

**A BLUEPRINT FOR  
EXCELLENCE:**  
**An Evaluation of and Vision for the  
Edgartown Police Department**

**Respectfully submitted to the  
Edgartown Board of Selectmen by:**

**Chief John M. (Jack) Collins, Esq.**

**May 4, 2015**

## ASSIGNMENT

In February, Chief Tony Bettencourt announced his intention to retire after providing the Town of Edgartown with over thirty years of dedicated service. This unexpected news provided the Selectmen with the opportunity to review not only the candidacy of several qualified potential replacements, but also the mission, structure, strengths and challenges of the entire Department. As it had done several years earlier when former Chief Paul Condlin decided to retire, the Board called on the Town's Special Labor Counsel, Jack Collins, to review the operations and staffing of the Police Department and to spend time with each of the officers in order to make a recommendation as to how a replacement might be chosen. The difference this time was that Attorney Collins was asked to serve as Chief of Police while conducting his analysis and making his recommendations. The suggestion for making such interim appointment came from Chief Bettencourt. Among other things, he wanted to afford all candidates an even playing field and to avoid having to select an Acting Chief on short notice.

As will be clear from reading this report, the town has a department composed of capable, professional and dedicated officers. It has made excellent use of technology, and overall has sufficient equipment to do the job. It is well respected by the public, the courts, the Sheriff's Office, the State Police, Coast Guard and other island police agencies. This report is an effort to do far more than simply nominate one or more candidates for the Board of Selectmen to consider for appointment as the department's next Chief of Police or other command level position. Hopefully it will present the Board, the Department and the entire community with a "Blueprint for Excellence" when it comes to shaping the mission, budget, staffing, and operation of the Department for years to come.



# EDGARTOWN POLICE DEPARTMENT



*MARTHA'S VINEYARD ISLAND*



**72 PEASE'S POINT WAY SOUTH**

**P.O. Box 1118**

**EDGARTOWN, MA 02539-1118**

While the selection of the town's Special Labor Counsel, Attorney Collins, to serve as Police Chief may have surprised some observers, this is a role for which he is uniquely suited. Over the years, he has helped many other Massachusetts communities study their police department, implement reorganizations, and establish a mechanism for selecting a new chief. For more than forty years, Jack Collins has trained police officers and chiefs in his role as General Counsel of the Massachusetts Chiefs of Police Association and its research and training affiliate, the Municipal Police Institute. As a former Assistant District Attorney and graduate from the state's intermittent/reserve police academy, Jack knows ins and outs of the criminal enforcement aspects of being a police officer. Jack has also been a certified instructor for numerous courses (probably more than any other instructor in the state) by the Massachusetts Municipal Police Training Committee involving topics of crucial interest to police officers, supervisors and chiefs. As he has done elsewhere, Jack recently served as the principal instructor and Co-Director of the Martha's Vineyard Reserve-Intermittent Police Academy as well as the island's Police Officer Instructor Development Course. He has also taught island officers in the annual required Legal Update in-service training program and has volunteered for the last few years as a Special Police Officer for the Town of Chilmark.

TELEPHONE  
(508) 627-4343  
FAX  
(508) 627-4577

On the national and international level, Attorney Collins has presented at police training programs of the International Association of Chiefs of Police (IACP), the Canadian Chiefs of Police Association, the Americans for Effective Law Enforcement and the National Internal Affairs Investigators Association, as well as numerous state and regional police chiefs (and fire chiefs) associations and training courses. In addition to being a former chair of the Legal Officers Section (LOS) of the IACP and one of the most published authors in that organization's official magazine, *The Police Chief*, Jack continues to serve as co-director and one of the principal instructors of the LOS Annual week-long Training Course for police legal advisors and chiefs. Jack has written more than a dozen police chief training manuals and more than one thousand articles for police chiefs on numerous law enforcement, administrative and operational issues.

As one quickly discovers, a police Chief's job entails far more than law enforcement. I am certain that whomever becomes Chief in Edgartown will find Jack an invaluable resource as I did and want to keep him on in some advisory capacity for as long as possible. In my time as Chief I called upon Jack Collins on dozens of occasions with any number of questions, as did most of the police chiefs on this island and across the state. His prompt and helpful responses made my job a lot easier.

Sincerely,

Chief Antone Bettencourt (Retired)

## METHODOLOGY

As I did several years ago following Chief Condlin's retirement announcement, I met with each of the members of the Department, either in a "ride-along" as they patrolled the town, or in a sit down in the Chief's office. This included both sworn personnel and the Administrative Assistant. Typically these sessions lasted between one and one-and-a-half hours. In many cases, follow-up sessions were held as well. On most weekdays, I arrived early enough to meet for at least an hour with officers toward the end of the overnight shift. I then stayed throughout the day shift and spent an hour or two with those officers that were coming in for the evening shift as well. I would "pop in" on most weekends at various times as well. When combined with the insights gained from actually serving as Chief of Police, I have been able to observe all personnel actually doing their jobs. As will be clear throughout this report, I share the view held by the Selectmen, other town officials and the general public that Edgartown has a fine police department composed of competent, dedicated and caring individuals.

My review comes at a crucial time for policing across this country. Over the last year or more, rarely does a week pass without a news story questioning the tactics of some police officer, often involving the use of force that was recorded in graphic detail. And too often the race or color of the officer and alleged perpetrator were thought to play a role. Following the events in Ferguson Missouri, joined by the Attorney General, the President called for a national review of police tactics and operations. He convened a Task Force to conduct hearings and make recommendations for so-called "best practices" for policing in the 21<sup>st</sup> century. Among other items, these recommendations cover policy, oversight, technology, social media, community policing, crime reduction, training, education, and officer wellness and safety. Not surprisingly, the 60 recommendations of the President's Task Force on 21<sup>st</sup> Century Policing closely resembled those issued over the past decade by the US Department of Justice when it entered into Consent Decrees with troubled police departments that the DOJ accused of major civil rights violations.



President Barack Obama speaks to the press after a meeting with members of the President's Task Force on 21st Century Policing, in the Roosevelt Room of the White House, March 2, 2015.

It is clear that the Edgartown Police Department is no Ferguson, and the DOJ is not likely to have a reason to target this community or threaten an investigation leading to a Consent Decree. However, the Task Force report, issued in March, combined with the list of topics the DOJ considers essential to a properly operating police department, can serve as a measuring stick against which all police departments can gauge themselves in any number of areas. For these reasons, I have chosen to not only list those criteria, but also to point out areas in which the Edgartown Police Department excels as well as where it could use some improvement.

## TODAY'S POLICING ENVIRONMENT

The following was written *in April 2015* by *Charles Ramsey the Philadelphia Police Commissioner and member of the President's Task Force.*

**“It takes events like these to force the kind of change that’s necessary.”**



When I walked into work after seeing the horrific video of the shooting in North Charleston, S.C., everyone I saw was just shaking their heads. They knew it was terrible. It’s a terrible tragedy for Walter Scott’s family. And it’s another black mark for police at a time when we can least afford one.

This is a defining moment for our profession. There is a lot of tension that has been boiling beneath the surface for a long time. Tragic as this shooting is, it takes events like these to force the kind of change that’s necessary.

Police officers need to use better judgment. We need to implement more reality-based training programs that allow cops to better prepare for these life-or-death decisions. Every scenario is different — there are times when officers have no time or cause to use non-lethal options — but all cops need to be trained in a range of responses. Sometimes poor tactics put officers in positions where they resort to deadly force that could have been avoided.

The shooting also shows what a powerful and important tool cameras can be. The cell phone video in South Carolina begins only after something drew the witness’s attention to what was happening. If we equipped more officers with body cameras, we could be able to capture every single incidence from beginning to end, allowing the public to get a full picture, not just a partial one.

This is a hard time to be in this business because the majority of cops do their jobs very well. We’ve got 18,000 police departments in America, and the notion that a majority of them are out of control is not accurate. We all need to work toward understanding each other. Whether you’re talking about black lives matter or all lives matter, don’t limit the conversation to shootings that involve police. The majority of homicides are not the result of police shootings. In Philadelphia, more than 80% of our homicide victims are African American — including Officer Robert Wilson III, who was killed in the line of duty on March 5. Those lives matter, too.

## COMMUNITY PROFILE

Edgartown was Martha's Vineyard's first colonial settlement and it has been the county seat since 1642. By all accounts, Edgartown is one of New England's most elegant communities. The stately white Greek Revival houses built by the whaling captains have been carefully maintained. They make the town a museum-piece community, a seaport village preserved from the early 19th century. While it has its poor and unemployed as do all other MV towns, overall Edgartown is seen as an affluent town where the average family income is higher than that of the rest of the state. Its harbor attracts some of the finest sea-going sporting and recreational vessels on the east coast. Internationally-known celebrities, political leaders and business personalities regularly spend time in Edgartown.

The town's population, at the time of the 2010 census, was 4,067. The island's population changes dramatically from one season to the next. Martha's Vineyard has a year-round population of about 15,500 swelling to 115,000 in the summer. Approximately 63% of the Island's housing stock is second homes for seasonal residents, and an additional 10,000 visitors are coming and going on

ferries, in private boats and via air travel every day mid-June through Labor Day.

Demographic data culled from the preliminary, partial draft of the Martha's Vineyard Housing Needs Assessment Study Committee report reveals a growing, changing Island, both better off financially and poorer than it was 20 years ago, and whose family size is shrinking as its population is aging.



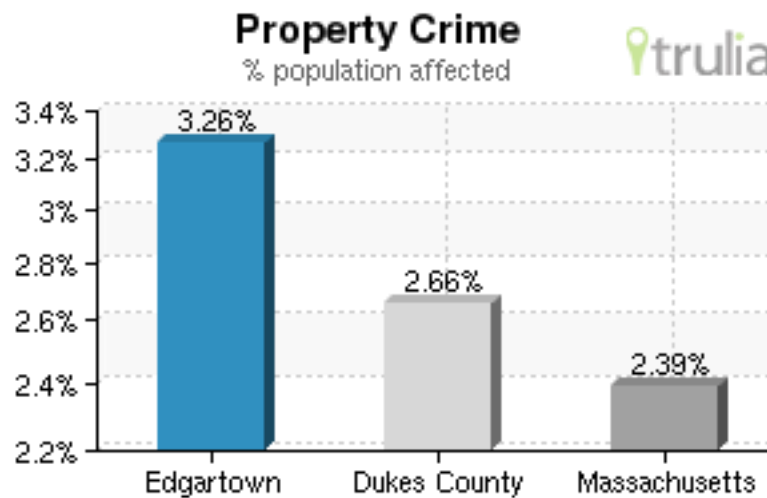
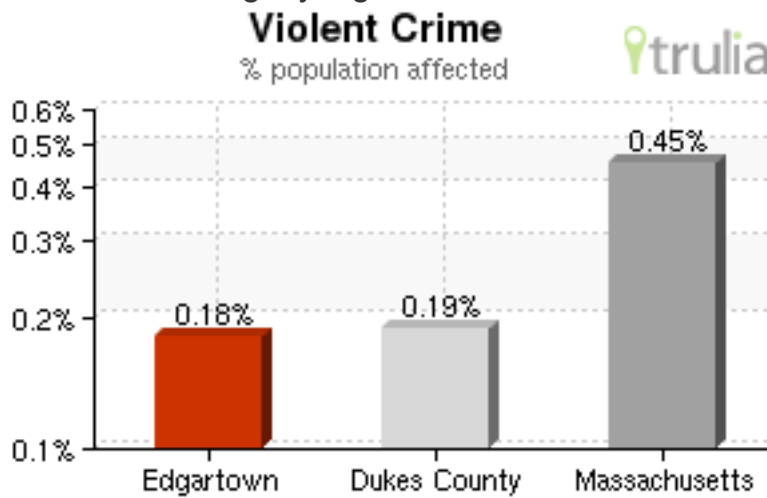
Edgartown is rightly considered a safe place to live and raise a family. The number of violent crimes recorded by the FBI in 2013 was only 8. The number of murders and homicides was 0. By all accounts, the police department justifiably enjoys the confidence and support of the town's residents, merchants and

municipal officials.

The most recent FBI Uniform Crime Report lists the following for Edgartown:

Population	Violent crime	Murder and Non-negligent manslaughter	Rape	Robbery	Aggravated assault	Property crime	Burglary	Larceny-theft	Motor vehicle theft	Arson
4,252	8	0	0	0	8	129	32	89	8	0

The following charts, while not necessarily as up to date as the latest UCR's, indicate that the town, as do other island towns, has a violent crime rate less than half of the state average. Surprisingly, however, the property crime rate for Dukes County is higher than the state average, and Edgartown's rate is slightly higher than that for the rest of the county.





## RECOMMENDATIONS OF THE PRESIDENT'S TASK FORCE ON 21<sup>ST</sup> CENTURY POLICING

The following is a summary of the six “pillars” listed by the Task Force as essential to building a properly functioning police department in the coming years.

### **Pillar One: Building Trust & Legitimacy**

Procedural justice is a foundational necessity in building public trust. Adopting a true “community policing” philosophy, and acknowledging the difference between implicit bias and racial discrimination will go a long way towards reducing perceived difficulties between police and the people. There is a great need for more police involvement in community affairs as an essential component of their crime fighting duties. Police officers are faced with the challenge of protecting people who do not respect their authority, and all this comes at a time when all communities face budgetary obstacles to addressing policing challenges.

Building trust and nurturing legitimacy on both sides of the police/citizen divide is not only the first pillar of this task force’s report but also the foundational principle underlying this inquiry into the nature of relations between law enforcement and the communities they serve. For the last two decades, policing has become more effective, better equipped, and better organized to tackle crime. Despite this, Gallup polls show the public’s confidence in police work has remained flat, and among some populations of color, confidence has declined. This decline is in addition to the fact that nonwhites have always had less confidence in law enforcement than whites, likely because “the poor and people of color have felt the greatest impact of mass incarceration,” such that for “too many poor citizens and people of color, arrest and imprisonment have become an inevitable and seemingly unavoidable part of the American experience.” Decades of research and practice support the premise that people are more likely to obey the law when they believe that those who are enforcing it have the legitimate authority to tell them what to do. But the public confers legitimacy only on those whom they believe are acting in procedurally just ways.

Procedurally just behavior is based on four central principles:

- Treating people with dignity and respect
- Giving individuals ‘voice’ during encounters
- Being neutral and transparent in decision making
- Conveying trustworthy motives

Research demonstrates that these principles lead to relationships in which the community trusts that officers are honest, unbiased, benevolent, and lawful. The community therefore feels obligated to follow the law and the dictates of legal

authorities and is more willing to cooperate with and engage those authorities because it believes that it shares a common set of interests and values with the police.

There are both internal and external aspects to procedural justice in policing agencies. Internal procedural justice refers to practices within an agency and the relationships officers have with their colleagues and leaders. Research on internal procedural justice tells us that officers who feel respected by their supervisors and peers are more likely to accept departmental policies, understand decisions, and comply with them voluntarily. It follows that officers who feel respected by their organizations are more likely to bring this respect into their interactions with the people they serve.

External procedural justice focuses on the ways officers and other legal authorities interact with the public and how the characteristics of those interactions shape the public's trust of the police. It is important to understand that a key component of external procedural justice—the practice of fair and impartial policing—is built on understanding and acknowledging human biases, both explicit and implicit.

### **Edgartown PD Scorecard**

The Edgartown Police Department, as is the case with most departments these days, is not familiar with the concept of “procedural justice” even though they practice it and do a commendable job. They treat citizens, be they suspects, victims or complaining parties, with respect and courtesy wherever appropriate. If they have a

shortcoming, it is that most officers have very little contact on the job with individuals that are beyond responding to calls for service. They do not perceive this as part of their responsibility as a “patrol officer.” This means that some of the basic tenets of the “community policing” philosophy – partnership and problem solving – are not given the time they require. In the height of the tourist season, this focus on responding to calls is very understandable. However, in the off-season, officers have



more time and some increased focus on involving every member of the department in community policing efforts is worth considering.

I did not observe any overt bias on the part of a single member of the staff. Their language, lack of inappropriate jokes or derogatory comments, and overall discussion of how they handle suspects and prisoners, all speak to a truly professional demeanor.

All human beings have biases or prejudices as a result of their experiences, and these biases influence how they might react when dealing with unfamiliar people or situations. An explicit bias is a conscious bias about certain populations based upon race, gender, socioeconomic status, sexual orientation, or other attributes. Common sense shows that explicit bias is incredibly damaging to police-community relations, and there is a growing body of research evidence that shows that implicit bias—the biases people are not even aware they have—is harmful as well.

