

# Law Enforcement Defense

## Overview

Legal scrutiny directed at a law enforcement officer operates differently from any other professional dispute. A civil rights lawsuit, an internal affairs investigation, or a criminal allegation can threaten an officer's career, pension, and personal assets simultaneously. These matters rarely exist in isolation. A single incident may generate a federal §1983 action, a civil service disciplinary proceeding, and a criminal investigation, each with its own forum, its own procedural rules, and its own consequences.

Cohen Cleary represents law enforcement professionals in the civil, administrative, and criminal matters that define their careers. Our representation often requires coordinated strategy across these forums, because a statement made in one proceeding becomes evidence in the next, and decisions made in one context create consequences in another.

### Our law enforcement defense practice includes:

- [Civil Rights and §1983 Defense](#)
- [Civil Service and Administrative Defense](#)
- [Criminal Defense for Officers](#)
- [Employment and Discrimination Matters](#)
- [Motor Vehicle and Registry Defense](#)

## Officers We Represent

We represent law enforcement professionals at every level, from municipal patrol officers through command staff and agency leadership. Our clients include municipal police officers, Massachusetts State Police troopers, federal task force officers, corrections officers and supervisory staff, campus and institutional public safety officers, and retired officers facing post-service litigation or administrative proceedings. These matters require attorneys who understand law enforcement operations, constitutional standards, and the administrative frameworks that govern officer discipline and career progression.

## Civil Rights and §1983 Defense

Allegations under 42 U.S.C. §1983 are among the most consequential claims a law enforcement officer can face. These cases proceed in federal court, often carry significant damages exposure, and create personal liability risk that municipal indemnification may not fully cover. Plaintiffs' counsel in §1983 actions have become increasingly sophisticated in their theories of liability, extending claims beyond the officer on scene to supervisors, trainers, and policymakers under Monell and its progeny.

We defend officers against claims of excessive force, unlawful seizure, false arrest, malicious

prosecution, failure to intervene, supervisory liability, and deliberate indifference. Our defense strategy prioritizes early dismissal through Rule 12(b)(6) motions and aggressive qualified immunity advocacy at every stage. Qualified immunity is not simply a defense to be raised at trial. It is a threshold legal question that, when properly briefed, can resolve a case before discovery imposes a significant burden on the officer and the department.

We tell our clients: the qualified immunity motion is among the most consequential filings in a §1983 case. If it is not raised early, briefed precisely, and pursued through interlocutory appeal when warranted, the officer loses the single most powerful procedural protection the law provides.

## Civil Service and Administrative Defense

An officer's civil service status is not just a procedural designation. It is the legal foundation for career security, promotional opportunities, and retirement eligibility. Disciplinary proceedings, termination hearings, and bypass appeals create administrative records that follow an officer indefinitely. What happens at a Civil Service Commission hearing often determines not only the immediate outcome but the officer's long-term career trajectory.

We represent officers in civil service hearings, termination and suspension appeals, 22C disciplinary matters involving State Police, departmental trial boards, and post-discipline appeals to the Civil Service Commission, Superior Court, and appellate courts. Massachusetts civil service protections are powerful but procedurally unforgiving. Missing a filing deadline by even one day can waive an officer's right to appeal, and the burden of proof at the hearing falls on the employee, not the appointing authority.

**The record created at the hearing level becomes the foundation for judicial review. It cannot be supplemented later.** This is why representation before any statement is given, before any internal affairs interview, and before any testimony is critical. Our role begins with preparation: structuring testimony for clarity and credibility, preserving issues for appeal, and ensuring the administrative record will withstand scrutiny at every level of review.

## Criminal Defense for Officers

When an officer becomes the subject of a criminal investigation, the dynamics shift immediately. The same system the officer works within is now directed at them, and the exposure extends well beyond the criminal charge itself. A conviction, and in some cases the conduct underlying an investigation, can trigger termination, pension consequences, and permanent damage to the officer's professional record.

We provide discreet representation in use-of-force investigations, grand jury proceedings, official misconduct allegations, perjury allegations, off-duty incidents, OUI charges, and federal investigations. In every case, we evaluate criminal liability, employment consequences, pension exposure, and public record implications as a single, integrated problem. These dimensions cannot be addressed in isolation without creating risk in one forum from decisions made in another.

