

# INTERNAL AFFAIRS

POLICY & PROCEDURE NO. <b>4.01</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVIEW DATE: ___2/13/19___

## I. GENERAL CONSIDERATIONS AND GUIDELINES

A relationship of trust between the employees of this police department and the citizens of the community is essential. As such, all police employees are expected to conduct themselves in such a manner as to reflect favorably upon themselves and the department.

To a large degree, the public image of this department is determined by how well it responds to allegations of misconduct against the department or its officers. To that end, the objectives of an Internal Affairs investigation are:

- Protection of the public;
- Protection of the employee;
- Protection of the department;
- Removal of unfit personnel; and
- Correction of procedural training problems.

All alleged or suspected violations of laws, ordinances, by-laws, department rules, regulations, policies, procedures, and orders (verbal or written) must be investigated according to the procedures outlined for each.

## II. POLICY

It is the policy of this department to:

- A. Investigate all complaints, including anonymous complaints, against the department or a member of the department, regardless of the source of such complaints, through a regulated, fair, and impartial Internal Affairs Program; [52.1.1]

- B. Determine whether or not such complaints are valid; and
- C. Take appropriate action.

### **III. PROCEDURES**

#### **A. Complaint Procedures**

##### **1. PUBLIC NOTICE [52.1.4]**

- a. The procedure for filing a complaint against an employee or the agency is available to the public and is posted:
  - 1) In the lobby of the police facility or kept in the forms area of the squad room.
- b. Any employee asked by a member of the public about the procedure to file a complaint should be so advised by that employee.

##### **2. COMPLAINT REPORT**

- a. A standard complaint report form may be used to record all complaints of misconduct, mistreatment, or unethical practices against police department personnel, whether registered by a citizen, initiated from within the police department, or forwarded by another governmental agency. However, if any of the above do not wish to file a written complaint, a supervisor or OIC may attempt to resolve complaints that are minor in nature.
- b. The following information shall be included on the complaint report
  - 1) Date and time of complaint report;
  - 2) Name, address, and telephone number of the complainant;
  - 3) Name, address and telephone numbers of any witnesses to the reported incident;
  - 4) Name, rank, badge number (or description) of the employee against whom the complaint is made;
  - 5) Date, time and location of the reported incident;
  - 6) Complainant's description of the incident which resulted in the complaint;
  - 7) Signature of complainant; if complainant refuses to sign, note such on the complaint
  - 8) Signature of parent or guardian if complainant is under eighteen years of age; if parent or guardian refuses to sign, note such on the complaint ;
  - 9) Name, rank and signature of Supervisor or OIC receiving complaint report; and

- 10) A statement that the complainant will receive a response from the department within thirty (30) days regarding the status or conclusion of the investigation.

## **B. Receiving and Recording Complaints**

### 1. GENERAL PROCEDURES

- a. This department shall maintain a record of all complaints against the agency or its employees. [52.1.2]
- b. The shift Supervisor or OIC or Chief of Police at the time the complaint is made shall be responsible for receiving and making a complete recording of any complaint of police employee misconduct made by a citizen in person or received by telephone.
- c. This initial contact between a complaining citizen and police authorities is a most important stage in the complaint process, as the complainant is often tense, angry, and emotionally upset, and the potential for hostility is great.
- d. Courtesy and cooperation should be extended to all citizens registering complaints or otherwise inquiring about complaint procedure.
- e. No person shall be denied an opportunity to register a complaint, nor shall any such person be directed to return or call back later.
- f. Every complaint report form shall be given an identifying number (CAD entry if possible), so that the processing of complaints can be carefully monitored. This identifying number will be assigned by the Chief of Police.

### 2. IN-PERSON COMPLAINTS

- a. Citizens making complaints in person shall be requested to read over their completed reports, to make any necessary corrections or additions and to sign their complaints.
- b. If a complainant refuses to sign a complaint, a notation to that effect shall be made on the complaint form.

### 3. TELEPHONE COMPLAINTS

- a. Citizens making complaints by telephone shall be informed that their signed complaint is requested; however, no telephone complaint shall be refused or rejected because the complainant does not wish to sign a complaint form or because [s]he does not wish to be identified.
- b. The Supervisor or OIC taking the complaint shall incorporate it in a complaint report.

### 4. COMPLAINTS RECEIVED BY MAIL/ELECTRONIC MAIL

- a. If a complaint of misconduct or mistreatment by a department employee is received by mail or e-mail, the allegations shall be incorporated in a complaint report and the original communication attached thereto.

- b. If the information so received is insufficient or incomplete, the complainant shall be contacted, if possible, and informed of the department complaint procedure and any necessary additional information obtained.
5. DEPARTMENTAL COMPLAINTS: Formal departmental complaints of misconduct against a department employee shall be initiated by the preparation of a standard complaint report form.
6. COMPLAINTS BY PRISONERS: Any prisoner who alleges misconduct or mistreatment by a department employee shall be advised by the shift Supervisor or OIC of his/her right to submit a complaint report , and such complaints shall be investigated and processed in the same manner as other citizen complaints.
7. COMPLAINTS FROM GOVERNMENTAL AGENCIES: When information is received or obtained from other governmental agencies alleging specific acts of misconduct against a department employee, this information shall be recorded on a standard complaint report form and an investigation initiated in the usual manner.
8. STREET COMPLAINTS: If an officer on the street is approached by a citizen regarding a complaint of alleged misconduct against an employee of the police department, the officer shall inform such person that his/her complaint should be directed to the shift Supervisor or OIC.
9. VERIFICATION OF RECEIPT [52.2.4(A)]
  - a. Every person making a complaint against a department employee shall receive a copy of his/her complaint to serve as a receipt verifying that such complaint has been received and is being processed.
  - b. When a complaint is made in person, the Supervisor or OIC receiving the complaint will ensure that the complainant receives a copy of his/her complaint to serve as a written verification that the complaint has been received.
  - c. When a complaint is received over the telephone or through the mail, the complaint will be forwarded to Chief of Police or his/her designee for investigating complaints, who shall be responsible for ensuring that the complainant is sent a copy of his/her complaint to serve as a written verification that the complaint has been received, provided that the complainant can be identified.

### **C. Immediate Action**

1. IMMEDIATE RESOLUTION
  - a. In some cases, the resolution of a complaint may be accomplished by the shift Supervisor or OIC if the incident is clearly not of a serious nature, or arises from a misunderstanding or lack of knowledge of the law or of the limitation of a police officer's authority.
  - b. Under no circumstances, however, will a justifiable complaint be refused, delayed, or otherwise rejected in this manner.

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- c. The Supervisor or OIC addressing the complaint shall report the facts of the incident and subsequent resolution to the Chief of Police or designee in writing or by e-mail. The resolution may also be acknowledged in writing by the complainant.
  2. NOTIFICATION OF CHIEF: If the substance of a complaint against the agency or its employees, if proven, would be of grave nature or is an accusation of a serious crime, the Chief shall be notified forthwith. [52.2.2]
  3. RELIEF OF EMPLOYEE FROM DUTY [52.2.7]
    - a. A Supervisor may place an employee on immediate administrative leave for the remainder of his/her shift, pending notification of the Chief of Police. Such action may be taken when a complaint is of a serious nature and, in the opinion of the Supervisor, may be credible, or when the Supervisor believes that such action is in the best interest of the department, such as:
      - 1) Insubordination;
      - 2) Fitness for duty; or
    - b. The employee shall only be relieved from duty otherwise at the direction of the Chief of Police, in accordance with statutory and collective bargaining provisions.

## **D. Investigation of Complaints**

1. OFFICER-IN-CHARGE OF INTERNAL AFFAIRS INVESTIGATIONS
  - a. A supervisor shall be assigned by the Chief of Police as the officer-in-charge of Internal Affairs investigations and shall be responsible for supervising Internal Affairs investigations.
  - b. The position responsible for the internal affairs function has the authority to report directly to the Chief of Police. [52.1.3]
2. CATEGORIES OF COMPLAINTS
  - a. Complaints Investigated by Supervisor or OIC
    - 1) Criteria for the assignment of an investigation to a shift Supervisor or OIC or officer-in-charge of the station may include, but are not limited to: [52.2.1(a)]
      - a) Alleged rudeness;
      - b) Tardiness; and
      - c) Minor cases of insubordination.
    - 2) Reports of investigations performed by shift Supervisor or OICs shall be forwarded and reviewed by Chief of Police or designee.
  - b. Complaints subject to an Internal Affairs Investigation: The criteria for determining the categories of complaints to be investigated by Internal Affairs include, but are not limited to, allegations of: [52.2.1.(b)]
    - a) Corruption;

- b) Brutality;
- c) Use of excessive force;
- d) Violation of civil rights;
- e) Misconduct; and
- f) Any other matter as directed by the Chief.

## **E. INTERNAL AFFAIRS INVESTIGATIONS**

### **1. NOTIFICATION OF EMPLOYEE [52.2.5]**

- a. The affected employee shall be provided a written statement of the allegations against him/her (Notification of Charges/Allegations Form), unless the Chief determines that disclosure might jeopardize an investigation.
- b. When an employee is notified that [s]he has become the subject of an internal affairs investigation, **Chief of Police**, shall issue the employee:
  - 1) A written statement of the allegations; and
  - 2) The employee's rights and responsibilities relative to the investigation.
- c. If the employee was not notified by order of the Chief, [s]he must receive written notification prior to any interrogation, being directed to submit a report regarding the complaint, or an administrative or criminal hearing.
- d. The written statement of the allegations to the employee will include the employee's being advised of his/her rights and responsibilities relative to the investigation.

### **2. STATUS REPORTS**

- a. The officer-in-charge of Internal Affairs investigations shall be responsible for providing the Chief of Police with status reports on the progress of the investigation every seven (7) days. These reports shall contain all pertinent information relating to the progress of the investigation.
- b. In all cases of reporting, except anonymous reports, the complaining party shall periodically receive information regarding the status of the investigation. Notification should be made: [52.2.4(b)]
  - 1) Upon an investigator's being assigned or change of investigator;
  - 2) Every thirty days if extended; and
  - 3) Upon completion of the investigation.

### **3. TIME LIMITS OF INVESTIGATION [52.2.3]: Any Internal Affairs investigation must be commenced immediately upon receipt of the complaint and must be completed within thirty (30) days.**

- a. If extenuating circumstances preclude completion within thirty (30) days, the Internal Affairs investigator shall request an extension from the Chief of Police in writing, and provide written notification to the employee (if

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previously notified of the complaint and investigation) and complainant of the delay.

- b. If the investigation is not completed within thirty days, the investigator shall provide the complainant with a progress report every thirty days until the completion of the investigation.
  - c. Complaints will be dismissed following the 30 day period when complainants cannot be contacted for follow-up. Attempts to contact complainants will be documented.
4. OFF-DUTY CONDUCT: An internal administrative investigation may inquire into a department employee's on-duty or off-duty conduct if such inquiry is reasonably and directly related to the employee's performance of duty, if such conduct affects the employee's fitness or ability to continue in the police service, or reflects discredit on the department.
5. CRIMINAL WRONGDOING
- a. If it is determined, generally after a preliminary investigation, that allegations against a department employee could result in a criminal prosecution, the accused employee must be granted all applicable constitutional and statutory rights.
  - b. Prior to being questioned regarding alleged personal involvement in criminal activity, a department employee shall be given the Miranda warnings, including the right to have an attorney present during any such questioning, prior to custodial interrogation.
  - c. After Miranda warnings have been given, any voluntary statement made thereafter could be admissible in a criminal proceeding, and it may otherwise be used for departmental disciplinary purposes.
  - d. A department employee who is being questioned about alleged personal involvement in criminal activity which could result in a criminal prosecution cannot be discharged or otherwise penalized, solely for invoking the right to remain silent as guaranteed by the Fifth Amendment or for refusing to sign a waiver of immunity. 1
  - e. An employee may be compelled to answer questions narrowly drawn and related to his/her on- or off-duty conduct, and may be disciplined (including discharge) for failure to answer truthfully.
  - f. Any law enforcement officer who commits and indecent assault and battery on a person in their custody or control will be charged under MGL Chapter 265 Section 13H1/2.
6. DEPARTMENTAL DISCIPLINARY ACTION
- a. If it is determined as a result of a preliminary investigation that allegations made against a department employee could result in departmental

disciplinary action, the accused employee is entitled to a fair and objective investigation and resolution of the charges made.

b. Employees Compelled to Answer Questions

- 1) All department employees, when requested by the Chief, or by a superior officer designated by the Chief, must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct which affects their fitness or ability to remain in the police service.
- 2) Any failure to answer completely and truthfully to such inquiries may be punished by appropriate disciplinary action, including dismissal from the department.<sup>2</sup>
- 3) The official conducting the interrogation must, at the time of the interrogation, specify if the employee or his/her counsel or representative asks, the precise repercussions (i.e., suspension, discharge, or the exact form of discipline) that will result if the officer fails to respond.<sup>3</sup>
- 4) When a department employee, after declining to do so voluntarily, is ordered to submit a report or to answer questions under a threat of the penalty of discipline, that employee must receive transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.
  - a) The Supreme Judicial Court has held that Article 12 of the Massachusetts Declaration of Rights requires "transactional" immunity to supplant the privilege against self-incrimination when a public employee is being compelled to answer questions concerning possible criminal activities connected with his employment. Transactional immunity grants "immunity from prosecution for offenses to which compelled testimony relates."<sup>4</sup>
  - b) If the questions specifically, directly, and narrowly relate to the employee's performance of official duties or his/her off-duty conduct which affects his/her fitness or ability to remain in the police service, and if such employee is informed that [s]he will receive transactional immunity from criminal prosecution, [s]he must answer or face disciplinary action, including dismissal from the department, for refusing to answer such questions.
  - c) The Chief shall secure a written grant of transactional immunity from the Attorney General's Office. An employee may decline to answer questions in a criminal investigation until such documentation is received.

## 7. UNION REPRESENTATION

- a. In conducting internal administrative investigations, in the absence of a requirement in a collective bargaining agreement, there is no legal obligation for the police department to provide department employees with



an opportunity to consult with an attorney before being questioned on work-related matters;<sup>5</sup> however, a request for an attorney or an employee representative to be present will be granted if the investigation is not thereby unduly delayed.

- b. Except in unusual situations, any interview or questioning should take place during the employee's regular duty hours.
  - c. Any interview or questioning should not be prolonged without reasonable rest periods and the opportunity for meals and such other personal necessities as are reasonably required.
  - d. A department employee shall not be improperly harassed or threatened during this period of questioning.
8. DOUBLE JEOPARDY: No double jeopardy exists when a department employee is found not guilty in court of criminal charges and is then found guilty of departmental charges after a disciplinary hearing, as the department charges are administrative in nature and can be sustained by a "preponderance of the evidence" rather than the criminal court standard of "beyond a reasonable doubt."

#### 9. INVESTIGATIVE TECHNIQUES

##### a. Generally

- 1) In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods should be employed, consistent with legal requirements and all necessary concern for the individual rights of the accused employee.
- 2) An internal administrative investigation should be conducted with the same degree of professional competence as is devoted to a criminal investigation.

##### b. Medical or Laboratory Examinations [52.2.6a]

- 1) Upon orders of the Chief of Police or his/her designee, an employee may be required to submit to a medical or laboratory examination, at the department's expense. This examination must be specifically directed and narrowly related to a particular internal affairs investigation being conducted by the department.
- 2) Drug or Alcohol Testing: Police employees may be compelled to submit to alcohol testing in connection with an administrative investigation based upon collective bargaining agreements and/or reasonable suspicion.<sup>6</sup>

##### c. Identification

- 1) A police department employee may be required to be photographed. [52.2.6(b)]
- 2) A police department employee may be compelled to stand in a lineup for identification in connection with an administrative investigation.

Such a lineup should be fairly constructed and not be unfairly suggestive and should not be used for an administrative investigation where criminal charges are contemplated. [52.2.6(c)]

- 3) A refusal can be the basis for an additional disciplinary charge of refusal to obey a lawful order.
- d. Searches
- 1) A police officer's personal property, including his/her home, car and other property, is protected from unreasonable search and seizure under the Massachusetts Constitution, and it is possible that any evidence illegally obtained may not be used as evidence in an administrative proceeding.<sup>7</sup>
  - 2) Department property furnished to the officer, such as desks, lockers, or vehicles, in which it is clearly understood in advance that an officer has "no expectation of privacy," may be searched without a warrant.
- e. Financial Disclosure; A police officer may be compelled to submit a financial disclosure statement as part of an internal affairs investigation provided such statement is material to the investigation being conducted.<sup>8</sup> [52.2.6(d)]
- f. Polygraph: Under the provisions of G.L. c. 149, s.19B, police officers may be required to submit to a polygraph or lie detector test in connection with an internal administrative investigation if such test is conducted by a law enforcement agency in the course of a departmental investigation of criminal activity, and under such circumstances, officers may face disciplinary action for refusal.<sup>9</sup> [52.2.6(e)]
- g. Recording Interviews: If possible, the complete interview with an employee in all internal administrative investigations should be recorded mechanically or by a qualified stenographer.

## **F. Withdrawn Complaints**

1. If during the progress of an internal investigation, the complainant indicates a desire to withdraw the complaint, every effort should be made to ensure that this decision is made voluntarily, and a signed statement to this effect should be obtained from the complainant.
2. Even though a complaint is withdrawn, a full report of the investigation to date should be prepared for the Chief, and his/her approval obtained for the termination or continuation of the investigation.
3. Any attempt, directly or indirectly, on the part of a department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his/her complaint is prohibited and will be treated most severely.

## G. Report of Investigation

1. REPORT: At the conclusion of any administrative investigation, a full written report shall be prepared for submission to the Chief, which shall include the following:
  - a. The original complaint report;
  - b. Any additional statements taken from the complainant or statements obtained from witnesses;
  - c. Any statements made or reports submitted by the department employee under investigation;
  - d. A summary of all evidence gathered;
  - e. Any mitigating circumstances; and
  - f. An evaluation of the complaint, a conclusion of facts, and a definitive statement as to whether the charges made by the complainant were:  
[52.2.8]
    - 1) SUSTAINED: The complaint was valid and supported by sufficient evidence;
    - 2) NOT SUSTAINED: There was inadequate or insufficient evidence to either prove or disprove the complaint;
    - 3) UNFOUNDED: The allegations were baseless and without foundation;  
or
    - 4) EXONERATED: The complaint was unjustified or unwarranted, as the actions of the accused department employee were in compliance with law or in accordance with department policy and procedure.
2. DUTIES OF CHIEF
  - a. Upon receipt of the report of an investigation, the Chief should take further action as is necessary based upon findings in the particular case.
  - b. The subject of the investigation shall be promptly notified of the final results of the investigation. If the department employee is cleared of the charges made, [s]he shall be officially exonerated in writing.
  - c. The complainant shall be notified promptly as to the final results of the investigation, personally if possible, or otherwise by mail. [52.2.4(c)]
  - d. If a disciplinary hearing is deemed necessary, the complainant shall be notified that his/her testimony will be required at that time.
3. CONFIDENTIALITY OF INTERNAL AFFAIRS
  - a. In order to ensure that the individual rights of officers who are the subject of an Internal Affairs investigation are protected, all materials relevant to that investigation shall be kept strictly confidential and secured by Chief of Police. [52.1.2]

- b. Internal Affairs investigators should note in their reports any instances where witnesses refused or were reluctant to speak with them unless they were assured that their statements would be kept confidential, at least to the extent legally allowed.
  - c. No statement regarding an Internal Affairs investigation will be made or issued to the public or media unless the charges have been sustained and action has been taken or initiated against the officer or employee.
4. INVESTIGATION SUMMARY: A copy of the completed investigation summary should be kept in a summary file as directed by the Chief of Police and will be the only source of public information about citizen complaints, other than the statistical log which may be prepared and published annually by the Chief of Police.

#### **H. Liaison with District Attorney**

1. Any Internal Affairs investigation which may, or does, result in criminal charges being brought against an officer shall require the District Attorney's or Attorney General's office to be apprised of the case for the purpose of advising on legal issues and ultimate prosecution, if necessary. \
2. Contact shall be made through the officer-in-charge of Internal Affairs.

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<sup>1</sup> *Uniformed Sanitationmen's Ass'n, Inc. v. Comm. of Sanitation of New York*, 392 U.S. 280, 88 S.Ct. 1917(1969); *Gardner v. Broderick*, 392 U.S. 273, 88 S.Ct. 1913 (1968).

<sup>2</sup> *Carney v. Springfield*, 403 Mass. 604, 532 N.E.2d 631 (1988).

<sup>3</sup> *Carney v. Springfield*, 403 Mass. 604, 532 N.E.2d 631 (1988).

<sup>4</sup> *Carney v. Springfield*, 403 Mass. 604, 532 N.E.2d 631 (1988).

<sup>5</sup> *NLRB v. Weingarten*, 420 U.S. 251, 95 S.Ct. 959 (1975).

<sup>6</sup> *Johnson v. Dept. of Police*, 615 So.2d 1064 (La. App. 1993)

<sup>7</sup> *Board of Selectmen of Framingham v. Municipal Ct. of City of Boston*, 373 Mass. 783, 369 N.E.2d 1145 (1977).

<sup>8</sup> *O'Brien v. Mun. Court*, 10 Mass. App. Ct. 851, 407 N.E.2d 1297 (1980).

<sup>9</sup> *M.G.L. c. 149, §19B.*

# DISCIPLINARY PROCEDURES

POLICY & PROCEDURE NO. <b>4.02</b>	ISSUE DATE: 10/05/15
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HADLEY POLICE DEPARTMENT	REVISION DATE: __2/13/19__

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Under most circumstances, the term “discipline” is incorrectly interpreted to be solely a negative form of punishment. This directive reflects the term ‘discipline” in its broader sense, as in having a “highly disciplined department.” In this usage, discipline takes on a positive connotation and is associated with conformance to a set of rules, a code of ethics and a high standard of conduct that results in a departmental image of professionalism. Department disciplinary policy differentiates between exemplary performance, performance deficiencies and intentional acts.

Exemplary performance should be recognized and/or rewarded.

Performance deficiencies may be the result of the lack of training, knowledge or experience on the part of an employee and may be corrected through training or mentoring.

Intentional wrongful acts, on the other hand, are a more serious matter. An employee must make a conscientious decision to disobey a department rule or policy, or a state or federal statute. These acts may be subject to discipline up to and including dismissal and/or criminal prosecution.

This disciplinary directive enables all officers and employees to know what is expected of them and to understand that appropriate discipline will be administered when required. Essential fairness and justice are the foundation of this process.

## II. POLICY

It is the policy of the department that:

- A.** Discipline will be administered in a fair, timely and consistent manner.

- B.** When appropriate, discipline will be directed toward ensuring that employees have an opportunity to correct deficient performance.
- C.** Employees are regularly told of their performance deficiencies and when sanctions are to be applied.
- D.** Discipline is consistent with the seriousness of the offense and the employee's prior record.
- E.** The department's disciplinary process includes training, rewarding, counseling and punitive actions in the interest of discipline.
- F.** The discipline process is a positive process that is used to train and develop by instruction.

### **III. DEFINITIONS**

- A.** Discipline: Any one of several actions designed to produce a pattern of behavior including, but not limited to, reprimand (oral and written); suspension; demotion; discharge; as well as reward, recognition, training and counseling.
- B.** Note: When an employee's conduct is of such a nature that continued employment is not appropriate, termination is warranted. Nothing in this policy is meant to expand the definition of discipline contained in the Civil Service law or any applicable collective bargaining agreement.
- C.** Competent Authority: Any person authorized by law or policy to issue orders or directives.

### **IV. PROCEDURES**

#### **A. Adherence to Directives**

1. Employees will, at all times, adhere to the Laws of the Commonwealth, Rules and Regulations of the Police Department, the procedural guidelines set forth in this manual, and any other department directives. [26.1.1]
2. All sworn and non-sworn personnel, upon appointment to the Police Department, shall have access to and shall become familiar with the Police Department's Rules & Regulations Manual, Policy & Procedure Manual and other directives issued by the Chief of Police or other competent authority.
3. Employees are required to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
4. Failure to comply with the Rules & Regulations, to adhere to the Policies & Procedures of the Police Department, to obey the orders of a superior, or to obey any other directives issued by a competent authority may result in disciplinary action against an employee.

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## **B. Role and Authority of the Supervisor or OIC [26.1.5]**

### 1. FIRST LINE SUPERVISOR OR OICS

- a. The first-line Supervisor or OIC's familiarity with his/her personnel allows him/her the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them. OIC's will forward disciplinary issues to Supervisors who will recommend action to the Chief of Police, if warranted.
  - b. First line Supervisors bear the primary responsibility for the conduct, discipline, and performance of all personnel under their supervision and the basic accountability for failure to recommend warranted disciplinary action.
  - c. They shall be responsible for recognizing poor performance and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.
2. All Supervisors have a duty to ensure that discipline is maintained within the department. It must be remembered that discipline can be positive in nature and may include recognizing and rewarding exemplary performance, training, and counseling.
  3. The following is an outline by rank and command level of authority of Supervisors to discipline their subordinates: (Each Supervisor should also be aware of his/her duties as specified in the Police Department Manual and Rules and Regulations):
    - a. Sergeant(s) have the authority to counsel, evaluate, praise, issue letters of commendation in recognition of exemplary individual performance, and recommend for awards and decorations. They also have the authority to orally reprimand, issue letters of counsel, and recommend a formal written reprimand or more serious punitive disciplinary action, as appropriate to the Chief of Police.
    - b. The Lieutenant has all of the above authority, plus the authority as designated by the Chief of Police, or in his absence the authority of the Chief of Police.
    - c. The Chief of Police has all the above authority, plus the authority in accordance with the law and the provisions of any applicable collective bargaining agreement to impose punishment.
    - d. Any superior officer who is directed to act in the capacity of a rank above his/her ordinary or usual rank shall, for that period of time, possess the authority of that rank (This shall not include OIC's).
  4. All Supervisors have the authority to initiate an emergency only suspension with pay and relieve from duty an employee whom they deem to be grossly unfit for duty. Supervisors may suspend any employee for the balance of a work day under any of the following conditions:
    - a. Under the influence of and/or intoxicated by prescription drugs or a

- controlled substance while on duty;
  - b. Insubordination or misconduct;
  - c. Any violation of criminal law;
  - d. Any violation of department rules and regulations that would subject the violating employee to discipline (Must request approval from Chief of Police first);
  - e. Falsifying a statement or record (Must request approval from Chief of Police first);
  - f. Intentionally abusing, stealing, damaging, destroying, or defacing property or equipment of the department or others;
  - g. Any time the officer is not fit for duty.
5. Supervisors will notify **Chief of Police** of any instance where an employee has been suspended under any of the above circumstances. The suspending Supervisor will submit a detailed report to Chief of Police at or prior to the end of the shift.

### **C. Types of Discipline [26.1.5]**

1. POSITIVE
  - a. Letters of Commendation are given for exemplary performance or achievements and for awards and decorations for accomplishments or heroism.
  - b. Supervisor or OICs may submit a written recommendation and appropriate supporting documentation through their chain of command to a superior who is authorized to issue such letter, award or decoration.
2. CORRECTIVE:
  - a. Counsel employee: to correct performance deficiencies. Document the condition(s) that prompted the counseling session and corrective action expected. Maintain the results for review, and file the documentation to Chief of Police. [26.1.4(b)]
  - b. Remedial training: when training, job knowledge, or experience is at the root of performance deficiency. Document the employee's shortcomings, deficiencies, or lack of expertise. Take immediate steps to retrain in deficient areas or schedule for training. Maintain the results for review, and file the documentation to the Chief of Police. [26.1.4(a)]
3. PUNITIVE: Supervisors will forward recommendations for punishment and all supporting documentation in writing to Chief of Police. It will be the decision of Chief of Police to determine if punishment is warranted. [26.1.4(c)]

### **D. Imposition of Punishment [26.1.5]**

1. Notice of Disciplinary Action: In all cases where punitive discipline is imposed, Notice of Disciplinary Action will be served in writing prior to the effective date



- of imposition. The Notice will include violation(s) specifications, the disciplinary action to be taken, and the effective date of imposition of discipline.
2. If punishment is warranted, the type of punishment and effective date of imposition will also be determined as follows: [26.1.5]
    - a. Counseling: (informal conference and/or oral reprimand) - the lowest level of punishment which may be appropriate when other methods have failed to bring about an appropriate change in performance or in response to minor intentional misconduct.
    - b. Written warning or deficiency notice: the second level of punishment for minor offenses with some recent disciplinary action, or moderately serious offenses with little or no recent, prior disciplinary action. Written warnings should include the following:
      - 1) Details of Offending Conduct: specify dates, times, persons present, location, etc.
      - 2) Rules Violated: list which rules and regulations or what orders or standards of conduct were involved.
      - 3) Require Future Conduct: make it clear what conduct is required. Specify an order if there is any doubt.
      - 4) Signatures: the Supervisor should sign and direct the employee to sign also (acknowledging receipt not necessarily admitting wrong). Note a refusal by an employee to sign the receipt. Refusal to do so is insubordination and may result in additional discipline.
      - 5) Comments by Employee: provide space for employee comments or rebuttal, or afford the employee the opportunity to submit a written reply and have it attached to the written notice/warning.
    - c. Suspension: for a moderately serious offense with some recent disciplinary action or for a serious offense. The severity of offense should be commensurate with the length of suspension.
      - 1) Short Term Suspension - of not more than 5 days may be imposed by Chief of Police.
      - 2) Long Term Suspension: of 30 days or more may be imposed by Chief of Police with approval of Board of Selectmen or Town Administrator.
    - d. Demotion: In lieu of dismissal for a Supervisor. A demotion of one or more ranks may be imposed by Chief of Police.
      - 1) Dismissal: for the most serious of offenses, patterns of misconduct or deficient performance.
      - 2) The discharge of an employee may be directed by Board of Selectman.
  3. In the event that an employee is dismissed, the Chief of Police shall ensure that the employee to be dismissed is provided with a written notice advising of the following [26.1.7]:

- a. The reason for dismissal;
  - b. The effective date of dismissal;
  - c. The status of fringe benefits after dismissal; and
  - d. The status of retirement benefits after dismissal.
- E. Appeals:** Employees may appeal their disciplinary action imposed in accordance with the employee's rights [or M.G.L. c 31, s 41-45]. [26.1.6]
- F. Records:** Disciplinary records shall be maintained in the personnel files of the affected employee by Chief of Police. For further information see the department policy on Agency Records. [26.1.8]

2/13/19 Section B, 3(b) added regarding Lieutenant's authority.

