

Rules and Regulations
Issue Date: 30 August 2010

Littleton Police Department



Rules & Regulations

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MANUAL OF RULES AND REGULATIONS
FOR THE GOVERNMENT OF THE
POLICE DEPARTMENT
Of
THE TOWN OF LITTLETON
MASSACHUSETTS

1.0 - AUTHORITY

This Manual of Rules and Regulations for the government of the Police Department of the Town of Littleton is issued by the Chief of Police pursuant to the authority contained in section 97A 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 15 July, 2010.

The effective date of these Rules and Regulations shall be 30 August, 2010, and they shall remain in full force and effect until amended or rescinded.

Approved by:
Janet M.G. Wilkinson, Chairwoman
Board of Selectmen

Issued by:
John M. Kelly
Chief of Police

1.0 - RECEIPT

Officers 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 Littleton Police Department.

Date: _____

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 officer's personnel folder.)

2.0 - RECEIPT

Officers 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 Littleton Police Department.

Date: _____

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, sworn or civilian, have a unique role in today's society. The powers and authority granted to the police are substantial. No other group has the right to enter a citizen's homes or place 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 and their support staff 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, 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.

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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 or related fields 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 is 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.

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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. Any term used to identify an employee of the department shall pertain to all members if applicable to their position and function. The rules and regulations of the Littleton Police Department shall govern the day-to-day activities of all employees, civilian and sworn, where applicable.

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.

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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 goals and 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.

4.0- PROFESSIONAL CONDUCT AND RESPONSIBILITIES

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

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

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

- a) The protection of life and the safeguarding of property;
- b) The prevention and control of crime;
- c) The investigation of crime, the apprehension of criminal offenders and the recovery of stolen property;
- d) The preservation of public peace and good order;
- e) The immediate response to public emergencies;

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- f) The creation of a sense of safety and security for the entire community through crime prevention, patrol and community policing;
- g) The accomplishment of all police objectives within the law and the constitutional guarantees of all citizens;
- h) The performance of such other police related services, duties, functions and responsibilities required of the officer by the department and/or the community;
- i) The advancement of a cooperative relationship with the general public; and
- j) The creation of awareness through the implementation of educational programs.

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

The department recognizes that its officers have certain basic personal rights and therefore it restricts those rights under this set of rules and regulations only when necessary to ensure the integrity of the department and its personnel and that the highest quality of police service is maintained. At a minimum, officers are required to obey all lawful statutes as well as regulations established by the department.

PRIVACY AND OFF-DUTY CONDUCT

The department will generally limit its inquiry into an officer's personal matters, off-duty conduct and outside employment, to

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situations impacting or reflecting upon the department or affecting the officer's ability or fitness for duty. An officer's right to privacy guarantees that disclosure of personal matters can be compelled only if the employer's interest in the disclosure outweighs the officer's privacy interest. When the department determines that inquiry into an officer's private life is legitimate, it will make an effort to keep the scope of the inquiry as narrow as reasonable under the circumstances.

Disclosure of an officer's financial affairs, in the form of a credit history check during the hiring process, or a financial review in the event of an official investigation of the officer, will help to deter corruption, dishonesty, and conflicts of interest. It also enhances public confidence in the integrity of the department. When the Chief of Police elects to mandate such financial disclosure in the course of an investigation, it will afford officers the opportunity to make claims of privacy through the grievance process.

An officer's medical and psychological fitness for duty, which is necessary for all employees to perform the necessary functions of their job/position, is a matter of continuing departmental concern. The Chief of Police may require officers to submit to medical and/or psychological examinations on a periodic basis or whenever there is reason to question the officer's fitness for duty. Reports of such examinations will be maintained in a file separate from the officer's personnel file and dissemination of the information will be restricted to appropriate individuals as required by the HIIPA Statute and Mass. General Laws.

The department has a legitimate interest in preserving the public's trust and respect. An officer's off-duty personal relationships and

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conduct must not bring discredit to the officer or department, impact on the Department's operation, affect the officer's ability to perform his or her job, or result in poor job performance.

