

*The Commonwealth of Massachusetts*

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MESSAGE FROM HIS EXCELLENCY THE GOVERNOR  
RETURNING WITH HIS OBJECTIONS THERETO  
IN WRITING, UNDER THE PROVISIONS OF  
ARTICLE II OF SECTION I OF CHAPTER I OF  
PART THE SECOND OF THE CONSTITU-  
TION, THE ENGROSSED BILL RELATING  
TO POLICE OFFICERS IN THE EM-  
PLOY OF A CITY OR TOWN OR OF  
THE COMMONWEALTH.

(Senate, No. 30)

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July 1974

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The Commonwealth of Massachusetts  
EXECUTIVE DEPARTMENT  
STATE HOUSE      BOSTON 02133

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July 19, 1974

*To The Honorable Senate and House of Representatives:*

I am returning, herewith, without my approval, Senate Bill No. 30, amended, entitled "AN ACT RELATING TO POLICE OFFICERS IN THE EMPLOY OF A CITY OR TOWN OR OF THE COMMONWEALTH."

This legislation provides that police officers, whether employed by the Commonwealth or by municipalities, shall not be required to enter the buildings or grounds of any institution or custodial facility under the control of the Department of Correction or of a political subdivision of the Commonwealth during a disturbance without carrying the firearms they are authorized to carry in the performance of their regular duties.

Serious questions have been raised about the wisdom of adopting legislation on this subject and thereby prohibiting the senior officer of the police department on the scene from determining how best to handle the situation.

I returned this bill with the recommendation that it be amended to assure that those in charge of police officers in such situations would retain the discretion to resolve the matter in light of the facts and circumstances before them.

I understand that the proponents of the legislation intended it to preclude a controversy arising between an individual in charge of an institution and the officer in charge of a police unit from whom assistance has been requested. It is the policy of the State Police that any men sent into an institution to suppress a riot or disturbance shall remain subject to the control of their senior officer. To this extent, the bill seeks to remedy a problem which will not arise.

On the other hand, if this bill were to become law it could actually serve to undermine the internal discipline of the police unit. For example, if it is the judgment of the police officer in charge that the men should enter the facility carrying some, but

not every firearm they are authorized to carry in the performance of their duty, this statute would permit a member of the force to refuse to obey such an order. The bill declares that "police officers . . . shall not be required to enter any building . . . without carrying such firearms as they have been authorized to carry in the performance of their duty. . .". I cannot approve a bill which would give to police officers the authority to refuse to obey an appropriate order from a commanding officer.

In addition, I have been advised by the Secretary of Public Safety, the Commissioner of Public Safety and the Superintendent of the Metropolitan District Police that it is their judgment that decisions regarding the tactics to be used in such a situation should be determined by the police officer in charge and not predetermined by statute. I agree.

It would be unfortunate if the measures which could be taken in a disturbance involving one person plus a hostage were governed by such a statute.

For the reasons set forth above, I cannot in good conscience approve the measure and I return the bill without my approval.

Respectfully submitted,

FRANCIS W. SARGENT  
*Governor*  
*Commonwealth of Massachusetts*