

CHAPTER 5
DEPARTMENT RULES

500 RULES

The following rules establish the principles for the management of the department and a standard of behavior to which every member of the department is held accountable. The standard, which is founded upon the laws of the commonwealth, is a very high one, higher than what is expected of members of the general public in their work. But the responsibility with which the department is entrusted is a heavy one and one that is entrusted to no other agency in this city. And the powers given to police officers to fulfill that responsibility are also given to no other persons or agency. As a result, more is demanded of the police officer in his conduct and bearing and in his faithful carrying out of departmental policy and procedures.

501 GENERAL DUTY REQUIREMENTS

All members and employees of the department are expected to conform their behavior to the standard of conduct established by the following rules and to execute their duties in accordance with the department policies, procedures, rules and regulations. Failure to do so subjects the offending members or employees to possible disciplinary action.

501.1 On Call

A member shall be on call twenty-four hours a day and must at all times be prepared to assume active duty if so ordered by the proper authorities.

501.2 Reporting for Duty

A member shall report for duty properly clothed and equipped, at his regularly appointed time (15 minutes prior to the time set for roll call) and not withdraw or absent himself from duty without permission.

501.3. Familiarizing Oneself with Current Orders

A member shall acquaint himself before beginning his tour of duty with all important matters affecting his duties that have occurred since his last tour. Upon returning to duty from any absence he shall inform himself of all new orders, regulations and memoranda governing his assignment.

501.4 Reporting Unresolved Situations

At or before the completion of his tour of duty, a member shall report to the relief officer and/or his immediate superior all the facts and conditions of relevant police business in order that the relief platoon coming on duty may know what police action has been taken and what remains to be done.

501.5 Knowledge of Laws

A member shall familiarize himself with all of the laws, statutes, ordinances and regulations necessary for the proficient execution of his duty as a police officer.

501.6 Providing Police Service on Duty

An officer shall promptly give aid to all persons requesting police service in so far as is consistent with duty obligations.

501.7 Providing Police Service Off Duty

A member of the department, even though off duty, in uniform or out of uniform, shall provide police services should they be needed to prevent or stop any felony or breach of the peace or assist with any emergency situation.

501.8 Report of Off Duty Police Actions

When a member has performed a police service while off duty he shall submit a full report to his commanding officer indicating the nature of the service and the action taken. Such a report will be used in determining commendations, and insurance coverage for any injuries that may have been incurred.

501.9 Answering Questions

All personnel of the department shall answer questions from persons in a courteous manner and if unable to supply an answer, shall make every effort to obtain the answer for such persons, avoiding argument and unnecessary conversation and complying with section 505.

501.10 Reporting Violations by Another Member

Upon observing or otherwise becoming aware of a violation by another member of the department of the department's rules, regulations, policies and procedures, a member shall report such violation to his Commanding Officer.

501.11 Remaining Neutral

In any civil case or dispute, an officer shall remain neutral to both parties and act only to prevent a breach of the peace.

501.12 Aiding Other Members

A member shall assist and protect, and come to the aid of, other members of the department who in the exercise of their duties are in need of aid and assistance.

501.13 Custody of Prisoners

Any member who has, at any time, the custody of any person or persons under arrest or detention shall be responsible for the proper safeguard of such person or persons and their property for the period of time they remain in his custody. Any abusive words or actions against such person or persons shall subject the officer to disciplinary action.

501.14 Completing Reports

A member shall promptly and accurately complete all reports records and forms, as required by the subsequent rules, regulations, policies and procedures of the department.

501.15 False Information on Records

A member or employee shall not knowingly or willingly make false official reports or cause any false information to be entered in any books, reports or records.

501.16 Utilizing Chain of Command

Consistent with current departmental procedures covering special exception, a member or employee shall maintain the chain of command for the communication of police business and promptly notify his immediate superior of information concerning police matters coming to his attention.

501.17 Cooperation with Other Members

A member shall cooperate with and assist other members of the department in their departmental work. Any deliberate and unjustified withholding of police information from other members of the department is considered gross neglect of duty. However, in the absence of an explicit request or proper order, he shall avoid interfering with or working independently on any case or other police matter not assigned to him by his commanding officer.

501.18 Withholding Evidence

A member shall not fabricate, withhold or destroy any evidence of any kind.

501.19 Knowledge of Superior's Duties and Responsibilities

A member shall be familiar with the duties and responsibilities of his immediate superior so that the member can assume and perform the functions of the position should the immediate superior be absent and because of rank or assignment it becomes necessary for him to take command.

501.20 Temporary Responsibility

Any member who may be placed temporarily in a position by proper authority shall exercise the authority and perform the duties of the position and shall be held responsible as though he were permanently assigned to the position. He shall be careful not to countermand any orders issued by the officer he is replacing, unless police business so demands.

501.21 Leaving Command Post

Whenever ordered to assume temporary responsibility as a commanding officer a member shall leave the command post only in a serious police emergency. Upon return from any absence from post, he shall report to the regularly assigned commanding officer, the reasons for and the length of the absence.

