
- Remain at the location of the detail and perform the necessary police services for the duration of the contractual period.
- Perform only police services and offer no other considerations to the vendor.

Sec. 6 TRAFFIC DETAILS: Officers performing traffic details shall expedite traffic in the area of their detail and provide for the safety of the general public and the contractor by adhering to Rule 103-B of the Rules and Regulations of the Boston Police Department, Patrol Officers: Traffic Duty.

Sec. 7 DETAIL CARDS: Police Officers shall be personally responsible for submitting detail cards which accurately reflect the actual hours worked and shall not accept payment for hours not worked except where the "Four Hour Minimum" rule applies. Detail Cards must be submitted on a timely basis and for all details, including the cash details allowed by this rule. In the event that payment for the detail is made by other than a City of Boston payroll check, the detail card shall clearly indicate the method of payment.

Sec. 8 FITNESS FOR DUTY: A Police Officer who is unable to report for an assigned detail or who becomes sick while performing a detail must notify the Operations Division Sick Line. An Officer who must otherwise leave a detail must notify a supervisor via radio.

Police Officers who call in sick for a regularly scheduled tour of duty may not perform a paid detail until 48 hours after the beginning of the tour for which the officer called in sick, unless he or she has first returned to work and performed one full normal tour of duty. For purposes of this provision "normal tour of duty" does not include paid time off.

Police Officers on authorized bereavement leave shall not perform details during the period of relief.

Officers with medical limitations shall only accept details consistent with their physical capacity and only after receiving the approval of the department physician and the acknowledgement of the Area Commander.

Sec. 9 ACCEPTANCE OF DETAILS: Officers shall not accept or perform a detail which conflicts with a scheduled court appearance or overlaps with a normally scheduled tour of duty, an overtime assignment or another detail. However, the fact that an officer is performing a court assignment shall not bar him/her from accepting a paid detail, if one is available, provided that the scheduled detail time does not conflict with the officer's appearance in court.

Officers shall not change a normally scheduled tour of duty to accept a paid detail without the approval of the Commanding Officer.

Any police officer who is scheduled to perform a detail but is unexpectedly summonsed to court must notify a superior officer of his or her unavailability.

Sec 10 SUPERVISION: Commanding Officers of Areas, Sections and Units shall be responsible for the proper distribution and assignments of paid details.

Each Area Commander shall designate a supervisor to insure details are distributed in a fair and equitable manner.

The Patrol Supervisors shall be responsible for the supervision of paid detail personnel within their areas on their shifts. (This sentence rescinded in 1996)

Sec. 11 AUTHORIZED USE OF DEPARTMENT EQUIPMENT ON PAID DETAILS: There are occasions when the use of a department motor vehicle during a paid detail may be justified. Such a condition could be where a hazardous condition exists which would pose a threat to the safety of the officer and/or the vendor. Specifically, construction details conducted during the night hours, in poor weather or in the vicinity of heavy traffic may justify the use of a department vehicle. Permission for use of the vehicle may be granted by the Area Commander based on an assessment of the detail. However, the use of a department motor vehicle as simply transportation to and from the site of a detail is not permissible.

Department vehicle or motorcycle escort details may be permitted only with the permission of the Chief of the Bureau of Field Services.

The use of mounted officers during a paid detail may be authorized by the Area Commander.

The Department may assess the vendor for costs above and beyond the detail officer's pay which may be incurred during a detail. These costs may include, but not be limited to, civilian employees' salaries (hostlers, signal service employees) and vehicle maintenance.

Note:

- Amended by SO 07-033, issued June 7, 2007, SECTION 8, PARAGRAPH 2.

## Rules and Procedures

### Rule 326

June 23, 1995

#### Rule 326 - LICENSED PREMISES INSPECTION/PAID DETAILS

This Rule establishes guidelines and procedures for the conduct of Police Officers performing paid details in licensed premises and supersedes all previously issued Rules, Orders, Memorandums and Directives. Also, this Rule establishes Departmental policy relative to the manner in which Boston Police Officers report violations of the Laws of the Commonwealth and the Rules and Regulations of the Boston Licensing Board (hereafter referred to as the "Licensing Board") and the Mayor's Office of Licensing and Consumer Affairs (hereafter referred to as the "Licensing Division").

##### Sec. 1 GENERAL CONSIDERATIONS:

As agents of the Licensing Authorities, Officers may enter upon and inspect licensed premises (see [M.G.L. c. 138 § 63](#); [c. 140 § 21E](#); [c. 140 § 210](#)). However, in the absence of a search warrant, officers are prohibited from using force to gain entry. Any person who hinders, delays or refuses to admit an Officer in the performance of his duty is committing a criminal offense ([M.G.L. c. 138 § 63A](#)). Any such incident shall be reported to the Licensing Board and Licensing Division in accordance with this order.

Sec. 2 POLICY: All Police Officers acting in the capacity of agents of Licensing Authorities must concern themselves with all crimes and violations of Licensing rules that are committed WITHIN or ABUTTING licensed premises. Serious assaults, unlawful possession or use of weapons, sale or possession of controlled substances and receiving stolen property (to mention just a few examples) which take place on or abutting the premises are to be brought to the attention of the Licensing Authorities. The following selected rules and regulations, the terms and conditions of which are applicable to licensed premises, if violated, constitute a serious threat to public safety as well as interfering with and disturbing the public peace. They are:

1. There shall be no disorder, indecency, prostitution, lewdness or illegal gambling on or abutting the licensed premises.
2. There shall be no overcrowding, blocked aisles or obstructed fire exits. No increase in the capacity of the licensed premises will be valid unless a petition is duly filed by the licensee and approved by the appropriate Licensing Authority.

PLEASE NOTE THE CLEAR AND PRESENT DANGER FOR THE PUBLIC IN THE OVERCROWDING OF LICENSED PREMISES. This condition places a grave responsibility on all Police Officers in the Department to strictly monitor such conditions and to vigorously enforce violations of such regulations.

3. With the exception of liquor sold in packaged goods stores, all alcoholic beverages sold in licensed premises must be opened and consumed on the premises. (Patrons and/or employees are not allowed to enter or leave the premises with drinks or containers of alcoholic beverages).

4. Officers are also to concern themselves with any other violations of the alcoholic beverage laws which may come to their attention.

5. In any circumstances where a Licensed Premises Violation is also a criminal violation, Police Officers shall pursue both administrative and criminal complaints. (e.g., overcrowding, sale to minors, et al).

Sec. 3 PROCEDURES: In conformance with Rule 103, s. 19 and Rule 104A, s. 14, all sworn personnel are required to be knowledgeable of conditions in and around licensed premises. Accordingly, all Supervisors shall make periodic inspections and all sworn personnel shall take notice of all licensed premises on their assigned area and report all violations. While it is the policy of this Department that licensed premises inspections shall be conducted by Supervisors and Detectives, uniformed Police Officers must be alert to violations which they may encounter during the course of their normal duties.

All personnel will adhere to the following procedures when entering a licensed premises:

A. Code 10 - Personnel who enter a Licensed Premises for the purpose of a Code 10 will notify the Operations Division that they are entering a licensed premises and state the location.

B. Radio Calls - Officers responding to a radio call will notify the Patrol Supervisor, via the Operations Division, if the location of a call is a licensed premises. They shall inform the Operations Division of the business name and exact address of the premises in question.

C. Inspections - Supervisors and Detectives who conduct a licensed premises inspection will notify the Operations Division immediately prior to entering the premise, stating the address and the appropriate radio code for a licensed premises inspection. Personnel conducting a licensed premise inspection will announce a "Code 35."

D. Investigations - Personnel who enter a licensed premises during the course of an investigation are not required to announce a "Code 35." However, they shall record the name and address of the licensed premises on their daily activity log and include the fact that they were in a licensed premises in their report subsequent to the investigation.

Sec. 4 VIOLATION INSIDE OR ABUTTING A LICENSED PREMISES:

Whenever an Officer becomes aware of a violation INSIDE or ABUTTING a licensed premises, the following action will be taken:



A. Notify Operations of a licensed premises violation and request that a Patrol Supervisor be dispatched to the scene.

B. A Licensed Premises Inspection Notice (Form 1981 revised) - will be made out by a Supervisor or a Detective.

Check the appropriate box in the upper left corner to indicate whether inspection of a licensed premises resulted in either a VIOLATION or NO VIOLATION of law, city ordinance or administrative rules and regulation.

If the VIOLATION box is checked - answer the questions noted. (1) Were Police called? Did the Licensee or the Manager notify the Police Department? (2) Was a Police Officer assigned? Complete all other blocks on the form. Be specific if a violation of the law.

If the VIOLATION box is checked - CC# is to be obtained and entered on the form in the upper left corner of the form.

If the NO VIOLATION box is checked - i.e., the on premises investigation revealed no violations, complete only those blocks designated by an (\*).

C. Incident Report (BPD Form 1.1) - If the VIOLATION box is checked, an Incident Report (BPD Form 1.1) describing the facts and circumstances of what transpired inside or abutting the licensed premises must be completed by the officer who observed the violation or responded to the incident. Additionally, a special stamp stating "Licensed Premises Violation" must be applied to the upper left hand corner and Box 83 of the 1.1 (or written in by hand, if no such stamp is available).

D. Distribution of the Licensed Premises Inspection Notice:

When a violation is found, distribution will be made as follows:

White Copy - Licensee Copy

The remaining four (4) copies of the inspection notice shall be sent to the BPD Licensing Unit for distribution. Prior to forwarding the remaining four (4) copies of the inspection notice to the Licensing Unit, a photocopy of the notice shall be made and kept in the District Commander's files.

When no violation is found, all five (5) copies of the inspection notice shall go to the BPD Licensing Unit for distribution. Prior to forwarding all original copies of the inspection notice to the Licensing Unit, a photocopy of the notice shall be made and kept in the District Commander's files.

Sec. 5 GENERAL RESPONSIBILITIES OF POLICE OFFICER PERFORMING PAID DETAILS AT LICENSED PREMISES:

A. Police Officers are first and foremost employees of the Boston Police Department. The fact that a business is providing compensation to the City of Boston for the services of the Officer shall have no relevance in the performance of official duties. Officers are primarily responsible for enforcing the laws of the Commonwealth, City Ordinances, insuring compliance with rules and regulation of the Licensing Authorities and protecting the safety of the public. They shall not act in any other capacity, such as checking I.D. cards or acting as doormen or ticket takers for the management.

B. Except for paid details where a Superior Officer is also assigned, no Officer will be assigned to perform more than two (2) paid details at the same licensed premises during any calendar month.

C. No Officer shall be assigned or shall accept a paid detail at a licensed premises if his scheduled tour of duty prohibits him from being present at the detail location for a minimum of four (4) hours.

D. Officers performing paid details at licensed premises will remain at the detail location for the full duration of the detail.

For the purposes of Section 5B, 5C and 5D of this rule, a Licensed Premises shall be defined as "a premises where the primary business is the sale or distribution of alcoholic beverages." It does not include sporting or entertainment businesses where the sale or distribution of alcoholic beverages is the secondary business (e.g. , Fenway Park, Symphony Hall).

E. Any violation of laws, licensing regulations or conflicts involving management and police personnel at licensed premises shall require an immediate on-air request for a Patrol Supervisor.

F. All Officers performing paid details at licensed premises will do so in full uniform, unless there is permission from the District Commander to do otherwise.

G. Police Officers performing paid details at licensed premises are responsible for both the inside and outside condition of the premises.

H. The standard rate of compensation for Officers performing paid details is established by the Police Commissioner and is not subject to any variation, except by the Police Commissioner in conjunction with the collective bargaining agreement(s).

I. Officers shall not accept cash as a legitimate payment for a detail. The only acceptable form of payment for a detail is a City of Boston payroll check which is made out to the Officer.

J. Pursuant to [Rule 102](#), Section 22, of the Rules and Procedures of the Boston Police Department, Officers shall not solicit, seek or accept any gift or gratuity, including food, drink or admission to public transportation or public amusements for themselves or others, from any individual, merchant or business establishment, when it can be construed to involve their position as an employee of the Boston Police Department.

K. Pursuant to [M.G.L. c. 268A, § 2](#) (a) and (b), any offer of any present or future consideration in an attempt to influence a municipal employee or any such act by a municipal employee in order to obtain any such consideration is a three (3) year felony.

**Sec. 6 RESPONSIBILITY OF SUPERVISORY PERSONNEL - PATROL SUPERVISOR:** The Patrol Supervisor shall respond to all requests for assistance or notices of violations occurring at licensed premises and shall be responsible for ensuring that all Licensed Premise Inspection Notice forms (BPD 1891) and Incident Reports are completed and, where applicable, issued in accordance to this rule. Furthermore, Supervisors will:

A. Ensure that details performed at licensed premises are conducted in accordance with stated Department policy and pursuant to the Laws of the Commonwealth, City Ordinances and the Rules and Regulations of the Licensing Authorities.

B. Fully and correctly complete BPD Form 1891 for each premises he inspects or responds to an incident occurring at.

C. Make periodic inspections of detail officers at licensed premises as their work load allows.

D. Ensure that licensed premises are operated in an orderly fashion and not so as to constitute a public nuisance.

E. Forward all copies of reports relative to licensed premises to the District Commander.

**Sec. 7 COMMANDING OFFICER:** It will be the responsibility of the District Commander to establish a file for all licensed premises where Inspection Notices have been issued and be certain that all Licensed Premises Inspection Notices are forwarded to the BPD Licensing Unit.

District Commanders shall:

A. Issue Licensed Premises Inspection Notice books (BPD 1891) to Supervisory personnel, Detectives and Police Officers he so designates.

B. Ensure that Licensed Premises Inspection Notice Audit Summary sheets (BPD Form 2400) are completed and that all forms are accounted for. Completed audit forms shall be forwarded to the Auditing and Review Division, OII, and then to the Licensing Unit for safekeeping.

C. Forward, on a weekly basis, Licensed Premises Violation/Inspection Weekly Summary Form (BPD Form 2710), covering the period beginning Sunday, 12:01 a.m. and ending Saturday, 12:00 p.m. (Midnight), listing a summary of all licensed premises violations/inspections issued by sworn personnel during the inspection of Licensed Premises.

Sec. 8 AUDITING AND REVIEW DIVISION: The Auditing and Review Division shall conduct tri-annual inspections of all District files relative to Licensed Premises Inspection Notices to insure compliance with Department policy and procedures.

Sec. 9 PUBLIC NUISANCES: Whenever a pattern of incidents develop to the degree that the Licensed Premises appears to be operating as a public nuisance, the District Commander will forward a complete report to the Police Commissioner and a copy to the BPD Licensing Unit. The BPD Licensing Unit shall forward a copy of all such reports to the Licensing Board and/or Licensing Division, whichever is appropriate.

Case law has established that there is a legal precedent for documenting incidents and securing evidence to support a public nuisance complaint. It is necessary to provide proper documentation, based on the observations of the Police Department, that a pattern of incidents has been established over a period of time which should support a public nuisance complaint. Incidents which present problems for residents in neighborhoods both outside and in the vicinity of such establishments are as follows:

- Controlled substance offenses
- Disorderly conduct
- Excessive noise
- Public drinking of alcoholic beverages
- Accosting and annoying residents
- Soliciting
- Assaults
- Obstructing/impeding pedestrian and vehicular traffic

The above is not complete, however, it is to be used as a guideline in documenting certain incidents which affect the peace and tranquillity of a neighborhood. (See inside cover of Licensed Premises Inspection Notice book for a more detailed list of violations and laws.)

## Rules and Procedures

### Rule 326A

March 20, 2007

#### Rule 326A - LIQUOR ENFORCEMENT OPERATIONS (“STINGS”)

**Sec. 1 GENERAL CONSIDERATIONS:** The Boston Police Department recognizes that underage drinking is a nationwide problem that negatively affects young people in particular and the community in general. Alcohol is the number one drug problem among our nation’s youth. Thousands of young people die each year from underage-drinking-related causes (alcohol-related traffic fatalities, homicides, suicides, and other unintentional injuries). The total cost attributable to the consequences of underage drinking is in the billions of dollars each year.

**Sec. 2 PURPOSE:** One of the ways the Boston Police Department can combat underage drinking is to educate the public through undercover liquor enforcement operations (“stings”) that target establishments providing alcohol to underage youth. The Boston Police Department must conduct all operations with that purpose in mind. Officers must not target specific licensed establishments and, whenever possible, must visit all licensed establishments in the community during the operation.

**Sec. 3 PUBLIC NOTICE:** Prior to the commencement of any liquor enforcement “sting”, the Boston Police Department must notify the general public through the print media. The officer in charge of the operation must coordinate with the department’s Office of Media Relations to arrange a “notice of intent” for publication in the local newspaper. This notice of intent need only occur once each year.

**Sec. 4 UNDERAGE OPERATIVE REQUIREMENTS:** Before using any underage individual for the purpose of conducting an undercover liquor enforcement operation, the officer in charge of the operation must ensure that the individual meets certain criteria. He/she shall document the completion of each of these criteria prior to commencing any operation. All underage undercover operatives must:

- Undergo a background check and be found to have no criminal record with any police department.
- Undergo training on the guidelines for conducting underage sting operations and be familiar with these guidelines.
- Be given a release form to sign prior to the operation and the release form must be signed by the underage operative and a Boston Police Officer.
- Be given a breathalyzer before and after each operation.
- Be asked prior to entering an establishment whether he/she is familiar with the establishment or has any prior knowledge of the establishment.
- Not be related to the officer(s) conducting the operation; and
- Not wear any clothing or insignia that indicates that he/she is affiliated with the Boston Police Department.

**Sec. 5 UNDERAGE OPERATIVE FILE:** The officer in charge of the operation shall ensure the completion of a file that shall contain:

- A photograph of the underage operative taken at the beginning of each operation;
- A breathalyzer result given prior to the operation and upon completion of each operation;
- A signed copy of the guidelines indicating that the underage operative has reviewed the guidelines; and
- A signed release form.

**Sec. 6 UNDERAGE OPERATIVE CONDUCT:** "Stings" must be conducted fairly and be absent of entrapment. The underage operative will attempt to purchase alcohol after entering the establishment, but he/she must:

- Be in plain view of a Boston police officer when entering and exiting an establishment involved in the sting operation.
  - Look his/her age, not lie about his/her age, and not alter his/her appearance to look older.
  - Not carry any forms of identification.
  - Only carry cash provided by the police department.
  - Not consume or appear to consume any alcoholic beverage.
  - Not engage in any action or conversation in an attempt to induce the sale.
  - Not wear any police clothing or paraphernalia.
  - Leave the establishment immediately if asked for identification.
  - Attempt to purchase the same product from all establishments.
- A. The underage operative will not be put into any unsafe situations and must be instructed to immediately exit the premises if he/she feels the need to do so. While the attempt to purchase the alcoholic beverage is being conducted, the Boston police officer supervising the "sting" will only enter the premises if an unusual situation requires it.
- B. If the underage operative is sold an alcoholic beverage at an "On Premises Establishment," the underage operative will pay for the beverage and leave the establishment. The beverage will not be moved from the location in which it was served.
- C. If the underage operative is sold an alcoholic beverage at an "Off Premises Establishment," the underage operative will pay for the beverage and carry it out of the establishment and hand it to the Boston police officer supervising the "sting."
- D. Upon leaving each establishment, regardless of the outcome, the Boston police officer(s) and the underage operative shall complete a "Licensed Premise Inspection Notice" (Form 1891) which shall act as a "Sting Report" and describes:
- The incident at the licensed premises;
  - Whether an illegal sale was made; and

- Any evidence collected (Any evidence must also be tagged at this time).
- E. If a violation occurs (i.e. an illegal sale of alcohol is made to the underage operative), the Boston police officer supervising the “sting” shall complete a 1.1 Incident Report **in addition** to the “Licensed Premise Inspection Notice.” The 1.1 Incident Report “Key Situation” block shall read “Licensed Premises” and the remainder of the report shall be filled out appropriately.
- F. The Boston police supervisor(s) conducting the operation shall, at the end of the operation, on the same day or night:
- Notify each establishment that made an illegal sale, the results of the “sting” operation; and
  - Upon notifying the establishment of the illegal sale, have the underage operative attempt to identify the employee who made the sale and, if possible, determine his/her name.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 327**

**June 12, 2006**

#### **Rule 327 - PROTECTION OF ABUSED PERSONS**

This Rule is issued to establish Department policy and procedure in responding to incidents of abuse; domestic violence; to ensure compliance with the provision of [M.G.L. Chapter 209A](#), and Chapter 403 of the Acts of 1990 (An Act Relative to the Protection of Abused Persons); and to enhance officer safety by making officers aware of the potential danger of violence to themselves and the victim that is inherent in domestic violence incidents. This Rule has been amended to reflect the changes mandated by the organizational change creating a Family Justice Division within the Bureau of Investigative Services, and further changes creating a Domestic Violence Unit located at the Family Justice Center at 989 Commonwealth Avenue, Boston. This Rule is effective immediately, superseding all rules, orders, bulletins, or other directives previously issued concerning Abuse Prevention or Domestic Violence.

Sec. 1 Policy: It is the policy of this Department that such incidents will be recognized and responded to as a criminal activity. They will receive a priority one response (two officers) and, consistent with state law, the arrest of the suspect is presumed to be the preferred response to domestic violence incidents. In the institution of this procedure, it is understood that it will not cover every conceivable situation that may arise. When provisions of this rule are found to be incomplete or inapplicable to a particular set of circumstances, officers are expected to act intelligently and exercise sound judgment, attending to the spirit above the letter of the law.

Sec. 2 Professionalism: Officers should act in a professional manner at all times when responding to a domestic dispute. Officers should not let their own opinions and emotions govern their words or actions. Officers shall not threaten, suggest, or otherwise indicate the arrest for all parties for the purpose of discouraging requests for law enforcement intervention. It should be noted that the statute provides that no officer shall be held liable in any civil action regarding personal injury or property damage brought by any party to a domestic violence incident for an arrest based on probable cause when the officer acted reasonably and in good faith and in compliance with the statute.

Sec. 3 Safety: When responding to calls for domestic violence officers should take whatever steps are necessary to ensure the safety of all present, including themselves. While officers must be concerned with the needs of the victim, they must anticipate the unexpected, and never lose sight of the abuser. Domestic violence incidents are often characterized by anger, frustration, and intense emotions. These feelings can easily be directed against the responding officers, causing serious injury or death. For this reason at least two officers should be dispatched to domestic violence calls, and officers should not hesitate to call for a back-up unit, if they deem it necessary.

Sec. 4 Definitions: For the purposes of this Rule the following definitions will apply:



Abuse: The occurrence of one or more of the following acts between family and/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.

Family or Household Members: Persons who either:

- (a) Are or were married to one another;
- (b) Are or were residing together in the same household;
- (c) Are or were related by blood or marriage;
- (d) Have a child in common regardless of whether they have ever married or lived together;
- (e) Are or have been in substantive dating or engagement relationship, considering the length and type of relationship, the frequency of interaction, and the length of time since the termination of the relationship.

Domestic Violence Intimate Partner (DVIP): Domestic abuse involving persons that are or were in an intimate partner relationship. (Intimate partnerships should be defined as present or former marital, or significant dating relationships between persons; either living together or not; additionally, persons who have children together either in a custodial or non-custodial arrangement.)

Non-Intimate Partner Domestic Violence (NIDV): Domestic abuse involving all other persons not involved in an intimate partner relationship covered under MGL 209A. (For example, incidents between family and household members such as brothers, sisters, aunts, uncles, grandparents, etc., sharing living quarters.)

The Family Justice Division (FJD) of the Bureau of Investigative Services (BIS) includes the following units: The Domestic Violence Unit, The Sexual Assault Unit, The Crimes Against Children Unit, The Human Trafficking and Teen Prostitution Projects.

The Family Justice Center of Boston: The (FJC) located at 989 Commonwealth Avenue, Boston. The FJC hours of operation are Monday-Friday 8AM-5PM. Located at the FJC are the BPD Domestic Violence Unit (7 days, 7:30 AM-11:45 PM @ 343-4350), The Crimes Against Children Unit, the Human Trafficking and Teen Prostitution Project, and the Suffolk County District Attorney's Family Protection Unit, as well as several other community based non-profit, state, and city agencies that provide services to victims of domestic abuse and child sexual assault. The FJC does not allow offenders on the premises. Under no circumstances is a suspect/offender to be referred to the FJC for services.

**Domestic Violence Unit:** Located at the Family Justice Center, the citywide Domestic Violence Unit is comprised of detectives specially trained in the investigation and prosecution of intimate partner and family violence. Detectives assigned to the DVU work in concert with other family violence specialists at the FJC to ensure a continuum of services for victims and their children. DVU detectives are assigned follow-up investigations of all BPD reported incidents of domestic violence via the ITS case assignment system utilized by the DVU Sergeant Detectives. DVU detectives are on-duty from 7:30 am until 11:45 pm daily.

(For response protocols, see Section 6, Duties of the DVU.)

Operations shall keep a list of on-duty DVU Superior Officer Detectives for each shift, and the on-call Superior Officer Detective for the last half shift, (11:45pm-7:30AM).

**Crimes Against Children Unit:** The Crimes Against Children Unit, located at the Family Justice Center, is assigned the follow-up investigations all reported incidents of child pornography, Internet crimes against children, and DSS-referred cases of Child Sexual Assault.

("Breaking" (911) incidents of child sexual assault still require the response of the Sexual Assault Unit, who will retain investigation of these cases.)

For serious cases of non-sexual child physical maltreatment, assault, or neglect, officers responding to and district detectives investigating these incidents should consult with the Superior Officer in Charge of the CACU to advise in the investigation and evidentiary needs of these cases. When possible, a CACU detective specializing in cases of serious child physical abuse will assist district detectives in the investigation of these cases. All reports of child abuse must be faxed to the CACU at the Family Justice Center at 617-343-6160.

**Sex Trafficking:** A commercial act induced by force, fraud or coercion, or in which a person is induced to perform such act has not attained the age of 18.

**Labor Trafficking:** The recruitment, harboring, transportation, provision, or obtaining of a person for labor services through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

**High Risk Victims and Trafficking Team:** A multi-agency task force, headquartered at the FJC, comprised of law enforcement agencies and service provider partners whose goals are to improve identification, investigation, and victim rescue through comprehensive training, outreach, and education, and targeted prosecution of offenders. This Investigative/Intervention Team provides a safety net for the victim, and aids in the prosecution of perpetrators of these crimes. The Task force focuses on both immigration and non-immigration cases.

**Domestic Violence Advocate:** A civilian member of the department assigned to the district stations who specializes in safety planning, court procedures, and referral to services for victims of domestic violence.

Court: The Superior, Probate and Family, District or Boston Municipal Court Departments.

Court Order: An oral or written command by a justice of any court described above which grants the relief listed in [M.G.L. c. 209A](#), section 6, paragraph (7). In addition, an oral or written command from any other jurisdiction.

Sec. 5 Duties of Responding Officers: Officers confronted with domestic violence incidents shall take the following steps when they have reason to believe a family or household member has been abused or is in danger of being abused:

- A. Remain on the scene as long as physical danger exists.
- B. Assist in obtaining medical treatment, transport, or arrange transportation to a health care facility.
- C. In serious cases, officers shall notify a Domestic Violence Detective at the FJC to respond to the scene. In all other cases involving physical evidence or when photographs are required, responding officers shall contact the Patrol Supervisor or District Detective to take photos or seize evidence.
- D. Assist the victim in locating and getting to a safe place such as a shelter, family or friend's residence. Inform the victim of the services available at the Family Justice Center and from the Domestic Violence Advocate located at the District or Area.
- E. Give the victim a copy of 209A rights in hand, and read those rights to the victim. If the victim's primary language is not English, the statement should be provided in the victim's native language, if possible. The copy that is left with the victim should provide the name and address of the appropriate district court. Victims should also be referred to any domestic violence program offered at the Family Justice Center or operated by the District Attorney's Victim Witness Assistance Office also located at the Family Justice Center. If an arrest is made the officer shall inform the victim that the abuser may be eligible for bail and may be promptly released.
- F. Arrest shall be the preferred response whenever an officer observes, or has probable cause to believe, that a felony has been committed, or a person has committed a misdemeanor amounting to abuse, or an assault and battery, whether or not it was committed in the officer's presence.

- G. Officers shall arrest any person that the officer observes, or has probable cause to believe, has committed a violation of a court order. According to M.G.L.c. 209A, a law enforcement officer may presume the validity of, and enforce in accordance with section six, a copy of a protection order issued by another jurisdiction that has been provided to the law enforcement 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 enforcement officers may rely on such statement by the person protected by such order.
- H. **Physical Injuries/Dominant Aggressor Identification Procedures:** In situations where both parties present physical injuries and conflicting accounts of how they obtained those injuries, officers shall summon a Patrol Supervisor to the scene to assist them with determining the dominant aggressor in the incident. The dominant aggressor is not necessarily the individual who struck first; and size, strength, and force used should always be taken into consideration when trying to determine the true aggressor versus the individual in a defensive posture. The officers and the Patrol Supervisor should take into consideration whether the injuries are consistent with offensive or defensive wounds; if the accounts are consistent with other physical evidence or witness accounts at the scene; the relationship history or history of abuse; etc. A premise history should be conducted through Operations to aid in this determination, as well as a BOP and warrant check on the participants to determine past restraining order history or prior 209A or other violent criminal history. As bona fide mutual domestic battering situations are rare, all efforts should be made to prevent inadvertently arresting victims of abuse. Documentation of the efforts to determine the dominant aggressor shall be contained in the incident report, as well as the required administrative reports. (See Section 9, Paragraph B. Reports, for instructions on reporting requirements in dual arrest situations.)

I. Transportation to a Safe Location: If no order has been issued from court, and an officer believes that a situation demonstrates the potential for danger or abuse, during court hours, the officer will advise the victim of the availability of court orders and provide transportation to the local courthouse, if necessary, to a safe shelter, or, during the hours of its operation, (day and first half) they should arrange to meet a DVU detective at the FJC.

J. After court hours, follow the above procedures, but also advise the victim of the availability and procedure for obtaining an emergency court order. If the victim requests an emergency order, the officer will bring the victim to the district station and activate the Judicial Response System with the assistance of the Duty Supervisor. If the District Domestic Violence Advocate is available, he/she shall assist the victim with safety planning.

K. The Judicial Response System is activated as follows: On each Wednesday, the Operations Division will notify each District of the confidential telephone number or pager number for the judge assigned as the on-call judge for that week. Where an officer responds to a district station with a victim seeking an emergency court order, the Duty Supervisor shall call the on-call judge, and allow the officer to speak with the judge regarding the incident and particulars of the case. When speaking with the judge, the officer will have a "BOP" criminal history on the suspect, if one exists.

Any call back or return phone number provided when calling the on-call judge must be to a police official with knowledge of the situation (i.e., the Duty Supervisor or another Superior Officer, or responding/reporting officer with the same level of knowledge) and not to an operator or a dispatcher. When the judge cannot be contacted or fails to return the initial call within 15-20 minutes, the Duty Supervisor shall call the State Police Duty Officer at (508) 820-2121. The State Police Duty Officer will then contact the judge and have the judge contact the appropriate Duty Supervisor. The judge will respond in person or will authorize the Duty Supervisor to record the court order. The Trial Court of Massachusetts forms now come in an envelope (FA 3, 9/95) and are available at the District station as supplied by the local court clerk. The envelope contains the following forms:

- Complaint for Protection from Abuse Page 1 of 2, (FA 1, 9/95)

- Complaint for Protection from Abuse Page 2 of 2, (FA 1A, 9/95)
- Abuse Prevention Order Page 1 of 2, (FA 2, 9/95)
- Abuse Prevention Order Page 2 of 2, (FA 2A, 9/95)
- Complaint for Protection from Abuse Request for Address Impoundment, (FA 4, 9/95)
- Defendant Information Form in Restraining Order Cases, (FA 5, 9/95)

The Duty Supervisor will be responsible for ensuring that these forms are filled out according to the judge's orders, and may assign the responding/reporting officer the task. The orders may be for the defendant to refrain from abuse, and/or vacate the home, or for any other appropriate stipulation. Copies of the FA 3, 9-95 form(s) are to be distributed to the court, the plaintiff (victim), and the defendant (abuser), and one copy will be kept at the District station in the same manner as prescribed in Section 7B, paragraph 4a - e, of this rule. The Duty Supervisor will ensure that the forms are filled out correctly and accurately.

Sec. 6 Duties of Domestic Violence Unit: Detectives assigned to the DVU are specifically trained in all aspects of intimate and non-intimate partner violence and are centrally located at the Family Justice Center. DVU Detectives shall assume responsibility for all follow-up investigations of all reported incidents of 209A abuse beginning with the assignment of the incident report through resolution of the investigation. If a DVU Detective determines during the course of a follow-up investigation that a sexual assault has occurred, the DVU detective shall retain the matter and fully investigate the allegations according to the department rule governing response to sexual assault.

Response Protocols-Serious Incidents: For serious incidents of domestic violence involving significant bodily injury, or multiple injured victims (other family members, minor children, witnesses) or injuries with a likelihood of death, and requiring specific crime scene management and assistance from the BIS Technical Services Division, an on-scene Patrol Supervisor should have Operations contact a DVU Supervisor (343-4350) to respond with the on-duty DVU detective(s) to the scene to take charge of the incident and direct the Crime Scene Management team in the collection and preservation of evidence. In similar circumstances on the last half shift, Operations should notify the on-call DVU Superior Officer to respond when warranted.

For employee and police officer-related incidents of domestic violence, the on-duty Superior Officer Detective of the DVU should be notified by Operations and respond at all times (See Rule 327A).

Sec. 7 Service, Documentation, and Maintenance of Abuse Prevention Orders: It is the responsibility of the Department to serve, document, and maintain Abuse Prevention Orders. The following procedures will be followed in order for the Department to fulfill this responsibility.

A. District Responsibilities:

1. The Commander of each police district shall receive all incoming abuse prevention orders.
  
2. The Commander shall record each order in the computerized "Abuse Prevention Order Database." The database shall contain the following information:
  - Court Information
  - Defendant Information
  - Plaintiff Information
  - Comments
  - Services/Attempts at Service
  - Date
  - Tour
  - Unit
  - Officer name and ID # entering information
  
3. After recording information in the database as noted above, the Duty Supervisor shall assign a unit to serve the order during that tour of duty. After serving the order, the officer(s) shall complete the Return of Service, and return it to the Duty Supervisor. It is the sole responsibility of the Duty Supervisor to ensure that the return is mailed to the appropriate court.
  
4. The police copy of the order (blue copy) shall be filed in alphabetical order by the DEFENDANT'S last name. Each district shall designate a file cabinet for keeping active abuse prevention orders. The file cabinet shall be accessible to the Duty Supervisor during all tours of duty. This information is accessible citywide via the Department Intranet Website.
  
5. Upon receipt of a Return of Service, the Duty Supervisor shall inspect the Return of Service for accuracy and enter the date of service in the database. The Duty Supervisor shall mail the Return of Service in a marked, addressed envelope to the issuing court, or place it in the complaint tray for the court within the same police jurisdiction.
  
6. If an officer has made an attempt to serve an order to no avail, the Duty Supervisor shall record the date of the attempt of service in the

database, and shall ensure that the relieving Duty Supervisor receives the order to be served during the next tour of duty. At least one attempt on three different tours of duty shall be made and recorded on the Return of Service and in the database before sending the Return to the court prior to the court hearing.

7. One Superior Officer shall be assigned to supervise the maintenance of abuse prevention order files. These files shall be kept in a manner so as 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 at any time of the day or night. The Superior Officer in charge of these files shall ensure that orders that have expired or that have been vacated by the court are removed, and that the information regarding their validity is entered into the database.

**B. Police Officer's Responsibilities:**

1. Each order shall be served upon the defendant. The officer shall make an effort to serve the order by delivering a copy in hand to the defendant at his home, workplace, or other location.
2. If the officer is unable to make in-hand service to the defendant, the officer shall use an alternative form of service such as the following:
  - (a) as ordered by the court;
  - (b) by leaving the order at the defendant's last and usual address as shown on the order;
  - (c) by leaving the order with an adult at the defendant's address; or an adult who knows the defendant and who states he/she is willing to give the order to the defendant. Write the adult's name and address on the Return. **DO NOT, UNDER ANY CIRCUMSTANCES, GIVE THE ORDER TO THE PLAINTIFF TO SERVE.**
  - (d) by other means, i.e., with an adult at the defendant's workplace. Write the adult's name and address on the Return.
3. The officer must specify in writing on the Return (green copy) the manner in which service was made. The officer must also print and



sign his/her name, unit, the date, and the location of service. If an officer has been unable to make service of the order, he shall record on the Return of Service: "Attempt to serve, date, time, location, his name and unit", and submit this Return of Service (green copy) to the Duty Supervisor before the end of the officer's tour of duty.

4. The Abuse Prevention Order (FA 2, 9/95 and FA 2A, 9/95), and the Complaint for Protection from Abuse (FA 1, 9/95 and FA 1A, 9/95) are distributed as follows:
  - (a) The original (white copy) of the order and complaint is retained by the court.
  - (b) The pink copy of the order and complaint is given to the plaintiff immediately.
  - (c) The yellow copy of the order and the complaint is given to the defendant immediately, and the defendant is advised that violation of the order is a criminal offense that will result in arrest.
  - (d) The green copy of the orders completed and is returned to the Duty Supervisor.
  - (e) The blue copy of the order is filed with the Police Department in the city or town where the defendant lives. If one of the parties does not live in Boston, a photocopy of the blue copy of the order must be mailed to the outside department.
5. When officers assist a victim of abuse in obtaining an emergency abuse order after court hours, officers are to activate the Judicial Response System, and refer to instructions on the envelope of the application for Abuse Prevention Order form(s) packet (FA 3, 9/95) and Section 5, paragraph K of this Rule.

Sec. 8 Criminal Complaints: Arrests will be made and criminal complaints will be sought for all violations of c. 209A orders that occur within the City of Boston, regardless of the city/town or court where the action originated (e.g., a Somerville court order violation occurring in Dorchester will be criminally prosecuted in Dorchester Court). The application for a criminal complaint for a violation of c. 209A is sought in the court within whose jurisdiction the violation occurred.

Sec. 9 Reports: In order to properly document incidents of domestic violence, one or more of the following reports will be made:

- A. Only Boston Police Officers shall write domestic violence incident reports. (BPD Form 1.1). Whether or not an arrest is made in a domestic violence call, the officer shall

submit an incident report (1.1). The Duty Supervisor shall ensure that in Key Situations mandatory field, that the type "DVIP" or "NIDV" is chosen, and ensure the relationship described in the narrative matches the Key Situation box and that the type of Incident reflects the crime committed under the choices in the ITS menu. The reports shall document the following information at a minimum:

1. Names of all children their ages and relationships to other household members;
2. Names of all household members and contact telephone numbers;
3. Cause of the incident, if known;
4. Any injuries sustained and medical treatment required;
5. Prior calls at the address or prior abuse history;
6. The presence/seizure of weapons, FID Cards, Licenses to Carry.
7. All excited utterances by victim, accused, or witnesses present.
8. All evidence seized, photographs taken of the victim, and description of premises and persons present.
9. Any action taken under M.G.L.c. 209A (e.g., restraining order).
10. All action taken by the officer, including any and all referrals, arrests, and advice given to the victim regarding his/her rights of their rights.
11. Any known violent or gang affiliation history. The officer must also submit an FIOFS to support violent or gang affiliation history.

B. Dual arrest situations: Under this Rule, dual arrest situations occur where one or both parties involved in an incident are summoned into court in place of arrest. Reports for dual arrests where both parties engaged in offensive and injurious behavior and where no defensive injuries could be determined or no dominant aggressor identified, should contain a description of all physical evidence, witness statements, and all statements made by either party. The incident report and court complaints shall reflect that the incident is a mutual domestic assault, and shall reflect the grounds for the dual arrest.

In addition to the Form 1.1 required above, in a situation where dual arrests have been made, the officer shall submit an administrative report (Form 26) describing the steps taken to determine the dominant aggressor prior to making the determination to arrest both parties. A check shall be made of both parties for past incidents of domestic violence and documented on the report (See section 5H-Physical Injuries/Dominant Aggressor). Such information shall also be included in the narrative section of the incident report. Incident Reports shall reflect the efforts made to determine the dominant aggressor, including the efforts made by a Patrol Supervisor called to the scene. Administrative reports shall be addressed to the reporting officer's District or Unit Commander, and copies shall be faxed to the Domestic Violence Unit.

The Duty Supervisor shall check all reports for content in accordance with this section before sending the reports to the DVU.

**C. Miscelling:** An officer responding to radio calls describing family trouble or domestic violence may give a miscel only under the following circumstances:

1. Six-Boy: No such person can be found.
2. Six-Charlie: No such address.

No dispatcher shall change the nature code of a DVIP or NIDV call without a Patrol Supervisor on-scene assessment. Additionally,

Dispatchers shall notify the Operations Duty Supervisor immediately if a Unit requests a nature code change.

**Sec. 10 Stalking:** 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.

The District Detective Supervisor shall forward all reports of stalking incidents to the Domestic Violence Unit for investigation, regardless of the relationship of the offender to the victim.

**Sec. 11 Animal Cruelty:** Officers should remain vigilant concerning any animal abuse or neglect, which is often indicative of other abuse in the home. Animal abuse is now a felony under M.G.L. c 277 s. 7. Any suspected animal abuse shall be reported to the MSPCA Law Enforcement Section. Reports of Animal Cruelty shall also be forwarded to the Domestic Violence Unit for informational purposes.

**Sec. 12 Child Abuse and Neglect:** Special attention must also be given to the safety and welfare of any children that responding officers have reason to suspect may be suffering from some form of abuse and/or neglect. In an effort to assist in a coordinated and comprehensive investigation of child abuse and neglect, the District Detective Supervisor shall review and maintain all 51A's filed, assign a District Detective, and fax a copy of the 51A and incident report to the Crimes Against Children Unit.

**A. Definitions:** For the purposes of this section of Rule 327, the following definitions shall apply:

- Child: a person under the age of eighteen (18) years of age;
- Caretaker: The child's parent, guardian, any other household member and any other person entrusted with the responsibility for the child's health and welfare;

- Abuse: The non-accidental commission of any act by a caretaker upon a child which causes or creates a substantial risk of serious physical or serious emotional injury, or constitutes a sexual offense under the laws of the Commonwealth;
  - Neglect: Includes failure by a Caretaker, either deliberately or through negligence (or inability), to take actions necessary to provide a Child with minimally adequate food, clothing, shelter, medical care, supervision or other essential care;
  - Serious Physical Injury: Includes any non-trivial injury, death, malnutrition or failure to thrive;
  - Serious Emotional Injury: An extreme emotional condition such as a severe state of anxiety, depression or withdrawal;
  - Crimes Against Children Unit of the Family Justice Center (CACU/FJC): The CACU will be available for consultation, coordination and assistance with the investigation for all crimes against children. District Detectives assigned to a non-sexual child assault investigation may contact the CACU at 343-6183.
- B. Duties of Responding Officers:** As mandated reporters, officers who suspect child abuse shall immediately make a verbal report to the Department of Social Services on the Child Abuse Hotline (1-800-792-5200), and within forty-eight (48) hours file a 51A form ([M.G. L. c. 119](#)). The officer shall complete the 51A form and mail the original to the Department of Social Services. The officer can obtain the specific mailing address when making the verbal report on the Child Abuse Hotline. The 51A shall not take the place of the Boston Police Incident Report Form 1.1. The responding officer shall also complete a 1.1 Incident Report documenting the incident, and their observations. If Officers have reason to believe that a child is suffering from abuse or neglect, officers shall request EMS to respond to the scene and conduct an evaluation. The reporting officer shall forward a copy of the 1.1 to the DSS hotline or local DSS Office.

[M.G.L. c. 119 s. 39](#) prohibits the abandonment of any child under the age of ten (10) years of age. When a Responding Officer is called to a scene for a report of a child "left home alone," on arriving at the scene and determining that a child under the age of ten has in fact been left home alone and unsupervised, a District Patrol Supervisor shall be summoned to commence the initial response. Emergency Medical Services shall be called to the scene to examine the child. A reasonable effort shall be made to identify the child's parent or guardian and who was last responsible for supervising the child. If unable to identify or contact the child's parent, guardian or caretaker, the child should be transported by EMS to a hospital emergency room for examination.

The Officer filing the 51A form with D.S.S. will make duplicate copies of the 51A

and the 1.1 Incident Report and forward them to the District Detective Supervisor for follow-up assignment by a District Detective. If upon follow-up investigation additional evidence of intimate partner abuse is discovered, a supplemental incident report shall be written and the Domestic Violence Unit will conduct the follow-up of the DVIP.

C. Assigned Detective's Responsibilities (District or CACU):

Using the information contained in the completed 51A form, and the 1.1 Incident Report, the detective shall conduct a search of the available databases (Department Intranet/Repeat Incident Analysis; Detective Case Management ITS, and/or SAU Case Tracking) reported incidents of abuse and/or neglect involving the reported child and/or his/her family. Special attention shall be given to any previously reported history of domestic violence, and/or substance/alcohol abuse involving the child's family.

