

To: Dr. Branville G. Bard, Jr., Police Commissioner, Cambridge Police Department

From: Roderick L. Ireland, J.D., L.L.M., Ph.D., Chief Justice (Ret.), Massachusetts Supreme Judicial Court; Distinguished Professor of Criminology and Criminal Justice, Northeastern University

Date: April 17, 2019

RE: Incident involving Harvard student and Cambridge police on April 13, 2018

Introduction.

On April 13, 2018, at approximately 9 P.M., four Cambridge police officers (officers) were called to deal with a student from Harvard University (student)¹, who was standing naked on a traffic island located on Massachusetts Avenue at the intersection of Waterhouse Street. The encounter included one of the officers tackling the student to the ground. When the student would not place his hands behind his back to be handcuffed, officers punched him once in the head and approximately five times in the abdomen area, and then used a baton to pry his arms out from under him. The student was handcuffed and placed in leg irons. He was then placed on a stretcher provided by the ambulance that officers had called to the scene, covered with a blanket, and transported to a hospital. The entire incident lasted approximately nine minutes.

Because of the use of force by the officers, the Cambridge Police Department conducted a review of the incident. I was asked to consider the Final Report of Incident Review and Findings, Intake 2018-016, dated November 15, 2018, issued by Chief of Professional Standards, Andrea L. Brown (Report) concerning the incident, provide my assessment of the conduct of the officers, and offer any recommendations.

¹ The names of the student and the officers will not be used in this review. I will refer to the officers by numbers (i.e., Officer 1, Officer 2, Officer 3 and Officer 4) as necessary.

I received the Report on January 10, 2019. The Report concluded that all the actions of the police officers were within policy.

Summary of Assessment

As detailed below, given that the incident occurred on a very narrow traffic island in the middle of Massachusetts Avenue and that the student was apparently in an unstable mental state, the safety of the officers, the student, and the public was very precarious. The officers' attempt to physically subdue the student occurred after he did not respond to reasonable requests to sit down and wait for the ambulance that they had called for him. Instead the student verbally responded to the requests in an incoherent manner, and then made what the officers reasonably concluded was a sudden move causing them to fear that he was going to harm one of them or flee into traffic. I agree with the conclusion of the Report of the Cambridge Police Department that the officers' actions were in keeping with the department's policy when they subdued the student. I also conclude that the officers did not use excessive force in their attempt to handcuff the student. Moreover, the reports the officers made concerning the incident were factually accurate (supported by eyewitnesses and video and audio recordings) and adequately explained that their use of force was a technique designed to try to distract the student so that they could get his hands out from under his body and could place handcuffs on him. The officers stopped their punches as soon as it was clear it was not working and there was no other use of force.

Method of Evaluation:

I thought the most effective way for me to evaluate the incident itself was first to carefully consider what the officers said happened (in their police reports and

subsequent interviews by investigators) and then to determine if these accounts could be corroborated either directly or by reasonable inference. Thus witness statements, the audio recordings of calls to the Cambridge police dispatch (dispatch) and a seven-minute video recording that captured a majority of the interaction between the student and the officers, were extremely helpful. I note that my assessment was guided by legal standards governing use of force by police officers when affecting an arrest (set forth below).

I also reviewed materials provided by the Cambridge Police Department directly related to the incident (listed below). In addition, because I learned that the student was not, as originally thought, under the influence of drugs when the incident occurred,² I thought it would be useful to look at several academic articles and other studies that concern the interactions between police and persons who suffer from some kind of mental illness or disturbance (listed below). I also read several articles about race and policing (listed below), as well as a report that was issued by the Cambridge Review Committee on June 15, 2010, after an event that occurred in July, 2009, involving a Cambridge police officer and a Harvard professor. This report contained recommendations for the Cambridge Police Department to improve interactions with the community.

***Materials reviewed.**

I. Material provided by the Cambridge Police Department.

² I have attached the student's drug screen test, which was taken at 9:43 P.M. that same night, and shows that he tested negative for the presence of drugs. See Attachment A. This document was voluntarily provided to me by the student's attorney, Ronald Sullivan. Even though police officers were told that the student had ingested hallucinogenic drugs (described *infra*), the evidence is to the contrary. Whether the student had ingested drugs does not affect this analysis, however.

