


Billerica Police Department 	POLICY NUMBER OPS-23	PAGES 4	EFFECTIVE 4/1/17
	Accreditation Standards: 2.1.2, 2.1.3. General Orders:		
Interagency Mutual Aid			

I. General Considerations and Guidelines

Chapter 40, Section 8G, of the Massachusetts General Laws permits cities and towns to enter into “Mutual Aid Agreements,” for the primary purpose of assisting each respective municipality in protecting the lives, safety, and property of the public, when existing resources are not sufficient to do so.

A city or town, which accepts MGL c.40, § 8G, may enter into an agreement with another city or town to institute mutual aid programs for police departments, and thus augment the capability and effectiveness of each law enforcement agency in the protection of life, property, and safety of the citizens within the territorial area governed by the agreement.

The mutual aid agreement may include the furnishing of personnel services, supplies, materials, contractual services, and equipment when the resources normally available to any municipality in the agreement are not adequate to cope with a situation requiring police action.

When providing such mutual aid, police officers shall have all the immunities and powers granted to them in the municipalities which employ them, including but not limited to, powers of arrest. Officers of the Billerica Police Department are duty-bound to protect civil liberties and rights, as well as citizens’ legitimate privacy interests. The Town of Billerica expects that other agencies that operate within Billerica will adhere to the same legal principles.

II. Written Memorandum of Understanding

In compliance with mutual aid programs annotated in MGL c.40, § 8G, police departments of the Middlesex County, which includes the Billerica Police Department, have accepted the provisions of § 8G and as a result have established and implemented a written Memorandum of Understanding (MOU) for Interagency Mutual Aid.

In signing the MOU, each signatory municipality and respective Chief of Police invokes MGL c. 40, § 8G, and thereby requests the assistance of each of the other signatory chiefs and their department’s police officers in conducting law enforcement and the protection of life, property, and safety of people within their cities and towns so long as this Memorandum of Understanding is in effect.

- A. The Chief of Police of Billerica, thereby requests the assistance of the other signatory chiefs and their departments in conducting law enforcement throughout the duration of the MOU.
- B. Each signatory Chief of Police thereby consents to provide the services of their department throughout the duration of the MOU to the Billerica Police Department and the Town of Billerica.

- C. Each signatory Chief of Police recognizes and asserts that full police authority is granted to every on-duty police officer (including officers actively assigned to police details) of every participating municipality. For the purposes of the MOU, Chiefs of Police shall be the only police officers considered on-duty at all time.
- D. Nothing in the MOU authorizes a member agency to conduct law enforcement functions or provide police services in another jurisdiction, over the objection of the Chief of Police of the specific municipality.

III. Policy

It is the policy of this department to accept the provisions accentuated in the written Memorandum of Understanding, prescribed in M.G.L. c. 40, § 8G, between the Billerica Police Department and the signatory municipalities of Middlesex County.

IV. Procedures

A. Mutual Aid and Extraterritorial Authority

- 1. A police officer of any signatory police department, who observes or becomes aware of criminal activity or any other violation of law, within any other signatory city or town, shall be empowered to take police action for the purpose of:
 - a. Preventing harm to the public;
 - b. Preventing the loss or damage of property;
 - c. Engaging and stopping unlawful behavior; or
 - d. Detaining the offender(s) pending the arrival of a state police officer or a police officer of the city or town where the violation occurred.
- 2. Such law enforcement action shall be deemed to be “mutual aid” to the city or town where the crime or other violation is occurring.

B. Extra-Jurisdictional Administration

- 1. Any police officer of a signatory police department who stops an offender or makes an arrest outside his/her territorial jurisdiction, but within the jurisdiction of another signatory department shall, as soon as practicable, notify the department having jurisdiction over the area where the stop or arrest was made.
 - a. Decisions as to whether to cite a motorist or file criminal charges against the person stopped or arrested, shall be that of the department having jurisdiction over the place where the violation occurred.
 - b. In matters where a violation or offense spans across multiple jurisdictions, or are committed in more than one jurisdiction, any department having jurisdiction over a violation or offense may prosecute that violation.
 - c. A police officer who makes an arrest outside his/her jurisdiction for a crime over which his/her police department has no jurisdiction shall, if requested, turn the prisoner over for processing to a state police officer or an officer of the police department where the offense occurred.
 - d. Should the Chief of Police or Officer in Charge of a police department deem such a stop or arrest to be unreasonable, unlawful or without probable cause;

nothing in the MOU or this policy shall require any further processing involving the stop or arrest.