The assigned detective shall contact the appropriate D.S.S. Field Office and ascertain the status of the 51A, which had been filed by the police officer. If the 51A has been "screened in" for further D.S.S. action, contact the assigned D.S.S. caseworker or investigator and report on any pertinent information that may be beneficial to him/her in investigating and serving the family.

The assigned detective shall deposit the 51A in a permanent file at the district or unit.

D. Patrol Supervisor/Unit Supervisor Responsibilities:

The supervisor shall ensure that officers under his/her supervision respond appropriately to incidents of all child maltreatment and that all children impacted, whether present or not, are identified if possible.

The supervisor shall ensure that all

information necessary for the accurate and complete filing of a 51A with the Department of Social Services is obtained. He/she shall also ensure that necessary and appropriate emergency medical assistance has been obtained to examine and treat the child(ren) impacted.

The supervisor shall ensure that he/she, or officers under his/her supervision, who have reason to suspect that a child, under the age of eighteen, is or has been abused or

neglected, either physically or sexually, contact DSS and file a 51A on behalf of the child(ren).

E. Duty Supervisor Responsibilities:

The Duty Supervisor shall ensure that in response to incidents of child abuse and/or neglect reported or discovered during their tour of duty, all reasonable and appropriate actions are taken, that an incident report (1.1) is completed to document

the incident and that a 51A is filed with the Department of Social Services. The Duty Supervisor shall also ensure the accuracy and completeness of all reports.

Sec. 13 Safe Placement of Surrendered Newborns (“Safe Haven Law”): On October 28, 2004, the “Safe Haven” Law went into effect and is scheduled to expire on June 30, 2008. M.G.L. c 119 s. 391/2 allows for the PARENT of a newborn infant, 7 days of age or less, to surrender his/her child at certain “designated facilities”, without fear of any consequence or criminal prosecution for child abuse or neglect.

In order to qualify and be in compliance with the requirements of this law, the following elements must be present at the time of contact:

- The person making contact to surrender custody of the child must identify himself/herself as a parent of the child. Absent any other definition or designation, the term “parent” shall be defined as either the biological mother or biological father of the subject child.
- The child can be no more than 7 days old.
- The “designated facilities” are limited to hospitals, police departments and manned fire stations.

Upon notification by an individual that he/she is the parent of the child, and wants to invoke the “Safe Havens” law and surrender their newborn infant, the officer(s), (Contact Officer(s)) shall immediately notify Operations of his/her location, that he/she has a “Safe Haven” baby and parent and shall request EMS to respond to the location. In consideration of the parent, the Contact Officer(s) should be aware of the potential needs of the individual requesting to surrender their child. If the individual has identified herself as the biological mother, her medical condition must be considered, in that she may have given birth within the last 7 days and may be in need of some type of medical attention herself. The Contact Officer(s) must also be alert to the mental state of the person surrendering the child and request assistance as appropriate and necessary.

The law provides no authority to detain the individual attempting to surrender the child. The act of leaving the child with the police shall not be considered abuse or neglect. However, if officers suspect that the child has been abused and/or neglected, they are mandated to report it in accordance with M.G.L. c.119 s.51A.

Contact Officer(s) must make every effort to solicit the following information:

- (1) The name of the newborn infant;
- (2) The name and address of the parent placing the newborn infant;
- (3) The location of the newborn infant's birthplace;

- (4) Information relative to the newborn infant's medical history and his/her biological family's medical history, if available;
- (5) Any other information that might reasonably assist the department or the court in current or future determinations of the best interests of the child, including whether the parent or guardian plans on returning to seek future custody of the child;

The Contact Officer(s) may only encourage the parent to provide the information. The parent is not required to provide the information. He/she will not face consequences for failing to provide information. In the event that the parent does not wish to provide any information to the Contact Officer(s), the officer(s) will document his/her observations of the person attempting to surrender the child, including a detailed physical description of the individual, what they do and say, and any other pertinent descriptive information. The officer(s) shall complete a 1.1 incident report regarding the incident.

The Contact Officer(s) shall immediately contact the Department of Social Services via the Child-At-Risk Hotline (1-800-792-5200). The purpose of this call is to notify DSS of the placement of the newborn at the facility, NOT TO FILE A 51A.

If during the course of the interaction with the individual who is attempting to surrender the child, the Contact Officer(s) become aware, or have reasonable suspicion, based upon articulable facts, that the child is older than 7 days, or that the individual is not a parent of the child, he/she shall conduct a threshold inquiry and collect as much information as possible from the individual with the child. The Contact Officer(s) shall request that a Patrol Supervisor respond to his/her location to assist in the inquiry. The Contact Officer(s) will, as a result of his/her suspicions, call the Child-At-Risk Hotline, (1-800-792-5200), and file a 51A as mandated reporter(s).

Albert E. Goslin  
Superintendent in Chief  
Acting Police Commissioner

Notes:

Amended by SO 08-034, issued 09/12/2008, all references to the "Ballistics" or "Ballistics Unit" shall be amended to Firearms Analysis Unit. All references to the "Ballistician" or the "Department Ballistician" shall be amended to the Firearms Examiner.

## Rules and Procedures

### Rule 327A

June 12, 2006

## Rule 327A - DOMESTIC VIOLENCE SITUATIONS INVOLVING DEPARTMENT EMPLOYEES

### Sec. 1 General Considerations:

The Boston Police Department recognizes domestic violence as a universal problem that affects people from all walks of life. Domestic Violence is criminal activity and it is Department policy that arrest is the preferred response. No person is exempt, whatever his or her occupation, from the consequences of their actions that result in a violation of M.G.L. c. 208, 209, and/or 209A. This rule guides officers responding to incidents of domestic violence involving both sworn and civilian personnel. The purpose of this rule is to:

- Ensure the safety of the victims;
- Provide procedures for the uniformity of the investigation of said incidents;
- Provide notification and reporting procedures;
- Provide for the securing and safeguarding of Department weapons, equipment, and personally owned weapons taken into custody;
- Ensure compliance with all provisions of a court order; and
- Ensure Departmental compliance with Federal law. Federal law prohibits police officers that have been convicted of misdemeanor domestic violence crimes from possessing a firearm.

### Sec. 2 Responsibilities of Operations Personnel:

A. If, upon receiving a call for assistance for DVIP, NIDV, or VIORDR, the E911 call taker determines that one of the parties is a Department employee, or a sworn officer of another police department, a Patrol Supervisor shall automatically be dispatched to the scene, along with the officers dispatched to the call.

B. If it is determined that the incident involves a Department employee, whether victim or offender, Operations personnel shall notify a DVU supervisor to respond to the scene of the incident. If it is determined that the incident involves a department employee as the offender, Operations personnel shall also notify IAD.

C. Operations personnel shall not accept miscels for employee-related domestic violence calls.



### Sec. 3 Responsibilities of the Responding Officers:

The provisions of [MGL c. 209A](#) and this Rule are to be complied with in all incidents of Domestic Violence. Officers responding to an incident where a Department employee is involved in domestic violence as either a suspect or a victim, or an incident involving a sworn member of another jurisdiction's police department, shall adhere to the following procedures:

- A. Take immediate action to ensure the safety of the victim.
- B. Request that a Patrol Supervisor respond to the scene.
- C. Comply with the requirements of [MGL c. 209A](#).
- D. Enforce the provisions of any court order that is in effect.
- E. Complete a Boston Police Incident Report and fill in the occupation box with "department employee" or "City of Boston"
- F. Remain on scene until relieved by a Superior Officer.
- G. Not miscel the call under any circumstances.

### Sec. 4 Responsibilities of the Patrol Supervisor:

Upon being notified of a domestic violence incident involving a department employee, or sworn member of another police department, the Patrol Supervisor shall immediately respond to the scene of the incident and take control of the investigation of the incident. Specifically, the Patrol Supervisor shall:

- A. Assess the actual and potential harm to the victim.
- B. Confirm with Operations that the incident involves a department employee, whether victim or offender, to ensure proper notification of DVU. If the domestic violence incident involves a department employee as the offender, confirm with Operations to ensure additional notification of IAD.
- C. Upon investigation, if the Patrol Supervisor has a reasonable belief that there is evidence of physical abuse or that the threat of physical abuse exists, and that the accused is a sworn member or employee of the Department or any other police department, the Patrol Supervisor shall seize and take into custody all department-issued firearms in the possession of the employee and transfer the property to the responding DVU Supervisor.

D. Take appropriate action, where necessary, to seize firearms considered as evidence, and firearms illegally possessed, and document such seizures on a Chain of Custody Evidence Form before transferring the firearms to the custody of the responding DVU Supervisor.

E. If the offender is a member of another jurisdiction's police department, notify the Duty Supervisor that the offender is a sworn member of another jurisdiction.

F. Request that the accused employee, whether sworn or civilian, surrender all personally owned firearms, his/her License to Carry Firearms and/or his/her Firearms Identification Card. The Patrol Supervisor shall attempt to obtain consent from the parties involved to search the incident scene for the purpose of seizing and taking into temporary custody all privately owned firearms present and transfer the privately owned firearms to the responding DVU Supervisor.

G. If privately owned firearms, a License to Carry and/or Firearms Identification Card cannot be seized at the time of the incident, request that any application for a Temporary Restraining Order or Emergency Restraining Order contain a provision for the surrender of all firearms, Licenses to Carry, and/or Firearms Identification Cards.

H. If necessary, notify Operations to have the ID Unit notified to respond to the scene for photographs and crime scene processing.

I. Submit a copy of the Incident Report, BPD Form 1.1, to the Licensing Authority of appropriate jurisdiction responsible for the issuance of the alleged abuser's License to Carry and/or Firearms Identification Card.

J. Have Operations perform a Board of Probation check on all parties to determine if any outstanding restraining orders are in effect.

K. Ensure that the provisions of [M.G.L. 209A](#) and this rule are complied with; that the responding officers have completed an Incident Report, BPD Form 1.1, and submitted a special administrative report to their Commanding Officer detailing the facts of the incident, their assessment of the real and/or perceived threat to the victim and subsequent actions taken at the scene to ensure the safety of the victim and other family members (i.e., evidence gathered, weapons seized, statements made by persons present). All reports shall be submitted before the end of their tour of duty.

L. Whenever an employee-related domestic violence call does not result in an arrest or a warrant was not sought, the Patrol Supervisor shall submit a written administrative report explaining any and all reasons why an arrest was not made or a warrant was not sought.

M. Ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made.

#### Sec. 5 Responsibilities of the Domestic Violence Unit Supervisor:

The Domestic Violence Unit will ensure the availability of a supervisor 24 hours a day/7 days a week. Upon notification from Operations of a confirmed incident of domestic violence involving a department employee, the DVU supervisor shall respond to the scene. In accordance with M.G.L. c. 209A, when a crime involving abuse is committed by a department employee, the DVU supervisor will take the appropriate action including aiding the victim and identifying and arresting the offender.

A. If a prevention order is issued or a police officer is arrested, the DVU supervisor shall order the officer to immediately surrender his/her Department issued weapon and ammunition. The Police Commissioner shall determine if an officer's authorization to carry a department issued firearm under M.G.L. c 41 s. 98 shall be suspended while a protective order is in effect.

B. The DVU supervisor shall seize owned or controlled personal firearm(s) and forward the firearm(s) to the Firearms Analysis Unit for safekeeping. The DVU supervisor will forward seized Department issued weapons to the Range Commander for safekeeping until final disposition of the matter or until the abuse prevention order is vacated. The DVU supervisor shall also forward Department issued weapons seized as evidence to the Firearms Analysis Unit.

#### Sec. 6 Responsibilities of the Duty Supervisor:

The Duty Supervisor, upon being notified of a domestic violence incident involving a department employee or police officer from another jurisdiction, shall:

A. Ensure that the Patrol Supervisor has responded to the scene and commenced a preliminary investigation.

B. Upon confirmation of the incident, request Operations to notify the Commanding Officer of the District or Unit of the involved employee; notify the Commanding Officer of the District where the incident occurred; and if the incident is reported during a night shift or during a weekend, notify the on-duty city-wide Commander.

C. If the accused officer is a member of another jurisdiction's police department, notify the DVU, contact the Duty Supervisor of that officer's jurisdiction, and refer the outside department to the DVU for follow-up and reports.

D. If the involved officer/employee of the domestic violence incident is the victim, standard domestic violence response and investigation procedures should be followed,

and ensure that the Domestic Violence Unit and the advocate assigned to the district are forwarded copies of all reports. If the victim/employee is injured, the Duty Supervisor shall notify their District/Unit Commander immediately.

E. Ensure proper documentation of the incident as required by Rule 327 and [M.G.L. c. 209A](#).

F. Ensure the above provisions relative to firearms have been complied with.

#### Sec. 7 Responsibilities of the Involved Employee:

A. A department employee who has been served with a Restraining Order, Temporary Restraining Order and/or Extension of a Restraining Order under MGL c. [208](#), [209](#), or [209A](#); or learns they are a defendant named in any such Order, or has a criminal complaint issued for any violation of MGL c. 209A, shall immediately notify his/her Commanding Officer in writing, who shall then forward a copy to the DVU. For employees residing inside the city, the Commanding Officer shall notify the District Commander in charge of the District where the employee resides of the order.

B. Employees shall also immediately notify their Commanding Officer if there is a change in status of any existing restraining order, including, but not limited to, the modification or addition of restrictions or an extension of the expiration date. Notification to an employee's Commanding Officer shall be made in writing no later than the beginning of the employee's next tour of duty or within 24 hours, whichever comes first. The employee's Commanding Officer shall forward a copy of the written notification to the DVU, and send a copy of said change to the DVU.

C. An employee served with a Restraining Order shall attach a copy of the Restraining Order to their report along with all receipts for any surrendered firearms if so ordered by the Court, if voluntarily surrendered, or if their License to Carry or Firearms Identification Card has been suspended or revoked by the licensing authority.

D. A Department employee who is arrested outside the City of Boston for a violation of a Restraining Order and/or a violation of [M.G.L. c. 209A](#), including the issuance of a criminal complaint, shall immediately notify the Duty Supervisor, Operations Division (617-343-4680). The Duty Supervisor, Operations Division, shall notify the Commanding Officer of the employee's respective District or Unit of the arrest.

E. A Department employee who is served with a Restraining Order ordering the employee to surrender all firearms in their custody shall immediately turn their Department issued firearm, if any, over to the custody of a Superior Officer assigned to the DVU. Privately owned firearms shall be surrendered, at the first opportunity, to the employee's Commanding Officer, for an employee residing in the City of Boston, or to the police department in the city or town in which the employee resides, unless ordered

otherwise by the court. The involved employee must submit receipts to their Commanding Officer verifying compliance with any order to surrender firearms, License to Carry and/or Firearms Identification Card.

F. When an outside law enforcement agency serves an abuse prevention order on a BPD officer outside the City of Boston, the officer shall comply with any request to surrender all firearms, including a department issued firearm, and notify his/her District/Unit Commander.

#### Sec. 8 Responsibilities of an Employee's Commanding Officer:

A District or Unit Commander, upon being notified that an employee under their 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. If the domestic violence incident occurred in the City of Boston, recommend to the victim the services of the district domestic violence advocate and the domestic violence unit detective assigned to the district where the incident occurred, and ensure that they devise a safety plan with the victim.

C. Order that all appropriate notifications be made, and that the required documents be completed, and review all reports and documents for accuracy and completeness.

D. If a sworn Department member is the alleged abuser, ensure his/her Department issued firearm is seized for safekeeping and that privately owned firearms, a License to Carry and/or a Firearms Identification Card are also surrendered, if so ordered by the Court, or if the licensing authority has suspended or revoked his/her License to Carry or Firearms Identification Card.

E. If the department employee is the offender in a domestic violence situation, consult with the Commanding Officer of the Internal Affairs Division to determine which IAD Superior Officer shall initiate the IAD investigation of Department Rules violations.

F. Consult with the Commanding Officer of the Domestic Violence Unit to determine which DVU Supervisor shall initiate the follow-up DVU criminal investigation.

G. Immediately notify the Internal Affairs Division and the Domestic Violence Unit if there is any change in status of an employee under a restraining order (i.e., restrictions modified or added, expiration date extended, etc.).

#### Sec. 9 Responsibilities of the Licensing Unit Commander:

The Commander of the Licensing Unit, upon the receipt of a License to Carry or Firearms Identification Card from the Commanding Officer of a police officer who has an abuse prevention order issued against said officer, shall initiate administrative action in accordance with M.G.L. c. 140 s.131. The Commander of the Licensing Unit shall ensure that there are no statutory disqualifications before returning any firearms licenses upon the protective order being vacated.

#### Sec. 10 Post-Incident Administrative Decisions:

The Department shall conduct separate parallel administrative and criminal investigations of alleged incidents of employee domestic violence. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken separate and distinct from any criminal proceedings as soon as practicable. Independent of the outcome of the criminal case, the department shall adhere to all positions and policies relating to the incident.

Where sufficient information exists, the Department shall take immediate administrative action to intervene, which can include removal of badge, removal of weapon, reassignment, administrative leave with or without pay, or termination.

#### Sec. 11 Criminal Investigations and Decisions:

A Superior Officer of the Domestic Violence Unit will assume responsibility for completing the criminal investigation of all incidents of employee related domestic violence. The designated investigating Superior Officer shall be of a rank higher than the accused officer.

A. The DVU Superior Officer shall conduct the criminal investigation as he/she would any other criminal violation of 209A.

B. Even though an initial report may already exist concerning a police officer, if the victim reports any subsequent or additional criminal activity, each incident shall be documented separately, assigned a case number, and investigated thoroughly.

C. The Department shall completely investigate the charges and where warranted, seek prosecution, even if the victim recants the charges or fails to participate in the prosecution.

#### Sec. 12 Surrendering Department Issued Firearms Pursuant to Abuse Prevention Orders Issued Against an Officer:

A. In accordance with M.G.L. c. 209A, s. 3B and/or s. 3C, when an Abuse Prevention Order is or has been issued against a Boston Police Department Officer, it shall be the Department's policy that the officer shall be required to surrender his/her Department issued weapon and ammunition immediately to his/her Commanding Officer or to a

Superior Officer so designated by his/her Commanding Officer. Additionally, the Police Commissioner shall determine if an officer's authorization to carry a department issued firearm under M.G.L. c. 41, s. 98 is suspended while a protective order is in effect against the officer.

B. Officers who are licensed to carry a firearm pursuant to M.G.L. c.140 s. 131 or a Firearms Identification Card pursuant to M.G.L. c.140 s. 129B shall also surrender their license(s) to their Commanding Officer or his/her designee who shall forward them to the Commander of the Licensing Unit for administrative action as proscribed in section M.G.L. c. 140 s. 131 (d) (vi) and M.G.L. c. 140 s. 129B (1) (viii). Personal firearms surrendered to this Department shall be forwarded to the Department Firearms Examiner for safekeeping.

C. Department issued weapons surrendered pursuant to Section 5, Paragraph B of this rule shall be delivered to the Department Range Master at Moon Island for storage until such time as the Abuse Prevention Order is vacated.

D. Upon the protective order being vacated, the Commander of the Bureau of Professional Standards and Development shall authorize in writing the return of the officer's duty weapon and any personal weapons surrendered to the Boston Police Department. The Commander of BII shall forward this authorization to the Police Commissioner for final approval. Personal firearms surrendered to this Department by an officer shall not be subject to the requirements of Rule 311, Section 8 for their return.

E. The Commander of the Licensing Unit shall ensure there are no statutory disqualifications before returning any firearms licenses upon the protective order being vacated.

F. In situations where an outside law enforcement agency serves a protective order on a police officer from this Department at his or her residence outside the City of Boston, that officer shall comply with the request of surrender of firearms, including department issued firearms pursuant to the protective order issued against them. When such a situation occurs, the officer shall immediately notify the Operations Duty Supervisor who shall notify Internal Affairs Commander or the on call member of Internal Affairs. The designated member of Internal Affairs shall then contact the agency concerned and request the return of the department weapon and any other department property taken.

#### Sec. 13 Additional Considerations:

All Department personnel shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications or impounded addresses. Federal law

prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The department shall ensure compliance with Federal law (see 18 U.S.C.S922 (g) (9)).

Albert E. Goslin  
Superintendent in Chief  
Acting Police Commissioner

Notes:

- Amended by SO 06-054, issued November 24, 2006, section 2(B), section 4(B) and section 8(E).
- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 12.
- Amended by SO 08-034, issued 09/12/2008, all references to the “Ballistics” or “Ballistics Unit” shall be amended to Firearms Analysis Unit. All references to the “Ballistician” or the “Department Ballistician” shall be amended to the Firearms Examiner. Section 5, B. Section 12, B.



## **Rules and Procedures**

### **Rule 327B**

**June 12, 2006**

#### **Rule 327B - PROTECTION OF ABUSED ELDERS, PERSONS WITH DISABILITIES, AND PATIENTS**

This Rule is issued to establish Department policy and procedures and ensure compliance with existing statutes and regulations when responding to incidents of elderly abuse, abuse of persons with disabilities, and abuse of patients.

Sec. 1 Definitions: For the purposes of this Rule the following definitions as specified in M.G.L Chapters 19A s. 14, 19C s. 1, 111, s. 1 and 123, s. 1 and Code of Massachusetts Regulations (651 CMR 5.02), will apply:

Elderly Person: Any person aged 60 years or older.

Elderly Abuse: An act or omission which results in serious physical or emotional injury to an elderly person, financial exploitation of an elderly person, or the failure of an elder to meet one or more of his/her essential needs. The statute provides an exception for treatment provided or refused in accordance with religious beliefs. "Abuse" includes physical, emotional and sexual abuse, caretaker neglect, self-neglect, and financial exploitation.

Physical Abuse: The infliction of, or threat of, serious physical injury to an elder.

Sexual Abuse: Sexual assault, rape, sexual misuse, sexual exploitation, or threats of sexual abuse.

Emotional Abuse: The non-accidental infliction of serious emotional injury. There must be an established relationship between the emotional abuse and its effect on the elder.

Neglect: The failure or refusal by a caretaker to provide one or more of the necessities essential for physical well-being which has resulted in or may immediately result in serious physical harm.

Self-Neglect: The failure or refusal of an elder, disabled person, or patient to provide for himself or herself one or more of the necessities essential for physical and emotional well-being, including food, clothing, shelter, or personal care, which has resulted in, or where there is a substantial reason to believe that such failure or refusal will immediately result in serious harm and prevents the elder, disabled person, or elder from remaining safely in the community.

Financial Exploitation: An act or omission by another person which causes a substantial monetary or property loss of an abused person or causes a substantial monetary or property gain to the other person which would otherwise benefit the abused person. Exploitation may

result even if the abused person consented to the act, or omission if the consent was obtained through misrepresentation, undue influence, coercion or the threat of force.

**Disabled Person:** A person between the ages of 18 to 59, inclusive, who is mentally retarded, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs.

**Abuse of a Disabled Person:** An act or omission that results in serious physical or emotional injury. The statute provides an exception for treatment provided or refused in accordance with religious beliefs.

**Reportable Condition:** A serious physical or emotional injury resulting from abuse, including sexual activity without consent, and/or financial exploitation.

**Caretaker:** A disabled person's parent, guardian or other person or agency responsible for a disabled person's health or welfare, whether in the same home as the disabled person, a relative's home, a foster home or any other day or residential setting.

**Patient Abuse:** The willful infliction of injury, unreasonable confinement, intimidation, including verbal or mental abuse, or punishment with resulting physical harm, pain or mental anguish or assault and battery; provided, however, that verbal or mental abuse shall require a knowing and willful act directed at a specific person.

**Facility:** An entity licensed under M.G.L. c. 111, § 71.

**Home Health Aide:** An employee of a home health agency or a hospice program who provides health services to individuals in a home setting.

**Home Health Agency:** An entity, however organized, whether conducted for profit or not for profit, which is advertised, announced, established or maintained for the purpose of providing health and homemaker services to individuals in a home setting.

**Homemaker:** An employee hired by a home health agency or a hospice program to perform homemaking tasks in an individual's home, including the essential nutritional and environmental needs of the individual, such as, meal preparation, cleaning and laundry.

**Hospice Program:** An entity licensed under M.G.L. c. 111, § 57D or a hospice service of a hospital licensed under M.G.L. c. 111, § 51.

**Misappropriation of patient or resident property:** The deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a patient's or resident's belongings or money without such patient's or resident's consent.

**Mistreatment:** The use of medications or treatments, isolation, or physical or chemical restraints that harm or are likely to harm the patient or resident.

**Neglect of Patient:** Failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness.

**Nurse Aide:** An individual who is not a licensed health professional but is employed by a facility that provides nursing or nursing-related services to residents.

**Patient:** An individual who receives health, homemaker or hospice services at home from an individual employed by a home health agency or a hospice program.

**Religious Accommodation:** No person shall be considered to be abused or neglected for the reason that such person, in accordance with his express or implied consent, is being furnished or relies upon treatment by spiritual means through prayer alone in accordance with a religious method of healing in lieu of medical treatment.

**Resident:** An individual who resides in a long-term care facility licensed under M.G.L. c. 111, § 71.

**Sec. 2 General Considerations:** Various statutes afford elders, persons with disabilities, and patients with specific protective measures. Officers must familiarize themselves with these statutes to protect these persons from physical, sexual, and emotional abuse, financial exploitation, neglect, and mistreatment and identify offenders who violate these statutes. When provisions of this rule are found to be incomplete or inapplicable to a particular set of circumstances, officers are expected to act intelligently and exercise sound judgment, attending to the spirit above the letter of the law.

**Sec. 3 Elder Abuse:** M.G.L. c. 19A, § 15(a) mandates that an officer who has reasonable cause to believe that an elder is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information to the Department of Elder Affairs/Ethos, and within 48 hours make a written report to the department or its designated agency. Officers shall mail or fax the "Elder Abuse Mandated Reporter" BPD Form 19A to Ethos. Additionally, officers must complete and mail or fax a Boston Police Incident Report Form 1.1. Failure to report suspected instances of abuse or neglect is punishable by a fine of up to \$1000. A mandated reporter is granted immunity from civil and criminal liability based on the filing of a report, so long as the reporter did not inflict the abuse. Mandated reporters are informed in writing of the disposition of reports.

Sec. 4 Abuse of Persons With Disabilities: M.G.L. c. 19C has afforded specific protection for persons with disabilities between the ages of 18 to 59, inclusive, who are mentally retarded or who are mentally or physically disabled and as a result of such mental or physical disability are wholly or partially dependent on others to meet daily living needs. If an officer in his professional capacity has reasonable cause to believe that a person with a disability is suffering a serious physical or emotional injury, resulting from abuse, including non-consensual sexual activity, the officer shall immediately make a verbal report to the Disabled Persons Protection Commission, (DPPC) and shall report in writing to the DPPC within 48 hours after such verbal report. Officers shall mail or fax the "Disabled Abuse Mandated Reporter Form 19C to DPPC. Additionally, officers must complete and mail or fax a Boston Police Incident Report Form 1.1.

M.G.L c. 19C also provides for a fine up to \$1000.00 for failure to report suspected instances of abuse. A mandated reporter is granted immunity from civil and criminal liability based on the filing of a report, so long as the reporter did not inflict the abuse. Mandated reporters are informed in writing of the disposition of reports.

Sec. 5 Abuse of Patients: M.G.L. c. 111, s. 77g protects patients within hospitals, nursing homes, rest homes, home health agencies, and hospice programs. Officers must make an oral report and submit a written report (BPD Form 0111) within 48 hours of the oral report to the Department of Public Health when notified of abuse, mistreatment, or neglect or misappropriation of patient or resident property. Failure to report suspected instances of abuse or neglect is punishable by a fine of up to \$1000. A mandated reporter is granted immunity from civil and criminal liability based on the filing of a report, if such report was made in good faith. Mandated reporters can request to be informed in writing of the disposition of reports.

Sec. 6 Police Incident Reports: In addition to mandated reports, officers must complete a police incident report in all cases involving the abuse of elders, persons with disabilities, and/or patients. Officers must also complete an incident report when called to check on the welfare of such persons or to assist in a call that requires emergency medical services response. If the abuse is not within departmental jurisdiction, officers shall document their actions on an incident report and notify the appropriate jurisdiction. A miscel for a call is only justified in cases where the officer determines that the incident is not bona fide, or no such victim or address exists.

Sec. 7 Duties of Responding Officers: Officers shall take the following steps when confronted with Incidents of Elder, Persons with Disabilities, and Patient Abuse:

A. Provide protection and documentation and request a supervisor.

B. In cases of sexual abuse, promptly contact a SAU Detective.

C. Request Emergency Medical Services and notify the appropriate protective service agency when there is reasonable cause to believe the elder, disabled person, or patient is living in conditions which present substantial risk of (1) death, or (2) immediate or serious physical or mental harm or substantial and irrevocable financial loss.

D. Assist in obtaining medical treatment, transport, or arrange transportation to a health care facility.

E. Assess and provide for the safety needs and care of children present at the scene.

F. Arrange for temporary care of dependent children if the victim is immediately transported to a medical facility.

G. Remain on the scene as long as physical danger exists.

H. Arrest any person who the officer observes or has probable cause to believe has committed a felony of bodily harm and/or domestic violence.

I. Notify the on-call prosecutor of physical abuse and homicide cases in which a victim is admitted to a hospital or dies as a result of suspected abuse.

J. Immediately make a verbal report, and within 48 hours submit a written report (BPD Form 19A, 19C, or BPD Form 0111) along with the police incident report, to the appropriate agency.

K. Provide the victim with a card listing Protective Service Agencies.

L. In cases of patient abuse, submit a written report (BPD Form 0111) and a copy of the police incident report to the Department of Public Health (DPH), Division of Health Care Quality.

#### Sec. 8 Patrol Supervisor's Responsibilities:

A. Call the relevant protective service agency to the scene, if necessary.

B. Ensure notification of the on-call prosecutor in cases of physical abuse and homicide.

C. Ensure the proper documentation of all calls and appropriate use of miscels.

#### Sec. 9 Duty Supervisor's Responsibilities:

A. Ensure selection of “Elderly” or “Disabled” under key situations on the incident report.

B. Ensure the completion and submission of mandated verbal and written reports to the appropriate protective service agency.

C. Ensure that the 1.1 includes the fact that the mandated report was made, when applicable.

D. Forward incident reports and mandated reports that involve Domestic Violence to the Family Justice Center.

E. Forward incident reports and mandated reports that involve sexual assaults to the Sexual Assault Unit.

#### Sec. 10 Detective’s Responsibilities:

A. Conduct a search of the available department and law enforcement databases for incidents involving the victim or suspect, reported elder, disabled person, or patient and/or his/her family. Special attention should be given to any previously reported history of domestic violence and/or abuse, neglect, self-neglect, and/or financial exploitation.

B. Keep a copy of the 19A, 19C and 111 forms in a permanent file.

C. Contact the appropriate protective services agency to determine the service worker assigned for investigative coordination. Confer with the Assistant District Attorney’s Elder and Persons with Disabilities Unit (See Section 12 for contact number and address) for legal clarification.

D. If the suspect is known, arrest for bodily harm felonies and domestic violence. Seek criminal complaints if probable cause exists for financial exploitation and/or misdemeanors.

Sec. 11 Duties of Community Service Officers: Investigators and service agencies may request a Community Service Officer (CSO) to visit or interview elders, persons with disabilities, and patients to obtain information regarding abuse, neglect, or financial exploitation. The CSO shall complete a police report in all situations and if the CSO determines that a crime has occurred, he/she shall forward a copy to the appropriate District Detective and/or Specialized Unit. The CSO will also notify the appropriate service agency verbally and, within 48 hours, in writing (BPD Form 19A, 19C, 111, and a copy of the police incident report).

Sec. 12 Protective Service Agencies/District Attorney's Elder and Persons with Disabilities Unit:

- Department of Elder Affairs c/o Ethos, 555 Amory Street, Jamaica Plain, MA 02130-2672, 617-522-6700, fax 617-524-2899 and after hours hotline 800-922-2275.
- Disabled Persons Protection Commission, 50 Ross Way, Quincy, MA 02169. Hotline - 800-426-9009, Fax - 857-403-0296. To ascertain the Civil Investigator assigned call 617-727-6465. Ask to speak to a Massachusetts State Police officer for hotline report clarification, questions, and warrant assistance.
- Department of Public Health, Division of Health Care Quality, Complaint Unit, 99 Chauncy Street, 2<sup>nd</sup> floor, Boston, MA 02111, 617-753-8000, or the emergency on call line (after hours 617-363-0755). Officers can fax reports to the Intake Surveyor at 617-753-8165.
- Massachusetts Department of Mental Retardation (DMR), The Fernald Center, 200 Trapelo Road, Withington Building (Tufts Dental Center, 2<sup>nd</sup> Floor), Investigations Unit, Waltham, MA 02452, 781-894-3600, fax 781-314-7543. Ask for DMR Investigations (for those victims who are served by DMR) to find out the Civil Investigator assigned as Criminal Liaison for the investigation.
- Massachusetts Department of Mental Health (DMH) Investigations Manager 617-626-8108, Metro Boston Area Office, Office of Investigations, 25 Staniford St., Boston, MA 02114, 617-626-8108, fax 617-626-8156 (for those victims who are served by DMH) to find out who Civil Investigator assigned the investigation.
- Massachusetts Rehabilitation Commission (MRC) Call the Director of Protective Services 508-823-2874, fax 508-823-5186, 21 Spring Street, 2<sup>nd</sup> Floor, Taunton, MA 02780, to find out Civil Investigator assigned the investigation.
- Assistant District Attorney's Elder and Persons with Disabilities Unit 617-619-4000, 617-619-4275, 617-619-4262 Suffolk County District Attorney's Office, 1 Bulfinch Place, Boston, MA 02114

Albert E. Goslin  
Superintendent in Chief  
Acting Police Commissioner

## Rules and Procedures

### Rule 328

January 26, 2007

#### Rule 328 - MUTUAL AID

The purpose of this Rule is to clarify and standardize the procedures for responding to requests for aid or assistance from outside police departments and/or other jurisdictions. In order to ensure that Boston police officers assigned to assist or render aid to other departments or jurisdictions are fully protected and have the same authority, immunities and privileges as they would have within the City of Boston, the following procedures are effective immediately and replace Rule 328, dated October 10, 1996:

#### Sec. 1 GENERAL CONSIDERATIONS:

- A. By statute, *M.G.L. c. 41, s 99*, governs the procedures under which police officers may be assigned to assist outside departments or other jurisdictions. In order for a police officer to be assigned to assist another department or jurisdiction, the request for assistance must be made by one of the following:
  1. Mayor of a city or town, or
  2. (Board of) Selectmen, or
  3. Chief of Police or person designated as having the duties of a Chief of Police, or
  4. Commanding Officer of a city or town – only in the absence of a Chief of Police or person designated as having the duties of a Chief of Police.
  
- B. For the City of Boston, once a request for assistance has been made by any of the above, only one of the following may legally make the decision to lend assistance:
  1. Mayor, or
  2. Police Commissioner, or
  3. Acting Police Commissioner either appointed by the Mayor or designated in accordance with the provisions of Rule 101, Section 3.1, in the following order:
    - a. In the absence of the Police Commissioner, or upon the vacancy of his/her office without a temporary Police Commissioner having been appointed, the Superintendent-in-Chief will serve as Acting Police Commissioner;
    - b. In the absence of the Superintendent-in-Chief, the Superintendent, Bureau of Field Services, will serve as Acting Police Commissioner;
    - c. If the Superintendent, Bureau of Field Services, is absent or otherwise unavailable to perform his/her duty, the remaining Superintendents will serve as Acting Police Commissioner by seniority, according to their date of appointment to the grade of Superintendent.

**Sec. 2 PROCEDURES:** Other cities and towns frequently request the assistance of the Boston



Police Department in certain situations. Sometimes the request is for an event where K-9, Mounted, or Mobile Operations personnel will be featured. At other times, the request is of an operational nature, such as situations involving bomb disposal or investigations. In any case, it is important that all requests are handled in accordance with the provisions of M.G.L. c. 41, s. 99 to protect the officers involved.

- A. Whenever a city or town requests the assistance of the Boston Police Department and that assistance involves Boston police officers traveling to and operating in that city or town, the following procedures will be followed:
  1. Non-Emergency Requests: If the request is not of an emergency nature, the person making the request will be advised that any such request may only be made by one of those persons described in Section 1, subsection A. All such requests should be addressed to the Police Commissioner in writing and on Department letterhead.
  2. Emergency Requests: All requests for emergency assistance from a city or town will be immediately referred to the Operations Division. The Duty Supervisor, Operations Division, shall contact the Police Commissioner or an Acting Police Commissioner either appointed by the Mayor or designated in accordance with the provisions of Rule 101, Section 3.1, in the following order:
    - a. In the absence of the Police Commissioner, or upon the vacancy of his office without a temporary Police Commissioner having been appointed, the Superintendent-in-Chief will serve as the Acting Police Commissioner;
    - b. If the Superintendent-in-Chief is absent or otherwise unavailable to perform this duty, the Superintendent, Bureau of Field Services, will serve as Acting Police Commissioner;
    - c. If the Superintendent, Bureau of Field Services, is absent or otherwise unavailable to perform this duty, the remaining Superintendents will serve as Acting Police Commissioner by seniority, according to their date of appointment to the grade of Superintendent.

**Sec. 3 RESPONSE AND NOTIFICATION:** Upon determining that a request for assistance has been made by a person legally authorized to make such a request, the Police Commissioner or an individual appointed or serving as an Acting Police Commissioner will decide if the request is to be granted and what personnel or units will be assigned, if any. Any personnel so assigned will be notified by the Operations Division and will report to the Chief of the Department requesting assistance, or that Chief's designee.

**Sec. 4 DUTY TO OBEY:** While operating within another city or town in response to a request for aid or assistance, Boston police officers are subject to all lawful orders given by the Superior Officers and officials of that city or town to the same extent as if they were given by Superior Officers and officials of the City of Boston.

**Sec. 5 PROHIBITIONS:** No Boston police officer or unit shall be permitted to travel outside the City of Boston to assist another department or jurisdiction, except in accordance with these procedures or while on fresh and continued pursuit and in accordance with both the provisions of M.G.L. c. 41, s. 98A and Rule 301, Section 18, Pursuit into Other Jurisdictions. Officers must also adhere to the procedures specified in Rule 103, Sections 8 and 9.

**Sec. 6 DOCUMENTATION:** The Police Commissioner, Acting Police Commissioner, Superintendent-in-Chief, Superintendent, Bureau of Field Services, or in his/her absence, the Superintendent that assumes the Acting Police Commissioner's position based on seniority, shall ensure, upon granting any request for mutual aid, that a written report documents the request and actions taken by the Department. Reports shall be filed in the Office of the Police Commissioner as soon as is practicable.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 329**

**October 29, 2001**

#### **Rule 329 - Stolen Auto, Moped, Scooter and Motorized Bicycle Reporting Procedures**

##### **Purpose**

Effective Monday, October 29, 2001, 7:30 a.m. shift, this Rule supersedes all previously issued orders, bulletins and other directives concerning stolen auto reporting procedures.

The Department has made several changes in the way auto thefts are reported and investigated. These changes will improve the Department's ability to process stolen auto reports and to investigate and clear incidents of car theft.

Effective Monday, October 29, 2001, 7:30 a.m. shift, three forms will be generated by the reporting District when a car is reported stolen: a 1.1 incident report, a Stolen/Recovered Motor Vehicle Report (SRMV 1), and an Auto Theft Questionnaire (new BPD Form 2979 8/01/01). Copies of the new questionnaire will be provided to Commanding Officers immediately. The Stolen Car Unit in the Operations Division will continue to use the Stolen Vehicle Report and Recovery Document (BPD Form 17, rev. May 1999.)

##### **Sec. 1 Responsibilities of District Personnel**

The employee receiving a report of a stolen car will first enter that information on a 1.1 incident report. That report will receive a CC# and will be entered directly into the Incident Tracking System in the same manner as all other incident reports. The person entering the report in ITS should select "Stolen Car Unit" in Box #83 as a special unit notified.

The employee will then assist the person reporting the stolen car to complete the SRMV1 Report. The Department employee will ensure that the CC# from the incident report is entered as the reference number on the SRMV1 Report. The person reporting the car stolen will receive the pink copy of the SRMV 1 form.

If the report is for a stolen moped, scooter or motorized bicycle with a seventeen character vehicle identification number, they shall be entered in the same manner as vehicles mentioned above. If the reporting party is unable to furnish the seventeen character vehicle identification number for the stolen moped, scooter or motorized bicycle, the SRMV1 Report will not be completed and the 1.1 incident report will list the incident type as , "larceny Other \$200 & Over," and the moped, scooter or motorized bicycle will be listed in the Vehicle section.

Finally, the employee will have the person reporting the stolen car complete an Auto Theft Questionnaire. The same CC# will also be entered on the Auto Theft Questionnaire in the space

provided. The employee will then contact the Stolen Car Unit in the Operations Division to report the car stolen in the usual manner.

The Auto Theft Questionnaire and a copy of the SRMV1 form will be forwarded to the Detective Commander for the district in which the car was stolen. The original SRMV1 form and a copy of the 1.1 incident report will be forwarded to the Stolen Car Unit in the Operations Division.

## Boston Police Department Rules and Procedures

### Sec. 2 Responsibilities of Stolen Car Unit Personnel

When a district officer contacts the Stolen Car Unit of the Operations Division to report a stolen car, SCU personnel will fill out BPD Form 17 Stolen Vehicle Report and Recovery Document. The SCU clerk will use the CC# provided by the district officer to number the Form 17. The SCU clerk will use the stolen car CC# as the OCA number when entering a stolen car into CJIS. The Stolen Car Unit at Operations will maintain responsibility for entering data concerning auto theft and auto theft arrests into the incident file and will enter all UCR clearances for auto theft into the incident file.

### Sec. 3 Recovery of a Stolen Motor Vehicle

An officer who recovers a car that was reported stolen in Boston, or who makes an arrest relative to a car stolen in Boston, will file a supplementary report using the CC# from the original incident report. The original CC# can be obtained by contacting the Stolen Car Unit at the Operations Division. Officers will include in the supplementary report the police district in which the car was stolen and a detailed description of any damage the car sustained. The officer will select "Stolen Car Unit" as a special unit notified in Box 83. The officer will then contact the Stolen Car Unit at Operations by telephone and report the recovery in the usual manner. If an arrest was made at the time of recovery, the officer will inform Stolen Car Unit personnel of that fact. A copy of any supplementary report regarding the recovery of a stolen car, or an arrest for larceny of a motor vehicle, receiving a stolen motor vehicle, or using a motor vehicle without authority will be forwarded to the Stolen Car Unit.

The Stolen Car Unit will enter all data regarding arrests for larceny of a motor vehicle, receiving a stolen motor vehicle, or using a motor vehicle without authority into the incident file for UCR clearance purposes. If an outside police agency reports the arrest of an individual for an auto theft committed in Boston, the Stolen Car Unit in Operations will enter that information into the Incident File for UCR clearance purposes.

Vehicles stolen in Boston prior to Monday, October 29, 2001, 7:30 a.m. shift, will be recovered using the procedures formerly in effect for recovering stolen vehicles.

Note: Amended by SO 12-016, issued 06/12/2012, updated the title of this rule and procedures and added the new third paragraph in Section 1.



## **Rules and Procedures**

### **Rule 330**

**November 8, 2004**

#### **Rule 330 - PROCEDURES FOR COLLECTION AND PRESERVATION OF EYEWITNESS IDENTIFICATION EVIDENCE**

To standardize the procedures for using eye witness identification evidence. Specifically, this rule will establish standard protocol for utilizing various eyewitness identifications from photo lineups, live lineups, show-ups and other methods that rely upon the recollection of a percipient witness to determine the identity of an offender. Its provisions are effective immediately, superseding all previously issued rules, regulations, procedures, orders, directives, and training bulletins on this subject.

General Considerations: Nationwide, eyewitness identification procedures have been the subject of considerable study and criticism. Erroneous identifications have been cited as the most frequent cause of wrongful convictions. The Boston Police Department recognizes the need to maintain the public's confidence in the fairness of our investigative procedures. While our current procedures are constitutionally sufficient and accepted by all Massachusetts and federal courts, improvement and standardization will result in greater confidence in the fairness of our investigations in general, and eyewitness identifications in particular. Adoption of a standard method will improve the quality of investigations and enhance the professional image of the Boston Police Department. The most notable procedures adopted by the rule reflect the latest developments of the National Institute of Justice, Technical Working Group for Eyewitness Evidence. While some of the procedures are new, the principles remain the same, to protect the suspect's constitutional right of due process by avoiding unnecessarily suggestive identification procedures

Investigations are dynamic endeavors with limitless variables. Officers may not be able to incorporate every aspect of the rule in every situation. In those situations where it is impracticable to incorporate some component of the rule, the investigator is required to use his best professional judgment and employ a practice that affords substantially similar protections of the suspect's due process rights. In such circumstances the investigator must document any deviation and articulate the reason why the standard procedure could not be used.