1. The Report
2. Policy & Procedures of the Cambridge police department, No. 400.1, Use of Force and No. 401.1, Use of Force Reporting
3. Incident Reports by the officers; transcripts and audio recordings of interviews of the officers and six civilian witnesses
4. Video recordings made by witnesses at the scene
5. Booking report
6. Opinion reports of two police officer experts
7. Other incident reports
8. Audio recordings of various witnesses who called 911

II. Drug screen test provided by the student's attorney.

II. Articles and studies.

Final Report of the President's Task Force on 21st Century Policing (May, 2015).

Missed Opportunities, Shared Responsibilities: Final Report of the Cambridge Review Committee (June 15, 2010).

Chappell & O'Brien, guest eds., International Journal of Law and Psychiatry, Police Responses to Persons with a Mental Illness: International Perspectives, Vol. 37, Issue 4 (Special issue, July-Aug. 2014). Articles in this journal presented studies from the United States, Canada, Australia, Denmark, France, England, and Wales:

- a. Coleman & Cotton, TEMPO: A contemporary model for police education and training about mental illness, pp. 325-333.
- b. Livingston, Desmarais, Verdun-Jones, Parent, Michalak, & Brink, Perceptions and experience of people with mental illness regarding their interactions with police, pp. 334-340.
- c. Bonfine, Ritter, & Munetz, Police officer perceptions of the impact of Crisis Intervention Team (CIT) programs, pp. 341-350.
- d. Watson, Swartz, Bohrman, Kriegel, & Draine, Understanding how police officers think about mental/emotional disturbance calls, pp. 351-358.
- e. Krishan, Bakeman, Broussard, Cristofaro, Hankerson-Dyson, Husbands, Watson, & Compton, The influence of neighborhood characteristics of police officers' encounters with persons suspected to have serious mental illness, pp. 359-369.
- f. Sestoff, Rasmussen, Vitus, & Kongsrud, The police, social services and psychiatric cooperation in Denmark – A new model of working practice between governmental sectors. A description of the concept, practice and experience, pp. 370-375.

g. Girard, Bonin, Tinland, Farnarier, Pelletier, Delphin, Rowe, & Simeoni, Mental health outreach and street policing in the downtown of a large French city, pp. 376-382.

h. McLeod, Thomas, & Kesic, The frequency and nature of resolution of potential police provoked shooting encounters, pp. 383-389.

i. Trofimovs & Dowse, Mental health at the intersections: The impact of complex needs on police contact and custody for indigenous Australian men, pp. 390-398.

j. Chappell, Firearms regulation, violence and the mentally ill: A contemporary Antipodean appraisal, pp. 399-408.

k. Kesic & Thomas, Do prior histories of violence and mental disorders impact on violent behavior during encounters with police?, pp. 409-414.

l. Al-Khafaji, Loy, & Kelly, Characteristics and outcomes of patients brought to an emergency department by police under the provisions (Section 10) of the Mental Health Act in Victoria, Australia, pp. 415-419.

m. O'Brien & Thom, Police user of TASER devices in mental health emergencies: A review, pp. 420-426.

Associated Press, 14 High-Profile Police-Related Deaths of US Blacks, Canadian Broadcasting Corp. (Dec. 7, 2017, updated Dec. 8, 2017) at <https://www.cbc.ca/news/world/list-police-related-deaths-usa-1.4438618>.

Clayfield, Fletcher, & Grudzinskas, Development and Validation of the Mental Health Attitude Survey for Police, 47 Community Mental Health J. 742 (2011).

Morris, Police Encounter Many People with Mental-Health Crises. Could Psychiatrists Help?, Washington Post (July 23, 2018).

Paoline, Gau, & Terrill, Race and the Police Use of Force Encounter in the United States, 58 Brit. J. Criminol. 54 (2018) (advanced access publication Dec. 26, 2016).

Rosler & Terrill, Mental Illness, Police Use of Force, and Citizen Injury, 20 Police Quarterly 189 (2017).

Stoughton, Law Enforcement's "Warrior Problem" 128 Harvard Law Review Forum 225 (2015).

Thompson, & Kahn, Mental health, race, and police contact: intersections of risk and trust in the police, 39 Policing: An International Journal of Policing Strategies & Management 807 (2016).

Weitzer, Theorizing Racial Discord over Policing Before and After Ferguson, 34 Justice Quarterly 1129 (2017).

Whichard & Felson, Are Suspects Who Resist Arrest Defiant, Desperate, or Disoriented, 56 Journal of Research in Crime and Delinquency 564 (2016).

Wood & Watson, Improving police interventions during mental health-related encounters: past, present and future, 27 Policing and Society (2017).

