



MEDWAY POLICE DEPARTMENT

Code Of Conduct

2026



TABLE OF CONTENTS



Contents

1.0 AUTHORITY.....	5
2.0 RECEIPT	7
3.0 INTRODUCTION.....	7
3.0.2 LAW ENFORCEMENT CODE OF ETHICS	7
3.0.3 DEFINITIONS.....	8
MISSION STATEMENT	8
4.0 PROFESSIONAL CONDUCT AND RESPONSIBILITIES.....	9
4.1 PRIVACY AND OFF-DUTY CONDUCT.....	10
4.2 CONDUCT UNBECOMING AN OFFICER	10
4.3 CONFLICT OF INTEREST	10
4.2 VIOLATING CONFLICT OF INTEREST LAW.....	11
4.3 MEMBERSHIP IN ORGANIZATIONS	11
4.4 IMPROPER ASSOCIATIONS	11
4.5 VALUABLE ITEMS: BUYING/RECEIVING/SELLING	12
4.6 DEPARTMENT CORRESPONDENCE.....	12
4.7 MAILING ADDRESS	12
4.8 INTERFERING WITH COURSE OF JUSTICE.....	12
4.9 POSSESSING KEYS TO PRIVATE PREMISES.....	12
4.10 PRIVATE BENEFIT FROM DEPARTMENTAL ASSOCIATION.....	12
4.11 OFF DUTY EMPLOYMENT	13
4.12 POLITICAL ACTIVITIES.....	13
4.13 GIFTS AND GRATUITIES	13
4.14 TESTIMONIALS AND PRESENTS.....	13
4.15 UNAUTHORIZED TRANSACTIONS.....	14
4.16 USE OF OFFICIAL POSITION.....	14
5.0 NEGLECT OF ORDERS	14
5.1 INCOMPETENCE	15
6.0 PUBLIC STATEMENTS AND FREE SPEECH	15
6.1 PUBLIC CRITICISM OF THE DEPARTMENT	16

6.2 DISPARAGING REMARKS	16
6.3 COURTESY	16
6.4 RECOMENDING PRIVATE SERVICES.....	16
6.5 QUESTIONS OF CITIZENS	16
6.6 IDENTIFICATION	16
6.7 DISSEMINATION OF OFFICIAL INFORMATION	17
6.8 TESTIMONY IN CIVIL CASES	18
6.9 NO COMMENT	18
6.10 STATEMENTS CONCERNING LIABILITY	18
6.11 TESTIFYING FOR DEFENDANT IN CRIMINAL CASES.....	18
6.12 RECOMMENDATIONS FOR DISPOSITION OF CASES	18
6.14 DEALING WITH LOCAL OFFICIALS.....	18
7.0 ORDERS	19
7.1 UNLAWFUL ORDERS.....	19
7.2 CONFLICTING ORDERS	19
7.3 UNJUST OR IMPROPER ORDERS.....	19
7.4 INSTRUCTIONS FROM DISPATCHER	20
7.5 TYPES OF ORDERS	20
7.5.1 GENERAL ORDERS	20
7.5.2 SPECIAL ORDERS	20
7.5.3 PERSONNEL ORDERS.....	20
7.5.4 MEMORANDA	20
7.5.5 RULES AND REGULATIONS	21
7.5.6 POLICIES AND PROCEDURES	21
7.1 INSUBORDINATION	21
8.0 UNIFORMS AND APPEARANCE.....	21
8.1 HAIR STYLES FOR MALE OFFICERS	21
8.1.A SIDEBURNS.....	21
8.1.B MUSTACHE.....	22
8.1.C BEARDS.....	22
8.1.D WIGS OR HAIR PIECES.....	22
8.2 HAIR STYLES FOR FEMALE OFFICERS.....	22
8.3 ERRINGS	22
8.4 WEARING THE UNIFORM	22
8.5 CIVILIAN CLOTHING.....	23

9.0 ATTENTION TO DUTY	23
9.1 PROFESSIONAL IMAGE	23
9.2 DEVOTION TO DUTY	24
9.3 LOITERING	24
9.4 REPORTING FOR DUTY	24
9.5 SLEEPING	24
9.6 GAMBLING	24
9.7 LEAVING VEHICLES UNATTENDED	24
9.8 SMOKING WHILE ON DUTY	25
9.9 AWARENESS OF ACTIVITIES	25
9.10 LEAVING THE COMMUNITY	25
9.11 DUTY STATUS	25
9.12 DEPARTMENTAL COMMUNICATIONS	25
9.13 MUTUAL PROTECTION	26
9.14 DUTIES WHILE IN COURTS.....	26
9.15 REPORTS.....	26
9.16 COOPERATION WITH INTERNAL INVESTIGATIONS	26
9.17 WITHHOLDING EVIDENCE	26
9.18 TESTIFYING AT INVESTIGATION	26
9.19 REPORT RULE VIOLATION	26
10.0 GENERAL REQUIREMENTS	27
10.1 RESIDENCE.....	27
10.2 HOME ADDRESS, TELEPHONE, PAGER	27
10.4 MEALS	27
10.5 POLICIES AND PROCEDURES	28
10.6 WARRANTS FOR ASSAULT UPON A POLICE OFFICER	28
10.7 RELEASE WITHOUT ARRAIGNMENT	28
10.8 INCURRING DEPARTMENT LIABILITY.....	28
10.10 CIVIL DISPUTES.....	28
10.11 IMMORALITY	29
10.12 CRIMINAL CONDUCT	29
11.0 DEPARTMENTAL PROPERTY AND EQUIPMENT.....	29
11.1 DAMAGED, DEFECTIVE, OR INOPERATIVE PROPERTY AND EQUIPMENT	29
11.2 CARE OF DEPARTMENT BUILDINGS	30
11.3 AUTHORIZED EQUIPMENT	30

11.4 SURRENDER OF DEPARTMENT PROPERTY	30
11.5 PRIVATE VEHICLES.....	30
11.6 DEPARTMENT VEHICLES.....	30
11.7 UPKEEP OF POLICE MANUAL	30
11.8 TRANSPORTING CITIZENS.....	31
11.9 RESPONSIBILITY FOR DEPARTMENT PROPERTY.....	31
11.10 CARE OF DEPARTMENT PROPERTY	31
11.11 ITEMS OF IDENTIFICATION	31
11.12 PERSONAL POLICE EQUIPMENT	31
11.13 CARE AND SECURITY OF FIREARMS	31
11.14 CARE AND CUSTODY OF PROPERTY	32
11.15 EVIDENCE/SUSPECTED CONTRABAND.....	32
11.16 RESPONSIBILITIES FOR VEHICLES	32
11.17 DEPARTMENT NOTICES.....	32
11.18 REPORTING ACCIDENTS	33
12.1 FILING REPORTS	33
12.2 FALSIFYING REPORTS	33
12.4 FEIGNING ILLNESS OR INJURY	33
12.5 DEPARTMENTAL RECORDS/REPORTS/CITATIONS	33
12.6 LINE-OF-DUTY DISABILITY	33
13.0 FITNESS FOR DUTY	34
13.1 ABSENCE.....	34
13.2 MILITARY LEAVE OR ABSENCE.....	34
13.3 SICK LEAVE	34
13.4 DOCTOR'S CERTIFICATE	34
13.5 PHYSICAL FITNESS	34
13.7 POSSESSION/USE OF ALCOHOL.....	35
13.8 SMOKING TOBACCO.....	35
13.9 POSSESSION/USE OF CONTROLLED SUBSTANCES	35
13.10 POSSESSION OF INTOXICANTS, DRUGS, ETC.....	35

1.0 AUTHORITY

This Manual of Rules and Regulations for the government of the Police Department of the Town of Medway was prepared by the chief of police and issued by the Board of Selectmen pursuant to section 97 of Chapter 41 of the General Laws of the Commonwealth of Massachusetts.

