

STOW POLICE DEPARTMENT RULES AND REGULATIONS



Table of Contents

1.0	<i>AUTHORITY</i>	1
2.0	<i>RECEIPT</i>	2
3.0	<i>INTRODUCTION</i>	3
	LAW ENFORCEMENT CODE OF ETHICS	6
4.0	<i>PROFESSIONAL CONDUCT AND RESPONSIBILITIES</i>	7
	RULE 4.01 - OFF DUTY EMPLOYMENT	7
	Rule 4.02 - CONDUCT UNBECOMING AN OFFICER	8
	RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW	9
	RULE 4.04 - MEMBERSHIP IN ORGANIZATIONS	9
	RULE 4.05 – ASSOCIATION WITH KNOWN CRIMINALS	9
	RULE 4.06 - UNDUE INFLUENCE	9
	RULE 4.07 – VISITING PROHIBITED ESTABLISHMENTS	9
	RULE 4.08 – IMPROPER BUYING, RECEIVING or SELLING	10
	RULE 4.09 - DEPARTMENT CORRESPONDENCE	10
	RULE 4.10 – IMPROPERLY INFLUENCED TESTIMONY	10
	RULE 4.11 - MAILING ADDRESS	10
	RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE	11
	RULE 4.13 – FINANCIAL DISCLOSURE	11
	RULE 4.14 - POSSESSING KEYS TO PRIVATE PREMISES	11
	RULE 4.15 – ABUSE OF POSITION	12
	RULE 4.16 - POLITICAL ACTIVITIES	12
	RULE 4.17 - GIFTS AND GRATUITIES	14
	RULE 4.18 - TESTIMONIALS AND PRESENTS	15
	RULE 4.19 - UNAUTHORIZED TRANSACTIONS	15
	RULE 4.20 - USE OF OFFICIAL POSITION	15
	RULE 4.21 – ENDORSING PRIVATE SERVICES	16
5.0	<i>NEGLECT OF DUTY</i>	17
	RULE 5.1 - NEGLECT OF DUTY	17
6.0	<i>INCOMPETENCE</i>	18
	rule 6.1 – incompetence	18
7.0	<i>PUBLIC STATEMENTS</i>	19

RULE 7.1 - PUBLIC CRITICISM OF THE DEPARTMENT	19
RULE 7.2 - DISPARAGING REMARKS	19
RULE 7.3 - COURTESY	20
RULE 7.4 - IDENTIFICATION	20
RULE 7.5 - DISSEMINATION OF OFFICIAL INFORMATION	20
RULE 7.6 - TESTIMONY IN CIVIL CASES	22
RULE 7.7 - TRUTHFULNESS	22
RULE 7.8 - STATEMENTS CONCERNING LIABILITY	22
RULE 7.9 - TESTIFYING FOR CRIMINAL DEFENDANTS	23
RULE 7.10 - RECOMMENDATION FOR DISPOSITION OF CASES	23
RULE 7.11 – COMMUNICATION WITH OFFICIALS	23
8.0 <i>ORDERS</i>	24
Rule 8.1 - OBEDIANCE TO RULES AND ORDERS	24
Rule 8.2 - UNLAWFUL ORDERS	24
RULE 8.3 – ISSUING UNLAWFUL ORDERS	24
Rule 8.4 - CONFLICTING ORDERS	25
Rule 8.5 - UNJUST OR IMPROPER ORDERS	25
Rule 8.6 - INSTRUCTIONS FROM DISPATCHER	25
Rule 8.7 - TYPES OF ORDERS	26
Rule 8.7a - GENERAL ORDERS	26
Rule 8.7b - SPECIAL ORDERS	26
Rule 8.7c - PERSONNEL ORDERS	26
Rule 8.7D - MEMORANDA	26
Rule 8.7E - RULES AND REGULATIONS	27
Rule 8.7F - POLICIES AND PROCEDURES	27
rULE 8.08 - INSUBORDINATION	27
9.0 <i>UNIFORMS AND APPEARANCE</i>	28
RULE 9.1 - HAIR STYLES FOR all officers/ and non-sworn personnel	28
RULE 9.1.A. - Sideburns	29
RULE 9.1.B. - MustacheS	30
RULE 9.1.C. - Beards	30
RULE 9.1.D. - Wigs or Hairpieces	30
RULE 9.2 – EARRINGS and fingernail polish	30
RULE 9.3 - WEARING THE UNIFORM	30
RULE 9.4 - CIVILIAN CLOTHING	31
RULE 9.5 - IDENTIFICATION	31
10.0 <i>ATTENTION TO DUTY</i>	32