501.22 Identification Records

At the time of his appointment a member or employee shall be fingerprinted and photographed for the records of the department and be photographed every five years thereafter for the same purpose or at any other time it is deemed necessary by the Chief.

501.23 Providing Identification

A member shall give his name, rank, and/or badge number or other identification as required by law in a civil manner to any person who may inquire.

501.24 Handling Property Obtained as Evidence

When lost, stolen or abandoned property required as evidence or taken from a prisoner or from an insane, intoxicated or incapacitated person, etc. is obtained, a member shall follow the procedures set out in the Policy and Procedures Manual.

501.25 Misappropriation of Property

A member or employee shall not appropriate for his own use or the use of someone else any lost, found, stolen property, evidence or property of or held by the department.

501.26 Handling Money and Property

All money or other property coming into the possession of any member through the normal course of police duty, which is not his own, shall be delivered to the proper officer and a report shall be made on the transaction.

501.27 Return of Personal Property to Rightful Owner

Whenever any member or employee of the department has an occasion to return personal property held by the police to the rightful owner or to the owner's authorized representative, the member or employee shall obtain from either the owner or the representative, his signature on a standard police receipt form. The receipt form shall include a brief description of the property, the reported value, the case number and the signature of the member and employee who makes the transaction.

501.28 Physical and Mental Fitness

A member shall maintain a physical fitness and mental alertness sufficient to perform his assignment.

501.29 Knowledge of City Geography

A member shall familiarize himself with the geography of the city, including streets, highways, bridges, buildings, hospitals, courts, industries, and other prominent features of the city.

501.30 Altering or Defacing Department Notices

A member or employee shall not alter, mark or deface any printed or written notice, memorandum, general order, special order, directive or other written document relating to police business.

501.31 Non-Police Activities

A member shall avoid all activities not relating to his police responsibilities during duty.

501.32 Private Activities While on Duty

A member shall not shop or perform personal activity while on duty unless authorized by his commanding officer.

501.33 Smoking on Duty

No member of the department shall be allowed to smoke while in uniform on the street or in public, except between the hours of 11:00 p.m. and 6:00 a.m.

501.34 Residence Requirement

Every person who has been appointed to the department permanently shall within nine (9) months of the appointment establish a bona fide residence within ten miles of the perimeter of the city limits of New Bedford (M. G. L. 31, S. 48A.).

501.35 Change of Address

Every member and employee shall be responsible for informing the proper superiors of his current address and any subsequent changes within 48 hours following such change.

501.36 Telephone Requirements

Every member shall maintain a telephone at his residence and the current number shall be on file at the department. The department shall be notified of any change within 48 hours following such change.

501.37 Release of Telephone Numbers

No member or employee shall release to any person or business outside the department, the telephone number or home address of any other member or employee.

501.38 Armed on Duty

A member shall be armed at all times while on duty, unless otherwise specifically authorized.

502 PERSONAL CONDUCT

Members and employees of the department when in contact with the public are viewed as representatives of the department and the department is often judged by the public according to the image presented by its members and employees. For this reason it is important that all personnel be cognizant of their actions and conduct themselves as befits their rank and position and in accordance with the department rules, regulations, policies and procedures.

502.1 Suspicious Conduct

A member shall not pursue a course of conduct which will raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust. G. L. c. 268A, s 23 (b).

502.2 Civility

All personnel of the department shall be civil, orderly, diligent, discreet, courteous, and patient as a reasonable person is expected to be in any situation.

502.3 Respect of Others

On or off duty, in uniform or out of uniform, a member or employee shall extend the proper courtesy and respect toward all officers of the department.

502.4 Abuse to a Subordinate

A member shall refrain from abusing a subordinate in any manner. For instance, unnecessary public reprimands and physical or verbal assaults are prohibited.

502.5 Rumors or Malicious Gossip

No member or employee shall cause to discredit, lower or injure the morals of the personnel or any individual of the department, nor shall he spread unjustifiable rumors or malicious gossip.

502.6 Controversial Discussion

A member or employee of the department shall not speaking slightly or derogatorily of any nationality, race or religion.

502.7 Intoxicants, Drugs, etc.

A member or employee shall not bring, place or permit to be brought or placed, or allow to be kept in any building, location or vehicle within the department any intoxicant, exhilarant, hypnotic, hallucinogen, or narcotic, unless confiscated as evidence, required by a physician or for other exceptional reasons related to police work.

502.8 Use of Intoxicants

A member or employee shall not drink intoxicating beverages or use any intoxicants in any manner while on duty or in uniform. when off duty, the member or employee shall refrain from the excessive use of intoxicants so as to render one unfit for duty.

502.9 Use of Drugs

A member or employee shall not use, except as directed by a physician, any narcotics, exhilarants, hypnotic or hallucinogens or other toxic drugs and shall not report for duty if such use renders one unfit for duty.

502.10 Speaking the Truth

Members of the department are required to speak the truth at all times and under all circumstances; and in any case where they are not allowed by the rules of the service to divulge the facts within their knowledge, they should say nothing.

502.11 Alertness

A member or employee shall remain alert while on duty. Sleeping while on duty is prohibited.

