



Dear Chief,

Many of you are likely aware of the 8cantwait campaign found here: <https://8cantwait.org/>. As part of this campaign, citizens have likely reached out to you, or other municipal officials, asking that your department adopt 8 policies, as a way to “reduce killings by police and save lives.” Chiefs should be reminded that these issues are mostly nonstarters here in Massachusetts. Massachusetts law enforcement agencies have long been in front of the curve when it comes to the advancement of police procedures designed to protect the health, safety and welfare of the citizens we protect. In particular, our Massachusetts Police Officers have thoroughly embraced the six pillars of the principles embodied in the final report of the President’s Task Force on 21st Century Policing, and remain committed to professional conduct, democratic policing and procedural justice for all people. In response to the Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing, the Massachusetts Chiefs of Police Association and the Massachusetts Major City Chiefs drafted a response in September of 2015, addressing each of the pillars therein.

With respect to the 8 policies that departments should adopt, below is how each is addressed in Massachusetts:

1. **Ban chokeholds & strangleholds** - These techniques are not part of the defensive tactics curriculum as instructed by the MPTC.
2. **Require de-escalation** - Officers are required to learn de-escalation during the MPTC recruit academy training program, and further, are required to undergo additional de-escalation training during the annual in-service training programs as required by the MPTC.
3. **Require warning before shooting** - Consistent with the standards set forth in *Graham v. Connor* and *Tennessee v. Garner*, officers may only use that level of force that is objectively reasonable based upon the totality of circumstances. Officers will always attempt to use the lowest level of force in order to effectuate the lawful objective and will attempt to warn individuals prior to using any level of force, provided that they have the time and opportunity to do so. There may be, however, some very limited instances, where it is impossible for officers to provide a warning prior to using force, such as when doing so is necessary in order to preserve human life.
4. **Requires exhaust all alternatives before shooting** - Same as above.
5. **Duty to intervene** - All officers are trained and required to intervene when they recognize that any other officer or supervisor, of any rank, is acting contrary to the law or policy. Departments should consider including the following language in their Use of Force policy: *All officers of the Police Department should be aware of their personal responsibility during a use of force encounter. Officers shall have an affirmative duty to intervene should they observe a situation in which they perceive more than the necessary use of force is being deployed by a fellow officer.*

6. **Ban shooting at moving vehicles** - Officers are not permitted to shoot at a moving vehicle, except in the very limited circumstance where, consistent with the standard set forth in *Graham v. Connor* and *Tennessee v. Garner*, doing so is required to defend themselves or another when the occupants of the vehicle are employing deadly force, which the officer reasonably perceives as an immediate threat of death or serious physical injury to themselves or another (including situations where the vehicle itself is being used as a deadly weapon and the officer is unable to escape the path of travel), and the officer reasonably believes that they will not endanger innocent persons. It is imperative that officers not position themselves in such a way as to create a likelihood of being struck by an occupied vehicle.
7. **Require use of force continuum** - Officers are all trained to use only that level of force objectively reasonable based upon the totality of the circumstances.
8. **Require comprehensive reporting** - Offices are required to complete a use of force report for each instance where force is used.

Respectfully,



Chief Jeff W. Farnsworth  
President - Massachusetts Chiefs of Police Association