Officers who are on paid leave status as a result of sickness or injury may have their activities regulated as outlined in Appendix "C" of the contract between Masscop Local 204/204A and the Personnel By-Law of the Town of Littleton. Reasonable rules are legally permissible.

The department has the right to regulate the off-duty employment of its officers. The emergency nature of law enforcement, the need to ensure that officers report for work in good physical and mental condition, and the need to prevent conflicts of interest, all combine to provide the department with discretion in regulating (including prohibiting) off-duty employment.

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) avoiding potential conflicts of interest, (b) protecting the image of the department, and (c) avoiding impairment of on-duty performance.

All personnel engaging in outside employment should clearly understand that their primary obligation is to the Littleton Police Department and the community they serve. Officers must not engage in a consistent schedule of "non-departmental" work that would 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

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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. Outside employment shall not be unreasonably withheld unless there is evidence that such employment will or does affect the performance of the employee.

CONDUCT UNBECOMING AN OFFICER

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

This rule has been shown to be capable of objective interpretation. It must not be subject to the whim of police administrators. The standard of conduct expected of police officers is learned in a variety of ways, from academy and in-service training to manuals, orders and various written directives. It is fair to say that *conduct unbecoming an officer* should be such as would alert a reasonable officer that his or her conduct under the circumstances would be inappropriate.

Both on and off-duty conduct may subject an officer to a charge of *conduct unbecoming an officer*. Officers do not sever their relationship

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with the department at the end of their shift. An officer's off-duty conduct, especially where there is some nexus or connection to the department or where the officer's status as a police officer is or becomes known, may reflect unfavorably on both the officer and department.

Officers charged with *conduct unbecoming an officer* will have the underlying offensive conduct specified in the notice of charges.

RULE 4.02 - CONDUCT UNBECOMING AN OFFICER

Officers shall not commit any specific act or acts of improper, unlawful, disorderly or intemperate conduct, whether on or off duty, which reflect(s) discredit(s) 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.

CONFLICT OF INTEREST

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Since the position of a police officer is a public trust, it is important to avoid all situations involving conflicts of interest whether in fact or only in appearance. Special areas of concern include certain kinds of outside employment; financial transactions with units of government or others; and the use of an official position to secure unwarranted privileges, pecuniary advantage or preferential treatment.

Officers should read and become familiar with the provisions of **G.L. c. 268A** concerning conduct of public officials and employees. The law may be amended from time to time by the legislature. At the time this manual was updated, that statute made the following actions criminal:

§2(b)

Whoever, being . . . municipal employee . . . directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value for himself or for any other person or entity, in return for:

(1) being influenced in his performance of any official act or any act within his official responsibility, or

(2) being influenced to commit or aid in committing, or to collude in, or allow any fraud, or make opportunity for the commission of any fraud, on the commonwealth or on a state, county or municipal agency, or

(3) being induced to do or omit to do any acts in violation of his official duty; or

(c) Whoever, directly or indirectly, corruptly gives, offers or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-

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mentioned person or any other person as a witness upon a trial, or other proceeding, before any court, any committee of either house or both houses of the general court, or any agency, commission or officer authorized by the laws of the commonwealth to hear evidence or take testimony, or with intent to influence such witness to absent himself there-from; or

(d) Whoever, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of value for himself or for any other person or entity in return for influence upon the testimony under oath or affirmation of himself or any other person as a witness upon any such trial, hearing or other proceeding or in return for the absence of himself or any other person there-from;

Note: These prohibitions do not apply to witness fees, travel cost reimbursement or court time pay.

§ 17. Municipal employees; gift or receipt of compensation from other than municipality; acting as agent or attorney

(a) No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other than the city or town or municipal agency in relation to any particular matter in which the same city or town is a party or has a direct and substantial interest.

(b) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.