RULE 10.1 - PROFESSIONAL IMAGE	33
RULE 10.2 - DEVOTION TO DUTY	33
RULE 10.3 - REPORTING FOR DUTY	34
RULE 10.4 - SLEEPING	34
RULE 10.5 - SMOKING WHILE ON DUTY	34
RULE 10.6 - AWARENESS OF ACTIVITIES	35
RULE 10.7 - LEAVING THE COMMUNITY	35
RULE 10.8 - DUTY STATUS	36
RULE 10.9 - DEPARTMENTAL COMMUNICATIONS	36
RULE 10.10 - COOPERATION WITH INVESTIGATIONS	36
11.0 GENERAL REQUIREMENTS	38
RULE 11.1 - RESIDENCY	38
RULE 11.2 - HOME ADDRESS AND TELEPHONE	38
RULE 11.3 - MEALS	38
RULE 11.4 - POLICIES AND PROCEDURES COMPLIANCE	38
RULE 11.5 - PAYMENT OF DEBTS/LEGAL LIABILITIES	38
RULE 11.6 - WARRANTS FOR ASSAULT	39
RULE 11.7 - RELEASE WITHOUT ARRAIGNMENT	39
RULE 11.8 - INCURRING DEPARTMENT LIABILITY	39
RULE 11.9 - DUTIES WHILE SUSPENDED	40
RULE 11.10 - CIVIL SUITS FOR PERSONAL INJURY	40
RULE 11.11 - IMMORALITY	40
RULE 11.12 - CRIMINAL CONDUCT	41
12.0 dEPARTMENTAL PROPERTY AND EQUIPMENT	42
RULE 12.1 – DAMAGED OR DEFECTIVE EQUIPMENT	42
RULE 12.2 - CARE OF DEPARTMENT BUILDINGS	42
RULE 12.3 - AUTHORIZED EQUIPMENT	43
RULE 12.4 - SURRENDER OF DEPARTMENT PROPERTY	43
RULE 12.5 - PRIVATE VEHICLES	43
RULE 12.6 - DEPARTMENT TELEPHONES	43
RULE 12.7 - DEPARTMENT VEHICLES	43
RULE 12.8 – REQUIRED LICENSES	44
RULE 12.9 - UPKEEP OF POLICE MANUALs	44

RULE 12.10 - TRANSPORTING CITIZENS	45
RULE 12.11 - CARE OF DEPARTMENT PROPERTY	45
RULE 12.12 – ITEMS OF IDENTIFICATION	46
RULE 12.13 – PERSONAL POLICE EQUIPMENT	46
RULE 12.14 - CARE AND SECURITY OF FIREARMS	46
RULE 12.15 - CARE AND CUSTODY OF PROPERTY	47
RULE 12.16 – EVIDENCE OR SUSPECTED CONTRABAND	47
RULE 12.17 - DEPARTMENT NOTICES	48
RULE 12.18 - DEPARTMENTAL RECORDS	48
13.0 <i>REPORTS</i>	49
RULE 13.1 - FILING REPORTS	49
RULE 13.2 - FALSIFYING RECORDS	49
RULE 13.3 - FEIGNING ILLNESS OR INJURY	49
RULE 13.4 - REPORTING CITIZEN COMPLAINTS	50
RULE 13.5 – REPORT RULE VIOLATIONS	50
14.0 <i>FITNESS FOR DUTY</i>	51
RULE 14.1 - ABSENCE	51
RULE 14.2 - SICK LEAVE	51
RULE 14.3 – DOCTOR’S CERTIFICATE	52
RULE 14.5 - NOTIFICATION	52
RULE 14.6 – POSSESSION OR USE OF ALCOHOL	52
RULE 14.7 – OFF DUTY USE OF ALCOHOL	52
RULE 14.8 – USE OF TOBACCO	53
RULE 14.9 - CONTROLLED SUBSTANCES	53
RULE 14.10 - LINE-OF-DUTY DISABILITY	53

MANUAL OF RULES AND REGULATIONS

FOR THE GOVERNMENT OF THE

POLICE DEPARTMENT

OF THE

TOWN OF

STOW

MASSACHUSETTS

1.0 AUTHORITY

This Manual of Rules and Regulations for the government of the Police Department of the Town of Stow 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.

A copy of this Manual was delivered to the Board of Selectmen on February 26, 2002.

The effective date of these Rules and Regulations shall be April 9, 2002 and they shall remain in full force and effect until amended or rescinded. This manual has been updated on the following dates October 12, 2022.

Chief of Police

2.0 RECEIPT

Officers/Dispatchers shall subscribe their names to the following agreement:

I hereby acknowledge receipt of a copy of the Manual of Rules and Regulations for the government of the Police Department.

Date: _____

Officer's Name (Printed)

Signature of Officer

Issued By:

Signature of Issuing Officer or Witness

(Two copies - one to remain in Manual and the other to be filed in the appropriate department file such as the officer's personnel folder.)

3.0 INTRODUCTION

Law enforcement professionals have a unique role in today's society. The power and authority granted to the police are substantial. No other group has the right to enter citizens homes or places of employment to search and make arrests. Only the police may stop a motor vehicle, detain persons on the street, and engage in interrogations. The use of deadly force alone makes law enforcement officers unique.

As with any granting of authority, there comes an accompanying responsibility. For police professionals it involves, at a minimum, the adherence to law and the fair and impartial exercise of such authority. Officers learn from their earlier days in the basic academy that they have discretion in when and how they exercise their lawful authority. They are taught that the ethical performance of their duties is essential to ensure both departmental integrity and essential public support and confidence.

