



REPORT
of the
MIT CAMPUS POLICE
REVIEW PANEL

Delivered to
President Susan Hockfield
And
Executive Vice President Theresa Stone

August 31, 2009



Introduction

On March 14, 2009, Massachusetts State Police arrested Joseph D'Amelio, an MIT Campus Police officer, during an undercover investigation of unlawful trafficking in prescription pain medication. Mr. D'Amelio had driven an MIT Campus Police patrol car, while wearing his MIT Campus Police uniform, to the location of a "sting" operation in East Boston. He was charged with two counts of unlawful trafficking in a controlled substance, one count of conspiracy to violate drug laws, and one count of possession of a controlled substance with intent to distribute.

The arrest of Mr. D'Amelio was a cause for great concern for MIT. MIT Campus Police officers have law-enforcement powers on the MIT campus and carry firearms. Campus Police officers are expected to perform at the highest level of professionalism while serving and protecting the MIT community. The arrest of one of those officers, even off campus, is deeply troubling. President Susan Hockfield established this review panel and charged it to report to her and to MIT's Executive Vice President, Theresa Stone, to whom the Chief of MIT Campus Police reports, on two questions:

1. Does MIT Campus Police have and follow policies and procedures, including standards of conduct and disciplinary tools, that promote performance at the highest level of professionalism?
2. Can MIT confidently state that it has no knowledge of Mr. D'Amelio engaging in illegal or improper acts on the MIT campus or involving MIT students or other members of the MIT community?

This report states the review panel's findings and conclusions.

Executive Summary

The panel reviewed MIT Campus Police policies and procedures and compared relevant portions to the policies and procedures of the City of Cambridge Police Department and those of campus police departments of other colleges and universities in the region. The panel reviewed information on the employment history and arrest of Mr. D'Amelio. The panel also interviewed the Chief of MIT Campus Police, the officers of the MIT Campus Police Association, MIT Campus Police detectives, other MIT personnel, and the Chief of the Boston University Police Department. The panel benefitted greatly from the participation of Robert Haas, the Commissioner of the Cambridge Police Department.

1. With respect to the question of MIT Campus Police policies and procedures, the panel concludes that Campus Police operates at a high level of professionalism, but changes in Campus Police policies and procedures are required to empower the Chief of Campus Police to address the problem of an officer who fails to meet high standards of conduct while off-duty. Specifically, Campus Police policies and procedures lack



provisions of a type that some other police departments have, requiring officers to notify their supervisors of various types of off-duty events, such as involvement in a criminal proceeding. Some other police departments also specify types of off-duty behavior that violate a code of conduct. Such provisions, if adopted by MIT Campus Police, would alert the Chief to indications of potentially risky on-duty behavior, to behavior that actually or potentially impairs an officer's ability to function on duty, and to behavior that would cast Campus Police or MIT in a negative light.

MIT Campus Police also do not presently conduct, but may benefit from, random drug testing of its officers. Such a procedure would contribute to a culture of high expectations for behavior, both on-duty and off-duty.

In the course of interviews, the panel learned that Campus Police has undertaken a comprehensive review and revision of its rules and regulations and its separate policies and procedures, but that that process has progressed very slowly. The panel encourages Campus Police leadership to develop a process for regular, timely, and cooperative review and amendment of both its rules and regulations and its policies and procedures. Such a process would enable the Chief and the Campus Police officers to enhance Campus Police standards of conduct and operations to the highest current level among peer police forces, and would promote continuous improvement in standards of conduct and operations thereafter.

2. With respect to the question of Mr. D'Amelio's conduct, the panel found no evidence to believe, or to suspect, that Mr. D'Amelio engaged in illegal drug trafficking on the MIT campus or involving MIT students or other members of the MIT community. While a negative cannot be proved, the panel received information regarding Mr. D'Amelio's conduct and statements after his arrest and the panel made other inquiries that could have elicited information probative of illegal drug trafficking by Mr. D'Amelio on the MIT campus or involving others in the MIT community. The panel found no such evidence. Of course, the panel had no subpoena power, power to compel sworn testimony, or other investigatory powers available in a legal proceeding. From the available information, however, the panel concludes that MIT can say with confidence that it has no knowledge of Mr. D'Amelio engaging in drug trafficking on the MIT campus or involving MIT students or others in the MIT community.