(c) No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other

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than the city or town or municipal agency in prosecuting any claim against the same city or town, or as agent or attorney for anyone in connection with any particular matter in which the same city or town is a party or has a direct and substantial interest.

Whoever violates any provision of this section shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

A special municipal employee shall be subject to paragraphs (a) and (c) only in relation to a particular matter (a) in which he has at any time participated as a municipal employee, or (b) which is or within one year has been a subject of his official responsibility, or (c) which is pending in the municipal agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the case of a special municipal employee who serves on no more than sixty days during any period of three hundred and sixty-five consecutive days.

This section shall not prevent a municipal employee from taking uncompensated action, not inconsistent with the faithful performance of his duties, to aid or assist any person who is the subject of disciplinary or other personnel administration proceedings with respect to those proceedings.

This section shall not prevent a municipal employee, including a special employee, from acting, with or without compensation, as agent or attorney for or otherwise aiding or assisting members of his immediate family or any person for whom he is serving as guardian, executor, administrator, trustee or other personal fiduciary except in those matters in which he has participated or which are the subject of his official

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responsibility; provided, that the official responsible for appointment to his position approves.

This section shall not prevent a present or former special municipal employee from aiding or assisting another person for compensation in the performance of work under a contract with or for the benefit of the city or town; provided, that the head of the special municipal employee's department or agency has certified in writing that the interest of the city or town requires such aid or assistance and the certification has been filed with the clerk of the city or town. The certification shall be open to public inspection.

This section shall not prevent a municipal employee from giving testimony under oath or making statements required to be made under penalty for perjury or contempt.

This section shall not prevent a municipal employee from applying on behalf of anyone for a building, electrical, wiring, plumbing, gas fitting or septic system permit, nor from receiving compensation in relation to any such permit, unless such employee is employed by or provides services to the permit-granting agency or an agency that regulates the activities of the permit-granting agency.

§ 19. Municipal employees, relatives or associates; financial interest in particular matter

(a) Except as permitted by paragraph (b), a municipal employee who participates as such an employee in a particular matter in which to his knowledge he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or

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has any arrangement concerning prospective employment, has a financial interest, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

(b) It shall not be a violation of this section (1) if the municipal employee first advises the official responsible for appointment to his position of the nature and circumstances of the particular matter and makes full disclosure of such financial interest, and receives in advance a written determination made by that official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee, or (2) if, in the case of an elected municipal official making demand bank deposits of municipal funds, said official first files, with the clerk of the city or town, a statement making full disclosure of such financial interest, or (3) if the particular matter involves a determination of general policy and the interest of the municipal employee or members of his immediate family is shared with a substantial segment of the population of the municipality.

§ 20. Municipal employees; financial interest in contracts; holding one or more elected positions

(a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than three thousand dollars or by imprisonment for not more than two years, or both.

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This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or (b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section, or (c) to a special municipal employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the clerk of the city or town a statement making full disclosure

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of his interest and the interests of his immediate family in the contract, or (d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, or (e) to a municipal employee who receives benefits from programs funded by the United States or any other source in connection with the rental, improvement, or rehabilitation of his residence to the extent permitted by the funding agency, or (f) to a municipal employee if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section or (g) to a municipal employee who has applied in the usual course and is otherwise eligible for a housing subsidy program administered by a local housing authority, unless the employee is employed by the local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs or (h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing

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authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such selectman shall not, except as hereinafter provided, receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive; provided, further, that no such selectman may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and, provided further, that no such selectman shall be eligible for appointment to any such additional position while he is still a member of the board of selectmen or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or canceling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit any elected official in a town, whether compensated or uncompensated for such elected position, from holding one or more additional elected positions, in such town, whether such additional elected positions are compensated or uncompensated.

This section shall not prohibit an employee of a municipality with a town council form of government from holding the elected office of

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councilor in such municipality, nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that no such councilor may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and provided, further, that no councilor shall be eligible for appointment to such additional position while a member of said council or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by a municipal agency in any matter shall be grounds for avoiding, rescinding or canceling such action on such terms as the interest of the municipality and innocent third parties require. No such elected councilor shall receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive.

