

By Mr. Flaherty of Boston, petition of Michael F. Flaherty and another for legislation to create mutual aid police compacts among border communities of adjoining states. Public Safety. —

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT TO CREATE MUTUAL AID POLICE COMPACTS AMONG BORDER COMMUNITIES OF ADJOINING STATES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 A compact is hereby entered into with all jurisdictions
2 legally joining therein in substantially the following form: —

3 **NEW ENGLAND BORDER COMMUNITIES POLICE COMPACT**

4 **ARTICLE I. PURPOSES.**

5 The purposes of this compact are to: Provide mutual aid and
6 assistance in the event of police emergencies amongst the police
7 forces of adjoining cities and towns located in two or more
8 states and to provide for the powers, duties, rights, privileges
9 and immunities of police personnel when rendering such aid.

10 **ARTICLE II. ENTRY INTO FORCE AND WITHDRAWAL.**

11 (a) This compact shall enter into force when enacted into
12 law by any two of the states of Connecticut, Maine, Massa-
13 chusetts, New Hampshire, Rhode Island and Vermont. There-
14 after, this compact shall become effective as to any other of
15 the aforementioned states upon its enactment thereof.

16 (b) Any party state may withdraw from this compact by
17 enacting a statute repealing the same, but no such withdrawal
18 shall take effect until one year after the governor of the
19 withdrawing state has given notice in writing of the withdrawal
20 to the Governors of all other party states. No withdrawal shall

21 affect any liability already incurred by or chargeable to a party
22 state prior to the time of such withdrawal, and any records,
23 files or information obtained by officers or employees of a
24 withdrawing state shall continue to be kept, used and disposed
25 of only in such manner as is consistent with this compact and
26 any rules or regulations pursuant thereto.

27 ARTICLE III. MUTUAL-AID

28 (a) As used in this Article

29 1. "Emergency" means an occurrence or condition, tempo-
30 rary in nature, in which the municipal police department of a
31 city or town is, or may reasonably be expected to be, unable
32 to cope with substantial and imminent danger to the public
33 safety, and in which the cooperation of or aid from police
34 departments in adjoining cities or towns in another state may
35 be of assistance.

36 (b) In case of emergency, upon the request of the head of
37 the police department of a city or town in a party state, the
38 head of the police department of a city or town in another
39 state adjoining the requesting city or town may respond by
40 ordering such part of his police forces as he, in his discretion,
41 may find necessary to aid the police forces of the requesting
42 city or town in order to carry out the purposes set forth in
43 this compact. In such case it shall be the duty of the head of
44 the police department of each responding city or town to issue
45 the necessary orders for such use of his police forces without
46 the borders of his state, and to direct such forces to place
47 themselves under the operational control of the head of the
48 police department of the requesting city or town.

49 (c) The administrative head of the police department of any
50 responding department, in his discretion, may withhold or
51 recall his police forces, or any part or any member thereof.

52 (d) Whenever any of the police forces of any party state are
53 engaged outside their own state in carrying out the purposes of
54 this compact, the individual members so engaged shall have the
55 same powers, duties, rights, privileges and immunities as mem-
56 ber of the police department of the city or town in which they
57 are engaged, but, in any event, a requesting city or town shall
58 save harmless any member of a responding police department
59 serving within its borders for any act or acts done by him in

60 the performance of his duty while engaged in carrying out the
61 purposes of this compact.

62 (e) All liability that may arise under the laws of the
63 requesting state or under the laws of the responding state or
64 under the laws of a third state on account of or in connection
65 with a request for aid shall be assumed and borne by the
66 requesting department.

67 (f) Any responding department rendering aid pursuant to
68 this compact shall be reimbursed by the requesting department
69 for any loss or damage to, or expense incurred in the operation
70 of, any equipment answering a request for aid, and for the cost
71 of the materials, transportation and maintenance of police
72 personnel and equipment incurred in connection with such
73 request; provided, that nothing herein contained shall prevent
74 any responding department from assuming such loss, damage,
75 expense or other cost.

76 (g) Each party state shall provide, in the same amounts and
77 manner as if they were on duty within their state, for the pay
78 and allowances of the personnel of its police departments while
79 engaged without the state pursuant to this compact and while
80 going to and returning from such duty pursuant to this
81 compact.

82 (h) Each party state providing for the payment of compen-
83 sation and death benefits to injured members and the repre-
84 sentatives of deceased members of its police departments in
85 case such members sustain injuries or are killed within their
86 own state shall provide for the payment of compensation and
87 death benefits in the same manner and on the same terms in
88 case such members sustain injury or are killed while rendering
89 aid pursuant to this compact.

90 ARTICLE IV. ADMINISTRATION.

Rules and Regulations to implement this compact shall be
92 promulgated by the New England State Police Administrators
93 Conference authorized under the New England State Police
94 Compact pursuant to chapter four hundred ninety-eight of the
95 acts of nineteen hundred and sixty-seven.