Boston police officers should be particularly mindful of the difficulty some witnesses may experience after witnessing, or having been a victim of, a crime. As always the victim/witness should be treated cordially and professionally. They should also be provided with contact information for the officers or detectives who will be assigned to the case, in the event that they may have additional information or concerns regarding the case.

Section 1. Key Considerations. Most important in any eyewitness evidence procedure is to ensure the following:

That the witness is informed that the person who committed the crime may or may not be in the lineup;

That the witness is informed that it is just as important to clear innocent persons from suspicion as it is to identify guilty parties;

That the witness is informed that regardless of whether an identification is made, the police will continue to investigate the incident;

That the witness, when making an identification, expresses his/her certainty in his/her own words, which are then documented in an investigative report.

## Section 2. Definitions- Types of Eyewitness Evidence:

**Show-ups** – A field identification procedure used when a prompt display of a suspect to a witness is required. Soon after the crime is committed a witness may be brought to the location where a suspect is detained; the suspect may also be transported to the witness, although it is preferred to transport the witness if circumstances permit.

**Field View** – Police arrange for a witness to view a group of people in a public place. It is less suggestive than the show-up and may occur well after the commission of the crime being investigated. There must be several people in the area who generally look like the suspect (i.e. age, race, general physical description).

**Line-ups**- may be either photo or live line-ups. The suspect, or his/her photo, will be included with additional individuals, or photos, and the witness will view them sequentially, one individual or photo at a time.

**Photo books or Digital Imaging System compilations** – These are collections of photos that a witness may view when other investigative methods have failed to identify a suspect. This technique should be used only after other investigative techniques have failed, or are not possible to conduct. Any identification that results should be cautiously evaluated.

**Composite** – A sketch based upon a witness description is a form of evidence that may be a beneficial investigative tool, but should not be relied upon as “stand alone” evidence, as it is unlikely to rise to the level of probable cause without some other evidence.

**Section 3. Show-ups** In the immediate aftermath of a crime, where a description is available, and a suspect is located, police may consider conducting a show-up during which the victim or witness, with a fresh memory of the event, is able to view a person who matches the description of the suspect.

**A. Considerations.** Generally, a show-up should be conducted within two hours of the commission of the crime, unless otherwise dictated by the circumstances (i.e. medical

treatment or recent sighting). Officers must have reasonable suspicion to detain a suspect for a show-up. The suspect may also consent. It is preferable, when operating without reasonable suspicion, unless time is a critical element in the investigation, to take a photo of the suspect with his/her consent, and then assemble a photo line-up to show the witness.

B. Witness preparation. Separate witnesses and get a detailed description of the suspect(s) from each prior to the show-up. Keep witnesses separate until the show-up has been completed. Instruct them not to discuss the identification procedure with other witnesses. Prior to conducting the show-up tell the witnesses that you are taking them to look at someone. Do not comment further. Do not state that the person matches the description. Tell the witnesses that the person may or may not be the perpetrator, and that the investigation will continue, whether or not an identification is made. Advise the witnesses that it is just as important to free the innocent from suspicion, as it is to identify offenders. Tell the witnesses that they will be asked to make a statement of certainty, in their own words, if they make an identification.

C. Viewing. To conduct the show-up, transport the witness to the suspect whenever possible. If there are multiple suspects and/or witnesses, show each suspect separately to each witness separately. Officers should present the suspect/s to the witness/witnesses just as the officer found him/her.

If the suspect is transported to the witness, or otherwise detained in a police vehicle, remove the suspect from the police vehicle, if it is safe to do so, prior to the show-up procedure. Present the suspect to the witness/witnesses just as the officer found him/her. Effective security measures must be taken, but those that are less evident to the witness should be used when possible. Remove handcuffs, if possible without undue risk, or at least try to conceal the handcuffs, if it not safe to remove them. Avoid having the suspect surrounded or held by officers, if reasonable. Do not bring a suspect to the residence of a witness, unless it was the scene of the crime. If the suspect is brought back to the scene of the crime, be careful not to contaminate the crime scene. Bring him/her only close to the area, but not within the crime scene itself.

Note. In order to avoid possible contamination of forensic evidence, articles of clothing that have been discarded by a suspect in flight should not be placed back on his body. The witness can view the article of clothing, however, if the viewing can be done without risk of contamination.

D. Post-viewing. After the show-up, ask the witness how certain, in his/her own words, he/she is of any identification made. Document in an investigative report the exact words that he/she uses. Do not ask him/her to quantify their certainty in terms of percentages (e.g., "90% sure"). Expect, however, that witnesses will sometimes respond with a degree of certainty expressed as a percentage, and the witness' statements, including the percentage, must be recorded. Remind the witness not to talk to other witnesses about the identification, and not to talk with anyone who might disclose the information, such as the media, without checking with the investigator first.



E. Documentation. Document the fact of an identification on the 1.1 incident report only if necessary to provide probable cause for an arrest. On a separate investigative report, describe the time of the offense, the basis for reasonable suspicion to detain the suspect for a show-up (or consent), time and location of show-up, witness precautions, circumstances of show-up (cuffed or not, number of officers around suspect, etc.), exact words of witness describing certainty, identity of witnesses, and sequence of witness and suspect viewing, when there are multiple witnesses and suspects. Record the names of all officers involved in the identification process.

In cases where no identification is made, this fact must be documented and described in the same manner as for identifications. If a witness does not identify a suspect, but becomes emotional, or states that he/she is frightened upon seeing the suspect, that should be included in the description of the circumstances.

Section 4. Field View The field view ideally will result in an "in person" viewing of the suspect, but precautions should be taken to avoid an actual confrontation between the victim and the suspect. If identification is made, efforts should be made to identify other people present at the scene.

A. Considerations. There is no time limit as to when this procedure can be used. Since the witness should be able to view several people, it should be equivalent to a line-up. There is no reasonable suspicion requirement, since the police are merely putting the witness in a location where he/she may have the opportunity to see the suspect. This procedure can be used in most public places, but should never be used in a courtroom without prior coordination with the prosecutors who will likely coordinate with defense counsel and the judge.

B. Witness preparation. Separate the witnesses and get a detailed description from each prior to the field view. Keep the witnesses separate until the field view has been completed. Instruct them not to discuss the identification procedure with other witnesses. Prior to conducting the field view, tell the witnesses that you are taking them to a location to look at people. Do not comment further. Do not state that any person matches the description. Tell the witness not to assume that the perpetrator will be present, and that the investigation will continue regardless of whether the witness sees the perpetrator. Advise the witnesses that it is just as important to free the innocent from suspicion, as it is to identify offenders. Remind the witness not to discuss the procedure with other witnesses. Tell the witnesses that they will be asked to make a statement of certainty, in their own words, if they make an identification.

C. Viewing. Be sure that there are several people who match the same general characteristics as the suspect at the location before taking the witness there. For multiple offender cases, if possible, pick a location where only one offender will be present when the witness is brought there.

D. Post-viewing. After the field view, if the witness has made an identification, ask him/her to state how certain he/she is, in his/her own words. Document in an investigative report the

exact words that he/she uses. Do not ask him/her to quantify their certainty in terms of percentages (e.g., "90% sure"). Expect, however, that witnesses will sometimes respond with a degree of certainty expressed as a percentage, and the witness' statements, including the percentage, must be recorded. Remind the witness not to talk to other witnesses about the identification, and not to talk to anyone who may disclose the information, such as the media, without checking with the investigator first. Provide contact information, and advise the witness to contact you with any other information that he/she may be able to add.

E. Documentation. Document the fact of an identification on the 1.1 incident report only if necessary to provide probable cause for an arrest. On a separate investigative report, record the date and time of the offense, the date, time, and location of the field view, and witness precautions. Record the circumstances of the field view (i.e., number of people around suspect, how many resembled suspect in terms of age, height, build, hair, clothes, etc.). Record the exact words of witness describing certainty of any identification made.

In cases where no identification is made, this fact must be documented and described in the same manner as for identifications. If a witness does not identify a suspect, but becomes emotional, or states that he/she is frightened upon seeing the suspect, that should be included in the description of the circumstances.

Section 5. Photo and Live Line-ups Photo and live line-ups must be conducted in a manner that ensures accuracy, reliability, fairness, and objectivity. Live line-ups generally give rise to additional rights. In some instances, the suspect has a right to have counsel present for the live line-up procedure. Therefore, all live line-ups must be coordinated through the district attorney's office and the prosecutor for the particular case should be present to interact with defense counsel.

A. Considerations. Photo and live line-ups are conducted in the same way. Therefore, the following principles apply to both procedures.

B. Assembling the Line-up. Include only one suspect in each identification procedure. Select fillers who generally fit the witness' description of the perpetrator. Complete uniformity is not required. Avoid fillers that so closely match the suspect that a person familiar with the suspect would have difficulty distinguishing the fillers. Create a uniform appearance between suspect and fillers with respect to any specific features, such as scars, tattoos, etc., by artificially adding or concealing the particular feature. For multiple witnesses, show the photo or live line-up separately, and re-position the photos or persons in each line-up. Ensure that no writing or information about previous arrests will be visible to the witness. Review the line-up to ensure that the suspect does not unduly stand out.

Photo line-ups. For each identification procedure include a total of 8 photos consisting of seven (7) fillers, plus one (1) suspect. Select photos that resemble the suspect's description or appearance at the time of the incident. Once the photos are selected the investigator/administrator shall mark the back of each photo with a sequential number, and

record the order in which they are to be shown. Preserve the photos in their original condition, or if that is not possible, make high quality copies.

Live line-ups. For each identification procedure include a minimum of four (4) fillers, plus one (1) suspect, for a minimum total of five (5) people. The maximum number should be a total of eight (8) people, consisting of seven (7) fillers, plus one (1) suspect. Preserve the presentation of the line-up via videotape and photograph the procedure.

C. Witness Preparation. Give the witness the Witness Preparation Form (BPD Form 2986) and read it to him/her. If the witness is not fluent in the English language, have the form read to him/her by a person capable of translating the form. If the witness can read his or her native language and there is a form prepared in that language, the witness should be given that form in addition to having the form read to him/her. If no translator is available to read and discuss the form and there is a time sensitive exigency, the witness may read the form without having it read to him/her. In all cases, the officer administering the lineup shall determine if the witness understands the instruction. The administrator shall proceed with the lineup only when satisfied that the witness does understand. The administrator shall:

Ask the witness to view a group of photos/individuals Tell the witness that it is just as important to clear innocent persons from suspicion as it is to identify guilty parties. Tell the witness that the person who committed the crime may or may not be in the line-up. Tell the witness that individuals depicted in the line-up may not appear exactly as they did on the date of the incident and that features such as hairstyle and facial hair are subject to change. For photo line-ups advise the witness that the person's complexion may appear different in the photo than in person, (i.e. either lighter or darker). Inform the witness that regardless of whether an identification is made, the police will continue to investigate the incident. Explain that photos/individuals are in a random order, and will be shown sequentially, one at a time. Do not state how many photos/individuals will be shown. Instruct the witness to view all photos/individuals and to take as much time on each as needed. Inform the witness that if he/she recognizes anyone, to state which photograph he/she recognizes and how he/she recognizes the individual. Tell the witness that he/she will be asked to make a statement of certainty, if he/she makes an identification. Inform the witness not to tell other witnesses that he/she has or has not identified anyone.

D. Viewing. "Blind" administration procedures should be used whenever possible to eliminate accusations of influencing the witness. A Boston Police detective or detective superior officer, not familiar with the identity of the suspect in the procedure, should instruct the witness and administer the procedure. The administrator may be involved in other aspects of the investigation as long as he/she had no role in preparing the procedure and does not know which photo/individual is the suspect.

The administrator of a photo line-up, after having properly instructed the witness, will place the photo pack in front of the witness. The witness will be instructed to look at each photo for as long as he/she wants. Then he/she is to place that photo face down on the table. The

administrator of a live line-up, after having properly instructed the witness, will have each individual to be viewed come into the viewing area one at a time, and remain as long as the witness needs. The individual may be instructed to turn and step forward as necessary, as long as all movements are uniform for each individual. The administrator should not say anything to the witness, nor make any gestures that may distract the witness while viewing the procedure. If the witness recognizes a photo or individual, he/she may so indicate, and state the level of certainty in his/her own words and state how he/she recognizes that individual, but should be instructed to look at the remaining photos or individuals. If the witness makes an identification, the administrator should not make any comment about the identification. The administrator should request that the witness sign and date the back of a copy of the photo selected. If the witness requests to view the procedure a second time, the administrator should ask if the witness was able to make an identification from the original viewing. If the witness is unable to make an identification, but feels that it would be helpful to see it again, then it is permissible to repeat the procedure by placing the same photos/individuals, in a reshuffled order, in front of the witness. If this scenario occurs, it must be clearly documented. The specific statement of the witness, as to his/her ability or inability to identify someone from the first viewing, as well as subsequent identification, or lack thereof, must be documented.

E. Post Viewing. After the viewing, if the witness has made an identification, ask him/her to state how certain he/she is, in his/her own words. Document in an investigative report the exact words that he/she uses. Do not ask him/her to quantify their certainty in terms of percentages (e.g., "90% sure"). Expect, however, that witnesses will sometimes respond with a degree of certainty expressed as a percentage, and the witness' statements, including the percentage, must be recorded. Remind the witness not to discuss the identification process with other witnesses, or with anyone who could divulge the information to other witnesses.

F. Documentation. Document the fact of an identification on the 1.1 incident report only if necessary to provide probable cause for an arrest. On a separate investigative report, record the results of the photo or live line-up, including the time, date, investigating officers, administering officer, witness, and witness statement regarding identification. Investigators should be prepared to account for any deviation from the standard sequential photo or live line-up procedure. Record any non-identification, noting the specific words of the witness. Ensure that the witness/victim signs and dates the front of any photo selected during the procedure.

Section 6. Photo Books and Digital Imaging System. Generally, other investigative methods should be pursued before resorting to viewing of large numbers of photographs or computer images. When using photo book or imaging system compilations, the investigator should be extremely cautious before taking any action on the basis of the identification alone.

A. Viewing Preparations. Ensure that identifying information is available for all individuals, and that the images are contemporary. Images should be selected by specific characteristics (i.e. race, age, sex, etc.). Show images individually either by computer, or by removing from a photo book.

B. Witness Instructions. With the witness separated from other witnesses, instruct the witness that he/she will view a "collection of images." Do not refer to them as mug shots. If asked, explain that the police department has photos on file for a variety of reasons (e.g., driver's license photos from the Registry of Motor Vehicles, firearms and hackney license photos, and even photos of officers not in their uniforms). Provide instructions as in Section 5C. Because the nature of the photo book/digital imaging system is such that the investigating officer does not know who the suspect is, there is no need to use the blind administration procedure.

C. Documentation. In an investigative follow-up report, record the results of the photo book/digital imaging system, including the time, date, investigating officers, administering officer, witness, and witness statement regarding identification. In such circumstances the investigator must document any deviation and articulate the reason why the standard procedure could not be used. Record any non-identification, noting the specific words of the witness. Ensure that the witness signs and dates the back of a copy of any photo selected.

Section 7. Composites. Composite sketches may be useful in developing information, but alone are not sufficient to rise to the level of probable cause. When the investigator determines that a composite sketch could be valuable, he/she should take the usual precautions of separating witnesses, and have each witness individually work with the person compiling the composite. The witness should state, in his/her own words, how accurately the composite reflects how the suspect appeared during the crime, and a report should be prepared regarding the composite procedure.

Note:

\* Amended by SO 13-042, issued 10/1/2013, the last sentence in Section 5, paragraph F will read: "Ensure that the witness/victim signs and dates the front of any photo selected during the procedure."

## Rules and Procedures

### Rule 331

March 31, 2005

#### Rule 331 - DIGITAL IMAGES COLLECTION, TRANSFER, and ARCHIVE PROCEDURES (D.I.C.T.A.)

Purpose: To standardize the procedures for the collection of digital images, and their transfer to an accessible, permanent storage system. Where applicable, its provisions are effective immediately, superseding all previously issued rules, regulations, procedures, orders, directives, and training bulletins on this subject.

This standardization establishes the procedures for the use of digital photography, its duplication onto compact discs, and its storage within the ID Unit. At present, the mandatory provisions of this rule apply only to digital photographs captured to record evidence determined to be relevant to a documented incident. They do not apply to images captured for intelligence, surveillance, or tactical survey purposes, or to digital video images.

#### Section 1. Digital Images General Considerations:

Advancements in modern technology have created the opportunity for law enforcement to collect evidence more easily, in a more uniform manner, and to use that information more effectively for investigative and courtroom presentation purposes. It has also allowed law enforcement to manage this information more efficiently to expedite its storage and retrieval. One area where these advancements can have an immediate impact is in the way the Department captures and stores photographic images. Digital imaging has built-in advantages over film-based photography in these aspects of evidence management as well as in several other areas including cost, access, and ease of duplication. Digital cameras also allow the investigator or photographer to instantly confirm that the image he/she seeks to preserve has been properly captured.

Technology has also made it possible to enhance, alter, or manipulate digital images to aid investigative efforts. Because of the possibility that digital images may be accidentally modified, or intentionally altered for unethical purposes, it is imperative to develop procedures that protect, to the greatest degree possible, the integrity of the evidence that is collected and stored, and to allow for the authentication of the original digital image, and establish a system to monitor and document the dissemination of digital image evidence.

#### Page Two

#### Section 2. Definitions:

For purposes of this rule only, the following definitions apply:

Digital Images Collection, Transfer, and Archive Procedures (D.I.C.T.A.): A permanent system within the Identification and Photography Unit (ID Unit) of the Bureau of Professional Standards and Development, which will allow for the transfer, storage, and retrieval of digital images collected for evidentiary purposes. This system shall operate under the direction of the Commander of the ID Unit.

Digital images: An electronic photograph taken with a digital camera, that must be available in standard image format for further storage.

Digital camera: A camera that records images in digital form for storage on a memory card.

Memory card: A removable module used for storing digital images in digital cameras.

Compact disc (CD): A magnetic storage medium on which digital images are stored.

CD burner: A memory card reader that enables digital images to be copied to a CD.

Gray scale placard: A placard that includes a ruler, color scale, and space for information relative to a documented incident.

Modification: Any enhancement, alteration, or manipulation of the elements of a digital image from its original form, beyond traditional and accepted techniques commonly employed to achieve an accurate recording of an event or object.

Primary investigator: That individual designated as having primary responsibility for the investigation of an incident with the authority to make decisions relative to the conduct of the investigation.

### Section 3. Identification Unit Responsibilities:

D.I.C.T.A. Procedures Manual: The Commander of the ID Unit shall develop and establish specific, detailed procedures and protocols to implement this rule to ensure its smooth and effective functioning. Those procedures and protocols shall be incorporated into a D.I.C.T.A. Procedures Manual that shall be updated as needed and available for inspection and reference by police officers, prosecutors, defense attorneys, and judges.

D.I.C.T.A. Procedures Specialist: The Commander of the ID Unit shall designate an individual(s) as the D.I.C.T.A. Specialist(s) whose duties shall include the following:

- Become familiar with all aspects of the D.I.C.T.A. procedures including this rule and the D.I.C.T.A. Procedures Manual;
- Explain, as needed, the procedures and technical aspects, including testifying in court as a subject matter expert;

### Page Three

- Recommend appropriate modifications or upgrades to the procedures as dictated by the needs of the Department, future changes in technology, and developments in the statutory and case law governing the admissibility of digital image evidence;
- Act as liaison with all investigative units to ensure the continuous operation and proper functioning of the D.I.C.T.A. procedures; to document and report problems or irregularities; to assess training needs; to evaluate equipment suitability and performance; and to monitor compliance with the provisions of this rule.

Equipment: The Commander of the ID Unit shall establish the technical specifications for all digital cameras and other digital equipment to be used by investigators or ID Unit staff, and shall approve the models to be used or issued by the Department. This information shall be included in the D.I.C.T.A. Procedures Manual. He/she shall also ensure that all equipment is serviced and/or calibrated properly.

Training: The Commander of the ID Unit shall develop appropriate standards for the training of investigators and ID Unit staff in digital photography and the D.I.C.T.A procedures, and shall assist the Bureau of Professional Development in establishing training curriculums and materials to implement the provisions of this rule. This information shall be included in the D.I.C.T.A. Procedures Manual.

Storage: All CD's forwarded to the ID Unit for archiving will be logged in according to established ID Unit procedures. Upon receipt of the CD, the digital information will be reviewed to ensure consistency. When digital information is confirmed, the ID Unit will electronically notify the investigator by e-mail that the CD was received, reviewed, and is in the ID Unit archives. Investigators and Investigator Supervisors will be immediately notified of any discrepancy regarding the digital information forwarded for archiving.

#### Section 4. Photographer/Investigator Responsibilities:

Equipment: In the collection of photographic images having evidentiary value, investigators and ID Unit staff shall only use digital cameras, and only those issued by the Department and approved by the Commander of the ID Unit. No other medium is permitted unless exigent circumstances dictate otherwise.



However, in incidents where the Homicide Unit or Firearm Discharge Investigation Team has taken jurisdiction, film photography may also be utilized concurrently with digital photography at the discretion of a supervisor.

Collection: In routine investigative efforts, individual investigators/units shall utilize Department issued digital cameras to capture images of locations or objects having evidentiary value. At the discretion of the investigator's supervisor, the ID Unit may be requested to photograph major incidents, or those that may require more sophisticated equipment, or greater expertise or skill by the photographer.

#### Page Four

All photographers shall utilize a BPD "gray scale placard" to designate the beginning and end of the digital images created in documenting evidence in an incident. No image(s) created between the designated beginning and end of the image sequence, including tests and accidental images, shall be removed or erased. All images are electronically assigned numbers automatically and must be accounted for to ensure the integrity of the collection process.

Transfer: After the collection is completed, the primary investigator/photographer is responsible for transferring the digital images by:

1. Removing the memory card from the digital camera;
2. Placing the memory card in a CD burner (located in each district, unit, and the ID Unit) to create two (2) optical storage discs (CD):
  - a. one (1) for the investigative case file;
  - b. one (1) to be delivered by an investigator or officer to the Latent Print evidence in-take window for permanent archiving;
    - i. Using felt tip pen only, fill in the information required on the face of the CD which will include the CC#, type of incident, photographer, date/time, and number of images.
    - ii. Enter the information into the evidence management system.
    - iii. Seal the disc in its carrying case with the EMS bar-coded sticker (placing sticker in such a way as to be readable by equipment).
3. Re-formatting the memory card for subsequent use.

All digital images captured as evidence in an incident must be immediately copied from the memory card to the CDs. No other transfer, copying, or printing of the original images, as captured on the digital camera memory card, is permitted prior to copying images onto the CDs.

Retrieval: Copies of digital images for a prosecutor to use in court or to comply with discovery obligations may be obtained by the primary investigator or his/her supervisor by submitting a request to the ID Unit/Photo Room. "Read only" CDs and/or prints will be created and either mailed to the requesting officer or made available to be picked up at the Photo Lab at One Schroeder Plaza.

#### Section 5. Investigator's Supervisor Responsibilities:

The supervisor of the primary investigator has the discretion to decide whether the ID Unit should assume responsibility for photographing an incident.

Only the supervisor of the primary investigator may approve requests for release of digital images, in any form, for other than court presentation or to comply with discovery obligations.

Only the supervisor of the primary investigator may request any modifications in any digital image(s).

#### Page Five

#### Section 6. Forensic Group Units:

Digital images created by units within the BIS Forensic Group, whether in the field, or in a controlled environment such as a laboratory or studio, may be stored in the ID Unit archives (under the appropriate CC#) with the approval of the respective unit commander.

#### Section 7. Modifications:

Photographers and investigators should be prepared to authenticate that the images they introduce as evidence in court are fair and accurate representations of scenes, events, or objects, as previously viewed by them. Thus, any modifications in any digital image is strictly prohibited without the documented permission of the primary investigator's supervisor.

All modifications to any digital image must be documented on a Department form created for that purpose, and maintained in the investigative case file.

Any CD or print reflecting any modifications to any digital image shall be clearly labeled as such on the CD or print.

If the modified image is to be delivered or transferred to a court or other tribunal, a prosecutor, or a defense attorney, then a copy of the form documenting the modifications must be attached to it, as well as a copy of the original image.

Kathleen M. O'Toole  
Police Commissioner

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 3.

## Rules and Procedures

### RULE 332

August 6, 2010

#### RULE 332 - SUSPECT INTERROGATIONS - DOCUMENTATION

**Purpose:** To standardize the procedures for the documentation of suspects' interviews, especially those occurring in police facilities.

**Sec. 1 General Considerations:** The Boston Police Department seeks to ensure that the information it elicits in criminal investigations is accurate and complete. To further this goal, all members of the Department are encouraged to document statements made by victims, witnesses, and suspects. That documentation may take several forms depending on the circumstances in which it is obtained.

The Supreme Judicial Court has indicated its preference for the electronic recording of suspects' interviews if the prosecution seeks to introduce a defendant's confession or statement at trial. Failure to do so will require a judge to instruct the jury to weigh the statement made by the defendant with great caution and care, as well as to scrutinize the circumstances in which it was obtained for evidence that the statement was not voluntary. (*Commonwealth v. DiGiambattista*, 442 Mass. 423, (2004))

In order to balance the Supreme Judicial Court's preference for electronic recording of a suspect's interview with the operational needs of the department to gather and document information from suspects involved in all types and levels of crimes, and in a variety of situations, locations, and settings, it is appropriate to provide guidance to officers while maintaining sufficient flexibility to ensure that the Department continues to carry out its mission efficiently and effectively.

This Rule does not apply to interviews of individuals who are victims or witnesses but is strictly limited to interviews of persons who are, or who are likely to become, defendants in a criminal matter.

Officers are reminded that Mass. General Law Chapter 272 section 99 does not allow the recording of any individual without that person's knowledge except in very narrow circumstances with a court's permission.

**Sec. 2 Definitions:** For purposes of this special order only, the following definitions shall apply:

Electronically record: Create a permanent record by means of audio or video recording (audiotape, videotape, digital recording, or any other electronic means).

Suspect: A person who, based upon any level of suspicion, is believed to be involved in a crime.

Interview: A conversation with a suspect where it is expected that the suspect may provide incriminating information that the interrogator intends to submit into evidence in a criminal proceeding against that suspect.

Police facility: Any building utilized by a law enforcement agency for any purpose, that is under the control of the police administration, and in which the public does not have unfettered access. This may include police stations, substations, garages, offices, and other buildings, regardless of whether such building normally holds persons who have been arrested. It does not include any building in which a reasonable person would believe that he or she is free to move about without the permission of a police officer or other law enforcement agent.

**Sec. 3 Policy:** The preferred method of documenting statements made during the interview of a suspect in a police facility is to electronically record the interview. This preference shall apply regardless of whether the interview is custodial or consensual.

The decision whether to electronically record an interview of a suspect outside of a police facility should be made by the interrogator, preferably in consultation with his supervisor when feasible, and the investigator shall consider such factors such as practicability, location, permission of the suspect, and severity of the crime.

**Sec. 4 Procedure:** If the decision is made to offer a suspect the opportunity to have his/her interview electronically recorded, the interrogator shall ensure that appropriate Department forms have been completed and maintained in the case file. These forms may include but are not limited to the following:

- [Miranda warning and waiver form](#)  
(BPD Form 0078-BFS-0413)
- [Waiver of Prompt Arraignment form](#)  
(BPD Form 0003-BIS-0105)
- [Electronic Recording of Interview Refusal form](#)  
(BPD Form 0001-BIS-1204)

Interrogators shall endeavor to electronically record the original administration of all warnings and waivers.

In situations where the interview is not recorded because the suspect refuses to be electronically recorded, the interrogator must have the suspect fill out the Electronic Recording of Interview Refusal form before the interview commences. This form must also be completed by the suspect if, during the interview, (s)he decides (s)he no longer wants to be electronically recorded. If possible, the interrogator shall electronically record all warnings and waivers, along with any refusal.

In situations where the interview is not recorded from the beginning, but the suspect later elects to have the interview electronically recorded, the interrogator shall note "on tape" the time that the initial interview began and the time the suspect elected to be recorded. If the interview is

custodial, every effort shall be made to review or repeat the administration of appropriate warnings and waivers. If the initial interview was not recorded due to the suspect's election not to be recorded, the interrogator shall review this fact "on tape", as well as the fact that no threats, promises, inducement, or rewards were offered to the suspect prior to taping. Notes of all "off tape" statements by a suspect shall be taken and preserved in the original case file, even if duplicative of information contained in a subsequent recorded statement. If an interview is not recorded for any reason other than the refusal of the subject, such as failure of equipment, the reason(s) why the interview was not recorded must be documented in a written report. Any failure of the recording equipment, wherever situated, must be immediately reported to the Commander of the unit conducting the investigation.

**Sec. 5 Storage:** The lead investigator assigned to the case shall ensure that all electronic recordings of police interviews shall be preserved, at least until the final disposition of the criminal matter for which they were obtained. Digitally recorded audio and video police interviews shall be preserved on the server in accordance with the guidelines for the device. The investigator shall download a copy of the original digital recording file to a compact disc (CD) from the server in accordance with the guidelines for the device. This CD will now be labeled the "original" disc.

The original recording shall be labeled as such and authenticated by the interrogator with the following information:

- § Date and time recording is initiated and concluded
- § Name of person being interviewed
- § Name of all person(s) present during the interview
- § Location of interview
- § Incident report number (CC#)
- § The nature of all interruptions

All audio and video tapes and original CD's of digitally recorded interviews shall be bar-coded, logged into the BPD Evidence Management System, and stored with the case file, or in a district or unit filing system designed to accommodate electronic tapes. All video recordings of homicide interviews shall be stored in the case file in the Homicide Unit.

**Sec. 6 Duplication:** Duplicates of recordings shall be so labeled and shall include information required by Section 5. The name of a party to whom a duplicate is issued shall be noted in the case file.

**Sec. 7 Transcription:** After consultation with the Assistant District Attorney prosecuting a case, a Unit Commander may request the transcription of a recording if deemed necessary to the

successful prosecution of the case. The name of a party to whom a transcript is issued shall be noted in the case file.

Note: See Special Order 04-48 issued November 8, 2004 – Documentation of Interviews of Suspects. SO 04-48 has been incorporated in its entirety into Rule 332

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 333**

**March 1, 2006**

#### **Rule 333 - CONFIDENTIAL INFORMANT PROCEDURES**

In conformance with Rule 112, Sec. 2, Special Order 96-31, "Confidential Informant Procedures," issued June 10, 1996, is hereby incorporated as Rule 333. The provisions of this Rule are effective February 1, 2006, and all previously issued Rules, Orders, Memorandums and Directives on this subject are hereby rescinded and replaced by its provisions.

#### **PURPOSE:**

To detail procedures relative to the recruitment and record keeping requirements connected with the use of confidential informants.

#### **Sec. 1 GENERAL CONSIDERATIONS:**

One of the most important responsibilities of any police officer is the recruitment and development of informants to the point where they regularly contribute information concerning criminal enterprises and become a valuable resource to the Department.

Although individual officers are responsible for recruiting informants, informants do not 'belong' to the officer, but represent a resource for the Department as a whole.

The specific procedures and requirements of this rule do not apply to persons providing information as anonymous participants in the "Crime Stoppers" program.

All reports and data relating to confidential informants and the information they supply that are required to be forwarded or transported to a particular unit or person in accordance with this rule, shall be hand-delivered in sealed envelopes and not placed in Department or U.S. Mail.

All references to information/documents being provided to a District/Division Commander by a Detective Supervisor are to be via the Detective Supervisor's chain of command.

In cases where there is disagreement between a District or Unit Commander and the Chief, Bureau of Investigative Services as to the appropriateness of any action or procedure being contemplated or performed in accordance with this rule, the Chief, Bureau of Investigative Services shall be the final arbiter of such disagreement and shall have complete authority to direct what actions or procedures shall be done or not done.

#### **Sec. 2 DEFINITIONS:**



**Source of Information** - a person or organization, not under the direction of a specific officer, who provides information without becoming a party to the investigation itself (e.g., a business firm furnishing information from its records; an employee of an organization who, through the routine course of his/her activities, obtains information of value to the Department; or a concerned citizen who witnesses an event of interest to the Department).

A **source of information** who seeks financial compensation shall be re-classified as a **paid confidential informant**. A **source of information** who becomes an active participant in the investigative process shall be re-classified as an **other informant**.

**Paid Confidential Informant** - a person who provides a police officer with information regarding a crime or criminal activity for monetary consideration and is compensated in any manner.

**Defendant Informant** - a person who provides a police officer with information regarding a crime or criminal activity in exchange for consideration in a pending criminal matter. Officers are not to enter into any agreement or promise with such a person without first notifying and receiving the approval of an Assistant District Attorney, Assistant U.S. Attorney or Assistant Attorney General. Upon receiving such approval, the officer shall complete a report that documents the date and time of such notification, what promises or considerations were made and who granted the approval. The original of such report shall be placed in the informant's District/Unit confidential informant file and a copy of the report shall be forwarded to the Chief, Bureau of Investigative Services, or his designee.

**Other Informant** - a person who has a criminal background, or who associates with a criminal element or with a person with a criminal background, who may or may not have a criminal case pending and who wishes to act as an informant. Possible motivations for such informants include, but are not limited to, the following:

- a. personal gratification, which may include collecting rewards;
- b. revenge;
- c. rivalry;
- d. avoiding criminal prosecution.

**Significant Contact** - any contact or communication with an informant, planned or unplanned, in which the informant provides information of any intelligence value to any law enforcement agency regarding criminal activity or which is used as the basis of a search or arrest warrant.

**Code Number** - the code number is a combination of numbers and letters which will consist of the last two numbers of the calendar year that the informant is entered, followed by the numerical number of the District/Unit, followed by the first and last initials of the recruiting

officer's name, followed by a sequential number. Thus, an informant entered in 1995 by the Drug Control Unit, Sergeant John Doe, would be coded 95-28-JD-01. Any reference to the confidential informant will be by the code number or alias. Informants identified as being used by multiple officers shall have a code number assigned by the Chief, Bureau of Investigative Services or his/her designee.

### **Sec. 3 INFORMANT RESTRICTIONS:**

In addition to the definitions and categories described above, individuals fitting the criteria established below shall be subject to the additional requirements indicated:

**Persons less than 18 years of age** - may only be utilized with the written consent of their parent or legal guardian.

**Persons on probation or parole** - all persons on parole shall be informed that the Department will seek permission to have them released from any conditions of their parole that prohibit them from acting as an informant. The following procedures will be utilized:

- i. **Federal Probation or Parole** - the Department shall seek authorization and approval from the United States Regional Parole Commissioner, in accordance with the provisions of the U.S. Parole Commission requirements governing the Use of Parolees and Mandatory Releases as Informants/Confidential Sources, S. 2.40 (05). If granted, a copy of the agreement between the Department and the U.S. Parole Commission shall be placed in the informant's file at the District or Unit and in the confidential informant central file;
- ii. **State Parole** - the Department shall seek authorization and approval from the informant's parole officer. If granted, a copy of the Commonwealth of Massachusetts Parole Board Confidential Waiver Agreement shall be kept in the informant's file at the District or Unit and in the confidential informant central file (see, Commonwealth of Massachusetts Parole board Manual of Policies and Procedures, Chapter 500 sec. 505.17);
- iii. **State Probation** - all persons on state probation shall be instructed that their use as an informant may create a conflict with their probation and that they should seek the advice of their Probation Officer.

**Persons who have previously been disqualified as an informant** - May only be utilized on a case by case basis with the concurrence of the Unit or District Commander and the written approval of the Chief, Bureau of Investigative Services, subject to such additional restrictions as he/she may require.

### **Sec. 3 INFORMANT RECRUITMENT PROCEDURES:**

### **Recruiting/Control Officer's Responsibilities:**

Officers who identify and recruit individuals that are willing to provide information to the Department must comply with the following proceedings for all individuals except those defined as a "**source of information**":

- A. Report any initial contact with a potential informant to the officer's Detective Supervisor;
- B. Conduct a criminal history check (BOP check; NCIC check; NLETS check);
- C. Set up an appointment with the officer's Detective Supervisor to meet the potential informant to determine his/her potential use, to evaluate his/her credibility and to ensure that he/she provides satisfactory documentation to positively verify his/her true identity;
- D. Fill out two Confidential Informant Cards, BPD form 2468, and make one photocopy of the card once it is completely filled out. Attach a recent photograph (i.e., recent ID photo or a Polaroid) to the original Confidential Informant Cards and to the photocopy.
- E. Read and explain the provisions of the Informant Working Agreement, BPD Form 2645, to the potential informant. If the potential informant agrees to abide by its conditions, have two originals of the agreement signed by the potential informant, the recruiting officer and the officer's Detective Supervisor and make one photocopy of it;
- F. Give the Detective Supervisor all documents gathered that help to identify the informant or establish his/her reliability, including criminal history checks and both the originals and photocopies of the Confidential Informant Card, with the photographs attached, and the Informant Working Agreement.
- G. If use of the informant is approved, assist the Detective Supervisor in conducting a complete initial debriefing of the informant.
- H. All planned meetings or significant contacts with the informant shall be documented by recording all records of payment, if any, **and** the filing of debriefing reports. Debriefing reports shall not identify an informant by true name but shall include the date of the meeting, the code number of the informant, the names of the officers who met with the informant, a summary of the information the informant supplied and what payment, if any, was made to the informant. The original of all debriefing reports, including debriefing, and all payment records and/or receipts shall be placed in the District/Unit Detective Commander's confidential informants file. A copy of all debriefing reports, including the initial debriefing, shall be kept in the Detective Supervisor's confidential informant file and a second copy shall be sent to the Chief, Bureau of Investigative Services, or his/her designee. Officers shall only hold planned meetings with an informant, or potential informant, with another officer present both for corroboration and for backup. Any exception must be authorized, in advance and in writing, by the Officer's Detective Supervisor.
- I. With the exception of the Confidential Informant Card and the Informant Working Agreement, all Department reports and/or forms shall refer to the informant only by his/her code number.
- J. Officers are not to have any business, personal or planned meetings with an informant, other than a **source of information**, unless it is directly related to the informant providing information.

- K. Officers shall immediately notify the Detective Supervisor, in writing, whenever they have reason to believe an informant has done any of the following:
- i. Failed to follow the instructions of a control officer;
  - ii. Knowingly violated any provision of the Informant Working Agreement;
  - iii. Knowingly provided false information;
  - iv. Engaged in any criminal conduct or enterprise that is not authorized by a control officer for the purpose of obtaining evidence.

The photograph and signature requirements of paragraphs (D) and (E) of this section may be waived by the District/Unit Detective Commander, with the concurrence of the Chief, Bureau of Investigative Services, or his/her designee, if such requirements would tend to hinder effective law enforcement due to the sensitive nature of the informant's position or source of information. All such waivers shall be in writing with the original of the waiver placed in the District/Unit Detective Commander's confidential informant's file and a copy placed in the confidential informant central file. In all such cases, the recruiting officer and the officer's Detective Supervisor shall ensure that the required two Confidential Informant Cards are filled out and document that the informant understands and has verbally agreed to abide by the conditions of the Informant Working Agreement.

**Detective Supervisor's Responsibilities:**

- A. Subject to any additional requirements listed under "Informant Restrictions", the Detective Supervisor is responsible for recommending the use of individuals as confidential informants after evaluating their suitability, potential usefulness, personal history and criminal record, if any. Detective Supervisors are responsible for ensuring that Board of Probation checks are performed on all active informants during each Tri-Annual Fitness reporting period and for forwarding the results of such checks to the central informant file. Detective Supervisors shall also be responsible for ensuring that satisfactory documentation has been provided that positively verifies an informant's true identity. All such recommendations and all documents gathered that help to establish the informant's identity and/or reliability shall be forwarded to the District/Unit Detective Commander for concurrence and approval. These documents shall include criminal history checks and both the originals and the photocopy of the Confidential Informant Card and the Informant Working Agreement.
- B. Detective Supervisors are authorized, but not required, to maintain a "working" file on informants utilized by officers under their command. References to documents being kept in the "Detective Supervisor's file" are made with the understanding that the keeping of such a file is optional. Whether individual Detective Supervisors choose to maintain a "working" file or not, they are responsible for ensuring that the District/Unit Detective Commander's confidential informant file is kept accurate and current.
- C. Once the individual is approved for use as a confidential informant, the Detective Supervisor is responsible for conducting a complete initial debriefing with the

assistance of the recruiting officer. The original of the initial debriefing report shall be placed in the informant's file at the District or Unit with one copy being kept in the Detective Supervisor's file and one copy forwarded to the Chief, Bureau of Investigative Services, or his/her designee.

- D. The Detective Supervisor is responsible for ensuring that all necessary entries are made on the Confidential Informant Card (BPD Form 2468) and that officers submit debriefing reports for all planned meetings or significant contacts that adequately summarize the intelligence or information gained from an informant. In addition, the Detective Supervisor is responsible for ensuring that copies of all debriefing reports are forwarded to the Chief, Bureau of Investigative Services, or his/her designee, as soon as practicable, but no more than seventy-two (72) hours after they are submitted.
- E. The Detective Supervisor is responsible for approving or rejecting all payments to an informant up to and including payments of \$250.00. Payments in excess of \$250.00 must be approved by the Chief, Bureau of Investigative Services. All payments in excess of \$25.00 must be approved in advance. Payments of \$25.00 or less that were not approved in advance shall be reimbursed only with the Detective Supervisor's approval. The Detective Supervisor shall keep track of the amount of money paid to each informant, note same on his/her copy of the Confidential Informant Card and provide the information to the District/Unit Detective Commander in a timely manner.

Personal funds are not to be utilized by officers for the procurement of evidence, to make controlled and/or undercover buys or for the purpose of paying informants.

The Detective Supervisor shall ensure that all payments to an informant, whether approved or not, are properly entered on the Confidential Informant Card (BPD Form 2468) and receipted for by the informant, who shall sign his/her alias or code name, on a Department receipt form (BPD Form 8) that is witnessed and co-signed by two officers. The copies of the receipt form and a Request for Funds Form (BPD form 2494) shall be placed in the District/Unit Detective Commander's Confidential Informant File with the originals being forwarded to the Bureau of Investigative Services Finance Officer.

#### **District/Unit Detective Commander's Responsibilities**

- A. The District/Unit Detective Commander, or a Detective Supervisor so designated by the District/Division Commander, shall be responsible for approving or disapproving the recruitment of individuals as confidential informants that have been recommended for approval by Detective Supervisors under his/her command after determining that satisfactory documentation has been provided that verifies the informant's true identity.
- B. The District/Unit Detective Commander shall be responsible for ensuring that all Detective Supervisor's under his/her command maintain the Confidential Informant Cards appropriately and forward all required materials.
- C. Immediately upon approving a potential confidential informant for use, the District/Unit Detective Commander shall forward an original of the Confidential

Informant Card, with the photograph attached, an original of the Informant Working Agreement and a copy of any criminal history checks to the Chief, Bureau of Investigative Services or his/her designee. The other set of originals of such documents and all other documents relating to such confidential informant shall be kept in the District/Unit Detective Commander's confidential informant file.

- D. The District/Unit Detective Commander shall be responsible for maintaining custody of the District/Unit confidential informant files and shall ensure that all such files are kept in a secure, central location.

**District/Division Commander's Responsibilities:**

- A. The District/Division Commander shall, in conjunction with the Tri-Annual Fitness Report, audit the District/Unit Detective Commander's confidential informant files to ensure that the files are being properly maintained and that they appear to contain all necessary documentation.
- B. The District/Division Commander shall ensure that all Detective Supervisors in his/her command are in full compliance with the requirements of this rule.

**Chief, Bureau of Investigative Services Responsibilities:**

- A. The Chief, Bureau of Investigative Services, or his/her designee, shall be responsible for maintaining the confidential informant central file. This file shall contain individual files on each informant that include an original of the Confidential Informant Card (BPD form 2468), with a photograph attached, and an original of the Informant Working Agreement (BPD Form 2645) and copies of any other reports or documentation forwarded by the District/Unit Detective Commander.  
In addition, the file shall contain copies of all debriefing reports submitted as well as copies of any reports that seek or grant approval from persons or outside agencies regarding the use of the informant, place restrictions on the use of the informant or change the informant's status.
- B. The Chief, Bureau of Investigative Services, or his/her designee, shall ensure that incoming confidential informant debriefing reports are analyzed and that any patterns, trends or criminal intelligence information that is discovered during such analysis is reported to those Bureaus, District or Units that could benefit from such knowledge.
- C. The Chief, Bureau of Investigative Services, or his/her designee, shall be responsible for deciding whether or not a carded informant will be permitted to be carded and/or used by a second officer or unit. Informants used by multiple officers shall have a code number assigned by the Chief, Bureau of Investigative Services or his/her designee.
- D. The Chief, Bureau of Investigative Services, or his designee, shall be responsible for immediately notifying all persons known to use a particular informant whenever that informant is disqualified for such use.
- E. Only the Chief, Bureau of Investigative Services may authorize a payment to a confidential informant that exceeds \$250.00.