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective

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office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding, or canceling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section.

§ 22. Opinions of corporation counsel, city solicitor or town counsel

Any municipal employee shall be entitled to the opinion of the corporation counsel, city solicitor or town counsel upon any question arising under this chapter relating to the duties, responsibilities and interests of such employee. All requests for such opinions by a subordinate municipal employee shall be made in confidence directly to the chief officer of the municipal agency in which he is employed, who shall in turn request in confidence such opinion of the corporation counsel, city solicitor or town counsel on behalf of such subordinate municipal employee, and all constitutional officers and chief officers or heads of municipal agencies may make direct confidential requests for such opinions on their own account. The town counsel or city solicitor shall file such opinion in writing with the city or town clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the town counsel or city solicitor except upon the

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submission of detailed existing facts which raise a question of actual or prospective violation of any provision of this chapter.

§ 23. Supplemental provisions; standards of conduct

(a) In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county, and municipal employees.

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

(1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

(2) use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;

(3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

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

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(1) Accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority;

(2) Improperly disclose materials or data within the exemptions to the definition of public records, as defined by section seven of chapter four, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by chapter two hundred and sixty-eight B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) Upon qualification for office following an appointment or election to a municipal agency, such appointed or elected person shall be furnished by the city or town clerk with a copy of this section. Each such person shall sign a written acknowledgement that he has been provided with such copy.

§3(d) "Whoever, directly or indirectly, asks, demands,

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exacts, solicits, seeks, accepts, receives or agrees to receive anything of substantial value for himself for or because of the testimony under oath or affirmation given or to be given by him or any other person as a witness upon any such trial, hearing or other proceeding, or for or because of his absence therefrom;

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

- (1) accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;
- (2) use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals;
- (3) act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of

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any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion."

NOTE: Officers must comply with any changes in the Conflict of Interest law, regardless of whether such amendments are reflected in this manual. In case of doubt concerning G.L. c. 258A, the Town Counsel/City Solicitor will prepare a legal opinion at request, through the Chief of Police. Said opinion shall be sought prior to engaging in situations which may, in fact, create a conflict of interest. Officers should seek clarification through the chain of command for situations that might violate any rules, especially those under the heading of conflict of interest.

RULE 4.03 - VIOLATING CONFLICT OF INTEREST LAW

Officers shall be familiar with and 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 – VISTING 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. This prohibition shall apply so as to preserve the officer's position 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

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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

The use of departmental letterhead, computers, and associated equipment to communicate with individuals or entities outside of the Littleton Police Department carries with it the implied endorsement of the department. With that in mind no such correspondence by members of the Littleton Police Department, which would fall outside acceptable use practices as outlined in these rules and regulations or the policies and procedures of the Littleton Police Department and Town of Littleton, shall take place.

RULE 4.10 – IMPROPERLY INFLUENCED TESTIMONY

Officers shall not, directly or indirectly, solicit or accept anything of value for such officer's testimony or absence of the officer at any trial or hearing. Officers shall not, directly or indirectly, solicit or accept anything of value for any other person's testimony or absence 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 or his designee. At no time will the department be used as a mailing address for the purposes of a firearms license or permit (unless said license is in

conjunction with the individual's employment), 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 and as sanctioned by officers of the Middlesex County District Attorney's Office and the Chief of Police or his designee.

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, the Lieutenant of Police or their Administrative Assistant.

