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GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

TERRENCE M. REIDY  
ACTING SECRETARY

# *The Commonwealth of Massachusetts*

## *Department of State Police*



*Office of the Chief Legal Counsel*

*470 Worcester Road*

*Framingham, Massachusetts 01702*

CHRISTOPHER S. MASON  
COLONEL/SUPERINTENDENT

R. SCOTT WARMINGTON  
DEPUTY SUPERINTENDENT

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BY ELECTRONIC MAIL ONLY — [john.melander@mass.gov](mailto:john.melander@mass.gov)

John H. Melander, Jr.  
Deputy General Counsel  
Executive Office of Public Safety and Security  
One Ashburton Place, Room 2133  
Boston, MA 02108

Dear Mr. Melander:

I write to offer the below comments on the proposed regulations of the Municipal Police Training Committee ("MPTC") and the Peace Officer Standards and Training Commission ("POSTC") governing the use of force by law enforcement officers. On behalf of the Massachusetts State Police ("MSP"), I am grateful for the opportunity to offer comments and participate in this process. We look forward to working with you in this most important endeavor.

1. Use of K-9s:

The use of K-9 teams as delineated in the proposed regulations is overly narrow and severely limits the multiple, passive uses of K-9 teams. MSP routinely rolls out K-9 teams with our Public Order Platoon (POP), Special Emergency Response Team (SERT) and Special Tactical Operations (STOP) team. Over a number of years, MSP has successfully conducted routine protection for the State House, Gillette Stadium, and other sensitive areas while supporting peaceful protests and large gatherings with the use of K-9 teams. Incorporating language similar to the following would allow for such important uses of K-9 teams:

"Canine handler teams shall remain in a standby/ready configuration during police operations involving crowd control, restraint or management of peaceful demonstrations. A standby/ready configuration is defined as a configuration in which the canine remains on a short lead in close proximity to the handler AND is well behind the line of contact between police and civilian personnel. Canines shall not be deployed forward of the line of contact unless there are specific, articulable facts that lead to their use, and the use of a canine must be reasonable."

2. Prohibition of force on an individual's chest, neck, and spine:

MSP has a question about the following proposed regulatory language:

"A law enforcement officer shall not sit, kneel, or stand on an individual's chest, neck, or spine, and shall not force an individual to lie on their stomach, except temporarily to regain control and apply restraints."

It is unclear if the exception (i.e., "except temporarily to regain control and apply restraints") applies to both preceding clauses, or just the second clause (i.e., "shall not force an individual to lie on their stomach"). If the exception applies to both clauses, then this comports with MSP's current practice.

3. Obstructing/limiting an individual's airway or breathing:

MSP notes that the following language could unintentionally prohibit reasonable and safe methods:

"A law enforcement officer shall not obstruct or limit the airway or limit the breathing of any individual, nor shall a law enforcement officer restrict oxygen or blood flow to an individual's head or neck."

The ban on chokeholds already forbids officers from obstructing an individual's airway as well as the oxygen or blood flow to an individual's head or neck. A prohibition against "limiting the breathing of any individual," without more specificity, however, could prohibit virtually any control position that effectively addresses a grounded individual, which necessarily places weight on the individual's torso in a way that could be said to "limit the breathing" of that individual.

Finally, MSP supports the language "(a)n individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as possible." That approach is in keeping with current best practices, and our troopers, and officers throughout the Commonwealth, are already trained to place subjects in a seated or recovery position as soon as the subject is under control.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J M. Staples".

Jennifer M. Staples  
Chief Legal Counsel  
Massachusetts State Police