

# POLICY #26-3



## CODE OF CONDUCT (RULES AND REGULATIONS)

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### GENERAL CONSIDERATIONS

By the very nature of police work, officers often perform their duties independently with a minimum of direct supervision. They are guided by their own intelligence, experience, prudent discretion and common sense. However, these personal qualities are often not enough. Written directives provide to officers the framework and language for their work.

The Rules and Regulations serve as a component of the written directives; they are a supplement to the department Policies and Procedures and are included in the Policies and Procedures Manual. Whereas policies and procedures allow for leeway in choice from possible alternative actions and generally define the limits of discretion, rules and regulations specifically define the actions that are allowed and those actions that are prohibited. It is incumbent on all employees of the department to abide by the Rules and Regulations.

These Rules and Regulations will be periodically reviewed and updated. All employees are invited and encouraged to forward suggestions for the improvement of department operations, practices and procedures, rules and regulations, through the Captain of Administration and Professional Standards, to the attention of the Chief of Police.

In a constitutional democracy such as ours, police powers are conferred on police with the full faith and trust of the people. Likewise, for a police department, that faith and trust is earned and maintained by the good actions of its officers, actions that are fair, impartial and transparent.

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All employees of the Department shall familiarize themselves with the provisions of the Department's Rules and Regulations within 30 days of issuance. Police recruit officers shall familiarize themselves with all the provisions of the Department's Rules and Regulations while attending the police academy. Failure on the part of employee of the Department to acquaint themselves with and abide by the provisions of the Department's Rules and Regulations as hereby directed shall be considered neglect of duty and shall be subject to disciplinary action.

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## **DEFINITIONS**

Employee: All sworn and non-sworn members of the department.

General Orders: General Orders are directives issued by the Chief of Police and subsequently absorbed into the Policies and Procedures manual, including the Rules and Regulations as defined in the Code of Conduct. General Orders become effective upon issuance and remain in effect as a standing order until such time that it is absorbed into policy, revised or rescinded.

Policies and Procedures: Policies and procedures provide officers with direction and guidelines for the delivery of police services based on department vision, mission and values as well as all constitutional, state, and case law and local ordinance. Policies and Procedures allow for officer discretion within the law, good judgment and common sense and they define the limits of this discretion.

Rules and Regulations: Rules and Regulations are specific and binding statements regarding employee conduct that allow for little or no discretion. In most cases, conduct outside of the rules and regulations shall be subject to disciplinary action.

## **PROCEDURES**

### **1. Professional Conduct & Responsibilities [26.1.1]**

The police are among the most visible and readily accessible representatives of 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. Employees of the police department are required to discharge their duties with composure—always fair and impartial. And in times of extreme peril they act together and assist and protect each other in the restoration of peace and order.

Police powers in a democracy are conferred with legal authority and the consent of the people. This consent is often referred to as legitimate authority. When community members believe in and trust their police, together they can form the partnerships necessary to solve problems, prevent crime, reduce the fear of crime and create a safe place to live, work and grow.

- 1.1. Membership in Organizations - Employees of the department shall not affiliate with or become a member of any organization if such affiliation or membership would in any way impede or prevent their effective performance of duties or reflect negatively on the department.
- 1.2. Outside Employment – Under M.G.L. c. 268a §23B (1) taking a second paid job that conflicts with the duties of your municipal job is prohibited. Prior to accepting any outside employment, an employee of the department shall request permission from the Chief of Police. No employee shall accept other employment that could impair his or her independence of judgment in the exercise of official duties. No officer may work their authorized secondary employment while out sick or while receiving 111F benefits from the department.
- 1.3. Political Activities - Participation in political activities while in uniform or on duty is prohibited. In uniform includes wearing or displaying the departmental patch, logo, emblems or identifying

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marks. All actions that could give the impression that employees are using their official positions to influence the electoral process are prohibited. An employee of the department shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.

Employees who become candidates for salaried elective office may request 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 from exercising their constitutional rights as citizens in the political or electoral process.