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 or his designee

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 Littleton Police 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 who become candidates for 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;

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4. Actively engage in any 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 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, while in their formal role as a police officer or employee of the Littleton Police Department, 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 political clubs, campaigns, or parties;
 3. Serving as officers of political parties or clubs;
 4. Becoming candidates for or campaigning for an elective public office;
 5. Soliciting votes in support of, or in opposition to, any candidates;
 6. Serving as delegates to a political party convention;
 7. Endorsing or opposing a candidate for public office in a political advertisement, broadcast, or campaign literature;

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8. Initiating or circulating a nominating petition;
9. Organizing, selling tickets to, or actively participating in a fund-raising function for a political party or candidate;
10. Addressing political gatherings in support of, or in opposition to a candidate;
11. Otherwise engaging in prohibitive activities on the federal, state, county or municipal level.

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 or his designee.

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

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immediately (or reported in the case of an attempt) to the Chief, together with a written report of the circumstances involved.

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 Littleton 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

In the normal course of their duties employees of the Littleton Police Department perform many tasks related to the providing of services to its citizens. As a result the department utilizes a set list of vendors for particular and common services that shall be adhered to.

When recommending other services officers shall not (except in transacting personal business) endorse, recommend or suggest the use or procurement of any particular product, commercial or professional service in a manner that would be perceived as a conflict of interest or favoritism towards that vendor.

5.0- NEGLIGENCE 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. They must not leave their post or assignment without being properly relieved; likewise, they must take suitable and appropriate police action when any crime, public disorder or other incident requires police attention or service. Examples of neglect of duty include but are not limited to: failure to take appropriate action on the occasion of a crime, medical emergency, public disorder or other act or condition deserving attention; failure to render medical assistance consistent with one's training; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to perform duties or comply with any job description, rule or regulation, general, special or other order; or failure to conform to department policies and procedures.

RULE 5.1 - NEGLIGENCE 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

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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

Officers 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

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

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

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

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

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

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

RULE 7.1 - PUBLIC CRITICISM OF THE DEPARTMENT

Officers shall not publicly criticize the Department, its policies or members, by talking, writing, or expressing, 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, 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

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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 slightingly 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

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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 Littleton 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 or his designee.
- 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

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with the prior approval of the Chief of Police or his designee 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 or his designee.

NOTE: All releases to the press or media of information concerning departmental policy or the evidentiary aspects of any criminal investigation shall conform to the Department's Policy and Procedure entitled *Media Relations*. All such releases shall be approved by the Chief of Police or his designee.

- f. Officers shall not communicate or give police information that 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, his designee, or by statute. All requests for public appearances or speaking engagements by officers, outside the normal course of the employee's duties, on the subject of criminal justice, law enforcement or department operations, programs, activities or policies, shall be submitted to the Chief of Police or his designee 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 or his designee. When summonsed to testify, an officer shall notify the Chief of Police or his designee 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 or his designee.

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,

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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, his designee, 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 or his designee, 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 or in the case of officers of the same rank by the individual with more time in grade. 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 disciplinary action and/or termination.

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.

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.

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SPECIAL ORDERS

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

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.

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.

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.

POLICIES AND PROCEDURES

A manual describing the policy of The Littleton Police Department and the required procedures followed when handling a variety of operational areas confronting it's officers.

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.

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 8.1 – ISSUING UNLAWFUL ORDERS

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

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

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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 or his designee, through the chain of command, for clarification.

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.

INSTRUCTIONS FROM DISPATCHER

All messages transmitted over the police radio system by any officer or employee shall be direct and concise and shall conform to 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

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directly from the Desk Officer or the Dispatcher, unless instructed to do so by a Superior Officer.

RULE 8.02 - 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 in the case of equal rank by the individual with more time in rank, 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 or his designee may post drawings or issue orders for guidance in interpreting the Department's uniform regulations.

RULE 9.1 - HAIR STYLES FOR MALE OFFICERS

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

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 - HAIR STYLES FOR FEMALE OFFICERS

Female officers shall wear their hair so that it does not touch the collar of the shirt. Longer hair will be fashioned up, and all hair styles must be such as to stay in place and not hang over the eyes. All styles

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will render a neat appearance. No scarves, headbands or ribbons will be worn in the hair. In no case will the bulk or length of the hair interfere with the proper wearing of any police headgear. Any highlights or coloring of the hair will be of “natural” shades and will not contain pastel or primary colors.