#### **Sec. 4 INFORMANT STATUS/DISQUALIFICATION PROCEDURES:**

##### **A. Informants shall be classified as follows:**

**Active** - Informants currently providing information or who have done so within the last six months.

**Inactive** - Any informant who has not provided information within the last six month period shall be classified as inactive.

**Disqualified** - Any informant who has been determined to be unsuitable for any reason, including, but not limited to:

§ Fails to follow the instructions of a control officer;

§ Knowingly violates any provision of the Informant Working Agreement;

§ Knowingly provides false information;

§ Engages in any criminal conduct or enterprise other than that specifically authorized by a supervisor for the purpose of obtaining evidence in a specific investigation.

##### **B. Status Change Procedures**

**Active to Inactive** - A Detective Supervisor who becomes aware that an informant has not provided information within the last six month period shall reclassify such informant as "inactive" and shall forward a report of such reclassification to the District/Unit Detective Commander and to the Chief, Bureau of Investigative Services, or his/her designee.

**Inactive to Active** - An officer may request that his/her Detective Supervisor reactivate an informant who has had their status changed from active to inactive after first conducting a new criminal history check. The officer shall assist his/her Detective Supervisor in evaluating the informant's suitability, potential usefulness, personal history, criminal record and past history as an informant.

The Detective Supervisor shall make a recommendation concerning such reactivation to the District/Unit Detective Commander for his/her concurrence and approval. If the District/Unit Detective Commander approves of the reactivation, the supervisor shall complete a report documentation such re-activation for inclusion into the District/Unit Detective Commander's confidential informant file and forward a copy of such report to the Chief, Bureau of Investigative Services, or his/her designee.

Once the decision is made to reactivate an informant, the officer and the Detective Supervisor shall conduct a complete debriefing, place the original of the debriefing report in the District/Unit Detective Commander's informant file, keep one copy for the Detective Supervisor's file and forward a copy of the report to the Chief, Bureau of Investigative Services, or his/her designee.

**Active to Disqualified** - An officer who has reason to believe that an informant may no longer be suitable for use as an informant shall make an immediate report of his/her recommendation, and the reasons therefore, to his/her Detective Supervisor.

A Detective Supervisor who receives a report recommending that an informant be disqualified for use as an informant, or who decides on his/her own authority that such recommendation is warranted, shall immediately notify the District/Unit Detective Commander of such recommendation in writing.

The District/Unit Detective Commander, after reviewing all reports and recommendations, shall approve or disapprove the request to disqualify an informant. Copies of all reports and recommendations concerning a request for disqualification shall immediately be forwarded to the Chief, Bureau of Investigative Services, or his/her designee, for inclusion in the confidential informant central file.

**Disqualified to Active with Restrictions** - Individuals who have been disqualified may only be utilized with the endorsement of the Chief, Bureau of Investigative Services. Requests for such utilization shall include a report from both the officer and his/her Detective Supervisor that evaluates the informant's suitability, potential usefulness, personal history, criminal record and past history as an informant. In addition, the report shall specifically address the issues that resulted in the informant's being disqualified and must state why such past misconduct should no longer preclude the individual's use as an informant. Before being forwarded to the Chief, Bureau of Investigative Services, all such requests must be approved by the District/Unit Detective Commander.

If approved, the Chief, Bureau of Investigative Services shall permit such informants to be utilized only on a case by case basis, subject to such additional restriction as he/she may require. The original of each such request, whether approved or disapproved, shall be placed in the District/Unit Detective Commander's informant's file and a copy forwarded to the Chief, Bureau of Investigative Services, or his/her designee, and placed in the confidential informant central file.

Once the decision is made to utilize such an informant, the officer and the Detective Supervisor shall conduct a complete debriefing of the informant. The original debriefing report shall be placed in the District/Unit Detective Commander's informant file with one copy being kept by the Detective Supervisor and an additional copy being forwarded to the Chief, Bureau of Investigative Services, or his/her designee.



**Sec. 5 AUDIT:**

The Auditing and Review Division shall conduct an annual audit of confidential informant files, both those kept at the District/Unit and the confidential informant central file. Such audit shall ensure that:

- A. Confidential informant files are properly maintained and include all necessary documentation, i.e., payment receipts, debriefing reports, confidential informant cards, photographs, informant working agreements, criminal history checks (BOP), etc.
- B. Documents required to be forwarded to the confidential informant central file and/or to the Chief, Bureau of Investigative Services, or his/her designee, are being delivered in a timely and prescribed manner.

**Sec. 6 FEDERAL OR STATE MULTI-AGENCY TASK FORCES:**

The provisions of this rule shall not apply to officers assigned to federal or state multi-agency task forces that have other written rules or procedures that govern the use of confidential informants by members of such task forces.

**Sec. 7 DISCLOSURE OF CONFIDENTIAL INFORMANT INFORMATION:**

All Department employees are reminded that, by definition, information concerning confidential informants is of a highly sensitive nature. Accordingly, Department employees shall be held strictly liable for the disclosure of any information in their possession, no matter how trivial, to any person or organization which may tend to confirm the existence of a particular confidential informant or otherwise tend to identify a particular confidential informant unless:

- A. As necessary, in the body of an affidavit filed in support of a search warrant;
- B. Ordered to do so in a judicial proceeding or by court order;
- C. Requested to do so, in writing, by a member of a law enforcement agency with a demonstrated need to know that particular informant and with the approval of a Detective Supervisor;
- D. As otherwise provided in this order.

In the event of uncertainty as to whether a member of any law enforcement agency, including a member of this Department, has adequately demonstrated a need to know informant information, the Chief, Bureau of Investigative Services, shall be the final arbiter as to whether the requisite need to know has been demonstrated.

Kathleen M. O'Toole  
Police Commissioner

## **Rules and Procedures**

### **Rule 334**

**June 14, 2006**

#### **Rule 334 - SEARCH WARRANT APPLICATION AND EXECUTION**

In conformance with Rule 112, Sec. 2, Special Order 95-5, "Search Warrant Application and Execution," issued January 18, 1995, is hereby incorporated as Rule 334. The provisions of this Rule are effective immediately and all previously issued Rules, Orders, Memorandums and Directives on this subject are hereby rescinded and replaced by its provisions.

#### **PURPOSE:**

To ensure that the application for and execution of search warrants meet constitutional requirements and properly safeguard the rights and safety of all parties.

**Sec. 1 GENERAL CONSIDERATIONS:** The Fourth Amendment of the Constitution of the United States and Article XIV of the Declaration of Rights of the Commonwealth of Massachusetts protect persons from unreasonable search and seizure. Except in certain well defined circumstances, a warrant is required to conduct any searches and seizures. In addition, individuals who are subject to a legal search and seizure have a right to expect that their other rights, their health and their safety will be properly safeguarded.

#### **Sec. 2 SEARCH WARRANT APPLICATION PROCEDURES:**

##### **1. Affiant Responsibilities:**

A police officer conducting an investigation who has probable cause to believe that a crime has been committed and that evidence of that crime is concealed at a specific location may apply for a search warrant. No police officer or detective shall submit an application for a search warrant to any court without first seeking and obtaining the approval of his/her immediate supervisor. If at any time during the preparation of a search warrant application the affiant's immediate supervisor becomes unavailable, the affiant will immediately notify the detective unit commander who will assign a supervisor to assist the affiant.

The procedures for such application are:

- A. Review the check list (BPD Form 2700). Note that not all of the items on the check list will apply to or be necessary for every warrant. After completing a review of BPD Form 2700, the affiant shall initial the form and submit it to his/her immediate supervisor when he/she submits the affidavit for approval.
- B. Complete an affidavit for a search warrant using an Application for Search Warrant form in accordance with the provisions of M.G.L. c.276, s. 1-7 or applicable statute and include all relevant information that the check list indicates is both applicable and necessary. Officers shall attempt to gain additional corroboration or substantiation of information that is supplied by an informant and include such information in their affidavit.

- C. Submit the completed affidavit to their supervisor for review and approval. Once the supervisor has approved and initialed the affidavit, have the application, affidavit, and warrant form reviewed by an Assistant District Attorney prior to submitting it to the court.
- D. If approved by the supervisor and if no changes are made following the review by the Assistant District Attorney, submit the completed application, affidavit, and warrant form to the court. If changes are going to be made or suggested by the Assistant District Attorney, or if the affidavit is disapproved by the supervisor, conduct additional investigation or obtain additional corroboration prior to resubmitting the affidavit to the supervisor for another review.
- E. Notify the supervisor who approved the affidavit of the result of the application for a search warrant prior to the execution of the warrant (i.e., approved or disapproved and if disapproved the reason therefor in writing).

Note: In order to maximize the safety of police officers and preserve the integrity of evidence in drug cases, officers are reminded that they must coordinate all drug connected activities, arrests and investigations through the Drug Control Unit Commander. Detectives or officers planning to conduct investigations based on information received or from observations, will contact the Drug Control Unit Commander prior to initiating investigations. The Drug Control Unit Commander will maintain a record of all locations that are the target of drug investigations. After consulting this record, he/she will inform the requesting detective or officer whether or not the specified location is, or has been, under investigation by another officer. If the location is not under current investigation, the Drug Control Unit Commander will document the new location and authorize initiation of a drug investigation by the requesting officer. Onsite arrests are a valid exception to this procedure.

## 2. Supervisor Responsibilities:

The immediate supervisor of the affiant police officer is responsible for reviewing and approving the content of all search warrant affidavits.

- A. To ensure that the review process is thorough and complete and that the affidavit contains all relevant information, the supervisor shall refer to the check list appearing on BPD Form 2700 when evaluating the information contained in affidavits submitted for review. It should be noted that not all items in the checklist will apply to every warrant and that some items may not be necessary.
- B. The supervisor shall ensure that affidavits meet the following criteria:
  - i. Establish that probable cause exists to believe that a crime has been committed and that the place to be searched and items to be seized are located in the place specified in the affidavit;
  - ii. Include enough information to allow an individual, not previously connected to the investigation, to properly identify the place or premises to be searched and the item(s) to be seized;

- iii. Include information that establishes both the basis of knowledge and the veracity (credibility or reliability) of an informant for all warrants relying on the use of such informant, or include additional substantiation or corroboration to make up for any deficiencies in establishing the informant's basis of knowledge or veracity;
    - iv. Include additional corroboration or substantiation to support a warrant which relies on information supplied solely by an informant.
- C. In addition, supervisors shall ensure that affidavits seeking "No Knock" warrants, "Nighttime" warrants, "Anticipatory" warrants and warrants to search "All persons Present" are adequately and properly supported.
- D. Affidavits that a supervisor deems insufficient shall be returned to the affiant police officer who shall be instructed to seek additional investigation and/or corroboration prior to resubmitting the affidavit for another review.
- E. If an affiant police officer has had an affidavit returned for insufficiency by his/her supervisor and is not successful in attempts to obtain additional corroboration, the affidavit may be resubmitted, through the supervisor, to be considered for approval by the Detective Supervisor Commander. In all such cases, only the Detective Supervisor Commander may approve such affidavit.
- F. The supervisor shall instruct the affiant to contact an Assistant District Attorney to review the application, affidavit, and warrant form prior to submitting the affidavit to the court. On weekends and during evening hours, the on-call Assistant District Attorney will be contacted.
- G. The supervisor shall instruct the affiant police officer to submit the application for the search warrant to the court, if no changes are made following review by the Assistant District Attorney. The affiant police officer shall further be instructed to return the affidavit to the supervisor for further review if changes are going to be made following review by the Assistant District Attorney. The supervisor shall review any recommendation made by the Assistant District Attorney prior to permitting the affiant to submit the affidavit to the court.
- H. Upon being informed by the affiant that a search warrant has been granted, the supervisor shall notify the Detective Unit Commander (if unavailable, the on-duty BFS Commander), who shall ensure that a superior officer is present and in charge of the search.

### 3. Special Operations Division Commanders Responsibilities:

The Commanding Officer of the Special Operations Division is responsible for establishing, maintaining and updating procedures utilized by the Boston Police SWAT Team; the Commander will also ensure that no person shall be assigned to the Entry & Apprehension Team without first being trained in such procedures.

### Sec. 3 SEARCH WARRANT EXECUTION PROCEDURES:

#### 1. Entry Considerations:

- A. Upon learning that a search warrant has been granted, the supervisor in charge of the search shall prepare a Search Warrant Execution Supervisor Checklist (BPD Form 2703)

and be responsible for determining how entry is to be made. The primary responsibility of all supervisors involved in the execution of search warrants is the safety of the officers involved and the inhabitants of the target location. Toward that end, if force is to be used, the supervisor shall make the determination as to whether or not the Boston Police SWAT Team will be utilized. The Boston Police SWAT Team should be utilized whenever a supervisor feels it is necessary and shall be utilized whenever:

- i. A Board of Probation check indicates a prior history of violations involving the use of firearms; or
  - ii. The presence of firearms is reasonably suspected.
- B. Requests by the supervisor to utilize the Boston Police SWAT Team should, whenever possible, be made at least 24 hours in advance of the execution of the warrant. If this is not possible, notification will be as soon as practicable.
- Prior to the pre-search briefing the supervisor in charge of the search will be responsible for checking the Detective Case Management System and, at his discretion, other resources to see if the pending search location has been the sight of any recent search warrant activity. If there is any recent search warrant activity at the target location, the supervisor will make every effort to apprise himself of any conditions which may effect the pending search warrant execution.

## 2. Pre-Search Briefing:

- A. After deciding how entry is to be gained to the place to be searched, the supervisor in charge of the search shall make a determination as to the size and make-up of the search team and shall schedule a pre-search briefing. With the exception of evidentiary search warrants, all search warrants shall require the presence of at least one (1) supervisor and six (6) officers. Whenever practicable, a uniformed officer shall accompany the search team.
- B. The pre-search briefing shall be held by the supervisor in charge of the search. All personnel participating in the search including Boston Police SWAT Team personnel, if utilized, must attend the pre-search briefing. No officer may participate in the search unless they attend the pre-search briefing, except in an emergency, and only after being cleared by the supervisor in charge of the search.
- C. At the pre-search briefing, the supervisor in charge of the search, with the assistance of the affiant police officer, shall make a detailed presentation of all relevant information. The briefing should include a summary of the investigation and its objectives; a review of the physical description of the target location; information concerning the person(s) occupying the premises and their propensity for violence and any other safety concerns.
- D. The supervisor in charge of the search shall ensure that the Search Warrant Execution Supervisor Checklist details the roles, the call signs, the assignments and the responsibilities of each member of the entry and search teams.
- E. Every member of the entry and search teams will be given a written copy of the Search Warrant Execution Supervisor Checklist at the pre-search briefing.
- F. Except for those using subterfuge to gain entry, all personnel not in uniform shall wear a raid jacket and display their badge on or over their outer garment.
- G. All personnel participating in the entry and/or the search shall wear body armor.

- H. Except for masks and/or face covers used by the Boston Police SWAT Team personnel for protection while gaining entry, personnel shall not wear any mask or face cover.

### 3. Entry Procedures:

When entry is made by force, damages should be kept to a minimum to facilitate securing the premises after the search is complete.

- A. The affiant police officer shall point out to the entry personnel the premises to be entered and searched. When the premises to be entered and searched is an individual unit in a multi-unit dwelling, the affiant police officer shall point out to entry personnel the particular unit to be entered and searched.
- B. Entry to the premises shall be made by the entry personnel or the Boston Police SWAT Team. Until such time as entry is made and the premises are declared secure, command and control of the premises rests with the supervisor of the entry personnel or, when utilized, the Entry and Apprehension Team. Where the Entry and Apprehension Team is not utilized, the supervisor in charge of the entry personnel and the supervisor in charge of the search may be the same person.
- C. Entry personnel are responsible for:
  - i. Containment of the area perimeter and target structure(s);
  - ii. Effecting entry to the target location;
  - iii. Preventing the destruction of evidence;
  - iv. Gaining control of all persons inside the target location using that amount of force as is reasonably necessary;
  - v. Conducting a protective sweep of the premises, frisking anyone found inside the target location for weapons and, if appropriate, detaining them at a central location; and
  - vi. Establishing that the target location is secure and subsequently turning over responsibility for the premises to search team personnel.

Once the premises have been declared secure, the supervisor in charge of the entry personnel shall relinquish command and control of the premises and turn that responsibility over to the supervisor in charge of the search.

Unless operational considerations or a need for secrecy mandate otherwise, the supervisor in charge of the entry personnel shall notify the dispatcher for the District of the location where the search is being conducted immediately upon gaining entry.

### 4. Search Procedures:

- A. Once the premises have been declared secure and prior to initiating the search, the supervisor in charge of the search shall evaluate the premises. In the unlikely event that the supervisor determines that the wrong premises have been entered, the search shall immediately terminate. In all such cases, the supervisor shall submit copies of all written reports on the entire operation to the District Commander of the District of occurrence who shall forward such copies to the Bureau Chief in command of the supervisor.

- B. Upon initiating the search, the supervisor in charge of the search will ensure that all search personnel continue with their pre-assigned duties (i.e., perimeter security; prisoner control; evidence officer; search teams etc.) unless reassigned.
- C. Perimeter security personnel are responsible for:
  - i. Ensuring that no unauthorized persons escape from or enter the premises while the search is being conducted;
  - ii. Recovering any evidence thrown from the premises; and
  - iii. Remaining on their posts until ordered otherwise by the supervisor in charge of the search, or in the case of an emergency; and
  - iv. Remaining outside the premises until ordered to enter by the supervisor in charge of the search, or in the case of an emergency.
- D. Prisoner control personnel are responsible for:
  - i. Ensuring that all persons being detained but not placed under arrest are held in a central location, using that amount of force or restraint reasonably necessary;
  - ii. Ensuring that all persons have been frisked for weapons, if appropriate, and that persons being placed under arrest have been properly searched;
  - iii. Ensuring that FIOFS's are completed on all persons found inside the premises; and
  - iv. Ensuring that all persons placed under arrest are transported to the District of occurrence for booking.
- E. Search team personnel are responsible for:
  - i. Searching all persons present inside the target location, when permitted by the warrant;
  - ii. Conducting a complete and thorough search of all areas assigned to them;
  - iii. Notifying the evidence officer when any weapons, money, evidence or contraband is found; and
  - iv. After the evidence officer has noted its location, bagging and marking the weapons, money, evidence and contraband for identification and delivering same to the evidence officer for safekeeping.
- F. Evidence officers are responsible for:
  - i. Making a complete sketch of the interior of the premises searched;
  - ii. Noting the names of the officers that are assigned to search individual rooms;
  - iii. Noting and sketching the location of any evidence found and the names of the officers who found it; and
  - iv. Taking custody of any weapons, money, evidence and contraband for safekeeping in accordance with existing Department procedures and the following rules and/or orders:
    - a. Weapons – Rule 311, Ballistics Procedures and Special Order 91-11, Fingerprint Examination of Firearms;
    - b. Money – Rule 309A, Handling and Disposition of Seized Money

The duties of other personnel with special assignments, such as pre-raid and postraid surveillance personnel, will vary and will be defined within the Search

## Warrant Execution Supervisor Checklist.

### G. The supervisor in charge of the search is responsible for:

- i. Ensuring that all personnel carry out their assigned duties;
- ii. Counting all found money not seized as evidence in the presence of at least one other officer and the person claiming ownership at the search location, when feasible. The supervisor in charge of the search shall obtain a receipt from the person to whom the money is given.
- iii. Counting all money seized as evidence in the presence of at least one other officer and the person claiming ownership at the search location, when feasible. Whenever it is not possible to count seized money at the search location, a Form 26 shall be submitted to the Unit Commander stating the reasons therefore. The supervisor in charge of the search shall give a receipt to the person claiming ownership of the money, if any;
- iv. Ensuring that all weapons, money, evidence and contraband has been accounted for, properly marked for identification, transported to the respective District or Unit and handled in accordance with applicable Department procedures;
- v. Ensuring that all prisoners are transported to the respective District station for prisoner processing; and
- vi. Ensuring that the premises are properly secured, if left vacant after the search has been completed.

### 5. Post Search Procedures:

#### A. The supervisor in charge of the search shall be responsible for:

- i. Ensuring that all necessary reports and FIOFS's are completed and that such reports are thorough and accurate;
- ii. Ensuring that all weapons, evidence, contraband and money that is seized are recorded on the return of the search warrant and on the Incident Report (BPD Form 1. 1);
- iii. Ensuring that the completed search warrant is returned to the court within seven (7) days of it issuance;
- iv. Ensuring that all controlled substances seized are secured in the proper safe or storage area until transported to the Evidence Management Division.
- v. Ensuring that all firearms seized are properly stored until they are transported to the Ballistics Unit in accordance with the provisions of Rule 311;
- vi. Ensuring that a Seized Money Form, (BPD Form 2292B) is completed for all money seized and that the money is properly secured until transported to the custody of the Financial Evidence Officer in accordance with the provisions of Rule 309A, Handling and Disposition of Seized Money;
- vii. Ensuring that all other evidence is handled in accordance with applicable Department procedures;



- viii. Holding a post-search debriefing session with the members of the search team for the purpose of enhancing the efficiency of future operations;
- ix. When it becomes available, entering the affiant's name, the name of the supervisor in charge of the search and the specific search location named on the search warrant into the Detective Case Management System;
- x. Forwarding a copy of the Search Warrant Execution Supervisor Checklist to the Chief, Bureau of Investigative Services; and
- xi. Maintaining a complete file of all documents associated with the search warrant and execution.

The supervisor in charge of the Boston Police SWAT Team, if utilized, shall be responsible for submitting an after-action report, through channels, to the Chief, Bureau of Field Services.

To the maximum extent possible the above policies and procedures shall be adhered to with respect to the execution of all searches, with or without a warrant.

#### Sec. 4 Evidentiary Search Warrants

At the discretion of the supervisor in charge of the search, search warrants that are being executed for the sole purpose of gathering evidence or fruits of a crime, where there is no anticipated possibility of a confrontation, may be conducted with one detective supervisor and at least one other sworn officer.

#### Sec. 5 Outside Agencies

Outside agencies seeking the assistance of the Department in the execution of their search warrants shall be directed to contact the Chief, Bureau of Investigative Services who shall determine the appropriate unit to provide the necessary assistance and the level of assistance to be provided.

The Boston Police SAWAT Team may be utilized to assist outside agencies only with the permission of the Chief, Bureau of Investigative Services and the concurrence of the Chief, Bureau of Field Services.

#### Sec. 6 Searches Conducted Outside the City of Boston

Boston officers attempting to serve a search warrant outside the City of Boston shall contact the local police department wherein the search target is located and seek their assistance in serving the warrant. If there is a conflict between the policies and procedures mandated by this rule and the policies and procedures of the local police department, the policies and procedures of the local police department shall prevail.

Albert E. Goslin  
Superintendent in Chief  
Acting Police Commissioner

Notes:

- Amended by Special Order 07-056, issued October 3, 2007, "Entry and Apprehension Team" or "Entry Team" in Boston Police Rules and Procedures and Special Orders changed to "Boston Police SWAT Team" in the following sections:

Sec. 2 - line 3

Sec. 3 - line 1 sub-paragraph "A" & "B"

line 2 sub-paragraph "B" & "H"

line 3 sub-paragraph "B"

line 5 - bottom

Sec. 5 – paragraph 2

[Click here to view or print out a Search Warrant Checklist: Dept. Form 2700](#)

Albert E. Goslin  
Superintendent in Chief  
Acting Police Commissioner

## Rules and Procedures

### Rule 400

August 15, 2007

#### Rule 400 - Special Officers

This Rule establishes the Boston Police Department's policies for Special Officers licensed by the Police Commissioner, but not employed by the City of Boston or the Boston Housing Authority. Its provisions are effective immediately, superseding all previously issued rules, and procedures, orders and directives concerning such licensed Special Officers. As used in this Rule, "Licensing Unit" shall mean the Boston Police Licensing Unit.

**Sec. 1 QUALIFICATION OF APPLICANTS:** Each person applying for a Special Officer's License, whether individually or as a corporate-sponsored applicant, shall meet the following qualifications to the satisfaction of the Licensing Unit:

- Be a United States citizen;
- Be at least 21 years of age;
- Reside within the Commonwealth of Massachusetts;
- Be able to read, write and understand the English language;
- Have a High School Diploma or General Equivalency Diploma (G.E.D.);
- Be capable of physically, emotionally and mentally performing the duties of a licensed Special Officer within the scope of this Rule;
- Be a suitable person of good moral character.

The BPD will take into account the following factors when considering candidates with prior arrests, convictions, restraining orders, or adjudications:

- Severity of prior offense(s);
- Specific safety concerns in view of the proposed assignment;
- Candidate's conduct since resolution of related legal matters.

Persons wishing to obtain or renew a Special Officer's license must pass a course of instruction and written test approved by the Police Commissioner.

**Sec. 2 APPLICATIONS:** All applicants for Special Officer Licenses shall present themselves in person to the Licensing Unit. Applicants shall fill out the application form completely and truthfully and signed it. Applicants shall pay fees established by the City Council for Special Officer licenses and badges before they are issued.

Applicants may complete applications for new licenses at any time. Applicants shall file applications for the renewal of licenses already in existence at least 30 days prior to expiration. In accordance with the provisions of Chapter 282 of the Acts of 1898, all licenses shall expire annually on the first day of April, except that the Licensing Unit may issue licenses in March,

valid for 12 months, beginning the next succeeding first day of April. Persons whose licenses have expired and have not been reissued may be prosecuted if continuing to act as Special Officers (M.G.L. c. 268, § 33, Impersonating a Police Officer).

**Sec. 3 LICENSES:** Special Officers under this Rule are licensed by the Police Commissioner to serve without pay from the City of Boston and are not considered employees of the City of Boston as a consequence of this appointment.

- A. The corporation or person applying for a license under this section shall be held liable for the official misconduct of officers appointed on such application.
- B. Each individual applicant must sign group applications made by or on behalf of more than one person. A duly authorized agent must sign applications from a corporation and must present a certified copy of a corporate vote authorizing the application. All applicants shall be required to state the nature of their interest in the property or locality for which the officer is to be appointed; that is to say, whether as owners, lessees, agents or managers.
- C. Based upon an employer's request or upon such other reason as the Police Commissioner may determine, a licensee may be forbidden to carry a firearm. This restriction shall be noted on their license (CBC St. 11 §15).

**Sec. 4 TRAINING:** All persons seeking a Special Officer license must pass a course of instruction approved by the Police Commissioner. After successful completion, applicants must pass a Licensing Examination developed and administered by the Police Department's Training & Education Division. The examination tests the applicant's knowledge of:

- His/her duties and responsibilities as a Special Officer;
- The law; and
- The proper use of non-lethal force.

The Training and Education Division shall also test applicants who are licensed to carry a firearm and who are authorized to carry one in the course of their employment. This test shall cover the proper use of deadly force, in addition to meeting the requirements of Section 10 of this rule, Firearms. The Training and Education Division shall test each Special Officer applicant on the weapon he/she will carry while on duty. Once qualified, the Special Officer shall only carry, while on duty, the firearm with which he/she qualified. Special Officers must take the Licensing Examination every three years.

**Sec. 5 POWERS AND AUTHORITY:** Special Officers licensed under the provisions of this Rule shall have, while their license is in force, the power of police officers to make arrests, preserve order and enforce the laws of the Commonwealth and ordinances of the City of Boston limited to the premises or locality specified in the license. Special Officers are prohibited from applying for or executing search warrants.

**Sec. 6 DUTY TO OBEY AND COOPERATE:** It is the duty of every licensed Special Officer to observe and obey this Rule and all orders of Boston police officers in matters involving the need for police service. It is the duty of every Special Officer to cooperate with Boston police

officers. Boston police officers, in turn, shall cooperate with a licensed Special Officer in the performance of his/her respective duties, rendering assistance as needed.

Whenever a Boston police officer responds to or is present at an incident, the judgment of the Boston police officer shall prevail. Except for those situations where the only involvement of the Boston police officer is to transport prisoners, the Boston police officer is responsible for the proper handling and reporting of such incident, in conformance with Department policies in effect at the time.

Participation by licensed Special Officers, on or off duty, in police action where police officers are present, shall be limited to identifying themselves to the officer(s) and offering their assistance.

Licensed Special Officers shall assist police officers, when requested, in preserving peace or taking a prisoner to a District Station.

All incidents requiring a police report in which a licensed Special Officer is involved shall be reported to the District Station responsible for the area in which the incident occurred. Such reports shall be submitted immediately after the incident.

**Sec. 7 BADGES AND IDENTIFICATION CARDS:** Upon payment of the established fee, the Licensing Unit shall issue a licensed Special Officer a Special Officer Identification Card that shall include:

- The Special Officer's name
- The name of his/her employer
- The location(s) where the Special Officer has police powers
- The Special Officer's photograph;
- Any restrictions
- The date of expiration of the Special Officer's license.

In addition, a licensed Special Officer shall carry the Special Officer Identification Card on his/her person at all times. A licensed Special Officer shall surrender his/her Special Officer Identification Card to the Licensing Unit at the end of his/her term of service or when he/she resigns, is suspended, or is discharged.

The Licensing Unit shall also issue a numbered badge to the Special Officer. The Licensing Unit shall record the badge number and keep it on file. Once issued, the Special Officer, when in uniform and in the performance of his/her duties, shall wear the badge affixed to the outermost garment over the left breast area. The Special Officer shall only wear the badge issued by the Licensing Unit. No other Special Officer badge shall be authorized or possessed. A licensed Special Officer shall surrender his/her Special Officer badge to the Licensing Unit at the end of his/her term of service or when he/she resigns, is suspended, or is discharged.

If a Special Officer Identification Card and/or Badge is stolen or lost, the licensed Special Officer shall immediately notify his/her employer who will notify the Licensing Unit in writing within 72 hours. The Licensing Unit then shall have the discretion to decide whether to issue or to decline to issue a new Special Officer Identification Card and/or Badge pending a decision by the Police Commissioner or designee, on whether or not to suspend or revoke the Special Officer's license.

Both the Special Officer Identification Card and the Special Officer badge shall remain the property of the Boston Police Department.

**Sec. 8 UNIFORMS:** Special Officers shall adhere to the following guidelines on uniform apparel:

- All Special Officers shall wear 4 to 8 pocket, straight-legged trousers, with a one-inch wide red-strip on the outside seam from the side pocket to the bottom hem. Uniform trouser legs shall not be bloused.
- Shirts may be any color except dark blue or gray. No insignia, with the exception of designation of rank, shall be permitted on shirt collars.
- Special Officers shall not wear tactical style uniforms (Military Fatigues or Battle Dress Uniforms) at any time.
- Special Officers licensed under this rule shall wear a "rocker" patch above their company issued shoulder patch(s). This "rocker" patch will plainly state, "Special Officer."
- Special Officers shall wear a uniform hat with or without a hat badge. If a hat badge is worn, it shall not be similar to the Boston Police Department hat badge, or have a shield shape, or have the word "Boston" or the City Seal or the word "Police" inscribed upon it. Black hatbands are the only bands authorized for use by Special Officers. Special Officers may not wear a baseball-type cap.

Before a company may assign an unarmed Special Officer to plainclothes duty or permit an unarmed Special Officer to wear "career apparel" the company must submit a written request to the Licensing Unit stating that the officer's duties require him/her to work in such attire. If approved, the Licensing Unit will note such permission on the officer's license. ***Under no circumstances will a Special Officer be allowed to carry a firearm while wearing plain clothes.*** Special Officers who are permitted to utilize "career apparel" may be allowed to carry a firearm under special circumstances as authorized only in writing by the Police Commissioner or the Licensing Unit Commander.

At the time of issuance or renewal of a Special Officers license, all Special Officers must appear in full uniform, or in career apparel approved by the Licensing Unit, for inspection by the Licensing Unit to insure compliance with Sections 8, 9, and 10 of Rule 400. No license shall be issued if any violations of Sections 8, 9, and 10 are found.

**Sec. 9 EQUIPMENT:**

The following restrictions concerning equipment apply to Licensed Special Police Officers while in the course of their employment.

- A. The *only* equipment authorized for use or possession by a Special Officer while on duty is a service baton comparable to a Mondanock expandable baton, Model number 9052, handcuffs and a flashlight. All Special Officers must participate in training approved by the Commissioner on the use of such equipment.
- B. Special Officers who are holders of a Firearm Identification Card may also carry a chemical propellant and must participate in training approved by the Police Commissioner regarding its use.
- C. The use of canines is prohibited. Blackjacks and slapsticks are prohibited for use by licensed Special Officers.
- D. Equipping and using motor vehicles with blue lights, sirens or vehicle logos and/or markings that include the words "Boston," "Police," "Public Safety" or the City Seal are prohibited. The Licensing Unit shall annually review all markings on vehicles.
- E. The use of motorcycles and/or all terrain vehicles (ATV's) is prohibited. The use of bicycles is permitted pursuant to the approval of the Licensing Unit.

#### **Sec. 10 FIREARMS:**

Applicants for a Special Officer's license who are also licensed to carry a firearm and are authorized to carry a firearm while in the course of their employment shall:

- A. Be required to go to the Boston Police Department Range for an examination as to their knowledge of the nomenclature, operation and safe handling of a firearm and the capabilities and effective range of their ammunition. A licensed Special Officers must demonstrate to the satisfaction of the examiner knowledge of the firearm he/she will carry on duty and must receive a qualifying score of 80% with such firearm. The Range instructor shall test the Special Officer with the firearm he/she carries on duty. Once qualified, the Special Officer shall only carry, while on duty, the firearm with which he/she qualified.
- B. Requalify with their firearm at least one additional time per year and submit proof of such successful requalification to the Licensing Unit.
- C. While on duty, Special Police Officers shall only carry .38 caliber revolvers having not less than a 4" barrel that are loaded with 158 grain, +P, hollow point ammunition. No plastic firearm or replica of any type of handgun is authorized.
- D. Special Officers licensed to carry a firearm shall take all reasonable precautions to secure personally owned weapon or the weapon issued to him/her by his/her employer and protect said weapons from loss, misuse, or theft.

#### **Sec. 11: POINTING OF FIREARMS:**

A Special Officer shall not point a firearm at persons except when reasonably justified under the circumstances. In situations involving the strong possibility of great danger, officers should carry their weapon in a position that will facilitate its speedy and safe use. While Special Officers should not point a weapon unless they are prepared to use it, the fact that they have done so must not be interpreted as an obligation to fire.

## **Sec. 12 USE OF FORCE:**

The law permits police officers to use reasonable force in the performance of their duties but only to the degree required to overcome unlawful resistance. This doctrine of "reasonable use of force" applies both to the use of firearms as well as to non-lethal force. The conditions under which a licensed Special Officer is permitted to use non-lethal force or deadly force, as defined below, are as follows:

**A. NON-LETHAL FORCE:** Amount of force that will generally not result in serious injury or death. Application of non-lethal force will generally be limited to defensive situations where (1) an officer or other person is attacked, or (2) an officer is met with physical resistance while making an arrest.

An officer may also use non-lethal force if, in the process of making an arrest, the officer is met with passive resistance, i.e., an individual who refuses to get out of an automobile, or a protester who is illegally occupying a particular place. Such force should be limited only to that which is reasonably necessary to move the subject or make an arrest. Any other officers present should assist an officer who encounters resistance. Two or more officers may effect an arrest without the use of force which one officer cannot complete without resorting to the use of force.

**B. DEADLY FORCE:** Degree of force likely to result in death or great bodily injury. The discharge of a firearm toward a person constitutes the use of deadly force even if there is no express intent to kill or cause great bodily injury.

Licensed Special Officers shall not discharge firearms in the performance of their duties other than for practice or training on a recognized and approved target range or similar authorized location, **except when there is no less drastic means to defend oneself or another from an unlawful attack that he/she has reasonable cause to believe could result in death or great bodily injury.**

A Special Officer shall not use a firearm as a signaling device or to summon assistance or for any other purpose except as provided herein.

**Sec. 13 MOVING/FLEEING VEHICLES:** Special Officers shall not discharge firearms from a moving vehicle. They shall not discharge firearms at a moving or fleeing vehicle unless the officer or another person is currently being threatened with deadly force by means other than the moving vehicle. For the purposes of this section, the moving vehicle itself shall not constitute the threatened use of deadly force. Therefore, officers shall move out of the path of any oncoming vehicle instead of discharging a firearm at it or any of its occupants. Moving to cover, repositioning and/or waiting for additional responding units to gain and maintain a tactically superior police advantage maximizes officer safety and minimizes the necessity for using deadly force.



The above prohibitions exist for three reasons:

- Bullets fired at moving motor vehicles are extremely unlikely to stop or disable the motor vehicle.
- Bullets fired may miss the intended target or ricochet and cause injury to officers or other innocent persons, and
- The vehicle may crash and cause injury to officers or other innocent persons if the bullets disable the operator.

**Sec. 14 REPORTING USE OF DEADLY FORCE OR NON-LETHAL FORCE:**

- A. Initial Notification of Use of Deadly Force: All licensed Special Officers who discharge their firearm or use deadly force shall immediately notify, via the 9-1-1 emergency number, the Duty Supervisor of the Boston Police Operations Division. Operations will make all appropriate notifications and an investigation shall be conducted in accordance with department Rule 303, Deadly Force.
- B. Reporting Requirements for Non-Lethal Force: Any licensed Special Officer using non-lethal force, or any weapon other than their firearm shall make or cause to be made a report to the Commander of the District wherein the incident occurred, immediately after the incident. If such use occurs outside the City of Boston, whether or not the incident occurs in the course of their employment, the officer shall immediately notify the Licensing Unit. The Licensing Unit shall then contact the appropriate city or town for a copy of the police report on the incident.
- C. In the event that the licensed Special Officer is injured and unable to write a police report, a Patrol Supervisor shall interview the officer and reduce their verbal report to writing. The Commander shall forward a copy of the licensed Special Officer's report, the investigating Superior Officer's report and a separate report which includes their findings and recommendations, through the chain of command, to the Licensing Unit no later than fifteen (15) days from the date of the incident.

**Sec. 15 DUTY WHEN ARRESTING AND TRANSPORTING PRISONERS:**

- A. When a licensed Special Officer has made an arrest, it shall be his/her duty to notify the Boston Police Department via the 9-1-1 emergency number, to disclose all pertinent facts and evidence to the Boston police officer(s) that respond and to surrender to such officer(s) custody of the prisoner. Licensed Special Officers are prohibited from transporting their own prisoners.
- B. Immediately after making an arrest and surrendering their prisoner to the responding Boston police officer(s), licensed Special Officers shall report to the District Station responsible for the area in which the licensed Special Officer has made the arrest. The licensed Special Officer shall complete an Incident Report (BPD form 1.1). Duty Supervisors shall ensure that the name(s) and Department identification numbers of the

officer(s) who transported the prisoner(s) are included in the licensed Special Officer's report.

- C. Special Officers shall never complete incident reports in cases of homicide, robbery, sexual assault or aggravated assault. In all such cases, Special Officers shall notify the Boston Police Department via the 9-1-1 emergency number and disclose all pertinent facts and evidence to the responding Boston police officer(s), who shall be responsible for completing a Boston Police incident report (BPD form 1.1). All weapons, controlled substances and contraband seized by licensed Special Officers shall immediately be turned in to the District Station responsible for the area in which the incident occurred. Other evidence seized by licensed Special Officers may be retained by them pending disposition of the case, but shall be properly itemized with their custody noted in the incident report.

**Sec. 16 STANDARD OF CONDUCT:** A licensed Special Officer is required to be knowledgeable of, and to comply with, this Department Rule and all relevant laws and ordinances. Violations or offenses which may result in disciplinary action being taken by the Police Commissioner, up to and including suspension or revocation of a Special Officer's license include, but are not limited, to the following:

- Violation of any section of this Rule;
- Violation of any Federal or State Law or Local Ordinance;
- Violating or becoming the subject of any no contact, protective or restraining order issued under M.G.L. c 208, 209, 209A, or 209C;
- Disrespectful treatment to a member of the Department and/or the general public;
- Drinking of alcoholic beverages while in the course of his/her employment;
- Illegal use of controlled substances;
- Abuse of prisoners, whether by word or act;
- Assumption of any police powers outside the jurisdiction of his/her license or when not in the course of his/her employment;
- Interference with any police officers while in the performance of their duties;
- Failure to obey a lawful order by any officer of the Boston Police Department;
- Violation of any firearm regulation or any violation of the conditions of the firearm license;
- Carrying any unauthorized equipment or firearm while in the course of his/her employment;
- Serving or acting as a licensed Special Officer for any security agency or business entity other than the one listed on his/her license;
- Serving or acting as a licensed Special Officer while under suspension.

**Sec. 17 CRIMINAL COMPLAINTS, ARRESTS OR VIOLATIONS OF THIS RULE; DUTY TO NOTIFY THE LICENSING UNIT:** Where a licensed Special Officer is arrested in the City of Boston and/or charged with the commission of a felony, the Commander of the arresting officer's unit shall notify the Licensing Unit in writing no later than the next business day. In all such instances, the Licensing Unit shall immediately suspend the Special Officer's license pending disposition of the

case. In the event that a licensed Special Officer is arrested or charged with a misdemeanor, the Commander of the arresting officer's unit shall contact the Commander of the Licensing Unit, who will determine whether the Special Officer's license shall be suspended pending completion of the investigation and disposition of the criminal complaints.

Additionally, where a licensed Special Officer is arrested and charged with the commission of a crime, the licensed Special Officer must notify the manager of the security company that employs the Special Officer and said manager must notify the Commander of the District in which the incident occurred. If the incident occurred within the City, the head of the Licensing Unit must be notified in writing no later than the next business day.

When a licensed Special Officer has been arrested, or where criminal charges have been filed against him/her, the Commander of the arresting officer's unit shall ensure that copies of any incident reports regarding the arrest or the filing of criminal charges are forwarded to the Licensing Unit.

Whenever a licensed Special Officer is arrested, the Duty Supervisor shall seize any badge and identification card in the possession of the arrested Special Officer that was issued by the Boston Police Department and any Firearms I.D. card or License to Carry a Firearm if the Boston Police Commissioner issued it. The Duty Supervisor shall forward this material to the Licensing Unit through the District Commander.

Any licensed Special Officer who is arrested or who learns that an application for a criminal complaint has been made against him/her or that a complaint or indictment has been issued against him/her shall immediately notify the Licensing Unit in writing. Such notification shall include a summary of the complaint sought or issued and the date of the hearing or trial.

Any Department employee who observes or becomes aware of an alleged violation of this Rule by a licensed Special Officer shall make a report to their District or Unit Commander. The District or Unit Commander shall forward a copy of any such report to the Licensing Unit. The Licensing Unit shall determine whether the Special Officer's license shall be suspended pending completion of the investigation and the findings regarding the reported Rule violation.

#### **Sec. 18 INVESTIGATION OF COMPLAINTS:**

If a complaint or allegation of misconduct has been made against a licensed Special Officer on a particular district, the Commander of that district shall designate a Superior Officer to investigate it. The Superior Officer shall immediately notify the company that employs the licensed Special Officer that a complaint or allegation of misconduct is being investigated.

The investigating Superior Officer shall make a written report stating his/her findings. After reviewing the investigating Superior Officer's report, the District Commander shall make a report to the Licensing Unit that includes his/her findings and recommendations.

The District Commander shall forward copies of all such reports through the chain of command to the Licensing Unit no later than fifteen (15) days from the date of the complaint. The Licensing Unit Commander shall forward reports and recommendations no later than 45 days from the date of the complaint to the Police Commissioner for possible disciplinary action. Nothing in this Rule shall prohibit the Internal Affairs Division from conducting an investigation into such complaints pursuant to BPD Rule #113, Section #6.

**Sec. 19 DISPOSITION AND NOTICE:**

If the Police Commissioner or designee determines that a licensed Special Officer has committed any violation of this Rule, the Police Commissioner or designee may issue an oral or written reprimand, or suspend or revoke the Special Officer's license. The Licensing Unit shall notify the licensed Special Officer and the company for which the Special Officer is working, of any such disciplinary decision, by certified mail, return receipt requested.

The Special Officer shall have the right of appeal of any disciplinary decision. The Special Officer may appeal a written reprimand, suspension or license revocation to the Police Commissioner, provided such an appeal is filed with the Licensing Unit within seven (7) days of receipt of notification of the disciplinary decision. The Licensing Unit shall notify the licensed Special Officer and the company for which the officer works of the Police Commissioner's decision on the appeal by certified mail, return receipt requested.

Edward F. Davis  
Police Commissioner

## **Rules and Procedures**

### **Rule 400A**

**March 21, 1996**

#### **Rule 400A - Special Officers - City of Boston or Boston Housing Authority**

This Rule establishes the Boston Police Department's policies for Special Officers that are licensed by the Police Commissioner and employed either by the City of Boston or the Boston Housing Authority (BHA). Its provisions are effective immediately, superseding all previously issued Rules, procedures, orders and directives concerning such licensed Special Officers. As used in this Rule, "Licensing Unit" shall mean the Boston Police Licensing Unit.