The constitutional right to remain silent is the most important protection an officer has during a

criminal investigation. The system is designed to use statements against their maker, and it is extraordinarily effective at doing so. Early counsel involvement prevents statements that cannot be undone.

## Employment and Discrimination Matters

Law enforcement officers may face, or need to bring, employment claims that intersect with their service record, civil service status, and ongoing litigation exposure. We handle retaliation claims, discrimination allegations and defense, whistleblower disputes under Massachusetts General Laws Chapter 149 §185, failure-to-promote claims, hostile work environment matters, and due process violations.

Retaliation claims in the law enforcement context deserve particular attention. Officers who report misconduct or cooperate with investigations often face subtle professional consequences that are difficult to identify without understanding departmental culture and operational norms. These claims are frequently stronger than the underlying complaint, and employers regularly underestimate the independent legal exposure that retaliatory conduct creates.

## Motor Vehicle and Registry Defense

License issues directly affect an officer's employment status. An OUI charge, license suspension, or even a surchargeable event can trigger internal review, administrative discipline, or fitness-for-duty questions. We represent officers in OUI defense, license suspension hearings, Registry of Motor Vehicles appeals, hardship license petitions, and civil motor vehicle infractions. What might be a minor inconvenience for a civilian can carry career-defining consequences for a law enforcement professional.

## Why Law Enforcement Chooses Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

In our law enforcement defense work, this approach allows officers to navigate overlapping civil, criminal, and administrative proceedings with coordinated strategy, consistent messaging, and counsel who understand how decisions in one forum create consequences in the next.

## Representing Law Enforcement Officers in Massachusetts & Rhode Island

Cohen Cleary maintains offices in [Taunton](#) and [Plymouth](#), Massachusetts. We represent law enforcement officers in Massachusetts and Rhode Island state courts, the United States District Court for the District of Massachusetts, and before administrative agencies, including the Massachusetts Civil Service Commission. Our attorneys are familiar with the procedural expectations and judicial practices of courts throughout southeastern Massachusetts, Greater Boston, and across the Commonwealth, with the capacity to serve clients throughout New

England.

For law enforcement defense matters involving out-of-state counsel or multi-jurisdictional exposure, we also serve as local counsel or co-counsel. Attorneys seeking to refer or partner on a law enforcement defense matter can contact us through our [attorney referrals page](#).

## Schedule a Confidential Consultation

If you are a law enforcement officer facing a civil rights claim, a disciplinary proceeding, a criminal investigation, or any matter that places your career and record at risk, [contact](#) Cohen Cleary for a confidential consultation. Early representation is not a luxury. It is the difference between a defense that is prepared and a record that cannot be repaired.

## Frequently Asked Questions About Law Enforcement Defense

### Should law enforcement officers get a lawyer before giving a statement to internal affairs?

Yes. An internal affairs statement becomes part of your permanent administrative record and may be used in subsequent civil or criminal proceedings. Counsel should be involved before any statement is given to ensure your rights are protected and the statement is structured for clarity and credibility. Once a statement is on the record, it cannot be retracted or revised.

### What is qualified immunity, and how does it protect me in a §1983 case?

Qualified immunity shields government officials, including law enforcement officers, from personal liability in civil rights lawsuits unless their conduct violated a “clearly established” constitutional right. When properly raised and briefed, qualified immunity can result in early dismissal of claims before discovery. It is among the most powerful procedural protections available in federal civil rights litigation, but it must be raised early and pursued aggressively.

### Can a civil rights lawsuit affect my pension?

Civil rights judgments typically impose financial liability, not direct pension forfeiture. However, if the underlying conduct also triggers criminal charges or administrative discipline resulting in termination, pension eligibility may be affected. This is why we evaluate every civil rights case alongside its potential criminal and administrative exposure.

### I have a union attorney. Do I still need my own lawyer?

Union attorneys represent the bargaining unit’s interests, which do not always align with the individual officer’s interests. In matters involving serious disciplinary exposure, criminal allegations, or civil rights claims, independent counsel ensures that your personal defense is the priority. Officers have independent rights, including the right to fair representation, that the union itself is obligated to protect.

### What should I do if I learn I am under criminal investigation?

Contact an attorney immediately and do not make any statements to anyone, including colleagues, supervisors, or investigators. The right to remain silent is your most important protection. Criminal investigations for law enforcement officers often run parallel to

administrative proceedings, and statements made in one context can be used in the other. Counsel involvement from the earliest moment preserves your options across all forums.