***Recommendation:*** *To achieve legitimacy, mitigating implicit bias should be a part of training at all levels in the department to increase awareness and ensure respectful encounters both inside the organization and with communities. Periodic training on unconscious bias should be incorporated into in-service training for all officers. Supervisors should be trained at how to identify instances where officers' actions in dealing with minorities may indicate a potential problem. Even if some benchmark could be developed for measuring the problem, in a department the size of Edgartown's there is less need for data collection and analysis in the hopes of documenting racial profiling or biased policing. The best protection is to have Sergeants trained at identifying problems and vigilant in addressing potential problems before they surface as headline-grabbing incidents.*

## **Pillar Two: Policy & Oversight**

The issues addressed in Pillar One, building trust and legitimacy between law enforcement agencies and the communities they serve, underlie all questions of law enforcement policy and community oversight. If police are to carry out their responsibilities according to established policies, these policies must be reflective of community values and not lead to practices that result in disparate impacts on various segments of the community. They also need to be clearly articulated to the community and implemented transparently so police will have credibility with residents and the people can have faith that their guardians are always acting in their best interests.

Paramount among the policies of law enforcement organizations are those controlling

use of force. Not only should there be policies for deadly and non-deadly (less lethal) uses of force but a clearly stated “sanctity of life” philosophy must also be in the forefront of every officer’s mind. This way of thinking should be accompanied by rigorous practical ongoing training in an atmosphere of nonjudgmental and safe sharing of views with fellow officers about how they behaved in use of force situations.

Data collection, supervision, and accountability are also part of a comprehensive systemic approach to keeping everyone safe and protecting the rights of all involved during police encounters.

Mass demonstrations, for example, are occasions where evidence-based practices successfully applied can make the difference between a peaceful demonstration and a riot. Citizens have a Constitutional right to freedom of expression, including the right to peacefully demonstrate. There are strong examples of proactive and positive communication and engagement strategies that can protect constitutional rights of demonstrators and the safety of citizens and the police.

### **Edgartown PD Scorecard**

The Edgartown Police Department has as comprehensive and up to date policy on the use of force as do most Massachusetts police departments. As with most police agencies, however, the policy is rarely emphasized throughout the year and sits, along with dozens of other policies, in a binder on a shelf. Except for a quick review as part of the annual firearms qualifications, little mention is made of the policy or its applicability to actual police work. Fortunately, the members of the department follow the dictates of the policy and sincerely adhere to its philosophy, especially when it comes to the sanctity of all lives.

The department does not make a practice of discussing this or other more prominent policies with members of the public, business or municipal officials. This is





a missed opportunity. When a department openly discusses its commitment to the best ideals of its community, it helps assure proper conduct by officers and public support in times of stress.

**Recommendation:** *The chief should see to it that all policies are reviewed regularly in conformity with Accreditation standards and that officers are familiar with those policies that are most prominent and directly affect how they do their jobs.*

*Some formal outreach efforts, such as Citizen Police Academies, should be implemented so that the community will gain a better understanding of the department's transparency, professionalism and commitment to providing bias-free policing and respecting everyone's constitutional rights.*

The chief should study the operation of so-called Chief's Advisory Councils in other departments to see if this makes sense in Edgartown. Such Councils or committees are typically composed of representatives of many parts of the public. These offer all a forum to raise their concerns in a supportive environment so that miscommunication can be avoided in times of crisis.

### **Pillar Three: Technology & Social Media**

We live in a time when technology and its many uses are advancing far more quickly than are policies and laws. "Technology" available to law enforcement today includes everything from body-worn cameras (BWC) to unmanned aircraft to social media and a myriad of products in between.

The use of technology can improve policing practices and build community trust and legitimacy, but its implementation must be built on a defined policy framework with its purposes and goals clearly delineated. Implementing new technologies can give police departments an opportunity to fully engage and educate communities in a dialogue about their expectations for transparency, accountability, and privacy. But technology changes quickly in terms of new hardware, software, and other options.

Thus, despite (and because of) the centrality of technology in policing, law enforcement agencies face major challenges including determining the effects of implementing various technologies; identifying costs and benefits; examining unintended consequences; and exploring the best practices by which technology can be evaluated, acquired, maintained, and managed. Addressing these technology challenges by using research, accumulated knowledge, and practical experiences can help agencies reach their goals, but law enforcement agencies and personnel also need to recognize that technology is only a tool for doing their jobs: just because you have access to technology does not necessarily mean you should always use it.

BWCs are a case in point. An increasing number of law enforcement agencies are adopting BWC programs as a means to improve evidence collection, to strengthen officer performance and accountability, and to enhance agency transparency. By documenting encounters between police and the public, BWCs can also be used to investigate and resolve complaints about officer-involved incidents.

The results of one study are highly suggestive that the use of BWCs by the police can significantly reduce both officer use of force and complaints against officers. They found that the officers wearing the cameras had 87.5 percent fewer incidents of use of force and 59 percent fewer complaints than the officers not wearing the cameras. One of the important findings of the study was the impact BWCs might have on the self-awareness of officers and citizens alike. When police officers are acutely aware that their behavior is being monitored (because they turn on the cameras), and when officers tell citizens that the cameras are recording their behavior, everyone behaves better. The results of this study are highly suggestive that this increase in self-awareness contributes to more positive outcomes in police-citizen interaction.

Another technology relatively new to law enforcement is social media. Social media is a communication tool the police can use to engage the community on issues of importance to both and to gauge community sentiment regarding agency policies and practices. Social media can also help police identify the potential nature and location of gang and other criminal or disorderly activity such as spontaneous crowd gatherings.

### **Edgartown PD Scorecard**

Law enforcement agencies and leaders need to be able to identify, assess, and evaluate new technology for adoption and do so in ways that improve their effectiveness, efficiency, and evolution without infringing on individual rights.

There is not any perceptible outcry in Edgartown for police officers to start wearing body cameras. These devices are expensive to acquire and maintain. Keeping up with public records demands alone could be very burdensome to this small department. Although body-worn cameras can offer many benefits, they also raise serious questions about how technology is changing the relationship between police and the community. Body-worn cameras not only create concerns about the public's privacy rights but also can affect how officers relate to people in the community, the community's perception of the police, and expectations about how police agencies should share information with the public.

Now that agencies operate in a world in which anyone with a cell phone camera can record video footage of a police encounter, BWCs help police departments ensure that events are also captured from an officer's perspective. But when the public does not believe its privacy is being protected by law enforcement, a breakdown in community trust can occur.

While technology is crucial to law enforcement, it is never a panacea. Its acquisition and use can have unintended consequences for both the organization and the community it serves, which may limit its potential. Thus, agencies need clearly defined policies related to implementation of technology, and must pay close attention to community concerns about its use.

**Recommendation:** *The chief needs to consider ways to involve the public in discussions related to the protection of their privacy and civil liberties prior to implementing new technology, as well work with the public and other partners in the justice system to develop appropriate policies and procedures for use. A thorough evaluation of the costs of these systems is essential before they are purchased and implemented.*

*The department's use of social media should be maintained. It has the potential to be a relatively inexpensive way to communicate with the public, helping to assure the correct message is delivered and the department's image is enhanced.*

#### **Pillar Four: Community Policing & Crime Reduction**

Contrary to some misinformed public opinion, community policing is not a program (such as bike patrol or “park & talk”). Community policing is a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.

Over the past few decades, rates of both violent and property crime have dropped dramatically across the United States. However, some communities and segments of the population have not benefited from the decrease as much as others, and some not at all. Though law enforcement must concentrate their efforts in these neighborhoods to maintain public safety, sometimes those specific efforts arouse resentment in the neighborhoods the police are striving to protect.

Police interventions must be implemented with strong policies and training in place, rooted in an understanding of procedural justice. Indeed, without that, as we have seen across the country, police interventions can easily devolve into racial profiling, excessive use of force, and other practices which disregard civil rights, causing negative reactions from people living in already challenged communities.

Another aspect of community policing is the premise that officers enforce the law *with* the people not just *on* the people.

Problem solving, another key element of community policing, is critical to prevention.

And problems must be solved in partnership with the community in order to effectively address chronic crime and disorder problems.

In summary, law enforcement's obligation is not only to reduce crime but also to do so fairly while protecting the rights of citizens. Any prevention strategy that unintentionally violates civil rights, compromises police legitimacy, or undermines trust is counterproductive from both ethical and cost-benefit perspectives. Ignoring these considerations can have both financial costs (e.g., law suits) and social costs (e.g., loss of public support).

It must also be stressed that the absence of crime is not the final goal of law enforcement. Rather, it is the promotion and protection of public safety while respecting the dignity and rights of all. And public safety and well-being cannot be

attained without the community's belief that their well-being is at the heart of all law enforcement activities. It is critical to help community members see police as allies rather than as an occupying force and to work in concert with other community stakeholders to create more economically and socially stable neighborhoods.



### **Edgartown PD Scorecard**

Mutual trust and cooperation, two key elements of community policing, are vital to protecting residents from the crime that plagues them. The Edgartown Police Department has done a commendable job by combining a focus on intervention and prevention through problem solving with building

collaborative partnerships with schools, social services, the business community and other stakeholders. They have learned from experience that community policing not only improves public safety but also enhances social connectivity and economic strength, which increases community resilience to crime. And this effort has the potential for improving job satisfaction for line officers, too.

After the hectic tourist season, officers have ample time to focus on proven



community policing efforts. Community policing requires the active building of positive relationships with members of the community—on an agency as well as on a personal basis. In larger communities, this can be done through assigning officers to geographic areas on a consistent basis, so that through the continuity of assignment they have the opportunity to know the members of the community. In Edgartown’s case, where officers know most citizens, it can also be aided by the use of programs involving participation in community organizations, local meetings and public service activities.

**Recommendation: *The Chief must take the lead in demonstrating a commitment to the community policing philosophy. This should be conveyed to the command and supervisory staff who should embrace it and encourage line officers to do the same.***

*Efforts already underway should be expanded, with official recognition and support being provided. An example is the work the department does with the Senior Center. The elderly in Edgartown represent a major segment of the population, and one of its most vulnerable. Those that are able to attend Senior Center dinners or other functions are less susceptible to the kinds of abuse and exploitation that the police department should be poised to prevent or to which they should respond. Topics such as caregiver abuse, physical, financial and even sexual exploitation, are real threats to the elderly. Drug abusing relatives or caregivers often find ways to drain an elder’s bank accounts. Working with local banks and social service agencies is an opportunity for the department to make a real difference in addressing these hidden but sinister crimes.*

*The department has done a commendable job at assisting homeowners after a burglary to tighten up security with locks, alarms and other crime prevention techniques. Having one or more crime prevention officers would go a long way in strengthening the relationship with homeowners, and free up the detectives that have assumed this added role.*

*Along the same lines, the business community represents a segment of the town population that would respond well to additional community policing initiatives. The Chief should attend business group meetings and engage merchants in a dialogue aimed at identifying their needs and discussing how the police department might help.*

*The excellent work done by the department’s School Resource Officers at the Edgartown School must be maintained. An SRO needs to be trained and have the support of the Chief and entire department to be effective. The Chief should identify potential new SRO candidates and assure they are trained before being asked to step into this role. With the likely change in rank and assignment following this study, it is likely that there will be a turnover in the present SRO crew, so prompt attention to this matter is warranted.*

**Pillar Five: Training & Education**

The fifth pillar focuses on training and education in law enforcement over an officer's entire career—from recruitment through basic training to in-service training—and the support, education, and training of supervisors, leaders, and managers.

As our nation becomes more pluralistic and the scope of law enforcement's responsibilities expands, the need for more and better training has become critical. Today's line officers and leaders must meet a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis.

The skills and knowledge required to effectively deal with these issues requires a higher level of education as well as extensive and ongoing training in specific disciplines.

Community policing and problem-solving principles include:

- Interpersonal and communication skills
- Bias awareness
- Scenario-based, situational decision making
- Crisis intervention
- Procedural justice and impartial policing
- Trauma and victim services
- Mental health issues
- Analytical research and technology
- Languages and cultural responsiveness

To build a police force capable of dealing with the complexity of the 21st century, it is imperative that agencies place value on both educational achievements and socialization skills when making hiring decisions. Hiring officers who reflect the community they serve is also important not only to external relations but also to increasing understanding within the agency. Departments should look for the character traits that support fairness, compassion, and cultural sensitivity.

There is a need for understanding, tolerance, and sensitivity to African Americans, Latinos, recent immigrants, Muslims, and the LGBTQ community. Likewise, departments need to move towards practices that respect all members of the community equally and away from policing tactics that can unintentionally lead to excessive enforcement



against minorities.

Officers need to develop the skills and knowledge necessary in the fight against terrorism by gaining an understanding of the links between normal criminal activity and terrorism, for example. What is more, this training must be ongoing, as threats and procedures for combatting terrorism evolve.

The goal is not only effective, efficient policing but also procedural justice and fairness. The task force made more than a dozen recommendations for implementing career-long education and training practices for law enforcement in the 21st century. Suffice it to say that the quality and quantity of training being offered to all police officers in Massachusetts and most other states is severely lacking when it comes to crucial elements needed to prepare for tomorrow's challenges according to the Task Force.

### **Edgartown PD Scorecard**

There is a need for realistic, scenario based training to better manage interactions and minimize using force. Both the EPD and the state's Municipal Police Training Committee need to focus more on content than delivery. This should include training on the effects of violence not only on the community and individual victims but also on police officers themselves, keeping in mind that exposure to violence can make individuals more prone to violent behavior. And we need to provide officers with historical perspectives of policing in order to provide context as to why some communities have negative feelings towards the police and improve understanding of the role of the police in a democratic society.

While many of the Task Force's recommendations for improved training are focused on what the federal or state governments need to do, the following are action items directed at municipalities and that Edgartown should carefully consider:

- Law enforcement agencies should provide leadership training to all personnel throughout their careers. Standards and programs need to be established for every level of leadership from the first line to middle management to executive leadership. If there is good leadership and procedural justice within the agency, the officers are more likely to behave according to those standards in the community.

- Law enforcement agencies should implement ongoing, top down training for all officers in cultural diversity and related topics that can build trust and legitimacy in diverse communities. This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with law enforcement.



- Law enforcement agencies should implement training for officers that covers policies for interactions with the LGBTQ population, including issues such as determining gender identity for arrest placement, the Muslim, Arab, and South Asian communities, and immigrant or non-English speaking groups, as well as reinforcing policies for the prevention of sexual misconduct and harassment.
- The Federal Government, as well as state and local agencies, should encourage and incentivize higher education for law enforcement officers.

While the EPD's indoor firearms simulator is helpful, a modern live-fire training range is needed. The efforts to locate one at the MV Airport have stalled for years.

***Recommendation:*** *The department should establish standards for hiring, training, and education. Though members of the EPD are highly trained and highly skilled operationally, they must develop specialized knowledge and understanding that enable fair and procedurally just policing and allow them to meet a wide variety of new challenges and expectations. Tactical skills are important, but attitude, tolerance, and interpersonal skills are equally so. And to be effective in an ever-changing world, training must continue throughout an officer's career.*

***The EPD needs a "training officer" whose job it is to arrange for training, monitor participation and assure that officers are receiving what they need to do their jobs. Attendance at training is not best left to an officer's discretion.***



***The department has the best training room on the island. It should be used more frequently. Relying on the MPTC or other agencies to provide the training our officers need in some off-island location is not wise; and it is not economical. Brining the state's best instructors to MV is a cost-saving and appropriate way to help arrange for the kind of training EPD officers need and will appreciate.***

***The Chief should foster an atmosphere that values career-long learning among the members of the department.***

***Before promoting officers, they should be trained in the required skills and responsibilities of their new roles. Leadership more than simple "skills" or management training should be required for all supervisors.***

***A live-fire training facility is needed on MV and the EPD should explore alternatives to waiting for the long-delayed one envisioned for the MV Airport property.***

#### **Pillar Six: Officer Wellness & Safety**

The job requires that law enforcement officers be prepared to walk into risky situations and encounter tragedy with little warning. Some, such as the police who responded to the carnage of Sandy Hook Elementary School, witness horror that stays with them for the rest of their lives. Others are physically injured in carrying out their duties, sometimes needlessly, through mistakes made in high stress situations. The recent notable deaths of officers are stark reminders of the risks officers face. As a result, physical, mental, and emotional injuries plague many law enforcement agencies. The EPD is no exception. However, a large proportion of officer injuries and deaths are not the result of interaction with criminal offenders but the outcome of poor physical health due to poor nutrition, lack of exercise, sleep deprivation, and substance abuse. Yet these causes are often overlooked or given scant attention. Many other injuries and fatalities are the result of vehicular accidents.

The wellness and safety of law enforcement officers is critical not only to themselves, their colleagues, and their agencies but also to public safety. An officer whose capabilities, judgment, and behavior are adversely affected by poor physical or psychological health may not only be of little use to the community he or she serves but also a danger to it and to other officers.



Ironically, supervisors would not allow an officer to go on patrol with a deficiently maintained vehicle, an unserviced duty weapon, or a malfunctioning radio—but pay little attention to the maintenance of what is all officers’ most valuable resource: their brains.

Officer suicide is also a problem: a national study using data of the National Occupational Mortality Surveillance found that police died from suicide 2.4 times as often as from homicides. And though depression resulting from traumatic experiences is often the cause, routine work and life stressors— serving hostile communities, working long shifts, lack of family or departmental support—are frequent motivators too.

Physical injuries and death in the line of duty, while declining, are still too high. According to estimates of U.S. Bureau of Labor Statistics, more than 100,000 law enforcement professionals are injured in the line of duty each year. Many are the result of assaults, which underscores the need for body armor, but most are due to vehicular accidents. Mandatory wearing of seat belts is the single simplest and greatest way to reduce many of these injuries.