***Legal standard.** A use of force review of the arrest of the student was prepared by Officer Cameron Deane of the Cambridge Police Department, a Level IV Instructor-Trainer/Middlesex County for the Massachusetts Police Training Committee. In that review which was attached as part of the addendum to the Report, Deane sets forth the legal standard for determining whether the use of force by police officers who are affecting an arrest is reasonable. I agree with Deane that the standard set forth by the United States Supreme Court in Graham v. Connors, 490 U.S. 386 (1989) is the correct standard. That is, the reasonableness must be judged from the perspective of a reasonable officer on the scene, who must make split second decisions in circumstances that are uncertain and change rapidly. id. at 396-397. See generally, Gutierrez v. Massachusetts Bay Transportation Authority, 437 Mass. 396 (2002) (using the standard for evaluating police use of force as set forth in the Graham case).

Facts as Reported by the Officers.

Four officers were called to Massachusetts Avenue to deal with a black man who was standing naked on a traffic island. It was a Friday night in Harvard Square with traffic moving in both directions on either side of the island. Officers spoke in calm

tones and told the student that they were there to help him, that an ambulance was on its way and asked him to sit down. The officers did not brandish any weapons (gun, baton, taser, pepper spray, etc.).

The student would not sit down and responded to all of their questions with his own questions such as, "Who are you?" and "So?" Officers were concerned about his safety and their own. Three of the officers positioned themselves in front of, behind and to one side of the student (Officers 1, 2 and 3 respectively), keeping a distance so that the student could not grab at their weapons. A fourth officer (Officer 4) learned the student's name, that he was a Harvard student, and was told by a female friend of the student (friend) that the student had ingested a hallucinogenic drug (LSD or "morning glory"). Officers tried to talk to him using his name but the student still did not respond in a coherent manner.

Officer 4 then began to stop traffic on the northbound side of Massachusetts Avenue (toward Porter Square), but traffic continued to flow on the southbound side (toward Harvard Square). The student took a step or two toward Officer 1. He then turned around and walked quickly toward Officer 2, with his arms raised to about waist level. Officer 2 put up his hands, said, "Whoa, whoa," and moved back. At that moment Officer 1 was concerned that the student was going to harm Officer 2 or run into traffic and grabbed the student from behind by the legs and brought him to the ground.

The student started screaming, "I need Jesus," as the three officers tried to get him to put his hands behind his back. Instead of complying, the student was flailing, screaming, and lying on his arms and hands. At some point an MBTA police officer

who happened to be driving by, stopped to assist. One of the officers hit the student once in the head with his fist hoping to distract him so that they could get his arms out from under his body. It did not work. Another officer then punched the student in the abdomen area approximately five times, again hoping to provide enough of a distraction so that they could get the student's hands out from under his body. When that did not work, one of the officers used his baton to pry each of his arms out from under him. He was put in handcuffs with his hands behind his back. Because he was still screaming and flailing, officers also put leg irons on him.

Officers held the student on the ground until the ambulance arrived, which was shortly thereafter. He was then lifted onto a stretcher and had to be restrained because he still was screaming and flailing. A blanket was put over him, he was placed in the ambulance, and taken to a hospital. One of the officers rode in the ambulance.

The student remained incoherent in the ambulance and at the hospital (singing what seemed like religious hymns, yelling, and saying, "I need Jesus" and "Help me Jesus"). In the ambulance the student spat on one of the emergency services personnel and the officer had to hold the student's head to the side. Once in the hospital the student was fitted with a mask but still managed to spit on the officer. The student had to be sedated.³

Review.

³ The student was apparently injured when he was tackled: he was bleeding either from his nose or mouth. After what appears to be a brief stay at the hospital, the student was transferred to Mclean's Hospital.

Three of the officers were treated for minor bodily injuries. One of the emergency medical technicians in the ambulance and two officers were treated for exposure to bodily fluids.

Everything the officers reported is verifiable based on reports by eyewitnesses, the audio recordings of the calls to the Cambridge police dispatch, and video recordings that witnesses took and provided to the police.

First, the police were called because dispatch received several calls from people who were worried about the student. The initial call came from someone at Harvard Health Services because the student's friend had called and said that the student had ingested drugs, was walking naked around the common across from Harvard, and was "tripping." Cambridge dispatch called that friend directly and asked if the student needed an ambulance and one police car was sent to investigate. The friend reported that she now thought things were under control as she had been able to get the student to put his clothes back on, and asked that she be allowed to just walk him home.⁴

However, shortly thereafter the friend called dispatch back and said that the student was no longer calm and asked for help. In the meantime, there were calls to dispatch from several other witnesses who said that: the student was walking around the common wearing only underwear and was asking one witness strange questions; the student had taken off his underwear and thrown it in the friend's face; and the student, now naked, had walked onto Massachusetts Avenue without regard to the traffic.