503 CONFLICT OF INTEREST

Subject to the rights of all citizens under the Massachusetts and Federal Constitutions, the position of membership in the department carries with it the obligation to hold police duties above all other professional, financial, and associational concerns. The statutory basis of this obligation is in the Massachusetts General Laws, Chapter 268 A, and the rules which follow here seek to specify the responsibilities that arise under it.

While rules appearing in this manual may on occasion be difficult to apply to specific cases, Section 22 of G. L. C. 268 A provides that any municipal employee is entitled to a written opinion from the city solicitor as to whether a certain act by the employee violates or will violate the conflict of interest standard erected by Chapter 268 A. The city solicitor's opinion becomes a matter of public record. For this right of an opinion from the city solicitor to be exercised, Section 22 requires that the police officer's request indicate "detailed existing facts which raise a question of actual or prospective violation of any provision of this charter," be in writing, and be initially submitted to the Chief.

Consequently, when a police officer is in doubt whether his present or future conduct is or will be in violation of the rules of this subsection, he should, to protect himself, submit a written request for an opinion to the Chief of Police.

503.1 Membership in organizations

A member of the department shall not affiliate with, or become or remain a member of any organization if such affiliation or membership would in any way interfere with or prevent him from performing his duties as a police officer.

503.2 Second Jobs

Before remaining in or taking on another job in addition to his position with the department, a member of the force must obtain the approval of the Chief. No member of the force shall accept other employment which will impair his independence of judgment in the exercise of his official duties, M. G., L.C. 268A, S23 (a).

503.3 Financial Interests

No member shall engage in any transaction, have any financial or other private interest, render service for private interests, invest or hold any investment, direct or indirect, which is in conflict with, prevents, or otherwise hinders, the proper discharge of his official duties.

503.4 Transactions With the City

No member shall be or become interested directly or indirectly, in any manner except by operation of law in any business dealing with the City. G.L.C. 268A, S20.

503.5 Use of Position to Gain Privileges

No member shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others or give the appearance of such action. G. L. C. 268A, S23 (d).

503.6 Improper Influence

No member shall by his conduct, give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is unduly affected by the kinship, rank, position or influence of any party or person. G. L. C. 268A, S23 (e).

503.7 Rewards for Services Rendered

No member shall seek or accept any money gift, gratuity, reward or compensation for any service rendered injury, damage, or expense incurred in the line of duty without the prior consent of the Chief of Police.

503.8 Seeking or Accepting Gifts

No member or employee shall seek or accept, directly or indirectly, any gift, present, or gratuity from any person, firm, group of persons, or relatives or employees of same, who might conceivably come to expect or seek preferential treatment.

503.9 Compromises and Settlements

No member shall be concerned, directly or indirectly, in any compromise, arrangement or settlement between criminals and/or persons who have suffered by their acts.

503.10 Soliciting or Collecting for Charity

No employee while in uniform or when after having informed the other party he is a police officer, shall solicit, collect or receive money or other things of value for charitable, gift or testimonial purposes, except as approved by the Chief of Police.

503.11 Recommending Commercial Services or Products

No member, except in transacting personal affairs, shall recommend or suggest in any manner the employment or purchase of any particular professional or commercial service or product, such as lawyers, facilities, burglar alarm companies, etc. or in any manner inform such business persons how, why and where any service might be required. This does not preclude a member from informing people in need of municipal, county, state or federal services for which they may qualify.

503.12 Political Activity

A member or employee of the department shall not engage in political activity, or in behalf of or against, any candidate or political question, unless such activity occurs during an approved leave of absence from the department. This is in no way intended to discourage or hinder the voting rights of the individual.

503.13 Contributions

A member or employee shall not seek or be obliged to make contributions in money, service or otherwise, for any political purpose.

503.14 Political Influence

Except in accordance with procedures established by law, no member or employee shall seek to influence his own promotion or assignment or the promotion or assignment of any other member or employee through solicitations or other approaches to the Mayor, City Councilors, State Representatives, or other Public officials, or through any other improper or unlawful means.

503.15 Consorting with Criminals

A member or employee shall not consort with hoodlums, criminals, or other unsavory characters unless such association is required in the line of duty.

503.16 Prohibited Places

Except in the line of duty, a member or employee of the department shall not visit or loiter near any establishment knowing it to be suspected by the police as being a place of actual or probable law violations, or a place that is frequented by known hoodlums or other unsavory characters.

504 ORDERS

In order for the police department to function properly it will be necessary for those persons in charge of others to issue orders to their subordinates and for the subordinates to respond and adhere to such orders in accordance with the departmental rules, regulations, policies and procedures.

504.1 Duty to Obey

No member shall neglect to obey or willfully or intentionally disobey lawful orders from an officer of higher rank or who is in charge.

504.2 Orders from the Dispatcher

All personnel shall promptly answer and execute all orders from the dispatcher. These orders shall be considered as direct orders from higher authority.

504.3 Unlawful Orders

No member or employee is required to obey, and should disobey, any order which is contrary to state or federal law or local ordinance. However, responsibility for refusal to obey rests with the member or employee. He shall be strictly required to justify his action.