To protect against assaults, it is helpful to immerse new officers in simulation training that realistically depicts what they are going to face in the real world. But to design effective training first requires collecting substantially more information about the nature of injuries sustained by officers on the job. Poor nutrition and fitness are also serious threats, as is sleep deprivation. Many errors in judgment can be traced to fatigue, which also makes it harder to connect with people and control emotions. But administrative changes such as reducing work shifts can improve officer’s feelings of well-being, and the implementation of mental health strategies can lessen the impact of

the stress and trauma.

Partnerships are another crucial element. An agency cannot successfully tackle these issues without partners such as industrial hygienists, chaplains, unions, and mental health providers. But no program can succeed without buy-in from agency leadership as well as the rank and file.

### **Edgartown PD Scorecard**

The most important factor to consider when discussing wellness and safety is the culture of law enforcement, which needs to be transformed. Support for wellness and safety should permeate all practices and be expressed through changes in procedures, requirements, attitudes, and behaviors. An agency work environment in which officers do not feel they are respected, supported, or treated fairly is one of the most common sources of stress. And research indicates that officers who feel respected by their supervisors are more likely to accept and voluntarily comply with departmental policies. This transformation should also overturn the tradition of silence on psychological problems, encouraging officers to seek help without concern about negative consequences.

The EPD has a very adequate work-out room in the station. Officers are free to use it at any time in their off-duty hours (typically just before or after their tour of duty) and, circumstances permitting – especially in the non-tourist season, even when on duty for limited periods. The “bulletproof cop” does not exist. The officers who protect us must also be protected—against incapacitating physical, mental, and emotional health problems as well as against the hazards of their job. Their wellness and safety are crucial for them, their colleagues, and their agencies, as well as the well-being of the communities they serve.

The department has purchased bullet-resistant vests for all officers. Unfortunately, not all personnel wear their vests at all times when on duty. Today’s vests are lighter and provide even greater protection than models in the past. While summer heat makes vest wearing uncomfortable at times, the risk officers face these days is real and such vests provide an officer’s best protection.

All vehicles are equipped with seat belts, of course; however, not all officers wear them whenever in a department vehicle. There are more than enough excuses, and the law exempts the police from this requirement; however, on balance the safety of an officer is enhanced significantly by wearing a seat belt every time they are in a vehicle.

### **Recommendation:**

***The department should adopt a “fitness for life” attitude in which all officers are***

*encouraged to maintain physical and mental wellness. This should involve consultation with medical and mental health professionals familiar with the job requirements of police officers.*

*Two or more officers should be assigned as “peer counselors” and trained to help the department identify officers with potential problems of a physical or psychological nature.*

*The department should adopt a strict “mandatory wear” policy for seat belts and bullet-resistant vests.*

## **HOW WOULD THE EDGARTOWN POLICE DEPARTMENT FARE IF EXAMINED BY THE US DEPARTMENT OF JUSTICE?**

The United States Department of Justice is charged with enforcing three federal civil rights statutes that prohibit state and local law enforcement agencies from engaging in conduct that deprives persons of their rights under the Constitution and laws of the United States. One of the provisions that the US DOJ is the police misconduct provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, which authorizes the Attorney General to file lawsuits seeking court orders to reform police departments engaging in a pattern or practice of violating individuals' federal rights. The US DOJ also enforces the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and Title VI of the Civil Rights Act of 1964.

The U.S. Attorney General is authorized to initiate a civil action against a state or local government for equitable and declaratory relief when there is reasonable cause to believe that law enforcement officers are engaged in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or federal law.

As one can see from weekly media reports, no department is immune for the scrutiny that can follow a single incident. And this is regardless of whether an officer acted appropriately. A department's best protection is to plan for as many eventualities as possible and to take a look at how the department will be evaluated should it be thrust into the national spotlight.

### **A. Written Directives**

Written directives (policies, procedures, rules, and regulations) are the primary means by which law enforcement agencies communicate their standards and expectations to their officers. Accordingly, it is essential that written directives be comprehensive, up-to-date, and consistent with relevant legal standards and contemporary law enforcement practices. In addition, directives with related topics should accurately cross-reference each other as necessary. Consistent terminology and definitions should be used throughout all written directives to avoid confusion and to increase adherence. Finally, each written directive should be routinely reviewed for consistency.

### **Edgartown PD Scorecard**

The Edgartown Police Department, like many others across the state, has adopted a standard set of Policies & Procedures (written by this author) published by the Municipal Police Institute (MPI), the research and training affiliate of the Massachusetts Chiefs of Police Association. Unfortunately, some of these have not been reviewed or updated in many years. Both good practice and

the requirements of some municipal insurance companies require chiefs to certify that such policies have been updated at least every 5 years. When I was with MPI, I issued updated entire sample Rules & Regulations manuals every 5 years. I also drafted individual polices as new ones or revisions where needed. However, I am no longer with MPI and moreover the state has eliminated funding for MPI and therefore there is no longer a central statewide source of updated polices and procedures available to assist local police chiefs in this effort. The majority of police departments in Massachusetts have joined the Massachusetts Police Accreditation Coalition (MASS PAC) in an effort to keep their polices up to date. Member departments embark on a two-step process aimed at statewide accreditation. Certification is the first step, involving more than 100 policies, and full Accreditation is the culmination of a more thorough review of a department's additional policies and supporting documentation. Membership requires a modest annual fee based on a department's size, but comes with a host of services and support that more than justifies the expense. A department Edgartown's size would typically have to assign one officer or supervisor on a nearly full-time basis to accomplish this process. A realistic starting time would be following the summer season and the effort might have to be suspended or curtailed in future tourist seasons as well.

***Recommendation: The Department should join MASS PAC and make a commitment to secure Certification within a year and full Accreditation one year later. The union should be involved in the process, especially before any changes involving a mandatory subject of bargaining are implemented.***

***The department should assign one or two officers, or an officer and supervisor, as their Accreditation Manager, with most activity coming in the off-season, to review, update and maintain the department's Policies & Procedures manual up to date.***

The Department's Rules & Regulations manual was adopted by former Chief George Searle several decades ago.

***Recommendation: The Department should review and update its Rules & Regulations manual, involving the union before any changes involving a mandatory subject of bargaining are implemented.***

***A review by counsel is essential, as many rules involve constitutional issues as well as statutory ones.***

B. **"Biased policing" or "biased-based policing"**

"Biased policing" or "biased-based policing" refers to discriminatory enforcement of the law based on categories that include race, color, national origin, gender, religion, age, and sexual orientation. Because it incorporates these categories, it is more broadly applicable than the commonly used term



"racial profiling," which may be understood as referring to discriminatory policing based on race alone.

### **Edgartown PD Scorecard**

Fortunately, there have not been any complaints filed with either the department or the town alleging racial profiling or biased policing of any kind. However, it is essential for all departments to remain vigilant and to train officers on how to avoid even the appearance of biased policing. Understanding that we are all biased in some ways is a first step to helping officers deal with their prejudices in a way that does not result in the mistreatment of any segment of the population we serve.

Much of a department's best work can be undermined or at least brought into question by a single incident. As was the case with updating Policies & Procedures, the state stopped funding training on biased policing several years ago. There are, however, many excellent training modules or programs available. One of the many tasks facing a new Chief will be to identify and arrange for such training to be provided to members of the department before headlines and public scrutiny forces the department to do so in haste. The Chief must make it clear that discriminatory enforcement will not be tolerated.

***Recommendation: The department should identify and provide training to all members on unconscious bias, biased policing in general and how to avoid discriminatory law enforcement.***

### **C. Mental Illness**

Police encounters with individuals who are mentally ill can quickly escalate. Practices and strategies to de-escalate these incidents to protect the safety of both the individual and the officer are required. There are systems law enforcement agencies can put in place to ensure that its officers can effectively de-escalate such encounters, minimize the risk of danger, and reduce the level of force needed to handle interactions with people in mental health crisis. It is critical that officers are adept at using these non-force policing tools, not only to protect themselves and others, but because individuals who suffer from mental illness are among the most vulnerable in our society, and neither they, nor their families, should be afraid to turn to the police for help. Properly applied, de-escalation begins long before the officer is faced with the choice of using force and will often make that decision unnecessary.

### **Edgartown PD Scorecard**

The department has recognized the need for training officers in de-escalation techniques. This has been part of in-service training in recent years. While some such training is provided, new recruits in a basic police academy are not

generally ready to receive, absorb and implement critical information about how mental illness calls need a different response than the more common police calls. Trainees at that level are overwhelmed with information and generally lack the maturity that experience brings them on the street.

Over the last several decades, Massachusetts like so many other states, has closed many of its residential facilities that used to house persons with mental illnesses. This has placed an ever-increasing burden on the police to handle such vulnerable and at time dangerous individuals. Frustrated relatives often look to the police to remove these persons and transport them to the hospital.

Unfortunately, this is too often a short-lived effort, and despite what is clearly an excellent relationship the officers have with the MV hospital staff, such officer-initiated “commitments” typically result in what appears to the police as a revolving door policy. This is not something the department or local hospital alone can resolve.

In recent years, the police have become increasingly aware of mentally ill individuals that present a much more serious threat to themselves, persons close to them and even the police themselves. Such persons suffer from what is being called “excited delirium” and the police need extra training on how to handle these individuals who seem to possess super-human strength but are also on the verge of death if not quickly provided appropriate medical treatment.



**Recommendation: *The Department should take all reasonable steps to minimize the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder. This will require making appropriate changes to policies, procedures, and training methods regarding police contact with persons who may be mentally ill with the goal of de-escalating the potential for violent encounters. The department needs to provide training and coordination with EMS and hospital staff to assist officers when confronting persons with excited delirium.***

#### **D. Citizen Complaint Intake Process**

A functional, accessible complaint system is critical in maintaining accountability in a law enforcement agency and in ensuring a close working relationship with communities that the agency serves. An adequate external complaint process is a crucial oversight mechanism and an important deterrent of misconduct. A complaint system that comports with generally accepted law enforcement practices should be designed to accept complaints from a variety of sources with minimal barriers to the submission of a complaint.

#### **Edgartown PD Scorecard**

The department has a Citizen Complaint form that is kept at or near the station's front counter and is available to any member of the public that requests one. No current department member seems to have any recollection of the last time such a Complaint form has been used, however. In other places, this might be cause for alarm, perhaps suggesting that the public has lost confidence in the usefulness of submitting such a Complaint form. Fortunately, there does not seem to be any basis for such concern in Edgartown.

**Recommendation: *All officers, and especially shift supervisors, should be reminded of the location and availability of the department's Citizen Complaint forms. Whenever a request is made to obtain such forms, no effort to discourage an individual and certainly no effort to impede the filing of such form should be made. Persons should be assured that the department takes all such Complaints seriously, and will investigate and take appropriate action. Moreover, anyone filing or contemplating filing such Complaint should be told that no retaliation of any kind will result.***

#### **E. Internal Investigation Process**

An independent system for conducting internal investigations is vital to a law enforcement agency's ability to meaningfully supervise its officers. Generally accepted police practices require internal investigations to be objective and

done in a way that ensures that the investigator initiates and concludes the investigation in a consistent manner.

An open, fair, and impartial process of receiving and investigating citizen complaints serves several important purposes. An appropriate citizen complaint procedure ensures officer accountability and supervision, deters misconduct, and helps maintain good community relations by increasing public confidence in and respect for the police.

Thorough, impartial and balanced investigations of citizen complaints are an essential component of constructive police-citizen relations. Even the appearance that the investigations are biased will affect those relations negatively.

### **Edgartown PD Scorecard**

It has been years since the department has undertaken a formal “internal investigation” involving an allegation of serious or criminal misconduct. This reflects well on the quality and character of the officers. There is no officer that has been trained or designated as the department’s Internal Affairs Officer. Fortunately, there is no likelihood that any such person would have much work in any event. However, as with so many aspects of policing, it is essential to be ready when the need arises.

While the department’s two Detectives could certainly handle most routine IA investigations, there are some aspects of the IA job that differ from traditional criminal investigations. If these are done incorrectly, an officer’s rights might be violated and any investigation might be compromised in a way that precludes either disciplinary action or criminal prosecution.

It is not appropriate or at least not recommended to have an IA officer investigate a superior. This means that any person assigned IA duties should at least be a Sergeant, and preferably a Lieutenant. Where this is not the case, the task may fall to the Chief if the subject of the investigation is a supervisor. Alternatively, some departments look to the State Police or hire an outside investigator to handle more complicated cases.

***Recommendation: The department should assign and train at least one superior officer, preferably a Lieutenant, as the Internal Affairs officer.***

## **F. The Use of Force Policy**

In the course of their duties, police officers are sometimes required to use deadly and non-deadly (less lethal) force. Because the use of force can place officers, civilians, and subjects at serious risk of harm, it is incumbent upon law

enforcement agencies to ensure that officers use force appropriately. Use-of-force policies and procedures must clearly set forth the legal standards for the appropriate use of force. Lack of specific policy guidance on the appropriate use of force may lead officers to believe that they are justified in using force in situations in which it would be unreasonable or unnecessary. Conversely, overly specific policies may result in officers refraining from using necessary and appropriate force out of an unwarranted fear of using excessive force.

### **Edgartown PD Scorecard**

As noted earlier, the department's Policies & Procedures need to be reviewed and updated on a regular basis. A quick review of the Policy on Use of Force indicates that it meets Constitutional standards. However, in response to recent events, there are several efforts on the national level underway to see whether a new model is needed.

Regardless of the content of any policy, as will be discussed later, all officers need to be familiar with its content, given an opportunity to discuss its use in actual practice, and provided training as to how the department expects it will be implemented. This is certainly an area where the department, as it the case with most police agencies, could use some improvement. Too often, the only discussion on the department's Use of Force policy comes as a very brief recitation by the firearms instructor before starting a department's annual firearms qualification effort.

The Edgartown Police Department is fortunate to have one of the finest indoor firearms simulator training facilities in the state. In recent years the department has installed new scenarios and plans to record more.

***Recommendation: The department's Policy & Procedure on Use of Force should be updated later this year after the various national reviews are completed and any new model is produced. This should be followed up by training of the entire department on a series of scenario-based exercises. Supervisors should have additional training so they are able to provide clear direction to line officers in all calls for service the officers are likely to encounter.***

***The department's firearms training simulator should be used by all officers, with documented training sessions, on a regular basis.***

### **G. Uses of Force**

While society entrusts law enforcement officials with the authority to use force, the Constitution places limits on this power to ensure that it is not abusively used against the very people that officers are sworn to protect.

In order to ensure that the use of deadly force by law enforcement officers is constitutional and limited, an agency must maintain clear policies and procedures, require effective training, provide close supervision, hold individuals accountable for their actions, and ensure complete, objective and timely investigations of uses of force. Further, an agency must ensure that the lessons learned in shootings reviews about training, tactics, equipment and policy actually result in changes to policy, training and practice, if warranted.

### **Edgartown PD Scorecard**

In many ways, this criterion mimics the previous one. As noted above, the department meets or exceeds all statutory and Constitutional requirements when it comes to setting and complying with the dictates of adequate policies. This benchmark, however, calls on the agency to implement a procedure for reviewing all uses of force to afford officers a learning experience. During my time with the department, there have not been any such uses of force requiring an after-action analysis. No doubt any serious situation involving use of force would prompt a thorough review. And, as required by the DOJ review standards, it is safe to assume that changes to policy, training and practice would be instituted as needed.

***Recommendation: A review and amendment to the department's Policy on Use of Force should be undertaken promptly and following any use of force to assure that changes to policy, training and practice are instituted as needed.***

### **H. OC Spray**

All police officers should be required to carry OC spray. Departments must adequately train officers on the use of OC spray.

A department's policies should prohibit officers from using OC Spray unless they have legal cause to detain, take into legal custody or to maintain in custody a subject who is, at a minimum, actively resisting the officer. Similarly, such Policies should prohibit officers from using OC spray to disperse crowds or others unless those crowds or others are committing acts of public disobedience endangering public safety and security. Lastly, such Policies should prohibit the use of OC spray against individuals who act out in nonviolent ways or when the individual is handcuffed and does not pose a threat.

### **Edgartown PD Scorecard**

All Edgartown Police Officers are issued and required to carry OC spray. Training in the use of OC spray, however, relies on the instruction student officers received during their time at the MPTC's basic recruit training academy.



**Recommendation: All officers should receive a brief refresher on the use of OC spray on an annual basis. An annual inspection should be conducted of the OC spray carried by all officers, confirming that the spray has not expired and is functioning correctly.**

**I. Electronic Control Weapons (ECWs) (aka TASERS)**

TASERS must be used in a manner that is proportionate to the threat encountered and not used in situations where lesser force options were more appropriate. The use of an ECW (often referred to by the trade name of the leading manufacturer – TASER) on a person could result in serious injuries when intense pain and loss of muscle control cause a sudden and uncontrolled fall. While a rare occurrence, ECW use can result in death. The over-reliance by some police officers across the country on TASERS in situations where more effective and less extreme options, including verbal de-escalation techniques, were far more appropriate, in some situations appears to have contributed to the pattern or practice of excessive force in some police departments targeted by the DOJ.

