

SENATE No. 889

By Mr. Parker, a petition (accompanied by bill, Senate, No. 889) of John F. Parker, Robert A. Hall and David H. Locke for legislation to provide for mutual aid police compacts amongst border communities of adjoining states. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR MUTUAL AID POLICE COMPACTS AMONGST
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
6 and assistance in the event of police emergencies amongst the
7 police forces of adjoining cities and towns located in two or
8 more states and to provide for the powers, duties, rights,
9 privileges and immunities of police personnel when rendering
10 such aid.

11 *Article II. Entry Into Force and Withdrawal.*

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

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

23 chargeable to a party state prior to the time of such with-
24 drawal, and any records, files or information obtained by
25 officers or employees of a withdrawing state shall continue to
26 be kept, used and disposed of only in such manner as is con-
27 sistent with this compact and any rules or regulations pur-
28 suant thereto.

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Article III. Mutual Aid.

30 (a) As used in this Article

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

38

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

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

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

62 by him in the performance of his duty while engaged in carry-
63 ing out the purposes of this compact.

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

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

78 (g) Each party state shall provide, in the same amounts
79 and manner as if they were on duty within their state, for
80 the pay and allowances of the personnel of its police depart-
81 ments while engaged without the state pursuant to this com-
82 pact and while going to and returning from such duty pur-
83 suant to this compact.

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

92 *Article IV. Administration.*

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

