

Rules and Procedures

Rule 328

January 26, 2007

Rule 328 - MUTUAL AID

The purpose of this Rule is to clarify and standardize the procedures for responding to requests for aid or assistance from outside police departments and/or other jurisdictions. In order to ensure that Boston police officers assigned to assist or render aid to other departments or jurisdictions are fully protected and have the same authority, immunities and privileges as they would have within the City of Boston, the following procedures are effective immediately and replace Rule 328, dated October 10, 1996:

Sec. 1 GENERAL CONSIDERATIONS:

- A. By statute, *M.G.L. c. 41, s 99*, governs the procedures under which police officers may be assigned to assist outside departments or other jurisdictions. In order for a police officer to be assigned to assist another department or jurisdiction, the request for assistance must be made by one of the following:
 1. Mayor of a city or town, or
 2. (Board of) Selectmen, or
 3. Chief of Police or person designated as having the duties of a Chief of Police, or
 4. Commanding Officer of a city or town – only in the absence of a Chief of Police or person designated as having the duties of a Chief of Police.

- B. For the City of Boston, once a request for assistance has been made by any of the above, only one of the following may legally make the decision to lend assistance:
 1. Mayor, or
 2. Police Commissioner, or
 3. Acting Police Commissioner either appointed by the Mayor or designated in accordance with the provisions of Rule 101, Section 3.1, in the following order:
 - a. In the absence of the Police Commissioner, or upon the vacancy of his/her office without a temporary Police Commissioner having been appointed, the Superintendent-in-Chief will serve as Acting Police Commissioner;
 - b. In the absence of the Superintendent-in-Chief, the Superintendent, Bureau of Field Services, will serve as Acting Police Commissioner;
 - c. If the Superintendent, Bureau of Field Services, is absent or otherwise unavailable to perform his/her duty, the remaining Superintendents will serve as Acting Police Commissioner by seniority, according to their date of appointment to the grade of Superintendent.

Sec. 2 PROCEDURES: Other cities and towns frequently request the assistance of the Boston

Police Department in certain situations. Sometimes the request is for an event where K-9, Mounted, or Mobile Operations personnel will be featured. At other times, the request is of an operational nature, such as situations involving bomb disposal or investigations. In any case, it is important that all requests are handled in accordance with the provisions of M.G.L. c. 41, s. 99 to protect the officers involved.

- A. Whenever a city or town requests the assistance of the Boston Police Department and that assistance involves Boston police officers traveling to and operating in that city or town, the following procedures will be followed:
 1. Non-Emergency Requests: If the request is not of an emergency nature, the person making the request will be advised that any such request may only be made by one of those persons described in Section 1, subsection A. All such requests should be addressed to the Police Commissioner in writing and on Department letterhead.
 2. Emergency Requests: All requests for emergency assistance from a city or town will be immediately referred to the Operations Division. The Duty Supervisor, Operations Division, shall contact the Police Commissioner or an Acting Police Commissioner either appointed by the Mayor or designated in accordance with the provisions of Rule 101, Section 3.1, in the following order:
 - a. In the absence of the Police Commissioner, or upon the vacancy of his office without a temporary Police Commissioner having been appointed, the Superintendent-in-Chief will serve as the Acting Police Commissioner;
 - b. If the Superintendent-in-Chief is absent or otherwise unavailable to perform this duty, the Superintendent, Bureau of Field Services, will serve as Acting Police Commissioner;
 - c. If the Superintendent, Bureau of Field Services, is absent or otherwise unavailable to perform this duty, the remaining Superintendents will serve as Acting Police Commissioner by seniority, according to their date of appointment to the grade of Superintendent.

Sec. 3 RESPONSE AND NOTIFICATION: Upon determining that a request for assistance has been made by a person legally authorized to make such a request, the Police Commissioner or an individual appointed or serving as an Acting Police Commissioner will decide if the request is to be granted and what personnel or units will be assigned, if any. Any personnel so assigned will be notified by the Operations Division and will report to the Chief of the Department requesting assistance, or that Chief's designee.

Sec. 4 DUTY TO OBEY: While operating within another city or town in response to a request for aid or assistance, Boston police officers are subject to all lawful orders given by the Superior Officers and officials of that city or town to the same extent as if they were given by Superior Officers and officials of the City of Boston.

Sec. 5 PROHIBITIONS: No Boston police officer or unit shall be permitted to travel outside the City of Boston to assist another department or jurisdiction, except in accordance with these procedures or while on fresh and continued pursuit and in accordance with both the provisions of M.G.L. c. 41, s. 98A and Rule 301, Section 18, Pursuit into Other Jurisdictions. Officers must also adhere to the procedures specified in Rule 103, Sections 8 and 9.

Sec. 6 DOCUMENTATION: The Police Commissioner, Acting Police Commissioner, Superintendent-in-Chief, Superintendent, Bureau of Field Services, or in his/her absence, the Superintendent that assumes the Acting Police Commissioner's position based on seniority, shall ensure, upon granting any request for mutual aid, that a written report documents the request and actions taken by the Department. Reports shall be filed in the Office of the Police Commissioner as soon as is practicable.

Edward F. Davis
Police Commissioner