Effective TASER training and oversight are essential to ensure that officers and supervisors understand the circumstances when ECW use is appropriate and when it needlessly exposes an individual to grievous harm.

**Edgartown PD Scorecard**

The Edgartown Police Department has purchased a sufficient number to provide TASERS to all Police Officers and Sergeants on virtually all shifts. Before being authorized to deploy TASERS, the department was required to submit its Policy & Procedures on both the Use of Electronic Control Weapons and its Policy & Procedure on the Use of Force to the Massachusetts Executive Office of Safety and Security. The department has its own in-house TASER instructors certified by the state as well.

**Recommendation: The department should annually provide all officers authorized to carry a TASER with an update on both the Policy and methodology of deploying TASERS.**

**J. SWAT**

SWAT (Special Weapons and Tactics) officers are generally among the most highly trained in a police department. Officers in the SWAT unit are entrusted with complex weaponry and are called upon to handle the most dangerous

situations that police encounter. SWAT units typically operate under strict protocols and carry out operations in a highly planned and organized fashion.



### **Edgartown PD Scorecard**

On Martha's Vineyard the SWAT function is assigned to the island-wide Tactical Response Team (TRT). Each police department has committed one or more officers to the team. The Edgartown Police Department currently has 3 officers so deployed, but one has indicated he is resigning from the TRT as of June 30<sup>th</sup>. Team members operate under the leadership of a commanding officer selected by the MV Chiefs' Law Enforcement Council. The cost of deploying each officer is absorbed by his or her own department.

Periodically, scenario-based exercises are held in various island locations, including the Edgartown School. As appropriate, these exercises include regular non-TRT members of local police departments, fire departments and EMS departments. After-action reviews and reports help assure that lessons are learned and training and policies are amended where appropriate.

One area of concern in recent months has been the failure of the TRT to live within its budget.



***Recommendation: Edgartown should continue to assign officers to the MV Tactical Response Team and provide them with appropriate support to assure they are adequately trained and equipped. The department should participate in training exercises along with the TRT as well as local fire and EMS services to help prepare for as many scenarios officers are likely to encounter. Periodic reports on the teams operations, training and budgetary needs should be supplied to all island chiefs.***

***Strict spending controls are needed to assure that the TRT does not overspend its budget.***

#### **K. Firearms & Deadly Force**

While this criterion might at first glance appear to be identical to earlier ones, here the DOJ focuses on instances where officers are not reasonable in using deadly force when a person poses little or no threat to officers or others, or

where officers unreasonably use deadly force on individuals in crisis who pose a threat only to themselves. This is a particularly troublesome issue for many police officers. Differentiating between an armed person that is a threat to an officer or others and one that only hopes to injure himself or herself is too much to expect in many instances. Nonetheless, in evaluating the totality of the circumstances surrounding an officer's use of deadly force, some courts have considered "whether the officers' own reckless or deliberate conduct during the seizure unreasonably created the need to use such force."

### **Edgartown PD Scorecard**

Fortunately, there are no recent instances of Edgartown PD officers using deadly force, never mind against persons posing no threat to officers or others. Based on my observations of the demeanor and professionalism of members of the EPD, there is little likelihood this will be a problem in the future. Nevertheless, all police agencies these days are only one incident away from spending time in the national spotlight. Policies, training and supervision are the best protection in avoiding such troublesome situations.

***Recommendation: The use of the department's indoor firearms simulation training facility provides the best opportunity for providing officers with realistic "shoot/don't shoot" scenarios. The department's firearms instructors should continue to develop challenging scenarios. They should also impress upon officers the need to recognize situations where armed troubled subjects can be handled with options not necessarily involving the use of deadly force.***

***Supervisors must remain aware of applicable policies and make a point to confirm that all officers are aware of the same and trained in the proper use of all authorized weapons.***

#### **L. Use of Canines**

Generally accepted standards specify that canines and their handlers must complete a certification program that ensures that: (1) canines and their handlers demonstrate control and proficiency in specific, widely accepted obedience and criminal apprehension exercises; (2) canines and their handlers receive a minimum of 16 hours of training every four weeks; (3) the trainer keeps detailed records of whether each canine team has met specific control criteria for each control exercise, and what remedial training was given if a canine team was deficient in any area; and (4) the trainer reports all deficiencies to the unit supervisor. The DOJ expects that such program will ensure that canines are certified annually by a nationally recognized trainer or organization, and that a canine is not deployed unless its certification is current. They also

expect that a police agency will centrally record and track each canine team's training records, certification records, and health records, regardless of whether individual handlers also maintain records.

A department's Policies should prohibit the use of canines for crowd control.

Failure to have all officers adequately trained on canine policies and procedures may result in expectations of a canine officer or his/her dog that conflict with the expectations of command staff, supervisors or other non-canine officers, as well as result in a use of force that is unjustified under current legal standards.

### **Edgartown PD Scorecard**

The "department's" dog, Buster, is actually owned by the Martha's Vineyard Law Enforcement Council, and, as such, is available to all island police departments. Buster is an "air sniffing" dog that has been trained to identify a variety of concealed drugs. He has also been used to locate dead bodies. He is not a "patrol dog" and is not used in situations where the issue of "bark and hold" as opposed to "bite and hold" become subjects for debate.

While the reasons understandably vary, officers rarely call on Buster's services when stopping a motor vehicle. With the changes in the state's marijuana laws, the usefulness of a drug detection K-9 is less compelling, to say the least. Such dogs typically are not retrained to ignore marijuana and alert solely to other illegal drugs.

***Recommendation: The department, and, in fact, the MV LEC should reevaluate the usefulness of a drug detection K-9. If Buster is to remain in service, all officers should have a basic understanding of canine policies and procedures.***

***Periodic reviews of any deployments of the K-9 should be conducted to assure that he is being used properly and efficiently, and that citizens' rights are being respected.***

## **M. Use of Force Reporting, Investigation, & Analysis**

In order to maintain an effective system of officer accountability, use of force investigations must be timely and thorough. An effective accountability system

ensures that problematic conduct is identified and effectively remediated at all levels within a police department, from the actions of an individual officer to department-wide operations.



Use of force investigations and review are important because they allow the police department to identify and correct the actions of officers who use force in an inappropriate or unconstitutional manner and to identify training needs.

Force investigations and reviews are designed to audit and ensure that applicable policies and

the law are being followed. Further, they instill public confidence and faith in those sworn to protect the law and also serve to protect the officers and their agency from frivolous complaints. Supervisors' failure to intercede and actively manage incidents results in a weak and ineffective force management system.

Deficient documentation by officers using force and inadequate review of this deficiency up the chain of command contributes to the pattern or practice of excessive force.

Any DOJ review includes a determination as to whether a department's Policy requires a thorough and objective supervisory reviews of all uses of force.

### **Edgartown PD Scorecard**

As with all Polices & Procedures, to address this criterion the department must review its existing ones on the collection and preservation of evidence regarding an officer's use of force, canvassing the scene for witnesses, obtaining



information from subjects of force, reviewing photographs and other demonstrative evidence, or referring a use of force for administrative or criminal investigation.

At this time, the department does not have anyone on staff that has the experience or capability to update all Policies. If the department joins MASS PAC and starts the process towards Certification, it will have access to resources at no additional cost to help determine which policies need updating and how best to accomplish this.

***Recommendation: As noted elsewhere in this report, a complete review of all Policies & Procedures is an essential first step. Thereafter, the department must conduct a periodic review and updating, with most Policies on a 5-year schedule, but some on an annual basis consistent with Accreditation Commission standards.***

***The department should promptly join MASS PAC and assign an officer (or two) as its Accreditation Manager as an essential first step in the Policy updating process.***

#### **N. Early identification or warning system – Risk Management**

Being aware of each officer's personal issues that might lead to performance problems is a challenge for all chiefs. Officers with family problems, substance abuse issues or any number of psychological stressors should be identified and provided support. An early warning system (EWS) is a critical component of a risk assessment and management system. An EWS is a relational data system, usually computerized in larger departments, for maintaining, integrating, and retrieving information necessary for effective supervision and management of a police department and its personnel. Because of its small size, the Edgartown PD should be able to initiate an EWS without any expenses associated with computerization.

An early intervention system should be non-punitive, proactive, and geared toward identifying officers who may require re-training and counseling. Of particular concern would be officers that may have had a number of force incidents, community complaints, policy violations, or other issues that indicate that they may need some level of supervisory intervention to prevent them from engaging in future improper conduct.

A police department can use EWS data regularly and affirmatively to:

1. promote best professional police practices, accountability and proactive management;
2. manage the risk of police misconduct, and potential liability therefor;

3. evaluate and audit the performance of officers and units; and
4. identify, manage, and control at-risk officers, conduct, and situations.

Such systems are used regularly by policing agencies as a means to intervene in response to officer misconduct or potential misconduct before the officer has put him or herself or members of the community at risk of harm.

### **Edgartown PD Scorecard**

The department has experienced a few examples of officers in recent years with personal or psychological issues that prevented them from performing their duties. In most cases, the officer was unable to return to duty. Unfortunately, most police agencies do not foster an atmosphere where personal problems are dealt with openly and in a supportive manner. Most officers are unwilling to ask for help or even admit they need some. It is not unusual for fellow officers, supervisors and command staff to be aware the “something is wrong,” but feel unable to intervene and help.

The idea of an early warning system came from a need to identify officers with problems before they became problem officers. In larger department, where the chief and command staff are not as familiar with each officer, the idea of assigning points to any number of indicators or predictors of trouble seemed logical. An objective measurement of potentially troubled staff members helped some supervisors point out individuals that might benefit from time spent with the Employee Assistance Program, for example.

In the Edgartown Police Department, the Chief and supervisors are familiar with each officer, their family situation, and should be able to recognize most issues before they become major problems.

***Recommendation: The chief should explore ways, in conjunction with the Town’s EAP or other HR professionals, to create an atmosphere where everyone feels comfortable expressing concern for one another. Supervisors as well as line officers need to know what resources are available. Any stigma has to be removed so officers feel comfortable in seeking professional help on an in-patient or out-patient basis where appropriate. Issues of insurance coverage, eligibility criteria, and the services available on and off the island should be identified.***

## **O. Vehicular Pursuits**

On a national level, vehicular pursuits represent a serious threat to public safety. In many cases, their effectiveness is questionable. And, all too often, the collateral damage inflicted on innocent by-standers is very difficult to justify.

By and large, the Edgartown PD does not engage in high-speed chases. Officers are aware that the department does not generally condone such dangerous activity. The DOJ looks to see if a department's policy prohibits vehicle pursuits, except where an officer obtains express supervisory approval, and the officer and supervisor have considered multiple factors and determined that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

Of particular concern is whether the Policy makes it clear that during a vehicle pursuit, officers are prohibited from intentionally positioning themselves in the path of the pursued vehicle, boxing in a violator with moving vehicles, and ramming a violator.

### **Edgartown PD Scorecard**

The department's Vehicular Pursuit Policy conforms with DOJ and all national standards in that it (1) includes an affirmative statement of the circumstances in which an officer may engage in a vehicle pursuit; (2) clarifies that a supervisor should take command and be responsible for continuance or discontinuance of pursuits; (3) requires that supervisors review officer conduct following each pursuit; (4) provides guidance for inter-jurisdictional pursuits; and (5) requires that the involved officers and supervisor make written reports, and detail what these reports should contain.



**Recommendation: *The department's Policy is in conformity with all applicable standards. However, as with all policies, the supervisors must***

***reinforce the essential elements and insist that officers are not only aware but also comply with its directives. This requires periodic review and discussion.***

NOTE: The next four criteria from the DOJ's typical checklist are focused on holding facility safety and operations. They are not directly the responsibility of the Edgartown Police Department, since the Sheriff's office handles all arrested prisoners. The town and department may still be liable for any constitutional violations committed by jail personnel, but for the purposes of this report, no review of their applicability or potential problems is included.

**P. The Holding Facility - Fire Safety**

Key concerns: fire safety, mental health screening, suicide hazards, and the use of restraints.

**Q. The Holding Facility - Mental & Physical Health Screening**

Effective intake and screening procedures are crucial to the early identification of medical and mental health issues and thereby the prevention of injury, illness, and death among detainees.

The operator must ensure the appropriate identification of and response to prisoner's medical and/or mental health conditions. It must also develop a comprehensive medical and mental health screening program that shall be approved in writing by qualified medical and mental health professionals.

**R. The Holding Facility - Detainee Safety**

According to the DOJ, physical checks of "general population" prisoners every half-hour are sufficient. However, the facility operators must ensure that such checks are actually performed and the cell check logs accurately reflect the frequency and timing of monitoring. They must have a clear and permanent record of this essential information, which allows for a review by supervisors and auditors.

Holding facility operators are expected to design and implement a holding cell log which records the actual time of each check by the officer. Checks should be done at sufficient intervals as necessary, a minimum of twice each hour for the general population. As with a medication log, to facilitate accuracy and access to the information, the holding cell log should be kept in the cell block and that the officer who conducts the check complete should the form. In addition, the OIC should be required to review and initial the log at least twice each shift to confirm that the detainees are being properly monitored.

Operators must also develop and implement procedures for the performance, documentation and review of routine cell checks in all holding cells to ensure safe housing.

**S. Holding Facility - Environmental Health and Safety**

Jail operators should ensure that cells are cleaned on any regular basis and free from excessive amounts of dirt, dust, and grime. They should also ensure that all holding cells are cleaned after use and thereafter are maintained in a clean and sanitary manner.

**T. Close & Effective Supervision**

Deficiencies in the accountability and supervision of officers can create an unreasonable risk of constitutional violations. They also expose officers to health and safety risks while trying to do their jobs. Therefore, today's police departments should ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide the close and effective supervision necessary for officers to improve and grow professionally, to police actively and effectively, and to identify, correct, and prevent misconduct.

**Edgartown PD Scorecard**

One of the areas of particular concern to virtually all EPD officers is the lack of patrol supervisors (Sergeants). Over the past few years, three Sergeants have either retired or gone on extended medical leaves. Of the remaining three, one is assigned to the Detective Bureau and one serves in more of an in-station administrative capacity, leaving only one patrol Sergeant, and he usually works on the evening shift four days a week, primarily Monday through Thursday.

When these Sergeants were promoted several years ago, the department was unable to send them to a so-called "Sergeant's Basis Course." In stead, it did the best it could and enrolled them in a one day per month course for police executives. It is clear that three new Sergeants are needed ASAP to provide supervisory coverage to most of the busier shifts. (It actually takes five Sergeants to assure round the clock coverage on all shifts.)

I have contacted the Director of the Massachusetts Municipal Police Training Committee, the agency charged with training all municipal police officers, and he has agreed to conduct a Sergeant's Basis Course at the EPD in the next few months. The town's only cost might be housing and feeding instructors. This is far less costly than sending several officers off island, obviously. If the class can be arranged before the busy summer season, as many as 6 potential EPD

candidates for the position of Sergeant might attend. This will provide a reserve group of potential Sergeants for the future. If other island departments want to enroll some officers, the cost could be shared as well.

As an indication of the importance the DOJ places on this criterion, the following lengthy list of review items is typically what they use to determine if a department is providing adequate patrol supervision:

1. Develop policies for supervision that set out clear requirements for supervisors and are consistent with generally accepted policing practices.
2. All operational field officers shall be assigned to a single, consistent, and clearly identified supervisor. Supervisors shall be assigned to and shall substantially work the same days and hours as the officers they are assigned to supervise, absent exceptional circumstances. Scheduled leave (such as vacation time), unscheduled leave (such as sick leave due to illness or injury) and other routine absences (such as court appearances and training obligations) shall not be deemed noncompliance with this provision.
3. Supervisors shall examine and review officer conduct on a regular basis as a proactive measure to minimize and detect misconduct, and to identify training and policy issues.
4. Supervisors should comprehensively review each officers' personnel file including any citizen complaints lodged against an officer at least semiannually. This review should be conducted for the purpose of identifying any patterns of misconduct or inappropriate behavior that should be addressed with an officer through counseling or additional training.
5. Supervisors must thoroughly, objectively, and routinely review all aspects of officer conduct, including a review of: (1) all uses of force, (2) probable cause for arrests and the appropriateness of charges filed; and (3) reasonable suspicion for stops and searches that do not result in an arrest.
6. Supervisors shall to review and approve all arrest reports and search-and-seizure reports, and to record their approval on the arrest or incident reports by handwritten or electronic signature. Supervisors should meet regularly with every officer under the supervisor's command to discuss positive aspects of his or her police work, his or her complaint history, if any, and to discuss any problems or concerns officers may have concerning the department.
7. Supervisors shall investigate all cruiser accidents, make fault determinations, and discipline officers who are at fault, using "progressive discipline."