Separate from these two questions, the review panel recommends that MIT consider whether Campus Police has an optimal staff structure. Presently, the entire Campus Police work force consists of sworn police officers – i.e. officers trained at police academy, vested with law enforcement powers, authorized to arrest, and licensed to carry firearms – with an exception of two administrative assistants and one IT support staff. Other police departments, including other colleges and universities in the region, include a combination of sworn officers and public safety personnel. Public safety personnel are not empowered to carry arms, to arrest, to use force, or to engage in other police functions. Rather, they perform a wide variety of security functions, such as lock outs (assisting those who inadvertently lock themselves out of their offices, labs, or dorm



rooms), transports (assisting those who need medical help to MIT Medical), escorts (accompanying people across campus at night), and similar tasks that occur often on a university campus but do not require the specialized training and capabilities of sworn police officers. MIT Campus Police also uses only sworn officers to staff its dispatch operations. Although this topic is beyond the charge to the panel, the panel received sufficient information to conclude that this subject deserves further attention and may warrant change.

Factual Background

MIT established its Campus Police over 50 years ago. Presently, Campus Police employs 35 patrol officers, 10 sergeants, 2 captains, a Deputy Chief, and the Chief, with 3 administrative support personnel. Campus Police officers have law enforcement powers on the MIT campus under a grant of authority from the Massachusetts State Police, and in adjacent areas under a deputization by the Middlesex and Suffolk County Sheriffs. They do not have law enforcement powers beyond those areas. They are police-academy trained and are sworn to uphold the law. Campus Police patrol officers are represented by a union, The MIT Campus Police Association, for collective bargaining and other employment purposes.

Campus Police hired Mr. D'Amelio as a patrol officer in September 2002, placed him on unpaid administrative leave immediately following his arrest on March 14, 2009, and terminated his employment on April 6, 2009. On the day of Mr. D'Amelio's arrest, Massachusetts State Police received information that a Federal Express package being shipped to the Boston area included a large quantity of prescription pills. Massachusetts State Police, working with federal and Boston Police officers, set up an undercover delivery of the package, leading to the arrest of the person who had sent the package from Florida and received it himself at the delivery point in East Boston. That person said that Mr. D'Amelio was one of his drug customers. Cooperating with the police, he called Mr. D'Amelio on Mr. D'Amelio's cell phone.

When called, Mr. D'Amelio was on duty for Campus Police. He requested and received permission from the Campus Police dispatch officer to drive the Campus Police car off campus to bring dinner in for the Campus Police station, but instead drove to the location of the undercover operation in East Boston. After discussing the purchase of the pills in a conversation pre-arranged and overheard by the undercover police, he was arrested.¹

¹ For the facts of Mr. D'Amelio's arrest, the panel is relying on the Incident Report (complaint no. 090136164), dated March 15, 2009, prepared by the arresting Massachusetts State Police officer and Boston Police.



Question 1 – Performance at the Highest Level of Professionalism

President Hockfield charged the panel to review whether MIT Campus Police has and follows policies and procedures, including standards of conduct and disciplinary tools, that promote performance at the highest level of professionalism. To address this question, the panel interviewed the following individuals:

- The Chief of Campus Police, John DiFava
- The President of the MIT Campus Police Association, Joseph West, and other Campus Police patrol officers who presently serve as officers of the MIT Campus Police Association
- Other Campus Police officers
- The Chief of the Boston University Police Department, Thomas Robbins

Robert Haas, Commissioner of the Cambridge Police Department and a member of the panel, provided additional, and very helpful, information on this question. The panel also reviewed the written rules and regulations and separate, written policies and procedures of Campus Police and a comparison of those to the rules, regulations, policies, and procedures of various other police departments, including police departments of regional colleges and universities.