General Considerations: Boston Transportation Department Traffic Enforcement Officers licensed as Special Officers under this Rule are licensed for the sole purpose of writing tickets for parking violations. Boston Police Cadets licensed as Special Officers under this Rule are licensed only for purposes of writing tickets for parking violations and for directing traffic. Traffic Enforcement Officers and Cadets are not granted the right to make arrests or serve criminal process.

Sec. 1 Qualification of Applicants: Each person applying for a Special Officer's License shall meet the following qualifications to the satisfaction of the Licensing Unit.

- A. Be a United States Citizen;
- B. Be a resident of the City of Boston, unless employed by the BHA;
- C. Be at least 21 years of age, except for Boston Police Cadets who must be at least 18 years of age;
- D. Be able to read, write and understand the English language;
- E. Have a High School Diploma or General Equivalency Diploma (G.E.D.);
- F. Be capable of physically and mentally performing the duties of a licensed Special Officer within the scope of this Rule;
- G. Be a suitable person of good moral character, without any felony convictions;
- H. After July 1, 1996, persons wishing to obtain or renew a Special Officer's license must pass a course of instruction and written test approved by the Police Commissioner.

Sec. 2 Application: All applications for Special Officer Licenses shall be made at the Licensing Unit.

A. APPLICATION FORMS: Application forms shall be filled out completely and truthfully and signed by the applicant.

B. FEES: Fees for Special Officer Licenses, as established by the City Council, are waived for employees of the City of Boston whose applications for a Special Officer license are sponsored by their City agency or department in connection with their employment.

C. FILING OF APPLICATIONS: Applications for new licenses may be filled out at any time. Application for the reissue of licenses already in existence should be filed at least 30 days before their expiration. In accordance with the provisions of Chapter 282 of the Acts of 1898, all licenses shall expire annually on the first day of April, except that licenses may be issued in March, to be valid for 12 months, beginning the next succeeding first day of April. Persons whose licenses have expired and have not been reissued may be prosecuted if continuing to act as Special Officers (G.L. c. 268, § 33, Impersonating a Police Officer).

Sec. 3 Licenses: To be employed as a Special Officer by the City of Boston, all persons must apply for and be granted a Special Officer's license by the Police Commissioner.

A. SPECIAL POLICE DIVISION: Personnel employed by the Department of Property Management, the Boston Housing Authority and the Department of Health and Hospitals, upon the written application of the officer or board in charge of their department or agency, may be licensed as Special Officers by the Police Commissioner (CBC St. 11 §15; Chapter 365 of the Acts of 1965; Chapter 295 of the Acts of 1965; Chapter 674 of the Acts of 1950; Chapter 282 of the Acts of 1898; Memorandum of Understanding between City of Boston and BHA). All such licensed Special Officers are under the direction of the Special Police Division of the Bureau of Field Services (Boston Police Rule 101; Commissioner's Memorandum 94-34).

B. FIRE DEPARTMENT PERSONNEL: The Police Commissioner may license Special Officers upon the written application of the Fire Commissioner of the City of Boston. Only officers of the fire department and inspectors of the fire prevention division may be licensed (CBC St. 11 §15; Chapter 674 of the Acts of 1950).

C. OTHER CITY EMPLOYEES: The Police Commissioner may, upon the written application of the officer or board in charge of a department of the City of Boston, license Special Officers for such department, without fee (CBC St. 11 §15; Chapter 365 of the Acts of 1965; Chapter 295 of the Acts of 1965; Chapter 674 of the Acts of 1950; Chapter 282 of the Acts of 1898). Officers and boards of the City of Boston applying for the appointment of persons as licensed Special Officers shall certify that such persons are City employees.

Sec. 4 Training:

A. After July 1, 1996, all persons employed by the City of Boston or the BHA wishing to be licensed Special Officers must first pass a course of instruction, the content of which has been approved by the Police Commissioner.

B. Upon successfully completing the aforementioned course of instruction, persons wishing to be licensed Special Officers shall be required to pass a test developed and administered by the Training & Education Division which tests their knowledge of the law, of the proper use of non-lethal force and of the duties and responsibilities of Special Officers. Applicants who are licensed to carry a firearm and who are authorized to carry one in the course of their employment will also be tested on the proper use of deadly force, in addition to meeting the requirements of Section 11, Firearms.

#### Sec. 5 Powers and Authority:

A. Except for the limitations imposed under "General Considerations" on Transportation Department Traffic Enforcement Officers and Boston Police Cadets, Special Officers licensed under the provisions of this Rule shall have, while their license is in force, the power of police officers to make arrests, preserve order and enforce the laws of the Commonwealth and the ordinances of the City of Boston limited to the premises or locality specified in the license. Licensed Special Officers are prohibited from applying for or executing search warrants.

B. Licensed Special Officers appointed on the application of the Fire Commissioner of the City of Boston, pursuant to this rule, shall have, while their license is in force, the power to enforce all laws, ordinances, rules and regulations in force in Boston pertaining to fires and extinguishment thereof, the prevention of fires, fire perils and other related matters, including the movement through Boston of fire department vehicles proceeding to any fire alarm.

Sec. 6 Duty to Obey: It is the duty of every licensed Special Officer to observe and obey this Rule and all orders of Boston police officers in matters involving the need for police service.

#### Sec. 7 Duty to Cooperate:

A. It is the duty of every licensed Special Officer to cooperate with Boston police officers. Boston police officers shall cooperate with licensed Special Officers in the performance of their respective duties.

B. Whenever a Boston police officer responds to or is present at an incident, the judgment of the Boston police officer shall prevail. Except for those situations where the only involvement of the Boston police officer is to transport prisoners, the Boston police officer is responsible for the proper handling and reporting of such incident, in conformance with Department policies in effect at the time.

C. Participation by licensed Special Officers, on or off duty, in police action where police officers are present, shall be limited to identifying themselves to the officer(s) and offering their assistance.

D. Licensed Special Officers shall assist police officers, when requested, in preserving peace or taking a prisoner to a District Station.

E. All incidents requiring a police report in which a licensed Special Officer is involved shall be reported to the District Station responsible for the area in which the incident occurred. Reports shall be submitted immediately after the incident.

#### Sec. 8 Badges and Identification Cards:

A. Licensed Special Officers shall be issued a Special Officer Identification Card, which shall include their name, name of their employer, location or locations where the licensed Special Officer has police powers, their photograph, any restrictions and the date of expiration of said license. In addition, the Special Officer Identification Card shall be carried on their person at all times. Licensed Special Officers shall surrender their Special Officer Identification Card to the Licensing Unit at the end of their term of service or when they resign, are suspended or are discharged. In case a Special Officer Identification Card is lost, the licensed Special Officer shall immediately notify their employer who will notify the Licensing Unit in writing. The Licensing Unit shall have the discretion to decide whether to issue or to decline to issue a new Special Officer Identification Card pending a decision by the Police Commissioner on whether or not to suspend or revoke the Special Officer's license.

B. When in uniform and acting in the capacity of a licensed Special Officer, only breast and hat badges which have been issued by their agency or department and approved by the Police Commissioner will be worn. Breast badges will be worn on the outside of the outer garment over the left breast. All breast badges will be numbered and recorded on file at the Licensing Unit.

C. Fire Department Employees: Licensed Special Officers employed by the Fire Department shall carry the Special Officer Identification Card issued by the Licensing Unit at all times.

#### Sec. 9 Uniforms:

A. Licensed Special Officers employed by the City of Boston whose department or agency does not have a uniform approved or authorized by the Police Commissioner must wear a uniform that meets the following criteria:

1. Trousers shall have a one-inch wide red stripe on the outside seams from the side pocket to the bottom hem.
2. Shirts may be any color except dark (LAPD) blue or gray. No insignia shall be worn on the shirt collar.

B. Licensed Special Officers under the direction of the Special Police Division shall only wear uniforms that have been approved by the Police Commissioner. The Commander, Special Police Division, shall ensure that an updated copy of the uniform specifications for each department or agency under the direction of the Special Police Division is forwarded to the Licensing Unit where it will be kept on file.



C. Licensed Special Officers employed by the Boston Fire Department shall wear the uniform or plainclothes attire approved by the Fire Commissioner.

D. Except for licensed Special Officers employed by the Boston Fire Department, at the time of issuance or renewal of licenses, all licensed Special Officers must appear in full uniform for inspection by the Licensing Unit. Licensed Special Officers required to wear their uniform at the time of issuance or renewal will not be issued a license if any violations of Section 9, 10 and 11 of this Rule are found. Employers who employ Special Officers whose duties require them to wear "career apparel" or who are assigned to plainclothes duty must submit a written request to the Licensing Unit stating that their duties require them to work in such clothes. If approved by the Police Commissioner, "career apparel" or plainclothes may be worn by such officers and that approval shall be noted on their license. At the time of issuance or renewal of licenses, any approved "career apparel" or plainclothes attire must be worn.

#### Sec. 10 Equipment:

The following restrictions concerning equipment apply to licensed Special Officers while in the course of their employment:

A. The only equipment authorized for use or possession by a licensed Special Officer are service baton, handcuffs and a flashlight. Special Officers who are holders of a Firearm Identification Card may also carry a device or instrument which contains a liquid, gas or powder designed to incapacitate. However, no Special Officer is authorized to carry any service baton, handcuffs or chemical incapacitating agent while in the course of their employment unless they have been trained in their use.

B. The use of dogs for any purpose by a licensed Special Officer is forbidden.

C. Equipping and using motor vehicles with blue lights and sirens must be authorized by the Registrar of Motor Vehicles upon the application of the Police Commissioner, pursuant to G.L. c. 90, §§ 7E and 16.

#### Sec. 11 Firearms:

Special Officers employed by the City of Boston or the BHA who are also licensed to carry a firearm and are authorized to carry a firearm while in the course of their employment:

A. Shall be required to go to the Boston Police Department Range for an examination as to their knowledge of the nomenclature, operation and safe handling of a firearm and the capabilities and effective range of their ammunition. Licensed Special Officers must demonstrate to the satisfaction of the examiner knowledge of their firearm and receive a qualifying score of 80% with such firearm.

B. Shall be responsible for maintaining a degree of expertise in the use and handling of all firearms approved for their carrying. Specifically, licensed Special Officers shall requalify with their issued firearm(s) on a course of instruction approved by the Massachusetts Criminal Justice Training Council at least one additional time per year. A qualifying score of 80% or higher is required.

C. Upon meeting the above requirements, licensed Special Officers shall only carry firearms and ammunition which are issued by their department or agency and approved by the Police Commissioner. If their department or agency authorizes, but does not supply or issue a firearm, the only firearm that may be carried is a .38 cal. revolver having not less than a 4" barrel and loaded with 158 grain, +P, hollowpoint ammunition. No plastic firearm or replica of any type of handgun is authorized.

#### Sec. 12 Use of Force:

The law permits police officers to use reasonable force in the performance of their duties but only to the degree required to overcome unlawful resistance. This doctrine of "reasonable use of force" applies both to the use of firearms as well as to non-lethal force. The conditions under which a licensed Special Officer is permitted to use non-lethal force or deadly force, as defined below, are as follows:

A. **NON-LETHAL FORCE:** Amount of force that will generally not result in serious injury or death.

Application of non-lethal force will generally be limited to defensive situations where (1) an officer or other person is attacked, or (2) an officer is met with physical resistance while making an arrest.

An officer may also use non-lethal force if, in the process of making an arrest, the officer is met with passive resistance, i.e., an individual who refuses to get out of an automobile, or a protester who is illegally occupying a particular place. Such force should be limited only to that which is reasonably necessary to move the subject or make an arrest. An officer who encounters resistance should be assisted by any other officers present. Two or more officers may effect an arrest without the use of force which one officer cannot complete without resorting to the use of force.

B. **DEADLY FORCE:** Degree of force likely to result in death or great bodily injury. The discharge of a firearm toward a person constitutes the use of deadly force even if there is no express intent to kill or cause great bodily injury.

Licensed Special Officers shall not discharge firearms in the performance of their duties other than for practice or training on a recognized and approved target range or similar authorized location, except under the following circumstances:

1. There is no less drastic means to defend himself or another from an unlawful attack which the officer has reasonable cause to believe could result in death or great bodily injury; or
2. There is no less drastic means available to apprehend a fleeing felon when the officer has probable cause to believe that: (1) the subject has committed a felony during the commission of which the subject inflicted or threatened to inflict deadly force upon the victim, or (2) that there is substantial risk that the felon in question will cause death or great bodily injury if their apprehension is delayed.

A firearm shall not be used as a signaling device or to summon assistance or for any other purpose except as provided herein.

### Sec. 13 Reporting Use of Deadly Force or Non-lethal Force

A. Initial Notification of Use of Deadly Force: All licensed Special Officers who discharge their firearm or use deadly force shall immediately notify, via the 9-1-1 emergency number, the Duty Supervisor of the Boston Police Operations Division who shall direct that a Patrol Supervisor respond to the scene and shall also make the appropriate notifications within the Department. Upon being notified of an incident involving the use of deadly force by a licensed Special Officer, the Commander of the District wherein the incident occurred shall respond to the scene and shall designate a Superior Officer to conduct a follow-up investigation on such use of deadly force by a licensed Special Officer. The investigating Superior Officer shall submit a preliminary report to the Commander within 72 hours.

B. Reporting Requirements for both Deadly Force and Non-lethal Force: Any licensed Special Officer using deadly force, non-lethal force, or any weapon other than their firearm shall make or cause to be made a report to the Commander of the District wherein the incident occurred, immediately after the incident. If such use occurs outside the City of Boston, whether or not the incident occurs in the course of their employment, the officer shall immediately notify the Licensing Unit. The Licensing Unit shall then contact the appropriate city or town for a copy of the police report on the incident.

In the event that the licensed Special Officer is injured and unable to write a police report, a Patrol Supervisor shall interview the officer and reduce their verbal report to writing. In addition, any licensed Special Officer using deadly force shall surrender their firearm to the responding Patrol Supervisor, who shall forward the firearm to the Ballistics Unit for examination. The Commander shall forward a copy of the licensed Special Officer's report, the investigating Superior Officer's report and a separate report which includes their findings and recommendations, through the chain of command, to the Licensing Unit no later than fifteen (15) days from the date of the incident.

### Sec. 14 Duty when Arresting:

A. When an arrest has been made by a licensed Special Officer, it shall be the Special Officer's duty to notify the Boston Police Department via the 9-1-1 emergency number, to disclose all pertinent facts and evidence to any Boston police officer(s) that respond and to surrender to such officer(s) custody of the prisoner. Only Licensed Special Officers that are members of the Fire Department or are under the direction of the Special Police Division may transport their own prisoners. In all such cases, prisoners must be handcuffed with their hands behind their back and be accompanied in the transport vehicle by at least two licensed Special Officers.

B. All persons arrested by licensed Special Officers shall be taken to the District Station responsible for the area in which the licensed Special Officer has made the arrest, where an Incident Report (BPD form 1.1) shall be completed by the licensed Special Officer.

1. Except as described below, Boston police officers who transport prisoners for licensed Special Officers shall only complete an incident report on the transport itself under "Service for other Departments", using the same CC number as the Special Officer who made the arrest.

C. Special Officers shall never complete incident reports in cases of homicide or sexual assault. In all such cases, Special Officers shall notify the Boston Police Department via the 9-1-1 emergency number and disclose all pertinent facts and evidence to the responding Boston police officer, who shall be responsible for completing an Incident Report (BPD form 1.1). All weapons, controlled substances and contraband seized by licensed Special Officers shall immediately be turned in to the District Station responsible for the area in which the incident occurred. Other evidence seized by licensed Special Officers may be retained by them pending disposition of the case, but shall be properly itemized with their custody noted in the incident report..

Sec. 15 Standard of Conduct: A licensed Special Officer is required to be knowledgeable of and to comply with this Department Rule and all relevant laws and ordinances. Violations or offenses which may result in disciplinary action being taken by the Police Commissioner, up to and including suspension or revocation of a Special Officer's license include, but are not limited to the following:

A. Violation of any Section of this Rule.

B. Violation of any Federal or State law or local ordinance.

C. Violating or becoming the subject of any no contact, protective or restraining order issued under G.L. c. 208, 209, 209A or 209C.

D. Drinking of alcoholic beverages while in the course of their employment.

E. Illegal use of controlled substances.

F. Abuse of prisoners, whether by word or act.

G. Assumption of any police powers outside the jurisdiction of their license or when not in the course of their employment.

H. Interference with any police officers while in the performance of their duties.

I. Failure to obey a lawful order by any officer of the Boston Police Department.

J. Violation of any firearm regulation or any violation of the conditions of the firearm license.

K. Carrying any unauthorized equipment or firearm while in the course of their employment.

L. Serving or acting as a licensed Special Officer for any security agency or business entity other than the one listed on their license.

M. Serving or acting as a licensed Special Officer while under suspension.

Sec. 16 Criminal Complaints, Arrests or Violations of this Rule; Duty to Notify the Licensing Unit:

A. Where a licensed Special Officer is arrested and charged with the commission of a felony, the Commander of the arresting officer's unit shall notify the Licensing Unit in writing no later than the next business day. In all such instances, the Licensing Unit shall immediately suspend the Special Officer's license pending disposition of the case. In the event that a licensed Special Officer is arrested or charged with a misdemeanor, the Commander of the arresting officer's unit shall contact the Commander of the Licensing Unit, who will determine whether the Special Officer's license shall be suspended pending completion of the investigation and disposition of criminal complaints.

Whenever licensed Special Officers are arrested or have criminal charges filed against them, the Commander of the arresting officer's unit shall ensure that copies of any incident reports regarding the arrest or the filing of criminal charges are forwarded to the Licensing Unit.

B. Whenever a licensed Special Officer is arrested, the Duty Supervisor shall seize any badge and identification card in the possession of the arrested Special Officer which was issued by the Boston Police Department. This material shall be forwarded to the Licensing Unit through the District Commander.

C. Licensed Special Officers who are arrested or who learn that an application for a criminal complaint has been made against them or that a complaint or indictment has been issued, shall immediately notify the Licensing Unit in writing. Such notification shall include a summary of the complaint sought or issued and the date of the hearing or trial.

D. Any Department employee who observes or becomes aware of an alleged violation of this Rule by a licensed Special Officer shall make a report to their District or Unit Commander. The District or Unit Commander shall forward a copy of any such report to the Licensing Unit. The

Licensing Unit shall determine whether the Special Officer's license shall be suspended pending completion of the investigation and the findings regarding the reported Rule violation.

Sec. 17 Investigation of Complaints: Complaints or allegations of misconduct involving licensed Special Officers shall be investigated by a Boston Police Superior Officer assigned to the District wherein the conduct being complained of occurred and designated as the investigating Superior Officer by the District Commander. An investigation shall be instituted in all reported instances of offenses committed by or complaints against licensed Special Officers. The investigating Superior Officer shall make a written report stating their findings. After reviewing the investigating Superior Officer's report, District Commanders shall make a report which includes their findings and recommendations. Copies of all such reports shall be forwarded through the chain of command to the Licensing Unit, no later than forty-five (45) days from the date of the complaint, for possible disciplinary action by the Police Commissioner.

Sec. 18 Disposition and Notice: If the Police Commissioner determines that a licensed Special Officer has committed any violation of this Rule, the Police Commissioner may issue an oral or written reprimand, or suspend or revoke the Special Officer's license. The Special Officer shall have the right of appeal to the Police Commissioner, provided that the appeal is made in writing within seven (7) days of receipt of the notification. The Licensing Unit shall notify the licensed Special Officer of the Police Commissioner's actions by certified mail, return receipt requested.

## Rules and Procedures

### Rule 400C

January 8, 2007

#### Rule 400C - CONSTABLES

This rule is issued to establish the Department's policies for Constables. The provisions of this rule are effective immediately, superseding all previously issued rules, procedures, orders and directives concerning Constables. As used in this rule, "Licensing Unit" shall mean the Boston Police Licensing Unit.

**Sec. 1 GENERAL CONSIDERATIONS:** Constables are appointed by the Mayor and are regulated by the Department pursuant to M.G.L. Chapter 41 Section 91 and the City of Boston Code (CBC) 2-7.2. The Police Commissioner can discipline any Constable, up to and including suspension of his/her license, and may recommend revocation of his/her license to the Mayor. The provisions of this rule apply both to those Constables who are not employed by the City of Boston and, except where specifically noted, to those Constables who are City of Boston employees under CBC 2-7.2.

**Sec. 2 APPLICANT QUALIFICATIONS:** Each person applying for a Constable's license shall:

- Be a United States citizen;
- Be at least 21 years of age;
- Reside within the City of Boston (except those Constables employed by the City of Boston who need not be residents per CBC 2-7.2);
- Be able to read, write and understand the English language;
- Have a high school diploma or general equivalency diploma (GED);
- Be a suitable person of good moral character;
- Be capable of physically, emotionally and mentally performing the duties of a licensed Constable within the scope of this rule;
- Be a person who has never been confined to any hospital or institution for mental illness, unless the applicant submits with his/her application an affidavit of a registered physician attesting that such physician is familiar with the applicant's mental illness, current health and current status, that the applicant is not disabled by the mental illness, and that such past mental illness does not prevent the applicant from acting responsibly as a Constable;
- Be a person who has never been under treatment or confinement for drug addiction or alcohol abuse (or habitual drunkenness) unless the applicant submits with his/her application an affidavit of a registered physician attesting that the physician knows the individual, the history of treatment, and that the applicant is deemed cured of the condition;
- Be a person who is not now the subject of a restraining order ("209A") or a temporary or permanent order of protection issued by any court; and

- Be a person who:
  - Has never been convicted of, or adjudicated a youthful offender or a delinquent child for the commission of a felony;
  - Has never been convicted of, or adjudicated a youthful offender or delinquent child for the commission of a misdemeanor punishable by more than two years in jail;
  - Has never violated any law involving the use, possession, ownership, transfer, purchase, sale, lease, rental, receipt or transportation of weapons or ammunition; and
  - Has never violated any law involving the use, possession or sale of controlled substances as defined by M.G.L. Chapter 94C.

**Sec. 3 APPLICATIONS:** All applications for Constable licenses shall be filed at the Licensing Unit. Application forms shall be filled out completely and truthfully, under the pains and penalties of perjury, and signed by the applicant. Completed applications are accepted at the Licensing Unit between January 2<sup>nd</sup> and February 15<sup>th</sup> of each year. All Constable applicants shall be subject to a criminal history background check and a registry of motor vehicles license check. The Licensing Unit may also, in its discretion, investigate the Applicant's credit history.

**Sec. 4 LICENSES:** The Mayor, under M.G.L. Chapter 41, Section 91 and CBC 2-7.2, appoints Constables to serve a three-year term, without pay and without benefits from the City of Boston. Constables are not considered employees of the City of Boston as a consequence of appointment, unless appointed and retained by the City of Boston as employees pursuant to CBC 2-7.2.

**Sec. 5 TRAINING AND TESTING:** Pursuant to CBC 2-7.2, as of July 1, 2007, all persons wishing to act as Constables in the City of Boston must pass a course of instruction approved by the Police Commissioner and paid for by the Applicant or Constable. Upon successfully completing this course, Applicants or Constables must also pass an examination developed and administered by the Licensing Unit. This examination shall include, but is not limited to, civil and criminal law, service of process, the proper use of force and the duties and scope of authority and responsibilities of Constables.

**Sec. 6 POWERS AND AUTHORITY:** The primary purpose of a Constable shall be the service of civil process. A Constable appointed by the City of Boston retains the traditional powers of a Constable and is specifically:

- Authorized to perform his/her duties in the City of Boston only. This jurisdiction may be expanded to include all of Suffolk County when a District or Superior Court in the City of Boston issues an arrest warrant that may only be executed elsewhere in Suffolk County; and
- Prohibited from applying for, or executing, search warrants.



An appointed Constable retains the right to charge for his/her services according to the laws of the Commonwealth and the Ordinances of the City and may charge reasonable additional fees. The Licensing Unit retains the right to request, at any time, a schedule of such fees from any Constable.

**Sec. 7 DUTY TO OBEY AND COOPERATE:** It is the duty of every Constable to observe and obey this rule. Constables shall also obey all orders of Boston Police Officers in matters involving the need for police action or service. It is the duty of every Constable to cooperate with Boston Police Officers. Boston Police Officers, in turn, shall cooperate with a Constable in the performance of his/her respective duties, rendering assistance as needed and only assuming control of a situation if required to maintain public safety.

When an incident involving a Constable requires reporting, Officers shall submit an incident report to the District responsible for the area in which the incident occurred. The Constable shall provide a copy of the incident report no later than 72 hours after the incident to the Licensing Unit.

**Sec. 8 BADGES AND IDENTIFICATION CARDS:**

- A. The Licensing Unit shall issue an identification card to a Constable upon his/her appointment and payment of required fees.  
The identification card shall include:
  - The Constable's name;
  - The name of his/her employer (if applicable);
  - The Constable's photograph;
  - Whether the Constable is also separately licensed to carry a firearm;
  - The date of expiration of the Constable's license; and
  - The Constable's license number.
- B. The Licensing Unit shall also issue an official City of Boston Constable badge to the Constable. The badge number shall correspond to the license number on the Constable's identification card.
- C. A Constable shall carry the Department issued identification card and badge while acting in his/her official duties. A Constable shall surrender his/her identification card and badge to the Licensing Unit at the end of his/her term of service, when he/she resigns or is suspended, or when his/her license expires or is revoked.
- D. If an identification card or badge is lost, the Constable shall notify the Licensing Unit either verbally or in person by the next business day and in writing within 72 hours. The Licensing Unit shall have the discretion to decide whether to issue or to decline to issue a new identification card or badge pending a decision by the Police Commissioner as to whether disciplinary action is warranted.
- E. All identification cards and badges remain the property of the Boston Police Department.

- F. A Constable shall prominently display his/her identification card and badge while performing his/her duties. A Constable shall only display or present the identification card and badge issued by the Boston Police Department. A Constable shall not display any other identification card or badge representing himself/herself as a Constable.
- G. Upon request from any member of the public, a Constable shall identify himself/herself as a City of Boston Constable, present his/her identification card and badge and provide his/her Constable license number to the inquiring party.
- H. Constables shall not duplicate, photocopy, or in any way replicate either the identification card or the badge issued by the Department.

**Sec. 9 EQUIPMENT RESTRICTIONS:** A Constable is prohibited from using or carrying certain equipment during the performance of his/her duties. A Constable shall not:

- Carry any service baton, handcuffs, chemical incapacitating agent or other weapon-like device unless he/she has been trained in the use of that implement in a course of instruction approved by the Police Commissioner;
- Use a dog (other than a dog licensed as a service dog) for any purpose; and
- Equip or use motor vehicles with blue lights, sirens or vehicle logos and/or markings that include the words "Boston," "Police," "Constables," or the city or state seal. The Licensing Unit may approve a separate application for the use of blue lights and/or a siren after due consideration of the individual Constable's suitability, needs, driving history and criminal history.

**Sec. 10 FIREARMS:** The Boston Police Department does not automatically grant a License to Carry a Firearm to persons holding a Constable's license. The Department does not give any preference to a Constable who applies for a License to Carry a Firearm.

**Sec. 11: USE OF FORCE:** Constables shall not use force unless absolutely necessary. A Constable shall make every effort to alert the Boston Police Department prior to an incident where the use of force may be necessary. If force is required and it is impossible to alert the Department prior to using such force, the Constable shall follow Boston Police Department Rules and Procedures 303, Deadly Force; 303A, Use of Less-Lethal Force; and 304, Use of Non-Lethal Force.

**Sec. 12: REPORTING THE USE OF FORCE WHILE ACTING AS A CONSTABLE:**

- A. **Initial Notification of Use of Deadly Force:** A Constable who discharges his/her firearm or uses deadly force while acting as a Constable shall immediately notify, through 911, the Boston Police Operations Division Duty Supervisor. The Duty Supervisor shall then follow all Department Rules and Protocols to investigate fully the incident as if any Officer had been involved. Any Constable using deadly force shall surrender his/her firearm to the responding Patrol Supervisor who shall forward the firearm to the Ballistics Unit for examination.

- B. Reporting Requirements for the Use of Non-Lethal Force:** Any Constable who uses non-lethal force while acting as a Constable shall immediately make or cause to be made a report to the District wherein the incident occurred. In the event that a Constable is injured and unable to write a police report, a Patrol Supervisor shall interview the Constable and reduce his/her verbal report to writing. The District Commander shall forward a copy of the Constable's report, along with the investigating Superior Officer's report and a separate report that includes their findings and recommendations, through the chain of command, to the Licensing Unit no later than 15 days from the date of the incident.

**Sec. 13 DUTY WHEN ARRESTING AND TRANSPORTING PRISONERS:**

Constables, upon arresting an individual, shall immediately transport that individual to the Court of Jurisdiction, or if that Court is closed, to the Keeper of the Jail (the Boston Police Department District Captain or Commander of the area in which the arrest occurred). The jail is to remain accessible to licensed Constables according to M.G.L. Chapter 40, Section 37. If a Constable discovers contraband, such as illegal drugs or firearm(s) during an arrest, he/she shall notify the Boston Police Department of the discovery either through 911 or directly at the local district and immediately relinquish any contraband to the custody and control of a Boston Police Officer.

**Sec. 14 STANDARD OF CONDUCT:** A Constable shall know and comply with this rule and all laws and ordinances. Violations or offenses that may result in disciplinary action being imposed by the Police Commissioner, up to and including license suspension and recommendation of revocation to the Mayor of the City of Boston, are:

- Violating of any section of this rule;
- Violating or being charged with violating any Federal or state law or local ordinance (as confirmed by annual review of applicant's or Constable's criminal record);
- Violating or becoming the subject of any no contact, protective or restraining order issued under M.G.L. Chapters 208, 209, 209A or 209C;
- Drinking alcoholic beverages while acting as a Constable;
- Using controlled substances (as defined in M.G.L. Chapter 94C);
- Abusing anyone by word or act;
- Assuming Constable or police powers outside the jurisdiction of his/her license;
- Interfering with police officers while in the performance of their duties;
- Failing to obey a lawful order by any officer of the Boston Police Department;
- Violating any firearm regulation or violating any conditions of the firearm license;
- Carrying unauthorized equipment or an unauthorized firearm while acting as a Constable;
- Serving or acting as a Constable while his/her Constable's license is suspended; or,
- Charging an unreasonable fee for any service rendered.

**Sec. 15 CRIMINAL COMPLAINTS, ARRESTS OR VIOLATIONS OF RULE 400C; DUTY TO NOTIFY THE LICENSING UNIT:**

- A. When a Constable is arrested and charged with the commission of any crime, he/she shall notify the Licensing Unit in person or by telephone no later than the next business day and in writing within 72 hours of the arrest. When a Constable is arrested and charged with a felony, the Licensing Unit shall immediately suspend the Constable's license pending disposition of the case. In the event that a Constable is arrested or charged with a misdemeanor, the Licensing Unit Commander shall determine whether the Constable's license shall be suspended pending completion of an investigation and disposition of the criminal complaint.
- B. When a Constable has been arrested, or when criminal charges have been filed against him/her, he/she shall ensure that copies of any incidents reports, applications for complaint or complaints regarding the arrest or the filing of criminal charges are forwarded to the Licensing Unit within 72 hours.
- C. When a Constable is arrested in the City of Boston, the Duty Supervisor shall seize the identification card and badge issued by the Boston Police Department in the possession of the arrested Constable and any Firearm Identification Card or License to Carry a Firearm. The District Commander shall forward all of these items to the Licensing Unit.
- D. Any Constable who is arrested or who learns that an application for criminal complaint has been made against him/her or that a complaint, indictment or restraining order has been issued against him/her shall notify the Licensing Unit by the next business day in person or by telephone and in writing within 72 hours. Such notification shall include a copy of the complaint sought or issued and the date(s) of any court proceeding(s).
- E. Any Department employee who observes or becomes aware of an alleged violation of this rule by a Constable shall make a report to his/her District or Unit Commander. The District or Unit Commander shall forward a copy of any such report to the Licensing Unit. The Licensing Unit shall determine whether the Constable's license shall be suspended pending completion of an investigation and the findings regarding the report rule violation.

**Sec. 16 INVESTIGATION OF COMPLAINTS:** The Licensing Unit Commander, the Bureau of Professional Standards and Development, or designated representatives of each, shall investigate any complaints or allegations of misconduct under any section of this rule. An investigation shall commence upon a report of malfeasance by any licensed Constable. The Licensing Unit investigating officer shall submit a written report, with findings, to the Licensing Unit Commander for review. The Licensing Unit Commander shall forward reports and make recommendations no later than 45 days from the date of the complaint to the Police Commissioner for possible disciplinary action.

**Sec 17 DISPOSITION AND NOTICE:** If the Police Commissioner determines that a Constable has violated this rule, the Commissioner may issue an oral or written reprimand or a suspension. The Commissioner may also recommend revocation of the Constable's license to the Mayor of the City of Boston. The Licensing Unit shall notify the Constable by certified mail, return receipt requested, of any action taken by the Commissioner.

Edward F. Davis  
Police Commissioner

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 16.

## **Rules and Procedures**

### **Rule 401**

**April 13, 1990**

#### **Rule 401 - Hawkers and Peddlers**

This rule is effective immediately, and establishes guidelines and regulations for hawkers and peddlers. It supersedes all previous rules, regulations, orders and other Departmental directives on the subject of hawkers and peddlers.

Sec. 1 GENERAL CONSIDERATIONS: This rule, issued under the authority granted by the City of Boston Code (CBC) St. 14, s. 164, should be read in conjunction with various other provisions of state or local law, most importantly, G. L. c. 101, s. 13 et seq. (defining hawkers and peddlers and providing for state licensing) the balance of CBC St. 14, s. 164 (relating to the issuance of licenses by the commissioner of Public Works for the storage and sale of merchandise on public streets), CBC Ord. 14, s. 269 (relating to the issuance of licenses by the Commissioner of Health and Hospitals or the Mayor and Council for the hawking or peddling of various foods), CBC Ord. 14, s. 270 (forbidding the crying of wares so as to disturb peace and comfort), CBC Ord. 14, s. 271 (forbidding the selling of food in a manner tending to injure or disturb the public health or comfort or in certain vehicles), CBC Ord. 14, s. 282 (forbidding advertising on foot or distributing handbills or advertising by vehicles north and east of Massachusetts Avenue except by permit issued by the Commissioner of Public Works).

#### Sec. 2 DEFINITIONS

(a) Hawkers and Peddlers: Any person either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefore, any goods, wares or merchandise, either on foot, or on or from an animal or vehicle.

(b) Business Section: That part of the city bounded as follows: The Massachusetts Turnpike Extension on the south; Granby Street on the west from the Massachusetts Turnpike to the Charles River; the Charles River on the north; the Southeast Expressway from Charlestown to Commercial Street; north on Commercial Street to the waterfront; south on the waterfront and the Fort Point Channel to the Massachusetts Turnpike Extension.

(c) Restricted Territory: That part of the city bounded as follows:

Charlestown.

That part of the North End of Boston that lies north of the Southeast Expressway and west of Commercial Street out to the harbor.

That part of South Boston that lies north of Summer Street out to the harbor.

That area which begins at Dartmouth and Massachusetts Turnpike Extension intersection, southerly on Dartmouth Street to the Southwest Corridor, southwesterly along the Southwest Corridor to Ruggles Street, northwesterly on Ruggles Street to Avenue Louis Prang, northerly on Avenue Louis Prang to the Fenway, northerly on the Fenway to Park Drive, northerly on Park Drive to Commonwealth Avenue, westerly on Commonwealth Avenue to the Boston University Bridge and northerly on the Boston University Bridge to the Charles River.

Sec. 3 GENERAL REQUIREMENTS: It shall be lawful for hawkers and peddlers to carry on their business at reasonable hours in all parts of the city, except in those parts designated as the business section or as restricted territory wherein the conditions and restrictions contained in s. 4 and 5 shall apply provided:

(a) They do so in conformity with the laws of the Commonwealth, and the Ordinances and regulations of the city;

(b) That unless they are specifically licensed to do so by the Commissioner of Public Works they shall not remain in one place or within 200 yards thereof while offering merchandise for sale in a public street for longer than five minutes except to complete a sale. This rule shall not be construed so as to prohibit hawkers and peddlers from proceeding, as their present practice is, from house to house and stopping thereat, even should such houses be less than 200 yards apart, for the purpose of inquiring whether or not their goods are desired by the residents;

(c) That they make reasonable announcement of the merchandise which they have for sale, but loud outcries likely to disturb or annoy other persons will not be permitted at any place or time: and

(d) That they carry on their business with motor vehicles or vehicles drawn by horses, or on foot, with trays, baskets, handcarts, or other easily moveable appliances.

Sec. 4 BUSINESS SECTION REQUIREMENTS: Within the business section, it shall be lawful for hawkers and peddlers to carry on their business, subject to the provisions of s. 3, but only between the hours of 8:00 p.m. and 8:00 a.m., except they may also carry on their business by stopping and standing subject to the direction of the police for the sale of merchandise outside the curbstone in the following streets: Blackstone Street, between Haymarket Square and Clinton Street, both sides; North Street, between Blackstone and Union Streets, west side; and North Street from North Square to Clark Street, both sides.

Sec. 5 RESTRICTED TERRITORY REQUIREMENTS: Within the restricted territory, hawkers and peddlers may carry on their business subject to the provisions of s. 3 at reasonable hours, but

between 8:00 a.m. and 8:00 p.m. they may use only motor vehicles or vehicles drawn by horses, or trays, baskets, or other appliances not in the nature of stands carried by the person using them.

Sec. 6 SPECIALLY DESIGNATED AREAS: Specifically designated areas exempt from restrictions of s. 4 and 5 may be established from time to time by the Commissioner, after holding public hearings.

Sec. 7 EXEMPTION FOR NEWSPAPERS: The selling of newspapers and other periodical publications at retail in the public streets shall not be restricted by these rules, except that s. 3 (c) of these rules shall apply to persons so engaged, and that no stand encroaching on a public street or sidewalk shall be maintained without a license from the Commissioner of public works.

Sec. 8 A hawker and peddler who sells or barter or carries for sale or barter or exposes for sale any goods, wares or merchandise without having been issued a hawker and peddler license by the director of standards in the executive office of consumer affairs of the Commonwealth of Massachusetts may be punished by a fine of not more than two hundred dollars (M.G.L. ch. 101, sec. 14). A police officer may arrest without a warrant any person whom he has reason to believe is violating the above statute (M.G.L. ch. 101, sec. 32).

Sec. 9 Any person who violates this rule may be punished by a fine of not more than twenty dollars for the first offense and not more than one hundred dollars for any subsequent offense, and any such person who is unknown to a police officer witnessing such offense may be arrested without a warrant (Ch. 584, sec. 10, Acts of 1907; C.B.C. St. 14, sec. 164).



## **Rules and Procedures**

### **Rule 402**

**December 26, 1990**

#### **Rule 402 - PAWNBROKERS**

This rule establishes Boston Police Department regulations for the licensing of Pawnbrokers. Its provisions are effective immediately, replacing Rule No. 68, of the 1950 Boston Police Department Manual, and superseding all previously issued bulletins, orders and regulations concerning Pawnbrokers.

Sec. 1 The Police Commissioner may license suitable persons to be pawnbrokers, pursuant to law. Such licenses shall not be valid to protect the holders thereof in a building or place other than that designated in the license, unless consent to removal is granted by the Police Commissioner.

Applications for new licenses under this rule may be filed at any time with the Licensing Unit. Applications for the reissue of licenses already existing should be filed at least thirty days before the expiration of such licenses. All licenses issued under this rule shall expire annually on the first day of May, except that licenses may be issued in April to be valid for twelve months beginning the next succeeding first day of May. Persons whose licenses have expired and have not been reissued will be liable to prosecution if carrying on the business for which the license is required.

Every person so licensed shall, at the time of receiving such license, file a bond in the sum of three thousand dollars, as provided in M.G.L. ch. 140, s. 77.

Persons who engage in or carry on the business of lending money on mortgages, deposits or pledges or wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender, must be licensed as pawnbrokers. This provision, however, does not apply to loans made on stock, bonds, notes or other written or printed evidence of ownership of property or of indebtedness to the holder or owner of such securities (G.L. c. 140, ss 70-85).

Sec. 2 Licensed pawnbrokers may charge the following rates of interest:

(a) For loans up to and including twenty-five dollars (\$25), one percent a week (and each fraction thereof at the same rate).

(b) For loans over twenty-five dollars (\$25), three percent (3%) per month (and each fraction thereof at the same rate).

No such pawnbrokers shall charge or receive any greater rate of interest and interest shall be determined on the precise sum advanced by the lender.

No pawnbroker shall make or receive any extra charge or fee for storage, care or safe-keeping of any goods, articles or thing pawned with him (G.L. c. 140, s. 78).

Sec. 3 Any officer of the department may, at any time, enter upon any premises used by a licensed pawnbroker for the purpose of his business, ascertain how he conducts his business and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories shall be exhibited to any officer whenever a demand shall be made for such exhibition (G.L. c. 140, s. 78) (Penalty for refusal, G.L. c. 140, s. 74).

Sec. 4 Every licensed pawnbroker shall, at the time of making any loan, attach a number to the article taken in pawn, and shall make entry of such number in the book provided for by section 5.

Sec. 5 Every licensed pawnbroker shall keep a book of a style and size to be approved by the Police Commissioner, in which shall be legibly written in the English language, at the time of making each loan, an account and description, including all distinguishing marks and numbers, of the goods, articles or things pledged or pawned, the amount of money loaned thereon, the day and hour when it was pawned, the rate of interest to be paid on such loan, the number of such articles as provided for by section 4, and the name, age and residence of the person pawning same. No entry made in said book shall be erased, obliterated or defaced.

Every such pawnbroker shall take a digital photograph of any person pawning or pledging articles. The digital photograph of the person pawning or pledging articles must be of sufficient quality to allow a viewer to distinguish facial characteristics of the person. The digital photograph of the person pawning or pledging articles shall be linked to the corresponding transaction in the pawnbroker's records and transmitted pursuant to Section 8. Each transaction shall be assigned a number and the records shall be maintained in numerical order corresponding to the date and time of the transaction.

For all loans, every pawnbroker shall require positive identification and shall record the type of identification presented and the date of birth of any person pawning or pledging any article. Positive identification shall mean any picture identification card issued by a governmental agency.

Sec. 6 Each pledger shall be required by the pawnbroker to sign his name, age and address on a card, the style and size of which shall be approved by the Police Commissioner. In the event that the pledgor is unable to write, the pawnbroker shall fill in the name, age and address on such card, together with a notation stating that the pledgor was unable to do so. Such card shall be retained seven years in an alphabetical index file by licensed pawnbrokers.

Sec. 7 Every pawnbroker shall, at the time of making such loan, deliver to the person who pawns or pledges any goods, article or thing, a memorandum or note signed by him, containing the substance of the entry required to be made in his book by the provisions of Section 5; and no charge shall be made or required by any pawnbroker for any such entry, memorandum or note (G.L. c. 140, s. 80).

Sec. 8 Every such pawnbroker shall transmit a record of his transactions electronically to the Boston Police Department via the Regional Information Sharing Systems (RISS). Such transmissions shall be made every business day before the hour of 10 a.m. The record transmitted must include all articles pawned or pledged the preceding business day, a number for each transaction, the date and time of the transaction, the person pledging or pawning the article's name, address, age, an accurate description of all items pledged or pawned, the amount of money loaned thereon, the rate and interest to be paid on such loan, and the digital photograph described in Section 5.

In order to access RISS, every such pawnbroker shall complete an authorization form provided by the Boston Police Department and allow a representative of the New England State Police Information Network (NESPIN) to enter his shop and install the software necessary on the pawnbroker's computing device to allow the pawnbroker to electronically transmit a record of his transactions.

Sec. 9 Every licensed pawnbroker shall post in a conspicuous place in his shop or office a copy of the statutes, ordinances and police regulations relating to pawnbrokers, to be furnished by the police department, and shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

No pawnbroker shall place or maintain any signs or devices upon or in connection with his licensed premises indicating or tending to indicate that any form of business is conducted therein which he is not legally authorized to pursue.

Every licensed pawnbroker shall conspicuously display his pawnbroker's license in his shop.

Sec. 10 No pawnbroker shall have his shop open for the transaction of business, except between sunrise and 9 o'clock in the evening of any weekday except Saturday, on which day such shop may be kept open from sunrise until 10 o'clock in the evening.

Sec. 11 Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least four months after the date of deposit, if not of a perishable nature; and, if perishable, for at least one month after said date or be retained in a bank vault within the City of Boston so long as the pawnbroker is able to produce said goods on demand of a police officer.

After the expiration of the applicable period of time, he may sell the article by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand.

No such sale of any article which is not of a perishable nature shall be made unless not less than ten days prior to the sale a written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence, as appearing in the records of such pawnbrokers. Proof of registered mail shall be kept on file for one (1) year after the date of sale.

