

Guidance for EOHHS Service Staff Regarding Law Enforcement:

Guidance for Massachusetts Department of Public Health (DPH) Staff

The Executive Office of Health and Human Services is prepared to support clients and communities during times of emergencies including natural disasters, winter storms, fire, or other incidents within our cities and towns. EOHHS is also available to assist our staff by sharing information and guidance to manage an emergency.

In the course of providing services, staff at state operated and contracted programs may receive requests from law enforcement agencies at all levels of government. EOHHS issues this guidance to support programs in fulfilling their legal obligations, appropriately responding to law enforcement requests, and protecting the safety of residents, staff, and community members.

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- In general, requests from law enforcement should be elevated to the highest-ranking on-site employee of the state agency or provider.
- In some cases, individuals receiving services may call law enforcement on their own. If law enforcement arrives at a program at the request of a client, staff should notify the client as quickly as possible and facilitate the client's voluntary contact with law enforcement.
- If law enforcement presents a judicial warrant, signed by a judge, DPH staff should comply with the terms of the warrant. DPH staff should notify the Office of Preparedness and Emergency Management Duty Officer at (617) 339-8351 and their supervisor or if off-hours, the supervisor on call, of the judicial warrant as soon as possible, but such notification should not delay compliance with the judicial warrant. Because not all warrants are judicial warrants, training is available for staff on how to recognize a judicial warrant. Please email orittrainingrequest@mass.gov to schedule a training or receive a recorded version of a prior training.
- Staff should comply with law enforcement requests as necessary to prevent immediate harm to clients, staff, or community members.
- Law enforcement should be allowed access to program areas to the same extent as members of the general public. Existing written policies should identify which areas of the program are open to the general public (e.g., a lobby) and which areas are open only to clients and staff (e.g., rooms), including policies restricting visitors.
- If law enforcement makes a request for specific information (in person, by phone, or by email), DPH staff should consult with their highest-ranking supervisor who should call the Office of Preparedness and Emergency Management Duty Officer at (617) 339-8351 for additional guidance.

- If law enforcement requests access to non-public areas of the program when there is no immediate health or safety threat, without a request from a client, and without presenting a valid judicial warrant, DPH staff should ask law enforcement not to access the non-public areas and immediately consult with their highest-ranking supervisor who should inform the Office of Preparedness and Emergency Management Duty Officer at (617) 339-8351. If officers present a valid judicial warrant, staff should contact the Office of Preparedness and Emergency Management Duty Officer at (617) 339-8351 by phone but also be prepared to comply with the terms of the judicial warrant as directed by the officer.

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Remember...

Staff should *never* attempt to physically interfere with law enforcement.

Staff may always write down details regarding an incident, including officer badge numbers and notes of conversations between staff and the officers.

In all cases, supervisors should submit an incident report detailing contact with law enforcement after any immediate safety threat has been addressed.

Additional questions may be directed to your supervisor who may consult with your program's legal counsel.