



The TOWN OF NORWOOD

Commonwealth of Massachusetts

POLICE DEPARTMENT
WILLIAM G. BROOKS III
Chief of Police

TO: Municipal Police Training Committee, and the
Peace Officer Standards and Training Commission

FROM: Chief William G. Brooks III

SUBJECT: Use of Force Regulations

DATE: August 20, 2021

I offer this written testimony regarding the use of force regulations being proposed by MPTC and POST.

First, I want to compliment POST and MPTC for working together on the draft use of force regulations being heard on August 27. The regulations are not only reasonable, but largely reflect what is already in place at police departments across the Commonwealth.

I do, however, have one issue to raise regarding these regulations. In the section on non-deadly force, second paragraph, the proposed regulation currently reads:

"A law enforcement officer shall use only the amount of force necessary against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible, including issuing a summons instead of executing an arrest where feasible."

The proposed regulation would require an officer to summons a passively resistant or noncompliant subject rather than arrest him/her "where feasible." In other words, when an officer approaches a subject who refuses to get out of his vehicle, refuses to get up off the curb to be arrested, or refuses to put his hands behind his back, the officer should respond by saying, "never mind, I'll mail you a summons?" This is both unrealistic and unworkable.

At my police department, about half the people we bring to court on criminal charges have never been placed in custody by our officers. We make full use of the summons option in cases such as shoplifting, operating on a suspended license and drug possession. There are, however, factors that warrant an arrest such as the need to interrupt criminal conduct, the need to photograph and fingerprint a subject who is not positively identified, the need to recover evidence of the crime during a search incident to arrest, or the sheer gravity of the offense the person has committed. A defendant should not be allowed to thwart an arrest simply by refusing to cooperate.

I also have concerns about the use of the phrase "where feasible." Unlike the terms probable cause,

proof beyond a reasonable doubt and reasonable suspicion, "where feasible" is overly broad. Feasible is defined as "capable of being done, effected, accomplished." It is feasible that I can drive my car at 100 mph without hitting anything, but it is clearly not wise or recommended.

The proposed regulation would require an officer to let a subject go in favor of a summons if he could do that. This will simply incentivize people to be noncompliant with arresting officers, something we all want to avoid.

Officers across the Commonwealth utilize the summons option every day, but this strategy does not belong in a set of state regulations. Regulations are intended to clearly define what a person may and may not do. There will be many opportunities for MPTC and POST to work together on training, model policy and open discussion forums, and the summons vs. arrest option is a good topic for those. It does not belong in use of force regulations.

If I can be of further assistance to the committee, I may be reached by email at all by telephone at 781-440-5150.

Respectfully submitted,



William G. Brooks III
Chief of Police

WGB/cjk

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