- 1.4. Gifts and Gratuities - Employees shall not seek, solicit or accept any gift, gratuity, loan, reward or fee related to their positions with the Weymouth Police Department except as may be allowed under department policy. All department personnel are expected to make payment for their meals and beverages. Accepting gifts or gratuities in an aggregate value exceeding \$50 is prohibited under regulations promulgated by the State Ethics Commission.
  - 1.5. Testimonials - No employee of the department shall collect or receive any money or other thing of value from any source for the purpose of making a gift to any active officer or employee of the department unless specific permission is granted by the Chief of Police. No employee of the department shall seek or accept such gift without the permission of the Chief of Police.
  - 1.6. Disposition of Unauthorized Gifts or Gratuities - Any unauthorized gift, gratuity, fee or reward coming into the possession of any employee shall be forwarded to the Chief, together with a written report of the circumstances connected therewith.
  - 1.7. Unauthorized Transactions - Employees are prohibited from entering into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the department, except as may be specifically authorized by the Chief. This rule shall not preclude employees from taking advantage of standard police discounts available, without obligation, to all department personnel.
  - 1.8. Use of Official Position - Employees shall not use their official position, department identification cards or badge: (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. Employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief. Employees shall not authorize the use of their names, photographs, or official titles which identify them as police officers, in connection with testimonials or advertisements for any person, commodity or commercial enterprise, without the approval of the Chief.
2. Required Conduct [26.1.1]

In addition to the specific duties of each individual rank and assignment as set forth in this manual, the following provisions are applicable to all employees of the department insofar as they are pertinent to their particular functions and responsibilities.

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- 2.1. **Furnishing Assistance** – Officers shall furnish police assistance to all persons making such request, consistent with their police duties and assignments. They shall assist and cooperate with other law enforcement agencies, provide them with any authorized information they are entitled to receive, and submit a report on all such actions taken.
- 2.2. **Awareness of Activities** – Upon returning to duty from any period of absence, all employees shall inform themselves about all new orders, regulations, memoranda and all other important matters governing their assignments. Every officer of the department shall familiarize him/herself with all the laws, statutes, ordinances and regulations necessary for the proficient execution of duty as a police officer.
- 2.3. **Civil Disputes** – All officers shall take a neutral position in any dispute of a civil nature, acting only to prevent or control any breach of the peace that may arise.
- 2.4. **Compensation** - Employees shall not seek in any way, money or compensation for damages sustained or expressly incurred by them in the line of duty without first notifying the Chief of Police in writing. Officers, who have received municipal salaries for illness or for personal injuries sustained off duty, shall notify the Chief or Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury.
- 2.5. **Notice** shall be filed before the action is taken which shall include the facts of the claim and the name of the defendant. The Chief shall be kept informed of the status of the case and the final court determination.
- 2.6. **Departmental Communications** – All employees shall transmit all official communications promptly, accurately and completely to other officers of the department as required, and shall immediately inform their Officer- In-Charge 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 problems that may arise during the next tour of duty.
- 2.7. **Courtesy** – All employees shall be courteous and considerate to the public, to their superior officers and to and to other employees of the department. They shall be tactful in the performance of their duties and are expected to exercise the utmost restraint and discretion even under the most trying circumstances.
- 2.8. **Attention to Duty** – Employees shall always be alert and vigilant in the performance of their duties and respond prudently but decisively when police action is required. Recreational reading is not permitted while on duty except during authorized breaks. The conspicuous use of a cell phone in a public place that gives the impression of inattentiveness is prohibited.
- 2.9. **Devotion to Duty** – All Employees, 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 awake and alert at all times while on duty.

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- 2.10. Duty Outside of the Community – Employees of the department shall not be assigned to perform duty outside of the community limits, except to assist the police authorities of another jurisdiction to suppress disorder or to preserve the peace, under the direction of the Commanding Officer of the police department involved. Any such request for assistance from other cities or towns, and the approval for such assistance, must be acted upon in accordance with M.G.L. c. 41 §99, or by an established memorandum of agreement (MOA) with the community or being an active member of a Metro-LEC community. The officers of this department, so assigned, shall have the authority of a police officer in that city or town and shall have the same immunity and privileges as when acting within their own jurisdiction.
- 2.11. Reporting for Duty – All employees shall report for duty promptly at the time and place required by their assignment or as otherwise directed by the Chief or their Officer-in-Charge. They shall be properly uniformed and suitably equipped, ready to immediately assume their duties. While on duty they shall avoid any activities not directly related to their police responsibilities and shall not be absent themselves from duty without leave.