The effective date of these Rules and Regulations shall be June 30, 2000 and they shall remain in full force and effect until amended or rescinded.

These Rules and Regulations were originally issued by Chief of Police David Lambirth on June 30, 2000, and consultation and input by select members of the Medway Police Association.

Amended and released September 13, 2023.

A handwritten signature in black ink, reading "William H. Kingsbury", written over a horizontal line.

William H. Kingsbury
Chief of Police

2.0 RECEIPT

All members will be furnished with a copy of the Rules and Regulations manual upon graduation from the police academy and will acknowledge receipt via signature.

3.0 INTRODUCTION

Law enforcement is, at the same time, one of the most demanding, yet one of the most rewarding, professions. The role of a police officer in a democratic society is an ever changing one. The training an individual receives at the police academy is but a first step in an ongoing process of education and training which will span an officer's career. This department is committed to making in-service and specialized training available to its officers, consistent with statutory mandates and subject to municipal appropriation. Officers are encouraged to pursue degree programs in law enforcement as well. This manual of Rules and Regulations, along with the department's Policies and Procedures Manual and applicable job descriptions, should assist police officers in remaining aware of what is expected of them.

The quasi-military nature of a police agency is one of its time-tested traditions. A rank structure and a chain of command have proven an essential component, especially in an organization involved in dangerous and even life threatening activities. The need for camaraderie and teamwork are evident to the experienced law enforcement professional. Our distinctive appearance, including a uniform and standards, help foster Esprit de corps and security among members of the department, as well as recognition and confidence among members of the public.

The standard of conduct expected of law enforcement officers is often higher than that demanded of other municipal employees. We recognize this in accepting appointment to our chosen profession. When the needs of public confidence require, we are held to a higher ethical standard, which dictates the avoidance of even the appearance of impropriety. Likewise, we acknowledge the need for reasonable restrictions on our off-duty conduct, especially where it reflects on our profession or the department.

The department is aware of its labor relations obligations. It is prepared to bargain with the appropriate bargaining representative(s) the impact, if any, which rules have on mandatory subjects of bargaining. This manual will generally serve as the basis for departmental discipline. It attempts to outline the minimal level of conduct expected of each officer. Familiarity with its contents is required. On a more positive note, however, officers are encouraged to use this manual as part of their overall training experience. They should endorse the ethical standards and commit themselves to a code of conduct befitting of members of our noble profession.

Use of the masculine is intended to facilitate readability. Where appropriate, the masculine will include both genders and the singular and plural are interchangeable.

Whenever this manual refers to such things as permission or approval of the chief, this will refer to his designee when, from time to time, the chief authorizes others to act on his behalf in appropriate circumstances. Use of the term Commanding Officer or Superior Officer may occasionally be used interchangeably.

3.0.2 LAW ENFORCEMENT CODE OF ETHICS

“As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

“I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to my agency or me. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.”

3.0.3 DEFINITIONS

RULES & REGULATIONS: A comprehensive grouping of specific prohibitions or requirements governing the behavior of employees. Rules and Regulations give notice to departmental members as to what conduct is specifically prohibited or required by virtue of their employment with the department. Unlike policy statements where some discretion and latitude is allowed, rules and regulations permit little if any deviation. Violations of rules and regulations normally result in administrative discipline. As an example, the rules and regulations cover such things as truthfulness, insubordination, abuse of authority, performance of duty, reporting for duty, neglect of duty, unsatisfactory performance, use of alcohol, use of drugs and so forth.

MISSION STATEMENT

The mission of the Medway Police Department is to protect and improve the quality of life for all who live, work, or visit our community by delivering the highest quality of public safety and service. The men and women of the Medway Police Department are dedicated to accomplishing their mission by:

- Maintaining peace and order through fair and impartial enforcement of law and quality police service.

- Fostering an environment of cooperation and trust between the police department and the community.
- Valuing our employees as our most important resource
- Conducting business efficiently and effectively.
- Challenging the future with a spirit of optimism and innovations, in the continuous pursuit of excellence.
- The Medway Police, through professionalism and integrity, dedicate ourselves to this mission.

4.0 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

The police are the most visible and most readily accessible representatives of local government. They respond to calls for assistance of a diversified nature and are expected to resolve a wide variety of community problems as they occur. Police officers are professionals, and as such, are expected to maintain exceptionally high standards in the performance of their duty while conducting themselves at all times, both on and off duty, in such a manner as to reflect favorably upon themselves and the department.

Effective police operations require loyalty to the department and to one's associates, maintaining a genuine spirit of cooperation and rendering appropriate assistance to a fellow police officer or citizen exposed to danger or in a situation where danger may be impending.

To accomplish these purposes, the professional responsibilities of police officers within their area of jurisdiction, include the following functions:

- The protection of life and the safeguarding of property.
- The prevention and control of crime.
- The investigation of crime, the apprehension of criminal offenders, and the recovery of stolen property.
- The preservation of public peace and good order.
- The immediate response to public emergencies.
- The creation of a sense of safety and security for the entire community through vigilant preventative patrol and community policing.
- The accomplishment of all police objectives within the law and the constitutional guarantees of all citizens.
- The performance of such other police related services, duties, functions and responsibilities required of the officer by the Department and/or the community.
- The advancement of a cooperative relationship with the general public.
- The creation of awareness through the implementation of educational programs.

Public scrutiny, and sometimes public criticism, is directed not only at police performance but also at the behavior, both on and off duty, of those who deliver police services. The establishment of proper standards for police behavior must not only meet the expectations of the citizen but also protect the rights of police officers.

The Department recognizes that it's officers have certain basic constitutional, statutory and personal rights that cannot be violated. The Department also recognizes that its officers are entitled to privacy in their off duty affairs and that officers are entitled to compensation when called upon to perform police duties.

4.1 PRIVACY AND OFF-DUTY CONDUCT

The Department will limit its inquiry into an officer's personal matters, off-duty conduct and outside employment, to situations reflecting upon the department or affecting the officer's ability or fitness for duty. When the department determines that inquiry into an officer's private life is legitimate, it will make the scope of the inquiry as narrow as reasonable under the circumstances.

Officers who are on paid leave status as a result of sickness or injury may be expected not to engage in any activity that is inconsistent with that illness or injury.

The department has an interest in making sure that the off-duty employment of its officers does not adversely affect their ability to report for work in good physical and mental condition. And does not present a conflict of interest.

4.2 CONDUCT UNBECOMING AN OFFICER

It is impossible to have detailed rules governing every conceivable situation. Historically, the military and the police service (a quasi-military organization) have relied upon the charge of conduct unbecoming an officer to cover obvious violations for which no specific rule was promulgated. Admittedly, such a catchall rule would not be proper for regulating the conduct of the general public. However, over the years, police officers have come to understand that certain behavior is clearly not in keeping with the good order and proper operation of the department.

This rule has been shown to be capable of objective interpretation. It must not be subject to the whim of police administrators. The standard of conduct expected of police officers is learned in a variety of ways, from academy and in-service training to manuals, orders, and various directives.

It is fair to say that conduct unbecoming an officer should be such as would alert a reasonable officer that his conduct under the circumstances would be inappropriate. Both on and off-duty conduct may subject an officer to a charge of conduct unbecoming an officer.