Many expectations of police conduct "go without saying." Certainly officers must obey the law, exercise their responsibilities within constitutional guidelines, and obey lawful orders. However, the establishing of a manual of rules and regulations is a time-tested tradition in police departments. It is only fair that officers have some way of knowing in advance what is expected and what conduct is prohibited. Many forms of conduct that are "unbecoming a police officer" are known from common sense or learned during training or on the job. However, when this is not the case, or where a particular action is either required or prohibited, it is helpful to spell it out in a manual such as this.

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 on-going 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, periodic general or special orders and memoranda, 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 team work are evident to the experienced law enforcement professional. Our distinctive appearance, including a uniform and grooming 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 high 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) over any rules that involve or impact upon mandatory subjects of bargaining.

This Manual will generally serve as the basis for departmental discipline. It does not attempt to, nor could any such document, cover every possible situation. 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 members of our noble profession.

An effort has been made to make the manual gender neutral. 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 or her designee when, from time to time, the Chief authorizes others to act on his or her behalf in appropriate circumstances. Use of the term Commanding Officer or superior officer may occasionally be used interchangeably.

The Law Enforcement Code of Ethics is a time-honored tradition among members of our profession. Its inclusion in this Manual is meant to remind officers of the lofty goals and worthwhile objectives which are consistent with our professional calling.

It is one sign of a true profession that it has a code of conduct concerning voluntarily adopted ethical standards. Ours is no exception. This department, and indeed our community, expects officers to adhere to this code of conduct.

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deceptions, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all individuals to liberty, equality and justice.

I will keep my private life unsullied as an example to all; 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 laws of the

land and the regulations of my Department. Whatever I see or hear of a confidential nature will be kept forever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless persecution 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 constantly strive to achieve those objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

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.

RULE 4.01 - OFF DUTY EMPLOYMENT

Officers shall not engage in any compensated off-duty employment without the knowledge and approval of the Chief of Police. The approval of the Chief of Police shall be based upon such factors as: (a) increasing off-duty efficiency and availability, (b) avoiding potential conflicts of interest, (c) protecting the image of the department, and (d) avoiding impairment of on-duty performance.

Officers shall not be employed by or engage in any business that involves the distribution or sale of alcoholic beverages, bail bond services, investigative work for insurance companies, private guard services, collection agencies or attorneys.

All personnel engaging in outside employment should clearly understand that their primary obligation is to the police department and the community they serve. Officers must not perform work that will make them unavailable in emergencies, exhaust them, require special scheduling or excessive shift swapping, or bring the department into disrepute or impair its operation or efficiency. Prior to accepting any outside employment, an officer must request, in

writing, the approval of the Chief of Police. No officer shall accept other employment which could interfere with the officer's employment with the department or could impair his or her independence of judgment in the exercise of official duties.

RULE 4.02 - CONDUCT UNBECOMING AN OFFICER

Officers shall not commit any specific act or acts of immoral, improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s) discredit or reflect(s) unfavorably upon the officer, upon other officers or upon the police 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.

Conduct unbecoming an officer shall include that which tends to indicate that the officer is unable or unfit to continue as a member of the department, or tends to impair the operation, morale, integrity, reputation or effectiveness of the department or its members.

Conduct unbecoming an officer shall also include off-duty conduct where there is a nexus or connection between the act or acts committed by the officer and that individual's continued fitness or ability to effectively perform his or her required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the department and ability of the officers not involved in said act to effectively perform their required duties and responsibilities.

RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW

Officers shall not violate any provision of General Laws c. 268A.

RULE 4.04 - MEMBERSHIP IN ORGANIZATIONS

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

RULE 4.05 - ASSOCIATION WITH KNOWN CRIMINALS

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 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 in social settings because of an officer's family relationships.

RULE 4.06 - UNDUE INFLUENCE

Officers shall not seek or obtain the influence or intervention of any person, outside or from within the department, but not including a lawfully retained attorney, for the purposes of advancement, preferential assignment, transfer, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a criminal or disciplinary hearing.

RULE 4.07 - VISITING PROHIBITED ESTABLISHMENTS

Officers shall not knowingly visit or enter a place where gambling, prostitution, drug use or sales, after hour liquor sales, or other locations where laws are violated except in the performance of their official duty or while specifically authorized to do so by a superior officer. The prohibition shall apply to preserve at social gatherings where the officer knows or has reason to know that drug use or sales are taking place.

RULE 4.08 - IMPROPER BUYING, RECEIVING OR SELLING

Officers shall not buy, receive, or sell anything of value from or to 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. NOTE: The chief ordinarily will not prohibit an officer from shopping or purchasing goods or services from a commercial establishment under the same terms and at the same prices as the general public so long as there is no connection between such activities and the establishment's involvement with the officer's employment.

RULE 4.09 - DEPARTMENT CORRESPONDENCE

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

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. All official department communications by telephone or otherwise, outside of the community without the permission of the Chief, are prohibited.

RULE 4.10 - IMPROPERLY INFLUENCED TESTIMONY

Officers shall not, directly or indirectly, solicit or accept anything of value for such officer or others in connection with the testimony or absence of the officer or another at any trial or hearing.

