



MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TRANSIT POLICE DEPARTMENT

OFFICE OF THE CHIEF OF POLICE



Kenneth Green
Chief of Police

Committed to Excellence - State and Nationally Accredited

EXCESSIVE USE OF FORCE CITIZEN COMPLAINT POLICY

With the implementation of the new Patrol Plan, effective March 12, 2016, the following procedures will be instituted regarding all Excessive Use of Force Citizen Complaints:

1. Those who wish to file complaints against any MBTA Transit Police Department (“TPD”) police officers may file such complaints on-line using the Complaint Form or by sending a letter to TPD Headquarters. Alternatively, when a Supervisor receives a complaint by telephone or email, arrangements will be made to provide the complainant with a copy of the Complaint Form by U.S. Mail or email or, as previously stated, complainant can submit a complaint by letter. The completed complaint form or letter will be forwarded to the Office of Professional Standards by email at professionalstandards@mbta.com or by placing it in an envelope clearly marked Professional Standards and putting it in the Administrative Mail Box located in the report writing room at the TPD. All complainants’ inquiries regarding the status of complaints should be directed to the Office of Professional Standards. Citizens should submit their complaints as soon as reasonably possible.
2. Immediately upon the receipt of an Excessive Use of Force Citizen Complaint, the Supervisor who is in receipt of the complaint will request all video of the incident via email at videorequest@mbta.com and CC ProfessionalStandards@mbta.com. All video will be secured in DIMS under the appropriate Journal/Case number. An Excessive Use of Force investigation cannot proceed unless and until the Excessive Use of Force report reflects that video was requested. The Supervisor or Officer in Charge will ensure (through checking a box on the form) that the Officer’s Use of Force report includes a statement that video evidence was requested or state that no video is available and approval was based solely on the Officer’s reports and statements.
3. All video requests must contain the following information:
 - A. Date of Incident
 - B. Time of Incident
 - C. Location of Incident/Bus number
 - D. Purpose for request
 - E. Case number
 - F. Involved Officer(s)

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4. The Supervisor or Officer in Charge will ensure all Use of Force reports relating to the Excessive Use of Force Citizen Complaint are completed before the completion of the Officer subject to the complaint's tour of duty during which the complaint was received, unless otherwise authorized.
5. Where the Supervisor and not the Officer in Charge took the above-described steps, the Supervisor should forward the necessary documents, including the complaint, to the Officer in Charge, but can, under certain circumstances, forward the documents directly to the Office of Professional Standards. The Officer in Charge then forwards the documents to the Office of Professional Standards for review. The Office of Professional Standards will investigate the complaint and forward its findings to the Deputy Chief of Administrative Services. The Deputy Chief of Administrative Services will review the findings and documentation and either affirm the findings or return them to the Office of Professional Standards for further inquiry. Once the investigation is complete, the Deputy Chief will submit the findings to the Superintendent.
6. All Excessive Use of Force Citizen Complaints must be reviewed and approved by the Superintendent before they are finalized.
7. During the course of the investigation into the complaint, Supervisors may be required to answer questions by the Office of Professional Standards pertaining to approved Use of Force reports.
8. No TPD personnel will conduct an Excessive Use of Force investigation without having successfully completed the Basic Internal Affairs Investigation Course (40 hours).
9. Except for the Superintendent, any TPD personnel who had any involvement in the incident which is the subject of an Excessive Use of Force Citizen Complaint, including TPD personnel who investigated and/or approved Use of Force findings from the Office of Professional Standards, is prohibited from participating, in any capacity, in the Use of Force Committee relative to said case.
10. TPD must contact each complainant and request an interview as part of the Excessive Use of Force investigation. Unless the complainant declines, all complainants in an Excessive Use of Force investigation must be interviewed as part of the investigation. Although TPD prefers these interviews to be conducted in person, the complainant is to be given the choice by TPD for the interview to occur by phone. In person interviews can be at the location of choice of the complainant (e.g., at home) rather than solely at TPD Headquarters.
11. Consistent with the Chapter 120 of the Department Manual, the Professional Standards Unit will review records of Excessive Use of Force Complaints and other complaints that may be filed against a TPD police officer in part to look for patterns of conduct to determine if the employee's behavior warrants further action (e.g., training, counseling, etc.). A review will be conducted by the Superintendent of the TPD or his/her designee of the behavior of any TPD officer who receives one IA

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Pro alert, which is triggered by the one Use of Force incident.¹ The nature and scope of the review will reflect the nature of the alert, the type of incident(s) alleged in them and any other relevant facts that bear upon an officer's performance.

12. In general, all TPD personnel must undergo 4 hours of Management of Aggressive Behavior (MOAB) training within six months of employment. All TPD officers who receive one IA Pro alert, as a result of a Use of Force incident or other incident(s), and for whom the review conducted by the Superintendent or his/her designee indicates that the TPD officer is in need of more aggression management training will be required to undergo an additional 8 hours of MOAB training in the first available MOAB class. Thereafter, those TPD officers who complete the additional 8 hours of MOAB training will be monitored by the Superintendent and/or Deputy Chief of Administrative Services to ensure that the behavior which triggered the need for further training has been properly addressed. This monitoring will occur within 30 days after the completion of the 8 hour MOAB training, will continue for at least 60 days and will include a review of all relevant records and may include an interview with the officer in question. If the issue cannot be properly addressed through training and monitoring, appropriate disciplinary actions will be taken pursuant to Chapter 125 of the Department Manual. Records of the results of this monitoring will be created and maintained by TPD.

Please contact the Office of the Superintendent with any questions.



KENNETH GREEN
Chief of Police

¹ For non-Use of Force incidents, an IA Pro alert is triggered after a certain number of incidents have been recorded, which varies depending on the nature of the incidents. This will also trigger a review by the Superintendent of the TPD.