# AUTHORITY AND RESPONSIBILITY

POLICY & PROCEDURE NO. <b>4.03</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVIEW DATE: __2/13/19__

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The intent of this directive is to provide basic information relative to the role and authority of the Police Department and its staff.

## II. POLICY

It is the policy of the department that:

- A. All Police Department personnel, prior to assuming sworn status, shall take and subsequently abide by an oath of office to uphold the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and to enforce the laws of the Commonwealth and the bylaws of Hadley
- B. All Police Department employees shall abide by the appropriate code of ethics for the position held as adopted by this department. [1.1.2]
- C. All Police Department employees shall operate within the limits of their authority.

## III. DEFINITIONS

- A. Auxiliary Officer: Unpaid, police volunteer whose sworn authority exists only during time of emergency or training as authorized by the Chief of Police.
- B. Civilian Employees: All non-sworn employees of the department. They have no arrest authority. Civilian employees may or may not be uniformed.
- C. Employee: Any person officially affiliated with the department whether full or part time, sworn, civilian, special or auxiliary police, crossing guard, animal control officer, volunteer, intern, or other.

- D. Full Time Permanent Police Officers (FTPPO): Full time, permanent, sworn police officers. This category includes all sworn ranks.
- E. Reserve Officer: A sworn officer who works less than full time.
- F. Crossing Guard: An adult civilian employee who may be uniformed and who is assigned to control traffic for the safe passage of pedestrian and vehicular traffic at street crossing points.
- G. Special Officer: A sworn officer whose police authority is limited in scope in relation to hours of the day, geographic area, assignment, and/or length of (days/months) authority.
- H. Sworn: Refers to a person's ability to make a full custody arrest; it does not refer to the administration of an oath of office.
- I. Sworn Personnel: Those members of the Department, full and part time, who are duly sworn and vested with police power under M.G.L. Chapter 41, Section 98. Sworn personnel have the authority to make "full custody" arrest (as opposed to a citizen's arrest). This definition does not apply to civilian employees who take an oath of office or are sworn-in.
- J. Constables- Elected residents who are non-department members who are directed by the Selectboard to post warrants and work elections. They may at the discretion of the police chief be granted the ability to work traffic details, although are granted no right of arrest by the police department.

## **IV. PROCEDURES**

### **A. Sworn Personnel**

#### 1. OATH OF OFFICE [1.1.1]

- a. The oath of office shall be administered to sworn personnel by the Hadley Town Clerk following successful completion of the basic recruit academy, upon transfer from another law enforcement agency, or upon promotion to a higher rank. Each officer shall state, sign and abide by the Oath of Office:  

"I, \_\_\_\_\_, do solemnly swear or affirm that I will faithfully and impartially discharge the duties incumbent on me, as a (police officer, police sergeant, police lieutenant, police captain, deputy police chief or police chief) for the Town of Hadley, according to the best of my ability and understanding, agreeably to the rules and regulations of the Police Department, the Constitution and the laws of the United States and the Commonwealth of Massachusetts and under rules, regulations and ordinances or by-laws of my municipal employer made under the authority thereof [if oath is sworn], so help me God."
- b. The oath shall become a permanent record maintained in the employee's personnel file.

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## 2. SWORN OFFICER CODE OF ETHICS

- a. All sworn officers shall abide by the Sworn Officer Code of Ethics.
- b. Sworn Officer Code of Ethics:

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

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (optional: before the God of my understanding) to my chosen profession... law enforcement.

3. LEGAL AUTHORITY [1.2.1]: This Police Department is composed of the following categories of sworn agency personnel. All sworn officers shall have, within the territorial limits of the Town of Hadley, the powers and duties conferred or imposed upon Police Officers by M.G.L., Chapter 41, Section 98.
  - a. Full Time Permanent Police Officers (FTPPO): The category includes all sworn ranks. FTPPOs are appointed by Board of Selectman - **and shall be subject to an appointment of 1 years**]. FTPPOs shall have police powers at all times.
  - b. Reserve Police Officers: Reserve Police Officers are part-time employees with the department, appointed by Board of Selectman **be subject to an appointment of 1 Years at discretion of BOS** . Reserve police officers shall have the same police powers as full time officers.
  - c. Special Police Officers (SPO's)- SPO's have the same authority as Full-Time and Reserve Police Officers, appointed by Board of Selectman **be subject to an appointment of 1 Years at discretion of BOS** and their authority is limited while working as a Hadley Police Officer.

## B. Non-Sworn Personnel

### 1. ANIMAL CONTROL OFFICERS

- a. All animal control officers shall abide by the Animal Control Officer Code of Ethics:

As An Animal Control Officer, my fundamental duty is to serve the **community; to safeguard human and animal lives, and property; and to** respect the Constitutional rights of all people to liberty, equality, and justice.

**I will keep my official life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in** thought and deed in my official life, I will strive to obey the laws of the land **and the regulations of my department. Whatever I see or hear of a** confidential nature or that is confided to me in my official capacity will be kept forever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, **animosities, or friendships to influence my decisions. With no compromise** and with accurate reporting and presentation of the facts for prosecution of violators and abusers, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, always employing humane practices and high, acceptable community standards, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the **Animal Control Profession. I will constantly strive to achieve these** objectives and ideals, dedicating myself to my chosen profession--Animal Control.

- b. Authority: Animal Control Officers are appointed by Board of Selectman **and shall be subject to an appointment of 1 years.** They shall have the authority granted under their warrant, and M.G.L. c. 140 §151 and §151A.

### 2. OTHER CIVILIAN EMPLOYEES CODE OF ETHICS:<sup>1</sup>

- a. All other civilian employees shall abide by the Civilian Employee Code of Ethics.:

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

### **C. All Employees**

1. ETHICS TRAINING [1.1.2]: Ethics training shall be conducted for all personnel at least biennially.
2. CODE OF CONDUCT [26.1.1]: All department employees shall adhere to a code of conduct and appearance guidelines adopted by this agency and published in the department **Rules and Regulations** .

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<sup>1</sup> Portions taken from the International City/County Managerial Association [ICMA] Civilian Code of Ethics.

# WRITTEN DIRECTIVE SYSTEM

POLICY & PROCEDURE NO. <b>4.04</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 2/13/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

A written directive system has been established in this agency in order to inform officers of what is expected of them in the performance of their duties, to provide guidance to them in performing such duties, and to establish the basis for employee accountability and the means to fairly evaluate officer and unit performance.

It is the purpose of the policy to define the structure and application of this department's written directive system (WDS) and provide officers and other employees with a better understanding of its importance, use, and applicability.

## II. POLICY

It is the policy of this department to formally document the structure and component parts of the written directive system in a manner that will increase its utility and application and provide for continuity in its development.

## III. DEFINITIONS

- A. Directive: As used generally in this policy, "directive" shall refer to Written Directives, Policies, Procedures, Rules, Regulations and other documents of guidance issued under the authority of the Chief of Police by a supervisor.
- B. 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. General Orders may be issued under the authority of the Chief of Police.



- C. **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. Memoranda may be issued by Lieutenant, Sergeant or Chief of Police.
- D. **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. Personnel Orders may only be issued by Chief of Police.
- E. **Policies:** Policies summarize the department’s position on specific matters. Policies are concise position statements based on underlying organizational principles, goals, values, and operational philosophies. They are designed for broad general direction and guidance, primarily designed for use by all members of the department or by more than one operational division. Policies may only be issued by Chief of Police.
- F. **Procedures:** Procedures build on the foundation of policy statements to provide specific guidance on required, desired, or preferred methods of operations or conduct. Procedures are more detailed instructions on means and methods for carrying out the policy directive and generally draw the boundaries of permissible officer discretion in performing specific tasks or duties. Procedures may be issued by Chief of Police. (As a practical matter, the department usually issues Policies & Procedures as a combined document.)
- G. **Rules:** As opposed to procedure statements that often provide officer flexibility and discretion, rules are characterized by their inflexibility. Rules define situations where no deviations from or exceptions to agency-authorized actions are permitted. Rules may be issued by Chief of Police.
- H. **Special Orders:** Special Orders are temporary written orders outlining instructions covering particular situations or specific operations on different shifts. Special Orders are automatically canceled when their objective is achieved. Special Orders may be issued by Lieutenant, Sergeant or Chief of Police.
- I. **Written Directives:** Written directives are position statements by or authorized through the Chief that guide or direct the actions and activities of officers. Directives encompass all means by which this agency communicates instructions, orders and duty requirements to its members, to include policies, procedures, rules, regulations, general orders, special orders, memoranda, and instructional materials. Written Directives may be issued by the Chief only.
- J. **Terms Limiting Officer Discretion:** There are three categories of terms used in written directives of this agency. Personnel responsible for the development of such directives and officers who carry them out shall be aware of the limitations on officer discretion that these terms convey. These terms are classified as judgmental, discouraging, and prohibitive in nature.

1. **Judgmental:** The word “may” is used to convey the utmost discretion to officers. “May” indicates that officers should employ their best judgment in addressing a situation by relying on experience, training, the stated mission and values of this agency, and the general guidance provided in statements of agency policy.
2. **Discouraging:** The words “should” or “should not” are used to convey the agency’s desire for officer actions in given circumstances. Directives should be followed whenever reasonably possible. However, it is recognized that exceptions to desired actions can be anticipated in these circumstances that could require alternative action. Officers are therefore authorized, whenever reasonable, to use limited discretion to deal effectively with the situation or problem.
3. **Restrictive or Prohibitive:** The terms “shall” or “shall not” or “will” or “will not” impose absolute requirements or prohibitions on officer actions. Considering that the full set of circumstances surrounding many situations confronted by officers cannot be fully predicted, such terms must be used with care and with the understanding that failure to abide by such restrictions may result in disciplinary action. Where deemed appropriate, however, these terms may appear in policies, procedures, and rules.

## IV. PROCEDURES

### A. Authority to Issue Directives [12.2.1(c)]

1. The Chief of Police derives authority to issue, modify, or approve agency written directives from **- M.G.L. c. 41 § 97A**. For additional information on the Chief’s authority, see the department policy on **Organization and Administration**. [12.2.1(b)]

**[M.G.L. c. 41 §97A]:** Written Directives may be issued, revised or rescinded under the authority of the Chief of Police,

2. Written directives that do not have an expiration date of less than one year from the time of issue shall be reviewed annually.

### B. Types of Written Directives [12.2.1(c)]

1. GENERAL ORDERS
  - a. General Orders may be issued, revised or rescinded only by or under the authority of the Chief and shall be reviewed annually. General Orders shall be a separate document from other directives.
  - b. General Orders shall be issued to each employee (this may be done electronically or hard copy). A receipt form shall be signed by the employee documenting receipt of the directive, and filed in the employee’s personnel file by the administrative function. Revisions to this directive shall be distributed in the same manner.

- c. Employees must read a newly-received Personnel Order prior to the end of the tour of duty when received.
  - d. A master copy of General Orders shall be maintained by the administrative function and kept in the Chiefs office. Obsolete versions shall be placed in an archive file and permanently maintained.<sup>i</sup>
2. MEMORANDA (MEMOS)
- a. Memoranda may be issued, revised or rescinded only under the authority of the Chief.  
  
Memoranda shall be distributed to each employee by placing a paper copy in the employee's department mail box, or in hand. No documentation of receipt is required.
  - b. Employees must read a newly-received Personnel Order prior to the end of the tour of duty when received.
  - c. A master copy of Memoranda shall be maintained by Chief of Police and kept in his Office. Obsolete versions shall be placed in an archive file and permanently maintained.<sup>ii</sup>
3. PERSONNEL ORDERS
- Personnel Orders may be issued, revised or rescinded only under the authority of the Chief.
- Personnel Orders shall be distributed to each employee by placing a paper copy in the employee's department mail box, or in hand. No documentation of receipt is required.
- a. Employees must read a newly-received Personnel Order prior to the end of the tour of duty when received.
  - b. A master copy of Personnel Orders shall be maintained by the administrative assistant. Obsolete versions shall be placed in an archive file and permanently retained.<sup>iii</sup>
4. POLICIES AND PROCEDURES: [12.2.1(D)]
- a. Policies and Procedures are maintained as a single manual, separate from other directives. They may be in a printed and/or electronic format. These directives may be issued, revised or rescinded only under the authority of the Chief and shall be reviewed annually.
  - b. Policies and Procedures shall be indexed as follows:
    - 1.00 Operations - Reviewed by **Chief of Police or designee** .
    - 2.00 Investigations - Reviewed by **Operational Supervisor or Sergeant.**
    - 3.00 Prisoners - Reviewed by **Operational Supervisor or Sergeant.**
    - 4.00 Administration - Reviewed by **Chief of Police or Designee.**
    - 5.00 Traffic - Reviewed by **Operational Supervisor or Sergeant.**

6.00 Property Mgt. - Reviewed by **Court/Evidence Officer.**

7.00 Incident Command -Reviewed by **Police and Fire Chiefs (as it relates to Emergency Management).**

- c. Manual Components: The department's Policy and Procedure Manual shall include the following primary components:
- 1) Purpose of the Policy Manual:
    - a) The policy manual exists as a guide for agency personnel. In this document the agency provides direction for officers in order for them to perform their duties. The policies are developed using law enforcement community wide "best practices" and procedures, with the input of the representatives of those affected by them. While the policies may restrict options available to employees in some cases, the department spells out acceptable or desired procedure which, when followed by employees, holds the department accountable for the employees' actions. Employees who follow policies and procedures may rely on the department to answer for questions which arise from those actions.
    - b) Employees should refer to this manual when questions arise as to the department's position on a topic addressed in the manual, or on how to proceed in a given situation. While the manual cannot address every set of circumstances, it will often lead the employee to a satisfactory conclusion.
  - 2) Organization of the Manual [12.2.1(d)]: An organizational description identifies the primary component parts of the manual, such as department organization, administration, field services, support services, investigations, and the manner in which individual and complementary series of policy statements are grouped and numbered.
  - 3) Table of Contents: Topics covered in the manual and their location in the document are listed sequentially.
  - 4) Department's Source of Legal Authority: This is the statutory authority granting police powers to the department from municipal and/or state government.
  - 5) Agency Mission and Values Statement: This department's overall mission statement and the values adopted by the department form the foundation for policy, procedures, rules and other written directives. See department policy on **Authority and Responsibilities.**
  - 6) Policy and Procedure Statements: [12.2.1(f)] These are individual statements of department policy and accompanying procedures with regard to duties, responsibilities, and tasks of department officers and civilian personnel. Each policy and procedure statement will contain the following information:

- a) General Considerations and Guidelines: General Considerations and Guidelines provides a statement of the issues likely to confront officers and the reasons for the adoption of the policy and procedure. The policy will be introduced by a succinct statement concerning what the policy is about and what it is attempting to relate.
- b) Definitions: New or unfamiliar terms or words will be defined. This includes new, uncommon, or unusual terms, expressions, and phrases, including words or phrases used in law or not generally used in the police profession.
- c) Policy: The policy statement identifies a problem, need or issue and provides guiding principles for exercising judgment. Rather than providing officers with precise guidance as found in procedures, the policy statement establishes the rationale and overall approach to a problem, situation, issue or concern. As such, it often draws upon the agency's philosophy and values to provide direction.
- d) Procedures: Procedures will be included in each policy statement to the degree necessary to provide officers with sufficient guidance to carry out the policy in accordance with agency requirements and desires. Procedures provide a method for performing an operation or means for proceeding on a course of action. Policies and procedures shall be issued to each employee.
- e) Name of the Department: Policy statements will identify the issuing agency on each page of the document.
- f) Type of Directive: Directives will be designated as policies, procedures, rules, or special orders.
- g) Subject: Policies, procedures, and rules will be identified by the topic or issue under consideration.
- h) Policy Number: The policy number is the decimal or other number identifying the sequential placement of the policy in the manual.
- i) Effective Date: The effective date indicates the date the policy will be placed in force.
- j) Review Date: The review date is the date on which the policy is required to undergo formal review, though modifications may be made at any time as required. Policies designated as sensitive by the department are required to undergo review every six months and all others on a yearly basis unless otherwise designated.
- k) Approval: The signature or initials of the Chief or other designated departmental executive indicate final approval of the policy.
- l) Reference: Links are provided to related department policies, procedures and rules that relate to or have bearing on the

- understanding and use of the present policy (e.g., “motor vehicle search” referenced to “obtaining search warrants”).
- m) Rescinds/Replaces: These terms indicate a former policy issued under the same or similar title that has been deleted or modified by the present policy.
  - n) Accreditation Standard: Reference is given to the relevant standard defined by the Massachusetts Police Accreditation Commission that deals with any policy topic or issue.
  - o) Number of Pages: The total number of pages contained in the policy statement or rule is indicated.
- 7) Topical Index: **[12.2.1(e)]** The topical index shows the subjects, topics, and issues addressed in the manual, organized in alphabetical order by key-word(s).
- 8) Authorized Forms: An index to and samples of all forms authorized for use by this department are provided.
- d. A receipt form shall be signed by the employee documenting receipt of the directive, and filed in the employee’s personnel file by the administrative section. Revisions to this directive shall be distributed in the same manner.
  - e. Employees must read a newly-received policy and/or procedure prior to the end of the tour of duty when received.
  - f. A master copy of Policies and Procedures shall be maintained by the administrative assistant and stored in the Squad room or other common area to which all employees have access. Obsolete versions shall be placed in an archive file and permanently retained.<sup>iv</sup>
  - g. Policy/Procedure Development and Revision
    - 1) Department members who identify a need for a new policy or policy revision shall advise the Chief of Police in writing (memo, e-mail, etc.), identifying the topic and briefly explaining the need for development or revision. The need for new policies will be determined by the Chief of Police.
    - 2) The Chief may assign the task of preparing the policy and/or procedure to an individual employee, a committee of employees, or an outside vendor; or obtain a prepared policy from an outside source.
    - 3) A draft shall be reviewed by the Chief OR a committee or specific supervisor appointed by the Chief who shall consider at a minimum:
      - a) The legality of the policy/procedure as presented;
      - b) Any potential conflict with existing written directives;
      - c) The applicability of the policy/procedure to the agency mission; and
      - d) The practicality of the policy/procedure for agency personnel.

- 4) The committee shall make their recommendations to the Chief, who shall make a final determination as to the content of the policy.

**OR**

The Chief shall present the proposed policy to the Board of Selectmen and Town Counsel who may review and determine whether to approve of the policy. The Chief may institute the policy upon approval of the Board, or if the Board takes no action within thirty days of being presented with the proposed policy.

5. RULES AND REGULATIONS

- a. Rules may be issued, revised or rescinded only under the authority of the Chief and shall be reviewed annually. Department rules shall be a separate document from other directives and indexed as follows:

Authority

02.0 Receipt

03.0 Introduction

04.0 Professional Conduct and Responsibilities

05.0 Negligence of Duty

06.0 Incompetence

07.0 Public Statements

08.0 Orders

10.0 Attention to Duty

11.0 General Requirements

12.0 Department Property and Equipment

13.0 Reports

14.0 Fitness for Duty

- b. Rules and regulations shall be issued to each employee either in electronic or hard copy form. A receipt form shall be signed by the employee documenting receipt of the directive, and filed in the employee's personnel file by the administrative section. Revisions to this directive shall be distributed in the same manner.
- c. Employees must read a newly-received rule or regulation prior to the end of the tour of duty when received.
- d. A master copy of Rules and Regulations shall be maintained by the administrative assistant and stored in a place which all employees have access. Obsolete versions shall be placed in an archive file and permanently maintained.<sup>v</sup>
- e. Policy/Procedure Development and Revision

- 1) Department members who identify a need for a new policy or policy revision shall advise the Chief of Police in writing (memo, e-mail, etc.), identifying the topic and briefly explaining the need for development or revision. The need for new policies will be determined by the Chief of Police.
- 2) The Chief may assign the task of preparing the policy and/or procedure to an individual employee, a committee of employees, or an outside vendor; or obtain a prepared policy from an outside source.
- 3) A draft shall be reviewed by the Chief OR a committee/supervisor appointed by the Chief who shall consider at a minimum:
  - a) The legality of the policy/procedure as presented.
  - b) Any potential conflict with existing written directives.
  - c) The applicability of the policy/procedure to the agency mission.
  - d) The practicality of the policy/procedure for agency personnel.
- 4) The committee shall make their recommendations to the Chief, who shall make a final determination as to the content of the policy.

**OR**

The Chief shall present the proposed policy to the Board of Selectmen and Town Counsel who may review and determine whether to approve of the policy. The Chief may institute the policy upon approval of the Board, or if the Board takes no action within thirty days of being presented with the proposed policy.

6. SPECIAL ORDERS:

- a. Special Orders may be issued, revised or rescinded only under the authority of the Chief, but may be issued by a supervisor as it affects specific shift functions.
- b. Special Orders shall be issued to an affected employee by paper copy, for which the employee shall sign a receipt. Such receipt(s) shall be kept with the memoranda signed for by the administrative function.

**OR**

Special Orders shall be issued to an affected employee by electronic mail. Once opened, it shall be understood that the directive has been formally issued to the employee.

**OR**

Special Orders shall be posted in the squad room. It is the responsibility of each employee to check and read new Personnel Orders. No documentation of receipt is required.

**OR**



Special Orders be distributed to each employee by placing a paper copy in the employee's department mail box, or in hand. No documentation of receipt is required.

- c. Employees must read a newly-received Special Order prior to the end of the tour of duty when received.
- d. A master copy of Special Orders shall be maintained by the administrative assistant and stored in a place which all employees have access. Obsolete versions shall be placed in an archive file and permanently maintained.<sup>vi</sup>

### **C. Dissemination of Written Directives**

1. The following methods may be used to disseminate written directives to employees. The method used will be dictated by the type of written directive distributed as indicated in Section 4.B. [12.2.2 (a)]
  - a. E-MAIL: It is the responsibility of each employee to review these directives.
  - b. COMPUTER FILE STORAGE: All written directives shall be posted in the department's network server in respective file folders on a shared drive. [12.2.2 (b)]
  - c. VERBALLY: At Roll Call: A written directive authorized to be distributed verbally shall be read at roll call. Verbal distribution may augment other distribution methods.
  - d. HARD COPY (PRINTED) POSTED: Hard copies of written directives will be posted in the hard copy of the written directives manual which will be kept up to date by the administrative assistant. Expired directives must be removed by the administrative assistant, at the direction of the Chief of Police or designee.
  - e. ARCHIVE HARD COPY STORAGE: The Administrative Function shall maintain the original copies of all written directives in similar location to which all employees have access. [12.2.2 (b)]
2. If issued a hard copy: Policy and procedure manuals of individual officers are subject to periodic inspection. Officers shall maintain such manuals in an organized, complete, and current manner.

#### **OR**

The department may keep its manual and directives in an electronic format available to officers either on the Department shared drive or issued on portable drives or discs. Employees are responsible for periodically reviewing the manual. Maintenance of the up-to-date version of the electronic version of the Policy and Procedure Manual is the responsibility of the Chief of Police or designee [12.2.2(b)]

3. Upon receipt of the directive, the employee shall sign and submit to the issuing party a receipt form acknowledging having received the directive. The

receipt shall be forwarded to the Chief of Police where it will be filed in the officers' personnel file.

#### **D. Familiarization with Written Directive**

1. Notwithstanding the above, employees are responsible for checking the department's computer storage, bulletin boards or other areas where directives are posted to familiarize themselves with all written directives.
2. Employees are responsible for complying with each directive that has been issued, whether or not it was read at roll call. This includes directives that may have been issued during their absence from duty.
3. Employees are also responsible for seeking any clarification which they require to any and all orders, directives, rules, regulations, policies, etc.

#### **E. Updating and Purging**

1. Policies are maintained in the Shared Drive of the Department Computer Network. Updating and purging is completed within each document, and notations made of additions/updates at the bottom of the document.
2. When a negotiated labor agreement is ratified by all parties, the Chief shall cause:
  - a. A written, signed copy of the labor agreement to be obtained. [24.1.2(a)]
  - b. A review an amendment of all written directives and procedures to coincide with the terms of the labor agreement. [24.1.2(b)]
3. The Union Steward will be responsible for dissemination of information relative to a new labor agreement, including modifications to existing agreements, to managers and Supervisor or OIC or OICs of bargaining unit employees. [24.1.2(c)]

#### **F. Accreditation/ Certification [ Reserved for Future Use ]**

1. An accreditation manager and assistant accreditation manager shall be designated by the Chief of Police. This is a very specialized position and requires familiarization with the accreditation process, department policies and practices. For further information see the department policy on **Training and Career Development** .
2. The accreditation manager will review new directives or changes to existing directives for compliance with accreditation standards and practices.
3. The accreditation manager shall establish a system to identify reports, reviews, and other activities mandated by accreditation standards and to ensure that they are accomplished. [11.4.3]

2/13/19- Section E, 1-Removal of Maintenance of Hard Copy of Rules and Regs. All are maintained electronically. 349

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<sup>i</sup> Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

<sup>ii</sup> Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

<sup>iii</sup> Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

<sup>iv</sup> Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

<sup>v</sup> Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

<sup>vi</sup> Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

# ORGANIZATION

POLICY & PROCEDURE NO. <b>4.05</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVIEW DATE: ___2/13/19___

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This agency is structured into a series of organizational components that represent functional groupings of employees performing like activities. The organizational structure of the department provides management with a means for assigning responsibility for performance of a group of functions to a single Supervisor or OIC or manager, as well as letting employees know to whom they are accountable.

The ranks of the police department reflect the para-military nature of the organization. The executive head of the department is the Chief of Police. The subsequent ranks provide a structure for the various levels of authority and responsibilities throughout the organization.

Commensurate with these responsibilities, all employees are given the authority to make the decisions and use the available resources that are necessary for the successful completion of their assigned duties. In the acceptance of this delegated authority, each employee also accepts the accompanying accountability for his/her actions (or lack of actions) and obligations. Employees confronted by an exceptional situation, for which there are no guidelines or policies, are expected to consult with their immediate Supervisor or OIC, on whom the ultimate accountability falls. In the event that this consultation is impossible, it is expected that each employee will exercise his/her best judgment in taking the necessary action, while keeping in mind the goals and philosophies of the department. [11.3.1]

## II. POLICY

It is the policy of the department that it be so structured and organized as to:

- A. Efficiently accomplish the missions of the agency; and
- B. Effectively allocate and use personnel resources.

### III. PROCEDURES

#### A. Rank Structure

1. CHIEF OF POLICE: The Chief of Police is the highest-ranking sworn position within the police department and the Chief Executive Officer of the department. The Chief is appointed by the Board of Selectmen. The sworn authority of the Chief of Police is derived from Chapter 41 Section 97A (strong Chief). [12.1.1]

**[M.G.L. c. 41, §97A]** The Chief of Police is authorized to make regulations governing the police department and staff. The Chief shall be in immediate control of all town property used by the department, and of the assignment of police personnel who shall obey his orders. The Chief is the final department authority in all matters of policy, operations and discipline and may exercise all lawful powers of that office and issue such lawful orders as necessary to ensure the effective performance of the department.

2. LIEUTENANT: Lieutenant's rank is achieved by the promotion process and is superseded in rank by Chief. A Lieutenant is generally assigned as an executive officer or operational supervisor for the entire department.
3. SERGEANT: Sergeant's rank is achieved by promotion and is superseded in rank by Lieutenant. A Sergeant is generally assigned as a shift supervisor or division commander.
4. OFFICER: Police Officer/Patrolman's rank is achieved by the selection process and is superseded in rank by Sergeant. A police officer/patrolman is generally assigned as a patrol officer, detective, school resource officer, traffic officer, desk officer.