RULE 4.11 - 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 firearms license or permit, or a motor vehicle license or registration for private purposes.

RULE 4.12 - INTERFERING WITH COURSE OF JUSTICE

Officers shall not interfere with cases being handled by other officers of the department or other law enforcement agencies. When an officer believes that such involvement is absolutely necessary, he or she shall secure permission from a superior officer.

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 or her wrongdoing, or seek to obtain a continuance of any trial or otherwise interfere with the course of justice, except in the normal course of proceedings.

RULE 4.13 - FINANCIAL DISCLOSURE

Officers shall submit financial statements in accordance with department procedures in connection with the investigation of a complaint where this information is relevant. These statements will be maintained by the Chief of Police.

RULE 4.14 - POSSESSING KEYS TO PRIVATE PREMISES

Officers shall not have keys to private buildings or dwellings on their area of patrol without the permission of the Chief of Police.

RULE 4.15 - ABUSE OF POSITION

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

RULE 4.16 - POLITICAL ACTIVITIES

Officers 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 must 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 may not become a candidate for a partisan elective office. Officers who become candidates for non-partisan salaried elective office shall take a leave of absence without pay. Such leave shall encompass both the campaign and the tenure of office if elected.

Nothing in this rule shall be construed to mean that department personnel are restricted in any way, while off-duty and not in uniform or demonstrating their position as a police officer, from exercising their constitutional rights as citizens in the political or electoral process (including such actions as voting, supporting candidates, and belonging to a political party).

Officers shall be permitted to:

1. Register and vote in any election;
2. Express opinions as individuals privately and publicly on political issues and candidates;
3. Attend political conventions, rallies, fund-raising functions and similar political gatherings;
4. Actively engage in any nonpartisan political functions;

5. Sign political petitions as individuals;
6. Make financial contributions to political organizations;
7. Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws;
8. Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section;
9. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

B. Officers are prohibited from:

1. Using their official capacity to influence, interfere with or affect the results of an election;
2. Assuming active roles in the management, organization, or financial activities of partisan political clubs, campaigns, or parties serving or governing the Town of Stow;
3. Serving as officers of partisan political parties or clubs;
4. Becoming candidates for or campaigning for a partisan elective public office serving or governing the Town of Stow;
5. Soliciting votes in support of, or in opposition to, any partisan candidates;
6. Serving as delegates to a political party convention;
7. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature;
8. Initiating or circulating a partisan nominating petition;

9. Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate serving or governing the Town of Stow;
10. Addressing political gatherings in support of, or in opposition to a partisan candidate.

RULE 4.17 - GIFTS AND GRATUITIES

Officers shall not under any circumstances seek, solicit or accept any gift, gratuity, loan, reward or fee (including not only money but also any tangible or intangible personal property, including such things as food, beverage, promise, service or entertainment) for the benefit of the officer, a family member or acquaintance, or the department, where there is any 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.

Officers must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities, or anyone else who might expect or seek preferential police treatment. This would include attempts to influence actions of an official nature or the performance or non-performance of one's official duty. All department personnel must make payment for their meals and beverages.

Any unauthorized gift, gratuity, fee, reward or attempted bribe offered to or coming into the possession of any officer shall be forwarded immediately (or reported in the case of an attempt) to the Chief, together with a written report of the circumstances involved.

RULE 4.18 - 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 or any other police agency.

RULE 4.19 - 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 or entity residing or doing business in the department's jurisdiction, or any person involved in any matter or case which arose out of their employment with the department, or who has an interest which may be affected directly or indirectly except as may be specifically authorized by the Chief of Police.

RULE 4.20 - 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 any part of their uniform or equipment, nor their identification cards or badges or permit them to be photographed or reproduced, without the approval of the Chief of Police.

Officers shall not authorize the use of their names, photographs, or official titles which identify them as police officers in connection with testimonials nor for advertisements for any person, commodity or commercial enterprise, without the approval of the Chief of Police.

RULE 4.21 - ENDORSING PRIVATE SERVICES

Officers shall not (except in transacting personal business) endorse, recommend or suggest in any way the use or procurement of any particular product or commercial or professional service. These include, but are not limited to, a towing business, motor vehicle repairs or body shop, ambulance service, attorney, bondsperson, funeral service, medical or chiropractic service.

Officers shall follow departmental procedures for contacting a towing or ambulance service.

5.0 NEGLECT OF DUTY

Officers are required to be attentive to and not neglect their sworn duty. Officers must not absent themselves from their assigned duty without leave.

RULE 5.1 - NEGLECT OF DUTY

Officers shall not be absent from work without permission or abstain wholly or in part from the full performance of their duties in the normal manner without permission. Officers shall not: be absent from their assigned duty without leave; leave their post, sector, community, or assignment without being properly detailed or relieved, or without making required notifications; fail to take suitable and appropriate police action when any crime, medical emergency, public disorder, or other incident requiring police attention mandates such police action; fail to render medical assistance consistent with the officer's training; fail to promptly perform, as directed, all lawful duties required by constituted authority, notwithstanding the officer's normal assignment of duties and responsibilities.

6.0 INCOMPETENCE

Employees who are incapable of performing the duties of their job may be demoted or transferred, if an available position exists, or discharged.