Officers charged with conduct unbecoming an officer will have the underlying offensive conduct specified in the notice of charges. Because of the subjective nature of this charge, it will not be charged where the underlying conduct violates a specific rule of conduct, nor will it be charged in addition to a specific claim of misconduct.

Officers shall not commit any specific act or acts of immoral, improper, unlawful, disorderly or intemperate conduct whether on or off-duty, which brings discredit upon the department. Officers shall conduct themselves at all times, both on and off-duty in such a manner as to reflect most favorably on the department and its members.

4.3 CONFLICT OF INTEREST

Since the position of a police officer is a public trust, it is important to avoid all situations involving conflicts of interest. Special areas of concern which have the potential for conflicts of interest are certain kinds of employment; financial transaction with units of government; memberships in non-police unions; and the use of an official position to secure unwarranted privileges, pecuniary advantage or preferential treatment.

Officers should read and become familiar with the provision of M.G.L. c. 268A concerning conduct of public officials and employees. The following sections are especially relevant to police officer:

3(d) “Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of substantial value for himself, for or because of the testimony under oath or affirmation given or to be given by him or any other person as a witness upon such trial, hearing or other proceeding, or for or because of his absence therefrom; shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

23(b) “No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

- (1) Accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;
- (2) Use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;
- (3) Act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

Remember that in case of doubt, the Town Counsel will prepare a legal opinion at your request through the Chief of Police. Said opinion shall be sought prior to engaging in situations, which may in fact create a conflict of interest.

4.2 VIOLATING CONFLICT OF INTEREST LAW

Officers shall not violate M.G.L. c. 268A.

4.3 MEMBERSHIP IN ORGANIZATIONS

Officers shall not affiliate with or become members of any organization if such affiliation or membership would substantially interfere with or prevent them from performing their duty.

4.4 IMPROPER ASSOCIATIONS

Officers shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in criminal behavior, except as necessary in the performance of official duties, with the knowledge and approval of the Chief of Police or where unavoidable because of an officer’s family relationships.

4.5 VALUABLE ITEMS: BUYING/RECEIVING/SELLING

Except as to transactions in the ordinary course of business and at fair market value, officers shall not receive or convey any item of value to or from any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention of or which arose out of department employment, except as may be specifically authorized by the Chief of Police.

4.6 DEPARTMENT CORRESPONDENCE

Officers shall not use department letterhead for private correspondence nor shall they send any written communication about police business to any person, firm or other law enforcement or public agency without the consent of the Chief of Police or his designee.

Officers shall not enter into official department correspondence with anyone or any agency outside the department, except with the approval of the Chief of Police.

4.7 MAILING ADDRESS

Officers shall not use the department as a mailing address for private purposes without the permission of the Chief of Police. At no time will the department be used as a mailing address for the purposes of a motor vehicle license or registration for private purposes.

4.8 INTERFERING WITH COURSE OF JUSTICE

Officers shall not take part in, or be concerned with, either directly or indirectly, any compromise or arrangement with any person whomsoever for the purpose of permitting an accused person to escape the penalty of his wrongdoing, or seek to obtain a continuance of a trial or otherwise interfere with the course of justice, except in the normal course of proceedings.

4.9 POSSESSING KEYS TO PRIVATE PREMISES

Officers shall not have keys to private buildings or dwellings on their patrol without the permission of the chief of police.

4.10 PRIVATE BENEFIT FROM DEPARTMENTAL ASSOCIATION

Officer shall not use the prestige or influence of their official position, or use the facilities, equipment or supplies of the department for the private gain or advantage of themselves or another.

4.11 OFF DUTY EMPLOYMENT

Officers shall not engage in any compensated off-duty employment without the knowledge and approval of the chief of police, which shall not be reasonably be withheld. The approval of the chief of police shall be based upon: (a) Avoiding potential conflicts of interest and protecting the image of the department, and (b) avoiding impairment of on-duty performance.

All personnel engaging in outside employment should clearly understand that their primary obligation is to the department and the community they serve. Prior to accepting any outside employment, an officer must request, in writing, the approval of the chief of police. If approval is denied, written notice stating the reasons for the denial will be given to the officer. No officer shall accept other employment, which could impair his independence of judgement in the exercise of his official duties.

4.12 POLITICAL ACTIVITIES

Officer shall not participate in political activities while in uniform or on duty. All actions which could even give the impression that officers are using their official positions to influence the electoral process are to be avoided. An officer shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.

Officers who become candidates for a salaried elective office shall take a leave of absence without pay. Such leave shall encompass both the campaign and if elected, the tenure of office. Nothing in this rule shall be construed to mean that department personnel are restricted in any way, while off-duty, from exercising their constitutional rights as a citizen in the political or electoral process (including such actions as voting, supporting candidates, and belonging to a political party).

4.13 GIFTS AND GRATUITIES

Officers shall not under any circumstances seek, solicit, or accept any gift, gratuity, loan, reward, or fee where there is a direct or indirect connection between the solicitation or acceptance and their departmental membership or employment, except as may be specifically authorized by the chief of police.

Officer must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities. All department personnel must offer and are expected to make payment for their meals and beverages.

Any gift, gratuity, fee or reward exceeding fifty (\$50) dollars coming into the possession of any officer, other than those received in response to union or other fund raisers or charities, shall be forwarded to the chief of police, together with a written report of the circumstances involved.

4.14 TESTIMONIALS AND PRESENTS

Officers shall not collect or receive any money or other thing of value from any source for the purpose of making a present to any active officer or employee of the department unless specific permission is granted by the chief of police. No officer shall seek or accept such present without the permission of the chief.

It will be noted that under the provisions of M.G.L. c. 268 § 9A, no person shall sell tickets or solicit contributions for a testimonial dinner or similar function for any person in active employment in any law enforcement agency or regulatory body of the state or any city or town.

4.15 UNAUTHORIZED TRANSACTIONS

Officers shall not enter into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the department, except as may be specifically authorized by the chief of police. Officers may accept unsolicited discounts for goods or services, which are offered to all officers, and where the discount is not more than employee discounts or does not bring the charge for the product or service below cost.

4.16 USE OF OFFICIAL POSITION

Officers shall not use their official position, department identification cards or badges: (a) for personal or financial gain, (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts. Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the chief of police.

5.0 NEGLECT OF ORDERS

Officers are required to be attentive to and not neglect their sworn duty. Officers must not absent themselves from their assigned duty without leave. They must not leave their post or assignment without being properly relieved; likewise, they must take suitable and appropriate police action regardless of whether they are on duty or off-duty when any crime, public disorder or other incident requires police attention or service. Examples of neglect of duty include but are not limited to: failure to take appropriate action on the occasion of a crime, public disorder or other act or condition deserving attention, absence without leave, failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty, failure to perform duties or comply with a rule or regulation, general or special or other orders, or failure to conform to department policies and/or procedures.

It shall not be sufficient that a relief person has arrived at the workplace, unless that relief officer is fully prepared, by being dressed and equipped, to take any assignment or answer any emergency and further, that such relief has been approved by the shift supervisor.

No off-duty officer shall be considered to have neglected his/her duty for failing to intervene in a situation due to lack of equipment, the presence of a civilian or family member or where the lack of a uniform, marked cruiser or the officer's current condition would make it imprudent or unsafe to intervene. Any officer who takes action as a police officer while

off duty shall be considered to be on duty and shall be entitled to indemnification for his/her actions as a police officer, and, where the action is extended, for compensation.

