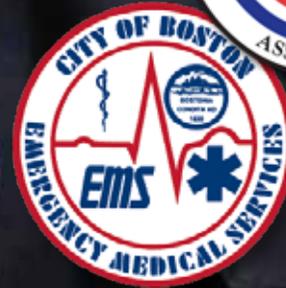


PAXCENTURION

The Newsmagazine for the Boston Police Patrolmen's Association

Body Cameras: Issues of Privacy, Safety and Civil Rights Collide



Spring 2019

See stories on pages 11-16

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Representing your best interests!

It has been some time since the last *PAX* was issued, and the reason for that was we wanted to take a step back and address a couple of the issues regarding our Union's publication. The main issue we found problematic was the prohibitive cost of printing the magazine, especially in today's world where the majority of us read everything online. We updated our website, bppa.org, and from here on out the *PAX* will be available for you to read there. Our retirees will still be mailed a hard copy, and copies will be distributed to the districts as well. We may also cut back on the editions by one or two year, making them less redundant and more relevant.

It has been just a little over a year since I began serving as the President, and my hope is that the membership feels that all of us down here on Freeport Street are doing a good job of representing your best interests. We want what you want, and then some; pensionable income, fair contract language, healthy work environments. We want your rights protected and the rules followed. Just know we are constantly out there, working for you.

This past February 6th, we held a health and wellness screening here at the Hall. It was a huge success and one step towards making all of us take better care of ourselves, and of each other. 2018 was a tough year for us, we lost too many of our members. Rest in Peace. No one needs me to remind them that we have a tough job. The hours are too long, it is dangerous, and more often than not, it is thankless. We urged everyone to take part, and the response was phenomenal. We plan on doing another one eventually, hopefully improving upon the last. We also want to work with all the unions and the Department itself in promoting our members' good health.

Now on to the elephant in the room. Body cameras. I hear you all, loud and clear, "we do not want body cameras." I understand, I do not want body cameras either. If there was any legal way to prevent the Body Worn Camera Program from being implemented, we would have done it. Yesterday. But there isn't. The BPPA retains the best labor attorneys in the

State of Massachusetts and unfortunately, it could not be prevented. We belong to, and

...*(regarding)* Body cameras. I hear you all, loud and clear, "we do not want body cameras." I understand, I do not want body cameras either. If there was any legal way to prevent the Body Worn Camera Program from being implemented, we would have done it. Yesterday. But there isn't. The BPPA retains the best labor attorneys in the State of Massachusetts and unfortunately, it could not be prevented. We belong to, and have, a nationally recognized police department. We are looked up to as a model by departments across the country. Thankfully, we do not have many of the issues that plague other departments. That is because we do community policing, and policing in general, right in Boston. We have challenges. It is tough out there. Issues arise. But I know we are well trained and we are professional.

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working conditions officers today have ever faced. We are battling for the best financial package possible and the best contract language we can get. It has been a back and forth struggle, and it continues.

Earlier in the article I mentioned how we have the best attorneys working for our members. In furtherance of that sentiment, I would like to congratulate **Alan Shapiro** and the team at Sandulli Grace for a huge victory in Superior Court.

Issues regarding back pay for the officers recently reinstated to our force, after being terminated in the "hair test case," were brought before the court and the court ruled in their favor. This has been a long, drawn out legal process but let's hope the end is here, and they are made whole. Congratulations.



PAX CENTURION

**Boston Police Patrolmen's Association, Inc.
Boston Emergency Medical Technicians**



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- Letters or articles submitted shall be limited to 350 words and must be accompanied by the writer's name, but may be reprinted without name or address at writer's request.
- Freedom of expression is recognized within the bounds of good taste and the limits of available space.
- The BPPA reserves the right to edit submission and/or include editor's notes to any submitted materials.
- The deadline for printed materials for the next issue is JULY 29, 2019.
- Any article printed in this issue may be reprinted in future issues.

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Brotherhood for the Fallen-Boston would like to thank our members and the department for all the support over the last year. To date, we have attended over 50 funerals of fallen officers in the United States and have donated almost \$20,000.

A special thank you to Commissioner Gross, Bureau of Field Services, and the Boston Police Patrolmen's Association.

More information about our organization can be found at www.brotherhoodboston.org.

BROTHERHOOD FOR THE FALLEN BOSTON

Our members attend the funerals to provide emotional support to the officers' families, respective department, and the community they served. **The Brotherhood for Fallen-Boston** also makes a monetary donation to the family to ease the financial burden while they grieve the loss of their loved one who made the ultimate sacrifice protecting their community.

We are proud to be one of seven Brotherhood for the Fallen chapters nationwide and join our other chapters in **Chicago, New York City, Fort Worth (Texas), Aurora (Colorado), Suffolk County (New York), and Dallas** in carrying out our mission. We work tirelessly to strengthen the thin blue line and never forget those who made the ultimate sacrifice.





The BPPA should be treated with the dignity it deserves



Welcome back to the long-awaited newest edition of the *Pax Centurion*. In full disclosure, I believe I am the last to submit an (untimely) article. For that I apologize to all those who have been waiting anxiously by the mailbox or computer (for the new online *Pax*).

Way back in August, then Superintendent-in-Chief **Willie Gross** was chosen and appointed as the newest Police Commissioner of the Boston Police Department. Along with Commissioner Gross there were other changes including **Greg Long** being appointed as the new Superintendent-in-Chief and **Dennis White** being promoted to Superintendent and named as Commissioner Gross' Chief of Staff. Superintendent **William Ridge** stayed on as the Bureau of Field Service Chief.

Back in August I believed then that these could be fair decisions for the members of the BPPA. With almost eight months of hindsight, I still believe these are good choices (though I reserve the right to change my mind). I don't want to draw any inference from anyone about how I felt about any prior administrations of the Department. In full disclosure I feel I personally had a decent to good relationship with most prior Command Staff members (though they may say different). The past is in the past, good or bad, and there is no value in thinking of days past when everything continues to move forward. The relationship between Headquarters and the BPPA has been good. Good certainly doesn't mean the Command Staff agrees with every point the BPPA raises or is willing to rescind every decision the BPPA questions. Good doesn't mean the BPPA thinks Headquarters has been spot on or even in the ballpark with every idea or practice that affects the membership. What good means is that the relationship has been respectful.

I mentioned the Commissioner, Superintendent-in-Chief, Chief of Staff and BFS Bureau Chief because, along with the District and Unit Commanders; that is who the BPPA, for the most part, deal with on day to day issues that could (and still often do) lead to the formal filing of a grievance for the members. Supervisors saying "Oh well, grieve it" has seemed to lessen. In the

past it seemed like the majority of the time a member would get a cold, hard letter with some sort of negative information from the Department or informed by their supervisor after Roll Call about

It is appreciated when the Commissioner, the Command Staff or Commanders are willing to have a dialogue about issues. BPPA members should be recognized as people, not the body attached to an issue. The Department must deal with issues raised to them. It is a part of their responsibilities. The current Leadership of the Department has shown a willingness to deal with these matters differently than they may have been dealt with before. This has trickled down, for the most part, to the other ranks. That is a good sign as to how Labor and Management are dealing with each other.

something they did, when they had to go to IAD and getting no more information until you get to your hearing. It seems a little bit different now. There is still notification but those that are involved in the decision are usually willing to discuss it and listen to the BPPA's input. Not every conversation ends with an agreement, in fact "agree to disagree" happens often, but there is at least a conversation between the two groups. Sometimes we can agree and that helps. It helps "clear the deck" for other issues that have to be dealt but more importantly, it helps for the BPPA to be able to go to a member and say, "Here is what we have, and this is what we can do". In my humble opinion there is nothing worse than having to tell a member to "sit tight and let's see what happens."

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their responsibilities. The current Leadership of the Department has shown a willingness to deal with these matters differently than they may have been dealt with before. This has trickled down, for the most part, to the other ranks. That is a good sign as to how Labor and Management are dealing with each other.

As I tried to make clear before, the BPPA does not expect the Department will see every issue our way. It is a positive step when they are willing to at least listen and be honest even when it may seem hard to do so. There will still be fights to be had for the membership. I don't think anyone at the BPPA is afraid of that. Sometimes "Marquis of Queensbury" rules make more sense than an all-out street brawl. Sometimes it's got to be a dogfight. Regardless, the BPPA will continue to defend our members.

Once again, I apologize for holding the *Pax* up. I hope you enjoy this edition and the new online format.





Let's showcase our great police work!

I have been your Secretary for just over one full year now, coincidentally about the last time we published an issue of the PAX. Our newsletter has been on hiatus while we resolved some technical, financial and editorial issues, as well as developing a bigger social media footprint. In addition to this limited print run, your Pax will also be available in an on-line format through the BPPA website at: bppa.org

Since we've (Pax) been gone, I have tried to remain true to the promises I made to you all when I campaigned for this position. (Again, let me say thanks for placing your trust in me, it's been very humbling, and I will continue to support you from Freeport Street...) As mentioned earlier, your website has been upgraded; working in conjunction with your Reps – we have held bi-annual awards ceremonies, honoring the great work done by our members with plans to continue that this year. We are trying to change the direction of the Pax – along with the informative and sometimes humorous articles you all enjoy, we think we should focus more on making the Pax a reflection of our members. We want to recognize and showcase not only our good Police work, but also our commitment to the communities we live in. I know some cynical cops among you are saying, "why?" but believe me on this: we have many enemies, some overt and some covert,

who want to promote a false narrative that every cop who puts on a badge, gun and vest is a racist, violent thug who wants to infringe on citizen's rights, harm them, or take away their freedom. **We ALL**

We have many enemies, some overt and some covert, who want to promote a false narrative that every cop who puts on a badge, gun and vest is a racist, violent thug who wants to infringe on citizen's rights, harm them, or take away their freedom. We ALL know there is nothing further from the truth.

know there is nothing further from the truth.

And that's why we want/need your help. As corny as you may think this idea is, we are appealing to all coaches, mentors, volunteers, and activists among our ranks to step forward into the spotlight, to be our face. It's asking a lot, and I know it! **BUT**, the potential reward outweighs the risks (maybe not the guard room jokes – but a thick skin is the first thing you develop on this job).

For every cop the media shows in a bad light, we can show ten that are positive influences, for every politician that wants to make their bones at our expense, we can rally local communities to push back for their (cop/coach, etc.), and for every "community activist" that wants to throw a shot or try to embarrass our members with a Facebook live, snapchat or tweet, we can stand with our neighbors and make that nonsense unacceptable.

The father of modern policing, Sir Robert Peel said; "*The police are the public and the public are the police.*" It's time to show our supporters **AND** our detractors that this is even truer today...

Pleading for an end to "victory parades" On behalf of the patrol force, PLEASE STOP!

By James W. Carnell, Pax Editor

DEAR MR. MAYOR, MR. KRAFT, MR. HENRY, and all others responsible for creating the endless litany of Red Sox/Patriots, etc. "Victory Parades":

On behalf of Boston's beleaguered Police Officers, **PLEASE STOP!**

Oh, sure, you guys think it's great to jump aboard the Duck Boats and canoodle through the streets of Boston for hours on end to the cheers of throngs of adoring fans. Confetti and streamers rain down upon you as you hold your trophies on high. At the end of the parade, you board buses for a safe and comfortable ride back to Fenway Park and then depart for home, or Florida or some ritzy overseas vacation spot. But did you ever give a moment's thought to what the day means for Boston's police?

Not to sound like a jaded, cynical, curmudgeon veteran officer (*which I am*), but for Boston's police officers' (all of whom are ordered to work the day of the festivities), the day begins at about 6 AM trying to locate a parking spot for our own cars and required

equipment before attending roll call. Long before we've arrived, the streets are already inhabited by persons of questionable intellect who have staked out their spots at the front-line of the metal barricades (a decision they will almost certainly regret in a few hours, as they become entrapped with no way in / no way out for bathroom requirements).



We soon receive our assignments, and there are literally no "good" assignments during these parades – beginning, middle or end, crowd duty or traffic duty; *we're ALL screwed*. Angry, frustrated motorists who simply want to get to work take out their wrath on... that's right! –

US – the police officers who must tell them they can't go this way or that way today because of the Victory Parade. Every motorist wants to tell the officer their personal tale of woe, every motorist wants a personalized explanation of alternate directions to their destination (*which don't exist in short-form and haven't been given*

See **End Victory Parades** on page 14



Police Officer burnout: It's starting earlier and afflicting younger cops. Here's why...

BURNOUT. We've all had that feeling, and we've all seen it in our fellow officers and partners. It used to be that "burnout" – the onset of repeatedly negative feelings about the police job, the department, and interactions with the general public – began to set in at about the ten-year mark (generally speaking). But today, for a number of reasons, it seems to be afflicting younger officers with only a few years on the job, and I think I know a few of the possible reasons...

Almost all new officers straight out of the academy come on the job "full of piss and vinegar," as the saying goes. At first, police work is exciting and offers what appears to be real opportunities to help people and make the world a better place. In our City of Boston, the starting pay is acceptable and the possibilities to earn extra money through overtime and detail opportunities seem to be appealing. Chockful of new ideas and philosophies from the police academy and equipped with the latest technology (well, some of it anyway...), every new rookie arrived at his/her first assignments with the idea that they will never succumb to the cynicism and negative attitudes of the older veteran officers they were forced to train with. But then, reality sets in...

Those overtime opportunities that at first sounded appealing became mandatory, forced-overtime shifts, often imposed five minutes before the end of a scheduled shift and requiring an abrupt, disruptive and upsetting "change in plans" for the kids and spouse. That baseball game or family barbeque you planned on going to in an hour or so when your "regular" shift ended?... well... it just got canceled. And despite the fact that you may have worked a 16-18-hour day already and are dog-tired, well... if the "needs of the department" (the BPD's "catch-all" phrase) require it, they'll keep you for a third tour. Your "regularly scheduled days off?" They're canceled because of another parade, or protest, or road race, or whatever stupid event the city carelessly and cavalierly schedules without any concern for the police officers who are ordered-in on days off to work them. Your "old friends" – you know, the ones who work Monday thru Friday from 9-5? They can't understand how you can never make it to a birthday party or get-together on a weekend anymore, because "she/he's always working." Soon, they don't even bother calling you ...

Quickly, you learn about the omnipresent "Police department internal politics." It infects every corner of your workplace and determines who you can/cannot, should/shouldn't talk to or associate with. One wrong comment or an offhand joke can land you in Internal Affairs with your job on the line. Everything you do and everything you say, is – in today's world – under intense scrutiny, second-guessed and criticized. Your mere presence at a protest, car accident or family trouble call (which they – John Q. Public – originally demanded your presence at!) is met with an onslaught of cell-phone cameras in your face, each critic just waiting... hoping... for their "you-tube" moment.

We have had many of our officers disrespected, demeaned, and vilified by the judges, defense attorneys, (and sometimes even

the prosecutor's office!) when you attend court. Your word, your testimony, is immediately questioned, **NOT** the suspects! Your endless hours of paperwork and/or rolling around on the ground with suspects who were resisting arrest is dismissed as nothing more than "a little hurly-burly... to be expected" (to paraphrase BMC Judge **Mark Summerville**, for one example). Cases are routinely dismissed without your knowledge, or quickly "CWO'ed" because of a technical error or because of a paperwork snafu at the end of another long, tiring double-shift, again, without telling you...

Despite the fact that you know and have been told by family, friends and a few wise veteran officers who are near retirement that your family should be your top priority and the most important thing in your life; you have missed yet another family obligation due to mandatory overtime. By the time you get home from one 18-hour-long day, it's time to report back for another double-tour day. Each day slides into another. One family-trouble call sounds distressingly like all the others. You begin to think "you've heard it all before"... because you have! You have come to understand why cops work an extra voluntary detail or overtime shift before coming to work for their regular tour – in order to avoid being ordered to work! (We know, it makes no sense to the average person, but that's the life of a Boston cop in 2019! – Work extra before your shift – or be ordered to work extra afterwards! At the end of the year, without fail, the media has a field day with your paycheck (it's public information) saying "look how much these cops made last year!" We are caught in a vicious cycle.

You eat like crap (*and you generally eat crap!*) and always on the fly, because as soon as you sit down to eat, you're called off your Code 10 to take another backed-up call due to chronic shorthanded staffing. But if you sit down for a meal inside a restaurant, you can be guaranteed that somebody will stop you in mid-meal to complain about people doing drugs or the homeless outside and "why aren't you doing something about it, officer?" So you learn what all veteran cops learn – never eat in public if you want to be left alone. Eat at the station ...or hide.

Every time you try to enforce a law or an ordinance (which the self-righteous neighborhood groups demanded you do at those obnoxious community meetings!!!) you end up with another cell-phone, or two, or five, in your face, and another IAD complaint. The simple act of issuing a ticket often results in another TAB or a negative letter put in your personnel folder. You're called a racist, a sexist or a homophobe at least once every day, and your only recourse is to shut your mouth and take it in silence. The pressure builds because you can't say anything, not even in the station anymore, without somebody taking offense. Years ago, after a regular shift, cops would socialize together to blow off some steam and enjoy a few laughs. Not anymore! Too risky, and everybody's busy or ordered to work. The BPD's softball league had to be cancelled because teams couldn't be assured of having a minimum of nine players show up – even on a supposedly quiet Sunday morning, due

See **Treasurer** on page 45



Discharge Integrity Team?

Keep communication open and politics out of investigations

We know that there was a shooting in the early morning on February 22, 2019, in Roxbury, and that one of our own was shot multiple times. We also know that it was a justified shooting and that the career criminal that fired the shots, **Kasim Kahrin**, should never have been out on the streets. Despite these facts, Suffolk District Attorney **Rachael Rollins** has used this incident to take the unprecedented step of putting together a four-person team to assess police shooting investigations. She is calling this four-person group the “Discharge Integrity Team.” According to the *Boston Globe*, the Discharge Integrity Team will “meet monthly to assess the law enforcement inquiry into the death of 36-year-old Kasim Kahrin.” The concept is mind-boggling! She would have investigators, investigating the investigators, while the investigation is going on. It’s like a Marx Brothers movie plot. Who’s on first?

We would hope that this departure from the past practice in police shootings followed by the previous D.A. (which by the way was hailed as a national model) and apparent abrogation of authority is based on sound public safety policy and not a knee-jerk political ploy. Hopefully, she will explain why she is implementing this “team” at this point in time.

The Boston Police Department and the men and women of this union have worked too hard to achieve mutual respect and good working relationship with the Community. The lack of outreach by her is very concerning. There should have been more communication and input with law enforcement organizations and other interested parties prior to taking such an unprecedented step. This is especially true since District Attorney Rollins promised transparency and participation throughout her campaign. In response to a questionnaire that the BPPA had issued about her responsibilities and priorities, Rollins answered stating that she would “work hand-in-hand with law enforcement”. In my opinion, this action is a clear indication that her commitment of cooperation is clearly suspect at this point. I believe we need to keep politics out of decision making on law enforcement

matters. To implement this “Integrity Team” over a good self-defense shooting that put two hard working Boston Police Officers in the hospital is a potentially divisive response to a tragic situation.

Although a spokesman for the Boston Police Department was quoted in that same *Boston Globe* article stating that “as the district attorney goes about familiarizing herself on police involved shootings, the police commissioner is confident the individuals on her team who have a wealth of knowledge will represent themselves in a fair and impartial manner,” she never contacted the BPPA and she neglected to put anybody from the Boston Police Department on her Discharge Integrity Team.

On her Team are (1) **Philomin Laptiste**, executive director of Dorchester’s Bowdoin Street Health Center, (2) **David Meier**, chief of the homicide unit under Conley from 1996 to 2008 and now a partner with the law firm Todd & Weld, (3) State Police Detective Lieutenant **Robert Murphy**, who commands State Police detectives assigned to Rollins’s office, and (4) Retired Superior Court Judge **Charles Spurlock**, who was also a Roxbury Municipal Court Judge early in his career.

The District Attorney should have taken a more deliberate, collaborative and inclusive approach before taking such a radical action. We do not want D.A. Rollins to lose trust from the public safety community. I believe it is best for both sides to work together to insure that the public safety needs of the community are being fulfilled. Now, we can only wait and watch with caution, how her Team unfolds and assesses this most recent discharge incident. We can only hope that it will be done with transparency, professionalism and be free from bias. These are sensitive and potentially inflammatory issues. We also hope that it will not have a detrimental impact on the mutual trust that the Commissioner espouses and we all have strived for throughout our careers. Again, I hope everyone will leave politics at the door when reviewing law enforcement discharges.

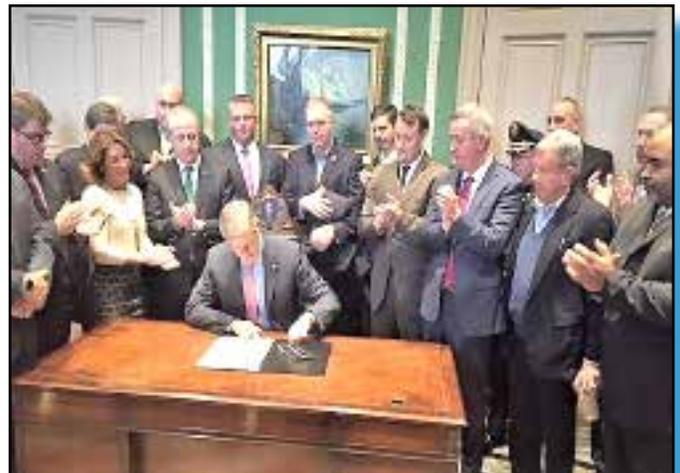
Gov. Baker signs confidentiality / peer support into law

By **Lawrence A. Calderone**, BPPA Legislative Agent

The Critical Incident Peer Support Confidentiality Bill, which was signed into law by Governor **Charlie Baker** at the end of the year and celebrated in, early January with a “mock signing,” was our number one bill last session.

