



LINCOLN POLICE DEPARTMENT

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TO: Timothy Higgins, Town Administrator
FROM: Chief A. Kevin Kennedy
DATE: June 12, 2020
RE: Community Concerns

In light of recent events across the Country, residents have inquired about the policies, practices and measures taken by the department to reduce the likelihood of a tragic police-citizen interaction.

We are a department that continually strives to enhance the quality of life in Lincoln by working to create a safe and secure community. We are a service oriented police department. We collaborate with our community partners to support the needs of everyone and work to earn the trust and respect from everyone we serve. Furthermore, we have thoroughly embraced the six pillars of the principles embodied in the President's Task Force on 21st Century Policing, https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf and remain committed to professional conduct, democratic policing and procedural justice for all people.

Body-Worn Cameras

I have received inquiries from residents on the department's position and status on the use and implementation of body worn cameras for our officers. As you may be aware, the Governor and Legislature are proposing legislation on their mandated use by police. Body-worn cameras are used throughout the country, however only seven (7) departments in Massachusetts are currently using the technology. In researching body-worn cameras, the technology is advancing much faster than department policies and the governance of law can keep up with. In Massachusetts, *Mass. Gen. Laws* ch. 272, § 99, requires two party consent before someone can be audio recorded, unlike most states. A conversation with the Lincoln community would be the first step in examining the use of body worn cameras couple with constitutional protections.

Some unanswered questions are (1) when and where it is appropriate to activate the cameras and when is it not, and (2) when can the audio and video recording of an incident be released to the public? Hopefully new legislation and policy will provide the answers.

Aside from the initial implementation cost of the cameras is the reoccurring maintenance costs and managing costs of the system. Some departments that have piloted body worn cameras realized that managing the system is a full time job with all the public records requests along with court discovery requirements, etc.

Use of Force Policy

Residents have inquired about the department's use of force policy and have asked that the department adopt the "8 can't wait" policy recommendations as a way to "reduce killings by police and save lives. The department's use-of-force policy is compliant with the Massachusetts Police Accreditation Commission's standards as well as with Campaign Zero's "8 can't wait" recommendations. Specifically,

1. Ban chokeholds & strangleholds - These techniques are not part of the defensive tactics curriculum as instructed by the Municipal Police Training Committee (MPTC). Such use is only authorized when circumstances warrant the use of deadly force.
2. Require de-escalation - Officers are required to learn de-escalation techniques 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*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985), officers may only use that level of force that is objectively reasonable based upon the totality of circumstances. Officers will always strive to use the lowest level of force in order to effectuate the lawful objective and will make every reasonable 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 of 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. To further enforce and clarify the duty to intervene, General Order 20-04 states in part, "in accordance with the Policy UOF: 01 and Rule 4.02 "Conduct Unbecoming an Officer," ***officers shall intervene and stop excessive use of force by other officers and shall report such incidents immediately or when reasonably able to do so to a supervisor.***
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*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985), doing so is required to defend themselves or another when the occupants of that vehicle are employing deadly force, 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 routinely trained to use only that level of force objectively reasonable based upon the totality of the circumstances. Such force must comply with the MPTC Use of Force Continuum.
8. Require comprehensive reporting - Offices are required to complete a use of force report for each instance where force or the threat of force is used. Furthermore, all incidents of force are administratively reviewed.

Training

Annually, the department continues to provide officers with relevant and meaningful training. All officers' must attend forty (40) hours of in-service training in accordance with requirements set forth by the MPTC. The MPTC is responsible for training all Massachusetts police officers.

During the department's annual firearms requalification and defensive tactics training, all officers' review and test on the department's use of force policy. Furthermore, they review and train on tactics that are current and comply with the MPTC standards. In addition to receiving annual firearms and defensive tactics training, officers have received the following additional training to minimize the use of force:

- Integrated Communication Assessment and Tactics (ICAT),
- Law Enforcement Active Diffusion Strategies (Ret. Lieutenant Kevin Dillon, who is a use of force expert), and
- Shoot don't shoot firearms simulator.

When a person is suffering from a mental health episode, police are often called to intervene. At times, these incidents have the potential of officers' needing to use force in order to control the situation and get the individual the necessary medical treatment. In an effort to eliminate and/or reduce the need for the use of force, all officers have received the following training:

- Police Response to Persons with Mental Illness,
- Police Interaction with Persons with Mental Illness,
- Crisis Intervention Training (CIT) (40 hours by Eliot Human Services and other mental health professionals),
- Veterans with PTSD, and
- PTSD and Suicide.

Racial profiling violates the values of the department while eroding the trust of the community. In addition to instituting a Biased Based Policing policy the department continues to be committed to understanding, training, and implementing policies and practices that address implicit bias. Individual officers have received specialized trainings on such topics as; civil rights, human rights, race and ethnic disparities, while all officers' have received the following trainings:

- Fair & Impartial Policing, there website is <https://fipolicing.com/>,
- Procedural Justice,
- LGBTQ,
- Police Interaction with Youth – Focus on the Racial and Ethnic Disparity in the Juvenile Justice System,
- Mending the Broken Trust: Police and the communities they serve, Constitutional Policing, Ted Talk with Chief Charles Ramsey, Philadelphia Police, and
- Parent Speaker Presentation – Discussion with all officers on raising their children of color in a white community and their experiences with the community and police department.

As a service oriented police department, we have ongoing relationship with the following organizations to better serve the Lincoln community:

- Schools: Lincoln Public Schools, Lincoln Sudbury Regional High School, Minuteman Regional Technical High School, and the Carroll School,
- Lincoln Outreach Committee which consists of various town departments, the faith community, and service providers,
- Domestic Violence Services Network,
- Middlesex District Attorney's Office – Diversion Program,
- Communities for Restorative Justice, and
- Eliot Human Services – Mental Health and Substance Abuse support.

In July, the Massachusetts Police Accreditation standards for our policies and procedures will require an update from version five to version six. In addition to making the necessary changes, we will be reviewing to ensure the policies reflect community values.