5.1 INCOMPETENCE

No officer shall fail to maintain sufficient competency to perform his duty and to assume the responsibilities of his position. Incompetence may be demonstrated by, but is not limited to, the following:

- a. A lack of knowledge of the application of laws required to be enforced;
- b. An inability to perform assigned tasks;
- c. An inability to conform to work standards that have been established for the officer's rank, grade, or position; and
- d. A lack of knowledge of the rules and regulations, job descriptions, or policies and procedures of the department.

6.0 PUBLIC STATEMENTS AND FREE SPEECH

The rules attempt to balance the employees' right to freedom of expression on matters of public interest with the department's legitimate interest in the integrity and efficiency of its operation. Police officers do not surrender their constitutional right of free speech upon taking their oath of office. However, courts have recognized a police department's ability to promulgate reasonable rules and regulations regulating certain types of statements by officers consistent with the mission of a law enforcement agency.

A police department is a quasi-military organization which is unique in the public service, and, as such, has a justifiable need for esprit de corps, harmony, discipline, and confidentiality. Close personal or confidential relationships are often required. Extremely disrespectful and/or grossly offensive remarks are inconsistent with fostering and maintaining such relationships.

There is also a need to maintain a chain of command. Statements which undermine the working relationship between officers and superiors are disruptive to the mission of this agency. This is especially true where such statements are simply bickering or personal disputes with one's superiors.

Union spokespersons are entitled to express their association's viewpoints on matters of public concern. In fact, such individuals are afforded greater latitude in making public pronouncements on departmental policies or operations.

Certain types of speech by officers are not constitutionally protected. These include: speech which is knowingly false; statements made as an extension of a personal dispute; statements resulting from a personality conflict; speech promoting or endorsing private services; profanity or name calling; and speech which causes significant disruption of morale.

Officers who are the subject of an internal investigation may be instructed not to discuss the subject matter of such investigation with others. Except in unusual cases, such restrictions would not apply to conversations with an officer's attorney or union representative, or with such employee's spouse.

6.1 PUBLIC CRITICISM OF THE DEPARTMENT

Officers shall not publicly criticize the Department, its policies or members by talking, writing, or expression in any manner where such talking, writing, or expression: (a) is defamatory, (b) is obscene, (c) is unlawful.

Officers shall not make any vexatious or unnecessary complaint against another member of the department nor criticize any other officer, except in the line of duty, nor shall officers maliciously gossip about any superior, order, policy, procedure, case or event that should remain police information. Officers are requested not to cause to discredit, lower or injure the morale of personnel in the department, or that of any individual in the department. To this end, officers shall make maximum utilization of the chain of command, and also the grievance procedure of the department as described in the applicable collective bargaining agreement.

6.2 DISPARAGING REMARKS

Officers shall not speak slightly of any minority, race, nationality, gender, or religion, nor make derogatory remarks about individuals on account of their marital status or sexual preference while on duty or while off duty in a public place.

6.3 COURTESY

Officers shall not be discourteous or inconsiderate to the public, to their superior officers, or to their fellow officers and employees of the police department as well as other law enforcement and governmental agencies. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

6.4 RECOMMENDING PRIVATE SERVICES

Officers shall not, except in the transacting of personal affairs, recommend or suggest in any manner the employment or purchase of any particular professional or commercial service or product, such as lawyers, bondsmen, undertakers, towing service, or burglar alarm companies.

6.5 QUESTIONS OF CITIZENS

Officers shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation.

6.6 IDENTIFICATION

Officers shall properly identify themselves to any person requesting this information, while they are on duty, except when the withholding of this information is necessary for the proper performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by proper authority. Under

M.G.L. Chapter 41, section 98D, every full time police officer is required to carry an official identification card to be shown to the public upon lawful request.

6.7 DISSEMINATION OF OFFICIAL INFORMATION

Officers shall treat as confidential that information which is confided to them personally in the course of their official duties. They shall disclose such information only as required in the proper performance of their duties.

Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

Officers shall treat the official business of the police department as confidential and shall conform to the following guidelines:

- a. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
- b. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief of Police.
- c. Official records or reports shall not be copied, or removed from a police facility, except in accordance with established departmental procedures.
- d. The identity of any person giving confidential information to the department or to any officer thereof in the performance of his or her duties, shall not be divulged except with the prior approval of the Chief of Police or by operation of law.
- e. No information shall be released, given or issued to the news media or to any members of the press concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the Chief of Police.

NOTE: All releases to the press or media of information concerning departmental policy or the evidentiary aspects of any criminal investigation shall conform to the Department's Policy and Procedure entitled Media Relations.

- f. Officers shall not communicate or give police information which may aid a person to escape arrest, delay apprehension or avoid prosecution or which contributes to the destruction, removal or loss of evidence, goods, or contraband.
- g. Officers shall not communicate to the public, news media or to any other agency or person information connected with the department or its personnel except as authorized by the chief of police or by statute. All requests for public appearances or speaking engagements by officers, on the subject of department operations or policies, shall be submitted to the Chief of Police. This shall not restrict individual officers from exercising their first amendment rights to speak to the media or others, nor shall it restrict the Union's right to represent its members or to speak to any person on their behalf.

6.8 TESTIMONY IN CIVIL CASES

Officers shall not testify in any civil case, arising as a result of the performance of duty, in any court, unless legally summonsed to do so or until having received permission or order from the Chief of Police. When summonsed to testify, an officer shall notify the Chief of Police in advance of testifying.

6.9 NO COMMENT

In cases in which an officer is not allowed by the regulations of the department to divulge facts within his knowledge, he will decline to speak on the subject.

6.10 STATEMENTS CONCERNING LIABILITY

Officers shall not make any oral or written statement to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty, unless specifically authorized to do so by the chief of police.

6.11 TESTIFYING FOR DEFENDANT IN CRIMINAL CASES

Officers shall not testify for the defendant in a criminal case, parole hearing or other judicial proceeding, in any court or tribunal, unless legally summonsed to do so or with the advance approval of the Chief of Police. In cases which involve the police department or its personnel, officers shall, before testifying, inform the Chief of Police of the nature of the testimony intended to be given.

6.12 RECOMMENDATIONS FOR DISPOSITION OF CASES

Officers shall not make a recommendation for the disposition of any case pending in the courts without the consent of the Chief of Police, or with the permission of the Prosecutor; or upon the direct request of the Court to the officer.

6.13 USE OF DEPARTMENT RECORDS, REPORTS, AND COMMUNICATIONS

All official communications to municipal officials shall be forwarded through the chief of police, unless specifically authorized otherwise. This shall not restrict individual officers from exercising their First Amendment rights to speak to municipal officials or others, nor shall it restrict the union's right to represent its members or to speak to any person on their behalf.

6.14 DEALING WITH LOCAL OFFICIALS

Officers shall not confer with or forward communications to governmental officials on police matters without first notifying the Chief of Police, except as otherwise provided by statute. This shall not restrict individual officers from exercising their First Amendment rights to speak to municipal officials or others, nor shall it restrict the Union's right to represent its members or to speak to any person on their behalf.

7.0 ORDERS

An order is defined as a command or instruction, oral or written, given by one member of the department to another member of lesser rank. It is essential to the proper operation of a police agency that officers promptly obey all lawful orders. Every officer of the department shall promptly obey, without reservation, the orders, rules, regulations, policies and procedures of the department and all lawful commands of a superior officer including those commands relayed from a superior by an officer of the same or lesser rank.