No article taken in pawn by such pawnbroker shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding.

Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section (G.L. c. 140, s. 71).

Sec. 12 No pawnbroker shall make a loan, directly or indirectly, to a minor, knowing or having reason to believe him to be such.

No pawnbroker shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun (G.L. c. 140, s. 131B).

No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns or machine guns.

Sec. 13 Complaints concerning licensed pawnbrokers shall be investigated by the Licensing Unit of the Boston Police Department. An investigation shall be made in all such instances and a report with recommendations shall be forwarded to the Police Commissioner.

In the event the Police Commissioner determines that disciplinary action should be instituted against a licensed pawnbroker, the Licensing Unit shall cause to be served upon the licensed pawnbroker notice as to the time, date and place of hearing of the charges with a statement of the reasons for the proposed disciplinary action. Hearings shall be conducted in accordance with the applicable sections of Department Rule 108.

Sec. 14 The Police Commissioner may suspend or revoke licenses provided for by this rule for any cause which the Police Commissioner deems sufficient. Offenses which may result in the suspension or revocation of a pawnbroker's license include, but are not limited to the following:

(a) A violation of any section of this department rule.

(b) Violation of any provision of any statute or ordinance.

Notes: Amended by SO 13-007, issued March 1, 2013, amended section 5, 8 and 9.

**HACKNEY CARRIAGE RULES AND REGULATIONS**

**SECTION 1: OVERVIEW**

**I. Definitions**

- a. Boston Police Officer: An individual appointed by the Police Commissioner to carry out the functions of the Boston Police Department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the proper enforcement of all laws and ordinances and the effective delivery of police services.
- b. Hackney Carriage: A vehicle used or designed to be used for the conveyance of persons for hire from place to place within the city of Boston, except a street or elevated railway car or a trackless trolley vehicle, within the meaning of Massachusetts General Laws chapter 163 section 2, or a motor vehicle, known as a jitney, operated in the manner and for the purposes set forth in Massachusetts General Laws chapter 159 A, or a sight-seeing automobile licensed under Chapter 399 of the Acts of 1931. Also known as a taxicab or taxi.
- c. Inspector of Carriages: A superior officer of the Boston Police Department assigned by the Police Commissioner to command the Hackney Carriage Unit.
- d. Licensed Hackney Driver: An individual, also referred to as a “Driver,” granted a license to operate a Hackney Carriage by the Police Commissioner.
- e. Medallion Owner: An individual, also referred to as an “Owner,” who has been deemed a suitable individual by the Police Commissioner to own a Hackney Carriage Medallion and who has purchased one or more such Medallions.
- f. Police Commissioner: An individual appointed by the Mayor of the City of Boston who commands the Boston Police Department and has powers over licensees of such Department as per Chapter 291 of the Acts of 1906 and Chapter 322 of the Acts of 1962, as well as powers regarding the Hackney Carriage industry as per Chapter 392 of the Acts of 1930.

## **II. Police Commissioner's Regulation of the Hackney Carriage Industry**

- a. Pursuant to the authority granted by the Commonwealth of Massachusetts and the City of Boston, the Police Commissioner of the Boston Police Department is granted the authority to regulate the Hackney Carriage industry within the City of Boston. See Appendix 1.
- b. To this end, the Commissioner has promulgated these regulations and established an enforcement unit within the Boston Police Department to oversee the implementation and enforcement of these regulations.
- c. This document is intended to be a comprehensive and definitive listing of all regulations affecting the Hackney Carriage industry in the City of Boston as of August 29, 2008.
- d. From time to time, the Police Commissioner may amend these regulations in order to promote public wellbeing, convenience, safety, and to respond to the changing needs of the industry.

## **III. Timelines Contained Herein**

All timelines as referred to in this rule are guidelines, unless required by law. As such, no time limit is placed on the decision making process or powers of the Police Commissioner or his designee(s). A failure to adhere to such timelines shall not be deemed to vitiate the discipline proscribed or the administrative process indicated.

## **IV. Reservation of Police Commissioner as to Powers and Duties**

The Police Commissioner hereby reserves to himself all powers and duties under Chapter 392 of the Acts of 1930, as amended, to which these rules and regulations are subject.

## **V. Reservation of Authority**

As described above, the Police Commissioner may from time to time delegate his authority to regulate Hackney Carriages and his authority to enforce those regulations. These delegations, for whatever purpose, or duration, shall not be construed as a surrender of authority and power to regulate Hackney Carriages within the City of Boston. The Police Commissioner reserves all power and authority granted by the laws of the Commonwealth of Massachusetts and the City of Boston

## **VI. Delegation of Authority**

The Inspector of Carriages supervises the processing of all applications for Hackney Carriage medallions and Hackney Carriage Driver's licenses, as well as regulating the operation of the Hackney Carriage industry within the city. The Inspector of Carriages

shall have the authority to make minor rules necessary for the conduct and administration of his duties and may impose discipline up to and including suspension for violations of those rules.

## **SECTION 2: APPLICATIONS**

### **I. Definitions**

- a. Administrative Hearing Officer: An individual designated by the Police Commissioner to manage the scheduling of hearings, to rule on pre- and post-hearing motions, and to conduct pre-hearing conferences and disciplinary trial boards.
- b. Appeal Board: A board of three Boston Police Department Captains selected by the Police Commissioner or his designee to hear appeals of decisions of the Inspector of Carriages according to Rule 403.
- c. Closing: A term denoting the actual sale or transition in ownership of a Medallion.
- d. Director of Licensing: An individual designated by the Police Commissioner to command the Licensing Division of the Boston Police Department.
- e. Driver's File: A file maintained at the Hackney Carriage Unit that includes the individual's Application for a Driver's License, any subsequent Application(s), as well as a record of the Driver's disciplinary and License history.
- f. Hackney Carriage Unit: The enforcement unit designated by the Police Commissioner to implement, oversee, and enforce these regulations. Also known as the Office of the Inspector of Carriages.
- g. Hackney Driver's License: The license granted to an individual to operate a Hackney Carriage, as per a format determined by the Inspector of Carriages.
- h. Legal Advisor's Office: This office formulates legal opinions and provides legal perspectives on policy matters. Also, provides legal advice to members of the Department, represents the Department in selected civil litigation, presents cases where disciplinary charges are brought against Department employees, and defends the Department in employment related matters.
- i. Medallion: A license granted to a suitable individual to operate a vehicle as a Hackney Carriage in the City of Boston.
- j. Medallion File: A physical file kept at the Office of the Inspector of Carriages that includes documentation of the ownership, the history of ownership, the



Corporate name chosen by the Owner, applications and suitability determinations, liens, and any Hackney Violation, Hackney Complaint, or discipline related to the Medallion.

- k. Transfer of Medallion: The process by which a Medallion is sold or otherwise conveyed from one individual or corporation to another suitable individual or corporation.

## **II. Medallion-Related Applications**

- a. Application for New Medallion:  
*Reserved*

- b. Application for Transfer of Medallion:

- i. Suitability: Individuals deemed suitable pursuant to Chapter 392 of the Acts of 1930 by the Inspector of Carriages shall be granted permission to purchase a Medallion. As the courts have held, such determinations of the Inspector of Carriages as to who is suitable may not be arbitrary and capricious.

- ii. Process:

1. An individual who seeks to purchase a Medallion shall procure an agreement to purchase the Medallion from an existing Owner who seeks to sell their Medallion and will forward the agreement to the Inspector of Carriages along with any documents and information as the Inspector shall require. Such requirements shall be listed in writing and a copy of the requirements shall be available from the Hackney Carriage Unit upon request.
2. The Inspector of Carriages will notify the purchaser within ten (10) business days of receipt of the status of the application to purchase a Medallion and will make every effort to notify the purchaser within ten (10) business days as to whether the purchase will be approved.
3. Any individual seeking to purchase a Medallion shall notify the Inspector of Carriages twenty (20) days before the Closing. The Closing shall then be scheduled by the Inspector of Carriages to occur at a mutually agreeable time at the Office of the Inspector of Carriages in the presence of the Inspector of Carriages or his designee.

iii. Appeal of Denial of Transfer of Medallion:

1. An individual who wishes to appeal the denial of an application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the application denial.
2. The Director of Licensing will forward the written appeal, the application file, the Inspector of Carriages' denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.
3. The Commissioner will render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.
4. Any person aggrieved by a final decision issued under this section may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts, and must notify the Inspector of Carriages in writing within thirty (30) days of the filing of that appeal so that the administrative record may be forwarded to the appropriate Court.

c. Medallion Renewal Applications:

i. Suitability: Individuals shall be granted permission to renew a Medallion if deemed suitable pursuant to Chapter 392 of the Acts of 1930 by the Inspector of Carriages. As the courts have held, such determinations of the Inspector of Carriages as to who is suitable may not be arbitrary and capricious.

ii. Process:

1. The Medallion Owner will submit such documents and information, as the Inspector of Carriages shall require. Such requirements shall be in writing and a copy of said requirements shall be available from the Hackney Carriage Unit upon request.
2. The Inspector of Carriages will notify the Medallion Owner within twenty (20) days of receipt of renewal application of the status of the application to renew a Medallion and will make every effort to notify the Owner within twenty (20) days as to whether the renewal application will be approved.

iii. Appeal of Denial by Inspector of Medallion Renewal:

1. An individual who wishes to appeal the denial of their application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the application denial.
2. The Director of Licensing will forward the written appeal, the application file, the Inspector of Carriages' denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.
3. The Commissioner will render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.
4. Any person aggrieved by a final decision issued under this section may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts, and must notify the Inspector of Carriages in writing within thirty (30) days of the filing of that appeal so that the administrative record may be forwarded to the appropriate Court.

- d. Medallion File: All application materials and other documents referred to in this section shall be retained as part of the Medallion File.

### **III. Hackney Carriage Driver's License**

a. License Application Procedure and Requirements:

- i. Any person seeking to become a licensed Hackney Carriage Driver or to renew a Hackney Carriage Driver's license in the City of Boston must present themselves at Boston Police Headquarters and must complete an application for a new Hackney Driver's License. Such applications shall be available from the Hackney Carriage Unit.
- ii. Any person who submits an application for a license, or to renew a license, with untruthful, deceptive or fraudulent information shall have his or her license application or his or her renewal application denied immediately.
- iii. The Applicant must:
  1. be twenty-one (21) years of age or older;

2. pass a standard examination demonstrating the ability to speak, read, write and understand the English Language;
3. participate in Hackney Carriage testing and training as determined by the Inspector of Carriages;
4. have an original Birth Certificate, Alien Card, Asylum Document, US Passport or Naturalization Papers;
5. not have a Hackney Carriage Driver's License that is revoked or suspended in any jurisdiction;
6. have a valid Massachusetts Driver's License;
7. have had a Driver's license in the United States for at least two (2) years;
8. not have been adjudged a Habitual Traffic Offender, as defined by Massachusetts General Law Chapter 90 section 22F, or the equivalent in any jurisdiction, within the past five (5) years;
9. not have any outstanding or unresolved driving infractions which could result in the applicants Driver's license being suspended or revoked in any jurisdiction;
10. not have had his or her Driver's License suspended for five (5) or more Surchargeable Incidents<sup>1</sup>, as defined by Chapter 211 of the Code of Massachusetts Regulations section 134, or the equivalent in any jurisdiction, within the past five (5) years;
11. not have more than four violations of the Traffic Laws and/or At-Fault Accidents<sup>2</sup> as defined by Chapter 211 of the Code of Massachusetts Regulations section 134 or an equivalent department in the last three (3) years (violations and accidents occurring on the same date will count as only one) in any jurisdiction;
12. not have any Operating Under the Influence of drugs or alcohol convictions or dispositions under Massachusetts General Law Chapter 90 section 24D within the past five (5) years or the equivalent in any jurisdiction;

---

<sup>1</sup> Currently, a Surchargeable Incident is "an at fault accident, traffic law violation, or Comprehensive Coverage Claim, which may result in an increase in the Policy Holder's Premium."

<sup>2</sup> Currently, an At-Fault Accident is "an accident involving a vehicle subject to 211 CMR 134 wherein the Involved Operator was more than 50% a fault, as determined by the application of the Standards of Fault of the Board of Appeal."

13. not have any felony convictions within the last five (5) years in any jurisdiction;
14. not have any drug convictions in the last five (5) years in any jurisdiction;
15. not have any dispositions for a criminal offense, in any jurisdiction, that would result in the denial of a license, including admissions to sufficient facts or continuances of an offense without resolution, unless the circumstances of such incident are reviewed by the Inspector of Carriages as to the specific facts and circumstances and the applicant is thus approved by the Inspector of Carriages;
16. not be required to register as a sex offender in any jurisdiction; and
17. not have any outstanding or unresolved criminal court cases in any jurisdiction which could result in the license being denied if the Applicant was convicted of the alleged offense.

b. License Renewal and Expiration:

- i. A Hackney Carriage Driver's License must be renewed annually.
  1. A Hackney Carriage Driver's License shall expire upon whichever of the following events occurs first:
    - a. the one year anniversary of the date of issuance;
    - b. the Hackney Carriage Driver's birthday;
    - c. the date the Hackney Carriage Driver's ICE Employment Authorization Card expires; or
    - d. any other date as determined by the Inspector of Carriages.
- ii. A renewal application for a Hackney Carriage Driver's License shall be considered as if the Hackney Carriage Driver were a new applicant, but a renewal applicant will not be required to participate in Hackney Carriage testing and training as determined by the Inspector of Carriages.
- iii. If an individual fails to apply to renew his or her Hackney Carriage Driver's License, that license shall expire.

- iv. Any applicant for renewal whose license has been expired for more than seven (7) business days shall be required to participate in Hackney Carriage testing and training as determined by the Inspector of Carriages.
- c. Suitability: All license applicants must be suitable individuals in addition to meeting the above requirements. Nothing herein shall limit the Inspector of Carriages' power to deny an application or renewal application should he determine that the applicant is not a suitable Hackney Carriage Driver. As the courts have held, such determinations of the Inspector of Carriages as to who is suitable may not be arbitrary and capricious.
- d. Appeal of Denial of Application for Hackney Carriage Driver's License:
  - i. An individual who wishes to appeal the denial of an application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the application denial.
  - ii. The Director of Licensing will forward the written appeal, the application file, the Inspector of Carriages' denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.
  - iii. The Commissioner will render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.
  - iv. Any person aggrieved by a final decision issued under this section may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts, and must notify the Inspector of Carriages in writing within thirty (30) days of the filing of that appeal so that the administrative record may be forwarded to the appropriate Court.
- e. Driver's File: All application materials and other documents referred to in this section shall be retained as part of the Driver's File.

## SECTION 3: VEHICLES

### I. Definitions

- a. Boston Licensed Taxi Decal: A sticker, as supplied by the Hackney Carriage Unit, affixed to locations on the taxi indicating the vehicle is an official Boston Licensed Hackney Carriage.
- b. Boston Police Hackney Vehicle License (or “Tin”): The actual license, usually in the form of a metal plate, affixed to a vehicle operating as a Hackney Carriage indicating that the Owner of a certain Medallion has appointed that vehicle as the one to operate under his Medallion as a Hackney Carriage in the City of Boston. This is commonly referred to as “the tin” or “the Medallion.”
- c. City of Boston Department of Weights and Measures: A Division of the City of Boston that enforces Massachusetts General Law relating to the inspection of commercial weighing and measuring devices.
- d. Clean Taxi: A Clean Taxi is as one that meets efficiency and cleanliness standards as set forth by the Inspector of Carriages and the Commissioner of the City of Boston Environment Department. A list of acceptable vehicles will be maintained by and available from the Hackney Carriage Unit.
- e. Commonwealth of Massachusetts Inspection Sticker or Certificate of Inspection: A serially numbered, adhesive sticker, device, or symbol, as may be prescribed by the Registrar of Motor Vehicles, indicating a motor vehicle has met the inspection requirements established by the Registrar of Motor Vehicles for issuance of a certificate.
- f. Exempt Owner/Operator: An individual Owner/Operator who is exempt from Radio Association membership as per an agreement made in 1998 with the Inspector of Carriages.
- g. Leased: A business structure in which a Medallion Owner leases a Medallion to a Licensed Hackney Carriage Driver (hereinafter known as a Lessee) who then purchases and equips a vehicle as a Hackney Carriage and drives it themselves. Also known as a “Medallion-only lease.”
- h. New Motor Vehicle: A motor vehicle which has not been previously sold to any person except a manufacturer, distributor or motor vehicle dealer for resale.
- i. Protective Partition: A divider between the front and rear portions of the passenger compartment of a Hackney Carriage that has been approved by the Inspector of Carriages.

- j. Set Up Card: A document issued by the Inspector of Carriages containing the name of the Medallion Owner or Lessee and such other information as the Inspector of Carriages may from time to time determine.
- k. Taximeter: A mechanical or electrical instrument or device by which the charge for hire is calculated for distance traveled, waiting time, or toll fees, and upon which such charges shall be indicated by means of illuminated figures, as approved by the Inspector of Carriages.
- l. Trade Name: The company name selected by the Owner of the Medallion to serve as the nomenclature of the Corporation.
- m. Wheel Chair Accessible Vehicle (“WAV”): A licensed Hackney Carriage that meets the Americans with Disabilities Act specifications for Wheelchair accessibility as listed in Appendix II.

## **II. Clean Vehicle Transition and Implementation**

- a. Date of Implementation: Every vehicle put into service as a taxi as of August 29, 2008 shall be a new Clean Taxi vehicle or must have been purchased before August 29, 2008.
- b. WAV Medallion Implementation: As of August 29, 2008, all WAV Medallion vehicles put into service as a taxi must be new WAVs.
- c. Extension for Fall Inspection in 2008: Any vehicle that would have been removed from service under the model-age rule (see Section III(c)(xvii) below) at the Fall 2008 inspection shall be allowed to remain in service as a taxi until January 1, 2009. Further extensions will be granted after that date only if the Medallion Owner or Lessee can show a signed purchase and sale agreement for a new Clean Taxi or for a new WAV vehicle (if a WAV Medallion).
- d. Waiver: Single owner-operators or Lessees may petition for waiver of the Clean Taxi requirement at the discretion of the Inspector of Carriages for a vehicle owned as of August 29, 2008. Such waivers shall be granted by the Inspector of Carriages only for suitable hackney carriages and to owner-operators or Lessees upon proven financial hardship. All non-WAV vehicles used as Hackney Carriages in the City of Boston must be new, Clean Taxis by January 1, 2015, and all WAV vehicles must be new, approved vehicles by January 1, 2015.

## **III. Vehicle Requirements**

The following section describes the requirements to register a specific vehicle as a Hackney Carriage in the City of Boston.



- a. Presentation of Vehicle: The Medallion Owner or Lessee must present the vehicle to the Inspector of Carriages for approval. The vehicle shall be thoroughly inspected in regard to mechanical condition and general appearance, as per written guidelines provided by the Inspector of Carriages.
- b. Title for New Clean Taxi: The Medallion Owner or Lessee must present a copy of a motor vehicle title for a new vehicle (as defined by the Registry of Motor Vehicles) of a class of Clean Taxis as approved by the Inspector of Carriages.
- c. The vehicle must also:
  - i. Be registered to an address in the City Of Boston.
    - 1. A post office box is acceptable.
    - 2. Proof is established by submitting a copy of the Commonwealth of Massachusetts Registration to the Inspector of Carriages.
  - ii. Have a current Commonwealth of Massachusetts Inspection Sticker.
  - iii. Be outfitted with an approved Protective Partition dividing the driver's and passenger's seats as defined in writing by the Inspector of Carriages. Any such approval shall be in writing and shall be stored in the Medallion File. The Protective Partition must meet the following requirements:
    - 1. The top portion of the Partition shall be enclosed in an adequate frame and constructed of minimum thickness of 3/8" Lexan® (or equivalent as approved by the Inspector of Carriages) and shall be approved by the Inspector of Carriages before the vehicle is approved for use as a Hackney Carriage.
    - 2. The top portion of the Partition may be either stationary or may slide horizontally or vertically. If a sliding Partition is utilized, it shall be capable of being fastened in a fully closed position by the Driver and when so fastened, shall not be capable of being opened from the rear seat. The Partition may contain an appropriate opening for the payment of fares on the right half thereof.
    - 3. The Partition shall be designed so as to prevent any object from being inserted into the front of the vehicle.
    - 4. The Partition cannot obstruct either the Driver's rear vision or the passenger's view of the Driver, taximeter, or rate card.
    - 5. The bottom section of the Partition shall constitute metal covering over the entire portion of the back of the front seat.

6. When the vehicle is first placed in service as a licensed Hackney Carriage, the Partition must be new or remanufactured, and cannot be re-used from an old vehicle.
- iv. Be outfitted with an approved taximeter as defined in writing by the Inspector of Carriages. Any such approval shall be in writing and shall be stored in the Medallion File. If a Hackney Carriage does not have a fully functioning taximeter, it shall be deemed unfit for service as a Hackney Carriage. The taximeter must meet the following requirements:
    1. The taximeter must be officially sealed by the City of Boston Department of Weights and Measures.
    2. All taxicabs must have taximeters that dispense printed receipts containing the following information:
      - a. Boston license taxi number;
      - b. Date-Trip number;
      - c. Times (start and stop);
      - d. Mileage traveled (distance per trip);
      - e. Extras;
      - f. Totals;
      - g. Hackney Carriage Unit Taxi Hot Line: (617) 536-TAXI; and
      - h. Hackney Carriage Unit E-mail: [Taxi.bpd@cityofboston.gov](mailto:Taxi.bpd@cityofboston.gov)
    3. All taxicabs must have a taximeter capable of gathering, storing and retrieving the following information:
      - a. Medallion number; and
      - b. Summary of service for a one (1) year period that includes:
        - i. Total trips;
        - ii. Total fare miles; and
        - iii. Total number of fares.
  - v. Be enrolled in a Radio Association and painted with the approved Radio Association colors and markings, unless otherwise exempted pursuant to Rule 403. All Hackney Carriages must:
    1. Have a Radio:
    2. Have the approved Radio Association equipment.
    3. Only those Owner/Operator taxis exempt pursuant to the 1998 Inspector of Carriages agreement are released from this provision of Rule 403.

- vi. Display Vehicle Color:
  - 1. All taxis must be painted white as originally manufactured, including all doors, door jambs, trunk lid interiors and any other portion of the vehicle visible to the public.
  - 2. All taxis must be painted in approved Radio Association markings and colors except those Owner/Operator taxis included in the 1998 Inspector of Carriages agreement.
- vii. Obtain a Hackney Carriage Set Up Card from the Hackney Carriage Unit as per the form provided by the Hackney Carriage Unit.
- viii. Be inspected by the Hackney Carriage Unit to obtain a current Hackney Carriage Inspection Sticker.
- ix. Display a Police Medallion License “Tin”:
  - 1. Every licensed Hackney Carriage shall have affixed on the rear thereof, plainly visible to the public, a single metal plate of a style approved by the Police Commissioner, bearing the Medallion number associated with said Hackney Carriage.
  - 2. This Medallion shall be firmly fastened to the body of the vehicle using Phillips head screws in such a manner that it will not easily become detached, and under no conditions will the Medallion be attached to the Massachusetts registration plate or to the bumper of the taxicab.
- x. Be Equipped for Credit Card Processing:
  - 1. Effective January 1, 2009 all taxicabs shall be equipped with an electronic credit card processing capability. Such equipment shall allow the passenger to swipe the card in the rear compartment of the taxicab without handing the card to the Driver. Such equipment shall list fare, tolls, fees, and tips separately for processing purposes. Such equipment shall have the ability to electronically authorize the transaction in a timely manner. Such equipment will provide a printed receipt that includes:
    - a. Boston Licensed Taxi Number,
    - b. Date,
    - c. Time,
    - d. Charge Amount,
    - e. Hackney Carriage Unit Taxi Hot Line: (617) 536-TAXI, and

f. Hackney Carriage Unit E-mail: [Taxi.bpd@cityofboston.gov](mailto:Taxi.bpd@cityofboston.gov).

2. All Hackney Carriages shall have a functioning credit card reader at all times. If a Hackney Carriage does not have a functioning credit card reader, it shall be deemed unfit for service as a taxi.

xi. Have rear seats of a vinyl, washable material.

xii. Have black automotive vinyl rear floor mats that cover from door to door and are secured under the rocker panel.

xiii. Be equipped with functioning air conditioning that is capable of reaching the rear compartment upon passenger's request.

xiv. Have Locks:

1. All licensed taxis must have rear door lock handles that extend for no less than 1" to enable passengers to open the doors.
2. Passengers must be free to exit the rear compartment at any time without Driver assistance.

xv. Have a metal roof. (No sun-roofs or landau tops are allowed.)

xvi. Display Only Approved Advertisements:

1. No advertising matter shall be permitted in or upon Hackney Carriages without the written permission of the Inspector of Carriages. Such permission shall be stored with the Medallion File.
2. When the vehicle is first placed in service as a licensed Hackney Carriage, any advertising mounts must be new or remanufactured, not re-used from an old vehicle.

xvii. Follow the Model Year Rule:

No vehicle shall be allowed to remain in service as a Hackney Carriage for more than six (6) model years, except those Hackney Carriages operated by the Owner or Lessee of a single Medallion which may, upon review by the Inspector of Carriages, remain in service for seven (7) model years.

xviii. Display a Rate Card:

1. The Driver of a Hackney Carriage shall display current fare rate cards on the inside of the vehicle, in clear view of the passengers.

The cards indicate the current rate of fare as approved by the Police Commissioner.

2. These Rate Cards shall include the:
  - a. Fare Rate Card;
  - b. Logan Airport Special Emergency Conditions;
  - c. Logan International Airport Fees and Tolls; and
  - d. Transponder Card.
- xix. Have Lease/Shift Rate Stickers: Current lease/shift rate stickers shall be displayed in the Driver's compartment of the vehicle, in clear view of the Driver, in a place designated by the Inspector of Carriages. The stickers indicate the current rate as approved by the Police Commissioner.
- xx. Have a Roof Light: Effective January 1, 2010 all Licensed Boston Hackney Carriages being newly placed into service shall mount on the roof a taxi roof light, as determined by the Inspector of Carriages, that shall indicate at all times the status of the vehicle.
- xxi. Have Trouble Lights: All vehicles shall have two amber lights on the roof which can be activated via a switch capable of being reached by the Driver from behind the steering wheel. The amber sidelights shall flash when activated, and shall serve to notify police officers that the Driver of the vehicle requires police assistance.
- xxii. Have Only Authorized Decals and Signage: No stickers or decals other than those required by law or regulation or referred to herein, shall be placed on licensed Hackney Carriages unless expressly authorized by the Inspector of Carriages. The Inspector of Carriages may require, with seven (7) business days written notice, any decal, sticker, or signage be affixed to any Hackney Carriage. Such stickers may be obtained from the Office of the Inspector of Carriages.
- xxiii. Have Only Authorized Lettering and Numbering: Every Hackney Carriage must have lettering that includes the Medallion number 2" back from the forward edge of each vehicles front fender, and on the trunk so as to be legible from the rear of the vehicle. Each Hackney Carriage must also have the Boston Licensed Taxi decal on both rear fenders.
  1. Radio Association Members must have the following displayed on their Hackney Carriage:
    - a. Radio Association's color scheme as approved by the Inspector of Carriages,

- b. Medallion numbers with 4” lettering in Arial black font in a single color without shadowing,
- c. Boston Licensed Taxi decals on both rear fenders, and
- d. Trade Name Lettering with 2” lettering in Arial black font in a single color without shadowing

2. Exempt Owners/Operators must have the following displayed on their Hackney Carriages:

- a. Medallion numbers with 4” blue lettering in Arial black font in a single color without shadowing displayed 2” from the forward edge of the vehicle front fenders, and displayed on the trunk so as to be legible from the rear of the vehicle,
- b. Boston Licensed Taxi decals on both rear fenders, and
- c. Trade Name Lettering with 4” blue lettering in Arial black font in a single color without shadowing

xxiv. Be in Clean Condition:

- 1. The Medallion Owner or Lessee must ensure the vehicle is clean at all times.
- 2. The exterior of all Taxicabs shall be washed daily.
- 3. The interior (Driver’s compartment, rear seat area and trunk) shall be vacuumed, the windows and partition washed, and seats wiped daily.
- 4. No Shift Driver shall be made to pay for washing or cleaning of the vehicle exterior or interior. No Shift Driver shall be made to hand wash a vehicle.

xxv. Be Free of Unsafe Damage:

- 1. Any damage to the vehicle must be repaired within a reasonable time, as determined by the Inspector of Carriages given the nature of the damage.
- 2. Any damage deemed by the Hackney Carriage Unit to be unsafe, must be repaired immediately and while the vehicle is under repair, the Hackney Carriage Medallion must be surrendered to the Hackney Carriage Unit and may not be used on another vehicle.

xxvi. Have a Transponder: In order to help manage the flow of traffic in and around the City of Boston, any vehicle licensed for use as a Hackney Carriage will be equipped with a FASTLANE transponder and the

transponder will be used whenever the vehicle passes through a tollbooth whether empty or carrying passengers, on-duty or off.

- d. Periodic Inspections: Every vehicle shall be periodically inspected to ensure that it meets the above requirements on a schedule determined by the Inspector of Carriages and available from the Office of the Inspector of Carriages. Notice will be sent to all Medallion Owners or Lessees at least thirty (30) days before any such inspection.
- e. Wheelchair Accessible Vehicles (WAV):
  - i. Public convenience and necessity require that a suitable number of wheelchair accessible taxi vehicles be available at all times within the City of Boston.
  - ii. The Police Commissioner shall approve a set number of designated WAV taxi medallions. These WAV medallions must be wheelchair accessibly equipped as described in Appendix II.
  - iii. A standard Medallion may be placed on a WAV taxi provided the Hackney Carriage Driver is certified for WAV operation and the vehicle meets the Clean Taxi provisions of Rule 403.
  - iv. WAV vehicles must meet all the vehicle requirements specified in Appendix II.

## SECTION 4: MEDALLION OWNERS

### I. Definitions

- a. Managed: A business structure in which a Medallion Owner leases a Medallion to a person or corporation who then purchases and equips a vehicle as a Hackney Carriage and rents the Medallion and Hackney Carriage to Licensed Hackney Carriage Drivers for a shift or series of shifts.
- b. Manager: An individual who leases a Medallion from an Owner and who then purchases and equips a vehicle as a Hackney Carriage and rents the Medallion and Hackney Carriage to Drivers for a shift or series of shifts.
- c. Shift: A period of time, typically twelve hours, for which a Hackney Carriage is rented to a Licensed Hackney Driver.
- d. Shifted: A business structure in which a Medallion Owner rents a Medallion and Hackney Carriage to Licensed Hackney Carriage Drivers for a shift or series of shifts.
- e. Waybill: A record of all trips taken in a Hackney Carriage.

### II. Medallion Owners Requirements

- a. Suitability: Medallion Owners must be suitable individuals pursuant to Chapter 392 of the Acts of 1930. Nothing herein shall limit the Inspector of Carriages' power to deny an application or renewal application should he determine that the applicant is not a suitable Hackney Carriage Driver. As the courts have held, such determinations of the Inspector of Carriages as to who is suitable may not be arbitrary and capricious.
- b. Properly Equipped and Functioning Vehicles: Medallion Owners (or Lessees in a Medallion-only lease) are responsible for ensuring that the Hackney Carriage is properly equipped and functioning in accordance with this order (see Section 3). Medallion Owners or Lessees who fail to ensure compliance with Rule 403 shall be subject to suspension or revocation of their Hackney Carriage Medallions.
- c. City of Boston Address: Medallion Owners, or one member of the Corporation or firm owning a Medallion, must have a City of Boston address. Post Office boxes located in the City are acceptable.
- d. Failure to Utilize Medallion: If for any reason a Medallion is not used to license a vehicle for use as a Hackney Carriage for more than three months in any calendar year, the Medallion License must be surrendered to the Hackney Carriage Unit.



- e. Medallion Owner Change of Address: The Medallion Owner must notify the Inspector of Carriages in person at the Hackney Carriage Unit or by certified mail post marked within twenty-four (24) hours of when said Owner changes his address or the place at which a Hackney Carriage owned by him is garaged.
- f. Sealed Taximeter: No Medallion Owner shall at any time permit his taxicab to be used for the conveyance of passengers for hire with a taximeter that has not been sealed by the City of Boston Department of Weights and Measures.
- g. Credit Card Processing Fee: Medallion Owner (or Lessee in a Medallion-only lease) may charge a Hackney Carriage Driver a maximum 6% fee for processing Credit Card transactions. The Medallion Owner (or Lessee in a Medallion-only lease) may not charge any fee for that portion of the fare due to tolls, tips, or airport fees. If the Medallion Owner (or Lessee in a Medallion-only lease) chooses a source of the required equipment that charges less than a 6% fee, only that amount actually paid by the Medallion Owner (or Lessee in a Medallion-only lease) may be charged to the Hackney Carriage Driver. If the owner chooses a source for the required equipment that charges more than 6%, said Medallion Owner (or Lessee in a Medallion-only lease) shall be responsible for any credit card processing fee charged that is greater than 6% of the fare.
- h. Set-up Card: The Medallion Owner (or Lessee in a Medallion-only lease) must at all times be aware of who has control of or is driving the Hackney Carriage by indicating so on a Set-Up Card. The Set-Up Card must be filed with the Hackney Carriage Unit and will be recorded in the Medallion File.
  - i. An Owner (or Lessee in a Medallion-only lease) shall not authorize or allow a Driver to operate a Hackney Carriage unless either the Driver's name has been entered on the Set-Up card by the Medallion Owner (or Lessee in a Medallion-only lease) unless, "Shift" or "Managed" has been entered on the Set-Up Card by the Medallion Owner (or Lessee in a Medallion-only lease).
  - ii. If "Shift" or "Managed" is entered on the Set-Up Card the Manager or Owner (or Lessee in a Medallion-only lease) must maintain a telephone number available twenty-four (24) hours a day from which the Police Commissioner or his designee may immediately ascertain the identity of the Driver. This number shall be entered on the Set-Up card.
- i. Training Classes: The Police Commissioner may require a Medallion Owner, or one representative of a Medallion-owning company, to attend such training classes regarding the Rules and Regulations of the Hackney Carriage Industry.
- j. Trade Names: All trade names used by Medallion Owners shall be approved by the Inspector of Carriages and recorded at the Hackney Carriage Unit in the Medallion File.

- k. Property Checks/Found Property: The Medallion Owner (or Lessee in a Medallion-only lease) shall ensure that rear compartments are checked for lost items before the start and at the end of each shift. Any property found in the vehicle shall be immediately delivered to the Hackney Carriage Unit. After normal business hours, found property shall be delivered to the Front Desk personnel at Police Headquarters who shall secure it for the Hackney Carriage Unit.
  
- l. Storage Facilities: Effective January 1, 2009 all persons, firms, corporations or others who own or manage, or intend to purchase, transfer or acquire, seven (7) or more Hackney Carriage medallions are required to have adequate storage facilities (as determined by the Inspectional Services Division of the City of Boston) within the City of Boston for said vehicles. The Owner or Manager of said Hackney Carriages shall provide the registration certificate to the Inspector of Carriages indicating that the vehicles are garaged in Boston, and the garage complies with all City of Boston license and permit codes.
  
- m. Disclosure of Ownership Interest(s): The Medallion Owner must disclose all ownership interests in the Medallion to the Inspector of Carriages in order to allow the Police Commissioner to determine a Medallion Owner's suitability, adequately perform his rate setting function, and properly regulate the Taxi industry in the City of Boston. Should a new individual or corporation take an ownership interest in a Medallion, the Owner must provide signed, written notice either in person or by certified mail to the Hackney Carriage Unit, postmarked within forty-eight (48) hours of the change in ownership.
  - i. All Medallion Owners shall file financial reports annually on forms furnished by the Inspector of Carriages, and shall provide any financial information requested by the Inspector of Carriages, including tax returns, within thirty (30) days of any such request in order to ensure that the Inspector of Carriages may accurately perform the rate setting function and regulatory responsibilities over the taxi industry.
  - ii. The annual financial reports shall include, but are not limited to, a copy of all liens, mortgages, or judgments against the Medallion and a list of all individuals or entities with any ownership interest or potential ownership interest in the Medallion (such as a trust).
  - iii. The annual financial reports shall be filed at the time of annual renewal on or before a date as determined by the Inspector of Carriages.
  
- n. Annual Renewal Applications:
  - i. The Inspector of Carriages will provide annual renewal applications to Medallion Owners and shall provide notice sixty (60) days prior to any change in renewal date.

- ii. All annual renewal applications shall be completed, notarized, signed under the pains and penalties of perjury, and submitted to the Inspector of Carriages by the Medallion Owner.
- o. Medallion Owners' Books, Accounts, Records and Minutes:
- i. The Police Commissioner or his designee may examine the books, accounts, records and minutes of any Medallion Owner at any time. The Police Commissioner or his designee may at any time call for additional information not required by annual reports when in his discretion such additional information is necessary in the fulfillment of his duties and responsibility to regulate the taxi industry. Such information shall be provided within fourteen (14) business days of the request from the Police Commissioner or his designee.
  - ii. Each Medallion Owner, whether a corporation or an individual, must keep its books of accounts and all other books, records and memoranda, which support the entries in its books of account and be able to furnish readily full information as to any item included in any account for a five (5) year period.
  - iii. Each Medallion Owner, whether a corporation or an individual, shall keep its books on a monthly basis so that for each month all applicable transactions are entered in the books of the company for a five (5) year period.
- p. Waybills: The Medallion Owner (or Lessee in a Medallion-only lease) is strongly encouraged to keep a Waybill for any day within the last calendar year.
- i. The Waybill should be kept on a form approved by the Inspector of Carriages.
  - ii. The Waybill should be a separate form for each calendar day.
  - iii. Waybills should be held by the Medallion Owner (or Lessee in a Medallion-only lease) for a period of one (1) year.
  - iv. The Waybill should include, for each passenger, the:
    - 1. Date;
    - 2. Medallion number;
    - 3. Hackney Driver's name and Hackney License Number;
    - 4. Time of trip;
    - 5. Pick up location;
    - 6. Drop off location;
    - 7. Fare;
    - 8. Safety Refusal; and

9. Type of call, whether:
  - a. Radio call
  - b. Street hail
  - c. Airport pickup;
  - d. Cell phone call
  - e. WAV Call

q. Member of Approved Radio Association:

- i. All persons, firms, or corporations holding a Medallion must belong to an approved dispatch service or radio association, which provides twenty-four (24) hour two-way communication solely, and exclusively, for Boston Licensed Hackney Carriages. All vehicles licensed as Hackney Carriages must be equipped with two-way communication linked to an approved dispatch service or radio association. The Inspector of Carriages shall maintain, and make available at the Office of the Inspector of Carriages, a list of approved Radio Associations.
  - ii. In a Medallion-only lease, the Lessee will determine which Radio Association to join.
  - iii. Only those Medallion Owners previously exempted by the 1998 Inspector of Carriages agreement can operate without membership in an approved Radio Association. If at any time a second Driver has control of the previously exempted Hackney Carriage, the Medallion Owner must immediately notify the Inspector of Carriages and must immediately join an authorized Radio Association. However, the Medallion Owner may place a second Driver on this Medallion for up to two weeks per calendar year while the original Driver is on vacation, provided written notice is submitted to the Inspector of Carriages seven (7) business days prior to said vacation (such notice will be stored with the Medallion File). Once in a Radio Association, the Medallion cannot be taken out of a Radio Association. Upon transfer or sale of an exempt Medallion, the vehicle associated with the Medallion is subject to the Radio Association requirement.
- r. Retaliation: No Medallion Owner (or Lessee in a Medallion-only lease) may retaliate in any way against a Hackney Carriage Driver for disclosing, reporting, or testifying about any violation of any regulation or law. Any violation of this section shall result in revocation of the Medallion.

## SECTION 5: DRIVERS

### I. Definitions

- a. Public Stand: A Public Taxi Stand shall be space established where any Licensed Boston Hackney Carriages may wait on public property for passengers.
- b. Private Stand: A Private Taxi Stand shall be space established where any Licensed Boston Hackney Carriages may wait on private property for passengers.

### II. Driver Requirements

- a. Display of Hackney Carriage License:
  - i. A Hackney Carriage Driver must publicly display his/her Hackney Carriage License, with the identification number on the back, at all times when operating a Hackney Carriage. The Hackney Carriage License shall be displayed on the rear-view mirror mount in the plastic holders issued by the Inspector of Carriages. The photo ID side must be visible to the passenger. The ID number on the rear must be legible and visible through the front windshield.
  - ii. A Hackney Carriage Driver may display only his own Hackney Carriage License while operating a Hackney Carriage, and no licenses belonging to any other individual.
- b. Surrender of a Hackney Carriage License for Lack of Use, Travel or when at Hackney Carriage Unit:
  - i. Hackney Carriage Drivers must surrender their Hackney Driver's License upon demand of any Boston Police Officer.
  - ii. All Hackney Carriage Drivers must surrender their Hackney Driver's License to the Hackney Carriage Unit while conducting any business at the Hackney Carriage Unit. Drivers may retrieve their license upon exiting the Hackney Carriage Unit, provided that the business to be conducted is completed and the Inspector of Carriages has issued no suspension or revocation to the Hackney Carriage Driver.
  - iii. Hackney Carriage Drivers must surrender their Hackney Carriage Driver's Licenses to the Hackney Carriage Unit immediately when they no longer wish to continue operating as Hackney Drivers.
  - iv. Hackney Carriage Drivers must turn in their Hackney Carriage Driver's license to the Hackney Carriage Unit when they leave the country for more than thirty (30) days. The license will be held until the Driver returns, but

not for a period of more than one year. Failure to surrender this license, during which time the license expires, will result in the applicant being required to re-apply for a Hackney Driver's License as a new applicant.

c. Lost Hackney Carriage Driver's License:

- i. A Hackney Carriage Driver shall immediately report the loss of his Hackney Carriage Driver's License to the Hackney Carriage Unit and the Hackney Carriage Unit shall complete a police report documenting the loss. The police report documenting the lost Hackney Carriage Driver's License shall be retained in the Driver's File.
- ii. The Inspector of Carriages shall furnish a replacement license on payment of a replacement fee.

d. Alcohol and Drugs:

- i. No Hackney Carriage Driver shall operate a Hackney Carriage while under the influence of any alcohol, illegal drug, or prescription narcotic that may impair the Driver's ability or operate a motor vehicle.
- ii. No Hackney Carriage Driver shall operate a Hackney Carriage while in the possession of any alcoholic beverage.
- iii. No Hackney Carriage Driver shall allow any open container of alcohol in the Hackney Carriage.

e. Charging: A Hackney Carriage Driver may only charge the amount indicated by the meter, the amount of a flat rate, or the amount set due to an emergency condition.

f. Mandatory Passenger Metered Fare Receipts: In the case of a metered fare, the Hackney Carriage Driver must give an automated printed receipt to a passenger for the amount charged.

g. Mandatory Passenger Flat Rate Fare Receipts: In the case of a flat rate, the Hackney Carriage Driver must give the passenger a Flat Rate Receipt on the approved receipt form that contains:

- i. The name of the Medallion Owner and the Medallion number;
- ii. Date, time and mileage;
- iii. Amount of fare and extras;
- iv. The Driver's name, printed legibly, and his Hackney Carriage license number;
- v. Signature of Driver; and

- vi. Any other requirements the Inspector of Carriages may deem necessary. Any additional requirements will be issued in writing by the Inspector of Carriages.
- h. On Call Procedures:
- i. Hackney Carriages will be allowed to use "On Call" signs for the purpose of dropping off passengers or for delivering property as authorized by the Hackney Carriage Unit.
  - ii. Authorized "on call" locations:
    - 1. "Loading Zone"; or
    - 2. The last space of a multiple taxi stand.
  - iii. No Hackney Carriage may remain at an authorized location for more than a maximum of twenty (20) minutes for any purpose.
  - iv. All parking regulations apply, especially:
    - 1. No double parking;
    - 2. No parking in a "No Parking zone"; and
    - 3. No parking at expired parking meters.
- i. Waybills: Every Hackney Carriage Driver is encouraged to keep a Waybill of all trips made, together with a list of any articles found in the Hackney Carriage, on a form approved by the Inspector of Carriages, as per Section 4(II)(p)(iv).
- j. Change of Address/Telephone Number: Any Hackney Carriage Driver who changes his address or telephone number must provide signed, written notice either in person or by certified mail to the Hackney Carriage Unit, postmarked within forty-eight (48) hours of the change in address.
- k. Sealed Taximeter: No Hackney Carriage Driver shall at any time permit his taxicab to be used for the conveyance of passengers for hire with a taximeter that has not been sealed by the City of Boston Division of Weights and Measures.
- l. Respectful Treatment of Passengers: All Hackney Carriage Drivers shall treat customers in a professional, respectful and courteous manner at all times.
- i. Hackney Carriage Drivers shall be respectful to and are required to answer fully and civilly any questions put to them by Boston Police Officers or City of Boston Parking Enforcement Officers in the performance of their duties.