This information, coupled with the information about what had happened once the student was put in the ambulance, supports the statements by the officers that when they tried to talk to the student he responded to their questions in an incoherent

⁴ The police could not find the student and after the friend reported that she just wanted to walk the student home, it appears that dispatch relayed that information to the police car that had been summoned and they ceased looking for the student at that point.

manner. Furthermore, on the video recording (video) at one point the student can be heard saying to Officer 1, "Who are you?"

Second, officers reported that they were using calm voices when speaking to the student and asked him to sit down.

This assertion is supported by several eyewitnesses who stated that although they could see officers speaking to the student, they could not hear what was being said. From the video, it is obvious that if the officers had been shouting, witnesses would have heard it. At one point Officer 4 can be heard telling the student's first name to Officer 1, and then Officer 1 is heard addressing the student using that name. As mentioned above, the student can then be heard to say, "Who are you?" Officer 2 can be heard saying, "Whoa, whoa" when the student stepped toward him.

When the student was on the ground, he can be heard screaming and saying, "I need Jesus," at least once and his continuous screams can be heard. One officer can be heard saying something like, "Give us your hands" in a louder voice and an officer can be heard saying the words "leg irons." Other than these specific instances, nothing else that was specifically said by any of the officers, the student, or ambulance personnel can be heard on the video. Therefore, I believe that the officers used calm tones when speaking to the student.

Third, the officers said that they were concerned about the safety of themselves and the student.

The concern by police for the student's safety is obvious because one of the responding officers called immediately for an ambulance (instead of, for example, calling for more backup to arrest the student for indecent exposure). In fact, the police

dispatcher asked the student's friend if the student needed an ambulance during his first conversation with her, long before the police encounter.

The video also shows the reason that safety concerns were paramount during the encounter. The traffic island that the student was on when police arrived was extremely narrow. In fact, although Officers 1 and 2, who were standing in front of and behind the student,⁵ were physically on the island, Officer 3, who stood to one side of the student, had to stand on Massachusetts Avenue. Moreover, Officer 3 was standing on the side of the street where traffic continued to flow throughout the incident. In addition, the student was not calm; at various times he was swinging his arms by his side, and pacing. At one point he pointed his finger at Officer 1 and said something. It is clear that the officers positioned themselves around the student because he was not coherent, and there was a risk that he could try to run (as he had when he left the common and walked onto Massachusetts Avenue). Because the island was narrow, in two or three steps he would have been in the street. If he ran into the street where traffic was flowing, he could have been hurt. In addition, there was a risk that if the student ran, he could have caused a motorist to be hurt, or cause a motorist to swerve, risking harm to the many bystanders who had stopped to watch the incident.

Fourth, the police officers stated that the student made a sudden move toward Officer 2, and Officer 1 thought that he might harm the officer or run, so he made the decision to bring the student to the ground.

The video clearly shows the student first taking a step toward Officer 1 and then rapidly turning around and stepping toward Officer 2. Officer 2 is seen putting his

⁵ Because the student was moving around, at points where he had his back to the northbound side of Massachusetts Avenue, these officers became positioned on either side of the student.

hands up, and saying, "Whoa, whoa." Given this sudden move and all of the circumstances just recited (i.e., that the student was not coherent and did not respond to requests to sit down, and the safety concerns for the officers, the student, and the public), I conclude that it was reasonable for the officers to try to subdue the student.

Fifth, the officers stated that once they tackled the student, he was flailing, refused to put his hands behind his back and instead was lying with them under his body. Because he would not cooperate, one officer punched him once in the head hoping to distract him so that he could then get ahold of at least one arm. That failed and he did not punch again. A second officer tried punching the student in the abdomen area approximately five times and stopped when that failed. Finally, one officer used his baton to pry each arm out from under the student.

The video shows the student flailing and screaming once he is on the ground and one officer can be heard saying rather loudly and sternly something like, "Give us your hands." The video shows only the number of blows that the officers said they used. No witness who was interviewed stated that they saw the officer's strike more blows than the officers stated (in fact, it does not appear that witnesses saw the first blow to the student's head).