- e. Any officer who makes an arrest outside his/her territorial jurisdiction for a crime in which his/her police department does not have jurisdiction, shall provide to the department having jurisdiction of the place where the crime occurred, full and complete information about their observations and arrest, including but not limited to a written report.
- f. The Billerica Police Department shall ensure that the arresting officer is available for any and all necessary court appearances.
- g. Billerica police officers acting pursuant to this policy, or who are performing law enforcement duties outside their territorial jurisdiction, shall adhere to the rules, regulations, policies and procedures of the Billerica Police Department.
- h. Billerica police officers are expected to intervene if law enforcement officers from another agency do not observe established legal principles or act outside the scope of the law, and not further facilitate actions or omissions that are considered unlawful or improper. Billerica police officers will not be excused from taking the appropriate intervening action.
- i. Billerica police officers have an obligation to ensure that all persons' rights are observed, and to ensure that law enforcement officers from another agency act within the bounds of his/her legal authority and the Billerica Police Department's established protocol.
- j. Billerica police officers who are asked by a commanding officer of another department to perform a task or duty, which is in violation of the rules, regulations, policies or procedures of the Billerica Police Department, shall immediately notify said commanding officer that they cannot perform the task.
- k. Commanding officers of the Billerica Police Department will honor the same guidelines for officers from other signatory departments.

C. Mutual Aid Resources

1. Any signatory department may request assistance from another member agency for any valid law enforcement purpose including but not limited to:
 - a. Investigative services;
 - b. Technical or tactical assistance;
 - c. Assistance in cases of natural disasters;
 - d. Disturbances or large gatherings of people; or
 - e. Other essential assignments, to include private details.
2. The police departments covered under the MOU for Interagency Mutual Aid between the cities and town of Middlesex County are the departments of: Acton, Ashby, Ashland, Ayer, Bedford, Belmont, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Everett, Framingham, Groton, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Littleton, Lowell, Lynnfield, Malden, Marlborough, Maynard, Medford, Melrose, Natick, Newton, North Reading, Pepperell, Reading, Saugus, Sherborn, Shirley, Somerville, Stoneham, Stow, Sudbury, Tewksbury, Townsend, Tyngsborough, Wakefield, Waltham, Watertown, Wayland, Wellesley, Westford, Weston, Wilmington, Winchester, and Woburn.

3. The Billerica Police Department will post in the dispatch center a list of police departments that are signatories to the Middlesex County MOU.

D. Chain of Command

1. The department requesting assistance is designated as the “lead agency.” Police officers participating in any multi-agency investigation shall act under the direction and command of the lead agency.
2. The lead agency shall have the primary responsibility of making decisions necessary to effectively handle an investigation or incident including:
 - a. Types of services needed;
 - b. Manpower;
 - c. Resources; and
 - d. Assignments.
3. In the event that the focus of an investigation shifts from one municipality to another, or if for some other valid purpose, the lead agency may relinquish command to another signatory department. In such an event, officers participating in the investigation shall be notified of the transferal in command.

E. Liability

1. While in transit to, returning from, and during a mutual aid response for another city or town, a Billerica Police Officer, shall maintain the right of indemnification granted by law, or by his/her home town, or both, for all claims arising out of any action within the scope of his/her employment in accordance with the Memorandum of Understanding.
2. Pay and benefits for Billerica Police Officers; insurance, indemnification, injury compensation and other operational matters related to police services provided for a mutual aid response, shall be provided by the Town of Billerica.
3. Nothing in MGL Ch. 40, § 8G or this policy shall be construed to expand or otherwise modify existing police powers as provided by law or any existing mutual aid agreement or both.