Employees unable to report for duty because of sickness or injury shall notify, or cause to be notified the Officer-in-Charge except in cases of emergency.

- 2.12. Home Address and Telephone – All employees shall have a telephone in their place of residence, or where they can be reached, and shall report any change of telephone number or home address to the Chief or Police or his designee within 48 hours of such change. The home telephone numbers or home addresses of employees shall not be given out to anyone outside the department, without the authorization of a superior officer. In the event of an emergency request, the telephone number will be called with a notification to call the person making the emergency request.
- 2.13. Identification – Employees 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 performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by the proper authority. Under M.G.L. c. 41 §98D, every full-time police officer is required to carry an official identification card to be shown to the public upon lawful request. [22.2.7(a)]
- 2.14. Knowledge of the Community – Every employee shall familiarize him/herself with the geography of the community, including routes of public transportation, the location of streets, highways, bridges, public buildings and places, hospitals, courts, large industrial plants or commercial establishments, and such other information as may be disseminated by his superior officers from time to time.
- 2.15. Leaving the Community – Whenever it is necessary in the performance of duty for an officer to leave the limits of the community and to enter another city or town, he shall inform his Officer-in-Charge or the dispatcher prior to leaving and again upon return. If an emergency prevents following this procedure, he/she must contact the commanding officer as soon as possible. In all such cases, a subsequent report will be submitted, in writing, to the attention of the Chief, to include the circumstances, the reasons for leaving the community and the period of absence.

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- 2.16. Line-of-Duty Disability – Any injury, illness or disability incurred in the line of duty, shall be reported in writing by the officer concerned to the Officer-in-Charge, and this report will be properly investigated. Disposition as to line-of-duty injuries, illnesses or disabilities shall be made by the Chief of Police.
- 2.17. Mutual Protection – All officers shall come to the immediate aid, assistance or protection of fellow officers who, in the performance of their duties, require such aid and assistance.
- 2.18. Paid Details – M.G.L. c. 44 §53C requires that all payments for paid details must be channeled through the Treasurer's Office. No officer shall accept compensation directly from such private employers for paid details. The provisions of this manual also bind officers assigned to paid details. [22.3.5(b)]
- 2.19. Extra Details - All Officers assigned to department approved and regulated extra detail work shall follow the policy standards set forth by this agency. [22.3.5(a)(d)]
- 2.20. Personal Appearance – All officers shall be neat and clean in appearance while on duty, whether in or out of uniform, and they shall maintain police quarters, lockers, desks and vehicles used by them in a neat, clean, orderly condition.
- 2.21. Physical or Psychological Examination – An employee shall submit to a physical, medical and psychological examination, at the expense of the department, when so ordered by the Chief. This paragraph does not alter an employee's obligation to provide, at his own expense, a physician's certificate in cases of sick leave.
- 2.22. Physical Fitness – Employees shall maintain good physical condition and mental alertness and are expected to keep themselves as physically fit as their age permits and the nature of their duties requires.
- 2.23. Care and Transportation of Prisoners – All arrested persons shall be transported safely and directly to the appropriate place of custody. Employees shall make every effort to ensure that prisoners do not injure themselves or others and that they do not attempt to escape or dispose of evidence.
- 2.24. Care and Custody of Property – All personal property, including money, which comes into an employee's custody while on duty, whether lost, stolen, confiscated, abandoned, turned in to the department or taken from a prisoner, shall be suitably tagged, recorded and turned over to the proper department authority, or placed in the designated place of storage, for safekeeping, in accordance with current departmental procedures.
- 2.25. Public Appearances – All requests for public appearances or speaking engagements by employees regarding department operations or policies, shall be submitted to the Chief of Police for approval. Officers who are approached directly for this purpose shall suggest that such requests be forwarded directly to the Chief of Police.
- 2.26. Submitting Reports – All employees shall promptly and accurately complete and submit all reports and forms as required by departmental procedures.