#### B. Organization

1. ORGANIZATIONAL STRUCTURE AND FUNCTIONS: The department structure has been organized to carry out the mission of the department with the available personnel. Each division or unit shall be under the direct command of a single Supervisor or OIC. [11.1.1; 11.2.2]
2. ADMINISTRATION: The Chief of Police oversees the operation of the police department, but may delegate actual operational control to a Lieutenant (if one exists) and provides for the following:
  - a. Overseeing the delivery of patrol and investigative services to the community;
  - b. Planning, development management and control of those administrative functions necessary to support both patrol and investigative operations;
  - c. Providing internal security, audit, and investigative oversight to other components of the department.

### 3. PATROL DIVISION

- a. The Patrol Division shall consist of uniformed officers assigned to staff the patrol routes of the department, including officers assigned vehicle patrol.
- b. This division consists of three shifts each day commanded by Officer (OIC) or Sergeant.

### 4. ORGANIZATIONAL CHART

- a. The Police Department Organizational Chart is posted in the agency policy manual to graphically display the agency's organizational structure.
- b. The Organizational Chart shall be updated whenever a change to the department's organization is made to reflect those changes.
- c. It will be posted in the Police Station which is accessible to all department personnel. [11.1.2]

## **C. Succession of Command Protocol**

1. A plan is in place to ensure the continuity of command in the absence of the Chief, due to a planned or unplanned event where the Chief is not available. The plan will ensure that executive level leadership is always available. [12.1.2(a)]
2. During day to day operations where the Chief is absent for less than one week, Lieutenant (or if none exist) Sergeant shall address executive command level issues. Lt. or Sergeant may deal with issues that clearly fall under the existing policies and procedures of this agency. Issues which are beyond the scope of existing policies and procedures should be deferred until the Chief returns or is conferred with. Issues which, in the judgment of Lt. or Sergeant require immediate action may be addressed. A report of the issues and actions shall be prepared for presentation to the Chief upon his/her return.
  - a. In the event of a planned absence in excess of one week, the Chief will designate an Officer to be in charge (Lt. or Sgt.) who will report directly to the Town Administrator.
  - b. In the event of a sudden, unplanned absence or incapacitation, the succession of command for operations is as follows: Lieutenant (if exist), Sergeant, Senior Officer. The Town Administrator is included as the next step in chain of command above the Chief of Police and in the event of the above, he/she shall be the direct supervisor of the Lieutenant, Sergeant or Senior Officer.

## **D. Unity of Command**

1. Each member of the department shall be accountable to one Supervisor or OIC at any given time, according to his/her particular duty assignment at that time. If another Supervisor or OIC needs to assign an officer not directly under his/her supervision, that Supervisor or OIC shall consult with the

officer's Supervisor or OIC prior to such assignment whenever possible. [11.2.1]

2. Generally, when engaged in a police function, the senior officer shall be in charge.
  - a. When personnel of the same function are engaged in a single operation, seniority shall be determined by rank, followed by time in rank, followed by time in service, unless otherwise designated.
  - b. In situations where personnel of the same rank, but different functions engage in a single operation, the senior officer of function under which operation falls shall be in charge unless otherwise designated. [12.1.2(c)]
  - c. In times of emergency, seniority shall be determined by rank, followed by time in rank, followed by time in service, regardless of function. [12.1.2(b)]
  - d. An employee of lower seniority may be placed in command of an operation by a senior officer if the employee possesses a high degree of specialization or expertise for that operation. [12.1.2(b)]
  - e. The Chief or his/her designee may place an employee in the position of command outside of the normal command structure.

### **E. Span of Control**

1. The term "span of control" refers to the number of persons reporting to any one Supervisor or OIC.
2. Assignment of Supervisor or OICs in the police department will be done in a manner that will ensure a manageable span of control whenever possible.
3. In an emergency or unforeseen circumstance, or whenever the needs of the department require it, commanding officers may require sufficient Supervisor or OICs to work overtime in order to reduce the span of control to a reasonable number until their presence is no longer required.

### **F. Accountability**

1. Supervisor or OICs are responsible for directing the efforts of their employees and ensuring that they are performing satisfactorily. Supervisor or OICs shall be accountable for the activities of employees under their immediate control. [11.3.2]
2. It is the responsibility of all Supervisor or OICs to notify the CHIEF of any incidents where there may be a question as to the agency's liability or which may result in heightened community interest. Supervisor or OICs discretion must be used in judging the severity of the incident in determining whether the notification must be made immediately or if the notification may wait for the CHIEF next scheduled duty day. [11.4.5]

### **G. Obedience to Orders**

1. Employees are expected to be familiar with and comply with all lawful orders, rules and regulations, and policies and procedures issued by the department.

2. Employees are required to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. [12.1.3]

Unlawful Orders: Obedience to an unlawful order is never a defense for an unlawful action; therefore, no employee 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 employee to whom such order was given. The employee shall be strictly required to justify such action. Employees issued what they believe to be an illegal order shall request the issuing superior to clarify the order or to confer with higher authority. [12.1.3]

Conflicting Orders: Should any order given by a superior conflict with any previous order, departmental order, rule, regulation, policy or procedure, the employee to whom such order is given will call attention to the conflict. If the person responsible for issuing the order does not change the order to avoid the conflict, the order will be obeyed, but the employee obeying the 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 who issued the conflicting order. It should later be reported to the Chief of Police, through the chain of command, for clarification. [12.1.3]

3. Unjust or Improper Orders: When lawful orders which appear to be unjust or improper are given, the employee to whom the order is given shall respectfully notify the superior issuing the order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the employee 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 employee 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.

## **H. Delegation of Authority**

1. Each commander, Supervisor or OIC, or employee to whom responsibilities are delegated shall have commensurate authority to make decisions necessary for the effective execution of their responsibilities. [11.3.1(a)]
2. The delegation of authority by a superior rank to a lower rank shall not relieve the higher rank of responsibility for that which has been delegated. [11.3.1(b)]
3. The delegation of authority shall be consistent with the agency's organizational values and mission statement.



# SEXUAL HARASSMENT

POLICY & PROCEDURE NO. <b>4.06</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: __2/13/19__

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy addresses sexual and other forms of harassment. Massachusetts General Law Ch. 151B, s.3A prohibits sexual harassment in the workplace.

Employees and applicants for employment with this department have a right to be free from sexual and other forms of harassment. Sexual harassment in the workplace is unlawful. This department will not tolerate sexual harassment in the workplace, whether by superiors, coworkers or even non-employees. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated.

Individuals who are victimized by sexual harassment have statutory remedies which include filing a complaint with an administrative agency and/or the courts, both on a state and federal level. The department has developed this policy to familiarize employees with applicable legal guidelines.

This policy affords those who feel they are victims of sexual harassment with a procedure for making the department aware of the problem and allowing it to attempt to remedy the situation. It is the policy of this department to promptly investigate all complaints of sexual harassment. When it has been determined that inappropriate conduct has occurred, the department will act promptly to eliminate such conduct and impose any necessary corrective action, including disciplinary action where appropriate.

This policy shall be provided annually to all department employees and to all new employees at the time of their employment.

## I. DEFINITION

- A. Sexual Harassment: M.G.L. c. 151B, s.1 (18) defines sexual harassment as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
  2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment; or
  3. Discrimination on the basis of sex.
  4. Sexual harassment is not limited to prohibited conduct by a male towards a female or by a supervisor towards one of lower rank.
  5. Men and women may be the victims of sexual harassment, and a woman as well as a man may be the harasser.
  6. The harasser does not have to be the victim's supervisor. [S]he may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or, in some circumstances, even a non-employee.
  7. The harasser may, but need not, be the same sex and have the same sexual orientation as the victim.
  8. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. [S]he may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another coworker or interfere with the coworker's work performance. The belief that such interference has occurred must be objectively reasonable.
  9. Sexual harassment does not depend on the victim having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a harmful or offensive work environment. The belief that such interference occurred must be objectively reasonable.

## II. EXAMPLES OF SEXUAL HARASSMENT

- A. Demanding sexual favors accompanied by direct or overt threats concerning one's job, performance evaluation, promotion, salary increases, increased benefits, or continued employment.

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- B. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior.
  - C. Contact with any sexual part of a coworker's body (e.g., touching, patting or pinching).
  - D. Touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has verbally or otherwise indicated that such touching is unwanted.
  - E. Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.
  - F. Continuing to ask a person to socialize after work when that person has verbally or in writing indicated no interest in such activities.
  - G. Displaying sexually suggestive pictures, objects, cartoons or posters after being told they are offensive.
  - H. Subtle pressure for sexual activities; e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.
  - I. Verbal harassment or abuse; e.g., referring to or calling a person an endearing, demeaning or sexualized term, or making reference to a person's physical characteristic (e.g., pregnancy) when that person has verbally or in writing indicated to the harasser or the department [s]he does not wish to be addressed or referred to in that manner.
  - J. Leering (i.e., prolonged staring) at a person's body or whistling.
  - K. Language of a sexual nature in another's presence or conduct, even if not directed to said individual, once it is known that [s]he objects; such as sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
  - L. Inquiries into one's sexual experience or discussion of one's sexual activities, after it is known that the individual does not welcome such inquiries or discussions.

### **III. PROCEDURE**

#### **A. Generally**

##### **1. PROHIBITIONS**

- a. Sexual harassment in the work place is unlawful and is prohibited.
- b. Other forms of harassment are also prohibited.
- c. It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint for sexual harassment.

## 2. TRAINING

- a. All employees shall receive a written copy of the sexual harassment policy annually.<sup>1</sup>
- b. All new employees shall receive a copy of the sexual harassment policy at the time of employment.<sup>2</sup>

### **B. Responsibilities of All Employees:** Each employee is personally responsible for:

1. Ensuring that [s]he does not sexually harass any other employee, applicant for employment, or other individual, either in the workplace or at a work-related activity;
2. Informing any individual that their words or actions are unwelcome and offensive, when any type of harassment is encountered;
3. Immediately reporting acts of harassment;
4. Cooperating in the investigation of complaints of alleged sexual harassment by providing any information [s]he possesses concerning the matters being investigated; and
5. Otherwise cooperating with the department's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

### **C. Sanctions**

1. Any employee found to have engaged in sexual harassment in violation of this policy is subject to disciplinary action up to and including termination of employment.
2. Retaliation against an individual that has complained about sexual harassment or has cooperated with an investigation of a sexual harassment complaint is such a serious violation of this policy and the law that disciplinary action, most likely discharge, will be taken.

### **D. Reporting Procedures**

1. Any employee who believes [s]he has been the victim of sexual harassment shall report this fact, either orally or in writing, as soon as possible to his/her supervisor.
  - a. The supervisor shall report such information, through the chain of command, to the Chief.
  - b. See department telephone directory for name, work address and telephone number of supervisor.
2. If the employee believes that the nature of the sexual harassment is such that [s]he is not comfortable discussing the situation with her/his immediate supervisor, the employee may make such report to a higher level of supervision in the chain of command, up to and including the Chief.

3. If the alleged harasser is a supervisor or otherwise in the chain of command, the employee should make such report to a higher level of supervision in the chain of command, up to and including the Chief.
3. If a supervisor is contacted, [s]he shall report such information, through the chain of command, to the Chief. See department telephone directory for name, work address and telephone number of supervisor.
4. In the event the employee feels it is not appropriate to contact the Chief, [s]he may contact, Board of Selectmen.

## **E. Investigations**

### **1. INFORMAL PROCEEDINGS**

- a. The supervisor, individual in the chain of command or the Chief who receives the initial complaint may propose informal remedies. If the complainant agrees to pursue this approach, the supervisor, individual in the chain of command or the Chief will meet with the alleged harasser, relate the fact that a sexual harassment incident or practice has been reported, and propose a remedy.
- b. If the informal remedy is accepted by the alleged harasser, the situation shall be monitored closely by the supervisor, individual in the chain of command or the Chief to determine whether the work climate changes or whether there are further incidents. If the complainant reports that the situation has not been rectified or if the alleged harasser declines to agree to informal adjustment, the complainant will be encouraged to file a formal complaint.
- c. The Chief shall be notified when a complaint is received and informal proceedings are instituted and the Chief shall maintain records reflecting the substance of the informal remedy agreement.

### **2. Formal Proceedings**

- a. An employee may institute a formal procedure by filing a written complaint with the Chief.
- b. A thorough investigation will be conducted by the Chief or his/her designee, which shall include attempting to obtain statements from the alleged harasser and co-workers of the complainant and alleged harasser. The Chief should resolve the matter within 30 business days of receipt of the complaint.
- c. The Chief shall maintain records of all complaints, investigations, and actions taken.
- d. The Chief or his/her designee shall handle complaints with confidentiality, sensitivity and due concern for the dignity of all parties involved.
- e. In a situation where the complainant and the alleged harasser will continue working in the same general area or environment during or after the

completion of the investigation, it may be necessary or appropriate for the Chief to clearly define the terms of the continued professional interaction.

3. In a situation where the complainant is transferred to another position during or after the completion of the investigation, there shall not be a detrimental change in the terms and conditions of the complainant's employment. This includes but is not limited to: a demotion or a decrease in pay, responsibilities, benefits, or prestige.

**CONFIDENTIALITY:** The department will maintain the confidentiality of the allegations of the complaint, the complainant and the alleged harasser to the extent lawful and practical without handicapping the department's ability to perform an investigation.

## **F. Other Legal Remedies**

1. Following the procedures outlined above does not preclude a complainant from seeking legal remedies outside this process.
2. A complaint may be filed with one or both of the following:
  - a. **United States Equal Employment Opportunity Commission (EEOC)**  
John F. Kennedy Federal Building  
Government Center  
Room 475  
Boston, MA 02203  
(617) 565-3200
  - b. **Massachusetts Commission Against Discrimination (MCAD)**  
  
Boston Office  
One Ashburton Place, Rm 601  
Boston, MA 02108  
(617) 727-3990  
  
Springfield Office:  
State Office Building  
436 Dwight St., Rm 220  
Springfield, MA 01103  
(413) 739-2145
3. Complainants are cautioned that following department complaint procedures does not affect the 90 day statute of limitations for filing discrimination complaints with the MCAD or the 180 day statute of limitations for filing discrimination complaints with the EEOC.
4. Some courts have found that a complainant's unreasonable failure to follow a department's complaint or grievance procedure may limit his/her ability to recover certain kinds of damages.

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<sup>1</sup> M.G.L. c. 151B, §3A(2)

<sup>2</sup> M.G.L. c. 151B, §3A(2)


<b>HADLEY POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>4.07</b>
<i>Subject:</i> <b>Selection of Personnel</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b>  REFERENCED: <a href="#">16.2.3</a> , <a href="#">31.3.3</a> ; <a href="#">31.3.4</a> ; <a href="#">32.1.1-7</a> ; <a href="#">32.2.1</a> ; <a href="#">32.2.2</a> ; <a href="#">32.2.3</a> ; <a href="#">32.2.7</a> ; <a href="#">32.2.8</a> ; <a href="#">32.2.9</a> ; <a href="#">32.2.10</a>		GENERAL ORDER
Issue Date: 06-10-21 Effective Date : 06-10-21	Issuing Authority <b>Michael A. Mason</b> Michael A. Mason CHIEF OF POLICE	

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## I. GENERAL CONSIDERATIONS AND GUIDELINES

The selection of police officers from a field of potential candidates is a very important task affecting not only the police department, but the community as well. Among many other traits, candidates who possess intelligence, diversity, physical ability, and suitable character must be identified and screened for further consideration. Hiring practice is of the utmost importance so as not to expose the Chief and the municipality to unnecessary civil liability, become a burden to both labor and management as a disciplinary problem, and negatively affect the morale of the entire agency.

It is imperative that the recruitment and selection process attract desirable candidates and that the process not only be in compliance with federal, state and local law, but be fundamentally fair.

## II. POLICY:

It is the policy of the Hadley Police Department that all screening standards for full-time or part-time employment with the Department will be both uniformly and consistently applied to all applicants for all positions.

It is also the policy of the Hadley Police Department that only those components of the selection process that have been documented as having validity, utility and a minimum of adverse impact, will be used. It will be the responsibility of the Lieutenant of Operations to ensure that adverse impact, if any, in the selection process is minimized.

## III. ELEMENTS OF THE SELECTION PROCESS:

The elements or order of events of the selection process are listed below. It will be the responsibility of the Selection Coordinator or his designee to ensure that they are administered, scored, evaluated and interpreted in a uniform manner. [16.2.3d](#) [32.1.1](#), [32.1.2](#), [32.1.3](#)

**RESPONSIBILITY** : Responsibility for selecting personnel is shared between the Hadley Police Department and the Town of Hadley Human Resources Director. The Selectboard is the Appointing Authority.

**SELECTION COORDINATOR** : The Lieutenant of Operations and/or his designee is the Department's Selection Coordinator and will be responsible for overseeing the entire selection process.

**SELECTION TEAM**: The Detective Sergeant will conduct or direct to conduct the background investigations and submit written reports on all applicants. The Background Investigators will be trained in the duties and responsibilities of a background investigator. [32.2.2](#)

#### IV. PROCEDURES:

The following procedures will apply to all candidates in the selection process:

At the time of their willingness to accept the position, candidates will be informed of all elements of the selection process and the expected duration of the selection process. [32.1.4 c](#)

No applicant will continue to the next step in the process until he/she has successfully completed the previous step.

An applicant who fails to pass at any step will be notified in writing as soon as possible. [31.3.3](#), [32.1.5](#)

#### V. APPLICATION PROCESS:

All candidates must submit a complete Hadley Police Department Employment Application Package; sign the Authority for Release of Information Form; and produce required documentation (e.g. Massachusetts Driver's License, High School Diploma, valid License to Carry a Firearm, Military Record, etc.)

Omissions or deficiencies in the Applicant Background Information Form may be used to disqualify a candidate. However, minor omissions or deficiencies on the form may be corrected prior to the interview process. [31.3.4](#)

Candidates failing to complete the application or produce the required documentation within the required time frame will be disqualified from the

selection process. After submitting the completed application, and if the candidate has been selected due to his/her proficiency in a second language, the Selection Coordinator or his designee will schedule a language proficiency test with the candidate. This test must be successfully completed prior to the beginning of the Oral Board Interviews [32.2.1 a](#)

## VI. SELECTION PROCESS :

**ORAL INTERVIEW:** An oral interview will be conducted with each qualified candidate. The interview panel will generally consist of sworn members of the Hadley Police Department and may include other administrative staff from within the public safety complex. Additional panelists may be enlisted at the discretion of the Chief of Police.

The same general questions will be asked of each candidate and their responses will be rated and recorded on a standardized form. [32.1.3](#)

Candidates may also be asked follow up questions at a later time based on the information that was obtained during the background investigation, or the oral interview.

**BACKGROUND/INVESTIGATION :** For each candidate, a thorough background investigation will be conducted. The investigation will include, at a minimum, the candidate being fingerprinted, and the prints sent to the Massachusetts State Police ID section for processing, the verification of a candidate's qualifying credentials, a criminal history records check, Registry of Motor Vehicles (RMV) check, an employment history check, high school diploma as well as verification of at least three personal references of the candidate and interviews with previous employers, coworkers, and current and past neighbors. [32.2.1 a, b, c](#)

**CONDITIONAL OFFER OF EMPLOYMENT:** A conditional offer of employment or an alternate's letter may be offered if the candidate successfully passes the above steps.

**PSYCHOLOGICAL SCREENING:** All police candidates, who successfully complete the oral interview and background investigation, will undergo an emotional stability and psychological fitness screening, which will be conducted and assessed by a qualified professional prior to appointment . [32.2.8](#)

The Hadley Police Department will ensure the following for the retention of the results of medical examinations, emotional stability and psychological fitness examinations: A licensed psychologist and/or psychiatrist will conduct the psychological screening and the psychologist/psychiatrist will maintain any and all records or materials utilized or generated during the screening process for the Town of Hadley. A summary recommendation will be prepared for the Town, which will be kept separate from the personnel folder at the Town of Hadley Personnel Department. Summary recommendation information will be provided to the Chief of Police or his designee on a need to know basis. [32.2.9](#)

**PHYSICAL EXAMINATION**: All full-time candidates who successfully complete the psychological screening will be required to undergo a physical examination and drug screen testing **prior to appointment** by a physician. This examination will be conducted by a licensed physician in accordance with the requirements of the Commonwealth's Human Resource Division. Medical records will be maintained and secured in accordance with the policy of the Personnel Director for the Town of Hadley. [32.2.7](#), [32.2.9](#)

**NOTE:** The Psychological screening or Physical Examination maybe preformed according to scheduling limitations, but **prior to appointment**. [32.2.8](#)

**PHYSICAL ABILITY TEST:** Prior to being accepted to a Police Recruit Academy, candidates must successfully complete the initial hire Physical Abilities Test (PAT), administered by the Commonwealth's HRD. The PAT consists of a group of events that have been developed by the activities that are part of a police officer's job.

**SUBSTANCE ABUSE SCREENING:** All candidates will be required to submit to drug and alcohol screening during the application process.

**PROBATIONARY PERIOD:** Upon successfully completing a Massachusetts Police Training Committee (MPTC) certified Academy, a probationary officer shall actually perform the duties of that position on a full-time basis for a probationary period of twelve months before he or she shall be considered a full-time employee in that position. M.G.L. Chapter 31, Section 61. [32.2.10](#)

## VII. SELECTION/RECORDS:

The Hadley Police Department will retain each candidate's background record. The background investigators will be responsible for maintenance and security of records and selection materials of all applicants. Access to selection records will be limited to the Chief of Police, the Internal Affairs Supervisor and the background investigators. [32.1.6](#), [32.1.7](#)

The Background Investigation Unit will ensure that all selection materials and records are kept secure. Records pertaining to applicants hired will be retained indefinitely. Records of unsuccessful candidates will be retained (in a secured area) as long as required by applicable record retention laws, and until all rights of appeal have been exhausted. Records will be shredded when destroyed. [32.1.6](#), [32.1.7](#), [32.2.3](#), [32.2.9](#)

### **VIII. EVALUATION OF THE SELECTION PROCESS:**

The Chief of Police and/or his designee will ensure that the Department's selection process for entry-level positions complies with all current and applicable laws, rules, regulations, policies and procedures.

To accomplish this, the Chief of Police and/or his designee will:

- Keep abreast of all changes in Massachusetts General Law, the rules and regulations of the Commonwealth of Massachusetts Department of Human Resource Division, and the rules, regulations, policies and procedures of the Department;
- Evaluate and review all elements of the selection process administered by the Department for adverse impact;
- Implement recommendations for change or improvement; and
- Revise and update this policy in the Department Manual as well as the corresponding sections in the Department's Manual on Recruitment and Promotion to reflect any changes.

# PROMOTIONS

POLICY & PROCEDURE NO. <b>4.08</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: ___5/6/20___

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to promotions for sworn personnel only.

Our department's commitment to developing employees to take on increasing levels of authority, responsibility and leadership is embodied in promotions. Eligible candidates have an opportunity to apply and participate in the promotion process as set forth in this policy.

Promotions must be based upon the merits of the individuals and their personal performance in the promotion process, and never on favoritism or seniority alone. A promotion is an investment in the future, not only for the department, but also for the employees who will be supervised and guided by the promoted member.

## II. POLICY

It is the policy of this department to promote employees based upon their training, experience and merit.

No employees will be denied promotion based upon any discriminatory criteria, including, but not limited to, their sex or sexual orientation, race, religion, nationality or union membership.

## III. DEFINITIONS

- A. Time in Grade: The number of years and months that an employee has held a specific rank or pay grade.
- B. Bypass: The selection of a person or persons whose name or names, by reason of score, merit preference status, court decree, decision on appeal from a court or administrative agency, or legislative mandate, appear lower on a certification

than a person or persons who are not appointed and whose names appear higher on said certification.<sup>1</sup>

- C. **Acting or Temporary Promotion:** This agency recognizes the need for police officers and staff to undertake some roles on a short-term basis to cover for eventualities such as sickness, vacancies or for organizational efficiency. Temporary Promotion/Acting duties provide developmental opportunities and enable staff and officers and their line managers to establish whether or not they believe they have the requisite skills and abilities to perform the substantive role. A period of Acting or Temporary promotion will be defined as a short-term requirement of a police officer/staff member to perform all of the duties of a higher rank/grade until such time that it is determined that the need no longer exists. Determinations of need, timeframe, selection and rotation will be made solely by the Chief of Police.

## **IV. PROCEDURES**

### **NON-CIVIL SERVICE MODEL**

#### **A. Promotion Process [34.1.1]**

1. **DEPARTMENT ROLE IN THE PROMOTION PROCESS:** This department shall notify employees of the promotion process, and may provide testing and performance evaluations, and shall evaluate training, experience, seniority, and work history. The results of selection evaluations shall be reported to the appointing authority. It is at the sole discretion of the Chief of Police if/how any testing will be administered and what the test will consist of. If testing is given, it may be an internal evaluation or a testing center may be utilized. In the event that a supervisor selection process occurs, a list of suitable candidates may be created and promotions may be made from that list. The Chief of Police shall decide how long the promotional candidate list is fresh. [34.1.1]
2. **PROMOTION PROCESS MANAGER:** The Chief of Police or Operations Supervisor shall manage and coordinate promotions within this department and shall have the authority necessary to carry out the duties of the position. The duties shall include the following: [34.1.2]
  - a. Be knowledgeable of the promotion processes for all employees;
  - b. Provide and post any written announcements of any scheduled promotional opportunities;
  - c. Maintain data on eligibility requirements for positions above entry level;
  - d. Maintain copies of active promotion lists;
  - e. Coordinate with any companies or consultants contracted to participate in the promotion process;
  - f. Coordinate with any other government agencies or entities involved in the promotion process; and

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- g. Protect the integrity of the promotional process by ensuring that all promotional materials, documents, scores, evaluations forms, and completed evaluations remain confidential and are kept in a secure, locked location. [34.1.3(h)]
- 1) Account for all copies of tests prior to the exam date.
  - 2) Exams, interview forms, and assessment center materials are controlled items and shall never be copied, scanned, photographed or reproduced unless expressly directed by the Chief of Police.
  - 3) Testing and scoring materials shall not be left unattended for any period of time. Materials not being under the direct and immediate direct control of a person authorized to possess them shall be kept in a locked, secure area approved by the promotion process manager.
  - 4) Such materials may only be reviewed by the Chief of Police or the Operations Supervisor with the express permission of the Chief.
  - 5) Promotional materials shall be retained for at least three years. Once a promotional process has been completed, all appeals have been exhausted or appeal periods have expired, and no litigation is pending, promotional materials shall be destroyed by shredding. These include:
    - a) Obsolete and used exam books and completed answer sheets;
    - b) Interview questions and score sheets;
    - c) Assessment Center questions, exercises, evaluations and other related materials; and
    - d) Any other materials of a confidential nature.
3. NOTICE OF PROMOTION PROCESS [34.1.5]
- a. At least two to three weeks prior to the date of a scheduled promotional process, a notice of such process shall be made available to all affected employees.
  - b. Such notice shall be:
    - 1) Posted in a prominent place;
    - 2) Forwarded to Supervisor or OICs to be read at roll-call;
    - 3) Sent to all affected personnel in the form of an e-mail; or
    - 4) Mailed to any officers who are out sick or injured, on extended leave, on active military duty, or otherwise not likely to receive notice.
  - c. The announcement shall include:
    - 1) Eligibility requirements;
    - 2) Method of applying;
    - 3) Closing date that application will be accepted;
    - 4) Any testing that may be included;



- 5) The selection process;
  - 6) Exam material and/or reading list, if applicable;
  - 7) Any interviews, job task performance or assessment center requirements;
  - 8) Duration of the process; and
  - 9) Intended date that the promotion(s) will take place. If such exam is being held to establish a promotion list, it shall be noted in the announcement.
4. ELIGIBILITY: To be eligible for promotion to each successive rank:
- a. An officer must be a permanent member employed by this department for at least (see collective bargaining agreement- REMOVED- Management Right)
  - b. Lateral transfer officers must be a permanent member employed by this department for at least (see collective bargaining agreement- REMOVED- Management Right).[43.1.3(g)]
  - c. An officer must be a permanent police officer.
  - d. Reserve officers are not eligible for promotion to permanent ranks.
  - e. An officer must hold a position in the next lower rank for at least (see collective bargaining agreement- REMOVED- Management Right) prior to the date of the process. [43.1.6(c)]
  - f. Ineligible officers may not reapply until such time that they become eligible. [34.1.3(f)]
5. PROMOTIONAL EXAMINATION [34.1.3(B)]
- a. If an exam is offered, the examination portion of the promotion process may be conducted by the Chief of Police, Operational Supervisor or a testing vendor determined by the Chief of Police.
  - b. Examination procedure, topics to be tested, scoring, time, date and location of the exam shall be approved by the Chief of Police.
  - c. Candidates must obtain a passing score (if exam is tested as “right/wrong”) on the examination to be considered in any other portion of the promotion process.
  - d. Completed examination materials shall be secured by the promotion process manager.
6. CANDIDATE INTERVIEWS [34.1.3(D)]
- a. Candidate interviews may be conducted by a committee approved by the Chief of Police.
  - b. Interviews shall be conducted from a prepared list of questions and individually scored by each member of the committee.