RULE 6.1 - INCOMPETENCE

Officer's shall maintain sufficient competency to perform their duty and to assume the responsibilities of their 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 unwillingness or inability to perform assigned tasks;
- c. the failure to conform to work standards established for the officer's rank, grade, or position; and
- d. repeated poor evaluations or repeated infractions of the rules and regulations, job descriptions, or policies and procedures.

7.0 PUBLIC STATEMENTS

RULE 7.1 - 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, (d) tends to impede the operation of the department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or is made with reckless disregard for truth or falsity.

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; nor shall officers 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. In addition, officers shall not publicly criticize instructions or orders they have received.

RULE 7.2 - 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.

RULE 7.3 - 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.

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.

RULE 7.4 - 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.

RULE 7.5 - 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.
- 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 criminal justice, law enforcement or department operations or policies, shall be submitted to the Chief of Police for approval.

RULE 7.6 - 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.

RULE 7.7 - TRUTHFULNESS

Officers shall speak the truth at all times when on duty or when discussing a matter arising out of or related to the officers duties or the operation, organization or business of the department. In cases in which an officer is not allowed by the regulations of the department to divulge facts within his or her knowledge, the officer will decline to speak on the subject.

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

RULE 7.8 - 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.

RULE 7.9 - TESTIFYING FOR CRIMINAL DEFENDANTS

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.

RULE 7.10 - RECOMMENDATION 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.

RULE 7.11 - COMMUNICATION WITH 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.

8.0 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. The intentional refusal to obey any direct lawful order is grounds for termination.

RULE 8.1 - OBEDIANCE TO RULES AND ORDERS

Police officers are expected to be familiar with and comply with all lawful orders, rules and regulations, and policies and procedures issued by the Department.

RULE 8.2 - UNLAWFUL ORDERS

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. Officers issued what they believe to be an illegal order shall request the issuing officer to clarify the order or to confer with higher authority.

RULE 8.3 - ISSUING UNLAWFUL ORDERS

No superior officer shall knowingly issue any order which is a violation of any law.

RULE 8.4 - 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.

RULE 8.5 - 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.

RULE 8.6 - 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.

RULE 8.7 - 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.

RULE 8.7A - 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.

RULE 8.7B - SPECIAL ORDERS

Special Orders are temporary written orders outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved.

RULE 8.7C - PERSONNEL ORDERS

Personnel orders are those pertaining to such matters as assignments, change of duty, administrative matters relating to conditions of employment, and employee rights and benefits.

RULE 8.7D - 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.

RULE 8.7E - 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.

RULE 8.7F - 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.

RULE 8.08 - 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 or relayed from a superior officer by another officer (regardless of rank) or a dispatcher or as otherwise above specified.

Officers shall follow the procedures specified above when given what they believe to be an unlawful, conflicting, unjust or improper order.

9.0 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 or issue orders for guidance in interpreting the Department's regulations.

RULE 9.1 - HAIR STYLES FOR ALL OFFICERS/ AND NON-SWORN PERSONNEL

All uniformed sworn personnel shall conform to the following criteria:

Hair must be clean, neat, and professional, and will not extend below the bottom of the ear on the sides, nor longer than the bottom of the collar on the back of the uniform shirt while standing with head in normal posture. Bangs are allowed to the eyebrow in length.

If hair is longer than described in the preceding section, or long enough on any point on the head to interfere with the eyes, nose, or mouth, it must be pulled back in a neat fashion and securely fastened. When secured, the hair will not exceed the "yoke line" of the uniform shirt. The "yoke line" refers to the line on the

uniform shirt that crosses the back of the shirt below the neck and across the shoulders.

Natural and protective hairstyles, which shall include, but not be limited to, natural and protective hairstyles such as braids, locks, twists, Bantu knots, and other formations are permitted, provided they are professional in appearance. Multiple braids are allowed, however, may not contain brightly colored beads or bands. Objects worn in the hair, including but not limited to pins, barrettes, beads, bands, and clips, shall be inconspicuously placed for the sole purpose of holding hair in place, must be unadorned, transparent, or similar in color to the hair, and must not interfere with officer safety or the proper wearing of issued headgear. Wigs, tracks, and hairpieces may be worn in a manner consistent with hair appearance standards as described in the preceding section.

Non-uniformed sworn personnel may wear their hair in any neat, orderly fashion that does not interfere with the performance of their duties.

RULE 9.1.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 shaven horizontal line.

RULE 9.1.B. - MUSTACHES

Mustaches shall be neatly trimmed at all times and shall not extend beyond the upper lip line in any direction and shall not extend below the lip line. “Handlebar” or “Fumanchu” mustaches are not allowed.

RULE 9.1.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 for special reasons or purposes (such as undercover work or for medical reasons).

RULE 9.1.D. - WIGS OR HAIRPIECES

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.

RULE 9.2 - EARRINGS AND FINGERNAIL POLISH

Officers may not wear earrings or studs, on duty. Officers may not wear colored fingernail polish while on duty.

RULE 9.3 - 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.

RULE 9.4 - 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 or, if authorized, boots are required (no sneakers/tennis shoes, etc.)