As you know, our unified Massachusetts Law Enforcement Coalition Policy Group (“the BPPA Coalition”) worked tirelessly to get this important piece of legislation through the House and Senate and onto the Governor’s desk by the end of 2018 and **WE WERE SUCCESSFUL AGAIN!!**

There were many variations and changes in language by the House attorneys, as there was some apprehension about the bill by certain organizations. However, after a lot of hard work, numerous conferences with legislators and staff, explanations and re-writes, meetings and negotiations, we (BPPA Coalition Group), with the teamwork of the PFFM, Boston Fire, EMS and the Chiefs of Police Association, along with many of our elected



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Body Cameras: Issues of privacy, safety and civil rights collide

Cops required to make the split second decisions that take our courts years to decide

By James W. Carnell, Pax Editor

BODY CAMERA FOOTAGE: *Everybody* likes police body camera videos, don't they? They make for great entertainment on the evening news and the "Live" police dramas. Exciting, right? Makes you feel like you're right there, even though you're an armchair quarterback second-guessing and critiquing cops from the comfort and safety of home. Now, let's turn the body camera on... **YOU**, John Q. Public. Let's release video footage from your most recent, embarrassing family-trouble call, motor vehicle stop, or trip to the No-Tell Motel or massage parlor. "Oh, No, No, No," you say. I want the officers to "turn off" the body camera when they're inside my home or business. "That's an invasion of my privacy."

Yeah, maybe body cameras *aren't* such a good idea, John Q. Public, when the camera is being at pointed at **YOU**, that is...

This is just one of many conundrums the police officer faces nowadays, in this day and age of advanced technology and supposed "transparency" which is literally eating away at any semblance of what used to be considered privacy. And today's police officer is expected to make these decisions about privacy and civil rights in mere seconds, decisions that often take our court system *years* to decide.

According to the current BPD policy about body camera usage (SO-16-023, dated 7-12-16, issued during the 2016-2017 pilot project), Officers should record contacts with civilians in virtually **ALL** encounters, including motor vehicle stops, investigative stops, radio call responses, and any contact that becomes or could become "adversarial" (NOTE: doesn't that describe almost **ALL** police-civilian encounters?).

But during one of the most contentious – **and dangerous** – of police-civilian encounters- the call for a family trouble/domestic disturbance- we need to seek the occupant's "consent to record" ("...before entering a private residence... the BWC Officer shall seek the occupant's consent to continue to record... if the civilian declines to give consent, the BWC officer shall not record in the residence..."). Common sense would dictate that during this most dangerous and contentious of radio calls is probably the **most critical time** for an Officer to have the body-cam "ON." As we know from

experience, tempers and passions can flare instantaneously during a family trouble call, and the police who were called there can quickly become the focus of anger and rage. But the current rule tells us that the "occupant" can order us to turn the BWC "OFF" to protect *their* privacy?

The current rule also puts officers in legal jeopardy when "recording in areas where there may be a reasonable expectation of privacy. Such locations may include locker rooms, places of worship, religious ceremonies, hospitals or clinics, law offices, day care facilities, etc." "Areas where there may be a reasonable expectation of privacy..." is indeed a broad term open to subjective interpretation, and certainly leaves the officer hanging in the wind for future lawsuits and disciplinary actions. Lots of different people and many legal experts have differing opinions as to what might constitute a place where they have a "reasonable expectation of privacy." The courts often take years to determine issues of "reasonable expectations of privacy." But street-level police officers are supposed to do it in split-seconds, or face possible lawsuits and suspensions.

Despite the glowing reports about the BWC pilot-program issued from the BPD and the City, (*confirming their own preconceived conclusions*), there were several reported instances where the presence of a body camera **may** have inflamed the situation at hand. In one instance reported to the *Pax* by our plain-clothes officers, a traffic stop was conducted of a suspect who exited his car, observed the officer wearing a body camera and immediately attacked the officer, ripping the camera off the officer's body. The suspect began

to run away, but was apprehended, and a gun was recovered. The officers expressed their feeling that the assault occurred because of the suspect's anger at being filmed. This experience by our own officers may very well be in line with a study published by the European Journal of Criminology (euc.sagepub.com, May 25, 2016) which found that wearing body cameras actually **increased** assaults against officers. "...One direct explanation might be that BWC's escalate an already inflamed police-public encounter; which results



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A view from the street

By **Matt Carey**, Area A-1 Representative, Last Half

I have compiled a list from numerous news articles about some of the pro's and con's of body worn cameras. As you will see the findings are very complex. There is a lot to think about; the "what ifs" are always going to be around with any piece of equipment, and you're always going to be second-guessed. The camera can provide some information about the incident. But it can't necessarily provide all the information needed to make a fair and impartial final judgement. There still may be factors that the camera does not see.

(These points were made available from Forcescience.org)

1. A camera doesn't follow your eyes or see as they see.

At the current level of development, a body camera is not an eye-tracker like FSI has used in some of its studies of officer attention. That complex apparatus can follow the movement of your eyes and superimpose on video small red circles that mark precisely where you are looking from one microsecond to the next.

"A body camera photographs a broad scene but it can't document where within that scene you are looking at any given instant," Lewinski says. "If you glance away from where the camera is concentrating, you may not see action within the camera frame that appears to be occurring 'right before your eyes.'"

"Likewise, the camera can't acknowledge physiological and psychological phenomena that you may experience under high stress. As a survival mechanism, your brain may suppress some incoming visual images that seem unimportant in a life-threatening situation so you can completely focus very narrowly on the threat. You won't be aware of what your brain is screening out.

"Your brain may also play visual tricks on you that the camera can't match. If a suspect is driving a vehicle toward you, for example, it will seem to be closer, larger, and faster than it really is because of a phenomenon called 'looming.' Camera footage may not convey the same sense of threat that you experienced.

"In short, there can be a huge disconnect between your field of view and your visual perception and the camera's. Later, someone reviewing what's caught on camera and judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring."

2. Some important danger cues can't be recorded.

"Tactile cues that are often important to officers in deciding to use force are difficult for cameras to capture," Lewinski says. "Resistive tension is a prime example.

"You can usually tell when you touch a suspect whether he or she is going to resist. You may quickly apply force as a preemptive measure, but on camera it may look like you made an unprovoked attack, because the sensory cue you felt doesn't record visually."

And, of course, the camera can't record the history and experience you bring to an encounter. "Suspect behavior that may appear innocuous on film to a naïve civilian can convey the risk of mortal danger to you as a streetwise officer," Lewinski says. "For instance,

an assaultive subject who brings his hands up may look to a civilian like he's surrendering, but to you, based on past experience, that can be a very intimidating and combative movement, signaling his preparation for a fighting attack. The camera just captures the action, not your interpretation."

3. Camera speed differs from the speed of life.

Because body cameras record at much higher speeds than typical convenience store or correctional facility security cameras, it's less likely that important details will be lost in the millisecond gaps between frames, as sometimes happens with those cruder devices.

"But it's still theoretically possible that something as brief as a muzzle flash or the glint of a knife blade that may become a factor in a use-of-force case could still fail to be recorded," Lewinski says.

Of greater consequence, he believes, is the body camera's depiction of action and reaction times.

"Because of the reactionary curve, an officer can be half a second or more behind the action as it unfolds on the screen,"



Lewinski explains. "Whether he's shooting or stopping shooting, his recognition, decision-making, and physical activation all take time — but obviously can't be shown on camera.

"People who don't understand this reactionary process won't factor it in when viewing the footage. They'll think the officer is keeping pace with the speed of the action as the camera records it. So without knowledgeable input, they aren't likely to understand how an officer can unintentionally end up placing rounds in a suspect's back or firing additional shots after a threat has ended."

4. A camera may see better than you do in low light.

"The high-tech imaging of body cameras allows them to record with clarity in many low-light settings," Lewinski says. "When footage is screened later, it may actually be possible to see elements of the scene in sharper detail than you could at the time the camera was activated.

"If you are receiving less visual information than the camera is

recording under time-pressured circumstances, you are going to be more dependent on context and movement in assessing and reacting to potential threats. In dim light, a suspect's posturing will likely mean more to you immediately than some object he's holding. When footage is reviewed later, it may be evident that the object in his hand was a cell phone, say, rather than a gun. If you're expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate."

On the other hand, he notes, cameras do not always deal well with lighting transitions. "Going suddenly from bright to dim light or vice versa, a camera may briefly blank out images altogether," he says.

5. Your body may block the view.

"How much of a scene a camera captures is highly dependent on where it's positioned and where the action takes place," Lewinski notes. "Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.

"If you're firing a gun or a Taser, for example, a camera on your chest may not record much more than your extended arms and hands. Or just blading your stance may obscure the camera's view. Critical moments within a scenario that you can see may be missed entirely by your body cam because of these dynamics, ultimately masking what a reviewer may need to see to make a fair judgment."

6. A camera only records in 2-D.

Because cameras don't record depth of field — the third dimension that's perceived by the human eye — accurately judging distances on their footage can be difficult.

"Depending on the lens involved, cameras may compress distances between objects or make them appear closer than they really are," Lewinski says. "Without a proper sense of distance, a reviewer may misinterpret the level of threat an officer was facing."

In the Force Science Certification Course, he critiques several camera images in which distance distortion became problematic. In one, an officer's use of force seemed inappropriate because the suspect appears to be too far away to pose an immediate threat. In another, an officer appears to strike a suspect's head with a flashlight when, in fact, the blow was directed at a hand and never touched the head.

"There are technical means for determining distances on 2-D recordings," Lewinski says, "but these are not commonly known or accessed by most investigators."

7. The absence of sophisticated time-stamping may prove critical.

The time-stamping that is automatically imposed on camera footage is a gross number, generally measuring the action minute by minute. "In some high-profile, controversial shooting cases that is not sophisticated enough," Lewinski says. "To fully analyze and explain an officer's perceptions, reaction time, judgment, and decision-making it may be critical to break the action down to units of one-hundredths of a second or even less.

"There are post-production computer programs that can electronically encode footage to those specifications, and the Force Science Institute strongly recommends that these be employed. When reviewers see precisely how quickly suspects can move and how fast

the various elements of a use-of-force event unfold, it can radically change their perception of what happened and the pressure involved officers were under to act."

8. One camera may not be enough.

"The more cameras there are recording a force event, the more opportunities there are likely to be to clarify uncertainties," Lewinski says. "The angle, the ambient lighting, and other elements will almost certainly vary from one officer's perspective to another's, and syncing the footage up will provide broader information for understanding the dynamics of what happened. What looks like an egregious action from one angle may seem perfectly justified from another.

"Think of the analysis of plays in a football game. In resolving close calls, referees want to view the action from as many cameras as possible to fully understand what they're seeing. Ideally, officers deserve the same consideration. The problem is that many times there is only one camera involved, compared to a dozen that may be consulted in a sporting event, and in that case the limitations must be kept even firmer in mind.

9. A camera encourages second-guessing.

"According to the U. S. Supreme Court in *Graham v. Connor*, an officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight'," Lewinski notes. "But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to play the 'coulda-shoulda' game.

"Under calm and comfortable conditions, they can infinitely replay the action, scrutinize it for hard-to-see detail, slow it down, freeze it. The officer had to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions.

"As part of the incident investigation, we recommend that an officer be permitted to see what his body camera and other cameras recorded. He should be cautioned, however, to regard the footage only as informational. He should not allow it to supplant his first-hand memory of the incident. Justification for a shooting or other use of force will come from what an officer reasonably perceived, not necessarily from what a camera saw."

[For more details about FSI's position on whether officers should be allowed to view video of their incidents, see Force Science News #114 (1/17/09). You will find online it at: www.forcescience.org/fsnews/114.html]

10. A camera can never replace a thorough investigation.

When officers oppose wearing cameras, civilians sometimes assume they fear "transparency." But more often, Lewinski believes, they are concerned that camera recordings will be given undue, if not exclusive, weight in judging their actions.

"A camera's recording should never be regarded solely as the Truth about a controversial incident," Lewinski declares. "It needs

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Body Cameras: Issues of privacy, safety and civil rights collide...

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in **more rather than less force being used....**”. Those same officers reported to the *Pax* that they recalled countless instances where officers responded to shootings and witnesses **refused to say anything to police at all** because of the visible presence of body cameras, despite assurances from officers that the BWC’s were **“OFF”**.

If they’re going to be deployed at all, body-cameras **should be** used as a tool for our officers, and not as “Gotcha” material for our (non) friends at the ACLU, self-appointed community activists, or the news media. Most officers have a fairly good, innate sense of when to activate the camera for their personal protection or to record contentious situations, and therefore, the decision on when/when **not** to activate recording should be left with the officer. Certainly, entering into a domestic disturbance call at a residence should be one of those occasions when – **regardless of what the occupant wants**– the officer should always have the BWC **“ON”**, for personal self-protection against false allegations, if nothing else.

A very lengthy, front-page article appeared on the cover of the *New York Times Magazine* (October 23, 2016, author **McKenzie Funk**) entitled “*Should we see everything a cop sees?*” The article reviews “Seattle’s bodycam program and the dark side of total transparency.” The article recounts a meeting held by Seattle’s “Community Police Commission” “*that represented the people the consent decree, and body cameras, were most meant to protect.*” **A police officer who was present to assist at the meeting briefly filmed the participants to explain how the body camera worked.** A lawyer who was also present asked the panelists to ask “*when,*

exactly, the cameras should be on,” and... “*should it only be used if there’s an accusation against a police officer? Should it be used by criminal investigators and by defendants and by prosecutors?*” Apparently, the meeting then devolved into a shouting match. A local activist stated, “*This conversation about bodycams is a complete and total farce.*” **She did not consent to being recorded at all**, stating that she did not trust the police to do the right thing with the footage. According to the article... “*...the mood became tense, and members of the crowd interrupted the next speaker and soon assumed control of the room, taking turns denouncing police brutality.*” And then... “*three weeks later, the commission, the voice of the people, called for Seattle to delay full deployment of bodycams... saying ...This is a new technology ...which may have unintended consequences.*”

The article then continued to recount how other activists had purposefully filed hundreds of “FOI” (freedom of information) demands with the express purpose in mind of bogging down police resources in researching and reviewing thousands upon thousands of hours of video footage. So much for total transparency. The related costs were estimated – for storage and retrieval, research, recovery and review – in the multi-millions of dollars. Dollars taken away from training and recruitment of new officers, who aren’t exactly flocking to join Seattle’s finest now-a-days, and one can readily see why.

Body cameras are not the panacea they appear to be. They should be used, if at all, as a tool to protect our members from false allegations, and not as a trap for our critics to hamstring us with.

A view from the street...

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to be weighed and tested against witness testimony, forensics, the involved officer’s statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.

“This is in no way intended to belittle the merits of body cameras. Early testing has shown that they tend to reduce the frequency of force encounters as well as complaints against officers.

“But a well-known police defense attorney is not far wrong when he calls cameras ‘the best evidence and the worst evidence.’ The limitations of body cams and others need to be fully understood and evaluated to maximize their effectiveness and to assure that they are not regarded as infallible ‘magic bullets’ by people who do not fully grasp the realities of force dynamics.”

There already has been negative push back from civilians about the cameras. From reading some articles apparently the interactions paint the civilian in a negative light as some of the footage has shown just what police officers put up with from the public. The big question is will that civilian that makes the complaint against an officer be held accountable once the complaint is proven false from video evidence. I will hold my breath and believe the officer will still go through the stress of going through the complaint procedure. Any officer that has been through these investigations know 99% of the time the complaint is nonsense and exhaust numerous resources of the department.



I did find this article on *BPD.NEWS*.

Northeastern University’s preliminary findings of the randomized controlled trial suggest that the placement of body worn cameras

on Boston Police officers may generate small benefits to the civility of police-citizen civilian encounters. The preliminary analysis determined that placement of BWCs on officers seemed to reduce the incidence of citizen complaints. The impact was twelve (12) fewer complaints filed against officers equipped with BWCs over the one-year intervention period which amounts to one less complaint per month compared to control group officers.

Overall, the number of citizen complaints filed against Boston police officers has steadily declined over the past four years with an overall decline of 41%. Additionally, specific to excessive force complaints, there has been a decrease of complaints against officers by 54% since 2013 and as much as a 74% decrease since 2011.

The preliminary analysis determined placement of BWCs on officers did not significantly reduce the number of submitted Use of Force reports for BWC officers when compared to control officers. The impact was the difference of just seven (7) less reports for the BWC officers compared to the control group. While the analysis showed a reduction, it did not determine the reduction in reporting was directly due to officers wearing BWCs. Since 2013, Use of Force reports have seen a 54% decrease while arrests too have dropped 32% for the same period.

That leads me to give my own opinion that we are not the problem. I believe that we have the best police department in the country. We need tough men and woman who are fearless willing to go after tougher criminals that don’t respect the laws of society. Our officers have answered the call to put the safety of the community first time and time again. We have some of the best men and woman to ever put a gun belt on in this department.

My concerns with body worn cameras

By **Mike Paradis, Gang Unit**

As we have all heard by now, Mayor **Marty Walsh's** administration is pressing forward with a desire to have a permanent Body Worn Program for patrol officers. This is despite the review and report of the City's own consultants that clearly does not show a real need for the program. It also gives too much credence to a very limited number of special interest groups and not nearly enough weight to what the "silent majority" of Boston residents may want. I would like to share some of my concerns regarding BWCs with some information I found in various studies along with some concerns I have with our members wearing BWCs and situations I could see arising if the language in the policy is not on our side.

Some people respond negatively – even violently – to being filmed by police, especially people who may be drunk, on drugs, or have mental health issues. A study published by the European Journal of Criminology found that officers were assaulted at a 14% higher rate when BWC's were in use.

University of Oklahoma Professor of Law **Stephen Henderson** says BWC's can be psychologically damaging to officers as "Nobody does well under constant surveillance."

A study done by UK Home Office cites potential health and safety issues with BWC's including head and neck injuries, electric shock from damaged equipment and radio failures if cameras and radios were used in close proximity to each other.

Chief **Ken Miller** of Greensboro, NC says "If citizens think that they're going to be recorded every time they talk to an officer, regardless of the content, it is going to damage openness and create barriers to important relationships." (I thought community policing was a priority for the City of Boston?)

A study done in Edmonton says potential witnesses were reluctant to speak in the presence of BWC's even when switched off fearing retaliation from suspects.

A study done in Washington, D.C., says BWC's did not have a significant impact on use of force by officers, or citizen complaints. The behavior of officers who wore BWC's was indistinguishable from behavior of officers not wearing them. It also said that cameras affected community trust in ways that do not show up in data. DC concluded that BWC's had no statistically significant impact on officers' use of force. It might prevent the occasional swear word or unpleasant comment but when it was time to use force, officers used force. Cameras did not have an effect.

Another study stated it's also possible that BWC's could increase use of force: Perhaps most officers show restraint in heated situations to avoid being accused of bad behavior. Officers who show restraint in fear of being accused and disciplined may become more likely to use force when they know camera footage will demonstrate the facts were on their side.

Conventional wisdom predicted that cops using BWCs would

make fewer arrests, use force less often, enjoy higher prosecution or conviction rates and sustain less citizen complaints. That mostly did not happen.

The cost of this BWC program is also *already incredibly high with no signs that it will not balloon to a crippling level*. Equipping officers with BWCs is extremely expensive due to the following factors: the actual camera, storage, storage equipment, training, storage facilities, extra staff to manage data and maintenance costs. For example, to equip Bakersfield PD (200 officers) with BWCs, it will cost \$440,000 a year. Philadelphia (4,000 officers) just signed for BWCs with an estimated price of \$12.5 million. Departments in Connecticut, Indiana, Nebraska and Utah have suspended the BWC program citing rising costs. The cost, by far, outweighs the benefit.



I believe the City of Boston could use this kind of money on more important issues such as repairing roads, repairing crumbling police stations or maybe **MORE POLICE OFFICERS**. They know that our members are being ordered for several double shifts a week and even the occasional triple shift due to the lack of officers in the "patrol force". They do not care.

I feel, for the most part, that cops in Boston have always utilized the "watchmen" style or even the "service" style of policing. This is where cops tend to use the right of arrest as a last resort; often ignoring minor "crimes" such as VAL's or drinking in public unless the community asks officers to enforce quality of life issues. This is done, both using discretion and "dropping the hammer", to improve relationships and establish trust and goodwill between the officers and the people in our City. The other style of policing is the "legalistic" style. This is like what they use in Los Angeles. This is where officers act more like soldiers or robots and follow rules strictly and enforce **ALL** of

the laws. These officers have no discretion to treat anyone differently; regardless of the circumstance.

Now picture this and honestly answer if this could happen. Let's say you make a traffic stop and the driver has a suspended license. You take him out of the car and a firearm is under the seat. He is arrested and charged accordingly. Now when he gets a lawyer, he/she will get access to the BWC footage from that incident. From what I understand, BWC footage will be open to the public in some way. It is the defense attorney's job to make you look bad. Any lawyer who wouldn't go to HQ and request the last 6 months of your footage to study and dissect would be negligent. When that lawyer finds that you gave "breaks" to several other people for a VAL's and not his client, you will be painted as a racist, homophobe, xenophobe or any other phobe they can think of. Could I see one of our local liberal judges agreeing with this lawyer? **YES**. And now you are a racist or guilty of some other negative transgression because a judge said so? Where does your career go from there? Think about it. This is just

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Who should be concerned with body worn cameras?

By Christopher J. Broderick, BPPA Vice President

As the conversation of Body Worn Cameras on Police Officers in Boston continues, including but not limited to policy language, compensation and deployment, we have come across some very interesting articles and had conversations with agencies, particularly their Unions, that already have accepted them. In the interest of due diligence, we spoke to agencies both large and small, suburban and urban.

The biggest concern among the rank and file, reported by those wearing them and/or their Unions, seemed to be that Body Worn Cameras changed the way they interacted within the communities they police, or more directly how it would affect their discretion.

Speaking to one Union President from a Mid-West City, who's BWC program has been referenced in discussions, we were told the biggest thing for his members was how to "give a break" to people. They reportedly felt the pressure of having a documented, archived history of making a discretionary decision that may come back to haunt them if they ever treated someone different. They also say the angst of not being as personally willing to help someone out that they felt needed some empathy, sympathy or help was troublesome for most.

The most recent attack on our sisters and brothers in the Mass. State Police are an alleged quota system demand by their supervisors. I wonder if Body Worn Cameras will mean every person will get a ticket or no one will? If you're a girl or guy that doesn't have the heart to hit a mother of four on the way to her second job with a citation for the stop sign violation after the "rolling stop" on a currently quiet side street, you may not want to be the cop who wants to stop that sports car heading down Massachusetts Ave. at 7 pm with no regard for traffic signals, brakes or those brightly painted line dividers. But who knows? The reality is we have a job to do. I do not believe anyone would look the other way for something like the "Mass. Ave." scenario. It'll be a lot harder for someone to look past or consider the totality of the circumstances in the other scenario. Officers will have internal strife over letting that unsafe driver on Mass. Ave. go unchecked, knowing, God forbid, what could happen. So, as we have always done, we will do what's right. In the other scenario, we will certainly think about the question of how the \$100+ fine will affect the family of the stop sign violator. The concern is who will be willing to differentiate between the two at the cost of someday being painted as something they are not?