Witnesses also stated that they did not see any officer use or brandish any weapon (i.e., gun, baton, pepper spray, or taser) and their observations are supported by the video. In fact, it is clear that Officer 2 had nothing in his hands when he put them up as the student stepped toward him. Moreover, it does not appear that any witness saw the officer use his baton to pry the student's arms out from under him and it cannot be seen in the video, either.

All witnesses who were interviewed stated that they did not see the officers hit, kick, or use any force on the student once he was handcuffed and that fact, too, is supported by the video. The video shows that once the officers had the student in handcuffs and leg irons, they held him down until the ambulance came. It is clear in the video that the officers are intent on their task of keeping the student on the ground, but there is nothing that indicates any of them are displaying anger toward the student. In fact, they all help ambulance personnel get the student onto the stretcher so that he could be transported to the hospital.

Sixth, it is clear that many of the bystanders were very upset when the officers tackled the student and were seen punching him. One bystander can be heard on the video saying in a loud voice that the student could not get his arms out from under him because the officers were on top of him. Another can be heard saying loudly, "Let him breathe." And it is clear that from the student's screaming and saying, "I need Jesus," that he was extremely frightened while the officers were trying to handcuff him; indeed it is upsetting to watch.

However, the officers who punched the student stated that this was taught to them as a technique to distract individuals who resist being handcuffed. This assertion is supported by the documents provided by the police experts that are attached in the addendum to the Report. In addition, using a baton to pry the student's arms out from under him is also part of police training.

I have no reason to doubt the veracity of these statements and documents. In addition, as stated above, the video does not show more force than the officers identified as part of their training.

For these reasons, I conclude that the determination that the officers' actions were within the policy of the Cambridge Police Department is correct and that the officers did not use excessive force when they subdued the student.

Recommendations.

I am not an expert in police training. However, it is clear from the literature I reviewed that the thinking about the role of a police officer has been changing from what has been called the "warrior" role where, "motivated by the undeniable importance of officer safety,"⁶ training emphasized the danger to officers from the public but created a risk that an officer with such a mindset could make a situation more dangerous,⁷ to a "guardian" role that "emphasizes communication over commands, cooperation over compliance, and . . . patience and restraint over control."⁸ As a result of the deinstitutionalization of the mentally ill, "a decades-long push to treat people with mental illness in the community rather than in mental institutions, police officers have increasingly assumed the role of first responders to psychiatric emergencies."⁹

⁶ Stoughton, Law Enforcement's "Warrior Problem" 128 Harvard Law Review Forum 225, 227 (2015).

⁷ *Id.* at 226-237, 230. Apparently the military has been implementing changes in their warrior style tactics. See *id.* at 232 & n. 35.

⁸ *Id.* at 231. The author, a former police officer, see *id.* at 229, and professor at the University of South Carolina School of Law, offers suggestions to help police departments move toward developing the guardian role, including having non-enforcement contact with the community and exercising tactical restraint. *Id.* at 321-232. He notes, however, "In some cases, of course, emergency situations will require an enforcement-oriented response." *Id.* at 232, n. 36.

See also, Final Report of the President's Task Force on 21st Century Policing, Executive Summary at 1 (May, 2015) (stating that law enforcement should develop a guardian role to increase trust and legitimacy).

⁹ Morris, Police Encounter Many People with Mental-Health Crises. Could Psychiatrists Help?, Washington Post (July 23, 2018).

Therefore, in the United States and elsewhere, efforts to have police officers trained to respond as guardians have increased.¹⁰

It is clear to me that the officers involved in this situation were acting as guardians to the extent they could, given that the circumstances and physical location made this encounter an emergency. They immediately called an ambulance for the student. They spoke calmly to him and tried to get him to sit down. Even when they tackled him, they did not use excessive force in trying to handcuff him to prevent him from endangering himself and others. In addition, once the student was in the ambulance, Officer 4, who had been directing traffic, and a supervising officer who had been called to the scene, not only interviewed witnesses, but also remained for a while and spoke to bystanders, and answered their questions. Moreover, it is clear from the video that although Officer 4 was trying to keep bystanders away from the officers who were dealing with the student, he did not stop anyone from recording the incident. Finally, although the student was initially charged with, *inter alia*, indecent exposure, resisting arrest, and assault and battery on ambulance personnel, the charges were dismissed by a joint motion of the student's attorney and the Middlesex District Attorney.

Prior to this incident, the Cambridge Police Department had the benefit of recommendations from a group of distinguished experts when, in 2010, a report was issued after an encounter that occurred between a Cambridge Police Officer and Dr.