RULE 9.5 - IDENTIFICATION

Officers shall carry their official identification cards and badges on their persons at all times unless it is impractical (e.g. wearing a bathing suit) or dangerous to do so (e.g. certain investigations or undercover work but only when authorized not to carry an I.D. or badge).

Officers shall inform any person so requesting their name and badge number whenever they are on duty or holding themselves out as being a police officer, unless the withholding of such information is required for the proper performance of their police duties or is authorized by proper police authorities.

10.0 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.

RULE 10.1 - 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. Loitering or otherwise “hanging around” a business, residence or other location longer than is reasonably required for an officer’s police purposes; and
- c. Gambling, except when off-duty and at licensed premises, or in the performance of their official duty or while authorized or ordered to do so by a superior officer.

RULE 10.2 - 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.

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.

Officers shall not shop while on duty nor devote any of their on- duty time to any activity other than that which relates to police work and shall not perform any police duty in uniform for the purpose of private gain, unless properly authorized.

RULE 10.3 - 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.

Officers shall endeavor in good faith to remain in compliance with the above requirements or forfeit their salary for said scheduled tour of duty in addition to appropriate disciplinary sanctions.

RULE 10.4 - SLEEPING

Officers shall not sleep while on duty.

RULE 10.5 - SMOKING WHILE ON DUTY

Officers shall not smoke, chew or use tobacco while they are in formation, nor shall they leave their post or assignment for the purpose of doing so.

Smoking is prohibited in department vehicles. 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.

NOTE: See Section 14 for the rule entitled "Use of Tobacco" which applies to officers appointed after January 1, 1988.

RULE 10.6 - 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. Officers shall familiarize themselves with all of the laws, statutes, by-laws/ordinances, and regulations necessary for the proficient execution of their duty as police officers.

RULE 10.7 - 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. An officer shall inform the Commanding Officer or the dispatcher prior to leaving and again upon returning. If an emergency prevents following this procedure, the officer must contact the Commanding Officer as soon as possible. In all such cases, a subsequent report will be submitted, in writing, for the attention of the Chief of Police, to include the circumstances, the reasons for leaving the community and the period of absence.

RULE 10.8 - DUTY STATUS

Officers shall be considered on duty or available 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, consistent with an officer's physical and mental condition, even though an officer is not on duty at the time. Off-duty officers shall not consume alcoholic beverages while carrying a firearm, nor shall they carry a firearm while under the influence of alcohol or prescription medicine.

RULE 10.9 - 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.

RULE 10.10 - COOPERATION WITH INVESTIGATIONS

Officers shall answer questions truthfully, 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 or fitness for duty. Nothing in the Section shall be violative of one's Federal or State constitutional rights.

Officers shall submit to any medical, ballistics, chemical, DNA or other tests, as well as being photographed or appearing in a line-up when ordered to do so in connection with an internal investigation. Officers shall not be requested or ordered to take a polygraph exam except in the course of a criminal investigation.

11.0 GENERAL REQUIREMENTS

RULE 11.1 - RESIDENCY

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

RULE 11.2 - HOME ADDRESS AND TELEPHONE

Officers shall have a telephone in their place of residence, or where they can be reached, and shall report any change of telephone number or home address to the Chief of Police within twenty four hours of such change.

Officers shall not give out the home telephone numbers or home addresses of department personnel to anyone outside the department without the approval of the Chief of Police. In the event of an emergency request, the officer's telephone number will be called with a notification to call the person making the request.

RULE 11.3 - MEALS

Officers shall take meals and breaks at such times as are approved by the Commanding Officer who may limit the number of officers who may be off at any one time.

RULE 11.4 - POLICIES AND PROCEDURES COMPLIANCE

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

RULE 11.5 - PAYMENT OF DEBTS/LEGAL LIABILITIES

Officers shall not willfully or negligently fail to pay just debts and legal liabilities, especially where creditors solicit the assistance of the Chief of Police in the collection process. Officers shall not borrow any money from or otherwise

become indebted to any municipal official or other officer or employee of the department, nor shall they solicit any municipal official or other members or employees of the department to co-sign, endorse or in any way whatsoever guarantee any promissory note or other loan, nor shall they offer to act as co-signor, endorser or guarantor of any promissory note or other loan for any municipal official or other member or employee of the Department. The preceding sentence will not apply to transactions involving spouses that both work for the municipality.

RULE 11.6 - WARRANTS FOR ASSAULT

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 to the Chief of Police, through the Commanding Officer, and seeking permission to make such application.

RULE 11.7 - RELEASE WITHOUT ARRAIGNMENT

Officers shall notify the Commanding Officer in all cases where a release without arraignment is to be sought for any person arrested. In no case shall any discharge without arraignment be made without the approval of the Chief of Police or the court.

RULE 11.8 - 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.

RULE 11.9 - DUTIES WHILE SUSPENDED

Officers shall obey all lawful orders while on suspension. Suspended officers may be required to testify in connection with cases which originated while an officer was on duty. They may also be required to report to the station to meet with the Chief of Police or a superior officer, and may be required to submit to fitness for duty examinations.