7.1 UNLAWFUL ORDERS

No superior officer shall knowingly issue any order, which is a violation of any law. Obedience to an unlawful order is never a defense for an unlawful action; therefore, no officer is required to obey any order which is contrary to any Federal or State law. Responsibility for refusal to obey an unlawful order rests with the officer to whom such order was given. The officer shall be strictly required to justify such action.

7.2 CONFLICTING ORDERS

Should any order given by a superior conflict with any previous departmental order, rule, regulation, policy or procedure, the officer to whom such order is given will call attention to the conflict. If the person responsible for issuing said order does not change the order to avoid such conflict, the order will be obeyed, but the officer obeying such order shall not be held responsible for disobedience of the previous order, rule, regulation, policy, or procedure. Responsibility for the conflict shall be upon the superior officer that issued such conflicting order. It should later be reported to the Chief of Police, through the chain of command, for clarification.

7.3 UNJUST OR IMPROPER ORDERS

When lawful orders which appear to be unjust or improper are given, the officer to whom the order is given shall respectfully notify the superior officer issuing such order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the officer to whom the order was given may file a written report to the chief of police, via the chain of command, indicating the circumstances and the reasons for questioning the order, along with a request for clarification of departmental policy. After complying with this Section, an officer who carries out an order found to be unjust or improper by the chief of police or court or tribunal of competent jurisdiction, will not be held responsible for carrying out such order.

7.4 INSTRUCTIONS FROM DISPATCHER

All messages transmitted over the police radio system by any officer or employee shall be direct and concise and shall conform with all departmental radio procedures and the rules and regulations of the Federal Communications Commission. No officer shall fail to obey or refuse to take cognizance of any communication (whether via radio, telephone, computer, in person or otherwise) transmitted by or conveyed directly from the Desk Officer or the Dispatcher, unless instructed to do so by a superior officer.

7.5 TYPES OF ORDERS

Written orders come in a variety of forms. Below is a brief description of the types of written directives which may, from time to time, be utilized. They may be issued by the Chief of Police or by his or her designee.

7.5.1 GENERAL ORDERS

General Orders are permanent written orders outlining policy matters which affect the entire department. A General Order is the most authoritative written order the department issues, and may be used to amend, supersede, or cancel any previous order. General Orders remain in full force and effect until amended, superseded, or rescinded by the chief of police.

7.5.2 SPECIAL ORDERS

Special Orders are temporary written orders issued by the chief of police, or his designee, outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved.

7.5.3 PERSONNEL ORDERS

Orders issued by the chief of police or other authorized command personnel pertaining to such matters as assignments, change of duty, administrative matters relating to conditions of employment, and employee rights and benefits.

7.5.4 MEMORANDA

Memoranda are written communications (generally entitled "Memorandum" or "Memo") issued for the following purposes: (a) to issue information or instructions which do not warrant a formal order; (b) to direct the actions of subordinates in specific situations; (c) to explain or emphasize portions of previously issued orders; or (d) to inform officers of actions or policies of other agencies.

7.5.5 RULES AND REGULATIONS

A manual of rules and regulations issued by the chief of police (with the approval of the municipal government official(s) where appropriate or required) which defines required and prohibited conduct and generally outlines the basis for departmental discipline.

7.5.6 POLICIES AND PROCEDURES

A manual describing the policy of the department and required procedures to be followed in handling a variety of operational areas confronting law enforcement officers.

7.1 INSUBORDINATION

Officers shall not be insubordinate. Insubordination shall include: any failure or deliberate refusal to obey a lawful order (written or oral) given by a superior officer.

~~8.0 UNIFORMS AND APPEARANCE~~

~~Officers shall wear such uniforms, equipment, and insignia as the Chief of Police may, from time to time, prescribe. A professional, uniform appearance enhances morale and fosters teamwork and esprit de corps. Officers should present a professional appearance to the public at all times and reflect a positive image as members of the Department. The police uniform identifies the officer and makes him or her readily accessible to the citizen. It is, therefore, vital that the officers of the department maintain a neat and clean appearance, and that the uniform serves as an appropriate introduction to the members of the community. Certainly, exceptions may be authorized for undercover assignments or for medical necessity. Periodically the Chief of Police may post drawings for guidance in interpreting the following regulations.~~

~~8.1 HAIR STYLES FOR MALE OFFICERS~~

~~Officers shall keep their hair neat, clean and trimmed and shall present a well-groomed appearance. Hair shall not cover any part of the ears and will be trimmed in back and on the sides so that it does not extend over the collar. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. In no cases will the bulk or length of the hair interfere with the proper wearing of any authorized headgear.~~

~~8.1.A SIDEBURNS~~

~~If an officer chooses to wear sideburns, they will be neatly trimmed and tapered. Sideburns may extend to a level consistent with the midpoint of the ear, will be of even width (not flared), and will end with a clean horizontal line.~~

8.1.B MUSTACHE

~~Mustaches or other facial hair are not allowed.~~

8.1.C BEARDS

~~The face will be clean shaven other than the acceptable mustache and sideburns. Beards and goatees are prohibited. Exceptions to this rule may be granted by the Chief of Police, or his designee, for special reasons or purposes (such as for medical reasons).~~

8.1.D WIGS OR HAIR PIECES

~~Wigs or hairpieces in natural colors may be worn on duty for cosmetic reasons to cover natural baldness or physical disfiguration. When they are worn, they shall be of good quality, consistent in styling with these Rules and Regulations, and shall not interfere with the wearing of any required headgear.~~

8.2 HAIR STYLES FOR FEMALE OFFICERS

~~Female officers shall wear their hair so that it does not touch the collar of the shirt. Longer hair will be fashioned up, and all hair styles must be such as to stay in place and not hang over the eyes. All styles will render a neat appearance. No scarves, headbands or ribbons will be worn in the hair. In no case will the bulk or length of the hair interfere with the proper wearing of any police headgear.~~

8.3 ERRINGS

~~Male officers may not wear earrings or studs, on or off duty. Female officers may only wear stud type earrings on duty (no hoops or dangling styles).~~

8.4 WEARING THE UNIFORM

~~Officers shall wear uniforms or other clothing on duty in accordance with department regulations. Officers shall keep their uniforms neat, clean and well-pressed at all times. Care should be taken not to wear threadbare or faded items. The uniform cap shall be worn out of doors unless otherwise directed by competent authority. While in uniform, officers shall display their badge on the outermost garment over their left breast. The Chief of Police shall periodically issue special orders pertaining to daily or seasonal wearing of uniforms.~~

~~Officers shall not wear any identifiable part of the uniform outside the limits of the community except while in the performance of official duty, while commuting to and from duty, or with the permission of the chief of police. No buttons, insignia, attachments, or coverings of any kind will be worn on a uniform without the permission of the chief of police.~~

8.5 CIVILIAN CLOTHING

~~Male officers permitted to wear civilian clothing during a tour of duty, including court appearances, shall wear either a business suit with tie, or sports coat with tie and slacks. Female officers permitted to wear civilian clothing during a tour of duty, including court appearances, may wear a dress or skirt and blouse, or blouse and dress pants. Dungarees and/or designer jeans etc. are not considered proper attire for officers — male or female. The Chief of Police may prescribe other types of clothing when necessary to meet particular police objectives. Civilian clothing shall not be worn with any distinguishable part of the police uniform. No shorts, T-shirts or shirts without a collar may be worn. Leather shoes are required, (no sneakers/tennis shoes, etc.) except as authorized uniform wear for the bicycle unit or for medical reasons. Any deviation from the rule must be approved by the chief of police.~~

9.0 ATTENTION TO DUTY

Officers are expected to be constantly alert and vigilant in the performance of their duties and to respond prudently but decisively when police action is required or expected. Every officer of the department who has occasion to handle any complaint, assistance call, arrest or other duty, shall attend to such duty with business-like dispatch and courtesy and without any unnecessary loss of time. Officers shall furnish information and render aid to all persons with due courtesy whenever such request is consistent with their duty. Officers shall not withhold information on criminal activity.