RULE 9.3 - EARRINGS

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

RULE 9.4 - WEARING THE UNIFORM

Officers shall wear uniforms or other clothing on duty in accordance with department regulations. Officers shall keep their uniforms neat, clean and well-pressed at all times. Care should be taken not to wear threadbare or faded items. The uniform cap shall be available for wear as deemed appropriate by the individual officer or as directed by a supervisor. While in uniform, officers shall display their badge on the outermost garment over their left breast. The Chief of Police or his designee 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 or his designee. No buttons, insignia, attachments or coverings of any kind will be worn on a uniform without the permission of the Chief of Police or his designee.

RULE 9.5 - CIVILIAN CLOTHING

Male officers permitted to wear civilian clothing during court appearances or other such assignment shall wear either a business suit with a tie, or sports coat with a tie and slacks. Female officers permitted to wear civilian clothing during court appearances or other such assignment shall wear a dress or skirt and blouse, or blouse and dress pants. The Chief of Police may prescribe other types of clothing when necessary to meet particular police objectives or when he or his designee deem appropriate. Civilian clothing shall not be worn with any distinguishable part of the police uniform.

RULE 9.6 - 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 or that would endanger the safety of the officer, his fellow officers, or citizens.

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, assignments, and expectations of the department and community. 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 when required.

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

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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 tobacco
- b. Loitering or otherwise “hanging around” a business, residence or other location longer than is reasonably required for an officer’s police purposes as determined by the officer’s supervisor; 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.

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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 two hours prior to their next tour of duty (unless the injury or illness occurs less than two hours before the officer's next tour of duty) if unable to report for duty because of sickness or injury. Further disclosure of the particulars of the illness or injury will be in accordance with "Appendix C" of the contract between the Town of Littleton and local 204/204A or the Personnel By-Law.

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

Smoking is prohibited by departmental members unless hired prior to the below date.

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 or his designee, to include the circumstances, the reasons for leaving the community and the period of absence.

RULE 10.8 - DUTY STATUS

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. In the event that an officer is taking a prescribed medication they must consult with their physician to ensure that the medication will not affect their judgment as it relates to the carrying of a firearm.

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 this Section shall violate one's Federal or State constitutional rights.

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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 a point of contact where they can be reached, and shall report any change of telephone number or home address to the Chief of Police or his designee within twenty four hours of such change.

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 or his designee. 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 nor shall they solicit any municipal official or other 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. The preceding sentence will not apply to transactions involving spouses that both work for the municipality.

RULE 11.6 - WARRANTS FOR ASSAULT

Officers making application for a complaint charging that they were assaulted while in the performance of duty shall report the facts of the case to the Chief of Police or his designee.

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

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approval of the Chief of Police, his designee, or the appropriate court officer.

RULE 11.8 - INCURRING DEPARTMENT LIABILITY

Officers shall not incur any financial liability chargeable to the department or municipality, except with the knowledge and consent of the Chief of Police or his designee except in the performance of their official duties.

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

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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 as defined by law.

RULE 11.12 - CRIMINAL CONDUCT

Officers shall not commit any motor vehicle infraction 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. 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.

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.

Any situation involving department property which is found bearing evidence of damage which has not been previously reported, will be investigated at the discretion of the Chief of Police.

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 or his designee, detailing the circumstances leading up to the lost, damaged, defective, inoperative or hazardous equipment and cause to have submitted a report by the officer assigned or in control of said property when said damage occurred.

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 or his designee. 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.

RULE 12.4 - SURRENDER OF DEPARTMENT PROPERTY

Officers are required to surrender all department property, outside those items purchased with the individual officer's clothing allowance, in their possession upon separation from service, or when otherwise ordered. All patches and badges that have been affixed to any and all clothing shall be removed upon an individual's separation from the department.

RULE 12.5 - PRIVATE VEHICLES

Officers should 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.