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- c. A ranking order will be reported to each candidate after all candidates have been interviewed, if they request it.
  - d. Individual committee member score sheets and examination materials (if individually scored) shall remain confidential. All scoring materials shall be secured by the promotion process manager.
7. ASSESSMENT CENTERS [34.1.3(C)]
- a. The assessment center portion of the promotion process may be conducted, and if so, by a vendor authorized by the Chief of Police.
  - b. Assessment center procedures, topics to be tested, scoring, time, date and location of the exam shall be approved by the Chief of Police.
  - c. Every reasonable effort shall be made to ensure that candidates being evaluated have an opportunity not to work the shift before the assessment center.
  - d. Completed assessment materials shall be secured by the promotion process manager.
  - e. A cumulative score will be reported to each candidate after all candidates have been interviewed, at a time determined by the Chief of Police.
- Note: A reasonable effort shall be made to assist candidates taking an exam or engaging in an interview or assessment center to have an opportunity not to work the midnight shift before the exam. This will typically include approval of requests for swaps or the use of personal leave. Where an officer does not have any available vacation or personal leave time available, consideration may be given to a request to advance a day of such leave to be repaid when such day would otherwise be accrued in the future.
8. CANDIDATE EVALUATIONS [34.1.3(A)]
- The results of all phases of candidate testing shall be consolidated into a cumulative score in a process approved by the Chief of Police and 4 of the following categories will be used to develop the score (with the written exam and assessment center substituting for one another): [34.1.6(a)]
- 1) Written Examination: (If utilized) Weight 25%;
  - 2) Oral Interview: Weight 25%;
  - 3) Assessment Center (if utilized, it will substitute for written exam): Weight 25%;
  - 4) Training, education, experience: Weight 25%;
  - 5) Seniority: Weight 25%
  - 6) If no written testing is issued, Interview, Training, Education, Experience & Seniority shall be the only scoring considered.
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- f. Candidates shall be ranked by the cumulative score. In the event that two or more candidates obtain identical cumulative scores, ranking shall be determined by seniority within the Hadley Police Department. [34.1.6(b)]
9. CANDIDATE APPEAL AND REVIEW [34.1.3(E)]
    - a. Within seven days of receiving notice of individual promotion process component scores, an employee may appeal to the Chief of Police to conduct a review of any or all of the components.
    - b. Upon completion of such review, the employee shall be advised in writing of the results of the review and in the event of a change, the scores and ranking shall be adjusted accordingly.
  10. DURATION OF THE LIST: Once established, a list of eligible candidates shall be valid for at least two years or until such time that a new list is established. [43.1.6(d)]
  11. CANDIDATE SELECTION [43.1.6(E)]
    - a. The number of candidates to be included in any final selection for promotion shall be determined by the Chief of Police.
    - b. The Chief of Police shall act as the appointing authority for all promotions and demotions (with cause). Any grievance arising from said decisions shall be made per collective bargaining agreement and ultimately forwarded to the Select Board. The Chief may still present all promotional candidates to the Select Board for approval.
    - c. The Chief shall consider at a minimum:
      - 1) Cumulative score ranking;
      - 2) Work history;
      - 3) Disciplinary history;
      - 4) Seniority; and
      - 5) Any other factors which would assist the Chief in making the decision.
  12. PROBATIONARY PERIOD: All employees promoted to a higher rank shall be subject to a one year probationary period (see collective bargaining agreement). [34.1.7]

## **B. Temporary or Acting Promotion Process**

1. Eligibility:
  - a. The process for a temporary or an acting supervisor shall be the same as for a permanent promotion as described above.
  - b. The position is temporary and shall be handled as an assignment. The employee may be removed by the Chief of Police at any time.

## 2. Exercising Responsibility of a higher grade:

- a. Once an employee is selected, they will be sanctioned with the authority to undertake all duties relevant to the temporary grade as if the promotion was permanent. All rules and regulations, job descriptions and policies related to the temporary grade will apply for the duration of the appointment to said grade.

## 3. Administration of position:

- a. All benefits attributed to the permanent higher grade will apply to the temporary assignment (per CBA, if applicable) and all said benefits will revert back to the employee's original grade once the temporary assignment has ended (any missed step increases while acting will be applied appropriately).
- b. The length of the temporary/acting assignment shall be determined by the Chief of Police and may be ended at any point and for any reason or no reason.
- c. The department may utilize this position to determine whether employees have the requisite skills to perform the permanent role and thus may utilize temporary supervisors on a rotational basis. The timeframe and order of rotation shall be determined solely by the Chief of Police.

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<sup>1</sup> Department of Personnel Administration Rules, Par. 02.

# LINE OF DUTY DEATHS AND SERIOUS INJURIES

POLICY & PROCEDURE NO. <b>4.09</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 2/13/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to sworn police officers and civilian employees who are killed, seriously injured, or become seriously ill in the performance of their duties.

Line-of-duty deaths and serious injuries, whether felonious or accidental, are a sad and too frequent reminder of the dangers inherent in police work. While the loss to the department and the community is serious, each death leaves family, friends, and coworkers with the emotional trauma of a devastating loss.

Many mistakenly believe that the spouses, children and parents who survive police deaths are somehow more prepared for their losses than are other people. But knowing that the job can be dangerous does not prepare an individual for the actual experience of losing a loved one.

Police survivors often endure prolonged psychological stress because they do not seek help. They are hurt by the misconception that, because they are part of the police community, they should somehow be stronger emotionally and better prepared for such a tragedy. Too often, when police survivors do seek help, it isn't available.

The immediate and continuing response of all members of this police department when an officer is killed has a definite impact on the well-being of survivors.

This policy is designed to prepare this department for the event of an active duty employee's death in the line of duty and to direct the agency in providing proper support for the deceased officer's family. These procedures may apply to other employees involved in line-of-duty deaths or serious injuries.

## II. POLICY

It is the policy of this police department to: **[22.2.4]**

- A. Make prompt, accurate, and compassionate notifications to family members of employees;
- B. Provide liaison assistance to the immediate survivors of an active duty officer who dies in the line of duty; and,
- C. Provide tangible emotional support during this traumatic period of readjustment for the surviving family and members of this department.

## III. DEFINITIONS

- A. Line-of-Duty Death: The death of an active duty officer by felonious or accidental means during the course of performing police functions while on- or off-duty.
- B. Survivors: Immediate family members of the deceased officer, to include spouse, children, parents, siblings, fiancé and/or significant others.

## IV. PROCEDURES

### A. Preparing for Notification

1. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the agency.
2. Positive identification of the officer must be confirmed prior to making a notification.
3. No employee shall contact the family or friends of the officer until a department notification can be made.
4. Secure communications (cell phones, land lines, etc.) should be used in communicating the condition or identity of the officer to avoid release of this information before family member and employees can be notified.
5. Should the media obtain the officer's name prematurely, the ranking officer should request that the information be withheld until proper notification of survivors can be made.
6. The notifying officers should clearly understand the facts available that are relevant to the officer's death. These should be committed to memory before the notification, so the officer will not be required to refer to notes.
7. The names of surviving family members should also be memorized, if necessary, by the notifying officer, together with any other information about the family that would be of value to the task.

8. If members of the family are in poor health and may require medical attention, a paramedic should be alerted to stand by in case of an emergency.
9. If time permits, a clergy member or department chaplain may accompany the notification party.
10. If the family has infants or small children that will require attention while the adult members of the family are taken to the hospital, additional assistance should be provided for their care prior to arriving at the residence.
11. If an employee is a close personal friend or member of the officer's family, it may be appropriate for the employee to assist with making the notification.

## **B. Making a Notification**

### **1. GENERALLY**

- a. An officer's immediate family must be contacted before the officer's name is released to the media.
  - 1) If the family is not immediately available, every reasonable effort should be made to locate them and to inform them of the condition of the officer and the circumstances surrounding the officer's injury or death.
  - 2) If the family is out of the area, the local police of jurisdiction in the family's area should be contacted and requested to make the notification. However, an in-person notification by members of this department is preferred.
- b. Death or serious injury notifications should never be given over the telephone. Notification should be made in person whenever possible so that personal needs and situations can be properly addressed.
- c. Notification of the immediate family should be made as soon as possible and, if possible, coincidental with command notifications.
- d. The actual notification should be made by the Chief, a ranking superior officer, or an officer designated by the officer in charge, accompanied by at least one other officer and other employees, as appropriate. Or the department may allow officers to choose who may make the notification in the event of their own serious injury or death.

### **2. MAKING THE NOTIFICATION**

- a. Notification should never be made on the doorstep. The notifying officers should attempt to gain admission to the home, gather the adult members of the household together and inform them slowly and clearly of the situation.
- b. In giving notification, officers should be as straightforward as possible about the condition of the officer and not make statements or use language that is ambiguous or gives false hope.

- c. If the officer has died, the survivors should be told that [s]he is dead rather than using euphemistic expressions such as “passed on” or “passed away.”
  - d. Officers should not fear their own reaction to the suffering of survivors. While notifying officers should attempt to maintain composure in order to better provide assistance to members of the surviving family, they should recognize that a show of emotion on their part is simply a natural expression of anguish and empathy and is not a sign of weakness.
  - e. Notifying officers should be aware of and prepared for a range of possible reactions from surviving family members. Hysteria, shock, physical violence, anger and rage, silence or stoicism, fainting or screaming are some of the more common reactions.
  - f. Notifying officers should be prepared to give whatever solace and comfort **seems appropriate but should avoid trite phrases or clichés which**, although intended to provide comfort, may be counterproductive.
  - g. In many cases, the best reaction of the notifying team is simply to stand by quietly until members of the family have regained some composure and are prepared to ask additional questions.
3. AFTER NOTIFICATION
- a. Officers providing services and assistance to family members and survivors shall take all possible measures to accommodate their needs, wishes and desires, but should not make promises to family members that they are not sure can be met.
  - b. After the immediate family is notified, the notification officer shall be responsible for the identification of additional survivors outside the area and shall make any notifications as desired by the immediate family. Such notifications shall be made by contacting the law enforcement agency in that jurisdiction and requesting that a personal notification be made.
  - c. The notification officer shall submit a written report to the Chief of Police specifying the time, place, and identity of survivors notified.

### C. Notifying Employees

1. Off-duty employees should be notified by the department rather than having them hear about the death or injury from the media.
2. One or more Supervisors or OICs or other employees shall be assigned to notify off-duty personnel. A message should be left for the employee to call the police station rather than leaving a notification on an answering machine.



## **D. Assisting the Family**

### **1. AT THE TIME OF NOTIFICATION**

- a. If the opportunity to get the family to the hospital exists prior to the officer's death, notification officers shall inform the hospital liaison officer that the family is on its way.
- b. In such cases, immediate transportation should be provided for survivors rather than waiting for any other members of the department delegation to arrive.

### **2. ASSISTING SURVIVORS AT THE HOSPITAL**

- a. Whenever possible, the Chief of Police shall join the family at the hospital in order to emphasize the agency's support.
- b. The next highest ranking officer to arrive at the hospital shall serve as or designate a hospital liaison officer who shall be responsible for the following tasks:
  - 1) Coordinating the arrival of immediate survivors, department personnel and others;
  - 2) Arranging for waiting facilities for immediate survivors. The desires of the surviving family members should be followed with regard to their accessibility to other officers and friends;
  - 3) Ensuring that medical personnel provide pertinent medical information on the officer's condition to the family before any other parties;
  - 4) Assisting family members, in accordance with their desires, in gaining access to the injured or deceased officer;
  - 5) Providing hospital personnel with all necessary information on billing for medical services. The liaison officer should ensure that all medical bills are directed to the appropriate departmental authority and that they are not forwarded to the officer's family or other survivors;
  - 6) Arranging transportation for the family and other survivors upon their departure from the hospital; and
  - 7) Ensuring that immediate family members are provided with any other appropriate assistance at the hospital.

## **E. Appointment of Department Coordination Personnel**

1. **GENERALLY:** Department personnel designated by the Chief or his/her designee shall be assigned to department coordination positions. These assignments will be made in writing to department personnel, and the surviving family members will be informed of those designated.

## 2. DEPARTMENT LIAISON

- a. The department liaison officer will serve as a facilitator between the family and the department. This individual will normally be a commanding officer in order to expedite the tasks of employing departmental resources and the delegation of assignments.
- b. This officer will work closely with the funeral liaison officer to ensure that the needs and requests of the family are fulfilled. This includes, but is not necessarily limited to, the following tasks:
  - 1) Make additional personnel assignments to assist, with permission of the family, at the family dwelling, either until the time of emergency has passed or until the funeral. Members assigned to the deceased officer's residence may ensure that malicious calls do not reach the family and that the family's privacy will be protected. In addition the officers shall be responsible for:
    - a) Providing security to the family;
    - b) Greeting visitors; and
    - c) Answering the telephone. The telephone will be answered, "(Member's) residence. Officer (name) speaking."
  - 2) Ensure that the Employee Assistance Program services, if available, is contacted to assist surviving family members and emphasize the family's right to psychological services.
  - 3) Provide oversight of travel and lodging arrangements for out-of-town family members.
  - 4) Identify alternative churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family, who will make the final determination.
  - 5) Coordinate all official law enforcement notifications and arrangements, to include the honor guard, pallbearers, traffic control and liaison with visiting law enforcement agencies.
    - a) A CJIS administrative message will be sent to New England States immediately following notification of family. It will briefly outline the facts surrounding the death.
    - b) As wake and funeral arrangements are made, additional messages will be sent to help coordinate other agencies wishing to send representatives.
  - 6) Assist family members in dealing with general media inquiries and inform them of limitations on what they can say to the media specifically.
  - 7) Provide liaison with the media to include coordination of any statements and press conferences. The department liaison shall also

ensure that members of the agency are aware of restrictions regarding release of any information that might undermine future legal proceedings.

- 8) Ensure that security checks of the survivor's residence are initiated immediately following the incident and for as long as necessary thereafter.

### 3. FUNERAL LIAISON

- a. The funeral liaison officer acts as facilitator between the decedent officer's family and the department during the wake and funeral.
- b. The funeral liaison officer is responsible for:
  - 1) Meeting with family members and explaining his responsibilities to them;
  - 2) Being available to the family prior to and throughout the wake and funeral;
  - 3) Ensuring that the needs and wishes of the family come before those of the department;
  - 4) Assisting the family in working with the funeral director regarding funeral arrangements;
  - 5) Relaying any information to the family concerning the circumstances of the decedent officer's death and appropriate information regarding any investigation;
  - 6) Determining the need for travel arrangements for out-of-town family members and any other special needs of the family during the funeral and reporting this information to the department liaison; and
  - 7) Briefing the family members on the procedures involved in the law enforcement funeral.


### 4. BENEFITS COORDINATOR

- a. The benefits coordinator aids the survivors by coordinating the delivery of municipal, state, federal and private benefits.
- b. The benefits coordinator is also responsible for:
  - 1) Filing injured-on-duty claims (if appropriate) and related paperwork;
  - 2) Presenting information on all benefits available to the family from:
    - a) The municipality,
    - b) State Government,
    - c) Federal Government, and
    - d) Private Foundations;

- 3) Documenting inquiries and interest in public donations to the family and establishing a mechanism for receipt of such contributions, as appropriate;
- 4) Preparing all documentation of benefits and payments due survivors, to include the nature and amount of benefits to be received by each beneficiary, the schedule of payments and the name of a contact person or facilitator at each benefit or payment office;
- 5) Filing all benefits paperwork and maintaining contact with the family in order to ensure that benefits are being received. A copy of benefits documentation should be provided to all survivors affected and explained to each of them; and
- 6) Advising the surviving family of the role of police associations and organizations and the nature of support programs that they sponsor for law enforcement survivors.

#### 5. FAMILY SUPPORT ADVOCATE

- a. The family support advocate serves in a long-term liaison and support capacity for the surviving family.
- b. The duties of this individual include:
  - 1) Providing contact with surviving family members in order to keep them abreast of criminal proceedings relating to the death of their family member;
  - 2) Accompanying surviving family members to criminal proceedings, explaining the nature of the proceedings and introducing them to prosecutors and other persons as required;
  - 3) Identifying all support services available to family members and working on their behalf to secure any services necessary;
  - 4) Maintaining routine contact with family members to provide companionship and emotional support, and maintaining an ongoing relationship between the department and the immediate family; and
  - 5) Relaying the concerns and needs of the family to those individuals or organizations that may provide assistance, and encouraging others to visit and help as necessary.

<b>HADLEY POLICE DEPARTMENT</b>		<b>Policy No. 4.10</b>
<b>Subject:</b>  <b>“BIAS-FREE” PROFESSIONAL POLICING/WORK PLACE POLICY</b>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:</b>  <b>1.2.9</b>		<i>GENERAL ORDER</i>
<b>Issue Date: 5/24/21</b> <b>Effective Date: 5/24/21</b> <b>Revision Date:</b>	<b>Issuing Authority</b> <b>Michael A. Mason</b> <b>Michael A. Mason</b> <b>Chief of Police</b>	

**I. GENERAL CONDITIONS AND GUIDELINES:**

**Zero Tolerance for Bias/Gender-Based Policing :**

As duly sworn members of the Hadley Police Department, we are unequivocally committed to protecting the constitutional and civil rights of all individuals located within our territorial jurisdiction and to those additional jurisdictions where we are allowed by statute, memorandum of understanding/agreement via mutual aid, case law or common law to execute sworn authority as Hadley Police Officers. Any and all allegations of bias-based profiling in any form whatsoever or any other types of discriminatory enforcement practices, whether real or perceived, are detrimental to the valued relationships and partnerships that we have developed between the members of the Hadley Police Department and the communities that we so faithfully serve and protect. Such discriminatory practices only function to erode the basic foundation of public trust and the spirit of cooperation that is essential to an effective community policing philosophy

## Policy # 4.10, Bias-Free Professional Policing Policy

and formidable community building. Bias-based profiling is not only illegal, immoral and unethical, it is also a highly ineffective and counterproductive method of policing and law enforcement. Bias-based profiling results in increased safety risks to both officers and citizens alike and as such will not be tolerated under any set of circumstances.

Additionally, such improper methods violate the civil rights of the members of the general public and may lead to unnecessary and increased exposure to civil liability and exposure for our department, personnel and municipality. As a result no member of this Department shall endorse, train, instruct, support or condone any type of stereotyping or bias-based profiling whatsoever.

Officers shall always adhere to the principles of **Bias-Free Professional Policing** as described and outlined below. While recognizing that the members of the Hadley Police Department take a sworn oath to perform our duties and responsibilities in a professional, ethical, moral and impartial manner at all times, we shall stand ready and always remain committed to identifying, investigating and holding those accountable who may have occasion to violate or intentionally deviate from any of our existing rules, policies, practices or laws in this important area.

## II. DEFINITIONS:

- 1.) **"Bias-Based Profiling"**: Any prohibited pattern or practice, including but not limited to stopping, detaining, questioning, frisking, and searching by police officers, that is based upon a generalized belief that a person of a particular race, ethnicity, or national origin is more likely to commit certain types of crimes. This type of inappropriate reliance on certain characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, immigration status, gender identity or expression, socioeconomic status, age, professional level, cultural group, mental or physical disability or affiliation with any non-criminal group (e.g., protected characteristics) as the basis for providing differing law enforcement services or enforcement activity as outlined is **strictly prohibited**.
- 2.) **"Bias-Free Policing"**:<sup>1</sup> policing decisions made by and conduct of law enforcement officers that **shall not consider** a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level.

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• <sup>1</sup> See MGL Chapter 6E Section 1 / Chapter 6 Section 116G

- **Note:** This definition of Bias-Free Policing **shall also include and allow policing decisions** made by or conduct of law enforcement officers that:
  - (1) are **based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment**; or
  - (2) consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level **because such factors are an element of a crime(s) under investigation**.
- 3.) **"Suspect Specific Incident"**: An incident in which an officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout (e.g., BOLO) for one or more specific suspects who have been identified and/or particularly described in part by national or ethnic origin, gender, age or race.
- 4.) **POST**: The **Massachusetts Peace Officer Standards and Training Commission** consisting of nine (9) members vested with various powers to oversee police training and allegations of misconduct including, but not limited to, conduct involving allegations of bias.

### III. PURPOSE AND SCOPE

This policy provides specific guidance and direction to all Department members (including sworn and non-sworn) that affirms the Hadley Police Department's continuing commitment to Constitutional Policing principles and practices that are always fair, impartial, objective, and fosters mutual respect, dignity and a spirit of cooperation between law enforcement personnel and members of all racial, identity, and cultural groups.

**Outreach Note:** Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities. The members of the Department shall always emphasize an understanding, appreciation and respect for racial identity, and cultural differences (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

### IV. POLICY:

## Policy # 4.10, Bias-Free Professional Policing Policy

It shall be the policy of the Hadley Police Department to adhere to the principles of Bias-Free Professional Policing while always recognizing that any and all bias-based profiling is and shall be **strictly prohibited**. Except in “**suspect specific incidents**,” (as defined in Section II (3) above) all Hadley Police Officers and employees are **strictly prohibited** from considering the race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, immigration status, disability or any other arbitrary characteristic of members of the public when deciding to detain a person during a traffic stop or an investigative detention (e.g., field interview observations); or in deciding upon the scope or substance of any law enforcement action. The Hadley Police Department is committed to providing effective law enforcement services to the entire community with due regard for all racial, cultural, ethnic or other protected characteristics of those served. It shall be the policy of this Department to enforce the law equally, fairly, impartially, objectively and without discrimination toward any particular individual or group. **1.2.9 (a)**

**Investigatory Note:** Nothing in this policy is intended to prohibit or restrict an Officer’s ability to consider certain protected characteristics in combination with other credible, timely and distinct information connecting a person or a group of individuals of a specific characteristic to a specific unlawful incident(s), specific criminal patterns or a specific illegal scheme(s).

## V. MEMBER RESPONSIBILITIES :

In furtherance of this policy all members of the Hadley Police Department shall:

- Perform his/her duties in a fair, impartial and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based profiling to a supervisor. Members should always, when reasonable and practicable to do so, intervene to prevent any biased-based actions by another member of this Department, other law enforcement agency or in general;
- Provide all individuals within this community with fair and impartial policing services consistent within all constitutional and statutory mandates;
- Assure the highest standard of integrity and ethics among all our Officers in all interactions with the public;
- Always respect the diversity and the cultural values of all people;



## Policy # 4.10, Bias-Free Professional Policing Policy

- Take affirmative and positive steps to identify, prevent, and eliminate any instances of bias-based profiling by Hadley Police Department Officers and employees;
- Continue the valued commitment to a community policing philosophy and problem solving techniques (e.g., **S**canning, **A**nalyzing, **R**esponse, **A**ssessment), including probative, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and traffic safety awareness;
- Officers who have occasion to contact a person in the course of their duties and responsibilities shall be prepared to articulate sufficient reason(s) for the contact, independent of the protected characteristics of the individual;
- To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview/observation (FIO), citation, 21D, parking ticket), the involved Officer should include those facts giving rise to the contact, as applicable;
  - **Note**: Except for required data-collection forms or methods, nothing in this policy shall require any Officer to document a contact that would not otherwise require reporting in accordance with existing law.

## VI. PROCEDURES:

### A. Prevention of Bias-Based-Profiling via Training 1.2.9 (b)

To prevent any occurrences of bias-based profiling, members of this Department shall always:

1. Utilize the Municipal Police Training Committee (MPTC) Basic Recruit Academy and any Department sponsored in-service training programs to help ensure that all employees receive the requisite training on the legal aspects of identification and prevention against any bias-based profiling practices and the mandatory standards as established by this policy. **1.2.9 (b)**
2. Ensure that this policy is properly disseminated to all employees, sworn Officers, and emergency communications employees;
3. Ensure that all Supervisors will continually monitor employee conduct to guarantee that the standards of this policy are being carried out in a continuous manner by all personnel under their supervision;

## Policy # 4.10, Bias-Free Professional Policing Policy

4. Conduct a review by the Internal Affairs Supervisor, when and where appropriate, to revise procedures that involve the stop, detention, apprehension or search and seizure of individuals or their property to ensure that such procedures are in compliance with the provisions of the law of the Commonwealth and this policy;
5. Conduct an Annual Administrative Review by the Training Supervisor, the Internal Affairs Supervisor and the Chief of Police of all performance recognition and evaluation systems, training curricula, policies, citizen complaints or concerns and customs of the Department to determine if any practice encourages conduct that may support or lead to bias-based profiling. [1.2.9 \(d\)](#)

### **B. Identification of Bias-Based Profiling:**

To assist in identifying instances or allegations of bias-based profiling, this department shall:

1. Utilize appropriate civilian complaint procedures to document and investigate allegations of bias-based profiling filed directly with the agency, referred through the Executive Office of Public Safety's statewide toll free complaint number or made directly to the POST Commission.
2. Utilize procedures for the proactive review of performance, complaint and other employment information to assist supervisors in identifying and modifying potentially problematic behavior and to promote professionalism in this department.
3. Utilize procedures to identify patterns of unprofessional police conduct, including, but not limited to, patterns of conduct that are biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level;<sup>2</sup>
4. Any civilian complaints of bias-based policing, including whether the Officer's conduct was allegedly biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level, shall be reported to the **POST Commission's Division of Police Standards** by the Internal Affairs Supervisor **within two (2) days** of receiving stated complaint.<sup>3</sup>
5. The **POST Commission's Division of Police Standards** shall create and maintain a comprehensive database containing information related to an Officer's receipt of complaints and related information, including, but not limited to the officer's appointing agency, date, a description of circumstances of the

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• <sup>2</sup> See MGL Chapter 6E Section 3 (Powers of POST)

• <sup>3</sup> See MGL Chapter 6E Section 8 (b)(1) (Division of Police Standards)

## Policy # 4.10, Bias-Free Professional Policing Policy

conduct that is the subject of the complaint and whether the complaint alleges that the officer's conduct was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level.<sup>4</sup>

6. The **POST Commission** may, after a hearing, **suspend or revoke** an Officer's **Certification** if the Commission finds by the legal standard of **clear and convincing evidence** that the officer was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct.

### C. Enforcement of Bias-Based Profiling Policy: [1.2.9 c](#)

To enforce the provisions of this policy, this Department shall:

1. Take the appropriate actions to address documented incidents or allegations of bias-based profiling;
2. Utilize a system and approach of early intervention to enable and encourage an employee to undertake a voluntary modification of his or her conduct or performance; and
3. Take the appropriate measures to correct any institutional practice, pattern or policy that has led to the utilization of any bias-based profiling practice.

### D. Civil Liability [Legal Statutory Right to Bias-Free Policing]:

- 1.) All persons shall have the legal right to **Bias-Free Professional Policing** as defined in this policy in Section (2) and as outlined in MGL Chapter 6E Section 1.
  - Any conduct taken in relation to an aggrieved person by a law enforcement officer acting under color of law that results in the **Decertification** of said law enforcement officer by the **POST Commission** pursuant to MGL Chapter 6E Section 10 shall constitute interference with said person's right to bias-free professional policing and shall be a prima facie violation of said person's right to bias-free professional policing and a prima facie violation of subsection (a).<sup>5</sup>

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• <sup>4</sup> See MGL Chapter 6E Section 8 (e) (Division of Police Standards Database)

<sup>5</sup> See Chapter 12 Section 11H (a)(1):

"Whenever any person or persons, whether or not acting **under color of law**, interfere by threats, intimidation or coercion, or attempt to interfere by threats, intimidation or coercion, with the exercise or enjoyment by any other person or persons of rights secured by the constitution

## Policy # 4.10, Bias-Free Professional Policing Policy

- No law enforcement officer shall be immune from civil liability for any conduct under color of law that violates a person's right to bias-free professional policing if said conduct results in the law enforcement officer's decertification by the POST Commission pursuant to MGL Chapter 6E Section 10;
  - Provided, however, that nothing noted herein shall be construed to grant immunity from civil liability to a law enforcement officer for interference by threat, intimidation or coercion, or attempted interference by threats, intimidation or coercion, with the exercise or enjoyment any right secured by the constitution or laws of the United States or the constitution or laws of the Commonwealth if the conduct of said officer was knowingly unlawful or was not objectively reasonable.

2.) Pursuant to Section 83 of the newly enacted Police Reform Legislation [**An Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth**], Section 63 of Chapter 90 of the MGLs, inserted by section 10 of Chapter 122 of the Acts of 2019, is hereby amended by adding the following subsection: to the so-called "Hands Free / Data Collection Law".