De-policing is another problem we hear about. Articles speak about how policing in communities with BWC programs have gotten to more of a response-based service than a proactive approach. It is reported that when Depression era bank robber Willie Sutton was asked why he robbed banks he responded, "because that is where the money is." If you apply Sutton's Law to policing, then it is simple to understand why the more proactive police go to certain spots. Not because of ethnicity, not because

of socioeconomic status or not because they just like to harass certain groups. It's because the data, made up of police reports, 911 calls and experience show *that* is where the crime is. They do it because at every crime-riddled corner, street and neighborhood there are many great people who work, shop and put their heads down every night in the houses and businesses that make up those communities. They deserve proactive policing to make them safer. If the de-policing effect grips this City because of personal and professional concerns of officers, who will stand up for them?

What will those folks do? Leave?

Just take it from those who ruin the neighborhoods? We all pray it does not come to that.

For those who do not fear the camera... Good for you. I don't think we should be afraid. Body Worn Cameras will give the officers perspective for a change. The police can control the narrative. There will be no more snippets loaded up on YouTube by anyone with a cell phone or a 30-second clip on Fox News of a 20-minute interaction that slants the story against an officer. When that does happen, the Department can stand up for the officer and show the video in its entirety from the officer's point of view. It will be eye-opening to a lot of people. How many "tabs" will be debunked? How many instances of abuse, verbal and physical,

will we be able to point to?

For those of us who are concerned how officers lack of discretion or the diminishing of pro-active policing may affect our profession, community policing or society in general... It's really not your problem to worry about. The City and the Department has the responsibility to quantify the effects of a Body Worn Camera program. Good, bad or indifferent. I know we will continue to do our jobs, maybe differently, but we will do our jobs as police officers professionally, as we always have. They will have to do theirs.

On a related note... If you don't think there is an anti-police bias, try searching "when police" in the Google search engine. As of today, the algorithm gives these top five responses:

When Police *kill*

When Police *dogs attack*

When Police *pull you over*

When Police *kill Zimring* (a UC Berkeley professor and he wasn't killed)

When Police *lie*

Maybe if I go to Bing, DuckDuckGo or Wiki.com search engines I'll get something like:

When Police *make a positive difference*

When Police *save someone's life*

When Police *support their communities coaching*

When Police *act as mentors to young people*

When Police *get killed by a career criminal when they were just at work doing their job*

I'll let you know how that works out.

Pleading for an end to “victory parades”...

From **End Victory Parades** on page 8

out to officers), and every motorist wants to engage you in a game of “twenty questions” – “*My mother has an appointment at Mass General with Dr. Blumenthal at 10:45 – will the parade be over then? And where can I park and how can I get back in to pick her up and... ad nauseum...*”). Meanwhile, the motorists backed up *behind them* begin leaning on the car horn because they want to tell you *their* tale of woe, and so on and so on...

Soon, the residents of towns in backwoods Maine, New Hampshire and Rhode Island begin to arrive. They descend upon North Station and South Station, along with legions of high school kids from Concord-Carlisle, Leominster, Petersham and Haverhill. Naïve babes-in-the-woods, they wander around looking at tall buildings, like meat-on-the-hoof ready to be consumed by the army of scam artists, con-men and local thieves smelling cheap and easy prey. Almost all of them have imbibed the nectars of Bacchus before their arrival, or smell strongly of *Cannabis Sativa*, a known stupefier of idiots. They are joined by college kids from our local centers of higher learning and indoctrination, who have reverted to their Neanderthal and Cro-Magnon roots (“*Gronk, yeah, man, f#@%ing right!*”) and prove, by *habeas corpus* and *non-compos mentis*, that college is indeed a waste of a parent’s time and money.

Soon, the pre-drunkenized youths will be joined by mothers-of-the-year pushing baby carriages with toddlers into the rowdy crowd, unsuspecting and trapped tourists who “just wanted to see Paul Revere’s grave,” and assorted others who recently discovered they didn’t have a life and so why not go to downtown Boston for the day and bother the cops with an unending litany of stupid questions. Number-One on the stupid-question hit parade is, as always: “*where can I go to the bathroom?*” Now, many years ago, then-Mayor Tom Menino decided to stop having the city provide “paht-a-pahties” (*his terminology, not mine – English translation believed to be “Port-a-Potties” AKA : Portable Toilets*) for the relief of man’s most basic need (elimination of bodily fluids) due to his concern that the large, 7-foot tall, plastic stalls designed for the collection of effluvium might be “used as weapons.” (NOTE to young officers: **NOT** making this up...). To this day, nobody has recorded any battles, wars or civil disturbances, across the fruited plains or the entire planet, which have been fought using this form of artillery, but that’s why there aren’t any such devices present on City Hall, despite the political establishment’s open encouragement for the general public to “Come to City Hall Plaza to celebrate the Patriots’ victory!

Therefore, it is with a great sense of irony and revenge that the only place to direct drunken high-school kids with bursting bladders is to... **City Hall!** Yes, any restaurant or business along the parade route knows full-well in advance about locking the front doors and posting signs saying “**NO PUBLIC BATHROOMS.**” So the line to use the few available toilets on the ground floor at City Hall snaked for blocks and that facility must have reeked to high heaven with a stench that a thousand gallons of Clorox couldn’t kill. Those poor janitors at City Hall should have put in for combat pay!

Of course, after the requisite bathroom question came the “*What duck boat is Gronk on*” question followed by the “*what time will they be here*” question and the “*where’s the best place to watch*” and “*where’s the best place can I cross the street*” questions. Now, common sense (...*if it exists, and I am convinced that it does NOT* ...) would of course inform the inquisitor armed with basic eyesight that the police officer has **NO** ability to answer any of the above listed questions, since it should be obvious to even a casual observer that the police officer does not and cannot possibly know exactly

when the duck boats will be getting there, does not know what duck boat Gronk is on, there is no “**best**” place to watch the parade in a crowd that is obviously 40-people deep, and there is simply no place to cross the street because the crowd is too big and there are barricades in place. But John Q. Public demands answers, and so shall he receive them! – “Gronk is on Duck Boat #16 named Back Bay Bertha, he will be here in front of you at exactly 12:16 PM, the **best** place to watch is over there (*point left*) and the **best** place to cross is over there” (*point right*). The inquisitor will then wander away into the 40-deep crowd to be consumed and never seen again... *but you answered his questions!*

Of course, it is right about now that the mothers-of-the-year who pushed their tiny toddlers into the crowd that is 40-people deep begin calling 911 to complain that they’re surrounded by pot-smoking drunks and that their kid can’t see because the people in front of her won’t get out of the way. She informs 911 that she is easily identifiable because she is wearing a “#12” Patriots’ jersey. *Yeah... right.... So are about 400,000 other nitwits.* Another model citizen complains about the overwhelming and powerful odor of marijuana, (she is **CORRECT!**) and demands to know “*Officer, what are you going to do about it?*” She, of course, is a resident of Brookline who voted for the legalization of pot but wants to make damn sure that no pot-shops open in her hometown. You, of course, pretend that you’re greatly concerned and begin to search the crowd for the nefarious pot-smoker, (like Moe, Larry and Curly searching for the water shutoff in the “plumber” skit.)

The duck boats pass by in about 15 minutes time, and everyone demands to know “*when will the speeches begin?*” In years past, the athletes would give stirring speeches from City Hall’s sixth-floor balcony, with inspirational platitudes to the proletariat masses gathered below, such as “**WE WON,**” (explaining the crowd’s raucous roars of approval and demand for more speeches, naturally...) words that will undoubtedly live forever and rival the Gettysburg address for their staying power through the generations. But wisely, this year, the speech-making segment of the program was canceled. Still, despite you informing them that the parade is over and there would not be any speeches, many do not believe you, because they heard it from a friend who heard it on his cellphone. And so they remain, disbelieving the stupid cop who is telling them to go home.

And then, the fighting begins. The early-arriving yodelers who have been pressed up against the barricades for the past three hours need to find a bathroom quickly, and push the people in front of them, which starts a chain-reaction of out-of-town ninnies and pikers beating each other up in downtown Boston in broad daylight. Hamilton is fighting Hanover, Attleboro is duking it out with Athol, and Salem is beating on Seekonk. They are surrounded by screaming girlfriends yelling invectives at each other, lipstick and eyeshadow smeared over their faces, ten sheets to the wind, and threatening to sue the cops because “*My fadda’s a lawya.*” Fight after fight is breaking out, even though the Patriots have long since departed and the day’s festivities are clearly over.

So, Mr. Mayor, Mr. Kraft., Mr. Henry and should the Bruins or Celtics win, **PLEASE** take pity on the poor Boston police officer. Have an event for the most die-hard fans at the Garden, or Fenway, or Foxboro. Sell tickets, sell souvenirs and food! You’ll make a ton of money! And the City of Boston won’t be on the hook for overtime costs, setup and trash/confetti cleanup costs. And maybe, just maybe, you’ll cut down on police officer high-blood pressure and high-cynicism cases.

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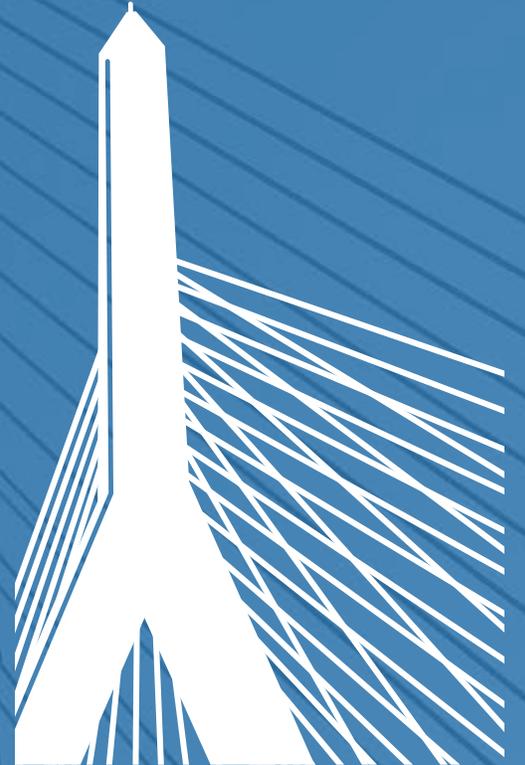
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**CITY OF
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Terrible losses from 2018

Sudden, unexpected deaths rattle the Department

By Mark A. Bruno

Life is too short, you always hear this. This is a cliché expression, but one that rings true for most of us. You start your career young and vibrant, and as you look around you see seasoned veterans in the room. You say to yourself, “this will be me someday but not today.” You are full of vigor and ready to go out in to the world and make a difference. You all took the same oath and this is what most of you answered when asked why do you want to be a cop. Most seasoned officers will tell you it is a thankless profession with the thank you(s) coming few and far in between. Regardless, you took the job and fully understood the drawbacks and were willing to make the sacrifice. For some of us the task came with ease, while for others it was a struggle. Policing is not as easy a job as some may think, but this is why they gave us a gun-belt, right? Let’s get back to life is too short. It’s amazing how you go from the youngest officer in the room to the eldest. Over the years you watched as one-by-one some of your fellow officers succumbed to either health issues, killed in the line of duty, killed by accident or killed by one’s self. Pictures are hung in guard rooms in memoriam and life goes on minus one more officer.

Area C suffered a few losses this past year. P.O. **Joseph Lomuscio** passed away from a heart attack while touring Europe with his wife, Mary, in the midst of what must have been a long-overdue dream vacation. For those of us who knew Joe most would describe him as a big teddy bear with a huge smile. Usually a smile like that would get you kicked out of MOP. Just kidding! He always had a pleasant disposition and a heart of gold. A good friend and family man who would use his body as a shield to protect those he loved and cared for. You couldn’t ask for a better back-up than Joe. He will be sorely missed amongst his fellow officers.



Joseph Lomuscio

The most recent loss was of fellow officer **David Holleran**. This sent shock waves through C-11 officers who worked side by side with Dave. He would always have a tough exterior but underneath he was a kind and gentle person. Dave would give you the shirt off his back. This job can really wreck you physically and mentally if you are not paying attention. Some would say the long hours and being ordered can do a number on you. I believe this is true in light of some of our most



David Holleran

recent losses. Dave will also be missed amongst his fellow officers.

We also lost **Billy Shaw** who was a staple at the Boston Police Academy. Billy always had a kind word for everyone and was always smiling when you saw him. Seeing Billy was one of the few pleasures of being assigned academy training.



William Shaw

P.O. **Mike Duggan** and I go way back to City Hall days. He was always kind and generous to those who knew him. I was very saddened to hear of his passing.



Michael Duggan

P.O. **Daniel Bausmer** was well respected by all those who knew him. He’d always ask his fellow officers, “do you have option D?” This got him a nickname amongst some of his coworkers of Dan “Option D” Bausmer. Please pray for all these officers and their families. Life truly is too short and we need to enjoy ourselves and those around us. RIP my good friends.



Daniel Bausmer

Not two days after hearing of Joe Lomuscio’s death tragedy would strike again as word of Lieutenant **George Collier’s** passing came out. For those who knew him all would say he was a good friend and caring person. For most of us with this tragedy we are once again asking the question of “why?” We are always saddened when we hear the circumstances of tragedies like this when it comes to one of “our own”. Most if not all of George’s family and friends would tell you he was the least likely person they would expect to succumb in this manner. We, as officers, never like to talk about the subject, but unfortunately in our profession rears its head more so than in other jobs. This job makes you hard and unwilling to reach out for help for fear of being labeled. No one wants to walk around with an albatross draped on their neck. Between unrelenting pride and being stigmatized we choose not to ask for help which in the end for some can be fatal.



George Collier

We have a great Peer Support Unit that is recognized nationally for the fine job they do. We all have insurance and can talk with other professionals if need be, but I feel our Peer Support Unit is the finest for those of us who may be struggling with depression. I know for some survivors left behind from these tragedies it has been hard. The Peer Support Unit is there for them as well. Kelly Rogers who lost her brother, **Pat Rogers**, will tell you she never saw this coming. Always the wondering of what could I have done to prevent this? Sometimes we see it coming and can do nothing at all. Kelly now speaks to new recruit classes about this subject in hopes of avoiding further tragedies. We have lost so many over the years in this manner and none are ever easy to take. As I was penning this article I was told that George’s brother took his life in the same manner as George. On behalf of the BPPA and all our members, our sincere heartfelt condolences to all of the families mentioned above, especially the Collier Family.

“ Nobody ever went broke underestimating the intelligence of the American public. ”

– H.L. Mencken

New legislative session updates

By **Lawrence A. Calderone**, *BPPA Legislative Agent*

On Beacon Hill:

Representative **Robert DeLeo** has been re-elected Speaker of the House and **Ronald Mariano** continues on as Majority Leader in the House. Representative **Bradley Jones, Jr.** from North Reading will be the Minority Leader.

Congratulations to many Boston Representatives and friends on newly appointed Chairs and positions such as: **Aaron Michlewitz**, new chair of Ways and Means, **Michael Moran**, second Assistant Majority Leader, **Edward Coppinger**, Chair of Community Development & Small Business, **Dan Cullinane**, Vice-Chair of Health Care Financing, **Kevin Honan** is Chair of Housing, **Dan Ryan**, Vice-Chair of Post Audit & Oversight, **Jay Livingstone**, Vice-Chair of Consumer Protection & Licensure, **Chynah Tyler**, Vice-Chair of Public Health and **Adrian Madaro**, Vice-Chair of Transportation.

We would also like to congratulate and thank the following Representatives: Chairman **Hank Naughton** of Public Safety, Chairwoman **Claire Cronin** of Judiciary, **Dan Cahill**, Vice-Chair of Environment, Natural Resources & Agriculture, **Dan Hunt**, **Ted Speliotis** of Bills in Third Reading, **Jerry Parisella** of Public Service, **John Mahoney** of Public Health, **James O'Day**, Chairman of Municipalities and Government, Chairman **Jeff Roy** of Higher Education, Chairman **John Lawn** of Elections and Chairman **William Galvin** of Rules Committee.

In the Senate, **Karen Spilka** has been elected President of Senate and **Cynthia Stone Creem** is the Majority Leader. Senator **Bruce Tarr** of Gloucester will continue as Minority Leader.

Congratulations to Boston Senators on their new appointments as well. Senator **William Brownsberger**, President Pro Tempore, Senator **Sal DiDomenico**, Assistant Majority Leader and Senator **Mike Rush**, Majority Whip.

We would like to congratulate and thank the following senators for their continued support last session as well: Senate President **Karen Spilka**, Senator Minority Leader **Bruce Tarr**, Chairman **Michael Moore** & Vice-Chairman **Paul Feeney** of Public Safety, Majority Leader and Chairwoman **Joan Lovely** of Rules, Assistant Minority Leaders **Donald Humason Jr.** and **Ryan Fattman**, Minority Whip **Pat O'Connor**, Chairman **Michael Rodrigues** of Ways & Means, Chairman **Michael Brady** of Public Service, Chairman **Brendan Crighton** of Housing, Vice-Chair **Nick Collins** of Public Health and Vice-Chair **Walter Timilty** of Environment, Natural Resources & Agriculture and Senator **Viriato DeMacedo** of Ways and Means.

We have filed and supported a number of bills for the new General Court.

Some of the early bills we filed include:

- K9 Transports – a bill making clear that an injured working K9 can be transported by ambulance if necessary
- An Act Relative to Hate Crimes Against Police Officers
- Securing Officer Personal Information – we have filed a bill to protect the personal information of officers from dissemination on the web
- An Act establishing the Blue Star license plate
- An Act relative to disability or death caused by contagious diseases, presumption
- An Act relative to disability pensions for violent crimes against first responders

- An Act relative to the penalty for resisting a police officer
- An Act establishing penalties for filing false police reports against police officers
- Securing Officer Department Information – we have filed a bill to protect Internal Affairs records from disclosure without court order.
- PTSD Presumption for First Responders
- Prior MBTA Police Time Buyback

Congressional Visit & National News:

Earlier this month, I traveled to Washington DC with John Nelson (VP-MassCop & member of the BPPA Coalition Group) to meet with the entire Massachusetts Congressional Delegation. I personally met with every member from Massachusetts in the House except Representative **Ayanna Pressley** and Senator **Elizabeth Warren**. However, in both offices (Pressley & Warren), I was able to meet with staff personnel.

Senator **Ed Markey** was very generous with his time, as well as every other Massachusetts member of the House of Representatives.

Representative **Richard Neal**, who is a good friend of the BPPA and law enforcement, will be the Chairman of the Ways and Means Committee, one of the most powerful positions in Washington. He is actively working with me and **John Nelson** on future events in Washington D.C. that will have positive effect on our members and their families.

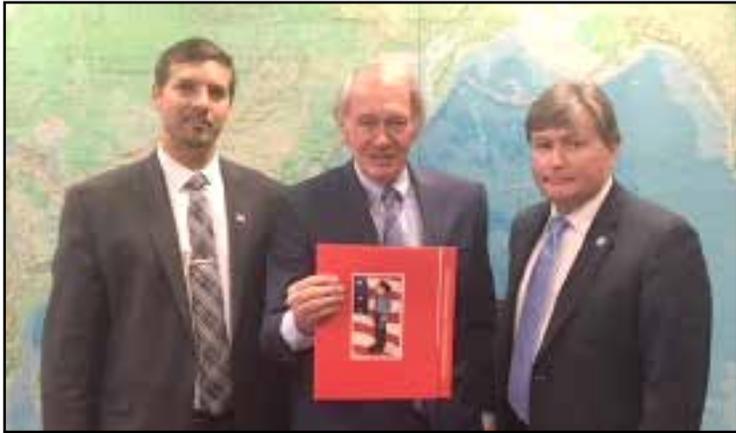
Representative **Stephen Lynch**, another good friend of the BPPA and the law enforcement community, was extremely gracious with his time. Rep. Lynch spent over thirty minutes meeting with us, discussing our Confidentiality/Peer Support Bill signed into law by Governor **Charlie Baker** a couple of weeks ago, a bill in D.C. filed by NAPO to create a funding stream for Peer Support Networks, and a few other pieces of legislation that supports police officers and first responders. A very big thank you to Representative Lynch and his staff for always making time to meet or talk to members of the BPPA.

As our day progressed, we spent a good deal of time with Representatives **Jim McGovern**, **Katherine Clark** and **Joseph Kennedy**. Each of these Representatives took their time discussing the confidentiality law and the bills previously stated that are on the national front for police officers and first responders. Each representative made us feel comfortable and welcome in what most of us would feel is an intimidating setting at the Capital.

We were also very fortunate to be able to meet with Representatives **Bill Keating**, **Seth Moulton** and newly-elected Representative **Lori Trahan**. All of whom stepped out of on-going engagements to speak with us, extended their support to our concerns, and looked forward to working with us in the future.

John and I ended our long day at the U.S. Capitol with the great honor of meeting Senator **Lindsay Graham** of South Carolina, Chair of the Senate Judiciary Committee, Colonel of the U.S. Air Force Reserve and steadfast supporter of law enforcement across the country. Although the Senator emerged from a closed door meeting being hounded and pursued by the media, he stopped in his tracks and thanked me for all we do to keep the public safe on a daily basis. We shared a conversation on why we were in Washington, D.C., the newly created Confidentiality/Peer Support Law, and the upcoming Police Week ceremonies.

Senator Graham insisted that we meet with him again in the near future on bills that are important to us. **WE CERTAINLY WILL!**



In the City Council:

On a very sad note, Councilor **Tim McCarthy** has announced that he will not be seeking re-election when his term expires this year. This is a huge loss for the BPPA; he has been a stalwart supporter. Thank you for always being in support of, or against, issues that mattered most to our members and families. We wish him well in his next endeavor (whatever it might be) and know he will remain a friend of the BPPA.



Gov. Baker signs confidentiality / peer support into law...

From **Confidentiality/Peer Support Law** on page 10

friends, were able to get this bill passed and signed into law effective January 1, 2019.

This new law grants a base level of confidentiality to peer support technicians when assisting and dealing with first responders at their time of need.