Every officer shall familiarize himself or herself with the geography of the community, including: routes of public transportation; the location of streets, highways, bridges, public buildings and places; hospitals; churches; courts; transportation offices and stations; prominent or important office buildings; large industrial plants or commercial establishments; and such information as may be disseminated by the department or a superior officer from time to time.

Officers shall furnish police assistance to all persons making such request, consistent with their police duties and assignments. They shall assist and cooperate with all law enforcement agencies, provide them any authorized information they are entitled to receive, and submit a report on all such action taken.

It shall be the duty of every officer to report to his or her Commanding Officer or the Chief of Police any information given to such officer in good faith by any citizen regarding matters that indicate the need for police action. Officers, regardless of rank or assignment, shall act immediately: to protect life, liberty or property; to enforce all laws; to prevent or detect the commission of crimes; and to apprehend law violators

9.1 PROFESSIONAL IMAGE

Officers shall not act in a manner which is inconsistent with the image of a professional police officer, which shall include but not necessarily be limited to:

- a. Smoking or chewing gum or tobacco in uniform when in plain view of the public;
- b. Unnecessary shouting or using obscene language;
- c. Leaning on walls, posts, cars, etc;;
- d. Tardiness in reporting for work;
- e. Taking excessively long meal or refreshment breaks;

- f. Failure to respond promptly to a request for police service;
- g. Failure to return promptly to service after completing a call for service;
- h. Gambling, except when off-duty and at licensed premises.
- i. Walking or standing with hands inside trouser pockets.

9.2 DEVOTION TO DUTY

Officers, while on duty, shall devote their full time and attention to the service of the department and to the citizens of the community. They shall remain alert at all times while on duty. Recreational reading, watching television or movies, playing games, using computers for personal or recreational purposes, and/or any other similar type activities which would tend to detract from the proper performance of duty will not be permitted while on duty.

9.3 LOITERING

Officers shall not, while on duty, loiter in cafes, saloons, restaurants, theaters, service stations or other public places, except for the purpose of police business.

9.4 REPORTING FOR DUTY

Officers shall report for duty promptly at the time and place required by their assignment or as otherwise directed by proper authority. They shall be uniformed properly and suitably equipped, ready to assume their duties. While on duty they shall not absent themselves from duty without leave.

Officers shall notify, or cause to be notified, the department as soon as possible, but in any event at least four hours prior to their next tour of duty (unless the injury or illness occurs less than four hours before the officer's next tour of duty) if unable to report for duty because of sickness or injury and subsequently await a return call from their supervisor or other command personnel at which time the injured or ill officer shall notify said supervisor of the nature of the illness or injury and as to how long he or she anticipates the illness or injury to continue.

9.5 SLEEPING

Officers shall not sleep while on duty.

9.6 GAMBLING

Officers shall not gamble while on duty, unless to further a police purpose.

9.7 LEAVING VEHICLES UNATTENDED

Officers shall not leave vehicles unattended without removing the keys, or if left running, setting the kill switch. Keys will be left in vehicles while parked at the police station to eliminate lost response time.

9.8 SMOKING WHILE ON DUTY

Smoking is prohibited in department vehicles used primarily for patrol purposes. Officers who choose to smoke are to exercise extreme consideration to those who elect not to, regardless of the location and are reminded that smoking is prohibited within public buildings.

9.9 AWARENESS OF ACTIVITIES

Officers shall acquaint themselves before or at the beginning of their tour of duty with all important matters affecting their duties that have occurred since their last tour. Upon returning to duty from any period of absence, officers shall inform themselves about all new orders, regulations, memoranda, and all other important matters governing their assignments. All officers are responsible to check their emails daily. All officers shall familiarize themselves with all of the laws, statutes, by-laws/ordinances, and regulations necessary for the proficient execution of their duties.

9.10 LEAVING THE COMMUNITY

Officers shall not leave the limits of the community and enter another city or town unless it is necessary in the performance of duty, or when given permission to do so by his shift supervisor. An officer shall inform his shift supervisor and the dispatcher prior to leaving and again upon returning. The dispatcher will note this in his daily log. If an emergency prevents following this procedure, the officer must contact his shift supervisor as soon as possible.

9.11 DUTY STATUS

Officers may be called for duty at all times (whether during assigned hours or while off-duty) for the preservation of the public peace and the protection of life and property, and shall be prepared to take all reasonable police action to accomplish this purpose. All serious matters of public concern shall receive appropriate attention, even though an officer is not on duty at the time. This shall not be interpreted as requiring an officer to stand by while off-duty, to remain in any location, or to wear a pager or be available by other telecommunications device, or to refrain from drinking alcoholic beverages when they are not scheduled to work. The department recognizes that overtime laws are contractual obligations apply to stand by time and when officers are called to duty.

9.12 DEPARTMENTAL COMMUNICATIONS

Officers shall transmit all official communications promptly, accurately and completely to other officers of the department as required, and shall immediately inform their Commanding Officer of any matter of police importance coming to their attention during their tour of duty, or otherwise. They shall call to the attention of their relieving officers any information regarding unresolved problems or difficulties which may arise during the next tour of duty.

9.13 MUTUAL PROTECTION

Officers shall come to immediate aid, assistance or protection of fellow officers who, in the performance of their duties, require such aid and assistance.

9.14 DUTIES WHILE IN COURTS

Officers concerned with cases before courts, grand juries, etc., shall be punctual in attendance, and shall make a clean and neat appearance.

9.15 REPORTS

Officers shall promptly and accurately complete all reports and forms required by the department. Before leaving the station at the end of his tour, an officer shall complete all reports and forms which pertain to events occurring during the concluded tour, unless extenuating circumstances prevent it, at which time, they shall be completed within 24 hours.

9.16 COOPERATION WITH INTERNAL INVESTIGATIONS

Officers shall answer questions, respond to lawful orders, and render material and relevant statements, in an internal department investigation when such orders, questions and statements are directly related to job responsibilities. Nothing in the Section shall require an officer to waive or to violate one's federal or State constitutional rights, including the right not to give a compelled statements set out in *Carney v Baglioni*, or to waive the right to Union representation and counsel.

9.17 WITHHOLDING EVIDENCE

Officers shall not fabricate, withhold, or destroy any evidence of any kind. Final disposition of evidence shall be in accordance with established departmental policies and procedures and as governed by statute.

9.18 TESTIFYING AT INVESTIGATION

Officers shall truthfully testify to or state the facts as they know them when they appear before or are involved in any judicial, departmental, or other official investigation, hearing, trial, or proceeding and in all other ways cooperate fully during such.

9.19 REPORT RULE VIOLATION

Officer shall, upon observing or otherwise becoming aware of a violation by another officer of the force or by an employee of the department's rules and regulations or policies and procedures, as set forth in this manual, or by any other departmental directives or as governed by law, report said violations to their superior officer who will be responsible for appropriate action, report submission and follow-up.

10.0 GENERAL REQUIREMENTS

10.1 RESIDENCE

Officers shall comply with any residency requirement specified by any applicable statute, by-law/ordinance, or collective bargaining agreement.