RULE 11.10 - CIVIL SUITS FOR PERSONAL INJURY

Officers shall make any claims for damage to clothing or other personal property belonging to them resulting during the proper and lawful performance of duty only in accordance with current departmental directives, regulations and contractual provisions. Officers shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing and receiving approval from the Chief of Police.

Officers who have received municipal salaries or have been indemnified or reimbursed for medical bills for illness or for personal injuries sustained off-duty or in the line of duty, shall notify the Chief of Police in writing of any intent to seek, sue, solicit, settle, or accept compensation or damages for such injury or illness. Notice shall be filed in writing before the action is taken, which notice shall include the facts of the claim and the name of the defendant or responsible party. The Chief of Police shall be kept informed of the status of the case and the final court determination or settlement.

RULE 11.11 - IMMORALITY

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

RULE 11.12 - CRIMINAL CONDUCT

Officers shall not commit any motor vehicle or criminal act (felony or misdemeanor), or violate the regulatory or criminal laws or statutes of the United States or of any state or local jurisdiction (by-law/ordinance), whether on or off duty.

NOTE: An officer may be guilty of violating this rule regardless of the outcome of any criminal court case. Conviction for the violation of any law is prima facie evidence of a violation of this rule. However, even in the absence of a conviction (which requires proof beyond a reasonable doubt), an officer may

still be disciplined under this rule for the conduct that was involved since a preponderance of the evidence is the quantity of proof required in such cases.

12.0 DEPARTMENTAL PROPERTY AND EQUIPMENT

Property, 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 items may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

In the event that department property is found bearing evidence of damage which has not been previously reported, it will be considered prima facie evidence that the last person using the property or vehicle is responsible for said damage until the officer comes forward and proves by a preponderance of the evidence that he or she was not responsible.

RULE 12.1 - DAMAGED OR DEFECTIVE EQUIPMENT

Officers shall immediately report to their superior officer any damaged, defective, inoperative or hazardous property or equipment. The superior officer involved shall submit a report to the Chief of Police, 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.

RULE 12.2 - 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. This This shall not apply to the posting of authorized notices on a union bulletin board.

RULE 12.3 - AUTHORIZED EQUIPMENT

Officers shall carry, while on duty, only such equipment as is authorized by the Chief of Police or issued by the department. Officers shall not carry any firearms off duty without notifying the Chief of Police or the manufacturer and serial number and unless the Chief of Police has so authorized.

RULE 12.4 - SURRENDER OF DEPARTMENT PROPERTY

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

RULE 12.5 - 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. This does not apply to paid details.

RULE 12.6 - DEPARTMENT TELEPHONES

Officers shall not use department telephones for the receipt or transmission of private messages, without the permission of the Chief of Police. Permission is likewise required prior to making any official toll calls, and the required departmental forms will be submitted on all such toll calls.

RULE 12.7 - DEPARTMENT VEHICLES

Officers shall not use any department vehicle without the permission of a Commanding Officer 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.

Officers shall operate department vehicles carefully, obeying all laws and department regulations.

Officers who are involved in an accident with a department vehicle, or when a vehicle is disabled and has been damaged, shall not move the vehicle except in

an emergency. The Commanding Officer or his or her designee 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 regulations. The Massachusetts State Police or other appropriate agency will be called in to investigate Motor Vehicle Accidents involving Stow Police 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. The officer shall inspect the vehicle when it is turned over to him or her and shall submit a written report to the Commanding Officer 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.

RULE 12.8 - REQUIRED LICENSES

Officers must have and maintain a current Massachusetts Driver's License and a License to Carry Firearms.

RULE 12.9 - UPKEEP OF POLICE MANUALS

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.

RULE 12.10 - TRANSPORTING CITIZENS

Officers shall assure that only authorized police personnel or employees drive or are transported in departmental vehicles. Citizens shall be transported in

department vehicles only when necessary to accomplish a proper police purpose. Such transportation shall be in conformance with department policy and procedure or at the direction of the Chief of Police or a Commanding Officer.

RULE 12.11 - 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.

Officers who are the actual custodians or users of any department 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, and it shall be returned upon separation from the service, upon retirement, upon demand, or when its use is terminated.

RULE 12.12 - 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.

RULE 12.13 - PERSONAL POLICE EQUIPMENT

Officers shall register with the department the description and serial numbers of all police equipment they may own or carry on duty.

Officers shall carry firearms in accordance with all applicable laws and department regulations. This rule does not permit the carrying of unauthorized firearms or equipment on or off duty.

RULE 12.14 - 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 Commanding Officer. 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.

Officers shall not use or handle weapons or firearms in a careless or imprudent manner.

RULE 12.15 - CARE AND CUSTODY OF PROPERTY

Officers shall assure that all personal property, including money, which comes into an officer's custody while on duty, whether lost, stolen, confiscated, abandoned, turned over to the department or taken from a prisoner or detainee, is properly tagged, recorded and turned over to the proper department authority, or placed in the designated place of storage for safe keeping, all in accordance with current department policies and procedures.