As always, an attorney should be advised and contacted if or when possibly necessary.

The bill was first filed six years ago, written with the assistance of our own Sgt. **Brian Fleming**, Fire's **Eddie Kelly** and Attorney **Michael Muse**. It languished for four years with no movement. Then, at the start of the last session, President **Pat Rose** tasked me with re-filing and taking the lead which I gladly accepted.

With the tireless efforts of **John Nelson** of MassCop and **Michael Muse** of the Boston Detectives Association and everyone mentioned in the previous paragraphs, we accomplished this goal together.

As time moves on, if problems arise or tweaks need to be made to make this law more efficient, we will file those amendments and try to make them happen as well.

Like me, I hope you are very proud of our success over the last four years.

The BPPA was stuck on the bottom floor of politics for long over a decade; we didn't pass a single piece of legislation. Now, we've established new relationships, repaired broken ones and have passed bills each of the last two sessions.

For those of you who are fairly new or new to politics, know that it is very difficult to pass a bill into law; keep in mind all of the media through the years on major pieces of legislation that died or didn't pass. Big pieces like banks, credit unions, healthcare, climate change, sanctuary city bills, and literally thousands of others.....they died in committee or were not brought to the floor.

HOWEVER, IN THE ENDING DAYS OF THE YEAR, WE WERE ABLE TO GET THE SENATE PRESIDENT, SPEAKER OF THE HOUSE AND GOVERNOR TO MODIFY, PASS AND SIGN OUR BILL INTO LAW. THIS IS A BIG ACCOMPLISHMENT.

Please read Attorney **John B. Becker's** article below on the passage and signing of this new law. Attorney Becker is a distinguished member of the law firm Sandulli Grace. Sandulli Grace is one of the law firms retained and utilized by the BPPA throughout the years whose excellent reputation precedes them.

Massachusetts Public Safety Unions succeed in passing new law protecting confidentiality of stress counseling for first responders in critical incidents

By **John M. Becker, Esq., Sandulli Grace**

At the end of December 2018, Massachusetts Governor **Charlie Baker** signed into law a new bill that provides important protections for first responders in critical incidents. The signing was the culmination of six years of work by the Massachusetts Law Enforcement Policy Group, which includes the major public safety unions in the Commonwealth. This year's effort was spearheaded by the Boston Police Patrolmen's Association (BPPA), Massachusetts Coalition of Police (MassCOP), and the Boston Police Detectives Benevolent Association as part of a coalition of many different groups and interested individuals all pursuing the goal of providing protection to individuals involved in stressful critical incidents.

The law, which is entitled "*An Act Relative to Critical Incident Intervention by Emergency Service Providers*," makes communications between emergency service providers, such as police officers, firefighters and EMTs, with crisis intervention personnel confidential and privileged (with certain exceptions). The purpose of the law is to allow first responders at critical incidents to obtain needed counseling and crisis intervention services without having to worry about whether conversations that occur in that context will later be disclosed. Without this law, a stress counselor or other crisis intervention specialist could be forced to testify in court about what a first responder said as part of counseling and treatment. The privilege created by this law is similar to the laws protecting confidentiality of conversations with psychotherapists. These laws recognize that the mental health of these individuals is a priority, and keeping the communications confidential will allow the individuals to participate fully in the

counseling without having to worry about whether these conversations will be disclosed in future proceedings.

The law recognizes that stress and trauma experienced by police officers, firefighters, EMTs and other first responders when responding to critical incidents can cause serious long term psychological harm and, in the worst cases, lead to PTSD, substance abuse, and even suicide. Getting stress counselors and other crisis intervention personnel to the scenes of critical incidents to provide assistance to these first responders is crucial in preventing long-term harm, but such intervention will be more effective if all parties know that the communications made in the course of such intervention will be kept confidential.

The new law recognizes that in certain situations, the privilege will not apply. These include situations in which a crisis intervention specialist reasonably believes that the first responder: (1) is an imminent threat of harming himself or others; (2) has engaged in child abuse; or (3) has admitted to committing a crime or violating a law normally enforced by the public safety agency that employs him. The privilege would also not apply to crisis intervention specialists who were themselves first responders or witnesses to the critical incident, or to situations in which the first responder has disclosed the information to a third party (other than his attorney, spouse or psychotherapist).



John M. Becker, Esq.

See **Public Safety** on page 23

On the topic of making personnel records confidential

By **Lawrence A. Calderone**, BPPA Legislative Agent

In December of 2018, a decision was rendered *In the Matter of New York Civil Liberties Union (NYCLU) v. New York City Police Department (NYPD), et al.*. The court was tasked with deciding whether documents requested by the NYCLU pursuant to the Freedom of Information Law (New York State's version of the Freedom of Information Act) are subject to disclosure. The NYCLU requested documents regarding police officer complaint and discipline proceedings, including: (1) final opinions from the department's trial room (Deputy Commissioner of Trials) arising out of cases in which the New York City Civilian Complaint Review Board has substantiated charges against a member of the department and (2) documents identifying the formal and final discipline imposed in conjunction with each decision.

The NYPD produced 700 pages of Disposition of Charges forms redacting officer and complainant information, but did not turn over any "final opinions" as requested. The NYPD relied on two state laws: Public Officers Law §87(2)(a) and Civil Rights Law § 50-a. The former allows agencies to deny access to records that are specifically exempted from disclosure by state or federal law, and the latter is the state law the NYPD relied on. Specifically, Civil Rights Law § 50-a provides that all personnel records (of police officers,

firefighters, and correction officers) used to evaluate performance toward continued employment or promotion... shall be considered confidential and not subject to inspection or review. The statute has only two exceptions to this confidentiality: officer consent or court order (which is not easy to get and must be within the context of pending litigation).

This statute was designed to protect police officers from the release of sensitive personnel records that could be used in litigation for the purpose of harassment or embarrassment. The legislative history of the statute showed that documents pertaining to misconduct or rules violations by an officer are the very sort of records the legislature intended to be kept confidential.

The NYCLU made the typical arguments that public access to NYPD disciplinary decisions is critical to maintaining public confidence in the integrity of the police and ensuring that the disciplinary actions properly apply the relevant legal principles; that the redactions are adequate to protect officer confidentiality. The Court rejected these arguments.

The Court appropriately held that the NYCLU's interpretation would revoke civil rights protections afforded to police officers. The Court told the NYCLU to take it up with the Legislature if it wanted to change the law. The lesson in this case for Massachusetts may be that we should also look to the Legislature to protect police officers – our information, our personnel/disciplinary records – should not be used to harass, harm or embarrass us or our families. I will work diligently with the Massachusetts Legislature to help further protect first responders and their families.

Massachusetts Public Safety Unions succeed in passing new law protecting confidentiality of stress counseling for first responders in critical incidents...

From **Public Safety** on page 22

Third time was a charm for this bill, as this was the third consecutive legislative session in which it was filed. Rep. **Edward Coppinger** of West Roxbury guided the bill through the committee process in the House, and Sen. **Michael Moore** carried it through the Senate. Also crucial to the process on the House side were Reps. **Hank Naughton, Ted Speliotis, Dan Cahill, Tim Whelan, Tom Walsh** and **John Lawn**. Leaders of the legislative effort, including **Larry Calderone** of the BPPA, **John Nelson** of MassCOP and **Michael Muse** of the Boston Detectives, met with the Governor **Charlie Baker**, Lt. Governor **Karyn Polito**, Speaker of the House **Robert DeLeo** and Senate President **Karen Spilka**, among others, to shepherd this bill to success this December.

Summary

Massachusetts Governor **Charlie Baker** signed a new law that makes communications between first responders and critical incident counselors confidential and privileged. This will allow police, fire and EMS personnel to get effective help at the time of a critical incident. Public safety unions including BPPA and MassCOP led the charge to get this bill passed.

Terms

PTSD, critical incident, police, public safety, confidentiality, legislation, first responders, stress, counseling, MassCOP, BPPA.

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“Community Policing, Rightly Understood”

Excerpted verbatim from an article by **Prof. George L. Kelling**
Printed in **City Journal** magazine, Winter 2019

EDITOR'S NOTE: The following excerpts are taken verbatim from an article published recently in NYC's City Journal Magazine by George Kelling. Prof. Kelling is a senior fellow at the Manhattan Institute and a Professor of Criminal Justice at Rutgers University, and has collaborated on numerous articles and studies with the late Professor James Q. Wilson, famous author of the "Broken Windows" (Atlantic Monthly, 1982) theory of Community Policing. "Broken Windows" theory, in a nutshell, generally speaks to the idea that police should first and foremost address so-called "minor" criminal offenses, such as vandalism, vagrancy, drug-use, disorderly conduct, public drinking, loud music, etc., etc. as the best way to prevent more serious felonies and community deterioration from taking place. "Broken Windows" policing theory had great success in the 1980's/90's, especially in large cities such as New York, but other, newer "Community Policing" theories have now become more popular. Prof. Kelling addresses this apparent conflict in his article, warning us of the dangers of allowing "community policing" to retreat from its original goal of tough enforcement of order-maintenance crimes to becoming a "feel-good," public relations gimmick. The actual article was too lengthy for reproduction in the current issue of Pax Centurion; therefore, it has been excerpted for space considerations. The complete article is available on-line at www.city-journal.org/community-policing.



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— Pax Editor James Carnell

“Over the last quarter-century, the United States has seen historic drops in crime – most famously in New York. These gains, once thought impossible, were achieved largely through dramatic innovations in policing, especially the adoption of an approach that stressed order-maintenance in communities...”

“In recent years, however, antipolice sentiment has risen in the U.S., sparked in part by a series of tragic, high-profile, police-involved killings in major cities but also by the work of critics, mostly on the left but also on the libertarian right, who argue that targeted policing aimed at public disorder is coercive, hostile to community life, and often racist. These critics see such policing as the antithesis to what they call community policing...” “...The increasingly widespread view that community policing and order-maintenance efforts are at odds represents a fundamental misunderstanding...”

“...Community policing is often portrayed as being soft on crime. A Google search of the phrase turns up images of smiling police officers allowing children to sit on top of motorcycles, posing for pictures, playing touch football, and making presentations to schoolchildren. This risks making community policing seem like a publicity stunt, an insincere attempt by cops to foster a gentler image – what some law and order critics mock as “hug-a-thug” enforcement.

Community policing, rightly understood, can be, and often is, aggressive and even intrusive, depending on the community's concerns.

“[In 1990] Crime was then a daily fear for New Yorkers... New York saw 2,262 murders and more than 100,000 robberies; in 2017, by sharp contrast, there were 292 murders and 14,000 robberies in the City. Yet, scary as crime was, community fear has always been

more closely correlated with public disorder... subway trains were covered in graffiti. Times Square was overrun by prostitutes, pimps and drug dealers. A drive through the Bronx would reveal whole blocks on which one structure – if any – remained standing. A trip to the corner store would often require cutting through a group of youngsters dealing drugs, drinking, playing loud music, or catcalling young women... the disorder made people feel that no one was in charge....

more and more New Yorkers began to avoid public spaces...”

“While working with the community as a partner, police sometimes have to take tough, unpopular stances... The Police had to be more assertive... One reason such initiatives were so effective in reducing crime was that they reflected an understanding of the critical link between crime and disorder...”

“Unfortunately, some New Yorkers seem to be noticing a regression toward the sorts of public disorder that characterized the city decades ago. That perception has followed an official push on the part of some city leaders to roll back police authority to deal with such public-order offenses as fare-evasion and public urination. The push reflects a misunderstanding of what true community policing is...”

EDITOR: What Prof. Kelling seems to be telling us, in a scholarly way, is that extreme liberalism, of the type exhibited by New York Mayor DiBlasio, is causing New York to revert to the terrible criminal chaos of the 1980's and 90's. Non-enforcement of “minor” crimes and public disorder violations – in the name of “compassion and non-intervention” is dangerous, and we should all take heed. The late, great Chicago Tribune columnist Mike Royko once authored an article about the gang-related murder of 9-year old Laketa Crosby (DOD-August 4th, 1985) in the infamous Cabrini-Green housing projects under then-Mayor Jane Byrne's leadership. In response to the horrific murder of this young girl, Mayor Byrne physically moved into an apartment in the housing project. Tough police enforcement followed, and crime went way down. But soon, liberals and self-appointed community activists complained of “police harassment”, the Mayor moved out, the cops pulled back once again, and gangs and crime quickly returned. The name of Royko's column was titled “When Police are Handcuffed, Violence is Unleashed.”

It was true then, and it's true now.

Decency, Civility, Respect: *Are they all gone?*

South Boston WW2 Memorial, Mt. Hope Cemetery Police Memorial vandalized and desecrated

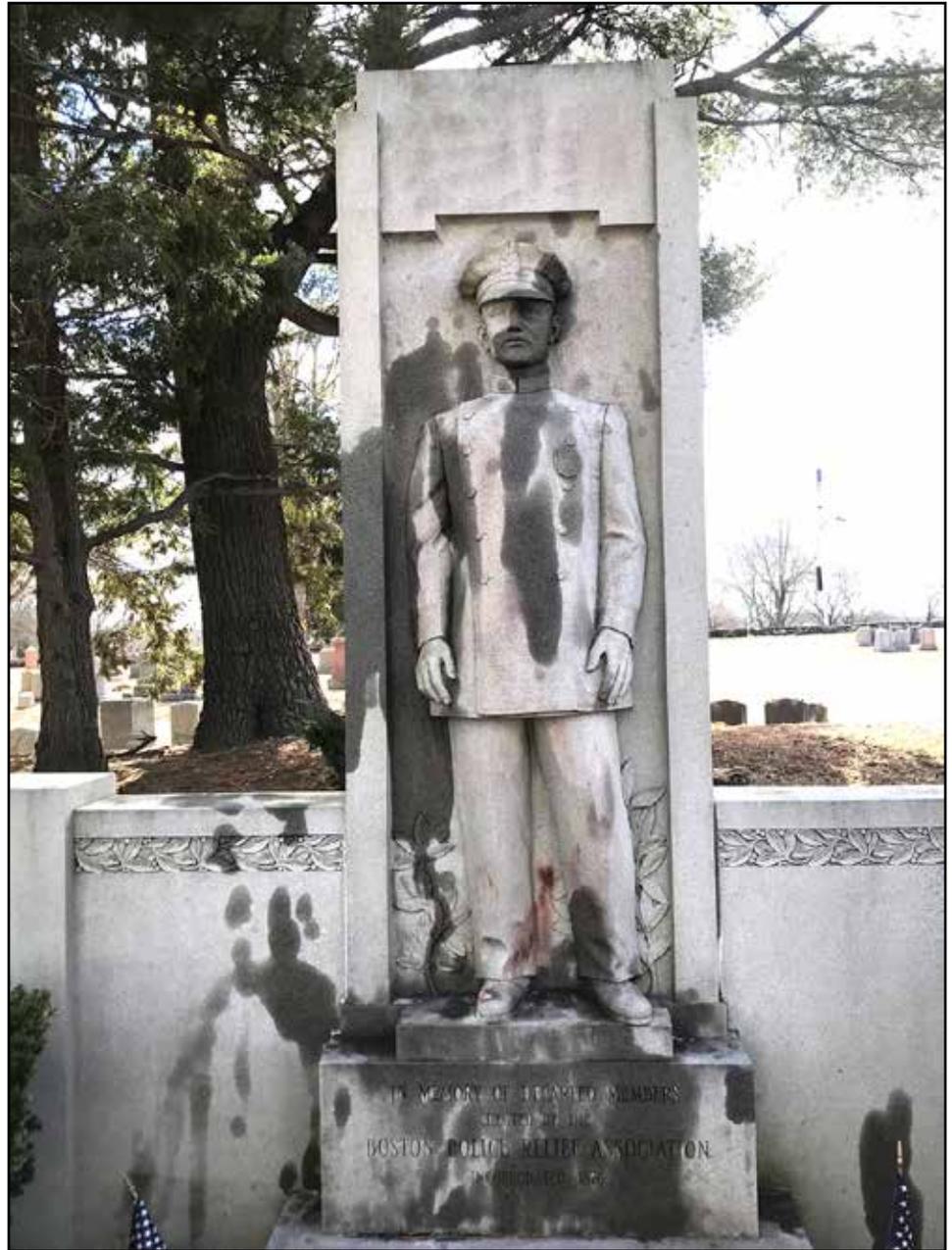
By **James W. Carnell**, *Pax Editor*

As we were about to go to press, we received the terrible and disgusting news that our Police Memorial, located at Mt. Hope Cemetery in Roslindale, had been vandalized sometimes during the early-morning hours of March 18th-19th, along with a memorial to WW2 South Boston/Dorchester veterans located on Southie's Castle Island which had been vandalized the night before.

The cowardly thugs, operating under the cover of darkness, used some sort of oil to stain and darken the granite monuments. As of today (March 21st), we are unsure whether intense efforts to clean and restore the memorials will be successful. Different methods are being tried to draw the oil-based substance from the granite, and many volunteers and professionals have offered different solutions for restoration and cleaning.

What **IS** certain is that these acts of vandalism were orchestrated and targeted; they were simply not the work of some drunken fools after St. Patrick's Day festivities. The monuments are many miles apart from each other across the city, and represent the two forces which stand against anarchy, communism and social decay and protect our democracy from the forces of evil: The military and the police.

At this time, we do not know the individual identities of those responsible for these heinous crimes, but we can surmise from our collective common sense that they harbor a sick, warped hatred towards the military and the police. Whether the perpetrators were actual members of local police/military hate-groups, such as ANTIFA, (AKA: "*PANTI-FA*") is not yet known, but the ideology that drove these reprehensible acts certainly points in that direction. Cowards who cover their faces with ski-masks and incite riots, the people who committed these crimes operate under cover of darkness and attack unguarded monuments dedicated to the memories of people ***who paid the ultimate sacrifice to protect the rights of the very people who desecrated these monuments.*** Generally speaking, these faceless cowards are found at our local institutions of higher learning, indoctrinated by their professors, and live in their parent's basements. They communicate the only way they know how, through "social" media backwater outlets, and plot to come out at night to cause mayhem and destruction and upset the civil order. They are despicable and contemptible people, and it is our hope



that they will be identified, either through evidence or information received. They should be sentenced to clean the monuments with their tongues and a toothbrush, but perhaps their very presence at these monuments would itself be an abomination, as they are unworthy of licking the boots of any whose memories are recalled at these hallowed sites.

We will keep our retirees and members updated on the progress of efforts to clean these monuments.



“So, how’s the Union Thing going?”

It is hard to believe that as I sit here writing this, it’s been nearly 8 months since the membership elected me as the president of the BPPA/BEMS. I want to thank the membership for electing me to represent them.

As most of you know, I work in Paramedic 2, on the evening shift. One of the luxuries of working in a centrally located, busy ambulance, is that I still see a large percentage of the membership on a regular basis. One of the downfalls of working in a centrally located, busy ambulance, is usually when I see you, it’s when we are working up a sick patient, or in passing at the hospital while one of us is getting pulled out for another call. It’s not the same as sitting down for a cup of coffee. With limited downtime, its often difficult for me to give an elaborate answer to the most common question I get.

“How’s the Union Thing going?”

You may have gotten my standard response of..“busy” or “good”. Even though both answers are accurate, they don’t give the question credit. A lot has happened over the past eight months..... so “How’s the union thing going?”....

I was elected in August during a time of uncertainty. There was unrest with the membership as to our standing with in the Association. A committee was formed and met five times between August and September of 2018, we delivered our findings, and recommendations to the HoR (House of Rep’s), which were overwhelmingly accepted. Every concern that the membership brought forward has been or continues to be addressed. I can proudly say our relationship with our parent organization is as strong as ever.

As we explored the history of our organization, it became apparent that our by-laws were outdated. A committee was formed through the HoR, and was tasked to revise the 40-page document. There have been multiple meetings and every section has been dissected line by line. Through the hard work of our Brothers and Sisters, we are preparing to release the revisions for approval of the membership. A notice will be sent soon advising our members of the proposed revisions.

Contract negotiations have been ongoing since August, 11 bargaining sessions to be exact. As of today, we do not have an agreement. The committee maintains the belief that under the current administration, EMS work is valued. We are confident we

will deliver an agreement that will reflect that belief.

Ensuring the health and safety of our membership remains paramount on our priority list. We have formed a joint labor-management committee to effectuate it. The preliminary focus of this group has been, but is not limited to, implementation of a professional standard and increasing the span of control. This group is committed to keeping our members safe. An email group, BEMSHandSafety@BPPA.org, has been formed to collect any information that any member may feel pertinent to the health and safety of our membership.

With the help of our brothers and sisters within the BPPA, the Boston Police Detectives Benevolent Society, Boston Police Superior Officers Federation, and others, we were able to secure ten seats for our membership in a world class wellness program, O2X. O2X is a full time wellness program that was created by Navy Seals, and has been proven to decrease both on the job injuries and sick time use within the Boston Fire Department. The members who are attending will be tasked with relaying the information they receive during the program to the membership and management.

Creating Career Ladders and professional advancement opportunities is an objective that remains at the forefront of this leadership. Since my election 4 members have accepted a position into Paramedic Internship, 2 members promoted to the rank of Lieutenant, and 1 member to the rank of Training Captain. Four members have been given professional advancement opportunities within community services and special operations. Two classes of recruits have come through the academy, and the intention of another class was just announced. We have formed a joint labor-management career ladder and training committee. We hope that through effective communication, we can establish a clear career ladder, and create more opportunities for professional advancement.

This membership continues to provide extraordinary care, you do it with limited resources, and less recognition. I am proud to be a member of this organization and work beside you. Rest assured, you will continue to receive unwavering advocacy for the entirety of my presidency.

Responding to change

By **Paramedic Justin Pariseau**

Deep-rooted traditions passed down from generation to generation have laid the groundwork for many public safety entities today. While it would be easier to force mandatory root canals than to roll out a new protocol or piece of equipment, not all additions to the foundation should be viewed as a nuisance. While much of the groundwork has already been laid by those who came before us, it would do them a disservice to not build upon it. The nonstop technological and education boom of our time has brought some devices once only available in the Emergency Department to the streets.