10.2 HOME ADDRESS, TELEPHONE, PAGER

Due to the nature of police work, a police officer may need to be called to duty at any time. For this reason, it is important to be able to contact any member as quickly as possible. Officer shall have a telephone in their place of residence and shall report any change of telephone number or home address to the chief of police, or his designee, within twenty-four hours of such change. Pager numbers, cell phone numbers, or other contact numbers shall be listed on the department call list.

Officers have a responsibility to respond to all calls from the department in a timely manner. Nothing about this rule shall be interpreted as requiring an officer to remain on unpaid stand-by status, and therefore officers are not required to remain in any location, or to wear a pager or be available by telephone or other telecommunications device when off-duty.

The telephone numbers and addresses of department personnel shall not be given out to anyone outside the department without the approval of the chief of police or his designee. In the event of an emergency request for such information, the officer will be called with a notification to call the person making the request.

10.3 DEFECTS IN STREETS/ROADWAYS

Officers who observe any defect, obstruction, or nuisance in the streets, sidewalks, or other public areas shall promptly report them to the dispatcher if they are likely to cause a hazard to the general public or create a civil liability upon the community. The dispatcher shall record such defects in the log and notify the appropriate agency for remedial action in each case.

10.4 MEALS

Officers shall take meals and breaks at such times as are approved at the discretion of the shift supervisor, who may limit the number of officers who may be off at any one time.

10.5 POLICIES AND PROCEDURES

Officers shall read and be familiar with and comply with the requirements of the department's policies and procedures manual.

10.6 WARRANTS FOR ASSAULT UPON A POLICE OFFICER

Officers shall not make application for a warrant charging that they were assaulted while in the performance of duty without first reporting the facts of the case through their shift supervisor, to the chief of police and the court prosecutor.

10.7 RELEASE WITHOUT ARRAIGNMENT

Officers shall notify the shift supervisor in all cases where a release without arraignment is to be sought for any person arrested.

10.8 INCURRING DEPARTMENT LIABILITY

Officers shall not incur a liability chargeable to the department or municipality, except with the knowledge and consent of the chief of police.

10.9 DUTIES WHILE SUSPENDED

Officers shall obey all lawful orders while on suspension. Suspended officers may be required to testify in connection with cases that originated while an officer was on duty or to submit to fitness for duty examinations. Officers who are ordered to do police work or testify will be paid.

10.10 CIVIL DISPUTES

Officers shall take a neutral position in any disputes of a civil nature, acting only to prevent or control any breach of the peace that may arise. They shall enforce any orders of a criminal nature as issued by a court of competent jurisdiction.

10.11 IMMORALITY

Officers shall not engage in grossly immoral conduct or public lewdness.

10.12 CRIMINAL CONDUCT

Officers shall not commit any criminal act (felony or misdemeanor) or violate the criminal laws or statutes of the United States or of any state or local jurisdiction (by-law/ordinance), whether on or off-duty. An officer may be guilty or violating this rule regardless of the outcome of any criminal case.

Specifically the crimes of:

1. Committing indecent assault on: [26.0.3]
 - A child under the age of 14
 - A person who has attained the age of 14, including detainees
 - An elder or person with a disability
 - A person known by the officer to have an intellectual disability when such person is in the custody or control of an officer
2. Submitting false or fraudulent claims of hours worked for payment. Violations may result in criminal prosecution under M.G.L. c. 231, §85BB in addition to disciplinary action up to and including termination. [26.0.3]

11.0 DEPARTMENTAL PROPERTY AND EQUIPMENT

Equipment and uniforms issued to officers shall remain the property of the department. Officers shall maintain departmental property, uniforms and equipment assigned to them in good condition. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

11.1 DAMAGED, DEFECTIVE, OR INOPERATIVE PROPERTY AND EQUIPMENT

Officers shall immediately report to their superior officer any damaged, defective, inoperative or hazardous property or equipment. The shift supervisor involved shall submit a report to the Chief of Police, or his designee, detailing the circumstances leading up to the lost, damaged, defective, inoperative or hazardous equipment and cause to have submitted a report by the officer assigned or in control of said property when said damage occurred. The chief of police, or his designee, shall also be notified as soon as practicable of any defects or hazardous conditions existing in any department property or equipment.

11.2 CARE OF DEPARTMENT BUILDINGS

Officers shall not mar, mark or deface any surface in any department building or motor vehicle. No material of any type shall be affixed in any way to any wall or other place or location in departmental buildings or property without specific authorization from the Chief of Police.

11.3 AUTHORIZED EQUIPMENT

Officers shall carry, while on duty, only such equipment as is authorized by the chief of police or issued by the department.

11.4 SURRENDER OF DEPARTMENT PROPERTY

Officers are required to surrender all department property in their possession upon separation from service, or when otherwise ordered.

11.5 PRIVATE VEHICLES

Officers shall not drive or utilize a private vehicle while actually on a duty assignment or otherwise engaged in a police service, function, duty, or responsibility without the specific authorization of the Chief of Police or his designee. An exception will be made for emergency circumstances requiring immediate police services.

11.6 DEPARTMENT VEHICLES

Officers must have and maintain a current Massachusetts driver's license. Officers shall not use any department vehicle without the permission of a shift supervisor or chief of police, or drive any department vehicle, to which they have not been assigned, except in an emergency. Department vehicles shall not be used for personal business or pleasure.

11.7 UPKEEP OF POLICE MANUAL

Officers who are issued this Manual and the department's Policies and Procedures Manual are responsible for their maintenance and knowledge of their contents and they are required to make appropriate changes or inserts as issued by the Chief of Police. The Manuals shall be readily available for inspection and review when so directed. The Manuals shall be considered department property and shall be surrendered upon separation from service with the department.

11.8 TRANSPORTING CITIZENS

Officers shall assure that only authorized police personnel or employees drive departmental vehicles. Citizens shall be transported in department vehicles at the discretion of the officer in charge of the vehicle.

11.9 RESPONSIBILITY FOR DEPARTMENT PROPERTY

Officers who are the actual custodians or users of any departmental property shall be responsible for the safe keeping and proper use of the property during the time that such officer has control of the property. It shall be returned upon demand of a superior, or when its use is terminated.

11.10 CARE OF DEPARTMENT PROPERTY

Officers shall make every effort to conserve the physical resources of the department. Officers shall use department equipment only for its intended purpose, in accordance with established procedures. They shall maintain all issued equipment in proper order and condition. Culpable negligence in the use and care of department property, as well as its abuse, misuse, willful or negligent loss or destruction, is not only cause for department discipline, but may also require restitution. Intentionally or negligently abusing, defacing, misusing, damaging or losing police department property is prohibited. In more serious cases, such shall incur liability for prosecution in the criminal courts.

11.11 ITEMS OF IDENTIFICATION

Officers shall be responsible for the items of identification issued to them as an officer of the department, including but not limited to, the police badge, any numbered hat badge or name plate, and the police identification card. They shall not permit any other person to borrow or use the items of identification issued to them by the department. Any loss of such items shall be reported immediately by the officer to the Chief of Police together with a written report of the circumstances leading to such loss.

11.12 PERSONAL POLICE EQUIPMENT

Officers shall register with the department the description and serial numbers of all personal firearms carried in the line of duty.

11.13 CARE AND SECURITY OF FIREARMS

Officers shall maintain their service firearms and authorized off-duty weapons, if any, in proper working order at all times and report any damage, loss or unserviceable condition immediately to the chief of police or to

their shift supervisor. All officers shall be personally responsible for the security and safekeeping of said firearms at all times and shall not alter or repair any part of their service or authorized off-duty firearms without the approval of the chief of police. The department shall provide gun locks to all officers.