RULE 12.16 - EVIDENCE OR SUSPECTED CONTRABAND

Officers shall assure that whenever evidence of any kind, including suspected contraband such as questionable controlled substances, alcoholic beverages, or other items kept contrary to law comes into the possession of an

officer of the department, said evidence or suspected contraband is turned into the evidence or property officer for safe-keeping and analysis if necessary. This regulation shall be adhered to in all cases, whether or not court action is contemplated, whether or not an arrest is made, and whether or not the owner of such evidence or suspected contraband is known to the officer.

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.

RULE 12.17 - 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.

RULE 12.18 - DEPARTMENTAL RECORDS

Officers shall not steal, alter, forge or tamper with any kind of governmental or police record, report or citation. To this end, the removal of any record, card, report, letter, document, or other official file from any governmental entity, court or 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.

13.0 REPORTS

Officers are required to promptly and accurately complete all required reports and forms. Failure to complete a required report or falsification of a police report or record, by submitting false written or oral information, may result in disciplinary action against the officer. Police reports and records include such things as affidavits, incident reports, time sheets, condition of the officer's health, doctor's slips, IAD investigation reports, and citations.

Report filing requirements are an essential duty of a police officer. Additionally, credibility is an essential characteristic of every officer, due to the nature of police work where public interaction and testimony at judicial proceedings are required.

RULE 13.1 - 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.

RULE 13.2 - FALSIFYING RECORDS

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

RULE 13.3 - 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.

RULE 13.4 - REPORTING CITIZEN COMPLAINTS

Officers shall promptly and courteously make a written record of any complaint made by a citizen against themselves or any officer or employee of the

department. Officers may try to resolve the complaint; however, they shall not try to discourage any citizen from filing a complaint with the department.

Officers shall follow the department's policy and procedure for receiving and processing citizen complaints.

RULE 13.5 - REPORT RULE VIOLATIONS

Officers shall, upon observing or otherwise becoming aware of a violation by another officer or employee of the department's Rules and Regulations or Policies and Procedures, as set forth in this Manual or by 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.

14.0 FITNESS FOR DUTY

A police officer must be physically and psychologically fit to perform his or her public safety functions, especially since police officers are authorized to make arrests and carry firearms. If an officer is not fit, not only that officer, but also other officers as well as the general public may be jeopardized.

A police chief has the authority and, indeed, the duty to determine an officer's continuing fitness to perform police duties or to return to full working status. Requiring that an officer submit to a an ordinary physical or psychological examination in order to determine the officer's fitness for duty does not constitute an unwarranted invasion of personal privacy or a violation of due process. Of course the department will treat all medical records and information in a confidential manner.

RULE 14.1 - ABSENCE

Officers shall not be absent from duty without permission. For a proper reason, and only for a limited time, a Commanding Officer or the Chief of Police may excuse an officer from reporting or being present for duty. All unauthorized absences shall be investigated by the Commanding Officer concerned and shall be reported to the Chief of Police for appropriate action.

RULE 14.2 - 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. Compensation for sick leave shall be subject to review by the Chief of Police who may disallow such leave for improper or unauthorized use.

RULE 14.3 - DOCTOR'S CERTIFICATE

Officers shall provide a certificate from a doctor if required at the discretion of the Chief of Police for an absence from duty because of sickness or injury that is consistent with the collective bargaining agreement.

RULE 14.4 - PHYSICAL FITNESS

Officers shall maintain good physical condition in accordance with standards determined by the Chief of Police and any applicable statute, regulation or collective bargaining provision.

The Chief of Police may order any officer of the department to submit to a physical or psychological examination on a periodic basis or whenever circumstances dictate that it is in the best interests of the officer and/or the Department.

RULE 14.5 - NOTIFICATION

Officers shall notify the Police Department 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.

RULE 14.6 - POSSESSION OR USE OF ALCOHOL

Officers shall not possess and/or use alcohol on duty other than in an authorized duty capacity. Officers shall not report for duty or be on-duty while under the influence of intoxicating liquor or with an odor of alcoholic beverage on their breath.

RULE 14.7 - OFF DUTY USE OF ALCOHOL

Officers shall not use alcoholic beverages off duty to the extent that their conduct is obnoxious or offensive and discredits them or the department.

Officers, off duty, shall not consume alcoholic beverages or medication to the extent that they are unfit to report for their next regularly scheduled tour of duty.

RULE 14.8 - USE OF 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".

RULE 14.9 - CONTROLLED SUBSTANCE S

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. At no time may an officer use, abuse 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.

RULE 14.10 - LINE-OF-DUTY DISABILITY

Officers shall promptly report in writing any injury, illness or disability incurred in the line of duty, to his or her Commanding Officer or Chief of Police. Such report shall be made prior to the end of an officer's shift unless the seriousness prevents such notice. In such case notice will be made as soon as the officer is physically able to do so. Departmental forms and insurance claim forms will be utilized for notification and application purposes as the Chief of Police may direct. Final disposition as to line-of-duty injuries, illness, or disabilities shall be made by the Chief of Police who may consult with a physician. In each case of illness, injury or disability incurred in the line-of-duty, the Chief of Police may require that an officer shall not be returned to duty until his or her ability to be placed on full duty status is certified by proper medical authority.