8. Management and accountability systems must protect individuals from unlawful searches and seizures and use of excessive force.
9. Supervisors shall examine and review officer conduct on a regular basis as a proactive measure to minimize and detect misconduct, and to identify training and policy issues. Supervisors should routinely review arrests, stops and searches that do not result in arrest, uses of force, and a random sampling of traffic citations for the presence of probable cause and reasonable suspicion as applicable.
10. Direct supervisors should evaluate their subordinates at least annually.
11. Prior to the evaluations, supervisors should explain the evaluation process and the expectations to their subordinates. Supervisors should also utilize EIS data in preparation for evaluations. In conducting evaluations, supervisors should meet with their subordinates to discuss positive aspects of their police work, their complaint history, if any, and to discuss any problems or concerns officers may have concerning the department. The direct supervisors should memorialize evaluations, including any discussions in face-to-face meetings. Supervisor should then pass written evaluations through the chain of command, affording the opportunity for superiors to add comments. The written evaluations should be stored in the employee's training or personnel file.
12. Close and effective supervision requires that supervisors: respond to the scene of certain arrests; review each arrest report; respond to the scene of uses of force as required; investigate uses of force; review the accuracy and completeness of reports; respond to each complaint of misconduct; ensure that officers are working actively to engage the community and increase public trust and safety; and provide counseling, redirection, and support to officers as needed, and that supervisors are held accountable for performing each of these duties.
13. Hold commanders and supervisors directly accountable for the quality and effectiveness of their supervision, including whether commanders and supervisors identify and effectively respond to misconduct, as part of their performance evaluations and through non-disciplinary corrective action, or through the initiation of formal investigation and the disciplinary process, as appropriate.
14. Develop and implement mandatory supervisory training for all new and current supervisors.
15. Develop and establish protocols that require supervisors to take appropriate disciplinary or non-disciplinary corrective action when the supervisor becomes aware of an infraction committed by an officer that is not reported

from outside the Department, which does not require an administrative or “internal affairs” investigation.

16. Supervisors shall review reports and forms for boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct.
17. Take appropriate corrective or disciplinary action against supervisors who fail to conduct reviews of adequate and consistent quality.
18. A command-level official shall review, in writing, all supervisory reviews related to arrests that are unsupported by probable cause, are in violation of policy or the law, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The commander’s review shall be completed within seven days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the supervisor’s written report and ensure that all appropriate corrective action is taken.
19. Provide a sufficient number of skilled supervisors to ensure adequate supervision of officers assigned to a specialized mission unit. Additionally, readily identify in the appropriate organizational chart and all specialized mission unit material, the Command-level official responsible for overseeing specialized mission unit activities.
20. Give clear instructions to sergeants and other supervisory officers who volunteer, or are assigned to a specialized mission unit that they maintain their supervisory responsibilities while volunteering. Provide clear instructions to these supervisors regarding appropriate supervision and coordination when more than one sergeant or supervisor is present.
21. Monitor all activities of specialized mission unit participants to include, at a minimum, enforcement actions, uses of force, and complaints.
22. Ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide close and effective supervision to each officer under the supervisor’s direct command, provide officers with the direction and guidance necessary to improve and develop as officers, and to identify, correct, and prevent misconduct.
23. Develop objective selection criteria to ensure promotions are based on knowledge, skills, and abilities that are required to perform supervisory and management duties successfully in core substantive areas. Provide clear guidance on promotional criteria, and prioritize effective, ethical, and community-oriented policing as criteria for promotion.

24. Establish procedures that govern the removal of officers from consideration from promotion for disciplinary action related to serious misconduct.
25. Special Units need clear chains of command and lines of accountability. Each specialized unit needs a clear objective, adequate training and operational guidance. All specialized units should be provided mission statements and clearly outlined areas of responsibility. These should include goals and performance targets.
26. Because specialized units are often insular from the rest of the police agency, there is an increased risk of excessive force use, other civil rights violations, and a general lack of accountability. To avoid these potential accountability pitfalls, there must be close screening, training, supervision, and monitoring of such units.

***Recommendation: The department should seek to promptly identify at least three potential candidates for the rank of Sergeant. Having an additional three attend the training is wise as it provides a cadre of potential Sergeants for the future. They should be enrolled in a two-week Sergeant's Basis Course as quickly as possible. Arrangements should be made to have this course held at the department's training room, rather than sending officers off island.***

***The job description for Sergeant should incorporate the DOJ checklist items noted above and periodic performance evaluations of all Sergeants should include a review of each such item.***

## **U. Recording of Police**

It is now settled law that the First Amendment protects individuals who photograph or otherwise record officers engaging in police activity in a public place. The right to record police officers while performing duties in a public place, as well as the right to be protected from the warrantless seizure and destruction of those recordings, are required by the Constitution. They are also consistent with our fundamental notions of liberty, promote the accountability of our governmental officers, and instill public confidence in the police.

### **Edgartown PD Scorecard**

I am unaware of a single instance where an EPD officer has wrongly tried to restrict a citizen attempting to record a police activity in public. Similarly, I am unaware of a single complaint that an officer has wrongly seized an individual's cell phone or video recording device.

**Recommendation:** *The department should continue to remind officers that citizens have the right to record officers in the performance of their duties in a public place so long as the person does not unreasonably interfere with the officer's legitimate activities such as arrest, search or the like. The Polices & Procedures should spell out this clearly so both officers and the public are aware of the department's commitment to respecting citizens' rights in this regard.*

## V. Community Engagement

Police agencies typically engage in outreach to the communities they serve in order to gain that community's trust, make the community aware of policing efforts being conducted in that community, and establish lines of communication that will aid the law enforcement objectives of the agency. Engagement with the community also enhances officer safety through familiarity with the community and its members. These days, this is a standard police practice.

Community policing, also known as “smart policing,” involves building partnerships between law enforcement and the people and organizations within its jurisdiction, engaging in problem-solving through proactive measures, and managing the police agency to support community partnerships and community problem-solving.



Community policing is an effective strategy that enables law enforcement agencies and individuals and organizations they serve to develop solutions to problems and increase trust in police. On the other hand, inadequate community policing has been found to contribute to finding of a Pattern or Practice of Unconstitutional Force.

Efforts are necessary to ensure that every law enforcement

agency is adequately engaged with all the communities it is required to police and has the trust and legitimacy necessary to be able to effectively serve victims and utilize witnesses in the community. For policing to be most effective, the community must see the police as legitimate partners in a cooperative effort to prevent crime.

### **Edgartown PD Scorecard**

Without labeling their efforts as formal community policing, the members of the EPD have established an excellent rapport with many citizens, business operators and social agency staffers. This has resulted in excellent relationships that will pay real dividends should the police be faced with public criticism or an investigation following a tragedy that might otherwise result in unwarranted media speculation.

Some groups are less receptive to partnering with the police. These represent a challenge that should not be ignored. However, their feeling of isolation and powerlessness can be a breeding ground for protest and expressions of distrust aimed at the police. The small population in Edgartown lends itself to direct contact by members of the police department. Complaints of speeding, graffiti, drug sales or noisy gatherings all present an opportunity to engage with citizens on an individual or neighborhood level. If officers are empowered by the Chief to initiate contact with these citizens, problem solving and partnerships are likely to result, this being the essence of community policing. This will require a change in culture and focus away from traditional patrol and response to calls for service. If the Chief is committed to this approach, then training, individual meetings with officers and support for time spent in such efforts is needed.



***Recommendation:*** *The Chief should make sure that officers are aware of his or her commitment to the community policing philosophy. Recognizing that minorities may be reluctant to seek police assistance out of distrust and fear of officers, this will require conducting meaningful outreach to the community, especially the minority community.*

***Shortly after his or her appointment, the Chief should undertake the following:***

- ***Develop a community engagement and outreach plan, with the goal of creating robust community relationships and sustainable dialogue with the diverse communities in town.***
- ***Create robust community relationships and engage constructively with the community to ensure collaborative problem-solving and consistent feedback from diverse sectors of the community.***
- ***Work to improve relationships with all of the Town's communities, but place a particular emphasis on minority groups.***
- ***Establish a comprehensive program of community outreach based on the department's responsibilities to provide policing services to all the communities it serves. This program should include promotion and execution of the principles of community policing, including partnerships***

- with stakeholders and community members in order to promote public safety and proactive crime control.*
- *Establish community liaisons who are able to effectively communicate with the communities that the Department serves in their native language. This is a real challenge in Edgartown, but if we wait until we have a larger minority problem, we miss out on the opportunity to get ahead of the kinds of problems other police departments have encountered. Encouraging officers to learn Spanish or Portuguese (Brazilian) is worth considering.*
  - *Provide public forums so that community concerns relating to public safety may be voiced and enforcement strategies and priorities explained to those impacted by them.*
  - *Explore options for conducting community surveys by discussing the same with other police chiefs, to measure satisfaction, concerns and ways of enhancing communication with all segments of the population.*

**W. Provide meaningful language access to minority population based on community demographics**

When the DOJ reviews a department for possible civil rights violations, they encourage them to develop and implement a comprehensive language access program that will enable persons of limited English proficiency full access to the services that a police agency provides and that will enable officers to fully and effectively carry out their duties when encountering such persons. A language line is a telephone-based interpretation service available immediately and 24 hours a day. See Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. § 2000d et seq.)

The program should be characterized by such features as a clear mandate to use formal language services, such as a language line; translated signs, forms, and websites, and other documents; and command-level responsibility for the provision of these services.

**Edgartown PD Scorecard**

As do most Massachusetts police departments, the EPD has access to a language line providing competent translation services 24 hours a day – for a fee. However, while the Communications Center reportedly has used it, the department apparently has not. When translation services have been needed for Portuguese speaking individuals, the department has used a multi-lingual employee of the County Jail.



**Recommendation:**

***All EPD officers should be reminded of the availability of a 24-hour a day language line, should they ever need to use it. However, if the Com Center is willing to handle these matters, that is the way to proceed for routine calls for service.***

***When more intensive translation services are required, requiring on an employee from another government department may present some issues if a court challenge is raised. The Chief should consult the Assistant District Attorney to be sure the department is following procedures that will withstand a challenge in court.***



**X. Training**

Throughout this report, it is clear that training is the essential component of maintaining the EPD's excellent level of performance, as well as any efforts to help address any areas needing improvement.

## Edgartown PD Scorecard

The department has started the process of adopting a well-defined Field Training Officer (FTO) program. This will help to ensure new officers receive post-academy training and mentoring from more experienced officers. The department makes a sincere effort to see that all officers are assigned to attend the annual in service training (currently 40 hours) offered by the Municipal Police Training Committee.

Given the department's very limited training budget, the opportunity for other officers to attend specialized training is limited. Even "free" classes cost the EPD a considerable amount when the cost of travel, lodging and food are included.



Efforts need to be made to have the best instructors come to the Vineyard. This process has begun, and the state has agreed to offer a Sergeant's Basis course this spring at the Edgartown PD to help train what this report hopes will be several candidates for such positions.

The department keeps track of all courses attended by its officers; however, there is no central database, and documentation is simply placed in each officer's personnel file. If the recommendation made elsewhere in this report for assigning a "training

officer" is adopted, a department wide database would be one of the many beneficial results.

***Recommendation: A new chief should begin to adopt the following, based on a schedule that is supportable by the department's budget:***

***Effectively train officers on its policies and practices, and provide updated training to its officers on a regular basis, both in the field and at scheduled training sessions.***

***Implement scenario-based training and role playing to ensure officers understand de-escalation techniques and when force is justified. This should also include training on changes to policy, new equipment, and tactical methods.***

***Field training for new officers is an integral component of a training program, which helps to minimize the risk of officers engaging in problematic behaviors, including the use of excessive force. Ensure that all new recruits are trained in policies and procedures before they are placed on patrol.***

***Train officers to use appropriate hands-on techniques following the first application of less-lethal force, when feasible, to complete an arrest, and to use as few cycles of TASER as possible.***

***Train officers to avoid using more intrusive forms of force on individuals who do not pose a threat to the safety of the officers and others.***

***Train officers to give verbal warnings, where feasible, before using force.***

***Provide blocks of mandatory, annual, in-service training, including training on the use of force, search and seizure, legal developments, and police integrity. Use of force training should train officers to use only reasonable force and instruct them in de-escalation techniques that can help them avoid using force or minimize the amount of force used, rather than focusing solely on when an officer is legally justified in using force.***

***Training should include discussions and role-play with officers about particular scenarios with the goal of educating the officers regarding the legal and tactical issues raised by the scenarios. Document and ensure that all sworn officers have successfully completed the training.***

***All investigators should receive training which includes investigatory techniques, interview skills and the department's investigatory***

*policies. Train all of its supervisors on the factors to consider when evaluating credibility.*

*Establish policies and procedures and train investigators on the factors to consider when evaluating complainant or witness credibility; examination and interrogation of accused officers and other witnesses; identifying misconduct even if it is not specifically named in the complaint; and using the preponderance of the evidence standard as the appropriate burden of proof.*

*Use of force training should train officers only to use reasonable force and instruct them in de-escalation techniques that can help them avoid using force or minimize the amount of force used. Document and ensure that all sworn officers have successfully completed the training.*

*Officers should receive training on community policing—which is widely embraced by the field as effective at building community trust in police departments and insuring public safety.*

*When new or different policies are put into effect, or when officers are provided with new equipment, the department must provide new training to prepare officers for the changes.*

*Provide appropriate training to all officers responsible for the intake or investigation of complaints against officers, both formal and informal. This training should include: (1) investigative, interviewing, and interrogation techniques; (2) the identification of misconduct not specifically identified in the complaint; (3) ethics; (4) integrity; (5) professionalism; (6) witness credibility; and (6) burdens of proof.*

*Electronically maintain complete and accurate records of current curricula, lesson plans, and other training materials in a central, commonly-accessible, and organized file system. Track, maintain, and report detailed, real-time training records and statistics.*

*Develop an electronic database to create and maintain records for each recruit and each member of the agency, including a standard electronic training record and electronic copies of certificates and other materials. The training records shall include the following information: the course description and duration, curriculum, location of training, and name of instructor.*

## Y. Practice “Constitutional Policing”

A well-functioning police department has the trust of the residents it protects, functions as a part of the community rather than insulated from it, and cultivates legitimacy when the public views it as engaging with them fairly and respecting the rule of law. Officers can only police safely and effectively if they maintain the trust and cooperation of the communities within which they work, but the public’s trust and willingness to cooperate with the police are damaged when officers routinely fail to respect the rule of law.

Even-handed enforcement of the law in conventional police agencies has numerous generally-accepted critical components. The following checklist is what the DOJ seems to use in reviewing police agencies:

1. Officers must be:
  - a. adequately trained on the constitutional enforcement of the law;
  - b. guided by detailed policies and codes of conduct;
  - c. subject to a system of accountability, which includes meaningful recordkeeping, supervision, internal investigations, and oversight; and,
  - d. held accountable through fair and impartial internal investigations.
2. Successful police work requires cooperation from the community and name tags allow community members to refer to an officer by name. Name tags also convey a willingness to be held accountable and making them mandatory is strongly recommended.
3. Officers shall use accurate and specific descriptive language and not rely solely on "boilerplate" or "pat" language in any reports documenting investigatory stops, detentions, or searches. Articulation of reasonable suspicion and probable cause shall be specific and clear.
4. Officers shall not use or rely on information known to be materially false or incorrect in effectuating an investigatory stop or detention.
5. Officers shall promptly notify the communications center of all arrests. When transporting an arrestee, officers shall take the safest and most direct route to the booking location.
6. Take affirmative steps to prevent public perceptions of discriminatory policing, including but not limited to: 1) introducing themselves at the initiation of contact with a civilian; 2) stating the reason, as soon as practicable, for an investigatory stop or detention; 3) ensuring that an investigatory stop or detention is no longer than necessary; and 4) acting



with professionalism and courtesy throughout their interactions with civilians.

7. A stop may be ruled unconstitutional where an officer thinks an individual's behavior is "suspicious" but is not able to articulate why or link it to criminal activity. Similarly, an officer may not stop individuals based only on a generalized description of appearance that could apply widely, when the officer has not observed suspicious activity by those individuals. Nor is an individual's mere presence in a particular neighborhood or area, without more, —even "an area of expected criminal activity" or "a high crime area"—sufficient "to support a reasonable, particularized suspicion that the person is committing a crime." While presence in a high crime area may be a factor, police must make their determination of reasonable suspicion upon the individual's actions.
8. Officers may not arrest individuals for exhibiting behavior that is disrespectful or obnoxious, but legal, and must be mindful that some speech challenging or objecting to police action is protected by the First Amendment. Police officers are expected to endure significant burdens caused by citizens' exercise of their First Amendment rights, including provocative and challenging speech and gestures.
9. "Contempt of Cop" Arrests, Seizures, and Citations Have Violated the Fourth and First Amendments. The Supreme Court has recognized that the First Amendment protects verbal challenges to police action, holding that "[t]he freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state."
10. A police officer's job is difficult, requiring a thick skin and patience. Officers must practice de-escalation techniques and act within the constraints of the Constitution when confronted with disrespectful behavior.
11. Incident reports containing remarkably similar language to support officers' reasonable suspicion to stop an individual are problematic.
12. Allowing male officers to videotape strip searches of female inmates at a jail is not only humiliating but often considered unconstitutional.
13. Ensure that officers understand how strip and body cavity searches are different than regular searches and are trained on how to conduct proper field strip searches.
14. Strip searches are only to be performed when the officer has articulable probable cause that a subject is concealing a weapon or contraband. A strip search of a person arrested for a traffic violation or other minor offense not

normally associated with violence and concerning whom there is no individualized reasonable suspicion that the arrestee is carrying or concealing a weapon or other contraband, is unreasonable.