504.4 Unjust or Improper Orders

Members or employees who are given orders which they feel to be unjust or contrary to the rules, regulations, procedures or policies of the department (as opposed to those orders which are unlawful) must first obey the orders to the best of their ability. Following this, they may proceed to appeal as provided in the next section.

504.5 Reports and Appeals of Unlawful, Unjust or Improper Orders

A member or employee receiving an unlawful, unjust or improper order shall, at first opportunity, report the situation, in writing, to his immediate superior who shall forward the report to the Chief of Police utilizing the chain of command. Each person in the chain of command shall indicate that he has read the report before so forwarding it. The report shall contain the facts of the incident and the action taken. Appeals for relief from such order may be made at the same time.

504.6 Conflicting Orders

Should any order conflict with any previous order the member shall promptly and respectfully call to the attention of the officer who gave the conflicting order the facts of the conflict. If this officer does not change his order to avoid the conflict, his order shall stand.

504.7 Criticism of Orders

Members and employees shall not publicly criticize instructions or orders they have received.

505 RELEASE OF DEPARTMENT INFORMATION

Subject to the department rules, regulations, policies and procedures, members and employees are free to openly discuss with the public general operations of the department.

505.1 Confidentiality

Members and employees shall treat as confidential the official business of the department. In any case where departmental policy, rules and regulations does not allow the divulging of all facts known, a member shall inform the other party of such and refer the person to his commanding officer.

505.2 Revealing of Identity

The identity of the following shall never be revealed except as required by law or with the approval of the Chief of Police.

- a) a person under 17 years of age taken into custody;
- b) a complainant under 17 years of age;
- c) a neglected child;
- d) a victim of a sex crime; or
- e) a person taken into custody in connection with mental illness;
- f) a witness

The identities of other persons that come to a member's attention as complainants, suspects, or friends or family of complainants, suspects, or friends or family of complainants, suspects or defendants must also be protected. Their identities should be released to persons, outside the department only when the ends of justice and departmental policy will be served. The needless or careless making known of the identities of such persons is considered a breach of police responsibility and neglect of duty.

505.3 Releasing Information That May Aid Others

Members shall not release to anyone information which may delay arrest or aid a person to escape, destroy evidence, or remove stolen or embezzled goods, or which may in any other way frustrate the effective carrying out of police work.

505.4 Releasing Information to Other Agencies

Members shall not speak or otherwise communicate with any person or agency outside the department about cases in which they or other members of the department are involved, except with the approval of their commanding officer or in the normal case of investigation.

505.5 Releasing Information on Arrests or Cases

No member shall release information relating to proposed or actual arrest or cases investigated or to be investigated by the department except as covered by policies and procedures.

505.6 Using Information for Personal Gain

Members are prohibited from using confidential, official information to advance the financial or other private interest of himself or others. See G.L.C. 268A S23 (c).

505.7 Reports, Records, and other Documents

With the exception of commanding officers and the members of the department who are assigned to process, maintain and file the reports, records and official documents of the department and except as established by departmental procedures, members and other persons shall not have access to such reports, records and documents. When it is necessary in the performance of police duties, to remove departmental reports or records temporarily from the unit, division or bureau where they are maintained, the member to whom they are issued shall sign a receipt for them and shall be held accountable for their return. No department record shall be destroyed or permanently removed from its file except on order of the Chief of Police.

505.8 Correspondence

No member or employee shall use department letterheads for private correspondence or send correspondence out of the department over their signatures without the permission of the Chief of Police.

505.9 Private Use of Department Address

Members and employees shall not use the department as a mailing address for private purposes. The department address shall not be used on any private motor vehicle registration or operator's or chauffeur's license.

505.10 Telephones

Departmental telephone equipment may not be used for the transmission of private messages without the express approval of a commanding officer.

505.11 Forwarding Communications to Higher Commands

Any member or employee receiving a written communication that is to be transmitted to a higher command shall in every case forward such communication. A violation of this rule constitutes gross misconduct. Such communications are to be forwarded through the chain of command. A member receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgment.

505.12 Statements to the Press; Addresses to Others

Members are not to make any statements for publication relating to departmental business in the press without the consent of the Chief; nor shall a member address any club, association, lodge or other meeting or public gathering on subjects relating to police business without the consent and approval of the Chief.

505.13 Radio Discipline

All members of the department operating the police radio either from a mobile unit or in the communications center, shall strictly observe regulations for such operations as set forth in departmental orders and by the Federal Communications Commission. They shall transmit all information via the radio system in a concise and direct form and accept and obey all instructions received from the radio dispatcher.

506 AUTHORITY

All members and employees are expected to respect the authority of all persons having supervisory command or control over them and to respond in action or words to any orders or questions directed to them. Such response is expected to be prompt and in a courteous manner and in accordance with the rules, regulations, policies and procedures of the department.

506.1 Officer in Command

In the absence of special orders to the contrary and subject to the rules and regulations of the department, the senior officer of the highest rank who is present on duty at any place or on any occasion shall assume command.