It seems that current technological advancements all share a common goal, to be as fast,light and compact as possible. Computers that once filled whole rooms now fit in our pockets. Cardiac

defibrillators once heavy and clumsy can be carried with one hand. Ultrasound machines that once stood 8ft tall and took up much of the room are now no bigger than a laptop and can even be viewed on a Smartphone. Technological advancements have also allowed us to send and receive information faster than ever. This means that we can deploy these devices into the field and with proper training, employ them with maximum efficiency. Innovative technology delivered in rugged and compact packages is allowing for faster and more effective patient care in the prehospital setting.

One out of every two EMS providers has sustained a back injury, according to a study published in the Journal of Emergency Medical Services. “Lifting causes 62 percent of medic injuries, and back strain

See **EMS Change** on page 28

BPHC's "Titanic?"

By Lt. Patrick Calter, Boston EMS

When the perceived impossible collides with reality, like a ship meeting an iceberg on a clear frigid night in the North Atlantic, the impossible is possible and the consequences are reality.

Larger than life doesn't translate as immune to death or adverse to failure. At a whopping 882 feet long and 92 feet wide, this giant of the sea had no formidable opponent. Unreasonable expectations, a false sense of security and communication failures brought a titan in its class, an unsinkable ship, a model for all others to its final resting place at the bottom of the Atlantic, forever a shrine remembered not for its amazing accomplishments but judged by its last 37 seconds....iceberg right ahead.

The R.M.S. Titanic was a royal mail ship. Having this designation meant the Titanic was officially responsible for delivering mail for the British postal service. By flying the British flag and having the designation RMS, the Titanic had the full backing of the Crown. Why is a flag so important? A flag is an identity, a big brother of sorts, an equalizer and a protector. Our fellow public safety brothers and sisters fly the City of Boston flag, a symbol of pride since 1630 and have the metaphorical backing of the "crown."

The parent organization of Boston EMS, the Boston Public Health Commission, has neither a flag nor a public safety identity. It is neither our identity nor our protector – The motto "*Where public health meets public safety*" is as confusing as navigating a rotary for the rest of the country. Boston EMS is a "program" or "political sub-division" of the BPHC and is treated no differently than any initiative at the commission. With no flag, differing missions and unclear decision makers – the rank and file is often left wondering if they're sailing through a clear night on a historic voyage or careening towards an iceberg looming in the night.

If you've managed to make it this far you may be wondering why I've been referring to a ship that sailed the Atlantic over a century ago. When I sat down to write about my perception of our current state of affairs, this moment in history was the first thing that came to mind. Not that I believe we are sinking or even careening into an iceberg to certain destruction, but rather that there are lessons to be learned from catastrophic failures. Years ago, I joined this agency with the mentality of a first-class passenger – I was in awe of the vessel, mesmerized by the comradery but blind to the short-comings.

The sensationalized Hollywood scene of Rose telling Jack I'll never let go flies directly in the face of being "unsinkable."

Six warnings of ice fields nearby, lookouts without binoculars and a course adjusted too late. First Officer William McMaster-Murdoch was advised several times of icebergs in the area from passing ships but neglected to slow the speed of the ship. A visualization of the iceberg all too late, "hard starboard" ordered the First Officer in an attempt to maneuver around the iceberg. Many believe that the last-minute altering of the course may have been the ship's demise – if it had struck the iceberg head on, it, like others may have sustained damage but continued its course. Decisions to alter courses based on information from the crew are common here at Boston EMS, and disliked by the BPHC; until their hand is forced and an obstacle is directly in front of them.

After striking the iceberg, the Titanic's designer, Thomas Andrews was said to have exclaimed "I should have used the new iceberg resistant steel but chose to save a few pennies." EMS partially funds itself through billing for services but in doing so unknowingly changed the "designers" outlook and drifted slightly from public safety and service to a mentality that mimics most for profit businesses. If we can get the job done without our modern-day iceberg resistant steel, we can instead reallocate that money towards other "programs."

The Titanic was a coal-powered ship that used an estimated 100 tons of coal per day which required a crew of 176 men to keep the fires burning. The hours were long, the conditions were difficult, but the reality was if they were doing their jobs, the fires were stoked, the ship kept moving and the lights stayed on, they, much as we are, were invisible. The modern-day version of an engineer in the underbelly of a coal burning cruise liner is known as "essential employees" here at the commission. As a laborer at the EMS program at BPHC you're expected to keep up with the power demands of the ship and at times exceed the seemingly impossible.

The Titanic was originally equipped with 64 lifeboats but downsized to 20 to maximize open space seeing as the ship was unsinkable. Although the uniformed leadership of BEMS has taken great steps to grow this agency and attempt to lessen the individual burden on our field providers, the impact on the member is equivalent to adding a 21st lifeboat to a ship requiring three times that. Despite objections from members of the command staff and supervisors we continue forward into the night at a speed the metaphorical crew has repeatedly said is dangerous and too fast for the conditions. At peak hours, BEMS operates 21 BLS units and 5 ALS units and drastically downsizes to 12 BLS and 3 ALS at night. On April 14, 1912, just 12 hours before the Titanic reached its final resting place, a lifeboat safety drill was canceled, why? The reason for the cancellation was it wasn't necessary, in the event of an emergency it wasn't enough, we know it, they know it. The infrastructure had been so decimated in the interest of being cost effective and fast, that it had no ability to expand. If, the impossible became possible, the reality of the outcome was futile at best. Why have a safety drill that would illustrate to the first-class passengers what the ships designer, captain, crew, and "essential employees" already knew – they weren't prepared.

Clear communication to the membership is something that most are yearning for. If the goals, objectives and mission of the agency aren't frequently and clearly communicated to the membership, they will stop believing in the mission. Keeping people engaged or "bought" in, can be as simple as telling them where we are going and when to expect to arrive there. The Titanic was a brand, a belief, a promise of something more. Everyone boarded that doomed ship for unique personal reasons, while the experiences and outcomes were different for each, each one of them received the "*Atlantic Daily Bulletin*," the onboard newspaper that informed them of current events on the ship. During their short stay on board and for some, the final days of their lives, they were engaged and "bought" in to the mission of the crew, the fastest crossing, a luxurious social experiment and for some a new life.

Communication is vital, from the engineers keeping the ship moving to the captain under time constraints to make the voyage from Southampton, England to New York in record time and everyone in between must not be discounted. Had all the communications been deemed important to the overall success of the voyage; this voyage may have been remembered as a historic crossing of the Atlantic and not the tragedy it is known as today. From cost cutting measures during construction, to unheeded warnings regarding ice fields in the water, to the speed of the vessel – conscious decisions were made to continue recklessly forward with an arrogance that everything would work out. Right or wrong, those decisions come from the top. The overall mission would be paralyzed by indecision if every action required the unanimous approval of all the crew. It's incumbent upon our leaders to lead and equally important to be empowered to make informed decisions – it's also important for members to believe in the mission, this can only be accomplished through honest, open communication which should not be confused with consensus.

Responding to change...

From **EMS Change** on page 26

is the cause of 78 percent of the compensation paid for lost productivity” (White). One of the innovations that is aimed to reduce some of these injuries is power stretcher technologies. This allows for lowering and raising of patients utilizing hydraulics rather than brute force, potentially reducing the chance for back injuries. While power stretchers alone aren't the answers to all of our patient extrication issues they certainly are a step (accompanied by an audible crack in your lower back and pain shooting down both legs) in the right direction.



(Photo: Stryker.com)



(Photo: ems1.com/Greg Frieses)

Prehospital Ultrasound is an emerging technology that is making its way into the prehospital setting. This device, once only available in the Emergency Department, is now being deployed to ground and flight EMS units to guide patient care. This treatment modality can be used to guide or assist with lifesaving

interventions being done in the field by prehospital providers. It can provide valuable information and shave time off of definitive care by addressing the needs of the patient before the ambulance arrives at the hospital. This innovation has the ability to improve patient outcomes and reduce mortality. Could this device prove useful in a busy urban EMS system such as Boston?

Video Laryngoscopy has provided prehospital providers with another valuable tool at their disposal. While many veteran providers may have a few choice words to say about this new technology, it does serve a purpose and can aid in difficult intubation scenarios.

While providers should be competent in standard laryngoscopy (placing a metal/plastic blade into the mouth of a patient to view vocal cords and pass a breathing tube through), video does serve a purpose. Being able to view the airway anatomy of a patient that may be obstructed by blood, trauma, vomit or a host of other factors may be the difference between life and death. These devices prove useful in confined spaces or difficult patient access that prehospital providers are often faced with. Video scopes allow others to see what the practitioner is seeing simply by looking at a screen smaller than a cell phone. This screen can allow a large audience to view the airway of a patient that at one time only the practitioner performing the skill could see. The ability to provide high definition views of a difficult airway to multiple sets of eyes is



(Photo: Scott Weingart/EMC Project)

an innovation that has greatly impacted the care our patients receive in the streets of Boston.

Cardiac arrests are some of the most labor-intensive medical calls we can be faced with; from arriving at the patient, moving the patient to an area spacious enough for all hands to work and the actual performance of CPR. Our agencies often work very well together to provide the best care to these patients but we often take “one step forward and two steps back” when it comes to these patients during extrication and transport.

The LUCAS device is a battery powered CPR device that solves a multitude of problems commonly encountered during out-of-hospital cardiac arrests. It addresses a simple issue: human fatigue. With some resuscitations lasting upwards of an hour in the prehospital setting, continuous CPR for long durations is laborious. When providers become fatigued during long periods of CPR, the quality of compressions decreases along with the patient's chance for survival with a good neurological outcome. LUCAS allows providers that would once be performing CPR to complete other tasks such as: seeking information about the events leading up to the cardiac arrest from family/bystanders, gathering medications and past medical history potentially providing a cause for the cardiac arrest, placing advanced airway management, establishing IV/IO access, administering cardiac medications and clearing a path to extricate the patient.



(Photo: Trumbulltimes.com)

This device allows for UNINTERRUPTED chest compressions during extrication and patient transport. These are critical times and ones that are usually the most difficult for responders to deliver effective compressions. This device reduces the chance for injuries to EMS providers who are forced to stand in the back of a moving ambulance to provide CPR enroute to the hospital. Studies have proven that compressions provided in the back of a moving ambulance are subpar in quality. With one provider managing the airway enroute to the hospital, the other provider is left with balancing chest compressions and administering cardiac medications. The LUCAS device could free up hands that would once be providing inadequate chest compressions to provide life-saving medications. Numerous studies have proven this device to reduce injury, provide continuous high-quality chest compressions and increase the number of neurologically-intact cardiac arrest survivors. Could this device provide better patient care to residents and visitors to our city?

Not all new innovations to hit the streets have been in the form of a fancy new electronic gadget. Some innovative medications and protocols have been developed due to large scale studies and trials. New medications once only seen in the hospitals or on the battlefield have begun to make an appearance in the drug box of EMS providers. These new medications have allowed for better prehospital care and reduced the delay in which patients receive it. Continued knowledge-sharing and large scale trials are providing innovative ways for patients to receive better care.

Tranexamic Acid (TXA) was originally designed by Japanese Researchers Shosuke and Utako Okomoto in the 1960's. “It was first



(Photo: Source: Wikimedia Commons and Mark Oniffrey)

prescribed to females with heavy menstrual blood loss and to patients with hereditary bleeding disorders. Soon the indications were widened to elective surgery because of its blood-saving effects” (Tengborn). Without getting too far into pharmacokinetics, the drug works by blocking enzymes produced by the body designed to break down clots. Since clots are one of the ways the body tries to prevent blood loss, dissolving clots during uncontrolled hemorrhage has disastrous effects. Trials of the drugs’ efficacy in trauma patients suffering from severe blood loss revealed a reduction of almost

one-third of mortality. “In summary, we consider tranexamic acid is a drug of great value to reduce almost any kind of bleeding; it is cheap and convenient to use and has principally few contraindications. It may be added, that tranexamic acid is included in the WHO’s list of essential medicines” (Tengborn). This drug therapy is currently stocked on all Boston EMS ALS units.

Along the lines of life-threatening bleeding comes the topic of whole blood or blood products being delivered in the field. While civilian EMS agencies have several means of stopping *external* bleeding such as: tourniquets, hemostatic gauze, wound packing and the above listed TXA, prehospital providers have no way of stopping internal bleeding. In an urban environment such as Boston with relatively short transport times to Level 1 Trauma Centers we can *usually* get critically injured patients to an operating theater well within the “Golden Hour”. “The term “Golden Hour” is widely attributed to R. Adams Cowley, founder of Baltimore’s renowned Shock Trauma Institute, who in a 1975 article stated, “*the first hour after injury will largely determine a critically injured person’s chances for survival*” (Nickson).



(Photo: JEMS, “Whole Blood in EMS May Save Lives”)

However, a term analogous to the “Golden Hour” also exists and is known as, “The Platinum 10”. This term is more relatable to an urban EMS system such as the one that exists here in Boston. Arrival on scene, initiation of treatment and beginning transport to an appropriate trauma center, in under ten minutes. But what if we are faced with a patient requiring a long extrication from a confined space, motor vehicle, or in building being constructed 25 stories in the air? What if we are presented with a shooting victim during rush hour traffic, at the furthest ends of the city with no means of stopping internal bleeding? Why not have life-saving blood being infused into the patient from point of injury to the doors of the operating theater?

Three EMS agencies in the country have begun to combat patients dying from uncontrollable hemorrhage, all located in the state of Texas. If they cannot stop the bleeding that will certainly kill the patient before arrival at the hospital, they have started to replace the blood being lost. That’s right, EMTs and Paramedics are providing blood transfusions to patients meeting strict transfusion guidelines blood and blood products in the back of an ambulance. As early as November of 2018 San Antonio paramedics were crediting several lives being saved due to whole blood administration. Many factors come into play when it comes to performing prehospital transfusions,

mainly related to cost effectiveness and its’ relatively short shelf life. This innovation is still in its infancy in the civilian sector but early reports show it is making a positive impact in patient outcomes. Is this something that could prove useful to all EMS agencies, including large urban settings such as Boston?

Updated Technology Calls for Updated Training

The need for new and innovative technologies also comes with the need to educate and train those who will be tasked with their use. Depending on how you view these changes this could be an exciting new change and a chance to feel advancement in your field; a chance to perform a new procedure or use a new tool to confirm a diagnosis you suspected from sound clinical judgement. Effective training and continuing education is imperative and new ideas and technology can make what was once a struggle to keep your eyes open, an eye opening experience.

One might think that Boston, being the mecca of universities and medical facilities, would have a state-of-the-art training facility for its EMTs and Paramedics. This is far from the truth. While the knowledge that is being shared within the walls of the current “academy” is top tier, the walls themselves are weathered and outdated. If you can’t put a price on a human life, why would you not want to invest in training those responding to a life-threatening medical event?

New recruits trained for the fire service report to the fire academy on Moon Island, police recruits report to the police academy in Hyde Park. EMS recruits report to a floor in an office building shared with command staff, BPHC offices and gym members of the BPHC’s South End Fitness Center. Fire recruits are trained in a burn building, police recruits are trained at a firearms range, EMS recruits are trained in a room with banquet tables and chairs.

Does EMS not respond to the same types of incidents as our other public safety entities? Why should EMS not be allotted the same dedicated training centers to prepare new recruits with the vast variety of incidents they will face in the field? Why should EMTs and Paramedics have to utilize a gym at the police academy (very generously made available to us by BPD and their academy staff) when we could have our own, geared towards the physical aspects of EMS? Why should EMTs and Paramedics be forced to train in a second-rate environment to provide first-rate care?

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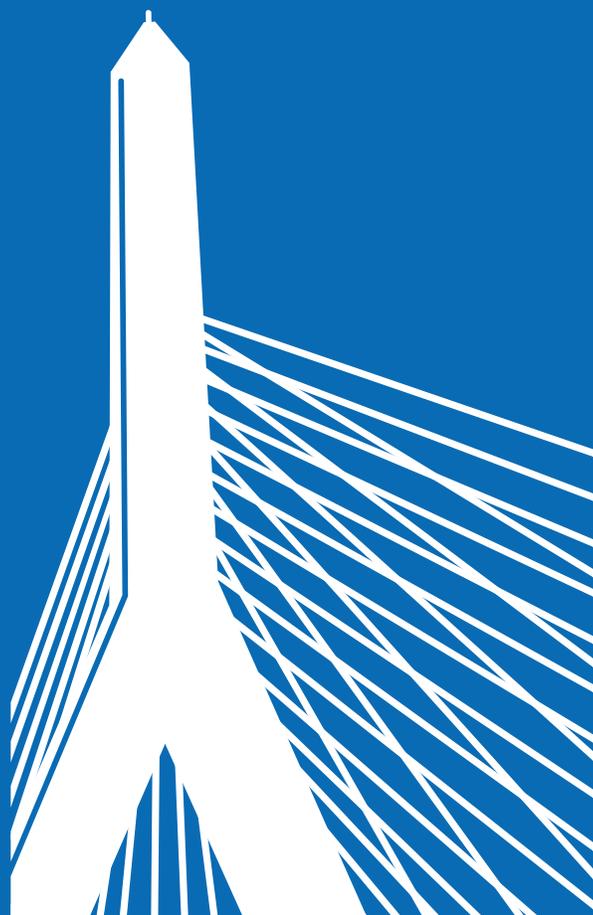
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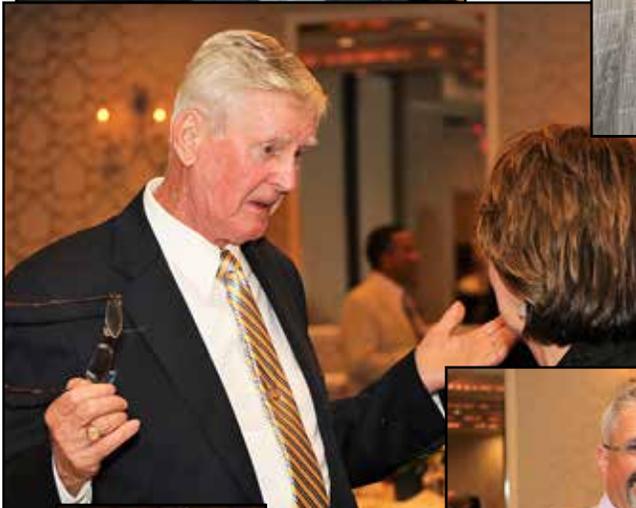
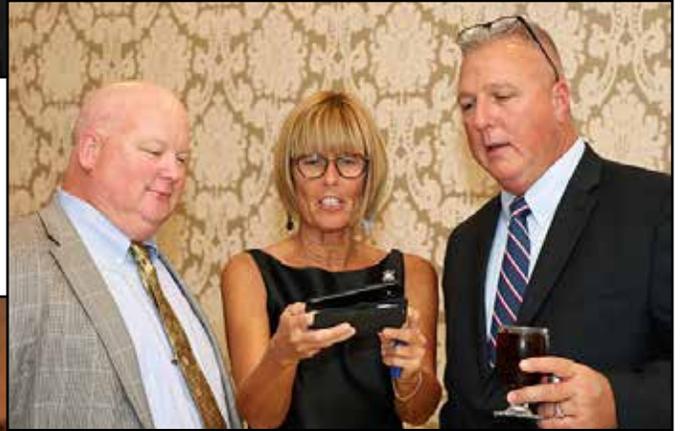
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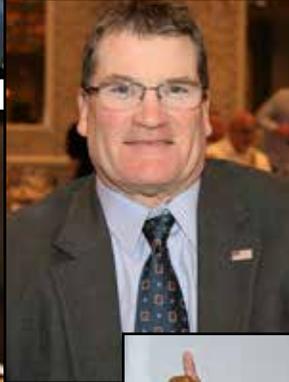
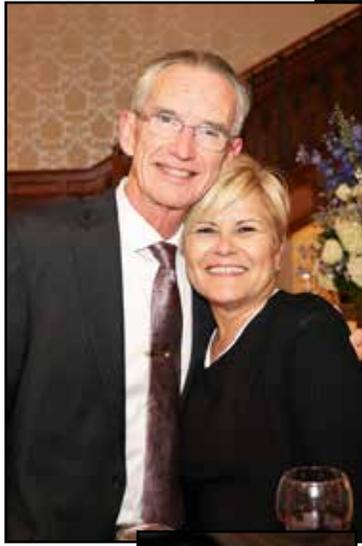


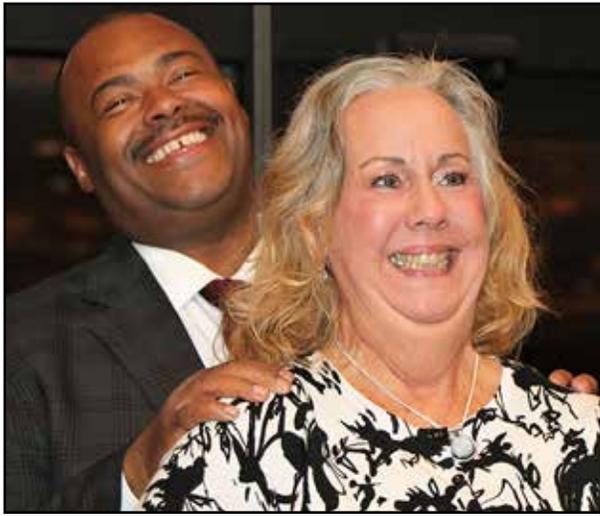
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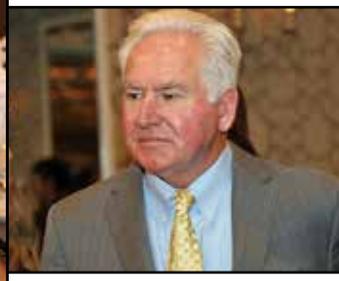
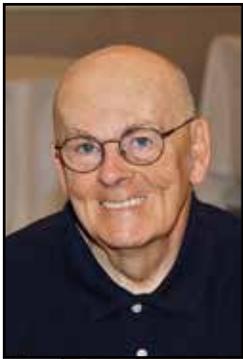
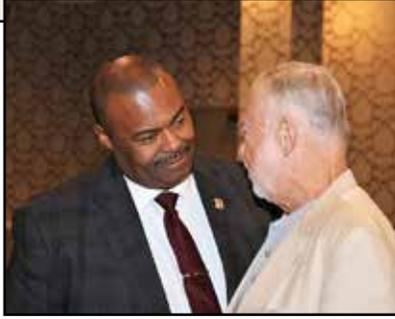
Celebrating our retirees

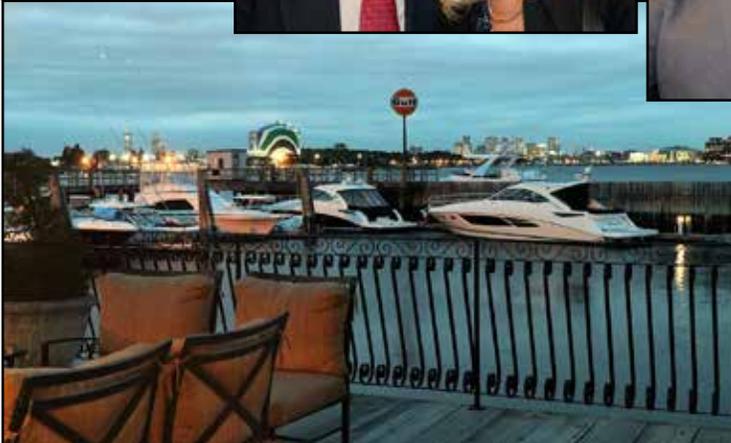
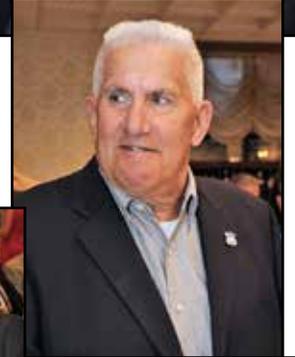
Venezia's Restaurant, Dorchester – Friday, September 21, 2018















Party like it's 1983!