The panel concludes that Campus Police aspires to and does perform at a high level of professionalism. That conclusion is evidenced by numerous facts. All Campus Police officers are trained in a police academy and undergo subsequent annual training. New hires to Campus Police who were not police-academy trained in prior police positions are trained at the Lowell Police Academy, which is conducted by the Lowell, Massachusetts police department in conjunction with the Cambridge and Lawrence, Massachusetts police departments. Campus Police has written rules and regulations that articulate fundamental principles of professional police work and conduct, and written policies and procedures that provide suitably flexible guidelines for Campus Police officers. All new hires review both the rules and regulations and the policies and procedures under the supervision of a Campus Police sergeant. All personnel are subject to disciplinary action for misconduct or inappropriate behavior on duty. In addition, supervisors may file observation reports to record either commendable or unacceptable work. And the leadership of Campus Police, through its Chief, Deputy Chief, and captains, communicates, inspires, and enforces a culture of professionalism.

Campus Police lacks, however, a written policy or procedure that effectively addresses the off-duty conduct of its officers. The off-duty conduct of officers is highly relevant to their on-duty performance in several ways.

First and most fundamentally, a public perception and appreciation that Campus Police officers are held to a high standard of on-duty, professional conduct is critically important for the effective operation of Campus Police, because effective policing depends in vital part on the authority and respect that the public vests in police officers.



Violent, risky, intemperate, illegal, or other inappropriate behavior by police officers undermines that authority and respect, whether the behavior occurs on-duty or off-duty. Associating off-duty with others who engage in such behavior has the same negative effect.

Second and more practically, inappropriate off-duty behavior may cause a Campus Police officer to lose any one or more of the three licenses required to perform as a police officer. Every Campus Police officer must have a valid Massachusetts driver's license, a valid Massachusetts license to carry a firearm, and a current warrant of authority to act as a campus police officer from the Massachusetts State Police. If off-duty behavior caused a Campus Police officer to lose any one of those licenses, the officer could not perform police duties for Campus Police.

More generally, dangerous or inappropriate off-duty behavior may suggest the risk of such behavior on-duty. A police officer under stress or susceptible to pressures from off-duty activities may lack focus, judgment, restraint, or willingness to act, at a critical moment on duty.

Also of recurring practical importance, off-duty behavior that calls into question a Campus Police officer's veracity and credibility will impair or destroy the officer's usefulness as a witness in court. Under the "Giglio rule" (derived from the U.S. Supreme Court decision in Giglio v. United States), a criminal prosecutor must disclose to defendants evidence relevant to the credibility of government witnesses. Off-duty behavior that leads to a criminal charge or prosecution, or otherwise calls an officer's truthfulness into question, may trigger the Giglio rule. An officer who, in effect, cannot testify in court is of limited value to Campus Police.

Finally, inappropriate behavior by a Campus Police officer may reflect on Campus Police and MIT in negative ways. The arrest of Mr. D'Amelio proves this point. To be sure, personal behavior by any member of the MIT community may reflect on MIT. But criminal or other seriously improper behavior by one of its Campus Police officers, to whom MIT entrusts the safety of its students, personnel, and campus, is unacceptable.

In at least these five ways, the off-duty conduct of Campus Police officers is highly relevant to their on-duty performance and effectiveness. Similar considerations apply to the Cambridge Police Department, whose leadership has developed for its policies and procedures a list of specific off-duty behaviors that officers must promptly report to their supervisor. The Boston University Police Department articulates a series of specific standards of conduct that its police officers are expressly expected to comply with both on-duty and off-duty. Harvard University Police Department includes in its policies and guidelines both a recognition that police are scrutinized whether on-duty or off-duty, and a requirement that officers who are subject to any form of criminal legal proceeding notify their supervisors immediately.



In contrast, MIT Campus Police policies expressly address off-duty conduct only in a general statement that patrol officers are

“expected to observe the highest standards of probity, integrity and morality in both their official and personal lives, to refrain from any form of behavior which would bring discredit to the Department or to themselves and to avoid habits and associations which might cast doubt or raise questions as to their judgment and sense of propriety.”