506.2 Seniority Through Cooperation

Whenever an officer is detailed, temporarily assigned or working cooperatively with a division or bureau other than that to which he is permanently assigned the senior officer of the division or bureau shall have the authority over him even though he may have seniority.

506.3 Caution in Exercising Authority of Rank

An officer is to avoid giving orders to other members of the force not under his command even though he may be senior in rank or appointment, unless:

1. The situation is serious.
2. The action taken by the subordinate is unsuitable.
3. He has had experience or special training in dealing with similar situations.

However, the senior officer shall utilize discretion in such cases and, if possible, shall contact the commanding officer of the subordinate before issuing the order. Whenever such action is not possible the senior officer shall inform the commanding officer of the subordinate of the action taken as soon as practicable.

507 COURT ACTION

Members and employees are expected to conduct themselves according to the department rules, regulations, policies and procedures while in court, preparing for court or during any phase of a case that may reach the court.

507.1 Testifying

A member or employee shall testify to or state the facts as he knows them when he appears before or is involved in any judicial, departmental or other official investigation, hearing, trial or proceeding and in all other ways fully cooperate during such. A member or employee may exercise his right against self-incrimination and stand silent, but if a member should do so when the subject matter of the requested testimony directly relates to his performance of police duties or to the issue of his use or abuse of his public trust, he shall subject himself to disciplinary action if by his silence the questions of whether he was properly performing his duty or whether he had abused the public trust cannot be resolved.

507.2 Pre-Trial Discussions

A pre-trial discussion with opposing lawyers either in or out of court is forbidden, except with the approval of the court prosecutor.

507.3 Arguing Merits of a Charge

Officers will not argue the merits of a "charge" or case with the alleged offender or the alleged offender's attorney except before the court or with the permission of the court prosecutor.

507.4 Interfering with the Course of Justice

Members and employees 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 wrong doing. Nor shall they take any other action which may interfere with the course of justice. The negotiations between an accused or his representative and the accuser or any witness, shall be disclosed to the proper superior.

507.5 Recommendation for Disposition of Cases

A member shall not make recommendations for the disposition, or dismissal of any case pending in the courts or leniency for the defendant without the consent of the prosecution officer or the Chief of Police.

507.6 Warrants

No member shall make application for a warrant charging another person(s) with an assault upon himself without first reporting the facts of the case to his commanding officer for approval. A member shall not compound any offense committed against his person or property or withdraw any complaint without the consent of the Chief of Police. No member shall apply for a warrant for arrest or for a search warrant without the approval of his commanding officer.

508 CIVIL ACTIONS

508.1 Suits by Police Officers

Before a claim for damages or injuries arising from police duties is made by an officer against any person, firm or corporation, notification of such action must be given to the Chief of police.

508.2 Reimbursing City

Any member injured in the line of duty under circumstances which ground a claim for liability against any person, firm or corporation, and who receives reimbursement or compensation there from for medical or hospital expenses incurred or wages lost as a result of such injury, shall repay the city of New Bedford any amount previously-paid by the city for the account of such member for wages or other costs during the time he was off duty as a result of such injury.

Such payment shall be made to the city within five days of the day upon which money derived from the settlement or trial of the claim; shall be received by such member. A report shall be submitted to the Chief with the name of any person against whom he has a pending claim and the insurance company, if any, covering the liability of such a person.

508.3 Civil, Court Appearances-Subpoenas

A member or employee shall not volunteer to testify in civil actions arising out of his departmental employment and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of action or alleged action taken as part of his departmental employment or if the member or employee is informed that he is a party to a civil action arising out of departmental employment, he shall immediately notify his commanding officer and the city solicitor of the service or notification, and of the testimony he is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except as established by current departmental policy.

508.4 Civil Depositions and Affidavits

Members and employees shall confer with the city solicitor before giving a deposition or affidavit on a civil case which is of importance to the city, he shall inform the Chief of Police before the deposition or affidavit is given.

508.5 Incurring Department Liability

A member or employee shall not incur a liability chargeable to the city of New Bedford unless with prior knowledge and consent of the Chief of Police or a superior officer designated by the Chief of Police.

508.6 Statements Concerning Liability

A member shall not make any oral or written statements to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty, unless so authorized by the Chief and is in accordance with these rules and regulations.

509 DEPARTMENT PROPERTY AND EQUIPMENT

Every member and employee shall make every effort to conserve the physical resources of the department. Culpable negligence in the use or care of city property, abuse, misuse, willful or negligent loss or destruction is not only cause for department punitive measures, but also may require restitution. In more serious cases, such malfeasance's shall incur the liability for prosecution in the criminal courts.

509.1 Lost or Damaged City Property

Members or employees shall promptly report in writing, to their commanding officer the loss, damage or unserviceable condition of any city property assigned to them or under their control.

509.2 Use of Department or City Property

Department or city property shall be used for official purposes only and in the capacity for which it was designed, and then only by the members of the department to whose use such property is assigned, except as may be otherwise directed by the commanding officer.

509.3 Care of Department Building

Members and employees shall not mar, mark or deface any surface in any departmental building. No material shall be affixed in -any way to any wall in Departmental buildings without specific authorization from the commanding officer of the division.