The Civil Rights Act of 1871 is a Federal statute, numbered 42 U.S.C. § 1983, and allows people to sue the government, a governmental entity and its employees for alleged civil rights violations. Essentially, the statute allows citizens to seek monetary damages against public employees and their employers for alleged "misuse" of authority. Police officers, especially active ones who make arrests, are sitting targets for "1983" claims whether it be for excessive force, false arrest or unlawful search and seizure.

A recent "1983" lawsuit that made some news locally involved arrests made by Boston Police officers inside an apartment at the intersection of East 6th and O Streets in South Boston on St. Patrick's Day in 2013. At around 7:30 p.m. that evening, officers arrived to the area in response to complaints for a loud party that was getting a bit out of hand. According to reports, the only apartment from which loud music could be heard was on the first-floor and people could be seen drinking and dancing inside the apartment through an open door. Someone was also observed puking outside of the party on the sidewalk. Officers entered the apartment through a side door and announced "Boston Police." One officer requested to speak with the tenant and was directed towards a bedroom. The officer knocked on the bedroom door. **Christopher Castagna**, who lived there, opened the door but quickly slammed it on the officer's foot. The officer made another attempt to open the door but Castagna shoved him and then forcefully resisted when he was placed under arrest. Castagna was ultimately charged with Assault and Battery on a Police Officer, Keeper of a Disorderly House and Resisting Arrest in South Boston District Court. **Gavin Castagna**, Christopher's brother, also began wrestling with officers on scene and was taken into custody. He was charged as well. Both of the Castagna brothers' cases were eventually dismissed.

Nonetheless, the brothers filed a "1983" lawsuit against the Boston Police Department and seven of the responding officers alleging false arrest, unlawful entry, excessive force, failing to conduct a proper investigation, amongst other claims. Following a seven-day trial in June of 2018, a jury found in favor of the officers on all counts. However, despite the jury's verdict, the federal judge who heard the case ordered a new trial on the brothers' unlawful entry claim. In the decision which came down last month, the judge found that the testimony and evidence at trial did not support a conclusion that the warrantless entry into the apartment was justified by exigent circumstances due to safety concerns nor was it allowed under a community caretaking rationale. Essentially, the judge found that loud music alone does not give police officers the right to breach the sanctity of one's home. It is unknown whether the City will now try to settle the case, appeal the ruling or take it to trial again knowing that a judge has essentially ruled that one of the brothers' claims is meritorious. My bet is on settlement.

Another "1983" suit making national headlines occurred about 4,500 miles from O Street. This past October the United States Supreme Court heard oral arguments in *Nieves v. Bartlett*, a case arising out of an encounter between a civilian and Alaska State Troopers

during "Arctic Man" which is an annual ski event in the Hoodoo Mountains near Paxson, Alaska which features large crowds of Bernie Sanders supporters and exorbitant amounts of substance abuse. During the event, troopers were investigating underage drinking in one of the ski mountain's parking lots. On the final evening of the event, Trooper **Luis Nieves** approached an individual named **Russell Bartlett** and asked him to put the keg of beer he was drinking from back into his motorhome. Bartlett, who was not breaking the law by having the keg outside, essentially ignored the trooper's request and told him that the keg was fine where it was. Trooper Nieves let it be. Later that evening, Trooper **Bryce Weight** approached another reveler in the same vicinity as



Bartlett who appeared to be under 21 and engaged him in conversation. Observing Trooper Weight's interaction with the suspected minor, Bartlett quickly intervened and told the boy not to speak with the trooper. Although disputed by the parties, Bartlett was aggressive and hostile in his tone, caused a scene and at one point tried to head butt Trooper Nieves who had come over to assist Trooper Weight. When told he was being placed under arrest, Bartlett allegedly pulled away and struggled with troopers. He was subsequently charged with Disorderly Conduct and Resisting Arrest. The charges were later dismissed by the local DA's office for budgetary reasons but prosecutors maintained that it was not because the facts lacked probable cause.

With the charges dropped, Bartlett took his cue from the Castagna brothers and filed a "1983" lawsuit against Troopers Nieves and Weight alleging false arrest, false imprisonment, excessive force and retaliatory arrest in violation of the First Amendment, amongst other claims. The District Court ruled there was probable cause to arrest Bartlett and dismissed all claims summarily. The Ninth Circuit Court of Appeals, agreeing there was probable cause for Bartlett's arrest, affirmed the District Court's summary judgment ruling on all counts except the retaliatory arrest claim. In its decision, the Ninth Circuit found that probable cause [for an arrest] does not bar a plaintiff's claim that his or her arrest may have been retaliatory in nature. The Court explained that a jury in this instance might be persuaded that Bartlett was actually arrested in retaliation for his earlier refusal to put the keg back in his RV and his failure to cooperate with troopers.

The Supreme Court elected to hear this case and their decision - which should come out this spring - will be important. An affirmation of the Ninth Circuit, in my opinion, will open the floodgates for "1983" retaliatory arrest claims in public disorder or excessive force type cases. And, as we know, more "1983" claims means more IAD interviews, more depositions and more bad press which only makes the job of police officers that much more difficult. Similarly, an affirmation could be dangerous for the rule of law and criminal procedure as we know it. Fact finders - whether it be judges or juries - would be allowed to disregard whether the evidence actually supports an arrest. Rather, they would be allowed to guess or speculate what an officer's subjective motivation is in locking someone up. This would not be a good trend to set and hopefully the Court will get it right.



Smile, You're on Candid Camera*

As a police officer, you know that the courts often grant you fewer rights than members of the general public. As SJC Oliver Wendell Holmes famously wrote back in the 1892 case *McAuliffe v. City of New Bedford*, an officer “may have a constitutional right to talk politics, but he has no constitutional right to be a policeman.” Based on a recent decision in the Massachusetts Federal Court, another right you don’t have is to be free from being secretly recorded, unlike everyone else in the Commonwealth.

Massachusetts has long been at the vanguard of protecting individual privacy from electronic surveillance. Back in 1968, the state enacted the anti-wiretapping law, Mass. General Laws ch. 272, § 99 (“section 99”), which makes it unlawful to secretly intercept oral communications (although video is not prohibited). In the introduction to the law, the legislature made clear that citizens in Massachusetts have a right to be free of secret recording:



The general court further finds that the uncontrolled development and unrestricted use of modern electronic surveillance devices pose grave dangers to the privacy of all citizens of the commonwealth. Therefore, the secret use of such devices by private individuals must be prohibited. The use of such devices by law enforcement officials must be conducted under strict judicial supervision and should be limited to the investigation of organized crime.

Section 99 makes Massachusetts a “two party consent” state, meaning both parties must know they are being recorded for the recording to be lawful. In other words, secret recording is unlawful under the statute.

Massachusetts’s courts have consistently held that secret recordings are illegal. In 1976, the Supreme Judicial Court (“SJC”) decided *Commonwealth v. Jackson*, finding that a secret recording is unlawful, even if it is made in a public place. The law has also been upheld when the person secretly recorded is a police officer. In 2001 in *Commonwealth v. Hyde*, the SJC upheld Mr. Hyde’s conviction for violating section 99 by secretly recording the police during a traffic stop.

Alongside the state law are a number of cases interpreting section 99 in conjunction with the Federal First Amendment, and claims that the 1st Amendment guarantees the right to record police officers doing their job. In 2011, the First Circuit Court of Appeals decided *Gilk v. Cunniffe*. In that case Mr. Gilk was walking on Boston Common when he saw officers arresting someone. He took out his phone and began to openly record the officers. One of the officers arrested him for violating Section 99. The criminal case was dismissed, as Mr. Gilk was not secretly recording the officers – he was holding up his recorder (his phone) and it was clear that he was recording the officers.

After the dismissal of his criminal case, Mr. Gilk sued in federal court, claiming that his arrest violated his rights under the 1st and 4th amendments to the U.S. Constitution. The First Circuit agreed, holding that:

Glik was exercising clearly-established First Amendment rights in filming the officers in a public space, and that his clearly-established Fourth Amendment rights were violated by his arrest without probable cause.

The Court held that the 1st Amendment right was based on the right of the public to gather information, i.e. the right to a free press:

An important corollary to this interest in protecting the stock of public information is that “[t]here is an undoubted right to gather news ‘from any source by means *within the law.*’”

After the *Gilk* decision, the BPD, and many other departments began to train officers in the proper application of

§99 – i.e. that open recording is not a violation of the law, but that secret recording is still illegal.

This brings us to the December 2018 decision of Massachusetts Federal District Court Judge Patti Saris in the cases of *Martin and Perez v. Gross and Conley* and *Project Veritas Action Fund v. Conley*. In both cases the plaintiffs challenged Section 99 as an unconstitutional restriction on their right to record government officials, claiming that that right includes the secret recordings. Project Veritas Action Fund is an undercover enterprise that conducts “stings” on public officials. They are the ones who released damaging Planned Parenthood videos a few years back; they claimed that Section 99 prevented them from coming to Massachusetts to expose misconduct by government officials.

The plaintiffs in *Martin and Perez* were two community activists who routinely openly videotaped BPD officers at work; the record states Martin did it 26 times, Perez 18 times. Surprisingly, the case does not suggest anything bad happened as a result of this open videotaping. But they brought the case because they felt they needed to be able to secretly record. Why? According to the court, “their desire to record secretly stems from a fear that doing so openly will endanger their safety and provoke hostility from officers.” The decision simply takes this as established, there is no analysis of this claim, as to whether it is reasonable, or on what it is based.

In deciding whether the 1st Amendment requires that individuals be allowed to secretly record police and government officials, the case first relies on *Gilk* and other prior cases to establish the 1st amendment right to record police officers in public spaces. However, no prior case dealt with a conflict between s. 99 and the 1st amendment right. In *Gilk*, there was no secret recording. So, the issue becomes whether the 1st amendment right can be limited in order to protect the right to privacy – which is an important right. The court finds that it cannot. While officers have a right to privacy, the

See **Decker** on page 46



Lexington officer sues driver who filed false complaint and lied about distracted driving citation... and wins!

PAX Editor **Jim Carnell** alerted me to a *Boston Globe* article recently with the headline “Jury awards Lexington police officer \$500,000 in defamation suit.” Not something you see every day so I decided to look into the case, and see what could be learned.

While working a traffic detail in 2014, Officer **John Frissore** issued a distracted driving citation to **Curtis Schondelmeyer**, who was driving a black SUV, because, according to Officer Frissore, he saw Mr. Schondelmeyer reach out with his cellphone while driving to take a picture. Officer Frissore asserted that there were no passengers in the car with Mr. Schondelmeyer. So, a simple case of getting a distracted driving ticket – using your cellphone while driving. We’ve all done it, this time Mr. Schondelmeyer got caught. What would I have done? I would have just paid the ticket. What does Mr. Schondelmeyer do, according to a jury? He makes up a story about how he was a passenger who took a picture of Officer Frissore using his cell phone “because he believed it was unsafe for the plaintiff to be using his cell phone while also directing the traffic during the evening rush hour.”¹ Mr. Schondelmeyer asserts that he then made a complaint to the Lexington Police Department about Officer Frissore, and that Officer Frissore issued him a distracted driving citation as retaliation.

Mr. Schondelmeyer does not stop at filing a tab against Officer Frissore. He prepares an affidavit that **Scott Russian** signs stating that Mr. Russian was the driver and that Mr. Schondelmeyer was a passenger when he took the picture of Officer Frissore. He submits this affidavit to court in order to get out of the distracted driving citation. He gets out of the ticket (based on the false affidavit). But he doesn’t stop there! He then submits the affidavit and gives interviews to Fox25 about the incident! Fox25 then does two news stories about the whole incident.

Meanwhile, Officer Frissore is understandably upset to see news reports depicting him as an officer that issues false and retaliatory motor vehicle citations. So he hires an attorney to bring a defamation against these two individuals. And he wins! In Massachusetts, defamation is a term for a legal claim arising from harm to a person’s reputation, which is caused by a false statement of fact communicated to a third-party without privilege. Defamation includes both slander (oral defamation) and libel (written defamation). Courts have determined that defamation “is the publication of material... which ridicules or treats the plaintiff with contempt.”²

Here are the six statements the jury found were false and defamatory that they made on a Fox25 News broadcast:

“I drive this route every day and this particular officer is on his cell phone typically every day.”

“I wasn’t driving...so clearly you [John Frissore] were so distracted on the cell phone that you couldn’t catch what was going on.”

In response to a question whether Schondelmeyer thought he received the citation in retaliation: “Absolutely, There is no doubt in my mind.”

“He did not notice somebody else was in the car with me, because he was on the cell phone.”

“My partner was driving.”

This statement was by Mr. Russian (as opposed to the five above, which were by Mr. Schondelmeyer) “[During the pertinent time]...I drove our 2013 Range Rover....”

Having found that Schondelmeyer and Russian defamed Officer Frissore, the jury went on to award him \$500,000 (\$400,000 for the statements made by defendant Schondelmeyer and \$100,000 for the statement made by defendant Russian) in damages to compensate him for the damages to his reputation, including emotional distress and humiliation. Because Officer Frissore filed his suit in 2014, the total award will end up being over \$750,000 including interest.

The jury came down with this verdict despite the defendants’ efforts to sling mud at Officer Frissore by bringing up what I believe are irrelevant and potentially baseless complaints that Officer Frissore had been subject to over his career. Specifically, the defendants alleged that Officer Frissore “had been the subject of numerous complaints by the public concerning his demeanor and lack of professionalism,” and that in 2015 he “was disciplined for preparing a report concerning a motor vehicle accident...that contained statements that were virtually impossible to reconcile with the facts and, if not intentionally untruthful, were at least grossly inaccurate under the circumstances.”³ I credit the jury for seeing through the defendants’ ruse, and I commend Officer Frissore for fighting for over four years.

I hope this case will be widely known, and will make people think twice before making false statements about a police officer – that it is not okay, and that there are consequences. Lying about what a police officer does or says and then broadcasting it has real repercussions – for that officer, his family, and as this case shows, for the individuals that made those false statements. I hope none of you reading this ever have to endure what Officer Frissore did. You can also listen to me talking about this case and my thoughts about it on the Decker & Rubin podcast at www.deckerrubin.com.

As always, feel free to stop in and say hello and ask whatever is on your mind.



¹ From the “Defendant” Statement of the Case” in the Joint Pretrial Memorandum of Case.

² *Correllas v. Viveiros*, 410 Mass. 314 (1991).



What can and can't (or probably won't) get your pension forfeited

Last month, the Supreme Judicial Court issued an important decision interpreting a statute that governs when a public sector worker can have his/her pension stripped. The pension forfeiture law, G.L. c. 32, § 15, enumerates the circumstances under which a public sector worker may have his/her pension taken away upon final conviction of a criminal offense. Several categories of criminal convictions trigger this law, these are 1) criminal offenses involving the funds or property of a government unit/system (i.e. embezzling public funds, or destroying/stealing government property), 2) violations of the state ethics and extortion laws, and 3) criminal offenses involving a violation of the laws applicable to a public employee's office/position. The first two categories are relatively straight-forward, however the third category is more open-ended and vague. In particular, it has been unclear as to what criminal convictions would *not* trigger the forfeiture law for police officers. In *Essex Regional Retirement Board v. Swallow*, two retirement boards argued that police officers have accepted a special position of trust and accordingly, should have their pension forfeited upon the conviction of *any crime*, as any such conviction would violate the public trust. This is the broadest possible interpretation of the forfeiture statute; fortunately, the Court rejected this reading.

The *Swallow* case was actually two combined cases involving a former municipal police officer and former a state trooper. One officer plead guilty to assault and battery, discharge of a firearm within 500 feet of a building, assault with a dangerous weapon, improper storage of a firearm, and witness intimidation. Each of these charges were related to an off-duty incident during which he brandished his personal firearm and became violent with his wife. The officer was out on administrative paid leave at the time, and notably, the witness intimidation charge stemmed from the officer threatening his wife after she said she would testify against him as part of an investigation into an allegation of abuse; this abuse allegation was the reason for which he was put on administrative paid leave in the first place. The second officer plead guilty to a charge of using the internet to attempt to coerce a child under 18 to engage in sexual activity. As you may have guessed, the child under 18 was actually an FBI agent. The officer used his personal computer to communicate with the "child" and never did so while he was on duty. In both cases, the officers' respective retirement boards issued decisions stripping the respective officers of their pension pursuant to G.L. c. 32, § 15, specifically the third category mentioned above.

The Court overturned the decision and reinstated the officers' pensions. In doing so, the Court rejected the retirement boards' argument that all crimes committed by police officers trigger the forfeiture statute. Specifically, the Court ruled that the forfeiture law requires a "direct link between the criminal offense and the member's office or position, either factual or legal." This means that in order for

a criminal conviction (or guilty plea) to trigger the pension forfeiture law, the crime must be a violation of a law directly relating to the public position of the individual or there must be some direct factual connection linking the crime itself to the public position. Thus, if, the officer in the *Swallow* case used his work computer to attempt to entice the minor he believed he was communicating with, it is likely that his pension would have been forfeited. Similarly, if the other officer had used his duty weapon to threaten his wife, the result likely would have been different.

Finally, the Court rejected the State Board of Retirement's argument that crimes that also violate department rules and regulations trigger the forfeiture statute. It held instead that department rules and codes of conduct were not what the legislature had in mind when it said that violations of "laws" applicable to the office or position of the public employee trigger pension forfeiture. This too is significant for police as effectively every crime one could commit could be read to also violate a department policy or code of conduct.

Beyond the most obvious advice to give in light of this ruling – do not violate criminal laws – it is advisable for any police officer convicted of a crime to take into account 1) the specific criminal statute s/he has been convicted under, and 2) the nature of the crime, especially whether or not there is any factual connection between

the officer's position and the crime itself. If the crime involved violating a law governing the conduct of a police officer or was factually connected to that officer's job, the forfeiture statute will almost certainly be triggered. Practically speaking, if you've been convicted of or plead guilty to a crime, your retirement board is likely to move to forfeit your pension, but in light of the *Swallow* case, there is now a roadmap for fighting to get it back.



Attention

To all members of the Boston Police Relief Association – Active Duty or Retired
If you need to change your beneficiary or you are not sure of who your beneficiary is you can contact the relief office at 617-364-9565. If you leave a message your call will be returned and if necessary the paperwork will be sent out to you. Thank you.

Joseph Sullivan, Clerk,
Boston Police Relief Association

A bag job

By **Mark A. Bruno**

Recently the City of Boston outlawed the use of plastic bags in all stores. Much to my chagrin, while purchasing some merchandise I was asked if I would like to purchase, for a nickel, a paper bag to put the merchandise in. I'm thinking to myself really? I just spent about \$39.99 on a sweatshirt, and now I have to pony up 5 cents which will bring the total to \$40.04! Do you see where this is going? Once again we are being nickeled and dimed to death! It seems we have another irritable tax in the form of a paper bag. Which once again brings up the age old question of paper or plastic? I can understand wanting to save the environment, but aren't we taking out trees to supply the paper bag? I buy a fake Christmas tree just so I don't have to chop a real one down. Little plug in Glade with an evergreen scent and it smells like holidays to me.

Let's talk about the problems created by the plastic bag law. This is a shoplifter's dream! Now they can merely pick up an item, minus security tag, and head straight for the door if no one is looking. Even if they get caught the chances of being prosecuted in this liberal state of ours are highly unlikely, especially with our new D.A. With the most recent legalization of marijuana, brothels and the pole tax that will come along with it can't be far behind. These miscreants will cause overall merchandise loss

to skyrocket. Even with police details and loss prevention officers, it will still be hard to watch everyone who walks out with merchandise not in a bag. It has made life easier for the criminal element. I would like to see the statistics in a year in regards to how much more merchandise is ripped off.



I cringe every time I buy a soda because of the nickel deposit that comes with it. As a police officer I know too well the angst this nickel deposit has caused my fellow officers. It starts with breaking and entering calls where homeless people are stepping into yards and alleys to collect cans and bottles. Sometimes homeowners come out and confront these individuals, and usually this turns into an assault and battery report, and or arrest. The other problem is trash bags being ripped open and garbage strewn about the street as a direct result of these nickel chasing can seekers. Now you have rats and animals feeding on the exposed waste. They call it a deposit but it really is a taxing strain on all of us.

Let's get back to the bags if we can. If the point is to protect the environment, then why offer me a reusable plastic bag for \$1.00? Does this not defeat the purpose? Now the cost of bundling merchandise has fallen squarely on the consumer. If you ask me, no pun intended, this sounds like a real **bag job!**



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Boston Police Traffic Division

By **Robert E. Anthony**, *BPPA Historian*

On December 15, 1919 a Group of Police Officers stood in Front of Governor **Calvin Coolidge** for Review at the Annual Boston Police Parade. They were dressed in various uniforms and bore no resemblance of what would become the First Boston Police Traffic Squad. This was the beginning of our Traffic Division. There was a Lieutenant, three sergeants and 128 officers assigned to the unit. The unit was started on November 28, 1919 and this was the first time they assembled in the Annual Parade, some wore overcoats, called a Horse Blanket, some wore Dress Coats, Blues and a few wore the Famous Bobby Helmets.