Officers working an "extra detail", participating in training, going to court, and the like will utilize their personal vehicles unless the detail or assignment requires a marked cruiser or if one is authorized by the Chief of Police or his designee.

RULE 12.6 - DEPARTMENT PHONES/PERSONAL CELL PHONES

Officers should keep personal use of departmental phones to a minimum. Officers that utilize a departmental issued phone shall, when on duty, have that phone accessible at all times and shall respond to calls from the department or its members immediately. Officers that utilize a departmental issued phone off duty shall make every effort to return departmental calls in a timely manner. Privately owned cell phones and departmental cell phones shall not be used for personal business while on duty unless it is done in an inconspicuous manner.

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.

The only exception to this rule shall be the unmarked vehicle issued to the Chief of Police and Lieutenant of Police who, due to the nature of their position, must be available to respond at any time needed, from any location, whether on or off duty. This is in conformance with the requirements of the position which is also covered under the personal contracts for those positions.

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

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designee shall immediately go to the scene and make an investigation and report all particulars to the Chief of Police or his designee forthwith. The officer involved shall promptly submit a written report in accordance with department regulations.

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 un-serviceability 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 to said vehicle.

RULE 12.8 - REQUIRED LICENSES

Officers must have and maintain a current and valid Driver's License and a License to Carry Firearms. In the event that an officer is an "Out-of-State Resident" they shall be issued a License to Carry a Firearm by the Chief of Police.

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 or his designee. 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, his designee, 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 a 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,

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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 or his designee together with a written report of the circumstances leading to such loss.

RULE 12.13 – PERSONAL POLICE EQUIPMENT

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 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 un-serviceable condition immediately to the Chief of Police, his designee, or to their Commanding Officer. All officers shall be personally responsible for the security and safekeeping of said firearms at all times, in accordance with applicable laws, and shall not alter or

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repair any part of their service or authorized off-duty firearms without the approval of the Chief of Police or his designee.

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 his

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designee, 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 or his designee, 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, but are not limited to, such things as affidavits, incident reports, timesheets, the 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. At all times the medical records of the employee will be kept confidential.

RULE 13.4 - REPORTING CITIZEN COMPLAINTS

Officers shall promptly and courteously make a written record of any formal complaint made by a citizen against themselves or any officer or employee of the department. A formal complaint is defined as one in which a citizen fills out and files a written complaint on a designated departmental form. A supervisor may try to resolve the complaint; however, they shall not try to discourage any citizen from filing a complaint with the department. In any event all complaints, formal and verbal, shall be brought to the attention of the on duty supervisor who shall determine its level of documentation.

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 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. The department will treat all medical records and information in a confidential manner as prescribed by law. The Chief may require that an officer submit to a physical or psychological examination in order to determine the officer's fitness for duty.

Any action associated with this rule shall be in accordance with applicable bargaining agreements.

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, the Chief of Police, or his designee may excuse an officer from reporting or being present for duty. All unauthorized absences shall be investigated by the Commanding Officer concerned and shall be reported to the Chief of Police or his designee 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 in accordance with the current contract language.

RULE 14.3 - DOCTOR'S CERTIFICATE

Officers shall provide a certificate from a doctor, if required by the Chief of Police, for an absence from duty because of sickness or injury.

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, **upon reasonable cause**, (BOLD ADDED ON 8 September 2010 after Union consult.) 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.

All officers shall maintain a level of physical fitness that enables them to perform all of the necessary functions of their job/position.

RULE 14.5 - NOTIFICATION

Officers shall notify a superior officer, the Chief's designee, or the Chief of Police when ill and unable to report for work, or if there is any

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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 SUBSTANCES

Officers shall not possess and/or use on or off-duty any controlled substances, except with the approval and guidance of a licensed physician and with the knowledge of the Chief of Police. 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, the Chief's designee, or the 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, the Chief's designee, 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

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returned to duty until his or her ability to be placed on full duty status is certified by proper medical authority.