(h) A law enforcement agency, as defined in MGL Chapter 6E Section 1, **shall not** engage in racial or other profiling. The Attorney General may bring a civil action in the superior court for injunctive or other equitable relief to enforce this subsection. For the purposes of this subsection, "**racial or other profiling**" shall mean differential treatment by a law enforcement officer based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement action,

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or laws of the United States, or of rights secured by the constitution or laws of the commonwealth, the **Attorney General may bring a civil action** for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the right or rights secured. Said civil action shall be brought in the name of the commonwealth and shall be instituted either in the superior court for the county in which the conduct complained of occurred or in the superior court for the county in which the person whose conduct complained of resides or has his principal place of business. (Emphasis added)

Section 11H (a)(2): If the Attorney General prevails in an action under this section, the Attorney General shall be entitled to: (i) an award of **compensatory damages** for any aggrieved person or entity; and (ii) **litigation costs and reasonable attorneys' fees** in an amount to be determined by the court. In a matter involving the interference or attempted interference with any right protected by the constitution of the United States or of the commonwealth, the court may also award civil penalties against each defendant in an amount not exceeding \$5,000 for each violation.

whether intentional or evidenced by statistically-significant data showing disparate treatment;

- Provided, however, that “**racial or other profiling**” shall not include the use of such characteristics, in combination with other factors, to apprehend a specific suspect based on a description that is individualized, timely and reliable.<sup>6</sup>

3.) The **POST Commission** shall have the power to refer patterns of **racial profiling** or the mishandling of complaints of unprofessional police conduct by a law enforcement **agency for** investigation and possible prosecution to the Attorney General or the appropriate federal, state or local authorities;

- Provided, however, that if the Attorney General has reasonable cause to believe **that such** a pattern exists based on information received from any other source, the Attorney General may bring a civil action for injunctive or other appropriate equitable and declaratory relief to eliminate the pattern or practice.<sup>7</sup>

## VII. SUPERVISOR RESPONSIBILITIES:

- Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the steps outlined in the **Internal Investigation Policy (4.01)**.
- Supervisors shall always discuss any concerns with the involved Officer face to face - in private whenever possible - in a timely manner.
- Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- Supervisors shall take prompt and reasonable steps to address any retaliatory action that may be taken against any member of this Department who discloses information concerning any bias-based policing practice by another member.

## VIII. TRAINING :

- The **Municipal Police Training Committee (MPTC)** , in consultation with the Executive Office of Public Safety and Security (EOPSS), shall establish and develop an **In-Service Training Program** designed to train local law

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• <sup>6</sup> See MGL Chapter 90 Section 10

• <sup>7</sup> See MGL Chapter 6E Section 3

## Policy # 4.10, Bias-Free Professional Policing Policy

enforcement officials in practices and procedures related to **Bias-Free Policing** which shall include **examining attitudes and stereotypes that affect the actions and decisions of law enforcement officers** ;<sup>8</sup>

- Training on fair and impartial policing and review of this policy should be conducted at periodic intervals as directed by the Professional Standards Division during In-Service Training and Roll Call Training Sessions.
- All sworn members of this Department shall attend training on the subject of Bias-Free Professional Policing at the MPTC ROC and at applicable intervals at Department In-Service Training.
- All Hadley School Resource Officers (SROs) shall be trained in **anti-bias, anti-racism and anti -harassment strategies.** <sup>9</sup>
- All members of this Department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- Each sworn member of this Department will be required to attend bias-based training as required by the MPTC, POST, or by any applicable statute.

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• <sup>8</sup> See MGL Chapter 6 Section 116G (b)

• <sup>9</sup> See MGL Chapter 6 Section 116H

# DOMESTIC VIOLENCE BY DEPARTMENT EMPLOYEES

POLICY & PROCEDURE NO. <b>4.11</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVIEW DATE: 2/13/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

As part of our commitment to earning the trust of the citizenry so essential to policing our community, it is essential that police professionals hold themselves to an exemplary standard in the area of domestic violence.

A pro-active approach must focus on victim safety. The touchstone must be a policy of “zero tolerance” of acts of domestic violence by members of this department.

While prioritizing the safety of victims, this policy is designed to address prevention through hiring and training practices, provide direction to supervisor or OICs for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving employees, and offer direction for conducting the subsequent administrative and criminal investigations. Components of the policy include:

1. Prevention and Training;
2. Early Warning and Intervention;
3. Incident Response Protocols;
4. Victim Safety and Protection; and
5. Post-Incident Administrative and Criminal Decisions.

## II. POLICY

It is the policy of this department:

- A. Not to hire or retain individuals that have a history or a documented propensity for domestic violence, elder abuse, child abuse, sexual assault or stalking;

- B. To provide on-going training to every member on all forms of domestic violence and the department's zero tolerance policy;
- C. To thoroughly investigate all complaints of domestic violence allegedly committed by members of this department; and
- D. To take disciplinary and criminal action for violations of this policy by department members where appropriate.

### **III. DEFINITIONS**

- A. **Domestic violence:** An act or pattern of violence perpetrated by a police officer or other department employee, upon his or her intimate partner not done in defense of self or others, including but not limited to the following:
  - 1. Bodily injury or threat of imminent bodily injury or death;
  - 2. Sexual battery;
  - 3. Physical restraint;
  - 4. Property crime directed at the victim;
  - 5. Stalking; and
  - 6. Violation of a court order of protection or similar injunction\.
- B. **Intimate Partner:** Any person who meets one or more of the following criteria:
  - 1. Is or was legally married to the employee;
  - 2. Has a child in common with the employee;
  - 3. Has or had a dating relationship with the employee;
  - 4. Is specified as an intimate partner by state law; and
  - 5. Is cohabitating or has cohabitated romantically with the employee.
- C. **Protection Order:** Usually referred to as a restraining order, any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:
  - 1. Violent or threatening acts against another person;
  - 2. Stalking or harassment of another person;
  - 3. Contact or communication with another person; and
  - 4. Physical proximity to another person.



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## IV. PROCEDURES

### A. Prevention and Training

1. PREVENTION THROUGH COLLABORATION
  - a. The department shall train employees in order to enhance this agency's response to the needs of victims.
  - b. The department shall, upon request, provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols and policies for review and comment.
2. TRAINING TOPICS: As part of our ongoing training, all employees shall receive periodic comprehensive instruction covering some/all the following topics:
  - a. Understanding Domestic Violence;
  - b. Departmental Domestic Violence Response Protocol;
  - c. Warning Signs of Domestic Violence by employees;
  - d. Victim Safety; and
  - e. Domestic Violence Laws.
3. ONGOING TRAINING: This department may use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.
4. PROGRAM EVALUATION: To enhance the effectiveness of the training, this department may work with internal or external research resources to evaluate the training and its impact.

### B. Early Warning and Intervention

1. PRE-HIRE SCREENING AND INVESTIGATION: This department shall conduct thorough background investigations of all employee candidates. For further information, see the department policy regarding **Recruitment and Selection**.
2. POST-HIRE INTERVENTION
  - a. When new employees are hired, the department may reach out to their intimate partners and/or family members to introduce this policy and other relevant department policies.
  - b. This department may engage in periodic outreach to employees and their intimate partners and/or family members with information on this policy, the point of contact within the department and referrals for local support services. The message will include assurances that we take all complaints of domestic violence seriously, that we will investigate and take appropriate action, and that no special treatment or privilege will be extended to offenders that happen to be employed as law enforcement employees.

## 1. DEPARTMENT RESPONSIBILITIES

- a. The department shall provide timely notification of a domestic violence incident involving a police employee and shall attempt to develop cross-jurisdictional protocols or even MOUs (Memoranda of Understanding) with area police departments to this end.
- b. The department shall, either in response to observed warning signs or at the request of an employee, intimate partner, or other family member, provide non-punitive avenues of assistance before an act of domestic violence occurs.
- c. The department shall inform employees of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.
- d. A disclosure on the part of any employee, intimate partner or family member to any member of the department that an employee has personally engaged in domestic violence will be treated as an admission or report of a crime, shall be reported to the appropriate department official, and shall be investigated both administratively and criminally.

## 2. SUPERVISOR OR OIC RESPONSIBILITIES [35.1.9(D)]

- a. Supervisor or OICs shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:
  - 1) Aggressiveness:
    - a) Excessive and/or increased use of force on the job;
    - b) Stalking and inappropriate surveillance activities;
    - c) Unusually high incidences of physical altercations and verbal disputes;
    - d) Citizen and fellow employee complaints of unwarranted aggression and verbal abuse;
    - e) Inappropriate treatment of animals; and
    - f) On or off-duty injuries.
  - 2) Domestic violence-related issues:
    - a) Monitoring and controlling any family member or intimate partner through such means as excessive phone calling;
    - b) Stalking any intimate partner or family member; and
    - c) Discrediting and/or disparaging an intimate partner.
  - 3) Deteriorating work performance:
    - a) Tardiness;
    - b) Excessive absences; and

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- c) Alcohol and drug abuse.
  - 4) When the supervisor or OIC notes a pattern of problematic behavior (as detailed above), the supervisor or OIC shall:
    - a) Address the behaviors through a review or other contact with the employee and document all contacts;
    - b) Forward written reports capturing the behaviors to the chief through the chain of command in a timely manner to determine if intervention or discipline is warranted;
    - c) Prepare and submit to the chief a written request for a psychological exam/ counseling by a psychologist/psychiatrist who is knowledgeable about domestic violence; and,
    - d) When warranted, request the chief order an employee to seek assistance from a certified program for batterers, or a counselor knowledgeable about domestic violence, as determined by the Chief of Police.
3. POLICE EMPLOYEE RESPONSIBILITIES [35.1.9(B)]
- a. Employees are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
  - b. Employees who engage in the following actions will be subject to severe discipline up to and including dismissal:
    - 1) Failure to report knowledge of abuse or domestic violence involving a fellow employee;
    - 2) Failure to cooperate with the investigation of a police employee domestic violence case;
    - 3) Interference with the investigation or prosecution of domestic violence cases involving themselves or fellow employees; and,
    - 4) Intimidation/coercion of witnesses or victims (e.g., surveillance, harassment, stalking, threatening, or falsely reporting).
  - c. Employees who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately make a report to their supervisor or OIC and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe discipline up to and including dismissal.
  - d. Employees who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor or OIC and provide a copy of the order, if issued. If subject to a protection order that includes an order that firearms and licenses be surrendered, the employee shall surrender all firearms and licenses immediately. Failure to do so may

result in severe discipline up to and including dismissal. (Note: This will not preclude the department from adopting a policy allows for possession of the primary service weapon under certain conditions, subject to court approval.)

## **B. INCIDENT RESPONSE PROTOCOLS**

### **1. DEPARTMENT-WIDE RESPONSE**

- a. The department shall accept, document, and preserve all calls or reports regarding domestic violence involving police employees, including those made anonymously, as “on-the-record” information.
- b. All reports of possible criminal activity implicating police employees in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.
- c. The on-scene supervisor or OIC shall forward a copy of the report alleging domestic violence by the employee to the chief through the chain of command.
- d. All such incident reports shall be made available by the department to the victim without cost as required by law.<sup>1</sup>

### **2. COMMUNICATIONS RESPONSE**

- a. Communications officers/dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police employee of any department.
- b. Communications officers/dispatchers shall immediately notify the supervisor or OIC on duty and the dispatch supervisor or OIC of any domestic violence call received that involves, or appears to involve, a police employee, regardless of the involved employee 's jurisdiction.
- c. Communications officers/dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.
- d. Communications officers/dispatchers shall have available current contact information of local domestic violence victim advocacy organizations for on-scene supervisor or OICs to provide to victims.

### **3. PATROL RESPONSE**

- a. Upon arrival on the scene of a domestic violence call or incident involving a police employee, the primary patrol unit shall immediately notify dispatch and request a supervisor or OIC of higher rank than the involved employee report to the scene, regardless of the involved employee's jurisdiction.
- b. The responding officers shall perform the following actions:
  - 1) Obtain any needed medical assistance for any parties involved;
  - 2) Address the immediate safety of all parties involved;
  - 3) Secure the scene and preserve evidence;

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- 4) Note all excited utterances, admissions and/or incriminating statements; and,
  - 5) Make an arrest if probable cause exists.
4. ON-SCENE SUPERVISOR OR OIC RESPONSE [35.1.9(D)]
- a. A supervisor or OIC of higher rank shall report to the scene of all police employee domestic violence incidents including a police officer, regardless of the involved employee's jurisdiction.
  - b. The on-scene supervisor or OIC shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.
  - c. The supervisor or OIC shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.
  - d. In cases where probable cause exists, the on-scene supervisor or OIC shall ensure an arrest is made.
  - e. If the alleged offender has left the scene and probable cause exists, the supervisor or OIC shall perform the following actions:
    - 1) Exhaust all reasonable means to locate the alleged offender;
    - 2) Ensure that an arrest warrant is sought, if unable to locate the alleged offender; and,
    - 3) Document all subsequent actions in a timely manner.
  - f. In the event that the victim has left the scene, the supervisor or OIC shall make every effort to follow through on the investigation and attempt to locate the victim.
  - g. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor or OIC shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.
  - h. Whenever an officer is arrested, the supervisor or OIC shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department.
  - i. The accused employee will be required to surrender all other firearms owned or at the disposal of employee for safety reasons. If the employee refuses to do so, available legal action should be undertaken, where appropriate.
  - j. The on-scene supervisor or OIC shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.
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- k. The on-scene supervisor or OIC shall ensure the victim is informed of the following:
    - 1) The judicial process and victim rights;
    - 2) The department's policy on police employee domestic violence, procedures and cross-jurisdictional responsibilities as they apply;
    - 3) The standard of probable cause for arrest;
    - 4) Procedures for obtaining protective orders;
    - 5) Victim compensation;
    - 6) The availability of an on-scene advocate;
    - 7) The availability of confidential transportation to a location that can provide improved victim safety;
    - 8) Community resources and local domestic violence victim service; and,
    - 9) The option to remove firearms for safekeeping.
  - l. Whenever a police employee involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor or OIC shall explain in a written report.
  - m. The on-scene supervisor or OIC shall notify the chief and the accused employee's immediate supervisor or OIC as soon as possible. In the event that the employee is from another jurisdiction, the supervisor or OIC shall ensure that the accused employee's chief is notified. All notifications, and attempts to notify, shall be fully documented.
5. ADDITIONAL CRITICAL CONSIDERATIONS
- a. When responding to a domestic violence complaint involving a police employee from another jurisdiction, all responding officers, investigators, and supervisor or OICs shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an employee from this department.
  - b. In the event that the reported incident involves the chief of police [or commissioner], the supervisor or OIC shall immediately notify the District Attorney and the individual in government who has direct oversight for the chief, for example, the mayor, manager or chair of the board of selectmen.
  - c. In responding to domestic violence incidents where the victim is a police employee, standard domestic violence response and investigation procedures should be followed.
  - d. In responding to domestic violence incidents where the parties involved are both police employees, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of any accused officer confiscated. **If a protective order**

**is issued against an officer, additional firearm seizure may be required under c.209A.**

**6. DEPARTMENT FOLLOW-UP**

- a. In a timely manner, the chief shall ensure that all officers who responded to a police employee domestic violence call are debriefed. The debriefing shall include the following:
  - 1) A review of department confidentiality guidelines;
  - 2) A direct order prohibiting discussion of the incident outside of the official inquiry; and,
  - 3) A clear delineation of assignments.
- b. Follow-up investigators shall proactively seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the employee violated department policy by failing to report the protective order.
- c. Arrest warrants charging police employees with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers, where possible, with at least one being of senior rank to the employee being served. In cases where firearms have not previously been seized, firearms shall be seized as allowed or required by law.
- d. In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation. The voluntariness of any such request will be strictly scrutinized.
- e. Following the reported incident, the department shall designate a member of the command staff to perform the following duties:
  - 1) Conduct a danger assessment of the accused employee to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment;
  - 2) Act as a principal point of contact to keep the victim apprised of all developments;
  - 3) Ensure that safety planning and danger assessment is made available to the victim; and
  - 4) Report the findings of the danger assessment to the chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused employee.

**C. VICTIM SAFETY AND PROTECTION**

1. The department shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.

2. The command staff member designated as the principal contact for the victim shall inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.
3. All employees shall be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact shall assist the victim and children in safety planning and caution the victim to be alert to stalking activities.
4. If an officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.
  - a. In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge shall seek out secondary sources of information.
  - b. Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence shall be sought out and preserved.

#### **D. POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS**

1. PARALLEL CRIMINAL AND ADMINISTRATIVE INVESTIGATIONS
  - a. When possible, the department shall conduct separate parallel administrative and criminal investigations of alleged incidents of police employee domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance.
  - b. Regardless of the outcome of the criminal case, if the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable.
  - c. The department will adhere to and observe all necessary protocols to ensure an accused employee's departmental, union, and legal rights are upheld during the administrative and criminal investigations.
2. ADMINISTRATIVE INVESTIGATION
  - a. The responsibility to complete the administrative investigation of a police employee domestic violence incident shall rest with the Internal Affairs Supervisor or OIC (see the department policy regarding **Internal Affairs** ).
  - b. The chief may ask an outside law enforcement agency to conduct the administrative investigation.
  - c. Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent, comprehensive administrative investigation using standard elements of criminal investigations.
  - d. Victims and witnesses shall be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.



3. Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused employee that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination. Placing an employee on administrative leave with pay is not disciplinary and is often appropriate while conducting an investigation.
  - a. When an investigation of an incident uncovers employees who had knowledge of violence on the part of another employee but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those employees and take disciplinary action and criminally charge as warranted.
  - b. The chief shall determine whether and when the accused employee should be issued an administrative order of protection.
  - c. If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, and take disciplinary action up to and including dismissal.
  - d. In determining the proper course of administrative action, a department shall consider factors including the level of danger an employee poses as indicated by the outcome of the danger assessment of the employee, the employee's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
  - e. If the accused employee is assigned enforcement duties while the administrative and/or criminal investigations are under way, those duties should not include response to domestic violence calls.
  - f. If the department determines through an administrative investigation that the employee violated department policy, regardless of how the employee pleads in response to criminal charges, the department may employ the full range of administrative sanctions.
  - g. Any employee determined through an administrative investigation to have committed domestic violence shall be terminated from the department.
4. CRIMINAL INVESTIGATIONS AND DECISIONS
  - a. The responsibility to complete a criminal investigation of an incident of police employee domestic violence shall rest with the domestic violence unit of the department, or in the event that no such unit exists, the criminal investigations unit or detective division.
  - b. The chief may ask an outside law enforcement agency to conduct the criminal investigation.
  - c. The investigating official shall conduct criminal investigations as would be the case for any other criminal violation.

- d. In accordance with the employee's and victim's privacy rights, the investigating official or agency shall conduct sufficient interviews (preferably taped) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.
- e. Even though an initial report may already exist concerning a police employee, reports of any subsequent or additional criminal or non-criminal incidents, which may include fellow employees engaging in surveillance or intimidation of the victim, shall be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.
- f. The department shall completely investigate the charges and, where warranted, seek prosecution even in cases where the victim recants.
- g. The department shall establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.
- h. As with any other case for criminal prosecution, the investigating officer shall request filing of court papers/complaints.
- i. Any employee convicted through criminal proceedings of a domestic violence crime shall be terminated from the department.

### **E. Termination Procedures**

1. Upon the decision by the appointing authority to terminate an employee, the chief shall follow in accordance with department policy and state law.
  - a. Notify the employee, in writing, of the effective date of termination;
  - b. Inform the employee of available support services, to include counseling; and,
  - c. Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning.
2. Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. All sworn officers must, as a condition of employment, be able to lawfully carry a firearm. The department shall ensure compliance with federal law. Termination is required if an officer becomes barred from carrying a firearm.

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<sup>1</sup> M.G.L. c. 209A s. 6.

# POST-TRAUMATIC STRESS PROCEDURES

POLICY & PROCEDURE NO. <b>4.12</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 2/13/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Law enforcement duties expose employees to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Unless adequately treated, these situations can cause disabling emotional and physical problems. Deadly force encounters resulting in death or serious bodily injury to another person may precipitate such stress disorders. Exposure to deaths or accident scenes or a close encounter with death may also result in such a reaction. Persons who suffer more serious reactions, or do not receive proper assistance, may occasionally leave law enforcement in the aftermath, and may suffer from long-term consequences.

It is the responsibility of this department to provide personnel with information on stress disorders, train employees as to what to expect prior to, during, and after deadly force encounter and provide care and support following such an event.

The purpose of this policy is to provide guidelines that shall be uniformly applied following any officer-involved deadly force or other incident that has resulted in death or serious bodily injury, in order to minimize the chances that involved personnel will develop or suffer from post-traumatic stress disorder.

If an officer experiences post-traumatic stress, he or she may use sick leave, but without a physical trauma, the officer may not be eligible for injury leave.

## II. POLICY

It is the policy of this department to take immediate action after incidents where:

1. A deadly force encounter causes death or serious bodily injury to an officer or another person to safeguard the continued good mental health of all involved personnel;
2. Police employees are involved with a particularly troubling death or serious injury to another person; or
3. A police employee is involved in a close encounter (close call) with death.

### **III. DEFINITIONS**

- A. **Officer-Involved Deadly Force Incident:** A line-of-duty incident where a deadly force encounter causes death or serious bodily injury to an officer or other person.
- B. **Post-Traumatic Stress Disorder:** A category of stress disorder in which the symptoms last more than one month. This can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

NOTE: These are guidelines intended to help officers understand what is expected of them and are not intended as medical definitions or standards for disability determinations.

### **IV. PROCEDURES**

#### **A. Awareness of Post-Incident**

1. Each officer experiences the emotional aftermath of a deadly force encounter in a personal manner that depends on many factors. These include:
  - a. The officer's perceived vulnerability during the incident;
  - b. The amount of control he or she had over the situation and the individual's ability to react effectively;
  - c. His or her expectations concerning combat situations and how closely those expectations correlated with what happened during the incident;
  - d. How close or far away physically the officer was from the suspect;
  - e. How bloody the encounter was;
  - f. The reputation of the suspect, for example, whether he or she was a murderer or a scared teenager;
  - g. The perceived "fairness" of the situation, for example, shooting a person who used the officer to commit suicide is perceived as unfair and may produce anger or other reactions in the officer;
  - h. Legal and administrative consequences of the officer's actions;
  - i. The amount of stress in the officer's life and his or her level of emotional adjustment;
  - j. Personal coping skills; and

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- k. Level of peer and family support.
  2. The traumatic experience starts when a situation puts the life of an officer or another person in danger, and the officer makes the decision to use deadly force. Often, physical, psychological, and emotional phenomena may occur during the brief moments of peak stress, many of which may be confusing to the officer.
    - a. Sensory reactions. It is quite common to experience perceptual distortions of various types. It is important that supervisor or OICs at the scene and investigators assigned to the shooting know these sensory distortions are normal and common.
    - b. Physical and emotional reactions. The shock disruption phase starts when the shooting ends. An officer may experience a few minutes of shock symptoms such as tremors, shaking, crying, nausea, or hyperventilation among others. These are symptoms of the de-escalation of stress that sometimes occurs when a high-impact situation is over, and are not signs of weakness.
  3. It is important to remember that the officer may be very sensitive to others' reactions, particularly in regard to whether the department will stand behind him or her.

## **B. Handling of Officers at Scene of a Deadly Force Incident**

1. IMMEDIATE AFTERCARE
  - a. A Supervisor or OIC shall be dispatched to the scene of the incident, and shall ensure that involved personnel are cared for.
  - b. The Supervisor or OIC shall ensure that arrangements for all necessary medical treatment are made.
  - c. During any period where involved employees are required to remain on the scene, but have no immediate duties to fulfill, they should remain in a quiet area away from the scene of the incident.
  - d. A peer counselor, union representative, supportive officer or friend should remain with the officer.
    - 1) They should be advised not to discuss details of the incident.
    - 2) They should attempt to be reassuring and supportive without being unrealistic.
  - e. The Supervisor or OIC should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting.
  - f. No caffeine or other stimulants or depressants should be given to the officer unless administered by medical personnel.

- g. The officer should be given some physical space as soon as practicable so he or she may regain some composure and attempt to relax.
2. ON SCENE EMPLOYEE BRIEFING
- a. Where possible, the Supervisor or OIC shall briefly meet with the involved employee(s).
  - b. Only minimal, preliminary questions should be asked about the incident. The officer should be advised that a more detailed debriefing will be conducted at a later time.
  - c. The investigative procedure concerning the incident should be discussed with the officer.
  - d. The officer should be advised that he or she may seek union representation and/or legal counsel.
  - e. The Supervisor or OIC shall determine if the officer's firearm will be inspected or taken as evidence. Where the duty weapon is taken, the Supervisor or OIC shall:
    - 1) Take custody of the officer's weapon in a discrete manner; and
    - 2) Replace it with another weapon as soon as possible, or advise the officer that it will be returned or replaced at a later time, as appropriate.
  - f. The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation.
  - g. Involved officers should notify their families about the incident as soon as possible.
    - 1) Where an officer is unable to do so, an agency official shall personally notify his family, and arrange for their transportation to the hospital.
    - 2) For further information, see the department policy regarding **Line of Duty Deaths and Serious Injuries** .
  - h. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.
  - i. At all times, when at the scene of the incident, the Supervisor or OIC should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.

## C. Post-Incident Procedures

- 1. DEBRIEFING
  - a. Debriefings shall be held as soon as possible after the incident.

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- b. The department shall ensure that there is a debriefer or team is on call or on-duty at all times so that someone is available shortly after an incident.
  - c. The debriefing shall include all persons immediately involved with the deadly force incident as well as support personnel to include:
    - 1) Police officers involved in the encounter;
    - 2) Police officers who immediately responded to the incident;
    - 3) Dispatchers on duty at the time of the incident;
    - 4) Supervisor or OICs who responded to the incident;
    - 5) Investigators; and
    - 6) Crime scene personnel (photographers, chemists, etc.)
2. REMOVAL FROM LINE DUTY ASSIGNMENT: Any employee, whose action(s) or use of force results in death or serious physical injury, shall be removed from line-duty assignment but shall remain available for any necessary administrative investigations. This is not a suspension and does not imply any wrongdoing. (See the department policy regarding **Use of Force Reporting**).
3. COUNSELING
- a. All officers directly involved in the deadly force incident shall be required to contact a department designated specialist for counseling and evaluation as soon as practical after the incident.
    - 1) Involved support personnel (dispatchers, investigators, etc.) should also be encouraged to contact such specialists after a deadly force incident.
    - 2) The confidentiality of the counseling session will be respected by the department. The specialist shall only be required to advise the agency:
      - a) Whether it would be in the officers' best interest to remain on or to be placed on administrative leave or light duty, and for how long;
      - b) If the employee should be relieved of his or her duty weapon after an incident and, at what point it should be returned;
      - c) Recommendations for continued counseling.
  - b. The department strongly encourages the families of the involved officers to take advantage of available counseling services.
4. OTHER EMPLOYEES
- a. The department should brief other employees concerning the incident so that rumors are kept to a minimum.
  - b. Department members are encouraged to show the involved officers their concern.
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- c. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Officers shall refer inquiries from the media to a designated agency spokesperson, unless otherwise authorized to release a statement pertaining to the incident. See departmental policy on **Police Media Relations** .

#### **D. Signs of Post-traumatic Stress Disorder**

1. Employees who have experienced a frightening or life threatening experience may conduct a self assessment by asking themselves:<sup>1</sup>
  - a. Am I keeping my feelings hidden?
  - b. Am I minimizing what has happened?
  - c. Do I know all the facts?
  - d. What am I feeling?
  - e. Do I have a support System in place?
2. EMOTIONAL SIGNS OF TRAUMA
  - a. Anxiety or panic,
  - b. Survivors guilt,
  - c. Fear.
  - d. Denial,
  - e. depression,
  - f. Feeling hopeless, helpless, overwhelmed or numb,
  - g. Intense anger,
  - h. irritability, aggression, apprehension,
  - i. uncertainty,
  - j. Dwelling on details of the event,
  - k. Suicidal thoughts, loss of belief in a higher being.
3. PHYSICAL SIGNS OF TRAUMA
  - a. Fatigue,
  - b. Chest pain, trouble breathing, high blood pressure, rapid heart rate,
  - c. Stomach pains, indigestion, headaches,
  - d. Dizziness, vomiting, sweating, chills, diarrhea,
  - e. Muscle aches, weakness, trembling.
4. COGNITIVE SIGNS OF TRAUMA
  - a. Confusion, disorientation, trouble making decisions,



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- b. Hyper-alert, memory and concentration problems,
  - c. Dreams, nightmares, flashbacks of the event,
  - d. Calculation problems, disruption in logical thinking,
  - e. Slowed thinking,
  - f. Blaming others.
5. BEHAVIORAL SIGNS OF TRAUMA
- a. Hyper-vigilance,
  - b. Restlessness,
  - c. Change in speech patterns,
  - d. Emotional outbursts, arguments, acts of violence,
  - e. Withdrawal, suspicion, excessive silence, paranoia,
  - f. Increase in consuming alcohol, tobacco, drugs, food,
  - g. Loss of interests,
  - h. Disruption in eating habits,
  - i. Gambling, buying sprees, promiscuity,
  - j. Changes in work habits and interaction with others,
  - k. Unexplained or prolonged crying spells.
6. EMPLOYEE SELF-HELP: Employees experiencing such symptoms following a frightening or traumatic event should seek professional intervention by speaking to their supervisor or OIC, through the Employee Assistance Program, or a mental health professional.