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- 2.27. Trials and Hearings – All employees concerned with cases before the courts, grand jury or hearing boards shall be punctual in attendance. All employees shall have the cases in which they are concerned properly prepared; and their evidence suitably arranged for presentation to the court, grand jury or hearing board. They shall afford the utmost respect toward the court, officers of hearing boards and members of the jury. When presenting evidence or testimony they shall speak calmly and explicitly in a clear, distinct and audible tone as to be easily understood. They shall give evidence with accuracy, confining themselves to the case before the court and shall neither suppress nor overstate the slightest circumstances with an intention of favoring any person or projecting ill-will to either the complainant or the defendant. When cross-examined by a defense attorney, they shall answer with the same civility and readiness as when giving testimony in support of the prosecution.
- 2.28. Truthfulness – Employees shall truthfully state the facts in all reports or statements and testify truthfully in all judicial, departmental or other official investigation, hearing, trial or proceeding. An employee shall cooperate in all phases of such investigations, hearings, trials and proceedings. Employees found to be untruthful shall be subject to discipline up to and including discharge from the department.
- 2.29. Awards or Rewards – Employees may be permitted by the Chief of Police to receive award(s) or reward(s) for services rendered in the discharge of their duties which are meritorious or otherwise in the public interest. In each and every case of an award or reward, the Chief of Police shall be notified in advance of the nomination or selection (if made from an outside agency) for any award or reward.

### **3. Criminal Conduct**

Employees shall not commit any 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. [22.3.5(b)]

NOTE: An employee may be guilty of violating this rule regardless of the outcome of any criminal court case. Conviction for the violation of any law is prima facie evidence of a violation of this rule. However, even in the absence of a conviction (which requires proof beyond a reasonable doubt), an employee may still be disciplined under this rule for the conduct that was involved since a preponderance of the evidence is the quantity of proof required in such cases.

### **4. Prohibited Conduct**

The following acts, actions or activities by department employees are prohibited or restricted: [26.1.1]

- 4.1. Conduct Unbecoming an Officer – The commission of any specific act or acts of immoral, improper, disorderly or intemperate personal conduct, which reflects discredit upon the officer himself, upon his fellow officers or upon the police department shall be considered conduct unbecoming and shall be subject to disciplinary action.

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- 4.2. Abuse of Department Property - Intentionally or negligently abusing, misusing, damaging or losing Police Department property or equipment is prohibited.
- 4.3. Use of Department Vehicles – Officers shall not use any department vehicle without the permission of the Officer-in-Charge, or drive any department vehicle to which they have not been assigned, except in an emergency.
- 4.4. Discourtesy – Being rude, impolite, contemptuous or insolent to a superior officer, to a fellow officer or to a member of the public at any given time.
- 4.5. Improper Associations – Employees shall avoid regular or continuous association or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, with the knowledge and approval of the Chief, or where unavoidable because of family relationships of the officers.
- 4.6. Incompetence – An employee shall maintain sufficient competency to perform his/her duties and to assume the responsibilities of his/her position.
- 4.7. Incurring Department Liability – An employee shall not incur a liability chargeable to the police department without the prior knowledge and consent of the Chief of Police
- 4.8. Insubordination – Employees shall willfully observe and obey the lawful verbal and written rules, duties, policies, and procedures and practices of the department. Insubordination occurs when a member is capable of performing but refuses to do a job or comply with a lawful verbal or written directive.
- 4.9. Unlawful Orders – No employee shall knowingly issue an order in violation of any law or any departmental regulation. Unlawful orders shall not be obeyed. The employee to whom the order was given shall notify the ordering employee of the illegality of the order. Responsibility for refusal to obey rests with the officer to whom the order was given. The employee shall be strictly required to justify their actions.
- 4.10. Unjust or Improper Orders - Lawful orders which appear to be unjust or improper shall be carried out. After carrying out the orders, the employee to whom the order was given may file a written report to the Chief via the chain of command indicating the circumstances and the reasons for questioning the orders, along with a request for clarification of departmental policy.
- 4.11. Conflicting Orders-- If an officer is presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive, the officer shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand a previous lawful order or directive. Officers who are compelled to follow a conflicting order after having pointed out the conflict will not be held accountable for disobedience of the initial order.