- ii. Hackney Carriage Drivers shall obey all such lawful commands as may be given to them by any Boston Police Officer or City of Boston Parking Enforcement Officer.
- m. Driver Appearance: Every Hackney Carriage Driver having charge of a licensed taxicab in a public place shall be suitably and professionally dressed, neat and clean in appearance. No ripped or torn clothing or clothing imprinted with profanity, offensive language or offensive images is allowed while a Hackney Carriage Driver is in charge of a Hackney Carriage. The following articles of clothing are considered inappropriate when worn as an outer garment and are not permitted, when the Hackney Carriage Driver, male or female, is in charge of a licensed Boston taxicab:
  - i. T-shirts;
  - ii. underwear;
  - iii. tank tops;
  - iv. body shirts;
  - v. swimwear;
  - vi. jogging suits or similar types of attire;
  - vii. bathing trunks; or
  - viii. jogging shorts.
- n. Cellular Phone Usage: A Hackney Carriage Driver may not use a cellular telephone for any purpose, including text messaging, while the Hackney Carriage is occupied by a passenger except in emergency situations, to verify a passenger's destination, or to receive a call for service. Utilizing a cellular phone while transporting a passenger jeopardizes public safety, the passenger's safety, and hinders the passenger's ability to communicate with the Driver and other passengers.
- o. No Smoking Policy: All Boston licensed Hackney Carriages shall be designated as "No Smoking Vehicles" at all times. No smoking is allowed in Hackney Carriages by either the Hackney Carriage Driver or passenger(s). All Hackney Carriage vehicles will have stickers announcing this regulation, visible on both the exterior window and interior passenger compartment. This sticker will be supplied by the Hackney Carriage Unit. A Hackney Carriage Driver may ask a passenger who refuses to stop smoking in the Hackney Carriage to leave the Hackney Carriage until such time as the item is extinguished. If the passenger refuses to stop smoking, the Driver should contact the dispatcher who will notify the Boston Police Department. A Hackney Carriage Driver may refuse to allow a passenger entry into the Hackney Carriage until such passenger has extinguished all smoking materials.
- p. Anti-Discrimination Clause: A Hackney Carriage Driver may not refuse any passenger on the basis of race, sex, religion, disability, sexual orientation, national origin, or location of the passenger's pick-up or destination in any circumstance.



- q. Refusal to Transport Passengers: A Hackney Carriage Driver may refuse a passenger in the event that there is a justifiable fear for the Driver's personal safety or the passenger is incapacitated. If the Driver maintains a Waybill, such refusal should be entered on the Waybill. A Driver may not refuse a passenger at any time simply because the passenger is intoxicated. When a passenger becomes noisy or otherwise disorderly while in a Hackney Carriage and persists in such conduct after warning, the Driver shall call 9-1-1 for assistance. When a potential passenger or passenger appears incapacitated, the Driver shall call 9-1-1 for assistance.
- r. No Disabling Locks: The Hackney Carriage Driver shall ensure that there are no rear compartment disabling locks and ensure that passengers are able to exit at any time.
- s. Hackney Carriage Driver's Control of Protective Partition: At all times, the Hackney Carriage Driver shall determine, at his discretion, whether to keep the Protective Partition open or closed.
- t. Hackney Carriage Unit Approval of Any Hackney Carriage: No Boston licensed Hackney Carriage Driver may operate a vehicle not approved by the Inspector of Carriages as a Hackney Carriage and no Boston licensed Hackney Carriage Driver may pick up passengers in violation of the Boston vehicle-for-hire ordinance. (See Appendix I)
- u. Public Stands: All public stands shall be plainly marked and shall be free and accessible to all Hackney Carriages licensed by the Police Commissioner. Hackney Carriage Drivers shall observe the following rules at all times when using a public stand:
  - i. Take proper position in rear of the Hackney Carriage line;
  - ii. No Hackney Carriage Driver shall park his car in a double line at a public stand nor shall any Driver park his vehicle in such a manner as to interfere with traffic, vehicular or pedestrian, at any location, at any time;
  - iii. Do not overcrowd, crash (break into an existing line of taxicabs) or back on to line;
  - iv. Any Hackney Carriage Driver has the right to stop and take position where there is a vacancy;
  - v. The Drivers of all Hackney Carriages shall remain in the immediate vicinity of their vehicle, ready to be hired at once;
  - vi. As soon as any Hackney Carriage leaves a public stand, all other Hackney Carriages shall immediately move up in line so that the only vacant space shall be to the rear of the last Hackney Carriage;
  - vii. No Hackney Carriage Driver shall make, or permit anyone else to make, any repairs to his vehicle while on a public stand;
  - viii. The Hackney Carriage Driver may solicit passengers from inside the vehicle by motion of the hand; and
  - ix. A Driver may perform small cleaning tasks while on a public stand.

- v. Private Stands: Persons, firms or corporations may establish private Hackney Carriage stands on private property for Boston Licensed Hackney Carriages and may make reasonable rules for the management of said stands. Said stands shall be free and accessible to all Hackney Carriages licensed by the Police Commissioner.
  
- w. Soliciting:
  - i. No Hackney Carriage Driver shall pick-up any passengers within one hundred (100) feet of an established public stand when there are Hackney Carriages at the public stand. This shall not be interpreted so as to prevent a Driver from picking up a passenger that has properly hailed the Driver.
  - ii. No individual shall solicit on behalf of a Hackney Carriage while in a public way or place.
  
- x. Occupied Hackney Carriages: No Hackney Carriage Driver having charge of any licensed taxicab shall take up or carry any other passenger after the Hackney Carriage has been occupied or engaged by any prior passenger, without the consent of the original passenger. The original passenger shall not be obliged or requested to pay any extra fare or fee for refusing such consent.
  
- y. Passenger's Right to Direct Route: Hackney Carriage Drivers shall take such route to the destination as the passenger shall so direct.
  
- z. Duty to Inspect for Property/Found Property: Hackney Carriage Drivers shall, immediately after delivering any passenger, inspect the Hackney Carriage for any property, which may have been left behind by the passenger(s). Any property found in the vehicle shall be immediately delivered to the Hackney Carriage Unit. After normal business hours, found property shall be delivered to the Front Desk personnel at Police Headquarters who shall secure it for the Hackney Carriage Unit.
  
- aa. Seating:
  - i. Only the Hackney Carriage Driver may occupy the Driver's seat while the Hackney Carriage is in motion.
  - ii. Licensed Hackney Carriage Drivers shall allow passengers to sit in the front passenger seat unless the Driver has a reasonable fear for his / her safety. The Driver should document any such reasonable fear in the waybill.
  
- bb. Credit Card Payments: No Hackney Carriage Driver shall refuse to accept a credit card as payment for a fare after January 1, 2009 and no Driver may demand a fee above the fare in return for accepting a credit card payment. (Massachusetts General Laws chapter 140D sec. 28a).

- cc. Passengers Requiring WAV vehicles: All available operators of Hackney Carriages shall follow the special procedure set forth herein in order to ensure timely service to any and all taxi patrons using a wheelchair.
- i. If a Hackney Carriage Driver is not carrying a passenger and is not on call, he shall stop and inquire of the patron using a wheelchair whether the patron wishes to ride in that Hackney Carriage or would prefer to have a wheelchair-accessible taxi radio dispatched. If the latter, the Hackney Carriage Driver shall immediately notify the dispatcher.
  - ii. If a Hackney Carriage Driver has a passenger, or is on radio call to pick up a passenger, the Hackney Carriage Driver shall immediately notify his dispatcher of time, location and identity of the handicapped passenger.
  - iii. Upon notification by any Hackney Carriage Driver, a radio dispatcher shall forthwith dispatch a WAV taxi to the handicapped passenger on a priority basis. If a dispatcher has no available WAV taxi for immediate dispatch, he shall forthwith inquire of other taxi companies and other radio dispatch services to find an available WAV taxi for dispatch. The dispatcher shall be obligated to continue such inquiries until a WAV taxi is dispatched.
  - iv. Notwithstanding any provision in this order, every licensed Hackney Carriage Driver, upon becoming aware of a request for service from a person using a wheelchair, shall be under an affirmative obligation to use any available means of communication to assure that a WAV taxi is dispatched to such person as soon as possible.

### **III. Wheel Chair Accessible Vehicle Driver Requirements**

WAV Drivers must meet all of the requirements of all licensed Hackney Carriage Drivers and must also:

- a. Complete WAV Certification training conducted as determined and required by the Inspector of Carriages.
- b. Make best efforts to ensure every request for a WAV taxi is filled, where possible. Failure to take reasonable steps to fill such a request shall be grounds for revocation of the Driver's WAV certification.
- c. Continuously monitor his dispatch system at all times and respond to each call for a WAV taxi. Failure to monitor and/or respond shall be grounds for revocation of the Driver's WAV certification.
- d. Keep daily contemporaneous, accurate, complete and detailed records of all trips, which shall include:
  - i. the time a radio dispatch call or street hail was received; and
  - ii. the time and the location where each patron using a WAV taxi was used in its specially designed capacity as a wheelchair accessible vehicle.

## **SECTION 6: LEASING AND SHIFTING OF HACKNEY CARRIAGES**

### **I. Mandated Lease or Shift Agreements For Hackney Carriages**

The Inspector of Carriages or the Police Commissioner may from time to time issue documents that shall be used by Medallion Owners, Lessees and Hackney Carriage Drivers as lease agreements or shift rental agreements for Hackney Carriages. No lease or shift agreement may be altered without express permission of the Inspector of Carriages. All lease and shift agreements that are in force as of August 29, 2008 shall remain in effect for the duration of that agreement. The Medallion Owner, Manager, or Lessee shall provide an immediate receipt to the Hackney Carriage Driver for all payments and/or transactions.

## SECTION 7: RADIO ASSOCIATIONS

### I. Radio Association Regulations

- a. Membership: All persons, firms, or corporations holding a Hackney Carriage Medallion must belong to an approved dispatch service or radio association which provides twenty-four (24) hour two-way communication solely and exclusively for Boston Licensed Hackney Carriages. All vehicles licensed as Hackney Carriages must be equipped with two-way communication linked to an approved dispatch service or radio association, as listed at the Office of the Inspector of Carriages.
- b. Exemption: Only those Medallion Owners previously exempted by the 1998 Inspector of Carriages agreement can operate without membership in an approved Radio Association. If at any time a second Driver has control of the previously exempted Hackney Carriage, the Medallion Owner must immediately notify the Inspector of Carriages and must immediately join an authorized Radio Association. However, the Medallion Owner may place a second Driver on this Medallion for up to two weeks per calendar year while the original Driver is on vacation, provided written notice is submitted to the Inspector of Carriages seven (7) business days prior to said vacation (such notice will be stored with the Medallion File). Once in a Radio Association, the Medallion cannot be taken out of a Radio Association. Upon transfer or sale of an exempt Medallion, the vehicle associated with the Medallion is subject to the Radio Association requirement.
- c. Approved Associations: Only those Radio Associations approved by the Inspector of Carriages are authorized to accept Licensed Hackney Carriage Medallion Owners as their members.
- d. Approved Radio Association Services: All Radio Associations shall provide, at a minimum, the following services to their members:
  - i. Twenty-Four (24) Hour Dispatch Capabilities;
  - ii. Two-Way Radio and Dispatch Service;
  - iii. Wheelchair Accessible Vehicle (WAV) Availability;
  - iv. Elderly Discount Re-imbusement Services;
  - v. Call/Dispatch Record Keeping and Reporting;
  - vi. Lost Or Found Property Reporting Procedures; and
  - vii. Dispatch services shall include record keeping that specifies:
    1. the total number of calls for service;
    2. the time and location of each request;
    3. the Medallion number of the cab dispatched; and
    4. the time and location of WAV's dispatched.
- e. Records: Records of the Radio Association shall be kept for a period of not less than one (1) year. A summary report shall be forwarded to the Office of the Inspector of Carriages upon request within five (5) business days of the request.

- f. Email: A Radio Association must maintain a current, functional e-mail address through which the Police Commissioner or his designee may exchange correspondence.
- g. Payment: The Radio Association shall only accept membership payment by check or credit card drawn on the corporate account of the Hackney Carriage Medallion Owner. The Radio Association shall provide an immediate receipt to the Medallion Owner, Manager, or Lessee for all payments and/or transactions.
- h. Radio Association Colors:
  - i. All Medallion Owners (or Lessees in a Medallion-only lease) shall paint the Hackney Carriage in the proper colors and design of the radio association, company or radio dispatch service to which he is a member.
  - ii. All Radio Association colors, markings, designs, decal or logos must be approved by the Inspector of Carriages, as required by Hackney Rules.
  - iii. All Radio Association colors must be on file with the office of the Inspector of Carriages.
  - iv. Any change to the Radio Association colors must be approved by the Inspector of Carriages.
  - v. A set of color photos depicting the Radio Association colors as prescribed by the Inspector of Carriages must be on file.
  - vi. Medallion Owners (or Lessees in a Medallion-only lease) must be notified by their approved dispatch service of any Radio Association color change(s) approved by the Inspector of Carriages.
- i. Sole and Exclusive Use: The Radio Association shall provide all services solely and exclusively for City of Boston Licensed Hackney Carriages. No referrals, references, or links shall be made to anything other than a Licensed City of Boston Hackney Carriage.
- j. Financial Reporting Requirements:
  - i. The Police Commissioner or his designee may examine the books, accounts, records and minutes of any Radio Association in order to allow the Police Commissioner to adequately perform his rate setting function, and properly regulate the taxi industry in the City of Boston.

- ii. The Police Commissioner or his designee may at any time call for information when in his discretion such information is necessary in the fulfillment of his duties and responsibility to regulate the taxi industry.
- iii. Each Radio Association must keep its books of accounts and all other books, records and memoranda, which support the entries in its books of account and be able to furnish readily full information as to any item included in any account. Each Radio Association shall keep its books on a monthly basis so that for each month all applicable transactions are entered in the books of the Radio Association.
- k. Credit Card Processing Fee: Effective January 1, 2009 no Boston Licensed Hackney Carriage may belong to a Radio Association or Dispatch Service which charges a processing fee for that portion of a credit card charge or voucher designated as Tolls, Airport Fee, or Tip.
- l. Voucher Processing Fee: Effective January 1, 2009 no Boston Licensed Hackney Carriage may belong to a Radio Association or Dispatch Service which charges more than 8% fee for voucher processing.

## II. Penalties

- a. Removal: Failure to meet these standards shall be cause for immediate removal of the Radio Association from the list of approved Radio Associations.
- b. Notice: The Inspector of Carriages shall notify in writing any Radio Association so removed.
- c. Appeal from Radio Association Removal:
  - i. Should a Radio Association be removed from the list of Approved Associations, the Owner of said Association may file a letter of appeal with the Director of Licensing within fourteen (14) business days of receipt of notice that the Association has been removed from the approved list.
  - ii. The Director of Licensing will forward, within five (5) business days, the Radio Association information, the Inspector of Carriages' reasons for removing the Association, and a recommendation on the appeal to the Police Commissioner.
  - iii. The Police Commissioner will render a decision within thirty (30) days of receipt of the appeal documents from the Director of Licensing, and will serve that decision upon the Radio Association by mail to the address listed for the Radio Association in the Hackney Carriage Unit.



### **III. Owner Responsibility**

In the event a Radio Association is removed from the approved list, the Medallion Owner, with the approval of the Lessee in a Medallion-only lease, shall have thirty (30) days from the date of notification by the Inspector of Carriages to enroll in an approved Radio Association.

## **SECTION 8: HACKNEY VIOLATIONS AND COMPLAINTS**

### **I. Definitions**

- a. Notice of Hackney Complaint: Any vehicle reported, by someone other than a Police Officer, to have violated any requirement of Rule 403 shall be noticed of the filing of a Hackney Complaint by the Inspector of Carriages.
- b. Notice of Hackney Violation: Any vehicle operated as a Hackney Carriage that is observed by a Police Officer while in violation of any requirement of Rule 403 shall be cited for a Hackney Violation.

### **II. Service**

- a. Service of Hackney Violation: A Hackney Violation will be served upon the Medallion Owner either in hand to the Owner or Driver by the Police Officer, or by certified mail directed to the address contained in the Medallion or Driver File. If the violation relates to an equipment deficiency, and the Driver is personally served the Notice of Violation, the Driver shall be responsible for providing the Notice of Violation to the Medallion Owner.
- b. Service of Hackney Complaint: A Hackney Complaint will be served upon the Medallion Owner either in hand by a Police Officer or by certified mail directed to the address contained in the Medallion or Driver File (if a corporation lists a post office box as the corporation address, mailing to that post office box is deemed service for the purposes of Rule 403).

### **III. Police Commissioner's Powers**

Nothing herein shall be construed to prevent the Police Commissioner, the Inspector of Carriages or his designee from revoking, suspending or making inoperative for any cause deemed satisfactory to him any license issued by him without a hearing in accordance with Chapter 322 of the Acts of 1962 and Chapter 392 of the Acts of 1930.

### **IV. Hearings and Appeals**

- a. Findings: For purposes of this section, any violation or complaint will be characterized as one of the following after hearing:
  - i. not sustained (investigation failed to prove or disprove the allegations);
  - ii. exonerated (the action complained of did occur, but investigation revealed that action was proper, legal and reasonable);
  - iii. unfounded (investigation revealed that conduct did not occur); or
  - iv. sustained (investigation disclosed sufficient evidence to support allegations in the complaint).

- b. Representation: At any level of hearing or appeal, a Hackney Carriage Driver or Owner may be represented by an attorney. A reasonable amount of time to retain counsel will be allowed. Any other individual wishing to appear on behalf of a Hackney Carriage Driver or Owner will be allowed to attend any hearing, but may not participate in the hearing without the express permission of the Police Officer, Inspector of Carriages, or Appeals Board hearing the matter.
  
- c. Hackney Violations for Vehicle Deficiency:
  - i. Initial Hearing: On any Hackney Violation reporting a vehicle deficiency, the Medallion Owner shall either correct such deficiency within two (2) days and bring said vehicle to the Hackney Carriage Unit for re-inspection, unless otherwise directed on the Hackney Violation, or notice the Inspector of Carriages in writing of his intent to appeal the violation within two (2) business days.
  
  - ii. Appeal: If the Medallion Owner wishes to appeal the Hackney Violation for a vehicle deficiency, he may notify the Inspector of Carriages within two (2) business days of receipt of the Hackney Violation, who shall, within fourteen (14) business days of service of such notice, conduct a hearing at which the Medallion Owner may present evidence and testimony. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.
  
  - iii. The decision of the Inspector of Carriages shall be final and will issue, in writing, within seven (7) business days. Any such decision and all associated documentation will remain in the Medallion File.
  
- d. All Other Hackney Violations and Complaints:
  - i. Initial Hearing at the Hackney Carriage Unit: Within fourteen (14) business days of receipt of notice of the Violation or Complaint, the Inspector of Carriages or his designee will conduct a hearing at which the Medallion Owner or Driver may present evidence and testimony. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.
  
  - ii. Initial Decision:
    - 1. Driver: If the Complaint concerns a Driver, the Inspector of Carriages or his designee will render a written decision within seven (7) business days and may subject said Driver to penalties up to and including revocation of the license to operate a Hackney Carriage in the City of Boston. Such decision shall be delivered in hand or by certified mail directed to the Driver's address contained in the Driver's File. If the Complaint against the Driver concerns an

overcharge or a ride longer than was required, and the Complaint is sustained, the Driver may, above any beyond any other penalty, be required to pay the passenger the amount of the overcharge.

2. Medallion Owner: If the Complaint refers to a violation by a Medallion Owner, the Inspector of Carriages or his designee will render a written decision within seven (7) business days of the initial hearing and may subject said Medallion Owner to penalties up to and including revocation of the right to utilize said Medallion as a license to operate a vehicle as a Hackney Carriage in the City of Boston. Such decision shall be delivered in hand or by certified mail directed to the business address contained in the Medallion File.

iii. Intermediate Appeal to the Inspector of Carriages:

1. An intermediate appeal is available to Medallion Owners and Licensed Hackney Drivers who wish to appeal the decision made by the Inspector of Carriages' designee who conducted the initial hearing. If the initial hearing was before the Inspector of Carriages, a Medallion Owner or Licensed Hackney Driver may appeal pursuant to the Final Appeal process below.
2. A Medallion Owner or Licensed Hackney Driver who wishes to appeal the decision of the Inspector of Carriages' designee may file a written appeal with the Inspector of Carriages within five (5) business days of receipt of the Initial Hearing decision.
3. The Inspector of Carriages will, within seven (7) business days, conduct a *de novo* hearing. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.
4. The Inspector of Carriages will render a written decision within seven (7) business days of the hearing and may subject said Owner or Driver to penalties up to and including revocation of the license to operate a Hackney Carriage in the City of Boston or declaring the Owner an unsuitable individual. The Inspector of Carriages shall notify the Driver and Medallion Owner of any decision by causing a copy of the decision to be delivered in hand or by certified mail directed to the address contained in the Medallion or Driver's File.

iv. Final Appeal to the Appeals Board:

1. A Medallion Owner or Driver who wishes to appeal the decision of the Inspector of Carriages may file a written appeal with the Director

of Licensing within fourteen (14) business days of receipt of the Inspector of Carriages' decision.

2. The Director of Licensing will forward that written appeal to the Administrative Hearing Officer within forty-eight (48) hours of receipt of the appeal.
3. The Administrative Hearing Officer will, within sixty (60) days of receipt of the appeal from the Director of Licensing, convene an Appeal Board.
4. The Appeal Board will conduct a hearing at which the Inspector of Carriages, represented by the Legal Advisor's Office, and the Medallion Owner or Driver, may present witnesses and documentary evidence. The Rules of Evidence do not apply and hearsay may be considered by the Appeal Board.
5. The Appeal Board will within thirty (30) days of the hearing deliver a written recommendation to the Police Commissioner.
6. The Police Commissioner will then render a decision within seven (7) business days of receipt of the Appeals Board's recommendation, to be delivered in hand or by certified mail directed to the address contained in the Medallion or Driver's File.
7. Any person aggrieved by a final decision issued under this section may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth, and must notify the Inspector of Carriages in writing within thirty (30) days of the filing of that appeal so that the administrative record may be forwarded to the appropriate Court.

#### **V. Misconduct by Medallion Owners, Managers or Lessees**

- a. If, after investigation, the Inspector of Carriages sustains a complaint for Owner, Manager or Lessee misconduct against a Medallion Owner, Manager, or Lessee, the Police Commissioner or the Inspector of Carriages may suspend or revoke any or all medallions under the control of said Medallion Owner, Manager or Lessee, and take any other disciplinary action deemed appropriate by the Police Commissioner or the Inspector of Carriages.
- b. Where a Medallion is suspended for Owner, Manager or Lessee misconduct causing a Hackney Carriage Driver to lose work, the Owner, Manager, or Lessee shall pay the Driver for up to sixteen (16) hours per every twenty-four (24) hours at the waiting time rate as defined in Appendix III.

- c. In addition to any penalty listed in this section, where the Owner, Manager or Lessee misconduct involves overcharging, or the charging of any fee to the Hackney Carriage Driver not previously authorized in writing by the Police Commissioner or the Inspector of Carriages, the Owner, Manager or Lessee shall refund the Hackney Carriage Driver the amount of any and all overcharges.

## **SECTION 9: MISCELLANEOUS PROVISIONS**

### **I. Definitions**

- a. Emergency Condition: Unusual conditions which cause a shortage of taxis.

### **II. Special Programs**

- a. Taxi Inspection Program For Safety (TIPS):
  - i. The Taxi Inspection Program for Safety (TIPS) program was created in partnership with members of the taxi industry to promote the safety of Hackney Carriage Drivers and encourage frequent inspections of taxis by Boston Police Department Officers to check on the safety of the Drivers.
  - ii. Hackney Carriages participating in the program will have TIPS decals affixed to their rear windows and displayed prominently in the passenger compartment.
  - iii. Hackney Carriages Drivers should be aware that Boston Police Officers will be conducting stops whenever necessary, particularly during the evening and early morning hours. Attention will be given to isolated and high crime areas.
  - iv. Hackney Carriages Drivers will be detained no longer than necessary to check on the welfare of the operator. Passengers will be given a brief explanation of the purpose of the stop.
  - v. Hackney Carriages Drivers can alert Boston Police Officers that they feel endangered by activating the amber lights located on the roof of the taxi. These flashing amber lights indicate that the Driver requires assistance.
- b. Boston Taxi Industry Elderly Program (BTIEP)/Cancer Crusade:
  - i. The BTIEP discount program has been established for elderly, handicapped and cancer crusade taxicab passengers. This program allows qualifying participants to purchase discount fare coupons.
  - ii. All Drivers must accept BTIEP/Cancer Crusade coupons at face value from any passenger offering such coupons.
  - iii. The coupons can be redeemed at the Radio Association or the Hackney Carriage Unit for full face value.

### **III. Manager Regulations** *Reserved*

#### **IV. Emergency Conditions**

- a. Jurisdiction to Declare Emergency Condition: The Transportation Managers at Logan Airport, the Boston Convention and Exhibition Center, and/or South Station or the Inspector of Carriages shall have exclusive jurisdiction to determine when an Emergency Condition shall be declared.
- b. When an Emergency Condition is declared:
  - i. Multiple fares (2 or more) may be loaded into the taxi (with the primary passenger's permission);
  - ii. The fares shall be determined as a metered rate minus two dollars (\$2.00) at each destination;
  - iii. No airport fees shall be charged; and
  - iv. Turnpike and tunnel tolls may be added to the fare.



## SECTION 10: RATES

### I. Definitions

- a. Drop rate: The charge recorded on the taximeter for the first increment measured. Also known as the “flag drop”.
- b. Mileage rate: The charge recorded on the taximeter for each mileage increment after the drop rate.
- c. Flat rate: The per mile charge for trips outside the meter zone.
- d. Waiting time rate: The charge recorded on the taximeter for each time increment after the drop rate when the vehicle is not moving.

### II. Rates

- a. Lease/Shift Rates: The Police Commissioner, after giving proper notice, shall establish from time to time the rates for hire of a Hackney Carriage by shift and by lease. Current shift and lease rates are listed in Appendix III.
- b. Taximeter rate: The Police Commissioner shall from time to time establish the rate for hire of a taxi. Notice will be provided to all Medallion Owners and Hackney Carriage Drivers that shall include the maximum allowable rates, as listed in Appendix IV:
  - i. Drop rate;
  - ii. Mileage rate;
  - iii. Flat rate; and
  - iv. Waiting time rate.
- c. Flat Rate Service:
  - i. A Uniform Flat Rate pricing guide is in effect from Boston to suburban cities and towns beyond 20 miles from Boston.
  - ii. The Hackney Carriage Driver may collect agreed Flat Rate Fares as published in the Official Flat Rate Book in advance of service.
  - iii. When a passenger is taken to a Flat Rate community and returned to Boston on a round trip, the passenger shall be charged the entire trip on the taximeter.
  - iv. When the passenger has the Hackney Carriage Driver wait, the Hackney Carriage Driver may charge for waiting time at the set rate as shown in Appendix IV.

- v. No charge will be made for time lost because of traffic or weather conditions.
- vi. The Hackney Carriage Driver shall be reimbursed by passengers for all tunnel, bridge and turnpike tolls except as specified in Appendix IV.

## Appendix I: Authority

### 1. Chapter 392 Of The Acts Of 1930: An Act Providing For The Regulation And Limitation Of Hackney Stands And Hackney Carriages In The City Of Boston

#### Section 1

##### Authority of the Police Commissioner

Except as otherwise provided in chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine, the Police Commissioner of the city of Boston shall have exclusive authority to make rules and orders for the regulation for hackney carriages and hackney stands, both as defined in section two, within the limits of said city, with penalties for the violation thereof not exceeding twenty dollars for each offense. Such rules and orders shall not take effect until they have been published at least once in a newspaper published in said city.

#### Section 2

##### Definition of a Hackney Carriage

Each vehicle used or designed to be used for the conveyance of persons for hire from place to place within the city of Boston, except a street or elevated railway car or a trackless trolley vehicle, within the meaning of section two of chapter one hundred and sixty-three of the General Laws, or a motor vehicle, known as a jitney, operated in the manner and for the purposes set forth in chapter one hundred and fifty-nine A of the General Laws, or a sight-seeing automobile licensed under chapter three hundred and ninety-nine of the acts of nineteen hundred and thirty-one, shall be deemed to be a hackney carriage within the meaning of sections two to nine, inclusive, of this act: and in said section, unless the context otherwise expressly requires, the words "drive" and "driver" shall be respectively deemed to include "operate" and "operator", . . . a private hackney stand shall be one established only upon private property, and public hackney stand shall be one for the common use, for hackney carriage purposes of all licenses under section four

#### Section 3

##### Licensing of Drivers of Hackney Carriages

In said city, no person shall drive or have charge of a hackney carriage, nor shall any person, firm or corporation set up and use a hackney carriage, unless licensed thereto by the Police Commissioner of the City of Boston; nor shall any person having the care or ordering of such a vehicle in said city suffer or allow any other person other than a driver so licensed to drive such a vehicle.

#### Section 4

##### Granting of Licenses to Owners of Hackney Carriages

Said Police Commissioner shall annually grant hackney licenses in said city to suitable persons, firms and corporations who are owners of vehicles known as hackney carriages, if such person or one member of such firm resides in such city, and if the principal place of business of such corporation is in such city; provided, that, at any time within one year after the expiration of a license under this section, the holder thereof shall be entitled as

of right, upon payment of the proper fee to a renewal of such license, unless after a hearing before said commissioner it appears that he has good cause to refuse to issue the same. Licenses granted under this section shall be assignable, subject to the approval of said commissioner, and shall be subject to such other terms, conditions and limitation, and be issued subject to the payment of such fees, as said commissioner shall from time to time prescribe. Said commissioner shall also from time to time fix maximum and minimum rates to be charged by said licensees for use of such vehicles. Said commissioner shall, as soon as may be, fix a limit for the number of licenses to be issued under this section, which limit shall be based upon the number of licenses then issued and outstanding but shall not be in excess of fifteen hundred and twenty-five, and he may from time to time, after reasonable notice and a hearing, decrease the limit so fixed, but in no event to a number less than nine hundred. If an applicant is refused a license hereunder by reason of the fact that the maximum number of licenses limited hereunder has been issued, the department of public utilities, on petition of such applicant may, after a hearing, determine that public convenience and necessity require a higher limit than that fixed by said commissioner or previously established by said department and shall be considered final until again changed as herein provided.

#### Section 5

##### Private Hackney Stands

Any person, firm or corporation licensed under section four may occupy as a private hackney stand, subject to general provisions of law, private property in said city, if thereto authorized by the owner, lessee or official representative thereof.

#### Section 6

Designation and Regulation of Certain Portions of Public ways as Public Hackney Stands  
Said Police Commissioner shall, from time to time, designate certain portions, other than sidewalks, of public ways in said city, to be used and known as public hackney stands. Such stands shall be equally free and open of access to all vehicles whose owners are licensed under section four...and who have complied with all provisions of sections two to eight, inclusive, of this act, relative to such stands, and with all rules and regulations of said commissioner relative thereto. Within that portion of the city proper, as defined in the present rules and regulations of the police department of said city relative to hackney carriages, lying north and east of Massachusetts Ave, said commissioner shall so far as practicable, establish such stands at intervals of not more than one quarter of a mile. All such stands shall be plainly marked as public hackney stands. No motor vehicle other than a licensed hackney carriage... shall make use of any such public hackney stand. Said Police Commissioner shall, upon application for a public hackney stand by an applicant for a license under section four, issue to such applicant for each hackney carriage for which a license under said section four is granted, a license for said carriage to use public hackney stands.

#### Section 7

##### Inconsistent Provisions Repealed

All acts and parts of acts inconsistent with sections two to eight, inclusive, of this act, are hereby repealed, and all rules and regulations of the police commissions of Boston inconsistent with said sections are hereby made null and void.

Note – Section 7 applies only to legislative acts passed prior to 1930 and does not apply to the initiative measure (Chapter 508, Acts of 1938), referred to, or to any other acts passed after 1930.

2. Chapter 508 Of The Acts Of 1938: An Act With Relation To Public Stands For The Use Of Taxicabs And Motor Vehicles For Hire In Cities And Towns.

Be it enacted by the People and by their Authority:

In any city which accepts the provisions of this act by vote of its city council, or in any town which accepts the provisions of this act by a majority vote of the qualified voters present and voting at an annual town meeting, the licensing authorities for licensing taxicabs and motor vehicles for hire shall establish, for the use of taxicabs and motor vehicles for hire licensed within such city or town, public taxicab stands on any public highway within such city or town. Such public taxicabs and motor vehicles for hire whose owners are licensed by said licensing authorities.

3. Chapter 508 Of The Acts Of 1938: Establishing Special and Public Hackney Stands

The Police Commissioner established Public Taxicab Stands in the city of Boston, which stands are free and accessible to all taxicabs and motor vehicles for hire whose owners are licensed by the Police Commissioner.

4. Chapter 386 Of The Acts Of 1963: An Act Relative To The Regulation Of Taxicabs Within The City Of Boston.

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

In the city of Boston, no person driving or having charge of a taxicab shall solicit the carriage of a passenger or passengers for hire unless said person is licensed as a hackney carriage driver and said taxicab is licensed as a hackney carriage, by the police commissioner of said city. This act shall not be construed as prohibiting the driver of a taxicab licensed as such outside said city from accepting a passenger or passengers for hire within said city if summoned by telephone or radio for the purpose. Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars.

5. City of Boston Code 16-15.05: Vehicle for Hire Ordinance

In the City of Boston, no person, firm, or corporation driving or having charge of a taxicab or other private vehicle shall offer the vehicle for hire for the purpose of transporting, soliciting and/or picking up a passenger or passengers unless said person is

licensed as a hackney driver and said vehicle is licensed as a hackney carriage by the Police Commissioner. In addition, no person, firm, or corporation having charge of a taxicab or other private vehicle shall operate identifiable taxi top lights for the purpose of transporting, soliciting and/or picking up a passenger or passengers unless said person is licensed as a hackney driver and said vehicle is licensed as a hackney carriage by the Police Commissioner of said City.

Any Police Officer witnessing a violation of paragraph a. of this subsection may arrest the driver of the vehicle and seize evidence of said violation. Such evidence shall include but is not limited to, meters, whether mechanical or electrical, for the computation of fares based on mileage or predetermined periods of time. Any Officer who seizes such items as evidence of a violation of paragraph a. of this subsection shall take them to a place of safety until they are produced or used as evidence in any trial or other Court proceedings. All such property seized shall be disposed of as the Court Orders, and may be forfeited, sold or destroyed in the discretion of the Court.

No owner or association of owners, whose principal place of business is located in the City of Boston, and who owns a taxicab or taxicabs licensed by the City of Boston, shall be allowed to dispatch taxicabs within the City of Boston unless said taxicabs are licensed by the Boston Police Commissioner and the operators of said taxicabs possess valid hackney carriage driver licenses issued by the Boston Police Department. However, nothing herein contained shall be construed as prohibiting a driver of a taxicab licensed outside the City of Boston from driving through said City, or from accepting within the City of Boston, a passenger, passengers, packages or other merchandise if summoned by or at the request of said passenger or client by telephone, or by radio dispatch from the owner or operator's principal place of business outside the City of Boston provided that the name, pick-up address, and destination of said passenger or client are immediately supplied by the driver to any inquiring Police Officer.

Anyone found in violation of this subsection shall be punished by fine of not more than five hundred (\$500.00) dollars for each violation.

(CBC 1975 Ord. T14 § 323; Ord. 1986 c. 13 § 2-5; Ord. 2002 c. 8)

## Appendix II: WAV Vehicle Wheelchair Accessibility Specifications

### 1. Accessible Entrance Standards:

- a. 56" High – Floor to top of doorway
- b. Ramp
  - i. Design Load – Ramps 30" or longer shall support a load of 600 pounds. Ramps shorter than 30" shall support a load of 300 pounds.
  - ii. Ramp Width – 30 inches measured 2" above ramp surface.
  - iii. Ramp Surface – The ramp surface shall be continuous and slip resistant; shall not have protrusions from the surface greater than 1/4" high.
  - iv. Ramp Barriers – Each side of the ramp shall have barriers at least 2" high.
- c. Attachment: When in use for boarding, the ramp shall be firmly attached to the vehicle so that it is not subject to displacement when loading or unloading a heavy power mobility aid and that no gap between vehicle and ramp exceeding 5/8".
- d. Approximate Ramp Slope: No more than vehicle floor height to 6" curb
  - i. 1:4 inch ratio floor to ground 9" or less
    - i.e.: 8 3/4" = minimum ramp length of 35"
    - i.e.: 9" = minimum ramp length of 36"
  - ii. 1:6 inch ratio floor to ground more than 9" or less than 12"
    - i.e.: 9 1/8" = minimum ramp length of 54 3/4"
    - i.e.: 12" = minimum ramp length of 72"
  - iii. 1:8 inch ratio floor to ground more than 12"
    - i.e.: 12 1/5" = minimum ramp length of 97"
    - i.e.: 15" = minimum ramp length of 120"
  - iv. 1:12 inch ratio floor to ground all greater than 15"
    - i.e.: 15 1/8" = minimum ramp length of 181 1/2"

### 2. Interior Standards:

- a. 56" Headroom (Floor to ceiling) path to designated wheelchair position
- b. 30" x 48" unencumbered wheelchair position

### 3. Wheelchair securement system: forward facing only to include shoulder harness and crash-tested, A.D.A. approved, 4-point tie-down system.

### 4. Must have Accessible Entrance Lighting

### Appendix III: Leasing and Shift Rates

1. Effective August 29, 2008, the following maximum lease/shift rates are in effect on an industry wide basis:
  - a. The maximum rate for Medallion Only Leasing shall be \$500 per week plus radio dues.
  - b. All existing contracts for medallion leasing shall be frozen at their current rates.
  - c. Shift/Lease rates shall be publicly posted in each garage in a manner for all to view.
  - d. The maximum Shift Rates are as follows:

12 Hour Shift	\$77.00
24 Hour Shift	\$139.00
Weekly Rental	\$700.00
Two-Driver Weekly Rental	\$800.00
  - e. Where a Medallion Owner or Lessee enters into a one-year agreement with a Shift Driver, he shall be entitled to a \$10 per week premium. This premium shall apply only to the Weekly Rental or the Two-Driver Weekly Rental.
  - f. When a Hackney Carriage Driver works seven (7) consecutive twenty-four hour shifts he shall be charged the weekly rental rate.
  - g. When a Hackney Carriage Driver works fourteen (14) consecutive twelve hour shifts, he shall be charged the weekly rental rate.
  - h. Time lost in excess of one hour on 12 and 24 hour shifts, to maintenance, repair, cleaning, or administration shall be refunded to the Hackney Carriage Driver at the rate of \$8.00 per hour.
  - i. Time lost in excess of one (1) hour on 12 and 24 hour shifts due to Owner, Manager or Lessee misconduct shall be refunded to the Hackney Carriage Driver at the rate of \$28.00 per hour for a maximum of up to sixteen (16) hours per twenty-four (24) hour period.
  - j. Time lost in excess of four (4) hours on weekly shifts, to maintenance, repair, cleaning, or administration shall be refunded to the Hackney Carriage Driver at the rate of \$8.00 per hour.
  - k. Time lost in excess of four (4) hours on weekly shifts due to Owner, Manager or Lessee misconduct shall be refunded to the Hackney Carriage Driver at the rate of



\$28.00 per hour for a maximum of up to sixteen (16) hours per twenty-four (24) hour period.

1. The Medallion Owner, Manager, or Lessee shall provide an immediate receipt to the Hackney Carriage Driver for all payments and/or transactions.
2. Additional Charges: No additional charges shall be authorized except for the following:

- a. The Hackney Carriage Driver (or Lessee) shall have the responsibility for gasoline costs incurred during his/her shift. The Hackney Carriage Driver may not be required to purchase such gas from the owner/lessor.
- b. The Hackney Carriage Driver may only be charged for additional insurance at the Hackney Carriage Driver's option. Such insurance shall constitute a Collision Damage Waiver and shall hold the Hackney Carriage Driver (Lessee) blameless for all but intentional damage to the vehicle. Collision Damage Waiver shall not exceed \$5 per twelve (12) hour shift, \$9 per twenty-four (24) hour shift, or \$45 per weekly shift.
- c. The Shift Driver may be charged for a violation assessment (\$0.30 per 12-hour shift).
- d. The Shift Driver may be charged a "Clean Taxi Premium" at the following rates:

12 Hour Shift	\$18.00
24 Hour Shift	\$33.00
Weekly Shift	\$170.00
Yearly Shift	\$8840.00

- e. The Hackney Carriage Driver may be charged \$8.00 per hour for failure to return a shifted vehicle on time.
- f. The Hackney Carriage Driver may be required to place a damage deposit of no more than \$500.
- g. The Hackney Carriage Driver may be charged all applicable sales taxes associated with the shift transaction.
- h. The Shift and Lease rates listed in this Appendix are maximums only. A Medallion Owner may charge less than the listed Shift or Lease rate.

## Appendix IV: Meter Rates

1. Per Mile and Tolls:
  - a. First 1/7 Mile: \$2.60
  - b. Each 1/7 Mile thereafter .40
  - c. Tolls Additional
2. Idling/Waiting Time: \$28.00 Per Hour
3. Passenger pays \$2.75 toll for all trips from Boston proper to Logan Airport and North Shore Communities.
4. Passenger pays no toll from Boston proper to East Boston, not including Logan Airport.
5. Flat Rates as published in the Flat Rate Handbook at a per mile rate of \$3.20.

**Rules and Procedures**  
**Rule 404**  
**January 5, 2010**

**Rule 404 - SIGHT-SEEING AUTOMOBILE RULES**

**Rules and regulations established by the Police Commissioner for the City of Boston for Sight-seeing automobiles, stands, and drivers in accordance with Chapter 399 of the Acts of 1931, as amended, and Chapter 222 of the Acts of the 1949.**

**SECTION 1: OVERVIEW**

Section 1.1. Definitions:

Whenever in these regulations the following terms are used, they shall have the meanings respectively ascribed to them in this section:

Sec.1.1.1. Administrative Hearing Officer: An individual designated by the Police Commissioner to manage the scheduling of hearings, to rule on pre- and post-hearing motions, and to conduct pre-hearing conferences and disciplinary trial boards.

Sec.1.1.2. Appeal Board: A board of three Boston Police Department Captains selected by the Police Commissioner or his designee to hear appeals of decisions of the Inspector of Carriages according to Rule 404.

Sec.1.1.3. Amphibious Sight-seeing Automobile: An automobile as defined in section 1, chapter 90 of the General Laws that is viable on water as well as on land, used for the carrying of persons for sight-seeing purpose, for a consideration, in and/or from the City of Boston, and around the City of Boston and on which automobile guide service by the drivers or other person is offered or furnished.

Sec.1.1.4. Boston Police Officer: An individual appointed by the Police Commissioner to carry out the functions of the Boston Police Department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the proper enforcement of all laws and ordinances and the effective delivery of police services.

Sec.1.1.5. Charter: A Sight-seeing Automobile which has been leased or hired for exclusive or private use and not operating on any sort of regular, pre-approved route.

Sec.1.1.6. Commonwealth of Massachusetts Inspection Sticker or Certificate of Inspection: A serially numbered, adhesive sticker, device, or symbol, as may be prescribed by the Registrar of Motor Vehicles, indicating a motor vehicle has met the inspection requirements established by the Registrar of Motor Vehicles for issuance of a certificate.

Sec.1.1.7. Contingency Route: A route temporarily assigned to a licensed Sight-seeing Automobile company that is only authorized if conditions, as specified by the City of Boston, are met.

Sec.1.1.8. Director of Licensing: An individual designated by the Police Commissioner to command the Licensing Division of the Boston Police Department.

Sec.1.1.9. Hackney Carriage Unit: The enforcement unit designated by the Police Commissioner to implement, oversee, and enforce this rule. This unit is also known as the Office of the Inspector of Carriages.

Sec.1.1.10. Hackney Complaint: A complaint, filed by someone other than a Police Officer, which reports that a Sight-seeing Automobile vehicle has violated one or more requirements of Rule 404, and notice of which has been sent in writing by the Inspector of Carriages to the Sight-seeing company, owner or operator.

Sec.1.1.11. Hackney Violation: Any vehicle operated as a Sight-seeing Automobile that is observed by a Police Officer while in violation of any requirement of Rule 404 and cited for a Hackney Violation.

Sec.1.1.12. Inspector of Carriages: A superior officer of the Boston Police Department assigned by the Police Commissioner to command the Hackney Carriage Unit.

Sec.1.1.13. Jitney: A motor vehicle as defined in section 1, chapter 90 of the General Laws, operated upon a public way, for the carriage of passengers for hire, in such a manner so as to afford a means of transportation similar to that afforded by a railway company, by indiscriminately receiving and discharging passengers along the route upon which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini.