### **E. Role of Involved Employees Supervisor or OIC**

1. Post-traumatic stress disorders may not arise immediately, or the employees may attempt to hide the problem.
2. Each Supervisor or OIC must be aware of and monitor the behavior of unit members for symptoms of post-traumatic stress disorder.
3. A Supervisor or OIC may:
  - a. Suggest to an employee that the employee seek assistance or counseling from a mental health specialist; or
  - b. Recommend, upon a reasonable belief that stress may be disrupting the officer's job performance, through the chain of command, that an employee be referred by the department to assistance or counseling from a mental health specialist.

4. Supervisor or OICs are responsible for making information about the agency's peer counseling group and mental health services available to their unit members.

## F. Pre-Incident Training

1. Employees shall receive awareness training regarding this department's post-traumatic stress procedures at least biennially.
2. Such training shall include information and warnings about symptoms and results of traumatic stress exposure in a law enforcement setting, particularly involving a deadly force encounter:
  - a. Anticipated uncontrolled individual physiological response to anticipated combat:
    - 1) Increased heart rate;
    - 2) Increased respiration;
    - 3) Muscle tremors; and
    - 4) Anxiety.
  - b. Anticipated uncontrolled individual physiological responses to combat:
    - 1) Tunnel vision;
    - 2) Auditory exclusion (tunnel hearing);
    - 3) Loss of fine/complex motor skills;
    - 4) Irrational behavior (unexplained risk taking to aid others, etc.);
    - 5) Inability to think clearly;
    - 6) Increased strength;
    - 7) Uncontrolled evacuation of bladder or bowels; and
    - 8) Increased respiration.
  - c. Anticipated individual physical responses to a post-deadly force incident. See **Signs of Post-Traumatic Stress Disorder** in this policy.
  - d. Anticipated individual psychological responses to a post-deadly force incident. See **Signs of Post-Traumatic Stress Disorder** in this policy. These may include:
    - 1) Emotional signs of trauma;
    - 2) Cognitive signs of trauma; and
    - 3) Behavioral signs of trauma.
  - e. Department response including:
    - 1) It is the policy of this department to take immediate action after incidents where:

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- a) A deadly force encounter causes death or serious bodily injury to an officer or another person to safeguard the continued good mental health of all involved personnel;
  - b) Police employees are involved with a particularly troubling death or serious injury to another person; and
  - c) A police employee is involved in a close encounter (close call) with death.
- 2) Any employee, whose action(s) or use of force results in death or serious physical injury, shall be removed from line-duty assignment (See the department policy regarding **Use of Force Reporting** ).
  - 3) Officers directly involved in a shooting incident shall be required to re-qualify with a firearm prior to returning to field duty.
  - 4) If a firearm is involved, the employee can expect to be relieved of his or her firearm for evidentiary purposes. A replacement firearm will be provided or the firearm returned unless circumstances dictate otherwise (See the department policy regarding **Officer Involved Deadly Force Incidents** ).
  - 5) The department response shall include a review of the use of force (See the department policy regarding **Use of Force Reporting** ).
  - 6) The employee will be asked to provide a brief description of the incident. A longer, more detailed interview will be arranged at a later time (See the department policy on **Post Deadly Force Incident Response** ).
  - 7) The officer should be advised that he or she may seek union representation and/or legal counsel.
  - 8) The officers should be advised not to discuss the incident with anyone except a personal or agency attorney, union representative, or departmental investigator, until the conclusion of the preliminary investigation.
- f. District Attorney's Office Response
- 1) The District Attorney's Office must be notified of all cases of un-natural deaths and has jurisdiction over the investigation. <sup>2</sup>
  - 2) The District Attorney's representatives (CPAC) will likely respond and investigate in conjunction with the department.
- g. Possible Media Response
- 1) The employees should expect a media presence at the scene of the incident.
  - 2) Employees should expect extensive coverage of the incident.
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- 3) Media representatives are likely to attempt to make contact with individual employees, their families, and friends. Media inquiries should be politely referred to the Chief of Police or public relations officer.
  - 4) Print and visual media reports may not describe the incident accurately.
  - 5) Media coverage of the incident could become adversarial or hostile toward the employees involved.
- h. Possible Public Response
- 1) Employees should expect a wide range of public responses, from support to accusations of wrong doing.
  - 2) Agenda driven individuals or organizations may make false claims, ignore facts, and criticize the employees.
  - 3) The employee's family members and close friends should expect to hear a variety of accounts of the incident and opinions about the officers' actions which are based on rumor or ignorance of the facts.
  - 4) In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days.
- i. Possible Legal Response
- 1) Civil action by the assailant or assailant's estate.
  - 2) Criminal prosecution.

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<sup>1</sup> Kates, Allen R., CopShock: surviving post traumatic stress disorder, Holbrook Street Press, Tucson, Arizona, 1999; Battlemind: Mild Traumatic Brain Injury and Post Traumatic Stress Disorder, Facilitators Guide, Battlemind Training Systems Office, U.S. Army 2007

<sup>2</sup> M.G.L. c. 38, §4.

# RECORDS MANAGEMENT

POLICY & PROCEDURE NO. <b>4.13</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: __2/13/19__

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Many of the activities in which police personnel are involved result in the creation of some types of records. Although the records are created by and in the custody of this department, they are actually under the authority of the Massachusetts Secretary of the Commonwealth, Public Records Division. The length of retention is determined by that office, and they may lawfully be destroyed only with the permission of that office.

The purpose of this directive is to establish organization and guidance for the collection, storage, and permanent archive or destruction of records.

## II. POLICY

It is the policy of the department that:

- A.** C.O.R.I., juvenile records, and personal data will be protected in compliance with Massachusetts General Law, C.M.R.s and other regulations.
- B.** All records in the custody of the police department shall be retained and/or destroyed in accordance with the standards of the Office of the Secretary of the Commonwealth.

## III. DEFINITIONS

- A.** C.O.R.I.: "Criminal offender record information": records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. For a more in-depth definition, see the department policy on **C.O.R.I.**

- B. Public Record:** All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee or any agency, executive office, department, board, commission, bureau, division or authority established by the General Court to serve a public purpose, unless such materials or data fall within one or more of the exemptions found within M. G. L. c. 4, §7(26).

## IV. PROCEDURES

- A. Administration : Chief of Police or his designee** is responsible for the records management function. The duties shall include:

1. Collection of all reports and related data;
2. Distribution of reports to appropriate agency recipients;
3. Maintenance of incident, accident, arrest and other reports in an organized manner through filing of hard copies and management of electronic records;
4. Retrieval and distribution of records and documents for authorized persons and entities;
5. Compliance with records requests under state law and the Freedom of Information Act;
6. Protection of C.O.R.I., confidential and personal data;
7. Maintaining the archive of records required to be stored permanently; and
8. Destruction of records in compliance with protocols provided by the Secretary of the Commonwealth.

### **B. Storage and Security [82.1.1(a)]**

1. PAPER RECORDS
  - a. Chief of Police or his designee is responsible for the security of paper records stored in the records section of this agency.
  - b. Paper records are stored **in Records Room** .
  - c. Paper records shall be stored in a secure area free from unsupervised access by members of the public and unauthorized personnel.
2. ELECTRONIC RECORDS: Security of electronic records shall be the responsibility of Chief of Police or his designee. For further information about electronic records, see the department policy on **Computers and Data Security** .  
]
3. ACCESS BY EMPLOYEES [82.1.1(B)]
  - a. Paper records stored by the records management section shall be accessible to employees **AT ALL TIMES** .

- b. Requests for records may be made in person during business hours.
- c. Records may be obtained after business hours BY A SUPERVISOR OR OIC.
- d. Electronically stored records are available to authorized personnel at all times through the department's computer network. For further information about electronic records, see the department policy on **Computers and Data Security** .

### **C. Challenge of Accuracy of Police Records**

1. C.O.R.I.: For information on C.O.R.I. challenges, see the department policy on **C.O.R.I.**
2. POLICE REPORTS: Any person who wishes to challenge the accuracy of a police report may do so by:
  - a. Speaking with a Supervisor or OIC to explain the nature of the alleged inaccuracy; and
  - b. Submitting a request in writing explaining the nature of the alleged inaccuracy.
3. The employee's Supervisor or OIC will present the request to the employee who authored the report, or portion of a report in dispute.
4. The author will review the portion in question. The report's author may:
  - a. Edit the report to correct the inaccuracy raised or any other inaccuracy found.
  - b. Take no action.
5. Upon completion of this process, the author will advise the person challenging the report in writing of the outcome of the review.

### **D. Expungement**: This procedure shall apply to adult and juvenile records.

1. Upon receipt of a judicial order of expungement of any record, records management personnel shall identify and obtain the record.
2. Hard copy records shall be destroyed in compliance with this policy.
3. Electronic records, files and other data will be deleted manually or using specific expungement or deletion software programs in the department's records management software.

### **V. Retention of Records [82.1.3]**:

1. Police department records shall be retained, at a minimum, for the time specified in the records disposal schedules promulgated by the Secretary of the Commonwealth, as amended from time to time.<sup>1</sup>
2. Disposal schedules apply to information, not the media containing the information. If records maintained on electronic media are printed out in an

- eye-readable format, the original electronic records may be immediately destroyed.
3. If the electronic record is the sole source of the information, it must be treated in the same manner as its hard copy counterparts for the purposes of disposal, and must be maintained in accordance with the disposal schedule.

## **E. Destruction**

### **1. OBTAINING AUTHORIZATION**

- a. Nearly all records held by police departments require authorization of the Supervisor or OIC of Public Records, Office of the Secretary of the Commonwealth. Instructions and sample letters are included in each category of Records Disposal Schedule which is available from the Secretary of the Commonwealth's web site, <http://www.sec.state.ma.us/arc/arcmu/rmurds/rdsmds.htm>
- b. Any records which may be destroyed without the permission of the Supervisor or OIC of Public Records shall be destroyed after being retained at least for the minimum duration specified in the destruction schedule. Such records are denoted with an asterisk "\*" on the destruction schedule.
- c. Police department records shall be destroyed in compliance with the records disposal schedules promulgated by the Secretary of the Commonwealth, as amended from time to time.<sup>2</sup>
- d. No records that are subject to any current or pending litigation, public records request, or which have not been retained for at least the minimum retention duration may be destroyed.
- e. Original records cannot be destroyed without the written permission of the Supervisor or OIC of Public Records.
- f. No records created prior to 1870 may be destroyed.
- g. Application for Authorization for Destruction: Submit a letter in duplicate to the Supervisor or OIC of Public Records requesting permission for destruction. A sample letter is available in Appendix A of this policy. The letters must be signed by the Chief of Police and contain the following:
  - 1) Schedule Number: the destruction schedule number in which the record to be destroyed is found (Police Department: 14-81);
  - 2) Date of last revision of the schedule, listed on the Disposal Schedule cover sheet;
  - 3) Series Number, as indicated on the destruction schedule to identify the particular type of record to be destroyed;
  - 4) Estimated volume of records to be destroyed;
  - 5) Inclusive dates of each series to be destroyed; and
  - 6) Date of last audit, if applicable.



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- h. Upon approval, one copy of the letter will be returned and the records described therein may be destroyed.
  - i. To destroy records that are not included on the Police disposal schedule, refer to the Administration/Personnel (23/89) records disposal schedules. This schedule includes records held in common by various municipal offices.
  - j. To destroy a record that is not included in the police disposal schedule or the Administration/Personnel (23/89) disposal schedule, submit a letter in duplicate to the Supervisor or OIC of Public Records. In addition to the information above, the letter should describe the record. If possible, attach a photocopy of the record.
2. METHODS OF DESTRUCTION
- a. Records containing confidential information or information that would be segregated, excluded, or redacted from release as a public record shall be destroyed in such a manner as to make the record un-readable and unrecoverable. Security of the records must be maintained until they are actually destroyed.
  - b. Paper records, optical media, and flexible media, such as a floppy drive, may be shredded or burned.
  - c. Hard drives may be destroyed by the following methods:
    - 1) Disassemble the hard drive case and destroy the physical disk;
    - 2) Run a wipe utility to over-write the disk and file allocation tables; or
    - 3) Complete degaussing.

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<sup>1</sup> Disposal Schedules for Municipal Government, Office of the Secretary of the Commonwealth, Public Records Division.

<sup>2</sup> Disposal Schedules for Municipal Government, Office of the Secretary of the Commonwealth, Public Records Division.

# RECORDS REQUESTS

POLICY & PROCEDURE NO. <b>4.14</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This department regularly receives requests for records created or maintained by this agency. The requests come in the form of public records requests, discovery, and requests from law enforcement agencies, government entities and many other sources.

Under Massachusetts Public Records Laws, all municipal records are considered to be public unless they are exempted by statute. The statutes that exempt records and data are found throughout the general laws and Codes of Massachusetts Regulations.

Those tasked with responding to the requests must apply the exclusions, exemptions and mandates in determining whether or not to release the records in whole or in part.

The purpose of this policy is to provide guidance to those persons who are tasked with balancing the right of the public to know with the confidentiality and privacy rights of others.

## II. POLICY

It is the policy of this department that:

- A.** Records shall be available for all authorized personnel and entities for furtherance of the police function.
- B.** Request for records through discovery and public records laws will be honored in compliance with Massachusetts statutory law and C.M.R.s.
- C.** C.O.R.I., juvenile records, and personal data will be protected in compliance with Massachusetts General Law, C.M.R.s and other regulations.

- D. All records in the custody of the police department shall be retained and/or destroyed in accordance with the standards of the Office of the Secretary of the Commonwealth.

### III. DEFINITIONS

- A. C.O.R.I.: “Criminal offender record information”: records and data in any communicable form compiled by a criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. For a more in-depth definition, see the department policy on **C.O.R.I.**
- B. Public Record: All books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee or any agency, executive office, department, board, commission, bureau, division or authority established by the General Court to serve a public purpose, unless such materials or data fall within one or more of the exemptions found within M. G. L. c. 4, §7(26).
- C. Search Time: The time to locate, pull from the files, copy, and re-shelve or re-file a public record. However, this shall not include the time expended to create the original record.
- D. Segregation Time: The time used to delete or expurgate data which is exempt under M.G. L. c. 4, §7(26) from non-exempt material which is contained in a public record.

### IV. PROCEDURES

- A. **Administration: Records Manager** : The Records Manager is responsible for overseeing:
1. Retrieval and distribution of records and documents for authorized persons and entities; and
  2. Compliance with records requests under state law and the Freedom of Information Act.
- B. **Dissemination of Records [82.2.4]**
1. DAILY: Police Officers, Supervisors or OIC’s or the records section shall disseminate records and reports on a daily basis as follows:
    - a. District Court: Clerk’s Office:
      - 1) Charging instruments (application for complaint, criminal citation, etc.);
      - 2) Statement of facts forms;
      - 3) Citations - Arrest, Criminal, Drug Violations;

- 4) Temporary Restraining Orders; and
- 5) Jenkin Hearing documents

NOTE: Any reports or other documents that become part of the docket become public records. Reports should not be distributed to the court clerk's office.

- b. District Attorney's Office:
  - 1) Reports accompanying an arrest or criminal charges;
  - 2) Merit Rating Board;
  - 3) Motor Vehicle Citations, civil and warnings; and
2. WEEKLY: The following reports and documents shall be disseminated on at least a weekly basis:
  - a. Registry of Motor Vehicles : Collision Reports

### **c. Release of Records [82.1.1(c)]**

#### 1. LAW ENFORCEMENT AGENCIES

##### a. Generally

- 1) Records may be released to law enforcement agencies authorized to receive C.O.R.I. on a need-to-know basis.
- 2) The department shall maintain a list of C.O.R.I. disseminated (C.O.R.I. Log) and the individuals and agencies to whom it has released or communicated C.O.R.I. information. The log shall include:<sup>1</sup>
  - a) The type of C.O.R.I. disseminated;
  - b) The agency or individual to whom it was disseminated;
  - c) Individual disseminating the information; and
  - d) Date that information was disseminated.
- 3) These listings shall be maintained in the C.O.R.I. Log for at least one year after the date of dissemination and shall be made available for inspection by the CHSB.<sup>2</sup>
- 4) All police departments are authorized to receive C.O.R.I.
- 5) Some other law enforcement agencies authorized to receive C.O.R.I. are the following:
  - a) Alcoholic Beverages Control Commission;
  - b) Department of Corrections;
  - c) Fire Marshall's Office;
  - d) Massachusetts Chiefs of Police Association;
  - e) Military - Law Enforcement and Intelligence Only;
  - f) MSPCA, Law Enforcement Division;

- g) Office of the Medical Examiner; and
  - h) Sheriff's Departments.
- 6) The following records may be released to an authorized law enforcement agency upon request:
- a) Closed criminal cases of a non-confidential nature;
  - b) Incident reports which did not result in criminal charges;
  - c) Accident reports not resulting in criminal charges;
  - d) Booking photos;
  - e) Booking fingerprints; and
  - f) Master Record demographic information and incident history.
- 7) The following records may not be released without authorization of Chief of Police or designee.
- a) Open criminal cases;
  - b) Open accident investigation reports;
  - c) Current investigations; and
  - d) Victim, witness, or suspect statements.
- 8) The following reports may not be released without authorization of CHIEF OF POLICE:
- a) Internal Affairs Records;
  - b) Personnel Records;
  - c) Medical Records;
  - d) Emergency Response Plans; and
  - e) Facility or Event Security Plans.
2. NON-LAW ENFORCEMENT AGENCIES: Non-law enforcement agencies which are authorized to receive C.O.R.I. may receive records with the approval of Chief of Police. Some authorized agencies are:
- a) Defense Security Services;
  - b) Department of State, Diplomatic Security;
  - c) Department of Social Services (within ten (10) days of an investigation);
  - d) Department of Youth Services;
  - e) Massachusetts Chiefs of Police Association;
  - f) Massachusetts Emergency Management Agency;
  - g) NESPIN;
  - h) Office of the Medical Examiner;

- i) Parole Board;
  - j) Registry of Motor Vehicles; and
  - k) Sex Offender Registry Board.
3. Records containing C.O.R.I. may not be distributed to agencies not authorized to receive C.O.R.I. as listed on the CJIS authorization list, as amended from time to time. This includes other government entities within HADLEY. C.O.R.I. information must be segregated if any other part of the record may be released.
4. Military recruiters are not authorized to receive C.O.R.I. However, individuals may provide recruiters with authorization to receive a copy of their local criminal history. See **Review of an Individual 's Records** in this policy.

#### D. Discovery

1. Employees should not confuse requests for records through court discovery proceedings with public records requests.
2. For attorneys, defendants, or others requesting materials under the public records law or Freedom of Information Act, see **Public Records** in this policy.
3. Records of cases or investigations being investigated, prosecuted or previously adjudicated may be exempt from release as public records under **M.G.L. c. 4, §26(f)**.
4. RECORDS REQUESTS
  - a. Criminal Cases
    - 1) Discovery requests from the District Attorney's Office shall be fulfilled by assigned personnel.
    - 2) Requests for reports and materials for criminal cases by defense counsel should be requested through discovery. The requestor should be referred to the District Attorney's Office. Such records include:<sup>3</sup>
      - a) Reports;
      - b) Statements;
      - c) Photos;
      - d) Videos, including booking videos;
      - e) E9-1-1 recordings;
      - f) Business line phone recordings; and
      - g) Radio transmissions.
  - b. Civil Cases
    - 1) Requests not accompanied by a subpoena should be considered a public records request.

- a) Criminal Case Open: Requests for reports and materials for civil cases, where the criminal case is still active, shall be referred to the District Attorney's Office.
- b) Criminal Case Closed: Requests for reports and materials for civil cases where the criminal case is closed may be honored. If the incident involved a death or was adjudicated in Superior Court, the request should be referred to the District Attorney's Office.
- c) No Criminal Case: Requests for reports and materials for civil cases where no criminal case exists may be honored. If the incident involves a death, the request should be referred to the District Attorney's Office.

#### **A. Public Records**

1. GENERALLY: All records under the custodianship of government are public records unless exempted by statutory exception. The burden of proof for a record exemption is on the record custodian.<sup>4</sup>
2. PUBLIC ACCESS TO RECORDS
  - a. Public records shall be available for view and copying by members of the public at reasonable times and without unreasonable delay. One copy must be furnished upon payment of a reasonable fee.<sup>5</sup>
  - b. No fee may be charged for inspection of records unless search time is involved.<sup>6</sup>
  - c. The Daily Log shall be available to the public during normal business hours.<sup>7</sup>
  - d. The Arrest Log shall be available to the public during normal business hours.<sup>8</sup>
3. REVIEW OF AN INDIVIDUAL'S RECORDS
  - a. Police Department Records
    - 1) Individuals may review and copy records, including C.O.R.I., which relate to themselves.<sup>9</sup>
    - 2) Individuals may give written authorization to a third party to review and copy records, including C.O.R.I.<sup>10</sup>
    - 3) Such inspections may be conducted during normal business hours.<sup>11</sup>
    - 4) First Person Access:
      - a) The individual must provide the request in writing.
      - b) The individual must provide positive proof of his/her identity to the satisfaction of the person processing the request. Such ID may include:
        - i. Requestor known to the person processing the request;
        - ii. Government I.D. with photograph; or

- iii. Fingerprints.
- 5) Third Person Access:
    - a) The individual must provide the request in writing.
    - b) The individual must provide positive proof of his/her identity to the satisfaction of the person processing the request.
    - c) The request for inspection of C.O.R.I. may be refused where:<sup>12</sup>
      - i. The agency suspects the authorization is coerced; or
      - ii. The agency suspects the authorization is given for an unlawful purpose.
    - d) In the event that access is refused as indicated above, the person to whom the C.O.R.I. pertains must be advised of the refusal and his/her right to petition the C.H.S.B for review of the refusal.
  - 6) The Chief of Police or his designee shall review the requested materials to ensure that the requesting individual is actually the person whose record is sought, and ensure that confidential information that may hinder an on-going investigation is not released.
    - a) Criminal and other history information included in the master record may be released.
    - b) Information relating to active criminal prosecutions and investigations must not be provided.<sup>13</sup>
  - 7) The records request must be processed as any other public records request; however, personal data and C.O.R.I. related solely to the requestor should not be redacted.
  - 8) Individuals without criminal records may receive a letter stating that the individual has no criminal record in the municipality's files. The letter must be signed by Chief of Police and may be notarized if requested.<sup>14</sup>
- b. Other Agencies' Records
- 1) Criminal Records Maintained by Other Municipalities: Requestors must be referred to the municipality that holds the record.
  - 2) State B.O.P/C.O.R.I.
    - a) A person may obtain his/her own Massachusetts Board of Probation and C.O.R.I. records directly from the Criminal History Systems Board.
    - b) Requestors should be instructed to complete and submit Personal Massachusetts Criminal Records Request Forms directly to the C.H.S.B.
    - c) Police employees may **not** provide a person with a copy of his/her own B.O.P printed through the department's L.E.A.P.S. work station.



d) An individual who requests a copy of his/her criminal record maintained by another state must be referred to the state that maintains the record.

3) FBI Records: A person may obtain his/her own FBI records by contacting the FBI. Information about the process is available on the FBI Web Site: (<http://www.fbi.gov/hq/cjisd/fprequest.htm>).

NOTE: Police employees may not provide a person with a copy of his/her III record printed through the department's L.E.A.P.S or live scan computer systems.

4. REQUESTS FOR PUBLIC RECORDS: Public records may be requested in the following manner:
- a. Oral requests may be taken in person or over the telephone.
  - b. Written requests may be received by mail, FAX or e-mail.
  - c. The request must include an adequate description of the record so that the correct record(s) may be located.<sup>15</sup>
  - d. The requestor shall not be required to provide proof of identity or to disclose the reason for the request.
  - e. The exception is if the requested document is exempted as a security **document exempted pursuant to M.G.L. c. 4, §7(26)(n)**.<sup>16</sup> Such records include security procedures, school building plans, emergency preparedness, and disaster response plans. No records of this nature shall be released without permission of Chief of Police.
5. COSTS FOR RECORDS
- a. Persons requesting public records must pay the actual cost for preparing the requested documents. The actual fee shall be set by the Town Administrator with coordination from the Chief of Police and it shall be for searching and preparing records the lowest hourly rate of pay for any employee qualified to search and prepare the documents.
  - b. For singular requests of crash reports or other easily obtainable materials, a flat fee of \$5 may be applied. For more elaborate records requests, the following fees may apply:
    - 1) Search fee: Clerk's rate of pay; and
    - 2) Segregation fee: Officers rate of pay.
  - c. Other fees are set forth by statute:<sup>17</sup>
    - 1) Photocopies - not more than twenty cents (\$.20) per page;
    - 2) Microfilm/Microfiche records - not more than twenty-five cents (\$.25) per page;
    - 3) Non-computerized Records - a prorated fee shall be assessed for search time and segregation time expenses, in addition to the actual cost incurred in providing a copy of the record;

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- 4) Computer Printouts - not more than fifty cents (\$.50) per page;
  - 5) Accident Reports - For preparing and mailing an accident report, five dollars for not more than six pages and fifty cents for each additional page; and
  - 6) Crime, incident or other miscellaneous reports:
    - a) By mail, one dollar per page;
    - b) In hand, fifty cents per page; or
    - c) If the cost of preparing the records is estimated to exceed ten dollars (\$10.00), a written, good faith estimate shall be included prior to complying with the records request.
  - 7) The cost of postage may be charged.
  - d. Reports, No Charge for Victims: Some records must be provided at no cost to victims, i.e., police reports documenting domestic violence.<sup>18</sup>
6. PROCESSING THE REQUEST
- a. Requests for public records must be complied with as soon as practical and within ten days. Such response does not represent the actual delivery of records, but an answer as to whether the records will be disclosed and a good faith estimate of the cost.<sup>19</sup>
  - b. Chief or designee shall be responsible for processing the request.
7. SEGREGATION
- a. The following information shall be redacted or deleted from all records distributed under public records requests:
    - 1) All personal information:<sup>20</sup>
      - a) Social Security numbers;
      - b) Telephone numbers; and
      - c) Month and day of the birth date.
    - 2) Victim's information:<sup>21</sup>
      - a) Victims of rape or sexual assault reports, victim identification, and victim statements;<sup>22</sup>
      - b) Home addresses and telephone numbers, places of employment or education of victims of adjudicated crimes;<sup>23</sup> and
      - c) Home addresses and telephone numbers, places of employment or education of victims of domestic violence.<sup>24</sup>
    - 3) Investigatory materials:<sup>25</sup>
      - a) Information relating to an on-going investigation that could potentially alert suspects to activities of investigating officials;

- b) Confidential investigative techniques the disclosure of which would prejudice future law enforcement efforts may be withheld indefinitely;
  - c) Witness identification and statements;
  - d) All references to and information of confidential informants; and
  - e) Undercover officers' names.
- b. C.O.R.I. information. For further information, see the department policy on **C.O.R.I.**<sup>26</sup>
8. REDACTION:
- a. Text on paper documents must be darkened with marker. Photo-copy the redacted document to ensure that the redaction remains unreadable through the mark-out. Provide that copy to the requestor.
  - b. Text on word processing may be blacked out using a black highlighter.
9. EXEMPTIONS: The following is a list of documents that are excluded from the public records law and may not be disclosed.
- a. Rape or sexual assault reports, victim identification, and victim statements.<sup>27</sup>
  - b. Internal personnel rules and practices.<sup>28</sup>
  - c. Personnel Files:<sup>29</sup> Personnel files are distinguished from internal affairs records. Requests for personnel files should be reviewed by Town Counsel.<sup>30</sup> Personnel files include:
    - 1) Medical Files<sup>31</sup>
  - d. Documents relating to policy position development.<sup>32</sup>
  - e. Investigatory material the disclosure of which would prejudice effective law enforcement.<sup>33</sup>
    - 1) Active investigations
    - 2) Open or closed criminal cases
      - a) Superior Court matters may be released only with the authorization of the District Attorney's Office.
      - b) Serious misdemeanors may be released only with the authorization of the District Attorney's Office.
      - c) Minor misdemeanors may be released after being segregated, if authorized by Chief of Police.
  - f. Applications for and other identifying data relating to Licenses to Carry Firearms.<sup>34</sup>
  - g. Testing materials and answer keys if materials are intended to be used again.<sup>35</sup>

- h. Policies, procedures, security measures and assessments for emergency preparedness.<sup>36</sup>
- i. Identification of hazardous materials and MSDS “Material Safety Data Sheet” of hazardous substances reported to municipalities by businesses pursuant to M. G. L. c. 111F, §16<sup>37</sup>
- j. Conflict of interest, requests for opinions.<sup>38</sup>
- k. Home addresses and telephone numbers of Police, Fire and Emergency Medical personnel.<sup>39</sup>
- l. Home addresses and telephone numbers, places of employment or education of victims of domestic violence.<sup>40</sup>
- m. The location and street address of any domestic violence program or rape crisis center shall not be released.<sup>41</sup>
- n. Juvenile delinquency case records: juvenile probation may release certain information pursuant to allegation of certain crimes.<sup>42</sup>

#### 10. DENIALS

- a. Responses to requests for public records must be made within ten days. The documents themselves need not necessarily be produced during this time period. A failure to respond will be considered a denial by the Secretary of the Commonwealth.<sup>43</sup>
- b. There shall be a presumption that the record sought is public. The burden of proof is on the records custodian denying the release of the record.<sup>44</sup>
- c. The response must be in writing and set forth the reasons for the denial, specifically identifying the exemption upon which the denial is based. (See **Exemptions** in this policy.)<sup>45</sup>. The Operations Supervisor, or person otherwise designated, shall review any and all denials, and if confirmed that the records are exempt, will complete the appropriate denial letter to the requestor.
- d. The response of denial must include an advisement of the requestor’s remedies under 950 CMR 32.00 which include:<sup>46</sup>
  - 1) Appeal to the office of the Secretary of State, Public Records Division. The appeal must be made within ninety (90) days and must be in writing and must include a copy of the letter by which the request was made and a copy of the denial response.<sup>47</sup>
  - 2) It is within the discretion of the Supervisor or OIC of Records to accept or deny an appeal. The Supervisor or OIC may deny an appeal:<sup>48</sup>
    - a) If the records are the subject of a dispute in active litigation, administrative hearings, or mediation;
    - b) If, in the opinion of the Supervisor or OIC, the request is designed or intended to harass, intimidate or assist in the commission of a crime; or

- c) If, in the opinion of the Supervisor or OIC, the request is made solely for a commercial purpose.
- 3) Appeals in which there has been no communication from the requestor for six (6) months may be closed at the discretion of the Supervisor or OIC.<sup>49</sup>
- 4) The appeal, if accepted, will be investigated in a reasonable time and a written decision stating the reason for that decision will be issued.<sup>50</sup>
- 5) The Supervisor or OIC of Records may hold a hearing or conference or conduct an in-camera inspection of the record.<sup>51</sup>
- 6) The Supervisor or OIC does not take custody of records submitted for in-camera review. Upon making a determination, the records are promptly returned.<sup>52</sup>
- 7) In the event that, after a determination is made by the Supervisor or OIC of Records as to the status of a record in dispute, the record is not released, the Supervisor or OIC may notify the Attorney General or District Attorney of the failure to comply.<sup>53</sup>

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<sup>1</sup> M.G.L. c. 6, §172.