Before they started their assignments they would stand in intersections watching the traffic direction and learn from members of the First Motor Corps of the Massachusetts State Guard. The Guard was taught by Boston Police Lieutenant **Bernard J. Hoppe**, he handled traffic since a few days after the police strike started on September 9th, 1919. Lt. Hoppe became the first Commander. Headquarters was set up at the Cadet Armory on Columbus Ave. A New Station would later open in the upper part of Faneuil Hall. The new squad's motorized equipment consisted of one Indian motorcycle with a sidecar, Lt. Hoppe would ride in the sidecar on tours of traffic posts from Charlestown to the Cottage Farm Bridge, (see photo below).

There was a brief period of time in 1895 when Boston had a 30-man "Street Squad" to handle just traffic control at various Divisions; back then, the major problem was traffic congestion involving horses, wagons, and trolley cars!

From 1932-1936, the department was without a traffic squad. At the time of the Police Strike, traffic control was the responsibility of each division. Lt. Hoppe's squad proved the value of special experience in this job.

The year was 1924 and you could count 300 vehicles an hour going through various intersections of Boston. Semaphores (a signaling device or Flags for sending information over distances) were used to guide motorist and there was a need for automatic equipment and signal light devices.

In 1925, the first traffic stand was built by a patrolman with discarded lumber left at a building site, it was equipped with an umbrella to protect the officer from the weather. The Department saw a need for these Traffic Boxes and so they purchased 15 of them by the end of the year.

The Traffic Squad was disbanded as a separate entity in 1932, at the time it had 275 men assigned to two traffic stations, one on Milk Street and the other at St. Botolph Street in the Back Bay section of Boston.

But on May 22, 1936, the Traffic Division was reactivated, and Division 21 was formed with three Lieutenants, eleven Sergeants and 171 Patrolmen.

In 1965, the Traffic Division came under the Command of Deputy Superintendent **James L. Buchanan**, one Captain, four Lieutenants, 15 Sergeants and 171 Patrolmen. Nineteen men were assigned to motorcycles, 90 handled traffic duties at various locations, 30 are assigned to "tagging duty", 10 are assigned to Station house duties

and 25 work the Night Shift. Six cruisers are used by the sergeants in traffic control. In 1964, a total of 593,350 tickets (at the time this figure was **three** times the national average for cities the size of Boston!) were issued by Boston Police Officers.

Deputy Superintendent **James J. Hinchey** was a Policeman for 42 years, 18 of those years in The Traffic Division. He took control of the Unit in 1943 and under his command and his recommendation he redesigned the One-way streets and the general Pattern of traffic in the City. His orders to his men were "*Be neat, courteous and keep your intersections open at all times.*"

The Traffic unit would be disbanded for good in the Early 1970's under Mayor **Kevin White's** leadership.



Boston Police Traffic officers escorting John F. Kennedy political parade in 1960.

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First BPPA “Wellness Fair” a great success

Possibly two skin cancer screenings detected early, another event planned for June?

By PAX Staff

On Wednesday, February 6th, the BPPA sponsored our very first “Wellness Fair,” along with the Superior Officers Federation (BPSOF), for the purpose of educating, informing and detecting health-related problems among our members before they become major issues.

For a first-time event, the Wellness Fair was a great success, with an estimated 126 members visiting throughout the day to take part in blood-pressure, skin cancer screening, nutrition issues, proper dieting and a host of other testing for health-related matters that affect our members directly. BPPA Treasurer and Health and Wellness Officer **Bob Colburn** coordinated the event with the City of Boston’s Human Resources and Public Employee Committee (PEC). Numerous advocates from several agencies, such as Harvard-Pilgrim Health Care, Massachusetts General Hospital and others, arrived at the BPPA union headquarters to offer information, testing and screenings (*all confidential and not reported to the BPD in any way, shape or form*) for BPD and EMS employees to use to empower themselves to take charge of their own health-related issues, hopefully, before any actual issues present themselves or worsen.

It is believed (*again, confidential information from the testing facilities but reporting generically for information only...*) that at least two cases of possible skin cancer concerns were detected, and those employees were referred to their respective PCP’s or other health-related facilities for more testing and treatment. Early detection saves lives, careers, families and a great deal of costs for both the City of Boston, the Insurance Companies, and our own employees, *which ultimately helps to keep health insurance premiums as low as possible for everyone involved. Believe it or not*, the Insurance companies take note of pro-active measures taken by municipalities and their employees to reduce health-care costs, before they set their annual premium rates. The City of Boston has taken these measures and several other City Unions are considering sponsoring their own Wellness events after the BPPA’s lead.

Commissioner **William Gross**, Superintendent-in-Chief **Gregory Long**, Superintendent **William Ridge**, Superintendent **Paul Donovan**, BPD Medical Unit head **Chanel Bryant-Alexander**, BPD Nurse Practitioners **Zelma Greenstein** and **Elaine Russo-Boucher**, and a number of other BPD officials attended and were greatly impressed with the effort put forth by the BPPA during this first-time event. Working with the City’s Human Resources Department, the BPPA and all of our other associated unions hope to sponsor another Wellness event sometime in June of this year. Certainly, a great success for a first-time event, and we look forward to another great event in June with even more members taking part. ***IF*** “only” two members were spared more serious concerns about skin cancer due to early detection, then *that alone* would make the event a life-saver and a success. Many, many more officers and EMT’s *may* have received important information about blood pressure issues, proper nutrition and other information that may have a huge impact we simply aren’t can’t possibly be aware of at this time. We’ll keep you informed of upcoming events, dates and times.



Treasurer’s Report...

From **Treasurer** on page 9

to last-minute overtime shifts and special-event ordering.

And so now we understand why “Police Burnout” is setting in after only two or three years on the job. It also explains why recruitment for new officers is at an all-time low. Where 25,000 used to take the police civil-service exam 20 years ago, now we’re lucky to get 2,500 qualified applicants. Police work has been described as “hours of tedium punctuated by moments of sheer terror.” It is a job almost tailor-made for the high-risk of heart attacks, high blood pressure and related ailments.

So what can we do? Well, one thing is to take charge of your own health and wellness concerns. Through the City’s Human Resources and Public Employee Committee, you can log on to bostonwellness.livehealthynite.com. Information is available about all sorts of issues you should be concerned with, from weight reduction to skin-cancer screenings and simple ideas to help you improve some aspects of your health regimen. We know that not everybody is going to join a yoga class or suddenly become interested in pilates, but maybe there’s a few things there that you didn’t know about, like some warning signs about heart issues that might save your life or your partner’s life someday.

And we also know that your personal days, vacation days and sick days are limited and important. Keep that in mind the next time you think of giving up a family event, a barbeque or a child’s soccer game, instead of working another detail or overtime. You will never remember that extra overtime shift many years from now. So spend time with those you love, because one of these days you will say either... ***I wish I had or I am glad I did.***



E5-MOLD/Bacteria discovered at E5 police station

Almost 100 Exposure Reports from officers assigned to E5 were submitted to the BPD/BPPA following a report released from EMSL Analytical on October 10, 2018 that confirmed a “High” presence of MOLD/Bacteria at the E5 police station.

Several officers who worked at the E5 police station told the PAX that for years they would smell a strong “musty odor” in the station during damp weather conditions. They had no idea the odor they smelled was from a mold substance called CHAETOMIUM. Like most types of mold it develops through water damaged spaces in ceilings, walls and sometimes floor panels. Chaetomium Mold is harmful because it can cause skin infections for some and can compromise the immune system for others who have sensitivity. The analysis report also revealed a “High” level of CLADOSPORIUM mold at E5 which could trigger allergic reactions and may cause elevated risks for chronic asthma and allergies. In some extreme cases, this mold could cause lung infections.

Days after this report was published, police personnel in several office spaces were relocated in the police station temporarily while technicians arrived to begin the mold remediation process. All of this was done while the E5 police station was going through a major demolition and renovation project. Many have asked if police buildings should remain occupied during major demolition projects and what health risks are involved to people inside when workers are removing debris and contaminated materials.

Since the discovery of Mold/Bacteria substances at the E5 police

station, BPPA Representatives from E13, C6 and D14 have requested and are awaiting testing results for areas inside their police stations after finding discoloration on ceiling tiles, decay on heating and water pipes and severe moisture stains on walls and flooring in these buildings.

Members are reminded that Exposure Forms are available online through the BPPA Home Page at www.bppa.org.

Portable radio communications failures continue

Despite the ongoing multi-phase project costing taxpayers millions of dollars to enhance our obsolete emergency radio communications system, officers are still finding themselves calling for assistance and finding out that nobody could hear them.

In December of 2017 a Drug Control Unit working around Chinatown and the Boston Common were forced to shut down a drug surveillance investigation because of chronic reception problems with their portable radios. In some instances, the officers were within sight of each other, but were unable to transmit or receive important radio messages between them. Some officers had brief contact on the radio while following suspects who were gathering and separating on adjacent streets. The operation became so unsafe that the squad supervisor called each officer by cell phone and directed everyone to return to the police station. This issue was eventually resolved when technicians from the BPD Radio Shop issued the DCU officers new radios and switched their investigative communications from the current analog system into a temporary trunking or digital style program.

A year later, the problems with our unreliable radio communications system continues on December 22, 2018 officers located 2 robbery suspects inside the State Street MBTA Train Station and were unable to transmit to other responding officers their whereabouts causing an immediate officer safety issue.

This happened again recently on February 25, 2019 when a search for a missing EDP with complications was conducted around Government Center. The missing person had been off his anxiety and depression medication for several days and refused to return home when contacted by family. An officer checked the Government Center MBTA Train Station and located the missing EDP person. The EDP became argumentative and uncooperative with the officer and pushed his way onto an outbound Blue Line Train to avoid further contact with the officer. The officer made several transmissions on her portable radio to alert the Dispatcher and other officers in the area that she had located the Missing EDP on the train platform, but nobody heard her repeated calls for assistance. She was finally able to make contact with Operations when she exited the subway platform and made her way up the stairs. The EDP was eventually stopped at another MBTA Train Station by Transit Police and sent to the hospital for an evaluation.

The examples of portable radio communications failures are happening with almost one or two reported on a monthly basis to the BPPA and forwarded to the BPD Radio Shop. Some of these radio failures are more serious than others. However, all of them provide us with a stark reminder that when we are in trouble and are calling for immediate assistance there is a possibility that nobody is coming because we were never heard.

Please report all radio communications problems to the BPPA at healthandsafety@bppa.org.

Smile, You're on Candid Camera* ...

From Decker on page 39

Martin plaintiffs contend that allowing police officers to “respond appropriately” to notice of recording will permit them to alter any inappropriate behavior.

In other words, the court holds that the 1st amendment requires that we need to be able to “catch” the cops behaving badly. The court concludes:

[T]he Court holds that secret audio recording of government officials, including law enforcement officials, performing their duties in public is protected by the First Amendment, subject only to reasonable time, place, and manner restrictions.

So, the secret recording in public of police officers (and other government officials), but **NO ONE ELSE**, is now legal.

The decision does have a few important provisos. First, the judge notes that her decision is limited to secret recording in public spaces, noting that “[i]n general, though, the First Amendment does not guarantee a right to free expression on private property.” So, it does not permit recording in private spaces. What’s a public space v. a private space? Stay tuned, that’ll have to be decided in future cases.

What is clear is that you are likely being recorded, and it’s not Allen Funt waiting to jump out and prank you.* Assume you are being recorded whenever you are on duty. And I’ll finish with a quick plug for our podcast, which you can find at www.deckerrubin.com. Each month, Jennifer and I will discuss some cases (we discussed this case in our January podcast) of import to Massachusetts public safety officers. Be safe, and thank you.

* Bonus points if you get the reference – it means you’re old, like me, and we need bonus points.

My concerns with body worn cameras...

From **Cameras** on page 15

one example. It doesn't have to be a gun arrest. It can be any kind of arrest and you can attach the same scenario to it. There are a million different scenarios I can think of that these BWC's can affect your career or even end it.

This brings me back to the "Legalistic" style of policing I talked about earlier. Acting like soldiers or robots and arresting **EVERYONE** for every little thing or give money tickets to **EVERYONE** for every violation is the only way that you will never get jammed up. It would be a completely level playing field. We've all watched that awful show "COPS". Every time you watch it, there is an incident that you ask yourself "**Why the hell is he/she locking this dude up for that?**" Because he/she is on camera, that's why. Now, we will all be on camera *at all times*. Plan accordingly.

For the last 15 years or so, our commissioners have been outspoken about how Boston is "The model city for community policing". They constantly stress the importance of community policing. In my opinion, community policing isn't just a Unit that engages with the community through basketball games and community events. This might look good on Channel 5 but it's not reality. As important as that may be, Community Policing starts at the patrol level. We are the officers making the most contact with the public. How can I build bridges or gain trust with the public when I have to arrest, cite or tow for every violation of the law due to fear of being labelled racist, sexist or just an asshole cop? Remember, it's usually the patrol officer's discretion that will be the first step in building that trust. I would love to still give a "break" when it is needed, but should I have to risk throwing my job or livelihood away just to give a stranger a "break" when it could be used against me later when someone else wants to twist the reality of what happened

and how I've historically and properly done my job for their benefit, whether it be in their criminal defense or a civil action? Sorry, I have my own family to worry about.

Imagine arresting someone for a jury duty or *VAL* warrant on a Friday night of a long holiday weekend? Think of the countless times you used discretion and chose **NOT** to tow the single mom's vehicle because she was accompanied by her young children and you felt like giving a break to someone down on their luck. Under the microscope of the BWC, every action or decision made will be scrutinized. Maybe not that very, night; but months down the line; when a defense attorney gets paid to review all your footage with a fine-tooth comb and identify trends in your decision making. The only way to protect yourself and your career is to transition to a legalistic style of patrol; treating all citizens the same under the letter of the law. This is the opposite of community policing. It's impossible to gain the public's trust patrolling this way. These are the situations and scenarios I would love to avoid, but I'm afraid it's the only way to protect your job and **an unfair representation of your reputation as a police officer, and more importantly as a person.**

“ The urge to save humanity is almost always a false front for the urge to rule. ”
– H.L. Mencken

Golden Opportunities for Independence

A New "Kind" of Service Dog Program

Contact Us! Phone: 1-844-GOFIDOG or Email: info@gofidog.org

www.GOFIDOG.org



OUR MISSION

At GOFI, we work to empower our clients to live independently, unencumbered by the challenges of daily living associated with medical disabilities. We match each client with a service dog that meets their individual needs.

GOFIDOG Programs:

- Community Resource Dogs
 - Community Resource Dogs can be paired with officers and promote positive connections between law enforcement and younger generations in your town!
- Scent Detection Dogs
- Service Dogs to help with "simple, every day tasks" for many but not all.
 - Picking up dropped articles; opening a refrigerator door; turning on light switches;

Based in Walpole, MA, Golden Opportunities for Independence breeds, trains and matches golden retrievers with screened and matched clients.

Donations are welcome to support ongoing Service Dog placements: GOFIDOG is a 501 (c) 3. Non-Profit - 47-2354183



FUN FACTS

WHY do men's clothes have buttons on the right while women's clothes have buttons on the left?

BECAUSE, when buttons were invented, they were very expensive and worn primarily by the rich. Since most people are right-handed, it is easier to push buttons on the right through holes on the left. Because wealthy women were dressed by maids, dressmakers put the buttons on the maid's right! And that's where women's buttons have remained since.



WHY is someone who is feeling great "on cloud nine?"

BECAUSE, types of clouds are numbered according to the altitudes they attain, with nine being the highest cloud. If someone is said to be on cloud nine, that person is floating well above worldly cares.



WHY do people clink their glasses before drinking a toast?

BECAUSE, in earlier times it used to be common for someone to try to kill an enemy by offering him a poisoned drink. To prove to a guest that a drink was safe, it became customary for a guest to pour a small amount of his drink into the glass of the host. Both men would drink it simultaneously. When a guest trusted his host, he would only touch or clink the host's glass with his own.

Last Roll Calls



Jay Connolly, A-1, first half rep representative



Brian Cameron, A-1, last half representative

WHY do ships and aircraft use "mayday" as their call for help?

BECAUSE, this comes from the French word m'aidez – meaning "help me" – and is pronounced, approximately, "mayday."



WHY are zero scores in tennis called "love?"

BECAUSE, in France, where tennis became popular, the round zero on the scoreboard looked like an egg and was called "l'oeuf," which is French for "the egg." When tennis was introduced in the US, Americans (naturally), mispronounced it "love."



WHY do X's at the end of a letter signify kisses?

BECAUSE, in the Middle Ages, when many people were unable to read or write, documents were often signed using an X. Kissing the X represented an oath to fulfill obligations specified in the document. The X and the kiss eventually became synonymous.



WHY is shifting responsibility to someone else called "passing the buck?"

BECAUSE, in card games, it was once customary to pass an item, called a buck, from player to player to indicate whose turn it was to deal. If a player did not wish to assume the responsibility of dealing, he would "pass the buck" to the next player.



WHY are people in the public eye said to be "in the limelight?"

BECAUSE, invented in 1825, limelight was used in lighthouses and theatres by burning a cylinder of lime which produced a brilliant light. In the theatre, a performer "in the limelight" was the center of attention.



WHY in golf, where did the term "Caddy" come from?

BECAUSE, when Mary Queen of Scots went to France as a young girl, Louis, King of France, learned that she loved the Scots game "golf." He had the first course outside of Scotland built for her enjoyment. To make sure she was properly chaperoned (and guarded) while she played, Louis hired cadets from a military school to accompany her. Mary liked this a lot and when she returned to Scotland (not a very good idea in the long run), she took the practice with her. In French, the word cadet is pronounced "ca-day" and the Scots changed it into "caddy."



WHY are many coin collection jar banks shaped like pigs?

BECAUSE, long ago, dishes and cookware in Europe were made of dense orange clay called "pygg." When people saved coins in jars made of this clay, the jars became known as "pygg banks." When an English potter misunderstood the word, he made a container that resembled a pig. And it caught on.



Check out our toughcookies.co

To all my friends I would like to introduce you to a beautiful young lady named **Allie DeLuca**. You may know her father **Mark DeLuca, Sr.**, a former Boston Police Officer and one of the finest police officers I have worked with in my 40-year career. Mark was also Chief of Police in Duxbury and Cohasset. In July 2013 Mark was in a terrible accident and close to death. But he is a fighter and is on his way back. You may also know her brother **Mark DeLuca**, the boxer. He is a Super Welterweight with a record of 22-1, with 13 KO's. He is fighting at the House of Blues in Boston, March 16, 2019.

In August, 2017, Allie formed a company called Tough Cookies. She is making meals for Breakfast, Lunch and Dinner to help you reach your health and fitness goals. All meals are prepared with only fresh all natural ingredients. Meals are purchased on a weekly basis and are sent to your home in insulated tote bags to insure freshness. They have an ever-changing menu for you to choose from. No shopping, cooking or dishes and you receive the healthiest food you could ever purchase. Try it and see for yourself. www.toughcookies.co

– Bob Faherty

Anderson, Goldman, Tobin & Pasciucco, L.L.P.

ATTORNEYS AT LAW

Representing and providing counsel to members of the Boston Police Patrolmen's Association since 1993 regarding critical incidents, criminal and departmental investigations, and civil rights matters.

Many members have also sought our guidance and representation in a wide variety of matters, particularly personal injury claims on behalf of injured officers and/or their family and friends. We also provide representation in criminal and civil litigation, real estate and estate planning. We invite you to learn more about Anderson, Goldman, Tobin & Pasciucco, L.L.P. by visiting our website – AndersonGoldman.com

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PETER D. PASCIUCCO

50 Redfield Street, Boston, MA 02122
617-265-3900 • Fax 617-265-3627

How come no one OK-R's details?



Whenever there is a Mass Shooting the Dems immediately call for more Gun Control, but if Law Enforcement calls for Death Penalty when a cop is killed we're accused of "knee-jerk" reactions. #executecopkillers.



Cops and politicians are generally held to a higher standard when charged with crimes. The prevailing thought is: "they should know better" OK stipulated, so if you deal drugs or rob people and get charged 2,3,5,11 times shouldn't you be held to that standard? After the first few arrests you definitely know better...



If the Titanic sunk today, it would go down with all hands...women and children first would spark a riot among the 87 genders crowd onboard.



Deanne Carson, a "sexuality educator" claims parents should ask permission before changing a dirty diaper. Now I'm not one to poo poo an expert but this idea really stinks.



At least two cities in California have suggested jail time for dispensing plastic straws. This is a real thing. In California. Where they provide sanctuary to illegal alien felons, they are willing to jail you for a straw. I'm sure this will all change when Hollywood coke heads protest too much product sticks to the paper ones.



I had some guys working on my house. I offered to get them some cold drinks. When I said I was just going to grab ice they all took off...



No less an authority than the Times of London recently reported that, "TV kills your sex life." With typical English aplomb they stated that and I quote here: "people who own TV sets are six percent less likely in any given week to 'sweep the special chimney'" Mary Poppins has fainted dead away, and Dick Van Dyke refuses to comment.



Spotted on a milk carton: Boston Municipal Research Bureau. You remember those guys, Sam Tyler et al who always complained that we cops work too many hours and make too much money. I hope they are found, I could use a weekend off this Summer.



The Department plans to implement Body Cameras (BWC) for all Patrol Officers. After a Pilot program showed a "small but meaningful" benefit (a dubious claim at best which I totally do not believe based on their biased report) Not to mention the dangers of radioactivity associated with small electronics. The BPPA has entered into bargaining, which is ongoing - I won't comment further on this...however let's look at some facts. With CAD, GPS and BWC the Department is trying to solve manpower shortages with technology. A noble endeavor, but nothing can or will beat actual boots on the ground. The price tag of \$8 million is understated at best. Considering the support staff needed to process, store and disseminate the BWC data, a more appropriate figure for the cost lies in the \$12-\$14 million dollar range. That cost is per annum. And while data storage may go down over time as technology advances, the support cost of salaries and benefits will increase as an offset. Now why is the cost

so important? Well nationwide departments are scrapping BWC programs because of the money. Some facts to consider-it costs about \$1m to train and equip 100 cops, the cost is about the same for 100 Firemen, with EMS just slightly lower. We could use all three! Over the last several years the population of Boston has gone up about 11%. Our call volume - BPD calls for service dispatched is up about 50% all while our numbers (Patrolmen) have dwindled during that same time frame. Factor in failing infrastructure, crumbling/crowded school buildings aging DPW-BTD fleets, EMS operates at a 2006 staffing level with a 30% increase in calls for service. Shouldn't the priority be to increase our ranks? Wouldn't the citizens be better served with more Officers on the street, along with more firemen, EMT's, better roads and schools, etc.? This money could surely be better spent on all these things. After school programs for at risk youth, Senior services, opioid interdiction, homeless outreach could all be better funded with this money, and that would be more than a "small but meaningful" benefit. File under: Bodies before body cameras.