11.14 CARE AND CUSTODY OF PROPERTY

Officers shall assure that all personal property, including money which comes into an officer's custody while on duty, is properly tagged, recorded and turned over to the evidence/property control officer. Property may come into an officer's possession when it is lost, stolen, confiscated, abandoned, turned over to the department or taken from a prisoner or detainee. Such items shall be placed in the designated place of storage for safe keeping, all in accordance with current department policy and procedure.

11.15 EVIDENCE/SUSPECTED CONTRABAND

Officers shall assure that whenever evidence or contraband of any kind, comes into the possession of an officer of the department, said evidence or suspected contraband is turned into the evidence/property control officer for safe-keeping and, if necessary, analysis.

Officers are not authorized to destroy or dispose of evidence or suspected contraband, except by direction of the chief of police, or in accordance with procedures established by law for the destruction or disposal of the same, and in accordance with department policies and procedures.

11.16 RESPONSIBILITIES FOR VEHICLES

Officers who are assigned to duty as an operator of a department vehicle shall be responsible for checking on the serviceability of the vehicle. Except when the vehicle is in emergency use, the officer shall inspect the vehicle when it is turned over to him and shall submit a written report to his supervisor of any defect, damage or unserviceability not previously reported. The officer at the same time shall also inspect the interior of the vehicle for the presence of unauthorized articles. Responsibility for cleanliness of the vehicle shall be the responsibility of the officer(s) assigned said vehicle number under the supervision of his (their) immediate supervisor.

11.17 DEPARTMENT NOTICES

Officers shall not alter, deface, or remove without permission, any posted notice on the department bulletin board or from any other location where said notice may be posted. No notice of a derogatory, libelous or profane nature of any kind shall be posted upon the department or Union bulletin board(s), or within or upon any other department property or location. All notices on the Union bulletin board, if any, will conform to the requirements of the applicable collective bargaining agreement and will be signed by a Union official.

11.18 REPORTING ACCIDENTS

Officers who are involved in an accident in a department vehicle, or when a vehicle is disabled and has been damaged, shall not move the vehicle except in an emergency. The shift supervisor shall immediately go to the scene and make an investigation and report all particulars to the chief of police, forthwith. The officer involved shall promptly submit a written report in accordance with department policies and procedures.

12.1 FILING REPORTS

Officers shall promptly, truthfully and accurately complete all reports and forms as required by this Manual, by law, and by department regulations or policies and procedures.

12.2 FALSIFYING REPORTS

Officers shall not knowingly enter or cause to be entered upon a police report or police record any inaccurate, false or improper information.

12.4 FEIGNING ILLNESS OR INJURY

Officers shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive the department as to the condition of their health.

12.5 DEPARTMENTAL RECORDS/REPORTS/CITATIONS

Officers shall not steal, alter, forge or tamper with any kind of police record, report or citation. To this end, the removal of any record, card, report, letter, document, or other official file from the department, except by process of law or as directed by the chief of police, is prohibited. Additionally, the obtaining or duplication or attempted obtaining or duplication of any information from any court, governmental or department files, sources or reports, other than that to which one is properly entitled in accordance with one's duties or assignment, is prohibited.

12.6 LINE-OF-DUTY DISABILITY

Officers who are injured in the line of duty may apply for leave without loss of compensation as provided in M.G.L Chapter 41 § 111F of the Commonwealth of Massachusetts. The officer concerned shall report any injury, illness or disability incurred in the line of duty, in writing, through his shift commander or to the chief of police. Such report shall be made prior to the end of an officer's shift unless the seriousness of the injury or illness prevents such notice. In such case notice will be made by the shift supervisor immediately, and the affected officer will make such notice as soon as he is physically able to do so. Reports of injury or illness will be promptly investigated.

The following departmental forms and insurance forms will be utilized for notification purposes: Incident report (filed by Officer), Supplementary Report (filed by shift supervisor), Line of duty Forms A, B, and C (filed by officer). Line of duty forms may be obtained from the department secretary.

Return to duty for any line of duty disability will be in accordance with the provisions of M.G.L. C. 41 § 111F of the Commonwealth of Massachusetts.

13.0 FITNESS FOR DUTY

13.1 ABSENCE

Officers shall not be absent from duty without permission. For a proper reason, and only for a limited time, the chief of police, or his designee, may excuse an officer from reporting or being present for duty. All unauthorized absences shall be investigated by the chief of police, or his designee, for appropriate action.

13.2 MILITARY LEAVE OR ABSENCE

Officers who are members of reserve component of the armed forces of the United States shall be granted leave, in accordance with M.G.L. c 33 § 59, and the provisions of any applicable bargaining agreement.

13.3 SICK LEAVE

Officers shall utilize sick leave for personal illness or physical incapacity only when thereby rendered unable to perform the duties of an officer's present position. The number of allowed sick days shall be unlimited at the discretion of the chief of police. The chief of police may request a physician's certificate of illness after three (3) days absence, after a series of repeated absences during the year(s), or before an employee returns to work.

13.4 DOCTOR'S CERTIFICATE

Officers shall provide a certificate from a doctor if required at the discretion of the chief of police in accordance with town policy. (3 days or more) for an absence from duty because of sickness or injury.

13.5 PHYSICAL FITNESS

Officers shall maintain good physical condition in accordance with standards determined by the chief of police, or mandated by the Criminal Justice Training Council.

13.6 NOTIFICATION

Officers shall notify a superior officer or the Chief of Police when ill and unable to report for work, or if there is any change in an officer's physical or mental health that could disqualify or temporarily prevent the individual from being assigned to duty by the department.

13.7 POSSESSION/USE OF ALCOHOL

Officers shall not possess and/or use alcohol on duty other than in an authorized duty capacity. No officers shall report for duty while under the influence of intoxicating liquor or with an odor of alcoholic beverage on their breath. No officer shall drink alcoholic beverages so as to render himself unfit to report for scheduled duty. The department recognizes that officers have the right to drink alcoholic beverages while off duty.

13.8 SMOKING TOBACCO

Officers appointed after January 1, 1988 shall not smoke or use tobacco products of any kind whether on or off-duty. Whoever violates said statute is subject to dismissal as specified in Chapter 41 section 101A of the Massachusetts General Laws.

NOTE: See also the rule in Section 10 entitled "Smoking While on Duty".

13.9 POSSESSION/USE OF CONTROLLED SUBSTANCES

Officers shall not possess and/or use on or off-duty any controlled substances, except with the approval and guidance of a licensed physician and with the knowledge of the chief of police when advised or cautioned by a physician. At no time may an officer use or be under the influence of a controlled substance where such use or influence impairs or compromises the efficiency and integrity of the officer, the department or the municipality.

Officers shall not bring, place, or permit to be brought or placed, or allow to be kept in any building, location or vehicle of the department, any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic, except in the strict performance of police duty, e.g. evidence, etc., or when it is needed for administration by, or at the direction of a licensed physician, and then only after notification to and approval from the Commanding Officer or Chief of Police.

13.10 POSSESSION OF INTOXICANTS, DRUGS, ETC.

Officers shall not bring, place, or permit to be brought or placed, or allow to be kept in any building, location or vehicle of the department, any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic, except in the strict performance of police duty, e.g. evidence, etc., or when it is needed for administration by, or at the direction of a licensed physician, and then only after notification to and approval from the chief of police, or his designee.