



State Police Association of Massachusetts

REPRESENTING SERGEANTS AND TROOPERS
OF THE MASSACHUSETTS STATE POLICE

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August 27, 2021

Peace Officer Standards and Training Commission
c/o Deputy General Counsel John H. Melander, Jr.
Executive Office of Public Safety and Security
One Ashburton Place, Room 2133
Boston, MA 02108

Dear Chair Hinkle and Commissioners:

I write today as a partner in public safety and the representative of the troopers and sergeants of the State Police Association of Massachusetts. We recognize the herculean task before you and fully appreciate the challenge of creating clear policies that allow officers to effectively enforce the law while protecting lives, safety, and the rights of the people we encounter.

Use of force is a critical issue. The State Police is the largest law enforcement agency in the Commonwealth, with the most comprehensive geographic jurisdiction, with the most diverse set of law enforcement divisions, specializations, responsibilities, and resources, as the agency that picks up where municipalities leave off. The Association that I lead is the largest single-agency law enforcement union in New England. The legislation that created the POST Commission unfortunately did not include a seat at the table for the State Police Association of Massachusetts. As a consequence, I received the draft regulation governing the use of force by law enforcement officers near the end of the drafting process with short notice to provide the detailed input that is warranted. That is unfortunate.

While we don't pretend to have the magic language that will solve this dilemma, we ask that:

- you work with us and others to **craft language that is unambiguous**, not just about what is forbidden, but about what is permissible
- In the draft regulations, there is abundant mention of what is prohibited and little information beyond the directives to de-escalate about how officers can or should proceed to protect the public and themselves from harm. More affirmative direction is needed here.
- We fully embrace a de-escalation approach wherever possible as a first course of action as the least likely to result in injury to anyone.

A critical component of any new regulation is **training and education**.

- The absence of a well-resourced training and education program staffed by experts with field experience alongside academic expertise is a recipe for disaster.
- While law enforcement theory is essential for the critical thinking skills we need in the field; the knowledge that can only come from experience is the most effective way to deliver learning on the dangerous and unpredictable physical aspects the job.

Our officers have complicated situations coming at them very quickly and have to make split-second decisions about how to protect themselves and others. Vague rules cause hesitation, which costs precious seconds and can cost lives. **In cases where de-escalation is not**



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working or is not an option, officers need to know as clearly as possible what the rules are.

Consider the real-life impact and potential unintended consequences of the rules you create.

- Will confusing rules on personal contact lead to an increased use of weapons?
- Will outright bans on any kind of hold lead to an increase in body blows to gain compliance without breaking rules on use of force?
- Our concern here is that in an effort to minimize harm, we may see that the real-life impact is an increase in harm.
- **It is so important that we get this right.**

To that end, I **propose the formation of a working group** that includes:

- two POST Commission members (at least one from law enforcement) appointed by the chair
- two SPAM designees appointed by the president
- one behavioral health clinician with expertise in crisis management appointed by the secretary of the executive office of health and human services

We also feel it's important to point out that chokeholds are not currently part of our use of force continuum, nor are Massachusetts law enforcement officers trained on them. We are heartened to see this reinforced in the draft regulations, yet we do want to emphasize that this is not currently a permissible use of force by law enforcement in our state.

Please know that **our shared goal is a safe Commonwealth** where everyone returns safely home at the end of the day, including our Troopers. We stand ready to work with you. We are available to offer our experience and expertise and answer questions you may have.

Finally, with all that's going on, I'd like to take a moment to publicly **thank the men and women who go out every day and do the hard work of keeping us all safe** and do it with dignity, integrity, and professionalism. They aren't the ones who make the headlines, but they are out there, performing the daunting job of being law enforcers in today's world, in these extremely trying times, in the face of severe staffing shortages, often working in antiquated facilities. Thank you all for your service.

Thank you for your efforts and we look forward to working together.

Sincerely,

Michael Cherven
President, State Police Association of Massachusetts