15. In situations where strip searches are legally justified, necessary under policy, and authorized by a supervisor, the search shall be conducted in a professional manner by trained personnel; include the least number of personnel necessary; be performed only by those of the same sex as the identified sex of the individual; and under conditions that provide privacy from all but those authorized to conduct the search.
16. Body cavity searches are performed only after obtaining a search warrant signed by a judge and by specially trained medical personnel.
17. Develop crowd control and incident management policies that comply with applicable law and comport with generally accepted policing practices.
18. The incident management policy shall provide that a ranking officer or other higher-level police official at the scene of a mass demonstration, civil disturbance, or other crowd situation assume command and control and provide approval prior to deploying force as a crowd dispersal technique.
19. The crowd control policy shall require the use of crowd control techniques and tactics that respect protected speech and the right to lawful assembly.
20. Crowd Control & Incident Management policies shall require the assessment of law enforcement activities following each response to a mass demonstration, civil disturbance, or other crowd situation to ensure compliance with applicable laws and agency policies and procedures.

### **Edgartown PD Scorecard**

On each of the items the DOJ appears to use in evaluating a department's commitment to constitutional policing, the EPD seems to be going very well. Certainly I was not made aware of any complaints by citizens or the press. By and large, however, this is a result of their demeanor, common sense and the lack of a significant number of situations that might confront some of the departments the DOJ is called upon to investigate.





**Recommendation:** When it comes to assuring that the department practices constitutional policing, as a safeguard against these problem areas, the department should undertake a review of its policies and practices and see if the lack of problems is a result of good fortune as much as good policing. This will involve a real commitment to the Accreditation process, coupled with training that focuses on each of the most potentially troublesome areas as listed in the DOJ's checklist.

## **EDGARTOWN IS NO FERGUSON!**

While all police departments are rightfully concerned that the public might judge them more harshly in light of some of the many issues that came to light following the events in Ferguson, MO over the past year, there is no comparison between Edgartown's Police Department and Ferguson's. The following are excerpts from a portion of the Department of Justice's report on its review of the Ferguson Police Department and court. Once again it is clear what benchmarks or criteria the DOJ uses to evaluate a police department. And any time one looks at reports such the one involving Ferguson there are lessons to be learned. However, I am mostly including this information here as an example of what not to do. I am not going to include any discussion of what the EPD is or should be doing as the earlier parts of this report adequately address those points.

### **V. CHANGES NECESSARY TO REMEDY FERGUSON'S UNLAWFUL LAW ENFORCEMENT PRACTICES AND REPAIR COMMUNITY TRUST**

The problems identified within this letter reflect deeply entrenched practices and priorities that are incompatible with lawful and effective policing and that damage community trust. Addressing those problems and repairing the City's relationship with the community will require a fundamental redirection of Ferguson's approach to law enforcement, including the police and court practices that reflect and perpetuate this approach.

Below we set out broad recommendations for changes that Ferguson should make to its police and court practices to correct the constitutional violations our investigation identified. Ensuring meaningful, sustainable, and verifiable reform will require that these and other measures be part of a court-enforceable remedial process that includes involvement from community stakeholders as well as independent oversight. In the coming weeks, we will seek to work with the City of Ferguson toward developing and reaching agreement on an appropriate framework for reform.



## **A. Ferguson Police Practices**

### **1. Implement a Robust System of True Community Policing**

Many of the recommendations included below would require a shift from policing to raise revenue to policing in partnership with the entire Ferguson community. Developing these relationships will take time and considerable effort. FPD should:

- a. Develop and put into action a policy and detailed plan for comprehensive implementation of community policing and problem-solving principles. Conduct outreach and involve the entire community in developing and implementing this plan;
- b. Increase opportunities for officers to have frequent, positive interactions with people outside of an enforcement context, especially groups that have expressed high levels of distrust of police. Such opportunities may include police athletic leagues and similar informal activities;
- c. Develop community partnerships to identify crime prevention priorities, with a focus on disconnected areas, such as Ferguson's apartment complexes, and disconnected groups, such as much of Ferguson's African-American youth;
- d. Modify officer deployment patterns and scheduling (such as moving away from the current 12-hour shift and assigning officers to patrol the same geographic areas consistently) to facilitate participating in crime prevention projects and familiarity with areas and people;
- e. Train officers on crime-prevention, officer safety, and anti-discrimination advantages of community policing. Train officers on mechanics of community policing and their role in implementing it;
- f. Measure and evaluate individual, supervisory, and agency police performance on community engagement, problem-oriented-policing projects, and crime prevention, rather than on arrest and citation productivity.

### **2. Focus Stop, Search, Ticketing and Arrest Practices on Community Protection**

FPD must fundamentally change the way it conducts stops and searches, issues citations and summonses, and makes arrests. FPD officers must be trained and required to abide by the law. In addition, FPD enforcement efforts should be reoriented so that officers are required to take enforcement action because it promotes public safety, not simply because they have legal authority to act.

### **3. Increase Tracking, Review, and Analysis of FPD Stop, Search, Ticketing and Arrest Practices**

At the first level of supervision and as an agency, FPD must review more stringently officers' stop, search, ticketing, and arrest practices to ensure that officers are complying with the Constitution and department policy, and to evaluate the impact of officer activity on police legitimacy and community trust.

#### **4. Change Force Use, Reporting, Review, and Response to Encourage De-Escalation and the Use of the Minimal Force Necessary in a Situation**

FPD should reorient officers' approach to using force by ensuring that they are trained and skilled in using tools and tactics to de-escalate situations, and incentivized to avoid using force wherever possible. FPD also should implement a system of force review that ensures that improper force is detected and responded to effectively, and that policy, training, tactics, and officer safety concerns are identified.

#### **5. Implement Policies and Training to Improve Interactions with Vulnerable People**

Providing officers with the tools and training to better respond to persons in physical or mental health crisis, and to those with intellectual disabilities, will help avoid unnecessary injuries, increase community trust, and make officers safer.

#### **6. Change Response to Students to Avoid Criminalizing Youth While Maintaining a Learning Environment**

FPD has the opportunity to profoundly impact students through its SRO program. This program can be used as a way to build positive relationships with youth from a young age and to support strategies to keep students in school and learning.

#### **7. Implement Measures to Reduce Bias and Its Impact on Police Behavior**

Many of the recommendations listed elsewhere have the potential to reduce the level and impact of bias on police behavior (e.g., increasing positive interactions between police and the community; increasing the collection and analysis of stop data; and increasing oversight of the exercise of police discretion).

#### **8. Improve and Increase Training Generally**

FPD officers receive far too little training as recruits and after becoming officers. Officers need a better knowledge of what law, policy, and integrity require, and concrete training on how to carry out their police

responsibilities. In addition to the training specified elsewhere in these recommendations, FPD should:

- a. Significantly increase the quality and amount of all types of officer training, including recruit, field training (including for officers hired from other agencies), and in-service training;
- b. Require that training cover, in depth, constitutional and other legal restrictions on officer action, as well as additional factors officers should consider before taking enforcement action (such as police legitimacy and procedural justice considerations);
- c. Employ scenario-based and adult-learning methods.

## **9. Increase Civilian Involvement in Police Decision Making**

In addition to engaging with all segments of Ferguson as part of implementing community policing, FPD should develop and implement a system that incorporates civilian input into all aspects of policing, including policy development, training, use-of-force review, and investigation of misconduct complaints.

## **10. Improve Officer Supervision**

The recommendations set out here cannot be implemented without dedicated, skilled, and well-trained supervisors who police lawfully and without bias. FPD should:

- a. Provide all supervisors with specific supervisory training prior to assigning them to supervisory positions;
- b. Develop and require supervisors to use an “early intervention system” to objectively detect problematic patterns of officer misconduct, assist officers who need additional attention, and identify training and equipment needs;
- c. Support supervisors who encourage and guide respectful policing and implement community policing principles, and evaluate them on this basis. Remove supervisors who do not adequately review officer activity and reports or fail to support, through words or actions, unbiased policing;
- d. Ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide close and effective supervision to each officer under the supervisor’s direct command, provide officers with the direction and guidance necessary to improve and develop as officers, and to identify, correct, and prevent misconduct.

## **11. Recruiting, Hiring, and Promotion**

There are widespread concerns about the lack of diversity, especially race and gender diversity, among FPD officers.

## **12. Develop Mechanisms to More Effectively Respond to Allegations of Officer Misconduct**

Responding to allegations of officer misconduct is critical not only to correct officer behavior and identify policy, training, or tactical concerns, but also to build community confidence and police legitimacy. FPD should:

- a. Modify procedures and practices for accepting complaints to make it easier and less intimidating for individuals to register formal complaints about police conduct, including providing complaint forms online and in various locations throughout the City and allowing for complaints to be submitted online and by third parties or anonymously;
- b. Require that all complaints be logged and investigated;
- c. Develop and implement a consistent, reliable, and fair process for investigating and responding to complaints of officer misconduct.

## **13. Publically Share Information about the Nature and Impact of Police Activities**

Transparency is a key component of good governance and community trust. Providing broad information to the public also facilitates constructive community engagement.

## **VI. CONCLUSION**

Our investigation indicates that Ferguson as a City has the capacity to reform its approach to law enforcement. A small municipal department may offer greater potential for officers to form partnerships and have frequent, positive interactions with Ferguson residents, repairing and maintaining police-community relationships. See, e.g., Jim Burack, *Putting the "Local" Back in Local Law Enforcement*, in, *American Policing in 2022: Essays on the Future of the Profession* 79-83 (Debra R. Cohen McCullough & Deborah L. Spence, eds., 2012). These reform efforts will be well worth the considerable time and dedication they will require, as they have the potential to make Ferguson safer and more united.

## **OBSERVATIONS OF THE EDGARTOWN POLICE DEPARTMENT**

It is clear from my earlier comments that I have a very favorable opinion of the officers and staff of the Edgartown Police Department. Whenever I make suggestions, it is based on a conviction that the department has the capacity to become even better.

To the extent that some areas have not previously been covered in this report, the following is meant to fill in any gaps.

### **Budget**

Approximately 90% of the budget is devoted to personnel costs (\$2,652,184) and these are covered by the applicable collective bargaining agreements for the Police Officers' and the Sergeants' bargaining units. The proportion of "expenses" (\$287,672) in the budget is relatively low and has resulted in some areas not being able to receive the kind of attention they require.

Since I was not here and can only speculate and draw conclusions based on what I now observe, some may be off base. However, it appears that over the years the budget has tried to add much needed personnel, but did so by reducing other expenses, most notably training. It is abundantly clear that to keep pace and remain the kind of police force the citizens of Edgartown expect, the staff needs more funds for training.

### **Technology**

For a department its size, the EPD makes good use of technology. This is thanks to the work of former Chief Condlin who was widely acknowledged to have been ahead of his time and more "computer literate" than many other chiefs at the time. By all accounts, even though he never touted himself as a computer expert, Chief Bettencourt's legacy includes a major advance in the use of computers and technology in all areas of the department. As with so many effective leaders, he reached out to the right person and the two of them were able to put technology to work to assist in many aspects of the department's operations. Supported by a capable "IT Guy" at Town Hall, the department's computer system functions very well.

Thanks to the volunteer assistance of a Sergeant's wife, the department's web site was updated last month. It will provide a great deal of useful information to the public and other police agencies as well. At present, however, there is no in-house capacity to keep it up to date. The new Chief will have to address this.

The patrol vehicles are equipped with modern mobile data terminals that allow officers to check vehicle and driver information promptly and to prepare their



reports without having to take time returning to the station each time an incident needs to be documented.

Other computer assisted services are regularly employed to help all members remain aware of any calls for service or to review reports from officers not only in the EPD but also by any island police officer. While the QED service has its limitations, it is the system used by all island departments. The new Chief will have to work with other island chiefs to be sure the system keeps pace with what the officers need; this may be frustrating at times.

Not surprisingly, there are occasional issues with the department's radios. During times of crisis or large-scale events such as the Fourth of July parade and fireworks, it is essential to have the ability to communicate among all personnel, including those from other island departments. The recent simulated airplane crash provided an opportunity to see the good and poor aspects of the present radio capabilities. A thorough assessment of the present system, possibly by an off-island expert, is worth considering.

### **Police Station**



The station was built about 25 years ago and, while serviceable, is showing signs of wear.

Leaking roofs, uneven heating and cooling

systems and a lack of office and storage space, however, all reflect poorly on the town to both our employees and citizens that come to the station for services. Fortunately, the recent Town Meeting appropriated \$150,000 to start some of the needed repairs to the most pressing problems. While a short-term patch may be possible, a new roof, among other things, will be needed a year from now it



seems. Some internal repairs as a result of the leaky roof will also be necessary. Removing the four radio towers from the station's roof, and erecting a single tower – that might also host fire and EMS antennae – is worth considering.

It is likely that some minor adjustments in office space layouts and installing a window or two might be helpful following any staff reassignments based on this report.

The cleaning service does a commendable job each week.

## **Vehicles**

It appears that the department has just about the right number of vehicles to do its work. A sensible replacement plan appears to be in place with the approval of the Finance Committee, with patrol vehicles being on a 2-year cycle and some 4-wheel drive units being on a 5-year cycle.



## **Detectives**

The department currently has two members assigned to the detective unit, one a Sergeant and the other a Patrol Officer. By all accounts they are a very busy and competent team. They are receptive to expanding their capabilities through specialized training. Unfortunately, the department's small training budget has limited the detectives' training opportunities. The new Chief should encourage the detectives to identify quality training opportunities that will enhance their ability to do their jobs.

Depending on what promotions or reassignments follow this report, the new Chief may have to re-think how the Detective Bureau is staffed.

## **Patrol Response**

The bulk of the department's personnel and time is devoted to responding to calls for service. These include everything from serious crimes to "welfare checks" on ill or elderly residents. It is clear that they do a very good job in all these cases. The public is constantly expressing its appreciation.

Understandably the department's entire staff seems to have been focused on patrol duties more than any other aspect of police work, possibly to the detriment of other community policing opportunities. One of the many tasks facing a new chief will be how to introduce new and challenging duties to the patrol force without detracting from their primary responsibilities. This will require creative leadership.



## **Court Prosecution**

Discussions with court personnel make clear their positive evaluations of EPD officers, and especially its detectives. The volume of cases going to court does not seem to present any difficulty in terms of shift coverage.

It is not clear whether any training on court testimony,

rules of evidence or similar matters has been provided to officers following their graduation from the basic recruit academy. The new chief will benefit from regular discussions with the Assistant District Attorney, the two Clerks of Court and the presiding justice at the Edgartown Court House.

### **School Resource Officers**

One of the best uses of police officer time is involvement in the School Resource Officer program. Fortunately, the town's elementary school principal is fully committed to the SRO program. I have spent several sessions with him, and only wish more principals across the state shared his understanding and appreciation for this valuable program.

The department has wisely assigned several officers to this effort. This means that someone will almost always be present at the school. The National Association of School Resource Officers (NASRO) offers dozens of training opportunities across the country each year. By not being able to send SROs to these sessions, there is a danger that the department's SROs may not be aware of many of the aspects of this valuable program. Parents are pleased to see officers in the schools, directing traffic and helping with lunches, but there is so much more that can and does happen behind the scenes. Our SROs are a valuable resource and an excellent investment. If they are able to attend trainings, their abilities will only be enhanced.

One other area of concern is the possibility of a turnover in SRO's in the months ahead. The new chief should address this sooner than later and make arrangements to have prospective SRO's trained. On the job training is not sufficient.

### **Intergovernmental Relations**

On this island, it is essential to maintain a good working relationship with other police agencies, the State Police and the Sheriff's Office. The level of cooperation is exemplary, with municipal boundaries presenting no issue to officers that need assistance. All police officers on the island have full authority in every other community thanks to a Mutual Aid Agreement signed by all municipalities.

The MV Law Enforcement Council (LEC) is a non-profit agency formed by the island's police chiefs, and monthly meetings include the State Police, the Coast Guard and Sheriff. The LEC was formed to help secure grants and to coordinate efforts at crime prevention, crisis management and specialized law enforcement. The island's Tactical Response Team (TRT), discussed elsewhere in this report, is a product of the LEC's efforts.

The EPD has excellent relations and works closely with the town's Fire Department and EMS Department. Often the island's Com. Center dispatches all these units to a serious call. The patrol boat, discussed below, is another example of cooperation among these town departments.

Similar good relations are evident with other town departments, both at Town Hall and elsewhere in the community.