Sec.1.1.14. Legal Advisor's Office: This office formulates legal opinions and provides legal perspectives on policy matters. Also, provides legal advice to members of the Department, represents the Department in selected civil litigation, presents cases where disciplinary charges are brought against Department employees, and defends the Department in employment related matters.

Sec.1.1.15. License: The permission granted by the Police Commissioner either 1) to authorize a specific Sight-seeing Automobile to operate in and/or from the City of Boston; or 2) to authorize a person to drive a licensed Sight-seeing Automobile.

Sec.1.1.16. License File: A file maintained at the Hackney Carriage Unit pertaining to a Sightseeing Automobile Company or a Sightseeing Automobile Driver. The file may include

the Application for a License, any subsequent Application(s), as well as a record of the owner or driver's disciplinary and License history.

Sec.1.1.17. Notice: For the purposes of receiving notice of a Hackney Complaint or Hackney Violation, a person (owner, company, operator or driver of a Sight-seeing Automobile) has "notice" of such complaint or violation if the person has received a notice or notification of a complaint by the Inspector of Carriages, or has been cited by a Police Officer for a Hackney Violation.

Sec.1.1.18. Office of the Inspector of Carriages: A unit of the Boston Police Department in charge of regulating taxicabs, Sight-seeing Automobiles, pedicabs, horse and carriages and such other vehicles as the Police Commissioner may determine. Also known as the Hackney Carriage Unit.

Sec.1.1.19. Police Commissioner: An individual appointed by the Mayor of the City of Boston who commands the Boston Police Department and has powers over licensees of such Department as per Chapter 291 of the Acts of 1906 and Chapter 322 of the Acts of 1962, as well as powers regarding the Sight-seeing Automobile industry as per Chapter 399 of the Acts of 1931.

Sec.1.1.20. Route: A specific course through the City of Boston assigned to a licensed Sight-seeing Automobile Company with prior approval from the City of Boston Department of Transportation for use by its Sight-seeing Automobile.

Sec.1.1.21. Sight-seeing Automobiles: The term "Sight-seeing Automobile" shall mean an automobile as defined in section 1, chapter 90 of the General Laws, used for the carrying, for a consideration, of persons for sight-seeing purposes in or from the City of Boston, and in or on which automobile guide service by the drivers or other person is offered or furnished. For the purposes of this Rule, "Sight-seeing Vehicle" shall be one and the same as "Sight-seeing Automobile."

Sec.1.1.22. Sight-seeing Automobile Company: A company that operates under a trade name and owns one or more licensed Sight-seeing Automobiles.

Sec.1.1.23. Sight-seeing Stands: A location on a public street designated for Sight-seeing Automobiles to originate sight-seeing tours. Sight-seeing Automobiles may occupy such location exclusively on the days and during the hours authorized by the Police Commissioner.

Sec.1.1.24. Sight-seeing Stops: A Sight-seeing Stop is a portion of a public street designated on an approved route authorized by the City of Boston for use by any vehicle holding a Sight-seeing Automobile license for the purpose of loading and unloading passengers.

Sec.1.1.25. Trade Name: The name under which a licensed Sight-seeing Automobile owner operates a Sight-seeing Automobile in Boston for public commercial purposes, although its legal name registered with the Commonwealth of Massachusetts may differ.

Sec.1.1.26. Transportation Commissioner: An individual appointed by the Mayor of the City of Boston who commands the Boston Transportation Department and currently has the authority previously invested in the Boston Traffic Commission, referred to in Chapter 399 of the Acts of 1931.

Sec.1.1.27. Vehicle Identification Number: A unique serial number used by the automotive industry to identify individual motor vehicles.

#### Section 1.2. Police Commissioner's Regulation of the Sight-Seeing Automobile Industry:

Sec.1.2.1. Authority. Pursuant to the authority granted by the Commonwealth of Massachusetts and the City of Boston, the Police Commissioner of the Boston Police Department is authorized to regulate the Sight-seeing Automobile industry within the City of Boston. See Appendix 1.

Sec.1.2.2. Enforcement. To this end, the Police Commissioner has promulgated this rule and established an enforcement unit within the Boston Police Department to oversee the implementation and enforcement of this rule.

Sec.1.2.3. Date of affect. This document is intended to be a comprehensive and definitive listing of all regulations affecting the Sight-seeing Automobile industry in the City of Boston as of January 5, 2010.

Sec.1.2.4. Amendment. From time to time, the Police Commissioner may amend this rule in order to promote public safety, well-being, convenience, and to respond to the changing needs of the industry.

Section 1.3. Timelines Contained Herein: All timelines contained in this rule are guidelines, unless required by law. As such, no time limit is placed on the decision-making process or powers of the Police Commissioner or his designee(s). A failure to adhere to such timelines shall not void the discipline proscribed or the administrative process indicated.

Section 1.4. Reservation of Police Commissioner as to Powers and Duties: The Police Commissioner hereby reserves to himself all powers and duties under Chapter 399 of the Acts of 1931, to which these rules and regulations are subject.

Section 1.5. Reservation of Authority: As described above, the Police Commissioner may from time to time delegate his regulatory and enforcement authority over Sight-seeing Automobiles. Any such delegation, for whatever purpose or duration, shall not be

construed as a surrender of the Commissioner's authority or power to regulate Sight-seeing Automobiles within the City of Boston. The Police Commissioner reserves all power and authority granted by the laws of the Commonwealth of Massachusetts and the City of Boston.

Section 1.6. Delegation of Authority: The Inspector of Carriages supervises the review and processing of all Applications for Sight-seeing Automobile Licenses and Licenses, as well as regulates the operation of the Sight-seeing Automobile industry within the City of Boston. The Inspector of Carriages shall have the additional authority to make minor rules necessary for the conduct and administration of his duties and may impose discipline up to and including suspension for violations of those rules by any Sight-seeing Automobile Company, owner, operator or driver.

## **SECTION 2: APPLICATIONS FOR SIGHT-SEEING LICENSES**

Section 2.1. Granting of Applications for Sight-seeing Automobile Licenses:

Sec.2.1.1. Suitability. The Police Commissioner may annually grant licenses to suitable persons who apply to offer or furnish service by a Sight-seeing Automobile in Boston. Individuals deemed suitable pursuant to Chapter 399 of the Acts of 1931 by the Inspector of Carriages shall be granted permission to operate, and receive a license for, a Sight-seeing Automobile.

Sec.2.1.2. Application. Licenses may only be obtained through application to the Office of the Inspector of Carriages or the Hackney Carriage Unit.

Sec.2.1.3. Transfer. Licenses may not be sold, assigned or transferred.

Sec.2.1.4. Expiration. Licenses shall automatically expire upon the sale, acquisition or transfer of the vehicle.

Sec.2.1.5. Purchase of automobile. Any person, firm or corporation wishing to purchase or otherwise acquire a licensed vehicle, must apply in advance of the sale or acquisition of a potential Sight-seeing Automobile for approval of a new license from the Inspector of Carriages.

Sec.2.2. Time of Filing License Applications: New applications for all licenses may be filed with the Inspector of Carriages at any time, but applications for the renewal of licenses already in use shall be filed annually by the owner of the Sight-seeing license before February 1st. All licenses shall be made on official forms provided by the Office of the Inspector of Carriages, with all the information therein required, and shall be examined and

reported on by the said office. All licenses and stand designations shall annually expire on the first day of March.

Section 2.3. Trade Names: All trade names used by licensed owners are subject to the approval of the Police Commissioner and shall be recorded in the Office of the Inspector of Carriages and in the office of the City Clerk.

Section 2.4. Applications for Sight-seeing Vehicle Licenses:

Sec.2.4.1. Required submissions. Applications must be submitted by the owner of a Sight-Seeing Automobile or Sight-Seeing Company on such forms and with such information as the Inspector of Carriages shall require. An applicant for a license must submit the following to the Inspector of Carriages:

- a. A sight-seeing route approved by the Transportation Commissioner of the City of Boston.
- b. If so requested, a contingency route may be utilized by the Applicant. This route must be approved by the Transportation Commissioner, and the City shall set the conditions under which the contingency route shall be activated.
- c. A certificate from the Commonwealth of Massachusetts Department of Public Utilities declaring that public convenience and necessity require such a sight-seeing operation.
- d. For each vehicle to be used: (1) a valid certificate of registration issued by the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, (2) the date of registration together with the vehicle identification number shall be entered on the Application, and (3) also on the license from the Police Commissioner if granted. If the Applicant has not yet purchased his vehicle, he/she should submit the specifications of the vehicle he/she intends to purchase, as described in Section 3(A)(1), for approval from the Inspector of Carriages.
- e. A photograph or drawing of the vehicle proposed for licensing, in the colors, design, vehicle specifications and dimensions proposed for use.

Sec.2.4.2. Other documents. The Police Commissioner reserves the right to require copies of such other documents, permits, licenses or certificates as he/she may determine necessary during the license application review process.

### **SECTION 3: REQUIREMENTS FOR A SIGHT-SEEING AUTOMOBILE**

Section 3.1. Vehicle Requirements to Obtain a License for a Sight-seeing Automobile



Sec.3.1.1. Specifications. If an Applicant has not yet purchased a Sight-seeing Automobile, he/she must present a copy of the specifications of the Sight-seeing Automobile he/she intends to purchase, for approval by the Inspector of Carriages. If the Applicant currently owns the vehicle, he/she must provide the specifications of the existing vehicle for approval by the Inspector of Carriages.

Sec.3.1.2. Dimensions. The Inspector of Carriages shall only approve those vehicles that are:

<u>Maximum Height:</u>	<u>13'4"</u>
<u>Maximum Width:</u>	<u>8'6"</u>
<u>Maximum Length:</u>	<u>36'</u>
<u>Maximum Gross vehicle Weight</u>	<u>26,000 lbs.</u>
<u>Maximum Driver Seat Height above ground:</u>	<u>80"</u>

\*vehicles already approved for service prior to the issuance of this rule may remain in service so long as they pass Commonwealth of Massachusetts and City of Boston Inspection Standards.

Sec.3.1.3. Inspection. Prior to receiving a license, the owner must present the vehicle to the Inspector of Carriages for approval. The vehicle shall be thoroughly inspected in regard to dimensions, mechanical condition and general appearance, as per written guidelines provided by the Inspector of Carriages.

Sec.3.1.4.Other requirements. The vehicle must also:

- a. Be registered in the Commonwealth of Massachusetts to an address in the City of Boston. A post office box is acceptable. Proof of registration is established by submitting a copy of the Commonwealth of Massachusetts Registration to the Inspector of Carriages.
- b. Have a current Commonwealth of Massachusetts Inspection Sticker.

Sec.3.1.5. Change of address. When a licensed owner changes his address or the place at which a Sight-seeing Automobile is garaged, he/she must notify the Office of the Inspector of Carriages in writing by certified mail or in person, within twenty-four (24) hours of such change.

Sec.3.1.6. Unlicensed operator. No owner or person responsible for the care and control of a Sight-seeing Automobile shall allow any person other than a driver licensed by the Police Commissioner to operate such licensed Sight-seeing Automobile.

Sec.3.1.7. Changes in certificate of registration. Upon any change in the certificate of registration of a Sight-seeing Automobile issued by the Massachusetts Registrar of Motor Vehicles, the owner shall immediately present such certificate together with the sight-seeing license to the Office of the Inspector of Carriages.

Sec.3.1.8. Surrender of license. Any holder of a Sight-seeing license who ceases to be the owner of Sight-seeing Automobile shall immediately surrender his license to the Police Commissioner.

Sec.3.1.9. Transfer of license. No Licensee shall transfer a license from one type of vehicle already approved to a different type of vehicle owned or operated by the licensee unless the Inspector of Carriages has issued written approval for the proposed new vehicle type in advance and in writing. A Licensee may transfer a license to another vehicle of the same type owned or operated by the Licensee.

Sec.3.1.10. Refusal of license. The Police Commissioner may refuse a license for, or, if already issued, revoke or suspend the license of any Sight-seeing Automobile found by him/her to be unfit or unsuited for public patronage.

Sec.3.1.11. Denial of application. The Police Commissioner reserves the right to deny an Application for any reason that he/she may determine and shall specify so to the Applicant for the license.

Section 3.2. Painting of Sight-seeing Automobiles: No owner of a Sight-seeing Automobile shall paint his vehicle in colors or designs which so closely resemble other licensed Sight-seeing Automobiles as to mislead the public as to its identity. A violation of this provision may include suspension until the vehicle is repainted or revocation of the license.

Section 3.3. Wheelchair Accessibility: Any company with more than three (3) licensed vehicles must provide for wheelchair accessibility in 25% of the vehicles in their fleet.

Section 3.4. Inspection of Vehicles Prior to Service:

Sec.3.4.1. Placement in service. No vehicle shall be placed in service as a Sight-seeing Automobile until the Inspector of Carriages has approved such vehicle as to type, capacity, and size.

Sec.3.4.2. Standards. The Inspector of Carriages shall establish and publish vehicle size standards which shall be used as part of the criteria by which Sight-seeing Automobile licenses shall be approved. (See Section 3.1.2.)

Sec.3.4.3. Frequency of inspections. All licensed Sight-seeing Automobiles shall be inspected to meet the requirements as set out in Rule 404 every six (6) months. The owner of such vehicle shall be required to bring the vehicle to a place of inspection at such time as designated by the Inspector of Carriages. The designated inspection time shall be sent by written notice to all owners of Sight-seeing Automobiles.

Sec.3.4.4. Card display. All licensed Sight-seeing Automobiles shall have a card of such size and form as may be required by the Inspector of Carriages which shall contain the license number assigned to said vehicle by the Police Commissioner, the license number assigned to said driver by the Police Commissioner, and a statement to the effect that complaints shall be filed with the Office of the Inspector of Carriages by giving the license number of the Sight-seeing Automobile, or license number of the driver of the Sight-seeing Automobile and other relevant details. This card shall be prominently displayed on the interior of the vehicle in clear view of the passengers and so placed or secured in the frame in which it is enclosed that it may not be easily molested or destroyed.

Sec.3.4.5. Additional lights. Any additional lights on Sight-seeing Automobiles except those that are required by law are prohibited without obtaining the approval of the Inspector of Carriages.

Section 3.5. Violations and Penalties: All complaints and violations of these rules against a licensed Sight-seeing Automobile owner made by the public or police officers shall be presented to the Office of the Inspector of Carriages whose officer in charge shall hear the facts and impose an appropriate penalty if the Sight-seeing Automobile license owner is found guilty of the complaint or violation.

#### **SECTION 4: PROHIBITED USES OF LICENSED SIGHT-SEEING VEHICLES**

Vehicle Prohibited to be used as Ticket Booth or Shelter: No person, firm or corporation, being the holder of one or more Sight-seeing Automobile licenses shall allow any vehicle owned or controlled by them, whether licensed as a Sight-seeing Automobile or not, to be used as a ticket booth or shelter while occupying space on a public street or sidewalk or on private property or upon the property of any Authority, Agency or Department without the written permission of the owner. A copy of such written permission shall be kept with the licensed Sight-seeing Automobile at all times.

#### **SECTION 5: SIGHT-SEEING STOPS AND SIGHT-SEEING STANDS**

Section 5.1. Sight-seeing Stands:

Sec.5.1.1. Designation. The Police Commissioner, in consultation with the Commissioner of the Boston Transportation Department, may designate places in the public streets that may be occupied as Sight-seeing Stands by specified Sight-seeing Automobiles on the days and within the hours authorized by him/her. The designation of a Stand shall be distinct from the granting of a license to set-up a Sight-seeing Automobile, but no request for such designation shall be entertained unless accompanied by an Application for such license. Requests for designation of a particular Stand must be made in writing to the Office of the Inspector of Carriages.

Sec.5.1.2. Discretion of Police Commissioner. Sight-seeing Stands are assigned to specific companies who exclusively may occupy the designated number of spaces at a Stand. The

Police Commissioner reserves the right at his discretion to revoke, change, modify or reassign any and all privileges associated with designated Stands.

#### Section 5.2. Sight-seeing Stops:

Sec.5.2.1. Designation. A Sight-seeing Stop is a portion of the public street designated by the Police Commissioner for use by any vehicle holding a Sight-seeing Automobile License. Such Stop may only be occupied for the time required to pick-up or discharge passengers. The Police Commissioner may bar an individual Sight-seeing license holder from using a particular stop for such period of time as in his judgment is warranted by the license holder's actions.

Sec.5.2.2. Discretion of Police Commissioner. The Police Commissioner reserves the right at his discretion to revoke, change, modify or reassign any and all privileges associated with assigned Stops.

#### Section 5.3. Granting of Sight-seeing Stops and Sight-seeing Stands:

Sec. 5.3.1. Annual granting of use. The Police Commissioner may annually grant suitable persons the use of Sight-seeing Stops and Sight-seeing Stands. Sight-seeing Stands are granted exclusively for use by specific Sight-seeing Automobile companies. Individuals deemed suitable by the Inspector of Carriages pursuant to Chapter 399 of the Acts of 1931 shall be granted permission to occupy Stops and Stands on the days and within the hours authorized by him/her.

Sec.5.3.2. Privileges non-transferable. A Sight-seeing Automobile company's privilege to use Sight-seeing Stops and Sight-seeing Stands may not be sold, assigned or transferred.

Sec.5.3.3. Expiration of privileges. A Sight-seeing Automobile company's privilege to use Sight-seeing Stops and Sight-seeing Stands shall automatically expire upon the sale, acquisition or transfer of the sight-seeing automobile company.

Sec.5.3.4. Application in advance of sale or acquisition. Any person, firm or corporation wishing to purchase or otherwise acquire a company which holds licensed Sight-seeing vehicles, and wishing to utilize the designated stops and stands must apply in advance of the sale or acquisition for approval from the Inspector of Carriages.

Section 5.4. Time of Filing Applications for Sight-seeing Stops and Sight-seeing Stands: New Applications for designated Sight-seeing Stops and Sight-seeing Stands may be filed with the Inspector of Carriages at any time, but Application for the renewal of designated stops and stands already in force must be filed annually before February 1st. Such applications shall be made on official forms provided by the Office of the Inspector of Carriages, shall contain all the information therein required, and shall be examined and reported on by the said Office. All stop and stand designations shall expire annually on the first day of March.

## Section 5.5. Applications for Sight-seeing Automobile Stops and Stands:

Sec.5.5.1. Forms. Applications for Sight-seeing Stops and Sight-seeing Stands shall be submitted on such forms and provide such information as the Inspector of Carriages shall require.

Sec.5.5.2. Illustration. An Applicant shall submit a photograph or drawing of the area on the public way that he/she proposes to utilize as a Sight-seeing Stop and/or Sight-seeing Stand which shall illustrate its current use.

Sec.5.5.3. Signage. An Applicant shall submit a photograph or drawing of the current signage at the proposed Sight-seeing Stop or Sight-seeing Stand.

Sec.5.5.4. Curb space. Curb space on a public way whose current signage is “No Stopping Anytime” or “Taxi Stand” will not be considered.

Sec.5.5.5. Co-location. Consideration will be given to co-locating City Licensed Sight-seeing Stops with MBTA Bus Stops and Valet Zones.

Sec.5.5.6. Transportation Commissioner. The Inspector of Carriages shall review all Applications for Sight-seeing Stops and Sight-seeing Stands with the Transportation Commissioner or his designee, and shall not approve any such Application unless approved by the Transportation Commissioner or his designee.

Sec.5.5.7. Other documents. The Police Commissioner reserves the right to require copies of such other documents, permits, licenses or certificates as he/she may determine.

## Section 5.6. Appeal of Denial of Application for Sight-seeing Automobile Stop or Stand:

Sec.5.6.1. Written appeal. An individual who wishes to appeal the denial of an Application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the Application denial.

Sec.5.6.2. Recommendation. The Director of Licensing shall forward the written appeal, the Application file, the Inspector of Carriages’ denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.

Sec.5.6.3. Decision. The Commissioner shall render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.

## **SECTION 6: SIGHT-SEEING LICENSE REQUIREMENTS FOR DRIVERS**

Section 6.1. Granting of Sight-Seeing License: The Police Commissioner may annually grant licenses to suitable persons as drivers who are properly qualified to have charge of Sight-seeing Automobiles in the City of Boston. Individuals deemed suitable by the Inspector of Carriages pursuant to Chapter 399 of the Acts of 1931 shall be granted permission to drive a Sight-seeing Automobile.

Section 6.2. Sight-seeing License Application Procedure and Requirements:

Sec.6.2.1. In person application. Any person seeking to become a licensed Sight-seeing Automobile driver or to renew a Sight-seeing Automobile driver's License in the City of Boston must present themselves at Boston Police Headquarters and must complete an Application for a new Sight-seeing Automobile driver's License. Such Applications shall be available from the Hackney Carriage Unit.

Sec.6.2.2. Denial. Any person who submits an Application for a license, or to renew a license, with untruthful, deceptive or fraudulent information shall have his or her license Application or his or her renewal Application denied immediately.

Sec.6.2.3. Applicant requirements. To apply, the Applicant must:

- a. Be twenty-one (21) years of age or older;
- b. Pass a standard examination demonstrating the ability to speak, read, write and understand the English Language;
- c. Participate in sight-seeing automobile testing and training as determined by the Inspector of Carriages;
- d. Have an original Birth Certificate, Alien Card, Asylum Document, US Passport or Naturalization Papers;
- e. Have a valid United States driver's license;
- f. Have had a driver's license in the United States for at least two (2) years;
- g. Not have been adjudged a habitual traffic offender, as defined by the Commonwealth of Massachusetts Registry of Motor Vehicles standards, or the equivalent in any jurisdiction, within the past five (5) years;
- h. Not have any outstanding or unresolved driving infractions which could result in the applicant's driver's license being suspended or revoked in any jurisdiction;

- i. Not have had his or her driver's license suspended for five (5) or more surchargeable events, as defined by the Commonwealth of Massachusetts Registry of Motor Vehicles, or the equivalent in any jurisdiction, within the past five (5) years;
- j. Not have more than four (4) violations/accidents as defined by the Registry of Motor Vehicles or equivalent department in the last three (3) years (violations and accidents occurring on the same date will count as only one) in any jurisdiction;
- k. Not have any operating under the influence of drugs or alcohol convictions or dispositions under Massachusetts General Law Chapter 90 section 24D within the past five (5) years or the equivalent in any jurisdiction;
- l. Not have any felony convictions within the last five (5) years in any jurisdiction;
- m. Not have any drug convictions in the last five (5) years in any jurisdiction;
- n. Not have any dispositions for a criminal offense that would result in the denial of a license, including admissions to sufficient facts or agreed to a continuance of such an offense without resolution, unless the circumstances of such incident are reviewed by the Inspector of Carriages as to the specific facts and circumstances and the applicant is thus approved by the Inspector of Carriages;
- o. Not be required to register as a sex offender in any jurisdiction; and
- p. Not have any outstanding or unresolved criminal court cases in any jurisdiction which could result in the license being denied if the applicant was convicted of the alleged offense.

### Section 6.3. License Renewal and Expiration:

Sec.6.3.1. Annual renewal. A Sight-seeing Automobile driver's License must be renewed annually.

Sec.6.3.2. Expiration. A Sight-seeing Automobile driver's License shall expire upon whichever of the following events occurs first:

- a. One year from the date of issuance;
- b. The driver's date of birth;
- c. The date the driver's ICE Employment Authorization Card expires; or
- d. Any other date as determined by the Inspector of Carriages and as printed on the sightseeing license.

Sec.6.3.3. Renewal. A renewal application for a Sight-seeing automobile driver's license shall be considered as if the driver were a new applicant.

Sec.6.3.4. Testing and training. Applicants may be required to participate in sight-seeing automobile testing and training as determined by the Inspector of Carriages.

Sec.6.3.5. Failure to renew license. If an individual fails to apply to renew his or her Sight-seeing Automobile driver's License, that license shall expire and immediately be deemed invalid.

Section 6.4. Suitability of Applicants: In addition to meeting the above requirements all Applicants for a license must be suitable individuals. Nothing herein shall limit the Inspector of Carriages' power to deny an initial Application or a renewal Application should he/she determine that the Applicant is not a suitable Sight-seeing Automobile driver.

Section 6.5. Appeal of Denial of Application for Sight-seeing Automobile Driver's License:

Sec.6.5.1. Filing of appeal. An individual who wishes to appeal the denial of an application by the Inspector of Carriages may file a written appeal with the Director of Licensing within fourteen (14) business days of receipt of the application denial.

Sec.6.5.2. Recommendation. The Director of Licensing shall forward the written appeal, the Application file, the Inspector of Carriages' denial, and a recommendation on the appeal to the Police Commissioner within seven (7) business days of receipt of the appeal.

Sec.6.5.3. Decision. The Commissioner shall render a decision on the appeal within thirty (30) days of receipt of the appeal documents from the Director of Licensing.

Section 6.6. License File:

Sec.6.6.1. Retention of documents. All Application materials and other documents referred to in this section shall be retained as part of the license file and are the property of the Boston Police Department.

Sec.6.6.2. Change of address notification. If a licensed sight-seeing driver changes his address or his place of employment, he/she shall notify the Office of the Inspector of Carriages in writing by certified mail or in person, within twenty-four (24) hours of the change.

## **SECTION 7: REQUIREMENTS FOR LICENSED DRIVERS**

Section 7.1. Respectful Treatment of Passengers:



Sec.7.1.1. Treatment of persons. All Sight-seeing Automobile drivers shall treat all persons in a professional, respectful and courteous manner at all times.

Sec.7.1.2. Interaction with law enforcement officials. Sight-seeing Automobile drivers shall be respectful to and are required to answer fully and civilly any questions asked by police officers or parking enforcement officers in the performance of their duties.

Sec.7.1.3. Compliance with lawful commands. Sight-seeing Automobile drivers shall obey all such lawful commands as may be given to them by any Police Officer or Parking Enforcement Officer.

Sec.7.1.4. Reporting suspicious behavior. Every driver of any licensed Sight-seeing Automobile shall report to the nearest police station any suspicious actions of passengers or conditions that he/she may observe.

Section 7.2. Sight-seeing Automobile Driver to have License in His Possession: Every driver having charge of a licensed Sight-seeing Automobile shall have on his or her person their Sight-seeing Automobile driver's license, and shall display such license in a place easily visible to the passengers of such vehicle.

Section 7.3. Dress of Sight-seeing Automobile Drivers: Every driver having charge of a licensed Sight-seeing Automobile in a public place shall be suitably dressed.

Section 7.4. Alcohol and Drugs:

Sec.7.4.1. Operating under the influence. No sight-seeing automobile driver shall operate a Sight-seeing Automobile while under the influence of any alcohol, illegal drug, or prescription narcotic that may impair the driver's ability or operate a motor vehicle.

Sec.7.4.2. Operating while in possession. No Sight-seeing Automobile driver shall operate a Sight-seeing Automobile while in the possession of any alcoholic beverage.

Sec.7.4.3. Open containers. No Sight-seeing Automobile driver shall allow any open container of alcohol in the Sight-seeing Automobile.

Section 7.5. Lost Driver's Licenses:

Sec.7.5.1. Reporting lost license. A Sight-seeing Automobile driver shall immediately report the loss of his Sight-seeing Automobile driver's license to the Sight-seeing Automobile Unit ("Unit") and the Unit shall complete a police report documenting the loss. The police report documenting the lost driver's license shall be retained in the license file.

Sec.7.5.2. Replacement license. The Inspector of Carriages shall furnish a replacement license after the driver's payment of the replacement fee.

Section 7.6. Driver Shall Search Automobile after Delivering Passengers:

Sec.7.6.1. Search for lost property. The driver of said Sight-seeing vehicle or another agent of the owner of said Sight-seeing vehicle must search the automobile for any property which may have been left therein immediately after the passengers have left a licensed Sight-seeing Automobile at end of a trip or an engagement.

Sec.7.6.2. Lost and Found. Any property found therein shall be immediately delivered by the finder thereof to a lost and found, or other similar facility, which shall be maintained by the Sight-seeing Automobile license holder.

Section 7.7. Violations and Penalties: All complaints and violations of these Rules against Sight-seeing Automobile drivers by the public or police officers shall be presented to the Office of the Inspector of Carriages whose officer in charge shall hear the facts, and if the Sight-seeing Automobile driver is found guilty of the complaint or violation, impose a penalty.

## **SECTION 8: RESTRICTIONS**

**Section 8.1. Sight-seeing Automobiles Restricted in Their Use of the Street: Sight-seeing automobiles and persons operating them as drivers shall be subject to all rules applicable to motor vehicles in general, and those rules and regulations which have been made or shall hereafter be made by the Transportation Commissioner of the City of Boston. In addition, in no case shall a licensed sight-seeing automobile be left, occupied or unoccupied, in any portion of a public street longer than 20 minutes except at its designated stand, whether on charter or otherwise. In no event shall the vehicle be left running while unoccupied.**

Section 8.2. Soliciting of Passengers Restriction:

Sec.8.2.1. Solicitation on public property. No owner of a Sight-seeing Automobile company or vehicle, and no operator or other agent of an owner shall solicit passengers in a public street or sidewalk or other public property other than upon a stand assigned to him/her, and on such stand only by means which shall be free from noise, disorder or other annoyance to the public or to the persons solicited.

Sec.8.2.2. Solicitation on private or government-owned property. No owner of a Sight-seeing Automobile and no operator or any agent of an owner shall solicit passengers on private property or upon the property of any municipal, state, or federal authority, agency or department without the written permission of the owner of such property. A copy of such written permission shall be kept with the ticket booth or shelter at all times.

Section 8.3. Anti-Discrimination Clause: A Sight-seeing Automobile driver or owner may not refuse any passenger on the basis of race, sex, religion, disability, sexual orientation, national origin.

## **SECTION 9: PROVISIONS REGARDING SIGHT-SEEING CHARTERS AND SIGHT-SEEING AUTOMOBILES USED AS JITNEYS**

### Section 9.1. Sight-seeing Charters:

Sec.9.1.1. Signage. A licensed Sight-seeing Automobile in use as a charter automobile must display two signs, one visible at the front of the vehicle and one visible at the rear of the vehicle, with letters at least 4 inches in height, stating "CHARTER." Such sign must be plainly visible to persons on the street.

Sec.9.1.2. Copy of contract. The driver of a licensed Sight-seeing Automobile in use as a charter shall carry a copy of said charter contract with him/her while operating said vehicle.

### Section 9.2. Sight-seeing Automobiles used as Jitneys:

Sec.9.2.1. Signage. A licensed Sight-seeing Automobile in use as a jitney must display two signs, one visible at the front of the vehicle and one visible at the rear of the vehicle, with letters at least 4 inches in height, stating "JITNEY." Such sign must be plainly visible to persons on the street.

Sec.9.2.2. Copy of license. The driver of a licensed Sight-seeing Automobile in use as a jitney shall carry a copy of said jitney license with him/her while operating said vehicle.

## **SECTION 10: OTHER PROVISIONS**

### Section 10.1. Ticket booths:

Sec.10.1.2. Signage. No person, firm or corporation, being the holder of one or more Sight-seeing Automobile licenses shall allow a ticket booth for such vehicles to be operated in the City of Boston unless such ticket booth shall display the trade name of the Sight-seeing Automobile license holder in a font size that is larger than any other lettering on said ticket booth.

Sec.10.1.3. Written permission. No person, firm or corporation, being the holder of one or more Sight-seeing Automobile licenses shall allow any ticket booth owned or controlled by them to occupy space on a public street or sidewalk or on private property or upon the property of any Authority, Agency or Department without the written permission of the owner of such property. A copy of such written permission shall be kept with the ticket booth at all times.

### Section 10.2. Annual Report:

Sec.10.2.1. Deadline for filing of annual report. Any individual or company holder of a Sight-seeing license, who seeks renewal of said license for a subsequent year, shall file an annual report with the Office of the Inspector of Carriages before February 1.

Sec.10.2.2. Content of annual report. Said annual report shall include the following information:

- a. A copy of the corporate federal and state tax returns;
- b. Proposed sight-seeing tour route;
- c. Any proposed alternative sight-seeing tour route;
- d. Location of sight-seeing stand and sight-seeing stops if applicable;
- e. Description of licensed vehicle(s)
- f. Method utilized to verify historical accuracy of tour narration;
- g. Verification of bilingual capability (if applicable);
- h. Days and hours of operation;
- i. Statement of previous year's ridership and percentage of capacity utilization (by month);
- j. Projection for upcoming year's ridership and anticipated capacity utilization (by month);
- k. List of licensed drivers employed by the Sight-seeing Company; and
- l. Information regarding any motor vehicle or other accidents or infractions.

Section 10.3. Motor Vehicle Crash Reports: Any time a licensed Sight-seeing Automobile is involved in a crash which under Massachusetts Law requires a motor vehicle crash report to be filed, a copy of such report shall be filed with the Inspector of Carriages within five (5) business days.

Section 10.4. No Smoking Policy:

Sec.10.4.1. Designation. All licensed Sight-seeing Automobiles shall be designated as "No Smoking Vehicles" at all times.

Sec.10.4.2. No smoking. No smoking is allowed in Sight-seeing Automobile by either the driver or passenger(s).

Sec.10.4.3. Stickers. All Sight-seeing Automobiles will have stickers announcing this regulation, visible on both the exterior window and interior passenger compartment. This sticker will be supplied by the Hackney Carriage Unit.

Sec.10.4.4. Non-compliant passengers. A Sight-seeing Automobile driver may ask a passenger who refuses to stop smoking in the Sight-seeing Automobile to leave the vehicle until such time as the item is extinguished. If the passenger refuses to stop smoking, the driver should contact the Boston Police Department.

Sec.10.4.5. Refusal of entry. A Sight-seeing Automobile driver may refuse to allow a passenger entry into the vehicle until such passenger has extinguished all smoking materials.

Section 10.5. Cellular Phone Usage: A Sight-seeing Automobile driver may not use a cellular telephone for any purpose, including text messaging, while the Sight-seeing Automobile is in motion except in emergency situations. The use of a cellular phone while transporting passengers jeopardizes public safety, the passenger's safety, and hinders the passenger's ability to communicate with the driver and other passengers.

## **SECTION 11: HEARINGS AND APPEALS**

Section 11.1. Findings: For purposes of this section, any violation or complaint against a Sight-seeing Automobile license owner or driver will be characterized as one of the following after hearing:

- § Not sustained (investigation failed to prove or disprove the allegations);
- § Exonerated (the action complained of did occur, but investigation revealed that action was proper, legal and reasonable);
- § Unfounded (investigation revealed that conduct did not occur); or
- § Sustained (investigation disclosed sufficient evidence to support allegations in the complaint).

Section 11.2. Representation: At any level of hearing or appeal, a Sight-seeing Automobile driver or owner may be represented by an attorney. A reasonable amount of time to retain counsel will be allowed. Any other individual wishing to appear on behalf of a driver or owner will be allowed to attend any hearing, but may not participate in the hearing without the express permission of the Police Officer, Inspector of Carriages, or Appeals Board hearing the matter.

Section 11.3. Hackney Violations for Sight-seeing Automobile Deficiency:

**Sec.11.3.1. Initial Hearing:** Upon receiving notice of any Hackney Violation reporting a Sight-seeing Automobile deficiency, the owner shall either correct such deficiency within two (2) days and bring said Sight-seeing Automobile to the Hackney Carriage Unit for re-inspection, unless

otherwise directed on the Hackney Violation, or such owner may appeal said Hackney Violation as provided in section 2 below.

Sec.11.3.2. Appeal: If the owner wishes to appeal the Hackney Violation for a Sight-seeing Automobile deficiency, he/she may notify the Inspector of Carriages within two (2) business days of receipt of the Hackney Violation. The inspector of Carriages or his designee shall conduct a hearing within fourteen (14) business days of the owner's receipt of notice of the Hackney Violation at which the owner may present evidence and testimony. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence shall not apply.

Sec.11.3.3. Decision: The decision of the Inspector of Carriages shall be final and shall issue, in writing, within seven (7) business days. Any such decision and all associated documentation shall remain in the License File.

#### Section 11.4. All Other Hackney Violations and Complaints:

Sec.11.4.1. Initial Hearing at the Hackney Carriage Unit: Within fourteen (14) business days of receipt of notice of the Violation or Complaint, the Inspector of Carriages or his designee shall conduct a hearing at which the owner or driver may present evidence and testimony. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.

#### Sec.11.4.2. Timing of Initial Decision:

Sec.11.4.2.1. Sight-seeing Driver: If the Complaint concerns a Sight-seeing driver, the Inspector of Carriages or his designee shall render a written decision within seven (7) business days and may subject said driver to penalties up to and including revocation of the license to operate a Sight-seeing Automobile in the City of Boston. Such decision shall be delivered in hand or by certified mail directed to the driver's address contained in the License File

Sec.11.4.2.2. Owner of Sight-seeing License: If the Complaint refers to a violation by an owner of a Sight-seeing License, the Inspector of Carriages or his designee shall render a written decision within seven (7) business days of the initial hearing and may subject said owner to penalties up to an including revocation of said License. Such decision shall be delivered by hand or by certified mail directed to the business address contained in the License File.

#### Sec.11.4.3. Intermediate Appeal to the Inspector of Carriages:

Sec.11.4.3.1. Availability. An intermediate appeal is available to owners of Sight-seeing Automobile Licenses and to Sight-seeing Automobile drivers who wish to appeal the initial hearing decision of the Inspector of Carriages or his designee. If the initial hearing was

before the Inspector of Carriages, an owner or driver may appeal pursuant to the Final Appeal process below.

Sec.11.4.3.2. Filing of appeal. An owner of a Sight-seeing Automobile License or a Sight-seeing Automobile Driver who wish to appeal the decision of the Inspector of Carriages' designee may file a written appeal with the Inspector of Carriages within five (5) business days of receipt of the Initial Hearing decision.

Sec.11.4.3.3. *De novo* hearing. The Inspector of Carriages shall, within seven (7) business days, conduct a *de novo* hearing. This hearing need not be a formal proceeding, may take place contemporaneously with the violation, and the Rules of Evidence do not apply.

Sec.11.4.3.4. Rendering of written decision. The Inspector of Carriages shall render a written decision within seven (7) business days of the hearing and may subject said owner or driver to penalties up to and including revocation of the owner's license to operate or the driver's license to drive a Sight-seeing Automobile in the City of Boston. The Inspector of Carriages shall notify the driver and owner of any decision by causing a copy of the decision to be delivered by hand or by certified mail directed to the address contained in the License File.

#### Sec.11.4.4. Final Appeal to the Appeals Board:

Sec.11.4.4.1. Filing written appeal. An owner of a Sight-seeing Automobile License or a driver holding a Sight-seeing Automobile Driver's License may appeal the decision of the Inspector of Carriages by filing a written appeal to the Director of Licensing within fourteen (14) business days of receipt of the Inspector of Carriages' decision.

Sec.11.4.4.2. Forwarding to Administrative Hearing Officer. The Director of Licensing shall forward the written appeal to the Administrative Hearing Officer within forty-eight (48) hours of receipt of the appeal.

Sec.11.4.4.3. Convening of Appeal Board. The Administrative Hearing Officer shall, within sixty (60) days of receipt of the appeal from the Director of Licensing, convene an Appeal Board.

Sec.11.4.4.4. Hearing. The Appeal Board shall conduct a hearing at which the Inspector of Carriages, represented by the Legal Advisor's Office, and the owner or driver, may present witnesses and documentary evidence. The Rules of Evidence shall not apply and hearsay may be considered by the Appeal Board.

Sec.11.4.4.5. Recommendation. The Appeal Board shall within thirty (30) days of the hearing deliver a written recommendation to the Police Commissioner.

Sec.11.4.4.6. Decision. The Police Commissioner shall render a decision within seven (7) business days of receipt of the Appeals Board's recommendation, to be delivered by hand or by certified mail directed to the address contained in the License File.

Sec.11.4.4.7. Aggrieved person. Any person aggrieved by a final decision of the Police Commissioner under this section may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

Edward F. Davis  
Police Commissioner



## Appendix I

### CHAPTER 399 OF THE ACTS OF 1931 (As amended by Chapter 93, Acts of 1933)

#### An Act Relative to Sight-seeing Automobiles Carrying persons in or from the city of Boston

Be it enacted, etc, as follows;

SECTION 1. The term "sight-seeing automobile," as used in this act, shall mean an automobile, as defined in a section one of chapter ninety of the General Laws, used for the carrying for a consideration of persons for sight-seeing purposes in or from the city of Boston and in or on which automobile guide service by the Driver or other person is offered or furnished.

SECTION 2. It shall be unlawful for a person or a corporation to offer or furnish service by a sight-seeing automobile in or from the city of Boston unless said automobile is licensed hereunder and unless thereafter a certificate of public convenience and necessity is obtained as hereinafter provided and it shall be unlawful for a person to operate such an automobile as Driver in or from said city unless he/she is licensed so to do as hereinafter provided.

SECTION 3. The police commissioner for the city of Boston shall have exclusive authority to license in said city sight-seeing automobile and the persons operation them as divers, and to designate places in the public streets which may be occupied as stands for Sight-seeing Automobiles of specified licensees on the days and within the hours authorized by him and subject to all reasonable rules relative to such stand which the said commissioner, who is hereby authorized there to, shall from time to time establish. Such licenses shall be granted for a term not exceeding on year, but whenever granted they shall expire annually on the first day of March; and they may at any time be revoked or suspended for cause by said commissioner. At any time within a year after the expiration of a license for a sight-seeing automobile, said commissioner shall, upon payment to him of the fee required hereby, issue to the holder of such license a new license for said automobile or for on to be used in replacement thereof unless such expired license was suspended or revoked to cause; and at any time within a year after the expiration of a license or such a Driver the commissioner may renew the same. The fees for operators' licenses issued hereunder shall be the same as those established from time to time for licenses granted to Drivers of hackney carriages. The fees for licenses of owners of sight—seeing automobiles shall be not less than those established from time to time for licenses granted to the owners of hackney carriages; provided that said fees shall not exceed the following sums: For a sight-seeing automobile designed to carry not more than twelve persons, ten dollars; for a sight-seeing automobile designed to carry more than twelve but not more than eighteen persons, fifteen dollars; for a sight-seeing automobile designed to carry more than eighteen but no more than twenty-four persons, fifty dollars. Nothing herein contained shall be deemed to be contrary to the provisions of chapter ninety of the General Laws and acts supplementary thereto or in amendment thereof.

SECTION 4. in their use of public streets in the city of Boston, otherwise than for designated stands, Sight-seeing Automobiles and persons operation them as Drivers shall be subject to all rules applicable to motor vehicles in general which, in accordance with law, have been made or shall there after be made by board of street commissioners of the city of Boston, by the Boston traffic commission and by the board of park commissioner of said city, and to all rules further restricting the use to said public streets by sight-seeing automobile or regulation their general conduct and operation with the said police commissioner, who is hereby authorized thereto, shall from time to time establish

SECTION 5. No person or corporation shall offer or furnish service by Sight-seeing Automobiles in or from the city of Boston unless said person or corporation has obtained from the department of public utilities a certificate declaring that public convenience and necessity require such operation. Said department may, after public hearing, issue or refuse to issue such a certificate and may attach to the exercise of the privilege conferred by said certificate such terms and conditions as to operation and fares as the said department may deem that public convenience and necessity require. Said department may, after notice and hearing suspend or revoke any such certificate for cause or alter or amend any such certificate for cause or alter or amend any terms or condition attached to the exercise of the privilege conferred thereby. Said department may make suitable and reasonable rules, orders and regulations governing the operation and fares of Sight-seeing Automobiles carrying persons in or from the city of Boston, and may revise, alter, amend and annul the same; provided that such rules, orders and regulations shall not be inconsistent with those lawfully established by the board of street commissioners of the city Boston, by the Boston traffic commission, by the board of park commissioners of said city, or by said police commissioner.

SECTION 6. Whoever offers or furnishes service by Sight-seeing Automobiles in or from the city of Boston without obtaining a license and certificate of public convenience and necessity, as herein provided, or after the expiration or revocation or during any suspension of such a license or certificate, or whoever while holding such a license and certificate offers or furnishes service by Sight-seeing Automobiles in violation of any rule, order or regulation made by said commissioner or the department of public utilities under the authority of this act, or in violation of any term or condition attached to the exercise of the privilege conferred by such certificate, shall be punished by a fine of not more than fifty dollars or by imprisonment in the house of correction for not more than one month, or both and the supreme judicial and superior courts shall have jurisdiction in equity to restrain any such department of public utilities or any interested party. Any person operation any sight-seeing automobile as a Driver without the license required by section two, or in violation of any rule, order or regulation made by said commissioner or said department, shall be punished by a fine of not more than twenty-five dollars.

SECTION 7. [Intentionally omitted]

SECTION 8. Chapter five hundred and ninety-two of the acts of nineteen hundred and thirteen is hereby repealed; provided, that so much thereof as may be necessary for the purpose of section seven shall remain in effect until such purpose are accomplished.

SECTION 9. This act shall take effect upon its passage. Approved June 9, 1931.