Campus Police policies also state that disciplinary action may result from

“Any conduct or behavior which is not in accord with the high standards of personal conduct expected of Patrol Officers including, but not limited to, any criminal or illegal act, any behavior which reflects adversely upon the character and reputation of the Officer concerned and any behavior which indicates that the Officer lacks the stability and reliability which is essential to the effective performance of police work.”

While the second statement can be read to refer to off-duty conduct as well as on-duty conduct, that reading is not unambiguously clear. Campus Police policies include no requirement for reporting any off-duty events.

The panel concludes that Campus Police policies and procedures must be improved to address off-duty conduct more expressly and expansively. The panel recommends that Campus Police leadership look to the examples of the Cambridge Police Department and other regional colleges and universities for such improvements. Campus Police leadership should work to develop a policy or policies in the near term. The policy should include a requirement of notice to supervisors of any off-duty conduct or event that may actually or potentially impair an officer’s ability to function on duty, that indicates a serious potential for risky or inappropriate behavior on-duty, or that would cast Campus Police or MIT in a negative light. The panel also recommends that Campus Police adopt a procedure by which every Campus Police officer affirmatively declares, upon being hired and periodically thereafter, that he or she has read, understands, and agrees to abide by the Campus Police rules and regulations and policies and procedures.

The panel also received information suggesting that Campus Police should consider the benefits and costs of a random drug-testing policy. Presently, Campus Police engages in drug testing only as a pre-employment procedure. This is also presently the case at the Cambridge Police Department and the Boston University Police Department. Accordingly, the panel does not conclude that the absence of random drug testing renders MIT Campus Police policies inadequate, as is the case for the absence of an off-duty standard. Nonetheless, the panel encourages Campus Police to consider such a policy as a further step toward promoting the highest standards of professionalism. If



the Campus Police concludes that such a policy would meaningfully contribute to a culture of professionalism, then Campus Police should pursue the matter with the MIT Campus Police Association as and when appropriate.

In the course of interviews, the panel learned that Campus Police has undertaken a comprehensive review and revision of its rules and regulations and policies and procedures, but that that process has progressed very slowly. It appears that the absence of shared expectations as to process and deadlines between the respective leadership of Campus Police and the MIT Campus Police Association has allowed drafts, comments, and revisions to sit unmoved for long periods. The panel expects speedier work on an off-duty conduct standard. As to the comprehensive review and revision, the panel encourages Campus Police leadership to develop a process for timely and cooperative review and amendment of both rules and regulations and policies and procedures. The process should be designed to enable the Campus Police to enhance standards of conduct and operations to the highest current level among peer police forces, and to promote continuous improvement in standards of conduct and operations thereafter.

Question 2 – Other Illegal or Improper Behavior by Mr. D’Amelio on the MIT Campus or Involving the MIT Community

President Hockfield charged the panel to determine whether MIT can confidently state that it has no knowledge of Mr. D’Amelio engaging in illegal or improper acts on the MIT campus or involving MIT students or other members of the MIT community. To address this question, the panel interviewed the following individuals:

- The Chief of Campus Police, John DiFava
- Campus Police Captain Al Pierce
- Campus Police Detective Jay Perault
- Other Campus Police officers

Two members of the panel, Chris Colombo, Dean of Student Life, and Blanche Staton, Senior Associate Dean for Graduate Students, provided additional information on this question. The panel also solicited information from other MIT campus personnel who could be aware of the incidence of drugs on campus. As to Mr. D’Amelio’s conduct and statements following his arrest, the panel relied on the Incident Report prepared by the arresting Massachusetts State Police officer and Boston Police.

The panel found no evidence to believe, or to suspect, that Mr. D’Amelio engaged in illegal drug trafficking on the MIT campus or involving MIT students or other members of the MIT community. While a negative cannot be proved, the panel received no information through its interviews and inquiries that is probative of any such activity, and nothing in Mr. D’Amelio’s conduct or statements after his arrest suggests any such activity.



