

From: Gerard Bailey <gerard.bailey@pd.boston.gov>
Sent: Friday, April 01, 2022 11:48 AM EDT
To: Gregory Long <gregory.long@pd.boston.gov>
CC: David Fredette <david.fredette@pd.boston.gov>; Eddy Chrispin <eddy.chrispin@pd.boston.gov>; Jeffrey Walcott <Jeffrey.Walcott@pd.boston.gov>
Subject: Fwd: Municipal Law

Sent from my iPhone

Begin forwarded message:

From: Gerard Bailey <gerard.bailey@pd.boston.gov>
Date: March 24, 2022 at 10:46:00 AM EDT
To: John Flynn <johnn.flynn@pd.boston.gov>
Subject: Re: Municipal Law

Thank you

Sent from my iPhone

On Mar 23, 2022, at 9:33 PM, John Flynn <johnn.flynn@pd.boston.gov> wrote:

Super

As per our conversation, here is an email I sent back in 2015 regarding city ordinances and rights of arrest

We can discuss further but I would suggest speaking with Suffolk County District Office

Sent from my iPhone

Begin forwarded message:

From: John Flynn <johnn.flynn@pd.boston.gov>
Date: November 18, 2015 at 2:53:21 PM EST
To: Charles Daly <charles.daly@pd.boston.gov>
Subject: Municipal Law

This is taken directly from John Ezekiel's Book - he teaches Municipal Law
To prove that a person is in willful violation of an ordinance, that person must first be notified that the act he/she is committing violates a city ordinance. Therefore, an officer must first inform (give notice to) that individual that what he/she is doing violates a city ordinance. If the individual after being informed (by the officer), continues to violate the ordinance in the officer's presence, an arrest can be made for the willful violation of the particular city ordinance being violated.

MGL c. 272 s. 59 provides a police officer with the right of arrest for any violation of a city ordinance, rule or regulation, which occurs in his presence.

Note: All violations of city ordinances are misdemeanors and must be committed in your presence for you to exercise the right of arrest. Such power must be exercised with prudence, intelligence and common sense.

The words "whoever remains in willful violation", implies that a warning must be given and ignored by the violator before an arrest can be made under MGL c. 272 s. 59.

--

Lt. John N. Flynn
Boston Police Academy
85 Williams Avenue
Hyde Park, MA 02136
Phone: 617-343-4410