### **Social Service Agencies**

In the true spirit of community policing, the department cooperates with numerous social service agencies on the island. The areas of domestic violence and juvenile delinquency prevention are excellent examples where one or more of our officers attend monthly sessions where information is shared and common strategies are discussed. The new chief will have to become familiar with each of these and work with assigned officers to expand efforts to help reduce the incidents of delinquency and domestic violence. This will require becoming aware of “best practices” across the state and country in each of these areas. Using resources and publications such as Problem Oriented Policing (POP) and similar items from the DOJ and the IACP should be on the new chief’s regular reading list.

One area that has received a great deal of attention in the past several years (thanks mostly to one energetic EPD Patrol Officer and the support of Chief Bettencourt) is the work with the Senior Center (The Anchors). As noted elsewhere in this report, I strongly recommend that this commitment be expanded. The large number of senior citizens in town, most of which do not attend activities at the Center but need help, are among our most vulnerable constituents. I have been meeting with some of the staff members there, along with members of the EPD patrol force, to explore ways for expanded cooperation.

The working relationship the officers have with the staff of the MV Hospital is likewise excellent.

One area that merits the kind of attention discussed above is working with persons with Alzheimer’s, dementia or any number of mental illnesses. The IACP has a free training program with plenty of supporting material. The new chief should reach out to the Island Chiefs Association to see if a sufficient number of officers to justify IACP bringing the classes to MV might be interested in attending an on-island training. If not, officers should be sent to such program when and if it is offered elsewhere in the state. The chief should also contact on-island social service agencies to explore what cooperation might be helpful. The national spotlight is on police involvement with persons with mental illness and citizens rightly expect the EPD to handle these challenging calls properly.



## **OTHER AREAS REQUIRING A CHIEF'S ATTENTION AND LEADERSHIP**

In the first sections of this report, I tried to convey my "vision" for an even more excellent EPD. Obviously, I hope this is shared by the Selectmen and any new chief they appoint. One of the greatest challenges facing any new chief is getting the entire department to adopt the same vision. This requires *leadership* much more than *management*. Unfortunately, one of the areas most lacking in the law enforcement arena in general, and in the EPD in particular, has been the lack of any significant leadership training. The Sergeants were able to attend the MPI Executive Development course in the year following their appointment. But except for regular in-service training, no follow up leadership courses have been attended by potential command staff personnel of the EPD. Little has been made available to Patrol Officers. And, as noted above, while some of the department's Sergeants have received limited leadership training, the lack of available courses across the state until the last two years or so has made this very difficult. Unfortunately, most potential Sergeant candidates in the EPD have not taken the initiative to seek out any training to help prepare them for a promotion. This should merit a great deal of attention by the new chief.

When Chief Searle retired, having Deputy Condlin step in assured a smooth transition. And the department had Lt. Bettencourt being groomed for command under Chief Condlin. However, things are different this time. As opposed to the situation that Edgartown faced when Chief Condlin announced his retirement, there is no Lieutenant on the staff. Some have questioned the long-standing practice of seeking qualified candidates first from among the Department. This is the policy followed by the majority of communities in Massachusetts, and generally has produced a very good result. There are significant benefits in terms of morale and motivation that should not be overlooked. Typically a so-called "nationwide search" is the result of serious concerns about the functioning of a police department. There have not been any such concerns about the EPD expressed by municipal officials, or for that matter, by nearly any member of the public. This is a very telling indication that looking inside is the sensible way to proceed. Only where no qualified candidates are found would most towns conclude that a broader search is required.

If there had been more notice of the chief's intended retirement, it is possible that some members of the department might have taken it upon themselves to attend management courses. This certainly should be encouraged. The town should be prepared to support a significant amount of training for any new chief selected from among the membership of the department. The same lack of preparatory training for the skills needed to be chief can be said about nearly the entire department. Most of the five Sergeants the department had a few years ago are no longer here. Two have retired and one is out on extended sick leave. One is assigned primarily to administrative duties in the station and the other one has been assigned to the two-member Detective Unit. To their credit, they have made an effort to attend in-service and specialized training but exposure to many of the issues confronting a chief may not have been the major focus of these training programs. Making the transition

without any command, never mind supervisory experience or training will be a major challenge. The new chief will have to learn to “think like a chief” and not a Patrol Officer or Sergeant, and this is more difficult than it sounds. Having a vision, conveying that to the staff, and providing the kind of leadership needed to implement the kinds of changes needed to achieve that vision are not something most line officers possess naturally. Training and experience are the best ways to acquire the necessary skill set to be a true leader. It can be lonely at the top, and the temptation to appease subordinates and avoid confrontations can be very difficult to resist. Saying “no” to one’s friends and co-workers is never easy. Having them follow someone they recently shared a patrol car with is likewise challenging.

The Chief is expected to know a lot about a great number of things. Keeping up with developments in the law enforcement profession requires looking beyond the shores of this beautiful island. In many cases, this will require constant reading and attending regional trainings and national conferences. The town officials that review the department’s budget should insist that a chief regularly attend training off island, and provide sufficient funding for him or her to do so. Similarly, subscriptions to professional publications need to be maintained. Management publications are what a chief needs, leaving many of the existing subscriptions for use by the line officers. The bulk of the magazines the department currently receives go unread by anyone it seems.

Any new chief will also face a significant knowledge gap in many areas that are an essential part of the job. The ability to respond to calls for service does not prepare one for the kind of issues a chief faces. To name a few: Civil Liability; Conflict of Interest issues; Handling Injured on Duty claims; Internal Affairs Investigations; Recruitment & Hiring; Performance Evaluations; Discipline; Firearms licensing; Public Records Law requirements; drafting Rules & Regulations and Policies & Procedures; Labor Relations, Grievances and Management Rights; Procurement Laws; Complying with a host of human resources laws including, those involving discrimination, maternity leave, ADA, FMLA and lots of similar “alphabet soup” sounding laws.

The new chief should be able to speak about issues surrounding Policing in the 21<sup>st</sup> Century, Problem Oriented Policing, the President’s Task Force Report, the DOJ report on Ferguson and similar matters. When called upon by the public or municipal officials, a chief must be able to give the pros and cons of such things as body cameras, TASERS, drones, video surveillance systems, and any number of emerging technologies that are available elsewhere to the police. Similarly, he or she must be fluent when it comes to explaining community policing, the need for the SRO program, procedural justice and the role of continuing education in this profession.



## IDEAS WORTH CONSIDERING

The earlier sections of this report include a great many recommendations. I will not repeat those here. However, some things worth considering include the following:

- **Video Protection**

The value of quality video surveillance in deterring crime and apprehending perpetrators is well documented. The downtown area is especially worthy of consideration. The new chief should include this in any discussions he or she may have with the local merchants' association or similar group. Some police departments have integrated public cameras with those of private businesses in a comprehensive array that assists in crime prevention and control without impinging on individual privacy rights.

- **Chief's Advisory Council**

As briefly discussed in the earlier sections of this report, some departments have found that assembling a truly representative group of citizens, business persons and others is a good way for chiefs to keep in touch with the department's constituents.

- **Citizens' Police Academy**

The department has experience in offering a Citizens' Police Academy. In the off-season, these should be offered as often as time permits.

- **Injured on Duty Funding**

The Police Department's operations are impacted severely when officers are out injured or on other long-term leave including maternity leave and regular sick leave. Their salaries are still being paid, and replacements at overtime are required. The town should explore ways to fund these expenses without looking entirely to the Department's budget. Perhaps there could be a fund to cover such officers' salaries where they are expected to be out for a long time.

The town has done an excellent job at increasing its insurance coverage for firefighters injured on duty. Call or volunteer firefighters deserve some level of assurance that their civic action will not bankrupt their families. A similar review of increasing coverage for injured police officers is worth considering. This might relieve the impact on the department as well as serving as an alternative to having a fund available for long-term absences due to work-related injuries.



While this was touched upon earlier, it is worth repeating that healthy officers are essential to a properly functioning department. A new chief must set an example in many areas, and this is certainly one. Assigning one or two officers to this crucial function is worth considering.

Seat belt and bullet resistant vest use is a critical function to reduce officer injuries.

While the department currently lacks a performance evaluation system, which the department currently lacks, supervisors must be able to identify meaningful and achievable goals for each individual officer over the coming months and years. The chief, command staff and where appropriate the Patrol Supervisor/Sergeant should regularly have a meeting with each officer to discuss areas in need of improvement, as well as pointing out things he or she is doing well. This should be part of any performance evaluation process. This may include recommending formal education as well as traditional skills or leadership training. While line officers will be initially evaluated by Sergeants, a chief and other command level officer must read any such evaluations and sign off on any goals and objectives.

## **ASPECTS NEEDING ATTENTION OR IMPROVEMENT**

Providing supervisory and leadership training to those members of the department that are potential future leaders is essential to avoiding a situation where the town is confronted unexpectedly with a vacancy in the office of chief or other key position. Many other areas that I felt needed attention were noted in the earlier sections of this report. The following is a list of a few of the more pressing ones:

- Committing to the Accreditation Process, and updating Rules & Regulations as well as Policies & Procedures. A realistic time schedule and the assignment of one or more Accreditation Officers are required.
- Assigning and training one or more Internal Affairs Officers.
- Training a cadre of potential new Sergeants and offering similar training to all potential candidates for future promotional opportunities.
- Preparing officers for Assessment Center evaluations, as this is the prevailing recommended method of evaluating candidates for promotions these days. Preparing officers and supervisors for promotional opportunities is essential for maintaining a healthy department.
- Adopting a structured program in conjunction with the Fire/EMS Department for the operation of the patrol boat
- Implementing a workable performance evaluation system, including a recognition process for officers doing outstanding work.
- Evaluating the present K-9 program and either reinforcing it or amending its focus in the next few months.
- Increasing the department's commitment to and the town's funding for training. Realistic, scenario-based training is essential for officer safety and proper handling of any number of calls for service that officers are likely to encounter.
- Reviewing and amending all department recruitment efforts as well as employment, applications and screening procedures. Be sure that all interviews, background checks, fitness testing, psychological and medical exams, and offers of employment are in conformity with the law and modern employment practices.
- Assigning officers to a Field Training Officer course so that the department never has less than two FTOs available to help provide on-the-job training to new hires.

## **DEPARTMENT STAFFING RECOMMENDATIONS**

### **How many officers are enough?**

There is no universally accepted ideal staffing level for a community such as Edgartown. In the summer, there will always be times when the number of on-duty officers is insufficient to cope with all situations. Conversely, there will be times in the winter when few if any calls for service will come during some shifts. No formal analysis of workload demands has been conducted by the department, the town or by me as part of this report. The present level of 18 members, supplemented by several "summer specials" and traffic officers during the height of the tourist season (and knowing Mutual Aid is available from other island towns) is generally felt by department members to be adequate. Adding up to two more full timers, or at least several year round specials – if they can be found - would be helpful in reducing overtime and the stress the present staffing level places on officers. I would strongly urge the town to return to the practice of having a group of year round specials so this can serve as a training and evaluation program when looking for future full time officers.

The actual number of officers available over the past several years has rarely been 18. There have almost always been retirements for which it takes time to find replacements, and officers on extended medical leaves of various sorts that cannot be replaced. Two potential new officers are set to graduate from the state's recruit academy in June of this year. Unfortunately, they will not be available to assume their full workload immediately, as they will be assigned to a Field Training officer for their first few months. To their credit, two veteran officers have volunteered to be trained as FTOs and should complete this course by early May.

### **How many Sergeants are needed?**

In order to have a Sergeant assigned to nearly every shift, the department would need to appoint at least three new ones. Unfortunately, not a single Patrol Officer has attended a Sergeant's Basic Training Course. And only one recently completed any formal supervisory training program. This places the department in the unenviable position of possibly being forced to first promote and then arrange for supervisory training. It is strongly recommended that in the future Patrol Officers that are interested in being considered for promotion should be offered the opportunity to attend the MPTC's or others' two-week "Sergeant's Basic Training" course.

At this author's request, the MPTC has agreed to try to identify available instructors for the Sergeant's Basic course and to send them to Edgartown in this fiscal year so long as the department makes arrangements to house and feed them. Hopefully this can be arranged. This is far less expensive than sending officers to an off-island course. In fact, the cost to do so would exceed the department's entire annual

training budget. (In the event other island departments want to participate, which does not appear likely, some cost sharing might be possible.) If the MPTC is not willing to do so, we will try to conduct our own course – and probably do a better job!

### **Are shift schedules optimal?**

A thorough review of the department's shift schedule and coverage arrangements was not part of this report. However, these are controlled by the collective bargaining agreement and appear to be generally satisfactory to all involved. It is clear that filling all shifts is not easy. Officers understandably need time for themselves and their families. There is a danger to having officers work too many hours. There are also consequences to officers that, over a period of time, can take their toll. Hopefully the addition of the two new officers in June will help relieve some of the pressure on the rest of the staff. It may also reduce the amount the department spends on overtime.

### **At least One Lieutenant is needed**

Over the years, the department has usually had either a Deputy or Lieutenant. Paul Condlin was the Deputy under Chief George Searle and Tony Bettencourt served as Lieutenant under Chief Condlin. This practice provided a crucial level of supervision and has helped assure that an individual was being "groomed" for the position of Chief. This was not done following Lt. Tony Bettencourt's appointment as Chief about five years ago. While budgetary constraints may have played a role, this has had its consequences. As noted above, it is not clear that any of the present Sergeants went to the Sergeant's Basis Course or any other first level supervisory training before or after their promotions. Sergeants play a vital role in any department's operations, and by most accounts are the key level of supervision in any well-functioning police agency. Based on the concerns expressed by virtually all Patrol Officers, one of the most glaring deficiencies in the department, especially in recent years, has been the lack of effective supervision by Sergeants. The new chief should make this a priority and commit to arranging for training so that a cadre of potential candidates is always available as promotional opportunities arise.

The town should have at least one command level officer, whether called Lieutenant, Captain or Deputy. All EPD members acknowledged that in far too many instances supervision by Sergeants has been lacking. It is not reasonable to look to another Sergeant to step in and resolve issues or mandate action for others of the same rank. This requires a higher ranking member, and a Chief in a department the size of the EPD rarely has time for this effort.

Most organizational models for police departments larger than the EPD assign one supervisory if not command level staff member to administrative duties and another to operational ones. Often the kinds of skills needed for these two functions are very different and a person that would make an excellent administrative Sergeant, for

example, might not be one's first choice for a Patrol Sergeant. In recent years, the department has asked one of its Sergeants to handle the bulk of the behind the scenes administrative duties, which he has done very well. However, he is also asked to serve as a shift commander. This dual assignment has proven to be less than ideal.

Going forward, a new chief will have to devote a great deal of time to learning the job and addressing the more public aspects of the position. Having a single trusted individual handle the administrative responsibilities of the department would be very helpful. If the Sergeant that currently handles the administrative duties is not interested in or willing to continue to perform these functions, these duties will have to be spread among the other Sergeants as well as the Lieutenant and Administrative Assistant.

### **What will an Operations Lieutenant do?**

While I am using the term "Lieutenant" here, the same would apply if one were to appoint a Captain or Deputy to handle these functions.

As noted on several occasions throughout this report, the department sorely needs a ranking officer to supervise the Sergeants and to handle any number of command level matters. As the Chief's "right hand" assistant, this person would oversee the day-to-day operations of the department. This includes patrol, detectives, non-sworn staff and all specialty positions. In the absence of the Chief, the Lieutenant would be assigned the role of acting Chief.

The success of any new position will depend from the beginning more on the talents and dedication of the individual assigned than on the job description. However, a commitment by the individual and the Chief to arrange for command level training is essential. Along the same lines, one of the key duties of any command level staff member is to assure that his or her eventual replacement is ready to step into the role at the appropriate time. This means that, in the future, the department should not be faced with the present situation where the candidate pool lacks multiple individuals that have attended command level training programs.

The Lieutenant should not be a member of the bargaining unit composed of Sergeants. He or she should have an employment contract and be exempt from the Personnel By-Law as a result.

## **What Specialty Positions are Needed?**

### ***Detectives***

Police departments the size of Edgartown's virtually all have at least one person assigned as a detective. The EPD is fortunate to have two talented and dedicated individuals in its Detective Bureau. The volume of work in Edgartown requires that two persons continue to be assigned as detectives. As noted elsewhere in this report, additional training opportunities should be explored to help assure that these individuals stay current on the latest developments on their areas of expertise.

### ***Field Training Officers***

Over the next few weeks, the department will have two newly trained Field Training Officers. Fortunately, two others have some experience in this role in other departments for which they served before joining the EPD. Although the department will rarely be in the position of having to train a large number of new officers, it is essential that we have qualified FTOs ready whenever needed. The first few months on the job are the most demanding, stressful and important in getting one's career off on the right foot.

One of the many benefits from being an FTO is the preparation it provides for becoming a future leader in the department. The next logical step is attending Sergeant's Basic training. One also becomes more aware of departmental policies and procedures. Some FTOs find that working on a department's Accreditation team is also helpful to their careers.