<sup>2</sup> 803 CMR 3.10.

<sup>3</sup> M.G.L. c. 4, §7(26)(f).

<sup>4</sup> M.G.L. c. 4, §7.

<sup>5</sup> 950CMR 32.05(1).

<sup>6</sup> 9.06 C.M.R. 36.06(4).

<sup>7</sup> M.G.L. c. 41, §98F.

<sup>8</sup> M.G.L. c. 41, §98F.

<sup>9</sup> 803 C.M.R. 6.02; M.G.L. c. 6, §175.

<sup>10</sup> 803 CMR 6.06.

<sup>11</sup> 8.03 CMR 6.03.

<sup>12</sup> 8.03 CMR 9.06(5).

<sup>13</sup> M.G.L. c. 4, §7(26)(f).

<sup>14</sup> 8.03 CMR 6.05(2).

<sup>15</sup> 9.06 C.M.R. 32.05(4).

<sup>16</sup> 950CMR 32.05(5): "Except when the requested records concern information which may be exempt from disclosure pursuant to G. L. c. 4 s. 7(26)(n)[records relating to security measures, emergency preparedness, threat assessments], a custodian may not require the disclosure of the reason for which a requester seeks access to a copy of a public record. A custodian shall not require proof of the requestor's identity prior to complying with request of copies of public documents."

<sup>17</sup> 9.06 C.M.R. 32.06.

<sup>18</sup> M.G.L. c. 209A, §6.

<sup>19</sup> Massachusetts Rules of Criminal Procedure, Rule 14. Pretrial Discovery.

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- <sup>20</sup> M.G.L. c. 4, §7(26)(c).  
<sup>21</sup> M.G.L. c. 66, §10(f).  
<sup>22</sup> M.G.L. c. 41, §97D.  
<sup>23</sup> M.G.L. c. 66, §10(d).  
<sup>24</sup> M.G.L. c. 66, §10(d).  
<sup>25</sup> M.G.L. c. 4, §7(26)(f).  
<sup>26</sup> M.G.L. c.6, §167.  
<sup>27</sup> M.G.L. c. 41, §97D.  
<sup>28</sup> M.G.L. c. 4, §7(26)(b).  
<sup>29</sup> M.G.L. c. 4, §(26)(C).  
<sup>30</sup> Worcester Telegram & Gazette Corp. vs. Worcester Chief of Police, 58 Mass. App. Ct. 1 (2003).  
<sup>31</sup> M.G.L. c. 4, §7(26)(C).  
<sup>32</sup> M.G.L. c. 4, §7(26)(d).  
<sup>33</sup> M.G.L. c. 4, §7(26)(f).  
<sup>34</sup> M.G.L. c. 66, §10(d); M.G.L. c. 4, §7(26)(j).  
<sup>35</sup> M.G.L. c. 4, §7(26)(l).  
<sup>36</sup> M.G.L. c. 4, §7(26)(n).  
<sup>37</sup> M.G.L. c. 111F, §21.  
<sup>38</sup> M.G.L. c. 268A, §22.  
<sup>39</sup> M.G.L. c. 66, §10(d).  
<sup>40</sup> M.G.L. c. 66, §10(d).  
<sup>41</sup> M.G.L. c. 233 §20L.  
<sup>42</sup> M.G.L. c. 119, §60A.  
<sup>43</sup> 9.06 C.M.R. 32.08(1).  
<sup>44</sup> 9.06 C.M.R. 32.08(4).  
<sup>45</sup> 9.06 C.M.R. 32.08(1).  
<sup>46</sup> 9.06 C.M.R. 32.08(1).  
<sup>47</sup> 9.06 C.M.R. 32.08(2).  
<sup>48</sup> 9.06 C.M.R. 32.08(2).  
<sup>49</sup> 9.06 C.M.R. 32.08(2).  
<sup>50</sup> 9.06 C.M.R. 32.08(3).  
<sup>51</sup> 9.06 C.M.R. 32.08(5)(6)(8).  
<sup>52</sup> 9.06 C.M.R. 32.08(6).  
<sup>53</sup> 9.06 C.M.R. 32.09.

# COMPUTERS AND DATA SECURITY

POLICY & PROCEDURE NO. <b>4.15</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 2/14/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

This department utilizes computer equipment to aid in accomplishing its primary mission: responding to calls for service, preventing crime, apprehending criminals and documenting incidents. Computers and access to databases supplied by this department make our work more efficient and more accurate.

With the use of computers as a communications tool, what took days or weeks to do a few years ago can now be done in minutes. E-mail, live scan fingerprinting, digitized images, audio and video can quickly put high quality records into the hands of employees.

This technological advantage does not come without its own pitfalls. Misplaced media may result in the loss of a high volume of confidential data. A confidential image, casually forwarded, could end up in the mail boxes of thousands of recipients or displayed on internet entertainment web sites. Hackers may enter systems and access, change or destroy data. Viruses can enter the system via innocent files such as internet images and games, and then wreak havoc on system operability, steal data or passwords, or allow unauthorized users to access the system.

This policy will serve as a guide to help all employees preserve the integrity of our data, manage use of computer systems, decrease liability exposure, and prevent unlawful or wrongful actions involving computers and data.

This policy supplements the policies and user agreements of state and federal data providers such as Leaps/NCIC/CJIS and contracted databases.

## II. POLICY

It is the policy of this department to:

1. utilize computer resources to enhance our ability to perform our mission; and,
2. improve officer safety through the availability of information, while maximizing security protocols and system integrity.

### **III. DEFINITIONS**

- A. **Hardware:** The tangible components of a computer such as disk drives, monitors, keyboards, mouse, etc.
- B. **RMS:** Records Management Systems of this department and others.
- C. **Offensive/Disruptive Communications:** Communications which contain sexual content or sexual implications, racial slurs, gender-specific comments, or any other content that offensively addresses a person's race, creed, religion, physical or mental disability, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, or any other group status.
- D. **Password:** A word or string of alpha-numeric characters restricting access to an account, network, database, or file to an authorized member.
- E. **Software:** The programs, data, routines, and operating information used within a computer.
- F. **Virus:** A hidden code within a computer program or file intended to corrupt a system or destroy data stored in a computer.
- G. **Malware:** Malicious computer software that interferes with normal computer functions or sends personal data about the user to unauthorized parties over the Internet.
- H. **System Manager:** An individual assigned or authorized by and under the direction of the Chief of Police to oversee and/or manage the operation and security of the department computer system and network.

### **IV. PROCEDURES**

#### **A. Authorized Users**

1. The job of protecting the hardware, software, and data from abuse is shared by all users of the department's data processing systems. The potential for someone (citizen or employee) to suffer a loss or inconvenience due to improper or inappropriate use of the department's data processing systems is real, whether malicious or accidental.
2. Only authorized users may have access to the department computer system. Authorized users shall have an individual user account provided by the System Manager.
3. The use of department computer systems and equipment is solely for purposes authorized by the department. Unauthorized use is a violation of these policies and procedures, and violators may be subject to disciplinary action.



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## B. Software

### 1. GENERALLY

- a. All software programs installed or introduced onto department computers must be authorized by the System Manager.
- b. Software used in the department's computer systems is property of the department and will not be used, copied or distributed without permission of the System Manager.

### 2. UNAUTHORIZED SOFTWARE [11.4.4]

- a. Members are strictly prohibited from installing software programs which have not been authorized for use by the System Manager. Any unauthorized software, such as games and other personal amusement software, will be deleted.
- b. No employee shall install or use software on department computers that is unlicensed, in violation of the software licensing agreement, or has been copied in violation of the law.
- c. No employee shall introduce unauthorized programs or manipulate or alter programs running on mobile network computers, handheld devices or desktop computers.

## C. Data Files

### 1. GENERALLY

- a. Employees must use caution when introducing data files into department work stations. Data should be downloaded or received only from a trusted source.
- b. Opening of suspect files for investigatory purposes should be done on designated investigative work stations only. The work stations are not connected to the department network.
- c. All disks and external storage devices, including disk drives (i.e., thumb drives), will be scanned by the user for viruses when introduced into any department computer. This can be accomplished by right-clicking on the appropriate drive letter in the My Computer menu and choosing the option "Scan for Viruses" on the drop-down menu.
- d. The department will maintain proprietary rights over any work generated by its members in the course of their duties, and software or files will not be sold, distributed or maliciously deleted without permission of the Chief of Police. The use and distribution of such files will be at the discretion of the Chief or the System Manager.

### 2. PROHIBITED

- a. Employees shall not introduce unauthorized data files into mobile network computers, handheld devices or desktop computers from any source

including floppy disks, CDs, DVDs, thumb drives, or any other media or on-line sources. [11.4.4]

- b. Employees shall not encrypt data, or change permissions or files, without the formal approval of the Chief or the System Manager.

#### **D. Data Back-ups**

1. **GENERALLY:** Regular backup of data shall be accomplished by the designated Systems Officer or Contractor and the back-up media stored in a secure location. [82.1.6(a)]
2. **MEDIA STORAGE** [82.1.6(B)]

Daily back-up media will be stored locally in the Server Room.

  - a. Back-up media will also be stored in accordance with best practices as determined by the department's Systems Officer/Contractor .
3. **DATA**
  - a. Data files (word processing, e-mail, and spread sheets) will be backed up if they are stored on the department server. Backup of data not stored on the server is the responsibility of each user. The department cannot be held responsible for lost data due to system failure caused by power outages or other problems that may cause unexpected shut down. If data is important to a user, s[he] must back it up.
  - b. Mobile computer network transaction logs of CJIS queries and responses must be maintained pursuant to 3.8.1 of the CJIS User Agreement. Files must be maintained for at least two years and must be available to CHSB upon their request. All other MDT log files shall also be stored for at least two years.
4. **MEDIA DISPOSAL:** Back-up media which is no longer serviceable or which contains data that is no longer to be stored must be destroyed, so that the data cannot be retrieved, before being discarded.

#### **E. Application Security**

1. Computer system security is the responsibility of all users. Employees may use department computer systems only for department purposes.
2. User access will be limited to only those programs, applications, records, and data necessary for that user to perform his/her assigned tasks. Users may access such records only for department business. [82.1.7]
3. **USER PASSWORDS**
  - a. Each authorized user of the system will be issued a login name and password. Users are responsible for maintaining the security of their passwords and should never share them with anyone, including other employees.
  - b. A user's password must be immediately changed if it becomes known to others. All user passwords shall be changed at least once a year.

- c. All user passwords will be changed whenever a security infraction has been discovered.
  - d. The appearance of passwords on terminal screens and printouts is suppressed.
  - e. No employee shall log into any computer or application using the username and password of another employee. This action is a crime under M.G.L. c. 266 s. 120F and is a serious breach of security.<sup>1</sup>
4. ROLE OF PROGRAM ADMINISTRATORS
- a. Program administrators may be assigned to manage a particular software program or application by the Chief of Police.
  - b. They shall manage and be responsible for user accounts, passwords, access, resets, and audits for their particular program.
  - c. Program managers shall ensure that only current, authorized users are allowed access to their program or application.

#### **F. Network Security [82.1.6(c)]**

1. Network security is a critical security issue.
2. Servers and routers shall be located in a locked or secure area to avoid physical, illegal, and unauthorized access to this hardware.
3. The department shall provide various layers of security to safeguard data and software from unauthorized access. These security measures include:
  - a. Detection of illegal penetration of the network and prevention of unauthorized access to the network and servers;
  - b. Prevention of unauthorized access to stored data;
  - c. Up-to-date anti-virus software installed and running on all servers and clients;
  - d. Minimal network administrator accounts and high security of network administrator passwords; and
  - e. Secure setting for routers and firewalls.
4. Supervised access to the network by vendors, maintenance technicians, and contractors may be allowed on an as-needed basis and only with permission of the Chief or the System Manager.
5. Access to the department's network will be limited to those with a legitimate need to use the system to access or input data.
6. User access will be limited to only those programs and data necessary for that user to perform his/her assigned tasks.
7. Each authorized user of the system will be issued a network login name and password. Users are responsible for maintaining the security of their passwords and should never share them with anyone, including other employees.

8. A user's password must be immediately changed if it becomes known to others. All user passwords shall be changed at least once a year.
9. All user passwords will be changed whenever a security infraction has been discovered.
10. The appearance of passwords on terminal screens and printouts is suppressed.
11. A network password audit shall be conducted annually by Sergeant.  
[82.1.6(c)]

## **G. Employee Activity**

1. E-MAIL
  - a. All department employees shall be trained in the use of the e-mail system. This training shall include how to access e-mail, create e-mail messages, open an attachment, attach a document, send and receive e-mail and manage an e-mail account.
  - b. It shall be the responsibility of each employee to check the department's e-mail at least once per working shift and to read all e-mail messages, and their attachments, received from department personnel.
  - c. Written directives may be distributed to employees by e-mail. Once the mail is opened, it shall be understood that the directive has been formally issued to the officer. The e-mail receipt indicating that the employee received and opened the e-mail shall serve as a record that the employee received and reviewed the written directive. For further information, see the department policy on **Written Directives** .
  - d. Any e-mail that is time- stamped-delivered but has no date/time as to when it was opened shall be considered unread. If the message has no opened date/time and it does not exist in the recipient's mailbox, then it is considered to have been deleted, without being read, by the recipient.
  - e. No police officer shall delete any department related e-mail without first opening it and reading the e-mail and/or its attachments.
  - f. The e-mails of department employees are considered public record unless the content falls under a statutory exemption.<sup>2</sup> It is unlikely that e-mails containing jokes, obscene images, or personal comments to others will fall under one of the statutory exemptions.
  - g. The following types of e-mail activities are expressly prohibited:
    - 1) Transmission of global or mass mailings unless related to department business or unless prior authorization has been received from the Chief .
    - 2) Transmission of chain letters or virus alerts.
    - 3) Transmission of any e-mail containing abusive, harassing, discriminatory, or sexually explicit language or content.

- 4) Transmission of deceptively labeled e-mails, to include any e-mail that carries a misleading subject line, is anonymous, is attributed to another person, or identifies its true sender incorrectly.
- 5) Inclusion of C.O.R.I. information within any e-mail, except where the recipient's e-mail address has been previously confirmed to be a legitimate and secure reception point.
- 6) Any other transmissions or inclusions that violate federal, state, or local law.

## 2. INTERNET ACCESS

- a. Internet access is available to employees for legitimate business purposes only.
  - b. Users shall not use the department system to access, download, upload, store, print, post, or distribute pornographic, obscene, or sexually explicit materials.
  - c. Users may visit an otherwise unacceptable site if it is for a legitimate law enforcement investigation and only with authorization of a Supervisor or OIC.
  - d. If an employee accidentally accesses an unacceptable site, the employee must immediately disclose the incident to a Supervisor or OIC. Such disclosure may serve as a defense against an accusation of an intentional violation of this policy.
3. PROHIBITED: Instant messaging software, movies, music sharing software or other peer to peer data sharing software are prohibited.
4. RELEASE OF DEPARTMENT RECORDS [82.1.7]
- a. Records, including records containing criminal history data, may be released only in accordance with department policy. See the department policy on **Records Requests** .
  - b. Data maintained or obtained by this department shall not be distributed in violation of investigative confidentiality or C.O.R.I through e-mail or uploading to chat (Officer.com) or entertainment sites (i.e., Break.com, Rotten.com, etc.). Data may be distributed for legitimate law enforcement purposes only.

## H. Evidence Computers and Media

### 1. CAUTIONS

- a. Opening files on evidence hard drives and computer media may change data in the files and file use markers, changing and contaminating evidence.
- b. Media from questionable origin may introduce viruses or malware into the department network.

2. See the department policy on **Collection and Preservation of Evidence** prior to opening or viewing files on evidence hard drives or other media.

2/14/19-Section D- Removed back up from Chief's Office, to server room, with off-site storage to the discretion of the IT Contractor.

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<sup>1</sup> M.G.L. c. 266, §120F.

<sup>2</sup> M.G.L. c. 4, §7.

# Hadley Police and Communications Departments

## DCJIS/CJIS Policy

POLICY & PROCEDURE NO. <b>4.16</b>	ISSUE DATE: 5/28/20
	EFFECTIVE DATE: 5/28/20
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: N/A	REVISION DATE: 5/28/22

### I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this policy is to establish guidelines for the proper operation of fixed, mobile, and portable criminal justice information system (CJIS) workstations, and to ensure the lawful handling and disposal of Criminal Offender Record Information (CORI) information generated from or maintained within the CJIS network

### II. POLICY

It is the policy of the department that:

#### CJIS SYSTEM ACCESS:

- A. The Department shall keep/maintain direct terminal access to the Criminal Justice Information System (CJIS).
- B. The use of a CJIS workstation is for criminal justice purposes only. These include the commission of official criminal justice duties (i.e. investigations, bookings, warrant entry etc.), qualifying an individual for employment within a criminal justice agency, and qualifying an individual to determine his/her eligibility to possess a firearms license. It cannot be used for non-criminal purposes including transactions conducted for public and private educational establishments, municipal agencies, town government officials, etc. is strictly prohibited and is punishable by a fine, suspension of services and/or incarceration.

- C. Each operator shall immediately report any damage to a CJIS workstation to one's supervisor. It is this agency's responsibility to report an inoperable CJIS workstation to one's supervisor.
- D. No CJIS equipment including CJIS workstations, mobile data workstations or personal digital assistant/palm pilots shall be modified or altered in any way from its set up configuration, unless it is done by the DCJIS or the device's contract vendor, and then only with notification to, and concurrence of, the DCJIS.
- E. Only authorized personnel will be allowed remote access to department workstations and only authorized connections with proper access logging will be use.
- F. Any and all CJIS information passing through a network segment will be protected pursuant to FBI CJIS Security Policy.

#### CJIS SYSTEM ACCESS:

- A. All operators of CJIS workstations shall be trained, tested, and certified under procedures set forth by the DCJIS before using a workstation and shall be re-certified biannually thereafter.
- B. Each CJIS workstation operator shall use one's assigned password when accessing the CJIS network and shall not give this password to anyone under any circumstances. No one shall use the network under another individual's password.
- C. All operators shall log on to the network at the beginning of one's work day and shall log off at the end of one's work day to ensure that transactions are logged under the appropriate user name. This will prevent one operator from being held responsible for another operator's CJIS transactions. Appropriate care will be taken to not allow any unauthorized access to CJIS.
- D. Agencies entering records into CJIS must monitor their CJIS workstation(s) and printer(s) twenty-four (24) hours a day, seven (7) days a week, fifty-two (52) weeks a year, to perform hit confirmations.
- E. A. Authorized personnel shall protect and control electronic and physical access to CJI while at rest and in transit.
- F. The Department has implemented appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use must be reported to the on-duty supervisor.
- G. All personnel must follow the established procedures for securely handling, transporting, and storing media.



- H. When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store, and/or transmit CJI and classified and sensitive data shall be properly disposed of in accordance with the measures described herein

#### FINGERPRINT REQUIREMENTS:

- A. The CJIS User Agreement and the FBI CJIS Security Policy require each CJIS agency to conduct fingerprint-based criminal record checks on all personnel prior to hire and at least once every five years thereafter. In addition, agencies must conduct fingerprint-based criminal record checks on all other individuals who have unescorted access to secure (non-public) areas of the agency prior to allowing access. These individuals include city/town IT personnel, contractors, vendors, custodians, and volunteers.
- B. These background check requests are submitted either as criminal justice employment checks (for all employees of the department) or as criminal justice checks (all non-employees) and can be done on your live-scan fingerprinting device. There is no fee for these checks.
- C. Important: with regard to fingerprint-based background checks conducted on non-department personnel, no information received in response to a fingerprint-based check may be disseminated to the individual's actual employer.
- D. If a felony conviction of any kind exists, an employee is not to be allowed access to the CJIS or to any information derived from the CJIS, and the Department is required to notify the DCJIS, in writing, as soon as practical. In the case of a non-employee, the agency must deny unescorted access to the individual.
- E. If a misdemeanor conviction exists, the Department must notify the DCJIS and must request a waiver before the employee is allowed to access the CJIS or CJI, or before the non-employee is provided unescorted access to secure areas.
- F. A part of their respective auditing programs, both the DCJIS and the FBI will check to ensure that the appropriate fingerprint-based background checks have been completed by the agency being audited. An agency which has not conducted these fingerprint-based checks as required will be found out-of-compliance in this area.
- G. Should there be any questions about these fingerprinting requirements, contact the CJIS Support Services Unit by phone at 617.660.4710 or via email at [cjis.support@state.ma.us](mailto:cjis.support@state.ma.us).

### III. SCOPE

- A. This policy applies to all employees, contractors, temporary staff, and other workers with access to CJIS and FBI systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits CJI and classified and sensitive data that is owned or leased by the DCJIS.
- B. The scope of this policy applies to any electronic or physical media containing CJI while being stored, accessed, or physically moved from the Department. This policy also applies to any authorized person who accesses, stores, and/or transports electronic or physical media containing CJI. Transporting CJI outside of the Department must be monitored and controlled.

### IV. DEFINITIONS

**Electronic media** - includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

**Physical media** -includes printed documents and imagery that contains CJI

### V. PROCEDURE FOR THE USE OF CJI

Each CJIS workstation and the information obtained from it are to be handled in conformity to the policies and guidelines set forth by:

1. The Massachusetts General Laws
2. The Code of Massachusetts Regulations (CMR)
3. 28 code of Federal Regulations 20.
4. The Massachusetts Department of Criminal Justice Information Services through manuals, training, CJIS Administrative Messages, information contained on the CJIS Extranet, and information disseminated at the Regional Working Groups meetings.

#### A. CORI OVERVIEW

- A. The Massachusetts Public Records Law (G.L. c. 4, § 7) gives the public the right of access to most records maintained by a government agency. However, CORI information, including that which is obtained from the CJIS network is exempt from public access under the CORI Law (G.L. c. 6, §§ 167-178).

- B. CORI is data compiled by a criminal justice agency concerning an identifiable individual and which relates to the nature of an arrest, criminal charge, judicial proceeding, incarceration, rehabilitation or release, and may include a juvenile tried as an adult.
- C. Under 803 CMR, only those officials and employees of criminal justice agencies, as determined by the administrative heads of such agencies, shall have access to CORI. Criminal justice employees are eligible to receive CORI as needed during the course of their official duties.
- D. Reasons for conducting a board of probation (BOP) check may include, but is not limited to:
  - I. an investigation
  - II. an arrest
  - III. an individual applying for criminal justice employment
  - IV. local licensing purposes (i.e. where the police department is the licensing agency) and door-to-door sales people where the municipality requires the police department to regulate, and
  - V. Firearms licensing purposes.
- E. The officer may share CORI with other officers or criminal justice agencies when an investigation is being conducted, however, the dissemination must be logged in the agency's secondary dissemination log with the date, time, individual checked, purpose, officer's name, and the agency and agent to whom the information was given.
- F. A local municipal agency seeking CORI must apply to the DCJIS for CORI certification. If certified by the DCJIS, that agency shall submit all requests for CORI to the DCJIS.
- G. Anyone requesting a copy of his or her own CORI shall be given a form to request such information from the DCJIS, or be directed to the DCJIS Web site, [www.mass.gov/cjis](http://www.mass.gov/cjis), to print the form.
- H. Many non-criminal justice agencies have been authorized by the DCJIS to receive CORI information under G.L. c. 172 (a). Such authorization was given to these agencies in writing, and a copy of this letter should be provided by these requesting agencies to the agency or police department that will be providing the requested CORI information.
- I. All other requests for CORI shall be referred to the Chief's office.
- J. To lawfully obtain CORI and to then furnish the information to any person or agency not authorized to receive is unlawful and may result in criminal and/or civil penalties (G.L. c. 6, § 177 and § 178).

- K. All complaints of CORI being improperly accessed or disseminated shall be handled as a citizen complaint and the Chief shall be advised of the matter. The complainant shall also be advised that they may file a complaint with the DCJIS by calling (617) 660-4760.

## **B. CORI**

- A. This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, professional licensing applicants, and applicants for the rental or leasing of housing.
- B. Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, or the rental or leasing of housing, the following practices and procedures will be followed:

### **1. CONDUCTING CORI SCREENING**

- A. CORI checks will only be conducted as authorized by the DCJIS and MGL c. 6, §.172, and only after a CORI Acknowledgement Form has been completed.
- B. With the exception of screening for the rental or leasing of housing, if a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours' notice that a new CORI check will be conducted.
- C. If a requestor is screening for the rental or leasing of housing, a CORI Acknowledgement Form shall be completed for each and every subsequent CORI check.

### **2. ACCESS TO CORI**

- A. All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. (Requestor Organization Name) must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

### **3. CORI TRAINING**

- A. An informed review of a criminal record requires training. Accordingly, all personnel authorized to review or access CORI at will review, and will be

thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

- B. All personnel authorized to conduct criminal history background checks and/or to review CORI information will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

#### **4. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING**

- A. CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.
- B. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

#### **5. VERIFYING A SUBJECT 'S IDENTITY**

- A. If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.
- B. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

#### **6. INQUIRING ABOUT CRIMINAL HISTORY**

- A. In connection with any decision regarding employment, volunteer opportunities, housing, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

#### **7. DETERMINING SUITABILITY**

- A. If a determination is made, based on the information as provided in section V of this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, , then the determination of suitability for the position or license will be made. Unless

otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

## **8. ADVERSE DECISIONS BASED ON CORI**

- A. If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' **Information Concerning the Process for Correcting a Criminal Record** .

## **9. SECONDARY DISSEMINATION LOGS**

- A. All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

## **C. INTERSTATE IDENTIFICATION INDEX**

- A. Interstate Identification Index (III) checks may only be made for three (3) purposes: the administration of criminal justice; background check of a person applying for criminal justice employment; background check of a person applying for a Firearms Identification Card or a Firearms License to Carry Permit.

- B. Each agency must be able to identify a requestor of internal III inquiries.
- C. Whenever III information is disseminated internally or externally to another criminal justice agency, it must be logged in the agency's III Records Check Log with the same information provided in the Agency's Secondary Dissemination Log.

### **1. NCIC FILES POLICY COMPLIANCE SUMMARY**

- A. This Department must ensure that caution indicators are set properly for wanted person file entries and explained in detail under the Misc. field
- B. When entering Wanted Persons and/or Missing Persons, Vehicle, and any other records into the CJIS/NCIC system, one must make certain that all records are entered in a timely manner being sure to include all available information to create a complete record.
- C. Invalid records should be removed promptly from the CJIS network to guarantee integrity of the data.
- D. Every entry made into the CJIS/NCIC system should be subject to a second party check to ensure accuracy of the record.

### **2. NATIONAL INSTANT CRIMINAL BACKGROUND CHECKS SYSTEMS SURVEY (NICS)**

- A. NICS can only be used for Firearms Licensing purposes, no other transactions are authorized. Per the FBI, 'NICS can't be used for employment screening of any type, or to check on individuals used as references for firearms related permits. Finally, the NICS cannot be used for law enforcement investigations outside the scope of the Gun Control Act in conjunction with the Alcohol Tobacco Firearms and Explosives.'