509.4 Gambling

No Illegal game of chance, or gambling of any kind shall be permitted in any police facility.

509.5 Notices

Members and employees shall not make, alter, or deface any posted notice of the department. No notices of a derogatory nature will be posted at any time.

509.6 Surrender of Department Property

Members and employees are required to surrender all department property in their possession upon separation from the service or upon the order of the Chief. Failure to return non-expendable items may obligate and cause the person to reimburse the department for the fair market value of the article (s) .

509.7 Use of Private Vehicles

While on duty, a member shall not drive a private vehicle to his post or assignment, or patrol his post or cover his assignment with a private vehicle, unless he is authorized to do so by his commanding officer.

509.8 Responsibility for Items of Identification

Each member shall be responsible for the items of identification issued him as a member of the force. He shall not permit any other person to borrow or use the items of identification issued to him by the department. Any loss of such items shall be reported immediately to his commanding officer, together with a written report of the circumstances leading to such loss. Members are required to carry official identification when off-duty and in public.

509.9 Upkeep of Manual

All members and employees who are issued a Rules & Regulations Manual are responsible for its maintenance and knowledge of its contents and they are required to make appropriate changes or inserts as they arise.

509.10 Knowledge of Police Rules and Regulations

Every member of the force shall have a copy of the rules and regulations of the police department and shall be familiar with them. Ignorance of any rule or regulation shall constitute a violation of the rules and regulations.

509.11 Use of In-Service Training Manuals

A member shall be held accountable for all of the information contained within the in-service training manuals distributed by the police academy and shall practice all of the procedures and shall utilize all of the information set forth within the manuals.

509.12 Care and Maintenance of Revolvers

A member of the force, shall maintain his service revolver in a serviceable condition at all times and shall clean and oil it each week to prevent rust and wear. A member shall not alter or repair any part of his service revolver without permission of the Firearms Licensing Division.

510 APPEARANCE OF UNIFORMS AND EQUIPMENT

A member shall carry himself as befits an officer of the law, being neat and clean in appearance.

510.1 General Requirements

All members of the department shall maintain in good order a regulation uniform. Members shall be neat and well groomed while in uniform. Male members will be cleanly shaven, but may grow a mustache provided that it is neatly trimmed. Hair shall be neatly trimmed with the sides and back tapered to the neck. Sideburns shall be no lower than the earlobe.

All articles of uniform and on duty civilian dress shall conform to the departmental uniform regulations. Civilian clothing will not be worn with any distinguishable part of the uniform. Exceptions to this rule must be individually approved by the Chief.

Refer to the Department Policy and Procedures Manual for a complete description of uniform and civilian dress standards.

510.2 Wearing the Uniform

Uniforms shall be kept neat, clean and well pressed at all times. While wearing the uniform, members shall maintain a military bearing avoiding mannerisms such as slouching, shuffling and keeping hands in pockets. The uniform cap shall be worn out of doors, unless otherwise directed by competent authority.

510.3 Uniform and Equipment Damage Claim

Any claims for damage to clothing and equipment caused by performance of duty shall be made in accordance with current departmental procedures.

510.4 Manner of Dress on Duty

Normally members will wear the duty uniform on a tour of duty; however, commanding officers may prescribe other clothing as required by the nature of the duty to which a particular member is assigned. Civilian employees will wear and maintain an employee uniform when so directed by the Chief of Police.

510.5 Civilian Clothing-Manner of Dress

Male members of the force permitted to wear civilian clothing during a tour of duty shall wear such clothing appropriate for the duty performed. Female employees permitted to wear civilian clothing shall conform to standards normally worn by office personnel in private business firms, unless otherwise directed. All articles of clothing worn on duty shall be such as to not attract undue attention.

510.6 Equipment

All equipment must be clean, in good working order and conform to department specifications.

511 REGULATIONS PERTAINING TO THE OPERATION OF POLICE VEHICLES

511.1 No person shall operate a department vehicle of any kind unless he has a valid license to operate such vehicle.

511.2 The driver of any police vehicle shall operate said vehicle in a reasonable and safe manner exercising due caution and complying with motor vehicle laws and traffic regulations except in an emergency at which time he will conform to the procedures for operating emergency vehicles.

511.3 Whenever a member or employee is involved in an accident while operating a department vehicle, or any way injures a person or damages property, the member or employee shall immediately notify his commanding officer.

511.4 A member or employee who is assigned a vehicle shall be responsible for said vehicle and the serviceability of the vehicle. Upon receipt of a vehicle the member or employee shall inspect the vehicle for any defect damage or unserviceability and for the presence of any unauthorized article and shall submit a report to his commanding officer concerning any such findings.

511.5 A department vehicle shall not be used for pushing or towing another vehicle unless so authorized.

511.6 The operator of a department vehicle shall lock the ignition and remove the key when dismounting his vehicle and when leaving the vehicle for more than a brief period shall lock the doors of such vehicle.

512 USE OF FORCE

A member shall use only that force which is necessary for the safe custody of a prisoner or for overcoming any resistance that may be encountered. The improper use of firearms or the unnecessary use of physical force constitutes gross misconduct.