In its interviews, the panel elicited information about Mr. D’Amelio’s background, employment history, personality, and job performance. The responses on those matters revealed no evidence or suspicion of illegal drug activity by him on campus. To the contrary, Mr. D’Amelio was described as an officer who did not readily engage or interact with students or the MIT community. Campus Police officers who do closely engage with students reported having no reason to believe that Mr. D’Amelio engaged in any illegal activity with students; indeed, they believe that he did not. Other MIT personnel, who would likely be aware of any significant abuse in the MIT community of the prescription pain medication that Mr. D’Amelio attempted to buy, reported that they have not observed such problems.

Mr. D’Amelio’s statements and conduct after his arrest are consistent with a conclusion that he was not involved in illegal drug activity on campus or with others in the MIT community. He admitted buying pills on two prior occasions, but from a person with no known MIT connection, and he identified another person, again with no known MIT connection, as the person for whom he was buying pills on the occasion of his arrest. During several subsequent days of incarceration, when he had a clear incentive to provide any additional information, Mr. D’Amelio did not name anyone with a known connection to MIT.

Following Mr. D’Amelio’s arrest, Campus Police investigated his locker at the MIT Police station, the MIT patrol car that he had been driving, his uniform, and other personal effects. Campus Police detectives also spoke with other Campus Police patrol officers about Mr. D’Amelio and the arrest. None of those inquiries revealed evidence suggesting any other illegal drug activity by Mr. D’Amelio.

The panel concludes that there is no reason to believe, or to suspect, that such evidence exists. Of course, the panel had none of the investigatory powers available in a legal proceeding, such as subpoena power and the power to compel sworn testimony. The panel therefore recommends that MIT closely follow the events of Mr. D’Amelio’s criminal prosecution, for any evidence linking his activity to MIT or others in the MIT community. But it is not MIT’s or the panel’s role to address either Mr. D’Amelio’s guilt or innocence. The panel’s role is to answer whether MIT should be concerned that Mr. D’Amelio’s arrest suggests that he engaged in other illegal drug activity on campus. From the available information, the panel concludes that MIT can say with confidence that it has no knowledge of Mr. D’Amelio engaging in drug trafficking on the MIT campus or involving MIT students or others in the MIT community.

An Additional Observation: Staffing

Separate from the two questions addressed above, the review panel recommends that MIT consider whether Campus Police has an optimal staff structure. Presently, the entire Campus Police work force consists of sworn police officers – officers trained at police academy, vested with law enforcement powers, authorized to arrest, and licensed to carry firearms – with the exception of three administrative support staff. This is



unusual among police departments, including other colleges and universities in the region.

Both the Cambridge Police Department and Boston University Police Department include a combination of sworn officers and civilian personnel on their staff, as does Harvard University Police Department. For example, both of those police departments use civilian personnel for dispatch services. MIT Campus Police staffs its dispatch operations with sworn officers.

Boston University, Harvard University, and other regional colleges and universities also combine sworn police officers and public safety personnel. Public safety personnel are not police-academy trained, licensed to carry arms, or authorized to arrest. They perform a wide variety of security functions that are often needed on a university campus but do not require the specialized training and capabilities of sworn police officers, such as lock outs (assisting those who inadvertently lock themselves out of their offices, labs, or dorm rooms), escorts (accompanying people across campus at night), and transports (assisting those who need medical help to a medical facility).

Although this topic is outside the charge to the panel, the panel received sufficient information to conclude that the topic deserves further attention and may warrant change within Campus Police. The panel recommends that MIT address the question of optimal Campus Police staffing.

Submitted August 31, 2009

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Chair of the review panel
Constantino Colombo, Dean for Student Life
Deborah Fisher, Institute Auditor
Peter Diamond, Institute Professor
Robert Haas, Commissioner, Cambridge Police Department
Dana Mead, Chair of the MIT Corporation
Greg Morgan, Vice President and General Counsel
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