As long as I'm on my high horse... nationwide there is a problem with recruitment and retention in Law Enforcement. No one wants "the job" anymore. Massachusetts Civil Service has been forced to lower the age of eligibility to 19 for the Civil Service Police Exam, and (although my email has gone unanswered for an exact figure) it looks like the numbers of those taking the test remain similar to the last testing cycle. We are losing this battle on both fronts. It's time for us to think outside our parochial box, and make an effort to recruit outside the confines of Boston for qualified candidates. The most obvious choice is the U.S. Military - I don't want to take credit for this other BPPA members have suggested it as a possibility. As far as retention goes, the Department and the City are going to have to deal with an aging patrol force, and will need to find some creative ways to entice veteran officers to stay just a bit longer until they figure out a way to replenish our ranks. Ordering Officers in every day off or weekend, and forcing them to work long hours is not the way to do this. Some suggestions-with buybacks currently unavailable, maybe a sixth week vacation for 25+ years like all other (civilian) City Unions, maybe a rank "Senior Field Officer" or something like that which would provide a pensionable longevity bonus to veteran cops which would cover the lost buybacks, or we could lose a bunch of seasoned, veteran officer and all their street saavy institutional knowledge who may be unwilling to risk their pension under such scrutiny.



At the Patriots' Super Bowl Victory Parade, there was a little scuffle near my post. A drunken teen got shoved to the ground and knocked out while breaking up a fight between two other drunken teens. The fighters fled into the crowd, but a do-gooder gave me a description of one of them. He said "it was the kid in the Brady jersey." I asked him to be more specific, he said "the white one," Thank you citizen, I'll go look among the 500 Brady Jersey clad drunkards on this block....



The City is floating a "congestion tax" or toll on people coming into the city for work or play. How about instead surcharge UBER, LYFT, Uber Eats, etc. who cause a majority of our traffic. Boylston St. is routinely down to one lane because of these clowns. I never thought I'd say it, but I miss cabbies!!



If you wear camo underwear, is that considered going commando?

Retirement...

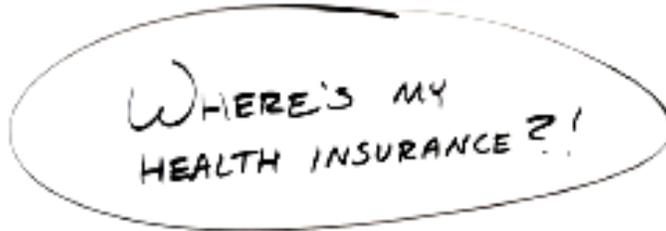
By **Karrie Soltys**, cityhealthinc@boston.gov

For some, those words evoke happiness and for others anxiety. The process of completing paperwork and planning for what happens after leaving a job can be overwhelming. Questions often arise regarding what benefits can be continued upon retirement and what will change. Although some things in the daily routine will change, the good news is health insurance coverage for City of Boston retirees will not except until the life status change of reaching age 65.

City of Boston retirees who receive a pension and are enrolled in health insurance at the time of retirement can continue their existing health insurance coverage at the same cost as the active employee share until the retiree or their spouse reach age 65. The age of 65 is when individuals are eligible to apply for the Federal Medicare program. Other medical conditions such as disability for more than 24 months, End Stage Renal Disease, or ALS (Lou Gehrig 's disease) may qualify an individual to become Medicare eligible prior to reaching age 65.

For those without a qualifying disability or medical condition, eligibility for Medicare is based upon contributions to Social Security which are measured in a credit system. No more than four credits can be earned per calendar year. For 2019, earnings of \$1,360 equal 1 credit and \$5,440 will earn the maximum four credits per year.

Earning 40 credits qualifies individuals for Medicare Part A coverage at no cost, and eligibility for Part B. Individuals may also qualify for Medicare benefits if a current, former or deceased spouse has earned 40 credits, Medicare taxes were paid during employment (employees hired at July 1, 1986 have paid Medicare taxes), and Military service that counts. You may create an account on the Social Security Administration website to view your credits at www.ssa.gov. For those retirees who do not have 40 credits through the different eligibility conditions, the health insurance coverage remains the same (same plans and premium costs as active employees).



Medicare medical benefits consist of two parts – Part A for hospitalization benefits and Part B for outpatient medical services such as doctors' visits, laboratory, and outpatient surgical. www.ssa.gov. Medicare Part B benefits have a monthly cost which is deducted from monthly Social Security monies

received or billed on a monthly or quarterly basis. The 2019 monthly cost for Medicare Part B is \$135.50, and is subject to be increased based upon annual income. The City of Boston reimburses 50 percent of the Medicare Part B premium annually in July for retirees and spouses enrolled in a Medicare plan with the City.

The City of Boston follows the Massachusetts Mandatory Medicare regulation under Chapter 69 of the Acts of 2011. This law, passed July 1, 2011, mandates that all cities and towns require retirees, retiree spouses, and Medicare eligible dependents to apply for Medicare Parts A & B, and if eligible transition to a Medicare plan in order to continue health insurance coverage. This regulation is the life status change for health insurance coverage of retirees and/or their spouses upon reaching age 65. With proof of Medicare enrollment, City of Boston retirees and spouses may change to a plan specifically designed to coordinate with Medicare.

Currently, there are six Medicare plan choices offered by the City. These plans provide coverage of the Medicare Part A and Part B deductibles and coinsurance as well as prescription drugs (also referred to as Part D). Under these plans retirees pay a copayment for covered medical services. However, not all of the plans work the same way. Three of the six plans are called Medicare Supplements. Medicare Supplement plans work secondary to Medicare allowing retiree to see any physician that accepts Medicare and who will take them as a patient. Referrals are not required for specialist providers, and residency can be anywhere within the United States or its territories. The fourth option (Managed Blue for Seniors) is also a Medicare Supplement plan, but requires residency within the Blue Cross Blue Shield Massachusetts service area, and referrals to specialists.

The last two options available are Medicare Advantage HMO plans. Medicare Advantage plans provide all the benefits of Medicare plus coverage for some additional services (i.e., vision or hearing). These plans are an HMO requiring retirees to select a primary care physician and obtain referrals for doctors and hospitals that participate in an established network. Medicare Advantage HMOs

BPPA RETIRED PATROLMEN'S DIVISION MEMBERSHIP APPLICATION

Date: _____

Name: _____

Address: _____

City, State, Zip: _____

Home Phone: _____

Cell Phone: _____

Date of Appointment: _____

Date of Retirement: _____

Rank at Retirement: _____

Email: _____

Annual Dues are \$24.00.

Please mail this application and
\$24.00 annual dues to the:

BPPA Retired Patrolmen's Division
295 Freeport Street, Boston, MA 02122-3513



**Directors of
the Retired
Patrolmen's
Division of
the BPPA:**

**John Murphy
David Mackin
Joe Vannelli
Billy Flippin
Jay Connolly**

also require that retirees reside within a service area; Massachusetts for the two plans offered by the City.

All of the plans offered by the City also provide coverage for emergency or urgent care coverage while traveling outside of the United States. Many retirees are not aware that original Medicare does not provide any coverage for injury or illness when traveling internationally. In these instances, the health insurance carrier (Blue Cross Blue Shield Massachusetts, Harvard Pilgrim Health Care or Tufts Health Plan) will provide the primary coverage. Since other countries do not recognize Medicare, retirees who need treatment for an illness or injury while traveling outside of the United States will be required to pay the doctor or hospital directly after treatment is received. A listing of itemized charges in English (if possible) should be requested as it will be necessary for reimbursement by the health plan. Each health insurance carrier has a claim reimbursement form that will need to be completed and sent via mail along with the itemized billing of medical services received and proof of payment. Proof of payment can be a copy of the credit card or bank statement reflecting the charges or a receipt reflecting cash was paid at the time of the visit.

Claim forms may be obtained by calling the Customer Service phone number on the back of the health plan ID card, or on their website under the Member information section. Customer Service Representatives at each health insurance company will be able to assist with how to complete the claim form and reviewing the process. The claim form must be completed by the retiree or retiree spouse who received the medical services. It is important that

photocopies of all documents (claim form, itemized medical bill, and proof of payment) be kept for reference, and in the

event resubmission is required. Processing of a reimbursement by the health insurance carriers generally takes approximately four to six weeks if all the information is provided. The amount reimbursed would be based upon the out of pocket costs for the medical services received minus the appropriate copayment (i.e., doctor's office, urgent care center, hospital). Once the claim is processed by the health plan, a physical check is mailed to the member who was listed on the claim form and incurred the medical services.

The Health Benefits and Insurance (HBI) Department is available to assist with understanding the Medicare enrollment process as not every situation is the same. Medicare enrollment may occur after 65 for those that continue to work or have a spouse and dependent under age 26. The staff is available to review each retiree's situation and discuss the benefits of the different health plan options. Retirees can stop by the department at City Hall Room 807 or via phone at 617-635-4570.

SPORTS Trivia

By **Bill Carroll**

1. Can you name the switch-hitter who hit the most career home runs in MLB history?
2. How many times has the Super Bowl been played in California?
3. Who was the first wild card team to win the Super Bowl?
4. What NHL Goaltender holds the record for most career shutouts?
5. What NHL Goaltender has appeared in the most shootouts?
6. Can you name the NHL goalie who holds the record for most points scored in a game?
7. Who holds the record for the most assists in an NBA game?
8. Who is the only Masters Champion to never miss the cut in the tournament?
9. Can you name the manager of the 2019 Toronto Blue Jays?
10. What major leaguers played in the most World Series games?

See **Sports Trivia Answers** on page 58

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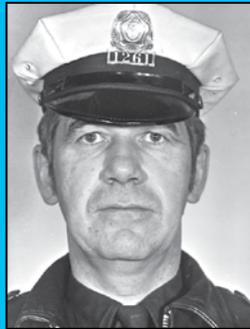
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LUNCH
Served Daily



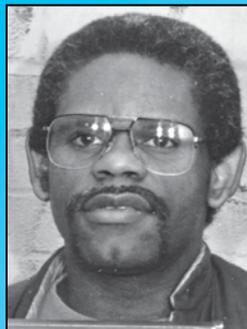
IN MEMORY OF
BOSTON POLICE OFFICERS



**Police Officer
Joseph L. Gorham**
December 8, 2017



**Police Officer
Arthur J. O'Connor**
December 27, 2017



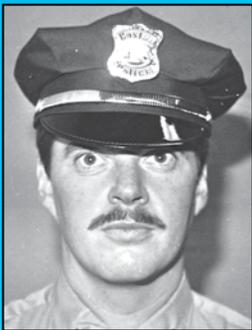
**Police Detective
Wayne R. Rock**
December 28, 2017



**Police Officer
Frederick A. Greeley**
January 18, 2018



**Police Detective
Frank J. Olbrys**
January 20, 2018



**Police Officer
Bernard Kelly**
January 24, 2018



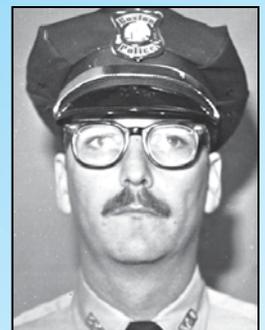
**Police Officer
Gerard Suprey**
January 24, 2018



**Police Officer
Daniel Omogrosso**
January 26, 2018



**Police Officer
Ronald Healy**
January 26, 2018



**Police Officer
Edward R. Brady**
January 29, 2018



**Police Officer
Allen J. Malloy**
February 28, 2018



**Police Officer
Richard W. Rochefort**
March 9, 2018



**Police Officer
George L. McGonigle**
March 11, 2018



**Police Officer
Daniel M. Drew**
April 8, 2018



**Police Officer
William V. Lydon**
April 17, 2018

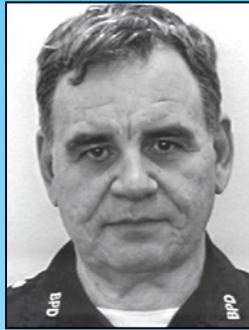
We apologize for any errors or omissions.



IN MEMORY OF
BOSTON POLICE OFFICERS



**Police Officer
Paul V. Coffey**
May 1, 2018



**Police Lieutenant
Charles R. Webb, Jr.**
May 17, 2018



**Police Lieutenant
Joseph A. Regan**
May 18, 2018



**Police Detective
Francis P. Carpenito**
May 29, 2018



**Police Officer
John F. Flanagan**
June 14, 2018



**Dept. Superintendent
Richard J. McKinnon**
June 16, 2018



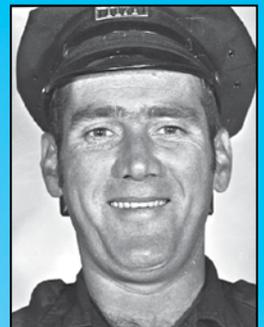
**Police Officer
Haskell O. Kennedy**
June 17, 2018



**Police Officer
Joseph Lomuscio**
June 23, 2018



**Police Lieutenant
George M. Collier**
June 25, 2018



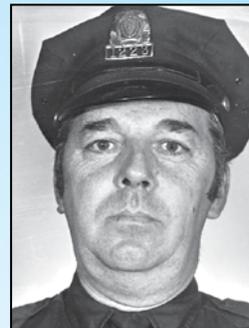
**Police Officer
Stephen D. Flynn**
June 26, 2018

ACTIVE

ACTIVE



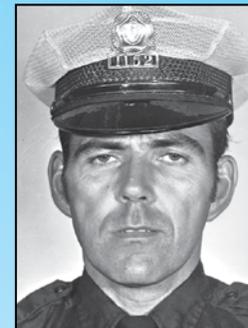
**Police Officer
Thomas H. Walsh**
July 10, 2018



**Police Sergeant
George A. Pucci**
August 8, 2018



**Sergeant Detective
Paul T. Barnicle**
August 10, 2018



**Police Officer
Donald L. Murray**
August 22, 2018



**Police Officer
Joseph P. Harty**
August 22, 2018

We apologize for any errors or omissions.



IN MEMORY OF
BOSTON POLICE OFFICERS



**Police Officer
John J. Corboy**
August 29, 2019



**Police Lieutenant
Michael A. Chapman**
September 12, 2018

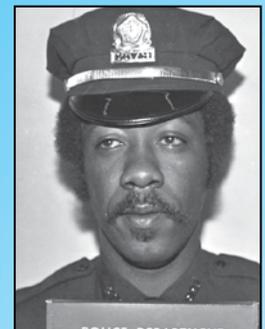
ACTIVE



**Lieutenant Detective
Stanley T. Philbin**
September 25, 2018



**Police Officer
Anthony P. Pezzulo**
September 25, 2018

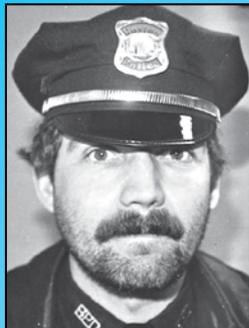


**Police Detective
Carl Washington**
September 29, 2018



**Police Officer
William Shaw**
October 6, 2018

ACTIVE



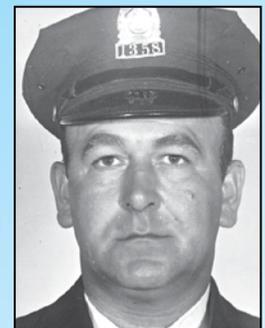
**Police Sergeant
Charles J. O'Neil**
October 10, 2018



**Police Officer
Henry Russell**
October 12, 2018



**Police Officer
Henry Saveriano**
October 15, 2018

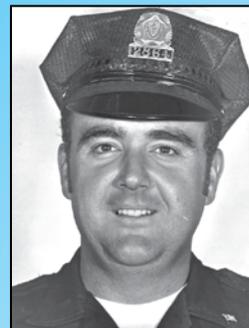


**Police Detective
Robert W. Dufault**
October 22, 2018



**Police Sergeant
Daniel P. Bausmer**
October 25, 2018

ACTIVE



**Police Officer
Paul F. Fahey**
October 27, 2018



**Police Detective
Mario Modica**
October 29, 2018



**Police Officer
Michael W. Duggan**
October 30, 2018

ACTIVE



**Sergeant Detective
Walter Wamness**
November 6, 2018



IN MEMORY OF
BOSTON POLICE OFFICERS



**Police Officer
Robert F. Mack**
November 14, 2018



**Police Officer
David Holleran**
November 14, 2018



**Police Officer
Joseph R. Martell**
December 14, 2018



**Police Officer
James E. Furlong**
December 15, 2018

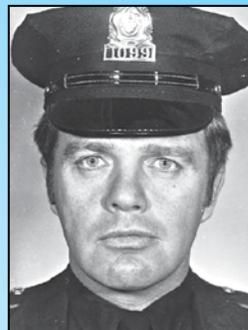


**Police Commissioner
Francis Roache**
December 17, 2018

ACTIVE



**Police Detective
John H. O'Hara**
December 25, 2018



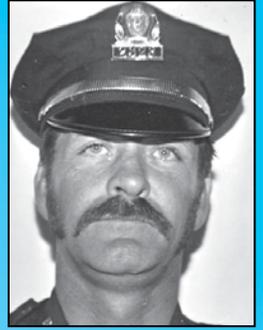
**Sergeant Detective
William H. Dacey**
January 1, 2019



**Police Sergeant
Charles L. Byrne, Sr.**
January 19, 2018



**Police Superintendent
Charles T. Cobb**
January 20, 2018



**Police Officer
Andrew Murphy, Jr.**
January 25, 2019



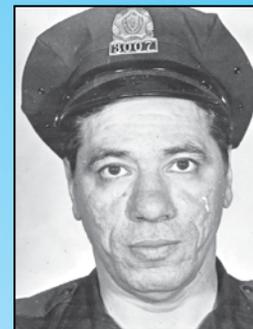
**Police Sergeant
Robert O'Leary**
January 27, 2018



**Police Officer
Salvatore A. Corolla**
January 29, 2019



**Police Superintendent
Edward O'Neil**
January 31, 2019



**Police Officer
Modestino Imbimbo**
February 15, 2019

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Three new congressmen, Jim Baird, Republican from Indiana, lost his left arm in Vietnam. Brian Mast, Republican from Florida, lost both legs in Afghanistan. Dan Crenshaw, Republican from Texas, lost his right eye in Afghanistan. All three of these men are Purple Heart recipients. How often have you seen them on the evening news? How often have we seen the two Muslim women and the communist from NY all blabbering vulgarities and spouting out anti-Israel/anti-American insults. Such appreciation for real service to our nation!!

Sports trivia...

From **Sports Trivia Questions** on page 53

1. Yankees switch-hitter and Hall of Famer Mickey Mantle hit 536 career home runs which is the most all-time for a switch-hitter.
2. The Super Bowl has been played in the state of California eleven times.
3. The first wild card team to win the Super Bowl was the Oakland Raiders in Super Bowl XV played on January 25, 1981.
4. Hall of Fame goalie Martin Brodeur holds the NHL record for career shutouts with 125.
5. As of the 2019 All-Star break Rangers goalie Henrik Lundquist has appeared in 108 shootouts which a league record.
6. The scoring record for a goaltender in a game is held by former Calgary Flames goalie Jeff Reese who tallied three assists in a 13-1 win over the San Jose Sharks on 2/10/93.
7. The NBA record for most assists in a game is held by former Orlando Magic guard Scott Skiles who had thirty in a game on 12/30/90 against the Denver Nuggets.
8. The only Masters Champion who has never missed the cut in the tournament is 1992 Champion Fred Couples.
9. The manager of the 2019 Toronto Blue Jays is Charlie Montoya.
10. Yankee Hall of Famer Yogi Berra appeared in 75 World Series games which is an MLB record.

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- **No private mortgage insurance (PMI).** Save money by avoiding monthly mortgage insurance.
- **Interest subsidy.** Income eligible buyers may also qualify for a subsidy to help pay part of the mortgage payment during the first seven years of homeownership.

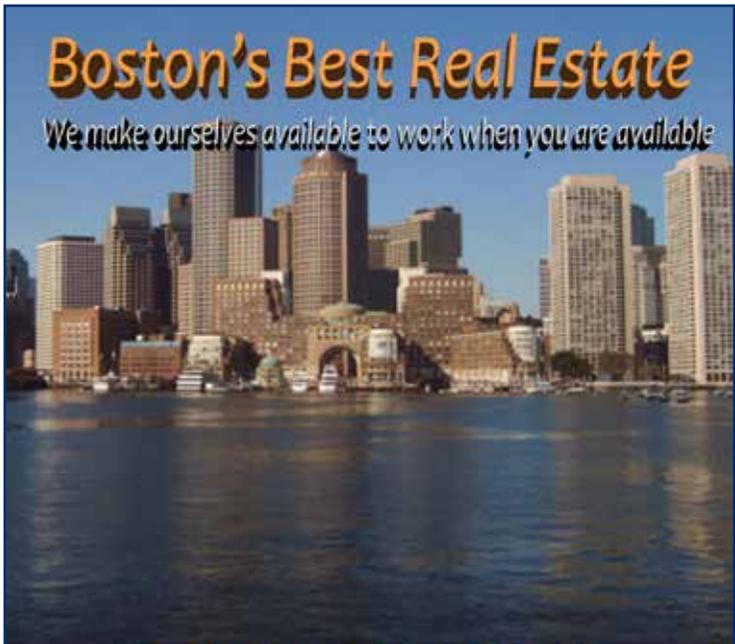
The home you buy must be located in Massachusetts and used as a primary residence. First-time home buyer education is required and income limits apply. Ask Wendy to learn more about this program.



Wendy Fraser
 Senior Loan Officer
 NMLS ID# 20412
 978-317-8471
 wendy.l.fraser@citizensbank.com



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