513 USE OF FIREARMS

Regardless of any department guidelines, it must be emphasized on each officer that the grave responsibility is his when he fires his service weapon. The officer must have complete justification legally and morally for taking extreme measures. Justification must be based on fact rather than assumption or suspicion.

513.1 Depending on circumstances and conditions an officer would be justified in firing his service weapon when necessary:

- a) To defend himself from death or serious injury or to defend another, who was unlawfully attacked, from death or serious injuries.
- b) To kill a dangerous animal or one so badly injured that humanity requires its removal from further suffering.
- c) To give an alarm or call for assistance for an extremely important purpose when no other means can be used.
- d) To effect the arrest or prevent the escape of a convicted felon or a person who has committed a felony in the officer's presence, when other means are insufficient. This is a general rule and cannot be clearly defined but it should be limited to serious aggravated felonies such as murder, robberies, forceful rape, etc., after all reasonable means of apprehension has failed and the use of deadly forces is clearly justified.
- e) The rules controlling the use of firearms in felony cases must necessarily be general in nature as it is impossible to establish a set of rules to embrace every possible situation.

Notwithstanding any guidelines, an officer must use good judgment and common sense and must always be aware of the grave responsibility which is his when he uses deadly force, and he must be prepared to justify the use of his firearm in all cases.

The law on reasonable force when making an arrest always applies.

513.2 The firing of service weapons by members of this department is strictly prohibited under the following conditions:

- a) To effect the arrest or prevent the escape of a person for the commission of a misdemeanor.
- b) The indiscriminate firing of warning shots, except as provided under section 513.1 (c)
- c) The careless and reckless use of firearms without regard to the safety of innocent bystanders.

513.3 In all cases where a member of the department fires his service weapon, except when practicing or testing, the following procedure will be adhered to:

- a) The officer concerned will file a complete report of the incident in detail, the names and addresses of victims and witnesses, extent and treatment of injuries, if any, and reasons and circumstances that required the use of the firearm.
- b) The division commander will immediately conduct a full investigation into the use of the firearm and submit his report in detail with that of the officer to the Chief of Police.
- c) At the end of his report, the division commander will state whether or not the firing or use of the service weapon was justified.

513.4 The indiscriminate, careless and reckless firing of service weapons will not be tolerated. When in doubt do not fire

514 USE OF WEAPONS

A member who finds it necessary to use his baton, a shotgun or other weapon in making an arrest, or attempting to make an arrest for any reason shall notify in writing, his commanding officer and the commanding officer shall cause an investigation. to occur as to any damage or injury, or the propriety of the use of the weapon in accordance with 513.3.

515 CHARGES AND HEARINGS

515.1 Whenever charges shall be preferred against any member of the department, such charges shall contain full specifications, and shall be made in writing and signed by the person making the complaint. The officer to whom the complaint is made shall direct the complainant to put it in writing. All complaints or charges against members of the department shall be immediately transmitted to the Chief or the officer in charge.

515.2 The Chief of Police may suspend any member of the department, (G.L., C.31, S43,(c) without his consent, for violations of duty. The Chief of Police shall notify the Mayor of any suspension and the reasons for such suspension.

515.3 For violation of duty or the department rules and regulations which in the opinion of the Chief of Police are of such nature that it does not fully require the charges to be heard in public, and the member of the department charged with such violation, requests in writing that he does not desire a hearing, the Chief of Police with approval of the Mayor may suspend, give extra hours of duty or otherwise discipline the member within the law covering such action.

515.4 The Mayor may cause charges to be preferred against any officer of the police department if a violation or neglect of duty is reported by the Chief of Police. A hearing shall be ordered by the Mayor and City Council and a notice of the time and place of such hearing and a copy of the complaint and specifications, shall be served upon the accused person at least seventy-two hours before the date of the hearing.

515.5 A hearing of such charges shall be before the Mayor and City Council who may cause the officer to be discharged, removed, suspended, laid off, transferred, lowered in rank, lowered in compensation, or to serve punishment duty, for cause deemed by them sufficiently warranted. All disciplinary actions are subject to the provisions of civil service, these rules and regulations, and city or state laws.

515.6 The following shall be considered violations or neglect of duty and are subject to the actions stated in section 515 charges and hearings:

- a) Ignorance of the department rules and regulations.
- b) Failure to perform according to the department rules and regulations.
- c) Insubordination or disrespect to any officer of higher rank or in command.
- d) Immoral conduct or conduct unbecoming an officer.
- e) Commission of any criminal act.
- f) Absence without leave.
- g) Mental or physical incapacity to perform the work assigned.
- h) Neglect or disobedience of orders.
- D) Commission of any act of abusive conduct or oppression.
- j) Conduct injurious to the public peace and welfare.
- k) Failure to report any known violation of the law.
- l) Improperly performing or neglecting to perform the duties assigned.
- m) Issuing false statements.
- n) Cowardice or failure to support a fellow officer in the time of need or peril.
- o) Commission of any act contrary to the good order and discipline of the department.
- p) Excessive conversation with another member of the department or other persons while on patrol duty, without good cause.
- q) Intoxication
- r) Neglect of duty.