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- 4.12. Intoxicating Beverages or Drugs, Use of – An employee: (a) shall not, while on duty, consume any intoxicating beverage, except with the specific approval of the Chief or a superior officer; (b) shall not, while on duty, use any narcotic, controlled substance or other toxic drug at the direction of a physician that would impair and/or alter their ability to perform their essential duties; (c) shall not report for duty while under the influence of intoxicating liquor or under the influence of any narcotic drug or controlled substance unlawfully administered; .
- 4.13. Department Letterhead - Employees shall not use the departmental letterhead for private correspondence or for sending official correspondence out of the department without the permission of the Chief of Police.
- 4.14. Neglect of Duty - Being absent from assigned duty without leave; leaving post or assignment without being properly relieved; or failing to take suitable and appropriate police action when any crime, public disorder or other incident requires police attention or service.
- 4.15. Department Notices - Altering, defacing or removing without permission any posted notice on the department bulletin board. No notice shall be posted on the department bulletin board or other department property without the permission of the Chief.
- 4.16. Official Information, Dissemination of - Employees shall treat the official business of the police department as confidential and shall conform to the following guidelines:
- 4.16.1. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
  - 4.16.2. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief.
  - 4.16.3. Official records or reports shall not be copied, or removed from a building, except in accordance with established departmental procedures.
  - 4.16.4. The identity of any person giving confidential information to the department or to any officer thereof in the performance of his duties shall not be divulged except with the prior approval of the Chief or a superior officer authorized by the Chief.
  - 4.16.5. 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 investigation, without the prior approval of the Chief or a superior officer authorized by the Chief.
- 4.17. Personal Business – Employees, while on duty, shall not conduct any personal business, purchase any alcoholic beverages or purchase and carry any conspicuous amounts of merchandise, unless required in the performance of duty.
- 4.18. Possessing Keys to Private Premises - Having keys to private buildings or dwellings on an officer's area of patrol without the permission of the Chief of Police.

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- 4.19. Public Statements - No employee shall make, publish or issue any derogatory, discreditable or disparaging public statements concerning the department or its employees, which might tend to undermine the efficiency of the department operation and / or the morale of its membership.
- 4.20. Smoking - In accordance with MGL c. 32 §92, smoking is prohibited for any sworn officer hired after Jan. 1, 1988. Previous hires are *grandfathered* and exempt from this law. Those *grandfathered* are, however, prohibited from smoking conspicuously in public in uniform while on duty. Smoking in any police vehicle is prohibited.
- 4.21. Recommendation for Disposition of Cases - An employee of the department shall not make recommendations for the disposition of any case pending in the courts without the consent of the Chief of Police or designee.
- 4.22. Towing Services - No employee shall solicit in any way for a towing service. All requests for towing shall be referred to the station. It shall be the responsibility of the dispatcher to follow department policy in this regard.
- 4.23. Undue Influence - An employee shall not seek or obtain the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement.
- 4.24. Unnecessary Force - The use of more physical force than that which is reasonable to accomplish a proper police purpose. Employees shall use force only when required in accordance with law and departmental policies and procedures and then only reasonable force.
- 4.25. Wearing the Uniform - An employee shall not wear any part of the department uniform outside the limits of the Town except while in the performance of official duty or in transport to and from work or with the permission of the Chief of Police.
- 4.26. Withholding Evidence - An employee shall not fabricate, withhold or destroy any evidence of any kind.
- 4.27. Feigning Illness – An officer shall not feign illness or injury, falsely report him or herself ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of his or her health.

### 5. Discipline

- 5.1. Officers of the Department are subject to disciplinary actions as provided by statute (M.G.L. c. 31 sec. 43) and such other less severe measures deemed appropriate by the Chief of Police such as letters of reprimand. Procedural requirements regarding notice and hearings shall be observed.
- 5.2. Statutory provisions provide for review before the Civil Service Commission (M.G.L. c. 31 sec. 43b) and thereafter before the state courts (M.G.L. c. 31 sec. 43d). Probationary officers having less than one years' service charged with violations of these Rules and Regulations are subject to discharge without right to a hearing or appeal under the provisions of M.G.L. c. 31 s. 20D.

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- 5.3. Civilian employees of the department are subject to the same disciplinary actions as officers of the department. Disciplinary actions which may be imposed range from a letter of reprimand to discharge from the department.

*Richard M. Fuller, Jr.*  
*Chief of Police*