

February 15, 2023

MHTL STANDS FOR GOOD POLICING

“When you see these types of severe, blatant misconduct, that really has an impact on all police officers.” Those words were spoken by Chief John Carmichael of the Newton Police Department in reaction to the recent release of footage showing several Memphis police officers beating an unarmed black man: Tyre Nichols. Nichols would later die from his wounds in the hospital, sparking yet another moment of reckoning for law enforcement across the country.

To say it has been a difficult time over these last few years would be an understatement, and it would ignore the decades of trauma that preceded the current spotlight on law enforcement. However, in the wake of this most recent tragedy, it is important to reflect on where we are, how far we have come, and where we want to be.

MHTL has long represented multiple police departments across Massachusetts. We appreciate that the vast majority of police departments are composed of hard-working, well-trained law enforcement officers who do not set out to cause harm to the public they are charged with protecting. But a vast majority is not the whole. This nation remains far from where it needs to be with respect to the conduct of some police officers and the relationship between the public and law enforcement in general. Far too often there is a sense of dread associated with the presence of police where there should instead be a feeling of security.

Here in Massachusetts, we believe that we are ahead of the curve when it comes to addressing the fundamental issues facing law enforcement. Our police departments have not suffered from the same number or severity of incidents as those in other states. Our state government has enacted laws in recent years aimed at addressing some of the most egregious practices utilized by some officers. These include banning chokeholds and prohibiting shooting at fleeing vehicles unless absolutely necessary. And the government has established agencies such as the Massachusetts Peace Officer Standards and Training Commission in order to maintain the high standards of training we have come to expect from our law enforcement. But much remains to be done.

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Some other states have gone farther than Massachusetts in their reform efforts. Colorado, for example, has taken measures to ensure accountability among its police officers with a new law set to take effect in the summer of 2023. That law will, among other things, require the release of body camera footage within a month of reported police misconduct and will prohibit officers from tampering with their body cameras. Ideally, these changes will enhance transparency and prevent future incidents of misconduct in any form from being swept under the rug.

Ultimately, it may be that the most important change is one that no law can directly bring about: a change in the basic culture of law enforcement. People will often resist mandates from on high where they would otherwise change their behavior if it came from the bottom up. Moving on from decades of past abuse will not be an easy process. But it can and must be accomplished.

This article was prepared on behalf of MHTL by Attorneys Joseph Proctor, Arthur Murphy and Katherine Hesse. If you have any questions, please contact the attorney assigned to your account, or call (617) 479-5000.

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