516 RECEIVING AND INVESTIGATING COMPLAINTS AGAINST MEMBERS OF THE DEPARTMENT

516.1 Misconduct means any act or conduct which is in violation of the "Department Rules and Regulations", or which would amount to "Conduct Unbecoming an Officer" or "Any Act or Conduct Contrary to the Good Order or Discipline of the Department".

516 2 The Commanding Officer on duty on any relief, at any station, division, bureau or unit will receive and accept any complaint of alleged misconduct against any member of the department.

- a) The officer receiving the complaint will require the complainant to reduce his complaint to writing and sign it. I & M forms will be utilized for this purpose. The complainant will keep a copy of his written complaint.

- b) In any case when the complainant is not capable of typing or writing and does not have anyone to act in his behalf, the commanding officer will assign a ranking or superior officer to receive the complaint and reduce it to report form. Copy of the complaint will not be given to the complainant in cases such as this when it was not written by the complainant or someone acting in his behalf.

- c) In all cases when a complaint or information is received, including information from an anonymous source alleging that a criminal act has been committed by any member of the department, the officer receiving the complaint or information will submit a report to his commanding officer to be forwarded directly to the Chief of Police.

- d) The Commanding Officer will assure himself that the complaint report consist of the following information: full name, age and address of complainant or victim and witnesses, date, time, and location of incident, date and time complaint was made, name and or badge number of officer (s) accused and a concise statement of facts.

- e) Upon completion of complaint report, the commanding officer will forward the original and copies of the report to the office of the Chief of Police.

516.3 Upon receipt of the complaint the Chief of Police or in his absence the Deputy Chief of Police will cause an investigation to be made, depending on the seriousness and type of offense alleged, by the commanding officer of the accused or by officers specifically assigned for that purpose.

- a) In no instance will a patrolman be assigned to make such an investigation, nor will any ranking officer lower in rank to the accused be assigned for this purpose.

516.4 The officers assigned to investigate will conduct a thorough and impartial investigation into all facets of the complaint, obtaining detailed statement from the complainant, witness (es) and the accused, and any other evidence, facts or circumstances material to the issue, including criminal records which may affect the credibility of witnesses.

- a) Investigating officers will show the complaint to the officer accused and obtain a statement from him.
 - 1) In cases involving a criminal offense the accused must be informed of his constitutional rights.

- b) Investigating officers will submit a complete report of all the statements, facts, conditions, circumstances and evidence acquired in the course of their investigation to the Chief of Police within seven (7) days.
- c) When the case has been referred to the commanding officer of the accused, in addition to the investigative report, the commanding officer will also submit his conclusion regarding whether or not the complaint is justified and recommended disciplinary action, if any.

516.5 Upon receipt of all reports of the investigation of the complaint the Chief of Police may take any of the following actions:

- a) If an investigation reveals that the complaint is unfounded, then the matter may be closed.
- b) Complaints that are justified and may be characterized as minor, such as discourtesy or comparable acts, may be settled informally by the Chief or his designee, i.e., Commanding Officer.
- c) If the complaint is of a more serious nature, a Board of Inquiry may be created consisting of five (5) ranking officers for the purpose of reviewing all reports, evidence, photographs and any other matter which may have a bearing on the case.
 - 1) The board of inquiry will not interview the complainant, witnesses or the accused. However it may require further investigation to clarify a point.
 - 2) The senior member of the board will submit a report to the Chief of Police within five (5) days, consisting of the names and rank of the members who made up the board, together with their conclusions as to whether or not the complaint is justified and their recommendations.
 - 3) Recommendations of the board will be in an advisory capacity and will not be binding on the Chief of Police or the appointing authority.

516.6 The Chief of Police will submit a complete report to the appointing authority (the Mayor) in all cases when Suspension has been imposed by the Chief under authority of S. 43 and 45 of C. 31 Of the General Laws, as amended, when recommendations are made by the Chief to the appointing authority for a formal hearing and in other cases where required.

- a) In any case when charges are to be lodged against any member of the department, all procedures and provisions of the Department Rules and Regulations, the City Code, and sections 43, 45 and 46A of Chapter 31 of the General Laws as amended will be complied with.

516.7 Within seven (7) days after completion of the investigation, including recommendations and consulting with the appointing authority, the Chief of Police will notify the complainant and the individual who is the subject of the complaint of the results of the investigation and contemplated action, if any.

- a) In cases where the matter is being investigated by another law enforcement agency, i.e., Attorney General's Office, District Attorney's Office, etc., or the offense or a case connected with the office is before the courts, civil or criminal, notification of the results of the investigation and contemplated action will be withheld pending the decision of the court and/or the results of the investigation of the other law enforcement agency is announced.

516.8 This procedure will also be used for interdepartmental complaints.

- a) In computation of any time limit in this section, Saturdays, Sundays and holidays will be excluded. In unusual circumstances or conditions, the Chief of Police may waive any time limit, except those provided by law.

516.9 Nothing in this section shall be construed so as to deny any rights or privileges granted to any member of the department by Civil Service or by law.