

# Know Your Rights: Police Misconduct

If you believe the police have engaged in misconduct against you, there are a few options you can consider to address your concerns. Of course, we cannot say whether any of these actions are appropriate or will be effective in your individual situation. And, while no one should be subjected to retaliation for filing a complaint, we cannot guarantee that some form of retaliation would not follow.

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**CAUTION:** If you have been charged with a crime and those charges are still pending, we encourage you to talk to your criminal defense attorney about whether it is wise to take any of the steps discussed below unless and until the criminal charges are resolved. Your attorney is in the best position to know whether challenging police misconduct is a good criminal defense strategy or whether a challenge could hurt your case.<sup>1</sup>

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**Option 1:** File an Internal Affairs complaint with the police department.

- A complaint filed with the relevant police department is not a guarantee that the department will be helpful, but it may give the department a chance to learn of and take corrective measures in response to concerns about the conduct of one or more of its employees.
- Most larger police departments provide an online form for submitting complaints. For instance, the Boston Police Department form is here: <https://bpdnews.com/complaintform>, the Worcester Police Department form is here: <https://www.worcesterma.gov/police/professional-standards/citizen-comment>, the Springfield Police Department form is here: <https://springfieldmapolice.com/compliments-complaints/>, and the Massachusetts State Police form is here: <https://www.mass.gov/how-to/submit-a-public-response-report>. Complaints can also be submitted by letter to the chief of any police department.
- When writing up your complaint, it may be helpful to include specific information, such as:
  - your contact information, including name, address, and telephone number;
  - date and time of the incident; if the incident is part of a pattern of continuing practices, make a log of time, date, and location of other incidents;
  - location of the incident(s);
  - names and/or badge numbers of the police officer(s) involved;
  - a specific, concise summary of the incident. You do not have to include all of the details in your original complaint.

<sup>1</sup> A complaint or talk of a lawsuit against the police may hurt your criminal case. Criminal defendants have the right to remain silent, but you can lose that right, for instance if you talk to police internal investigators about an internal complaint. A complaint may also give the police department extra incentive to prepare your case more thoroughly to try to convict you. These are just some of the reasons you should talk to your criminal defense attorney about whether you should take any action.

- We recommend you keep a copy of any complaint you submit.
- In Boston, there is also an office within City government called the Office of Police Accountability and Transparency where complaints about possible police misconduct can be filed: <https://www.boston.gov/departments/police-accountability-and-transparency>

**Option 2:** File a complaint with the State’s Peace Officer Standards and Training (POST) Commission.

- As of early 2023, the POST Commission was just recently created, therefore it is not clear how effective it may be in addressing alleged misconduct.
- The form you can use to file a complaint with the POST Commission is here: <https://policecomplaints.mass.gov/complaint>. We recommend you make and keep a copy of anything you submit for your records.
- Note that, under the POST Commission policies, your complaint may be shared with the officer(s) involved in the incident and/or their employer. If you do not want them to know who is filing the complaint, a third party could submit the complaint or it could be filed anonymously; but of course, based on the description of the incident, the officer and the department will usually be able to figure out on whose behalf it was filed.

**Option 3:** Consult with an attorney who specializes in police misconduct issues to discuss your legal options.

- There are attorneys in Massachusetts who specialize in taking action, including in bringing lawsuits against police officers, who engage in misconduct and/or their employers.
- It may be wise to consult with such an attorney before you decide whether to file a complaint with the police department or POST Commission, as taking these actions may impact any case that you could file.
- Such attorneys may be able to share their views with you including about whether what happened to you was illegal or violated department policies, whether you would or would not be entitled to substantial damages, if you could win a court case, by what date any lawsuit would need to be filed, and other related matters.
- To identify attorneys with experience in police misconduct matters, you can contact the Massachusetts Bar Association Lawyers’ Referral Service at <https://www.masslawhelp.com/lrs-find-lawyer-intellinx.html>, any bar referral service in your city or county, or ask your criminal defense attorney for a suggestion.

**Option 4:** Contact your elected officials for assistance.

- Elected officials in your city or town and/or state legislators elected to represent you may have ideas about how best to handle a specific situation. You can also talk to them about enacting laws to prevent misconduct from happening.
- They may also be able to help if you have filed a complaint and have not received a response in a reasonable period of time.
- To identify your state senator and state representative, you can search here: <https://malegislature.gov/Search/FindMyLegislator>

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