### ***School Resource Officers***

By now it is clear that I enthusiastically endorse the commitment by the town, the school administration and the department to the SRO program. The decision made by Chief Bettencourt to start this program was commendable. And the decision to assign multiple officers was the right one. This avoided some of the pitfalls other departments have encountered when only a single officer was so assigned. The timing of the school year, in that it requires officers at a time when the tourist season is not at its height, is fortuitous. We have a sufficient number of officers in the off-season that we can assign them to this program without jeopardizing our patrol response capability. This also means that the struggle many communities face over who will fund the program is avoided.

I strongly recommend that a new chief continue the relationship we have enjoyed with a supportive and wise principal at the Edgartown School. One of the chief's first challenges in this area may well be to recruit and train new SROs, depending on which of the present ones, if any, are promoted. Waiting until the new school year starts may be necessary, but it may also mean that newly assigned SROs will begin with little or no training, and this is troublesome. The true mission of the SRO



program is far more than simply showing a friendly face to students in a non-confrontational environment. However, without the proper training and supervision, this is what some officers may assume and how they will perform their assignment. This would be a sorely missed opportunity. The chief should try to identify basic SRO training classes elsewhere across the country and assign new candidates ASAP. If this is not feasible, some consideration should be given to inviting the best qualified SRO instructors to come to the Vineyard and conduct a course for EPD officers this summer or in the first part of the upcoming school year.

### ***Patrol Boat***

Now that the department has run the boat for a couple of years, we are in a position to evaluate its effectiveness. Part of that analysis has included the appropriate level of staffing required and its effect on the department in our busiest season.

Certainly having a boat available for emergency response, along with the Fire/EMS staffers, is a comfort to the n  
Fortunately, there is little ca  
activity as well. While there  
Fire/EMS Department, these  
cooperation needed to assur  
place.

The department has completed a training program that has or will shortly provide virtually all officers with at least a basis understanding of their role if assigned to the boat. In practice, however, much more actual on the water follow-up training is needed before an individual can become a contributing member to the boat crew. A single individual assigned to boat oversight is a good star explore various staffing and experienced crew arrangement best.



## ***Elder Services***

Unlike the previously discussed “specialty” positions, the department has not formally “assigned” an officer to the area of elder services. Fortunately, with Chief Bettencourt’s blessing, one officer has taken on this role enthusiastically (sometimes on his own time) and has laid the groundwork for an even greater level of commitment by the department. As noted elsewhere in this report, the town’s elderly represent one of the fastest growing segments of the population, and are among its most vulnerable. The new chief should make this one of his or her major priorities. The assignment as the department’s Elder Service Coordinator should be made formally. Having to find time and fit this in between patrol assignments is not conducive to demonstrating the level of commitment this effort has in the eyes of the chief. The same applies to not making the officer call on friends in the department to help him out with projects at the Senior Center.

The work we are doing to date is just scratching the surface, and the opportunity to work cooperatively with the Council on Aging and other island social service agencies is enormous. Elders are victims of crimes on a much larger scale than what is reported in most cases. Abuse by caregivers and family members often goes unreported. The fear of being taken from their homes is paralyzing and may mean that sexual and physical abuse is tolerated by desperate elders. Scams targeting the elderly are heinous and can deplete a vulnerable senior’s bank account in no time. When committed by out of state perpetrators, prosecution is extremely difficult if not impossible. Banks are understandably reluctant to report suspicious activity, such as when a drug dependent nephew wheels in his elderly aunt and has her grant him power of attorney over her accounts. All this requires a degree of cooperation that is the essence of true “community policing.”

## ***Domestic Violence***

Every community in the nation experiences domestic violence on a regular basis. Our patrol officers do a commendable job at responding to calls for service in this area. And their willingness to make referrals to social service agencies is clear. It is important to not only continue these efforts, but also to explore ways to address the underlying issues or to identify potential problems before they result in a homicide, for example.

Information sharing, as takes place in the monthly roundtables hosted on MV by the Cape and Islands District Attorney’s office, and involving CONNECT and other social service agencies are a valuable source of intel that may have saved more suffering and lives than we will ever know. The department should continue to be involved in these sessions. In fact, regular reports on their agenda items and action plans should be shared with the detectives, juvenile officer(s) and SROs. Attendance should be mandatory and never perceived as an option that gives way to patrol calls for service except in an emergency.

The officer(s) assigned to DV should continually monitor programs being tried and evaluated by other police departments around the country. Rather than learning from our mistakes, we can do that at others' expense by emulating the successful initiatives of police departments elsewhere.

### ***Juvenile Delinquency***

Much the same as discussed above under DV, police departments on the island meet regularly with the staff of the Martha's Vineyard Community Services, Children's Cove, the schools and others to discuss how to provide needed assistance to young people that have been or may become involved in delinquent activity. This department is in an excellent position to take advantage of these cooperative efforts. Our SROs and detectives, as well as our patrol officers all are able to identify most young people in town that are most vulnerable. In these cases, an ounce of prevention is what is needed since the pound of cure, meaning arrest and prosecution, rarely works as well as we might wish.

The new chief, regardless of who is selected, is likely to have plenty of first hand experience with troubled families and young persons in town. Periodically attending these round tables personally, and making sure the department is always represented is essential. Whoever is assigned from the department should be required to keep up with efforts by other police agencies across the country to see help prevent or reduce



relatively confined area. They make up one of the major attractions of our town. The department appears to have an excellent relationship with the proprietors. Chief Bettencourt was well known for his efforts to spend time in this area and this was appreciated by the business owners and patrons alike.

The new chief should continue this effort. In fact, a more formal effort to attend business association meetings and to help identify and address their concerns is another essential aspect of community policing.

### ***Crime Prevention Officer(s)***

The department does not have one or more officers formally assigned to the role of Crime Prevention Officer (CPO). In practice, this role is fulfilled by nearly all staff members at one time or another. Giving advise on how to avoid being victimized by burglars, many of whom are drug dependent individuals, is something all officers may be called upon to provide by their friends and neighbors as well as those that actually experience a break in and call for service. Fortunately, in Edgartown the number and frequency of break-ins to local businesses or residences is low enough that assigning on or more Patrol Officers to the position of Crime Prevention Officer will not result in a dilution of the department's patrol capability.

The detectives do a very good job meeting with virtually all business owners during the year to get to know them and to make suggestions on how to avoid being victimized by shoplifters and burglars, for example. They always do this after a break in to discuss ways of preventing a reoccurrence. This, in all fairness, is not necessarily the job of a detective. I recommend that the department assign one or more officers to the role of Crime Prevention Officer(s) and provide them with the training and equipment needed to do their jobs. These persons could make a point of meeting with all shop or other business owners to help identify vulnerabilities and hopefully prevent the most common types of crime they have been experiencing. Certainly they should be alerted whenever a crime, such as a break-in or shoplifting occurs, and follow-up to help prevent a repeat.

Some Patrol Officers would welcome the opportunity to work more closely with the detectives, following up on cases the Patrol Officer initiates. This cold provide an opportunity to do just that.

Along the same lines, the Crime Prevention Officer(s) should attempt to help homeowners identify their vulnerabilities. This might be done through fliers as well as periodic sessions on local cable TV, for example. And, just as with business break-ins, the CPO should be notified whenever there is a home invasion so they can follow up and meet with the residents and help them plan to avoid a repeat of the same or similar crime. This work is currently done, once again, by the dedicated detectives; however, it is best left to a CPO if the department has one or more of such specially trained individuals.

### ***Firearms Licensing***

A Patrol Officer is currently assigned to assist the Chief with firearms licensing. In addition to his regular shift assignment, he also serves as the department's Armorer and as one of its Firearms Instructors. The new chief should evaluate this officer's workload and consider whether some of his duties might be shared or transferred to others. I am not recommending the licensing review duties be handed off to another Patrol Officer. Having a Sergeant handle the review of firearms license applications is the way most police departments deal with the process, rather than asking a Patrol Officer to do it in any event.

One option is to have the paperwork part of the licensing process handled by the department's Administrative Assistant. This would leave the review of completed applications to the licensing officer. His recommendation would still be subject to review by the Chief, of course.

### ***Liquor Law Enforcement***

A common problem at virtually all tourist destinations is over-serving patrons. After reviewing the list of Protective Custody actions taken by officers over the past couple of years, it is clear that while some establishments have more issues than others, there is a widespread problem that affects a large number of licensed establishments in town. And the potential problems associated with underage drinkers getting others to procure package store liquor for them is also in need of attention. As agents of the Liquor Licensing Authority (the Selectmen) EPD Police Officers are expected to be knowledgeable of liquor laws and to be vigilant in enforcing them. In addition to making sure that bar tenders are not serving drunk patrons, the officers are expected to submit reports of all violations they observe so that the Selectmen can hold a hearing to determine if a license should be suspended or revoked.

While the state's Alcoholic Beverages Control Commission enforcement division visits town annually to help in these efforts, a regular and consistent program to help educate and monitor all liquor establishments is needed. It appears that this has been left to or assumed by the Detective Bureau, but it should not be their responsibility. The new Chief should gather information on problem areas, make sure officers are trained in applicable liquor law, and develop a program in cooperation with the license holders to reduce the number of violations. This may require training more Patrol Officers or assigning one or more as specialists in this area.

### ***Peer Counselor(s)***

The greatest threat to an officer's life may be his or her own handgun. The number of officers that are killed by their own weapon far exceeds the number that are killed by perpetrators in the line of duty.

Officers involved in a shooting where a perpetrator is killed experience a trauma that too often goes untreated and results in the beginning of the end of an officer's career.

Domestic troubles, substance abuse and a host of other stresses can likewise jeopardize an officer's career.

Most departments offer little real help in these cases. And officers are reluctant to ask for help.

All this leads to a culture of denial and a sense of helplessness among the traumatized officer as well as his or her peers.

We now know that creating an atmosphere where officers can acknowledge their humanness and vulnerabilities is an essential first step. We also need a group of officers that are trained and willing to help. In fact, while psychotherapists can play an essential role, in some cases other officers can offer even more helpful assistance.

The EPD has a group of caring and capable officers that could fill the role of peer counselors if asked and trained appropriately. The new chief should learn about peer counseling programs at the State Police, Boston, Worcester and other Police departments and seek to emulate their efforts in this department. An island wide effort is likely the way to go. Working with the town's Employee Assistance Program, local psychologists and the staff of the MV Hospital, we can do better and help officers at the time of their greatest need.

## STAFFING RECOMMENDATIONS

As part of my review of the department, I have been asked to make a recommendation to the appointing authority, the Board of Selectmen, on who the new Chief and any other command level officers should be. Along the same lines, I am expected to make a recommendation on any changes in staffing, job descriptions or assignments. Recognizing that the final decision is exclusively left by law to the Selectmen, I am prepared to offer my suggestions. I have not made a recommendation in this report on who the new Sergeants should be; I want to leave that to the new Chief and Lieutenant. However, I have offered them a great deal of input on how to train and select potential candidates.

Some observations made earlier in this report already include my recommendations for staffing changes. So that these are not overlooked, I will repeat them here:

- The department needs three new Sergeants as soon as the proper 2-week Basic Training course can be completed. Promoting them first and arranging for training later is not the way to proceed. I recommend that this course be offered to as many Patrol Officers as are interested and that from those that successfully complete the course the new Chief recommend three for promotion to the Selectmen. (Having such promotions either be made with a 1-year probationary period or on an acting basis to give the Chief time to evaluate their performance is worth considering.) If the MPTC reneges on its offer to run a Sergeant's Basic course here this fiscal year, we may want to design and run our own.
- The Chief should assign officers to various specialty positions listed throughout this report, with well-defined job descriptions, including, but not limited to:
  - School Resource Officer(s) – might need three new ones for the next school year
  - Crime Prevention Officer(s) – consider two
  - Elder Affairs Officer – and might designate one or two assistants
  - Firearms Licensing Officer
  - Liquor Enforcement Agents – depending on how the Chief decides to proceed, this might include one or two specialists or a larger number of Patrol Officers with more general responsibility
  - Domestic Violence/Sexual Assault Officer – in conjunction with the Detective Bureau, of course
  - Juvenile Officer
  - Field Training Officers – two will soon be trained and there are two others that have some experience at their previous department
  - Training Officer
  - Armorer/Firearms Training Officer
  - Patrol Boat Supervisor



- Peer Counselor
- Business Liaison – if not handled by the Chief personally

### **Who should be the next Chief and Lieutenant?**

During my interviews with all members of the department, several expressed interest in being considered for promotion to various ranks. In some cases, such individuals have taken the initiative to secure an advanced degree in Criminal Justice or similar field. Some have taken a course or two in police supervision or leadership. In one case, an officer had leadership training and experience in the military. However, the majority have not pursued an advanced law enforcement degree or other police leadership courses while members of this department. The new Chief and Lieutenant should encourage officers to show more initiative in the future if they want to be considered for promotions.

When asked for a recommendation as to whom might make a good Chief or Lieutenant, the majority of the members of the department listed David Rossi as their preference as Chief and Chris Dolby as Lieutenant. The following traits were the ones cited by the officers as qualifying these two for the respective positions:

#### ***Dave Rossi***

- ***Masters in Criminal Justice***
- ***Experience on School Committee and Retirement Board***
- ***Lengthy experience on the Police Department***
- ***“Knows everybody in town”!***
- ***Fair and objective attitude***
- ***Someone I can respect and follow, even if I do not agree with everything he says***
- ***Very reliable***
- ***Active in community and local sports coaching over the years***
- ***Excellent job as School Resource Officer***

#### ***Chris Dolby***

- ***The department’s most energetic and productive member***
- ***Terrific Detective and supervisor***
- ***Someone that is a true leader***
- ***Always taking police training classes***
- ***Someone we can all trust and talk to***
- ***Should be Chief now, but probably wants to wait a few years***
- ***A true “star” in court and able to represent the department well wherever he goes***
- ***A “cop’s cop”***
- ***Does not tolerate “BS”***
- ***Someone I want to learn from***

As with any department with 18 or so members, there is no unanimous agreement on any one person for either of these two positions. And, to be fair, I have observed several other candidates that might well do a credible job.

My approach was certainly not to conduct a popularity poll. In fact, initially I expected to recommend that the town hire a consulting firm or to have me conduct an assessment center. In that process a team of outside observers would pose several scenarios to candidates and see how they handled themselves in a variety of typical situations a Chief or Lieutenant might face. This “screening committee” approach typically involves representatives of the community as well as experienced law enforcement professional from across the state. That suggestion was met with strong resistance by the membership. This is something this town has never done, and the time to prepare for this exercise might unduly prolong the process. They reminded me that the Selectmen believed I had the experience and independence to make a valid recommendation. This was one of the reasons I was appointed Police Chief and given as much time as I needed to make my own observations and reach my own conclusions. Essentially they suggested that I conduct my own assessment center and see how these two candidates might respond to real life scenarios that my experience tells me are likely to confront them in the Edgartown PD.

For more than a month I have met with these two individuals for hours on end almost every day. Much of that time has been spent in “school” as they call it, discussing how they would or should handle many situations they are likely to experience. These included, among many other things:

- Handling Injured on Duty Claims
- Preventing and responding to discrimination claims
- Accreditation, Rules & Regulations, and Policies & Procedures
- Procurement law requirements
- Public Records issues
- Training requirements
- Recruitment, Hiring, and Promotions
- Labor Relations and Management Rights
- Criminal and Constitutional Law
- Wellness and Fitness For Life Programs
- Firearms Licensing
- Leadership vs. management
- Community Policing
- Procedural Justice
- Crime Prevention
- Liquor Law Enforcement
- K-9 and Boat Operations

- Cooperation with other police and public safety agencies
- School Resource Officer program
- Providing psychological, substance abuse and other stress-related services to officers and their families
- Motivation and recognition; performance evaluations
- Building maintenance and repair
- Relationship with municipal officials and department heads
- Making officers' jobs more interesting and rewarding

I have received an unsolicited and very professional package from Det. Dolby that included letters of recommendation and documentation of his training and experience. I have reviewed the file of Officer Rossi and have noted some of the most outstanding items in this report already, not the least of which is a Masters in Criminal Justice.

While there are other potential and capable candidates, and I made it a point to keep an open mind, it soon became clear to me that this two-person approach was the right thing for the department at this time. Between them, they have what it takes to provide the leadership the department needs and they can feed off of each other's strengths. They readily acknowledge areas in which they could benefit from additional training. They value the members of the department and are committed to making this place one in which competence, integrity, initiative, good work and dedication are acknowledged. They will encourage personal and professional growth and job satisfaction for every officer that shows the kind of motivation it takes to move things forward in a challenging environment. I have become convinced that these two make a terrific team and together possess the strengths, dedication, vision and capabilities needed to lead the Edgartown Police Department in the coming years.

***What is next, then?***

The Selectmen have several possible options at this point. If they are satisfied that the report is sufficiently comprehensive, they can "accept" it as is and move on to the appointment phase of the process for the Chief and Lieutenant. This could involve interviewing the two candidates I recommended or opening the process up to others.

If the Board wants me to look into other areas that I have not adequately addressed, they can so direct me. They can involve the public or others in the process as well.

Once the Board is satisfied that the process is complete, they can move to appoint one or both positions, subject to negotiating a satisfactory employment contract with each of them. This has typically been done with Town Counsel with input from me as requested and usually takes a couple of weeks.