¹⁰ See, e.g., Coleman & Cotton, TEMPO: A contemporary model for police education and training about mental illness, *International Journal of Law and Psychiatry, Police Responses to Persons with a Mental Illness: International Perspectives*, Vol. 37, Issue 4 at 325-333 (Special issue, July-Aug. 2014) (discussing various models for training police to interact with people with mental illness in the United States, Canada, England, Wales and Australia and proposing a new model).

See also, Morris, *supra* (discussing Albuquerque, New Mexico, approach since 2007 of having a psychiatrist working on the front lines with police);

Henry Louis Gates, Jr., of Harvard University.¹¹ It is clear to me from the actions of the officers here that the Cambridge Police Department has been implementing many of the changes that were suggested.

That said, I offer four specific recommendations:

* The recommendations of the experts from the 2010 report are still key. I assume that the Cambridge Police Department will call on experts periodically to be sure that the department is abreast of best practices and to find new ways to create trust between the police and the community.

* I suggest an internal (nonpublic) review of the incident (and any incidents of this nature in the future) to be sure that the actions of the officers were in keeping with current best practices.

* The literature on officer skills in dealing with people with mental illness say that continued training is important. If it is not already doing so, I suggest that the department make sure that training is frequent and involves all staff.¹²

* Continued public outreach and education is important.

Such outreach is important, because it is difficult for the average layperson to look at this particular incident in isolation from the numerous cases that have occurred across the country in which black men have been subjected to overreactions or excessive force from police officers, including the Gates case that occurred right in

¹¹ Missed Opportunities, Shared Responsibilities: Final Report of the Cambridge Review Committee, Executive Summary at 8-9 (June 15, 2010).

¹² For example, Cameron Deane, one of the experts whose analysis of the incident is attached to the Report (discussed in the text, supra) recommended "expanding the use of more dynamic scenario-based trainings."

Albuquerque, New Mexico has had a psychiatrist working with police since 2007. See Morris, supra.

Cambridge.¹³ Rightly or wrongly, any event involving police will be looked at with some skepticism and questioning.

For example, one bystander to this incident clearly was worried that the student could not breathe while officers were trying to handcuff him. The bystander can be heard on the video saying loudly, "Let him breathe." I assume this worry stemmed from the actions of police in New York City who, while arresting an African American, Eric Garner, for illegally selling cigarettes, used a choke hold that resulted in Mr. Garner's death.

Such outreach also is important because, the public does not always understand what officers are doing and why they are doing it. In this case, for example, one witness who was interviewed by police clearly misunderstood the physical stance (i.e., "bladed" stance) officers used. As officers explained it, the stance is part of their training and was used so that the student would not be able to knock them down as readily and to keep their weapons away from the student's grasp. However, the witness believed that the officers were being aggressive and making things worse.

Therefore, I suggest arranging a meeting to discuss this specific event, inviting the public, including students from local colleges who are interested in or have questions about the incident to attend. Because this incident involved a Harvard student and because there were Harvard students present at the arrest, perhaps this could be done in conjunction with the Harvard University police.

¹³ See, e.g., Associated Press, 14 High-Profile Police-Related Deaths of US Blacks, Canadian Broadcasting Corp. (Dec. 7, 2017, updated Dec. 8, 2017) at <https://www.cbc.ca/news/world/list-police-related-deaths-usa-1.4438618>.

And finally, I suggest that the Cambridge Police Department periodically schedule programs or forums to Inform and acquaint the public with police practices,¹⁴ for the reasons articulated in the 2010 report concerning the national attention that the arrest of Dr. Gates generated:

In some ways, the arrest . . . was not a unique event, or even an unusual one. Police departments across the nation regularly contend with the issues of race, class, respect, and police authority, and these issues must be addressed forthrightly if police officers' actions are to win support in American communities.

Police must strive to develop operational practices that are effective in providing public safety, and at the same time are perceived as respectful by the residents.... [M]iscommunications often can result in residents perceiving rudeness in actions that a police officer considers necessary, or even respectful given the circumstances.¹⁵

This case also garnered national attention for many of the same reasons as the incident involving Dr. Gates, and much of the initial public reaction was negative.

I carefully considered all of the evidence and circumstances, and conclude that the officers of the Cambridge Police Department acted appropriately and I found no evidence that they used excessive force.

Respectfully submitted,



Roderick L. Ireland

¹⁴ Officer Cameron Deane, also recommended that the department provide training to influential community members relative to how and why police officers use force. See note 12, supra.

¹⁵ Missed Opportunities, Shared Responsibilities, supra at 13-14.