## **VI. PROCEDURES FOR THE PROTECTION OF CJI**

- A. To protect CJI, every employee, contractor, intern, and temporary worker shall:
  - 1. Securely store electronic and physical media containing CJI within a locked drawer or cabinet when away from the work area for more than 5 minutes. Employees with offices must lock their office doors.
  - 2. Restrict access to electronic and physical media to authorized individuals.
  - 3. Ensure that only authorized users remove CJIS in printed form or on digital media.

4. Physically protect CJI until media end of life. End of life CJI is to be destroyed or sanitized using approved equipment, techniques, and procedures. (See Media Disposal Policy)
5. Not use personally owned devices to access, process, store, or transmit CJI unless pre-approved by the Commissioner.
6. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include, but are not limited to, hotel business center computers, convention center computers, public library computers, and public kiosks.
7. Store all hardcopy CJI printouts in a secure area accessible to only those employees whose job functions require them to handle such documents.
8. Take appropriate action when in possession of CJI while not in a secure area:
  - a. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
  - b. Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session locks and/or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of a physically secure location, the data shall be immediately protected using encryption.
    - i. When CJI is at rest (i.e. stored electronically) outside the boundary of a physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers, and copiers. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, and laptops.
    - ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
9. Lock or log off his/her computer when not in the immediate vicinity of the work area to protect CJI.

## **1. MEDIA TRANSPORT :**

**A.** Only sworn employees and authorized contractors are permitted to transport CJI outside of the Department. Each employee and contractor will take every precaution to protect electronic and physical media containing CJI while in transport and/or to prevent inadvertent or inappropriate disclosure and use.

**B.** Sworn employees and authorized contractors shall:



1. Protect and control electronic and physical media during transport outside of controlled areas.
2. Restrict the pickup, receipt, transfer, and delivery of such media to authorized personnel.
3. Include privacy statements in electronic and paper documents.
4. Secure hand carried, confidential electronic and paper documents by:
  - a. storing the documents, or the electronic media containing the documents in a closed handbag, laptop bag, brief case, etc.
  - b. viewing or accessing the CJI only in a physically secure location.
  - c. packaging hard copy printouts in such a way as to not have any CJI information viewable.
  - d. mailing or shipping CJI only to authorized individuals; **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL**; packages containing CJI material are to be sent either only by either U.S. Mail or by another shipping method(s) that provides for complete shipment tracking and history.
5. not take CJI home or when travelling unless absolutely necessary.

## **2. INADVERTENT OR INAPPROPRIATE DISCLOSURE OF CJI**

- A. If CJI is unintentionally or improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:
  1. You shall verbally notify the on-duty supervisor immediately.
  2. The supervisor will communicate the situation to the Captain. The Captain, in turn will notify the Chief and the ISO of the loss or disclosure of CJI.
  3. The Captain will review the incident and will implement 93H disclosure procedures if required.
  4. The ISO will review the incident and, if required, will notify the FBI CJIS Chief Information Security Officer (CISO) following established procedures.

# **VII. PROCEDURES FOR THE DISPOSAL OF CJI**

## **A. Physical media**

1. Print-outs and other physical media shall be disposed of by;
  - I. Shredding, using the shredder located in Records Office

## **B. Electronic media**

1. Hard-drives, tape cartridges, CDs, printer ribbons, flash drives, printer and copier hard-drives, etc.) will be properly disposed of by the Information Technology Department using one or more of the following methods:
  - I. Overwriting (at least 3 times) - an effective method of clearing data from magnetic media.
  - II. Degaussing - a method to magnetically erase data from magnetic media.
  - III. Destruction - a method whereby magnetic media is physically destroyed by crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be retrieved
2. IT systems that have been used to process, store, or transmit CJI and/or sensitive and classified information shall not be released from the Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.
3. Any employee who has any type of electronic media to be destroyed is to notify his/her supervisor. The supervisor will be responsible for contacting IT Department to arrange for proper disposal of the media.

## **PENALTIES FOR IMPROPER ACCESS, DISSEMINATION AND HANDLING OF CJIS DATA**

1. An employee who improperly accesses or disseminates CJIS data will be subject to corrective disciplinary action up to and including, loss of access privileges, civil and criminal prosecution, and termination. **See Disciplinary Procedure Policy.**
2. In addition to any penalty imposed by this department, a CJIS user may be subject to federal and state civil and criminal penalties for improper access or dissemination of information obtained from or through CJIS pursuant to M.G.L. c. 6, §§ 167A(d), 168 and 178 and 28 CFR 20: Criminal Justice Information Systems.

# BUILDING SECURITY/VISITOR ACCESS

POLICY & PROCEDURE NO. <b>4.17</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVIEW DATE: __2/14/19__

## I. POLICY

It is the policy of the Hadley Police Department to provide a safe and secure working environment within the public safety complex. Building security is the responsibility of every employee within the agency. Strict adherence to this policy shall be monitored and enforced at all times.

## II. PROCEDURE

The Police Department administrative building access/security policy shall consist of the following:

1. Access to the facility shall be controlled and certain internal areas must be limited to public access. It is equally important to remember that there are also areas within the department that are considered restricted to only authorized employees.
2. The exterior doors to the Public Safety Complex shall remain locked at all times. No direct access into the secure areas of the Public Safety Complex shall be left ajar or propped open without constant employee attention to the applicable area. Windows on the first floor shall never be left in an open position unattended.
3. Entry into the secured areas of the Public Safety Complex will only be granted via the elevator, front stairs door to upstairs or lobby door into the secure police area.

These doors will be locked AT ALL TIMES and the elevator will be locked AT ALL TIMES with access granted on a single use basis via the dispatcher controlled manual elevator button.

4. Employees working in the Communications Center shall, with the use of installed video surveillance equipment, make mindful efforts to monitor activity in the parking lot and other viewable areas around the exterior of the building. Any unusual activity observed shall be immediately documented and reported to an on duty officer for investigation. In the event that any exterior lighting or the video surveillance equipment has failed or becomes damaged, the employee shall immediately notify the Dispatch Supervisor.
5. Because Dispatch Console #2 is not similarly equipped with surveillance monitors as Console #1, Console 2 is a back-up console only. When one dispatcher is working, Dispatch Console #1 (side closest to Supervisor Office) will be used.
6. Primary visitor access to the Public Safety Complex should always be through the main entrance, where the dispatcher can observe who is entering and exiting the building, while also allowing the Dispatcher the ability to grant members of the public electronic access into the front lobby.
7. Anyone not employed with the Police, Fire or Communication Departments, must request access to areas beyond the lobby or community room. Visitors must check in with the dispatcher or other designated employee on duty. Any visitor may be required to present an identification card (with picture) upon request prior to any entry into any first floor secured area, unless known to department personnel on duty.

Exempt from signing in/ID Badge Requirement include:

- a. Retired members of the Hadley Police Department.
- b. Members of outside law enforcement agencies.

The Hadley Police Department reserves the right to formally identify and/or deny access to any of the above noted exemptions in the event that questionable circumstances arise or for any security concern/risk.

8. Upon receiving proper identification from a visitor, and confirming the authenticity of their business, the dispatcher or other assigned department representative shall subsequently record the following information onto the visitor sign in form:
  - a. Date
  - b. Time
  - c. Visitor LAST name, FIRST name
  - d. Date of Birth

- e. Visitor's driver's license or other identification number
  - f. Type of ID provided (for first floor access only)
  - g. Reason for visit
  - h. Visit ID/Badge number issued (for first floor access only)
9. The visitor shall be issued an ID Badge and advised that, upon leaving and returning their ID Badge, their submitted ID card provided to the department will be returned. Anyone accessing the second floor of the building will only be required to sign in and out, no ID surrender/visitor badge issuance needs to occur.
  10. All visitors are subject to a safety/security check and an inventory of any belongings they wish to bring into any restricted area. Cell phones, cameras, video equipment and other similar devices may not be used without authorization while inside any restricted area.
  11. Visitors may not touch, view, record or, by any other means, acquire any restricted information from within any restricted area.
  12. Any visitor acting inappropriately, suspiciously, and/or demonstrating any type of behavior deemed a safety or security risk, shall be immediately removed from the restricted area and may be subject to criminal prosecution.
  13. Any visitor who refuses/fails to comply with the above noted policy/procedure shall be denied access to any areas beyond the lobby and may be instructed to leave the Public Safety Complex for security purposes.
  14. Security of the exterior of the building- There is nothing stored outside of the building that is secret or confidential. Anyone taking photos or video of the exterior of the building should simply be monitored via surveillance for attempts to access secure areas.

# FALSE ALARMS AND BILLING

POLICY & PROCEDURE NO. <b>4.18</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVIEW DATE: __2/14/19__

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Due to the high volume of alarm calls received, it is important to have a check and balance in place to ensure that property owners, managers and occupants maintain their alarm systems appropriately as to not cause repeated false alarms and are accountable for responding to repeated alarm incidents.

On a monthly basis, alarm responses will be reviewed and pursuant to the town's by-law, repeat false alarms will be acted upon first with advisement of the by-law, and if malfunctioning alarms are not remedied, corrective/enforcement action taken.

## II. POLICY

It is the policy of this department to:

1. Respond to any and all alarm calls, investigate the cause fully, if any, and document in detail the response and findings in the CAD.
2. On a monthly basis, review alarm responses and take the necessary action to notify the business, advise them of the by-law and issue citations for continuing issues.

### III. BY-LAW

#### 162-18. Multiple False Alarms Prohibited

No person shall allow any intrusion, panic, or burglar alarm or other similar style notification that is communicated to emergency services with the expectation of a response, to remain in faulty working order such that the alarm signal or other means of communication with emergency services activates more than three times each month absent of a real or perceived threat to public safety.

If public safety personnel are required to respond to more than three false alarms caused by the same device at the same property in any month, then the owners of the device shall be jointly and severally liable for the fines as set below. Response costs may also be assessed.

#### 162-19. Violation and Penalties

This By-Law shall be enforced by a non-criminal disposition pursuant to MGL c 40 sec. 21D by any Police Officer.

False Alarm, Fire, and Emergency Faulty Burglar Alarm Systems.

- 1<sup>st</sup> and 2<sup>nd</sup> call (monthly)= No Fee
- 3<sup>rd</sup> and succeeding call (monthly)= Fine \$300.00 per call.

### IV. DEFINITIONS

- False Alarm: Shall mean an alarm activation where there was no apparent or actual evidence that an unauthorized entry, unlawful act, or any other criminal activity occurred, with respect to a building, structure, premise, which includes, but not limited to;
  - 1) The activation of a security system during testing,
  - 2) A security alarm system activated by mechanical failure, malfunction or faulty equipment,
  - 3) A security alarm system activated by user error or disregard,
  - 4) A security alarm system actually or apparently activated by atmospheric conditions, excessive vibrations or power failure, or,
  - 5) An alarm incident/call, during which the police department is notified that it is not necessary to respond (cancellation) after one or more police officers have already been dispatched to the property.

### V. PROCEDURES

1. At the beginning of each month, designated personnel will conduct a records check for the prior month of all alarm type calls, both police and fire, and determine which, if any locations have been the subject of three or more

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responses by the police or fire department. The Fire Chief shall be notified of locations where there are three or more alarm responses, and may at his/her discretion prepare documentation in support of a violation of the False Alarm By-Law and present same to the department's designee.

2. Warning violations are to be issued to the responsible person of any property where there have been three false alarm responses in a calendar month. The same address may qualify for additional warnings in the event prior warnings or citations were issued under a prior business name, or if a residence, new ownership.
3. After a warning citation has been given, citations in the amount of \$300.00 will be issued to the responsible person of the property for any subsequent citable incident, following the month of the warning. This is to give property owners time to correct malfunctioning alarms.
4. Prior to any monetary citations being sent to a violator, the designee shall present all documents in support of the violation to the supervisor designated by the Chief of Police.
5. In the event of an "outstanding" status, the designee shall make contact with a person responsible at the site and inform them of the status of the citation. If the matter is not resolved after 10 days, the designee shall inform the designated supervisor who will remedy the matter through contact with the person, or, if necessary, apply for a Criminal Complaint against the person responsible for the property.
6. The designee shall maintain all monthly analysis reports, a list of businesses that have been subjected to warnings and when, citations and when, and the status of citations, whether they are paid, pending or outstanding and any contacts made regarding outstanding citations.
7. Municipally owned buildings are exempt, although notifications shall be made to the person responsible for any building with an alarm in violation of the By-Law. If issues are not remedied, then notification shall be made to the designated supervisor.



# CITIZEN COMPLAINT MEDIATION S

POLICY & PROCEDURE NO.  <b>4.19</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

As an alternative to the normal Internal Affairs process utilized in investigating complaints, the complainant and the involved officer(s) may be invited to participate in mediation. This process will allow both the officer(s) and the complainant to voluntarily and confidentially meet face to face with a trained and neutral mediator to discuss a particular incident. The mediator will help the parties communicate, but will not take sides and will give the complainant a chance to share their concerns about the incident and the impact it has had on them, while also giving the officer an opportunity to explain his or her perspective as well. They will assist each party in listening to each person's story, help identify their interests or points of view and explore possible ways to move forward.

Not everyone who has a complaint against a police officer wants to see the officer punished. The goals of some complainants are simply to understand why an officer took a particular action, or to be able to explain their own actions and often times, giving the officer the ability to do this will allow them to give the citizen a different viewpoint of the incident.

Other complainants simply want to retain some control over how the complaint gets handled, rather than turning the complaint entirely over to others for decisions and resolutions and taking this burden off of police Internal Affairs personnel is a positive approach. Mediation is a way to offer these potential solutions while also not risking punitive disciplinary measures against the officer(s) and/or tying up valuable time with investigations into the complaint.

## II. POLICY

- a. Approval from the chain of command and willingness on the part of the officer to participate shall be obtained prior to offering mediation to the complainant. To do otherwise may yield an unintended consequence of mistrust or dissatisfaction on the part of the complainant.
- b. Complaints shall be reviewed by the IA supervisor within two (2) business days of receipt to determine whether they would be appropriate for mediation. Only complaints that involve less serious violations of Department policies and procedures and only complaints which, after review, appear to be sustainable per Departmental IA policy may be eligible for mediation. After review by the IA Supervisor, complaints which are unfounded, not-sustained or exonerated will not be eligible for mediation.
- c. Examples of complaints which may be considered eligible for mediation include, but are not necessarily limited to:
  - Allegations of profanity, belittling or rudeness
  - Allegations of inadequate police services
  - Other unbecoming conduct or unreasonable judgment
- d. Examples of complaints which will not be considered for mediation include, but are not limited to:
  - Cases involving violence
  - Potential or pending lawsuits
  - Potential civil rights violations
  - Allegations of gender or racial discrimination
- e. If mediation is deemed appropriate for the allegation, the IA supervisor or Chief of Police shall review the officer's complaint history and confer with the officer's chain of command to determine if the officer meets the qualifications for mediation. The option to utilize mediation may be withdrawn by the Chief or designee if withdrawal is deemed to be in the best interest of the Department.
- f. If mediation is deemed appropriate and the officer agrees to participate, the complainant will then be contacted and a request to participate will be offered. If both parties are willing to participate, the mediation service (Amherst Mediation Services) will be contacted and the case will be turned over to them for mediation.

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### III. PROCEDURE

- a. Officers will be eligible to choose mediation as an option to resolve complaints of a substantially similar nature no more than twice per calendar year.
- b. The IA supervisor and/or Chief of Police shall determine if subsequent complaints are of a substantially similar nature to previous complaints.
- c. Any audio/video evidence of the incident shall be forwarded to the mediator for review in connection with the mediation and a second copy shall be sent to IA in the event that the incident cannot be successfully mediated.
- d. If the allegations are decided appropriate for mediation, the offer to mediate will be extended to the officer. If the officer agrees, the offer shall be extended to the complainant.
- e. The mediation session will be scheduled and, regardless of circumstance, the officer and complainant may only reschedule a mediation session one time each.
- f. Failure to attend any session will result in the following:
  - 1) If the officer fails to attend, the allegation will be fully investigated by IA.
  - 2) If the complainant fails to attend, the complaint shall be closed.
- g. Mediation sessions are confidential. Unless all parties agree otherwise, only complainants, officers, and the mediators will be allowed into the session. A qualified, neutral interpreter will also be present if the complainant or a third-party mediator deems such action necessary. All parties will be required to sign a Mediation Waiver and Consent form supplied by Amherst Mediation Services. Once the form is signed by both parties and the mediation session has commenced, there is no provision for a complaint to be returned to IAD for investigation if the complainant is dissatisfied with the mediation process or the outcome of the mediation session. The mediation session will not result in a written agreement between the parties. By agreement, the parties may ask the mediator to prepare a non-binding memorandum of what was discussed and agreed to between the parties.
- h. At the conclusion of a mediation session, the mediator will provide the Chief of Police or designee a report of the mediation stating whether both parties appeared, whether the parties participated in good faith, and whether the session resulted in a completed mediation. This above report will be submitted to the IA supervisor and entered into the officer's IA file. The written documentation will be maintained by IA. Although the mediation session is confidential, the nature of the complaint and the

officer's identifying information shall be recorded in the IA file as a 'mediated' complaint.

- i. A mediated complaint will not become a part of “progressive disciplinary” practices unless a pattern emerges. The IA supervisor, when identifying whether the complaint is eligible for mediation, shall review the officer’s IA file and make a determination as to whether a pattern of substantially similar conduct exists. If so, the Chief of Police or designee may revoke the option of mediation and refer the matter back to IA for a full investigation. In the event that the complaint is sustained, the pattern of substantially similar complaints shall be utilized in determining appropriate discipline based upon progressive disciplinary practices.

**Appendix I: Description of Mediation issued to complainant and involved officer.**

Mediation is an alternative to the traditional process of resolving complaints of police officer misconduct. Mediation, as the term is used here, is a process facilitated by two professionally-trained mediators to create mutual understanding and allow the officer and civilian to be fully heard and understood in a non-judgmental way. Mediation creates a safe, neutral space for officers and civilians to speak for themselves, share information and feelings about their interaction,

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explain what is important to them and arrive at their own agreements and solutions about moving forward.

Guiding principles of mediation are that:

1. Mediation is *voluntary*
2. Mediation is *confidential*; and
3. Mediation is *non-judgmental*.

*Voluntary* means that the officer and civilian consent to mediate of their own free will. They may end the process at any time. Neither participant is forced to say or do anything that they don't want to. *Confidential* means that nothing said during the mediation leaves the mediation room, nothing is recorded on any device, and all notes from the mediation are destroyed after the mediation. The only information reported back to the Hadley Police Department is that the officer attended the mediation session and participated in good faith. *Non-judgmental* means that mediation is not a process to determine who is right or wrong. The mediators are not finders of fact and do not give advice or take sides.

Mediation is:

- A participant-guided process that helps the community member and the officer come to a mutually agreeable solution. This helps to create mutual understanding and improve relationships.
- Not a process to say who is right or wrong. No evidence is needed. The mediators are not judges. They do not present their opinions on the issue.
- Not a process where people are forced to shake hands or make-up. The role of the mediators is to be neutral outside facilitators. They will not pressure either participant to come to an agreement.
- Not a punishment process. The community member and the officer are in charge of their own process and outcome. It will not be decided by an outside agency or person.
- Not a legal process.

### **Mission:**

The Hadley Community-Police Mediation Program aims to build understanding and improve relationships between HPD employees and civilian members of the

community as an alternative to the traditional complaint investigation process by the HPD's Internal Affairs Office. By improving the relationship between the community and police, mediation helps make neighborhoods safer and stronger.

**Benefits of Mediation:**

Mediation allows the civilian community member and officer to speak directly to each other, be fully heard, and understood, and play an active role in creating a solution. The process also gives officers feedback and helps to prevent similar incidents from occurring in the future. Officers have the opportunity to gain new understanding, improve community relationships and build trust. The officer can explain why they may have acted the way they did on a certain day and share information and insight about their perspective.

**Short-term benefits of mediation:**

- To be fully heard and understood;
- To provide a neutral, safe space for community members and police officers to speak to each other;
- To help police understand the community members' feelings;
- To prevent issues from occurring in the future;
- To regain trust in police services;
- For officers and civilians to play an active role in finding a solution;
- To improve community-police relationships; and
- To hold officers accountable for alleged misconduct while providing a space for authentic sharing.

**Long-term benefits of mediation:**

In the long-term, mediation will positively, effectively, and efficiently address challenges unique to public safety departments through:

- Resource efficiency with handling of complaints;
- Resolving complaints in a satisfactory manner for all involved;
- Improvement in police-community relationships; and
- A workable and sustainable process to provide healing, forgiveness, and closure.

**The Hadley Community-Police Mediation Program strives to:**

- Encourage the use of mediation to build trust and confidence in HPD;
- Provide mediation as an alternative to the traditional complaint investigation process;
- Educate community members and police officers about conflict resolution, dialogue, and mediation;
- Provide mediation services at no cost to residents and officers; and
- Schedule mediations at a time and place convenient to the participants;

### **How Does Mediation Differ from The Traditional Complaint Investigation Process?**

The traditional goal in police misconduct investigations is to determine if the officer violated law or policy and to discipline the officer appropriately. Research shows that discipline is not always the most effective tool in correcting behavior, changing attitudes, or holding people accountable for their actions to prevent future harm. Alleged or perceived officer misconduct harms the community and the officer's ability to relate to each other. While traditional discipline is an important and necessary tool to achieve this goal, mediation is a powerful tool to bring about a deeper and lasting change in community and police relationships. Relationships deepen and both participants have the opportunity to gain genuine understanding and a new ability to talk out conflict. The Community-Police Mediation Program offers the tools to build trust and confidence in the police department and bridge relationships between the community and the police to create a safer town.

### **Appendix II: Example of Agreement to Mediate Form:**

#### **AGREEMENT TO MEDIATE**

By signing below, I agree to participate in the Hadley Police Department Civilian Complaint mediation conducted by Amherst Mediation Services and agree to the following:

1. The discussions in this mediation and those with the mediators will remain confidential. This means that the mediators will not share information gathered during intake or during this mediation session with anyone outside of the Hadley Police Civilian Complaint Mediation process.

2. None of the communications that occur during the mediation shall be subject to disclosure in any judicial, administrative or private proceeding, except as required by law.
3. I agree to make no attempt, either individually or through an attorney or other representative, to (a) compel the testimony of the other party or of the mediator, or (b) subpoena or otherwise compel production of any notes or records made by either party or by the mediator (the mediator's work product and case file) in connection with the mediation process.
4. I further agree that if I seek such testimony or disclosure, I shall indemnify the mediator as to all costs in connection with any legal proceeding, including attorney's fees, and will compensate the mediator for time spent regarding such proceedings at the mediator's then current hourly rate.
5. All participants [parties] in the mediation, other than the mediator, are free to talk about what was said in mediation with others (other than in a judicial, administrative, or other hearing), unless they agree otherwise in writing.
6. The mediators will not voluntarily share any information from the mediation in any judicial, administrative, or other hearing. We (mediation participants) will not voluntarily share this information in a judicial, administrative, or other hearing.
7. Information regarding child abuse, abuse of vulnerable adults or credible threats to do bodily harm are exceptions to the confidentiality provisions above and may be disclosed.
8. Mediation is a voluntary process and each participant may withdraw from the mediation process at any point during the mediation.
9. I understand that the mediators will manage the mediation sessions and that they will give each of us equal time as much as possible during the process, whether mediation sessions take place together or separately, and that they will remain impartial and help guide us to a reasonable and equitable agreement.
10. The mediators signing below have read and, consistent with state law, will abide by the Association of Conflict Resolution Standards of Conduct during this mediation session.
11. In the mediation process, I will be responsible for making my own decisions.



12. The mediators will facilitate the process and are prohibited from giving advice. Because the decisions made here are mine, I will not hold Amherst Mediation Services liable for any decisions made here.

13. We understand that mediation through the Hadley Police Department is offered at no cost to the participants and that mediation shall be limited to four (4) hours per incident mediated. Additional mediations or mediation time must be approved by the Hadley Police Chief based on the Chief's determination that additional mediation would be useful and productive,

We, the undersigned, consent to mediate.

Agreed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Oran Kaufman, Mediator**

**Danielle Barshak, Mediator**

# CIVILIAN DISPUTE MEDIATION

POLICY & PROCEDURE NO. <b>4.20</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

Neighbor disputes are a common occurrence in many cities and towns and sometimes if left unresolved, they can become so volatile that they can result in criminal activity such as destruction of property or even physical violence. These disputes also often put a strain on town services when Police or inspection services have to respond to resolve complaints and if these disputes continue to escalate, they could also cost the disputing parties thousands of dollars in court costs if lawsuits occur.

The goal of a Police Mediation service is to provide a process that allows disputing parties to meet with a trained and neutral third person who will work with both sides and try to reach a mutually satisfactory agreement, before any of the negative consequences occur. This is much like what the average police officer will attempt to do while on scene at one of these disputes, but this process will take much of the stress and tendency to rush to resolution out of the equation.

The Mediation is free, confidential and voluntary. The mediator will manage the communication between the parties and attempt to find common ground so that, whatever the dispute, it can be mitigated, if not completely resolved.

The results of the mediation are non-binding on either party, we are simply trying to diminish the volatility of the situation and try to get both disputing parties to communicate effectively so that the dispute can be somewhat alleviated.

## **II. POLICY**

- A. The Hadley Police Department will select multiple employees (these can be civilian employees or police officers) to become mediators and have them certified with mediation training courses.
- B. The Mediator(s) selected to handle the specific dispute shall not be connected in any way to either disputing party or have had significant personal or departmental contact with either side—it may be impossible to prevent some contact with either party.
- C. The mediator will remain impartial and unconnected to either party for the duration of the sessions.
- D. In some circumstances, multiple mediators may be necessary for specific knowledge of laws, etc. This can occur during the same session or the dispute may be scheduled for a subsequent meeting with another mediator. Often times, co-mediation will be required.
- E. All parts of the mediation process shall be documented.

## **III. PROCEDURE**

- A. The selected mediator will contact both disputing parties (or if multiple exist, all parties involved) and request that they participate in the mediation process.
- B. If any party refuses, the next time that the Department is contacted in relation to the dispute, another attempt will be made to request mediation. The mediator will document each attempt to request mediation and which party refuses to participate.
- C. If all parties choose to participate in mediation, the mediator will schedule the first session and explain the ground rules.
- D. Regardless of whether or not a solution to the dispute is found, the session will be thoroughly documented by the mediator for future reference by potential responding officers.

## **IV. GROUND RULES**

- 1. The parties agree to take turns speaking and to try to not interrupt each other.

2. The parties agree to call each other by our first names, not "he" or "she" or worse.
3. The parties will ask questions of each other for the purposes of gaining clarity and understanding and not as attacks.
4. The parties agree to try to avoid establishing hard positions and express ourselves in terms of our needs and desires and the outcomes that we wish to create.
5. The parties agree to listen respectfully and sincerely try to understand the other's needs and interests.
6. The parties recognize that, even if they do not agree with it, each of us is entitled to our own perspective.
7. The parties will seek to avoid dwelling on things that did not work in the past, and instead focus on the future we want to create.
8. The parties agree to make a conscious, sincere effort to refrain from unproductive arguing, venting, and narration and agree to use our time in mediation to work toward what we perceive to be our most constructive agreement possible.
9. The parties will speak up if something is not working for us in the mediation and will request a break if helpful.
10. The parties will point out if they feel the mediator is not impartial and neutral as to a result.
11. Either party may choose to end the process at any time, the session is completely voluntary.
12. The outcome of the session is non-binding. Our hope is to simply facilitate positive communication between both sides and highlight possible solutions.
13. If resolution or partial resolution occurs, the results shall be memorialized by the mediator and all involved parties will be issued copies.

## **V. IN HOUSE PROCEDURES**

1. Mediators who are full time employees will be required to attempt to flex their schedules first to perform mediations.
2. If flexing is not possible, overtime for full time mediators will be a second option.

3. Mediators who are part time shall be paid their standard wage.
4. Mediators who are salaried employees may flex their schedule or be compensated via compensatory time.
5. Overtime or standard payment requests must be recorded appropriately in Planit Police and/or time sheet with an OF# or other reference number attached.

# SECONDARY EMPLOYMENT/EMPLOYMENT OUTSIDE OF THE DEPARTMENT

POLICY & PROCEDURE NO. <b>4.21</b>	ISSUE DATE: 4/15/19
	EFFECTIVE DATE: 4/15/19
HADLEY POLICE DEPARTMENT	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The purpose of this policy is to set forth guidelines to govern secondary employment by Full Time members of this law enforcement/communications agency or other employment by Part Time members of this law enforcement/communications agency.

Nothing in this policy should constitute a violation of any CBA with regards to the difference between Full Time and Part Time employment here. As it relates to secondary employment, this agency shall always take precedence for all full time employees, but understandably, part time employees may have other obligations to a full time employer. This however, shall not relieve them of the limitations set forth in section IV.

## II. POLICY

The policy of this agency is to provide guidelines to law enforcement and communications employees to inform them of the types of secondary employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the agency. These requirements are essential for the efficient operation of the agency and for the protection of officers, the agency, and the community.

### III. DEFINITIONS

Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

Regular Off-Duty Employment: Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

### IV. PROCEDURE

Members may engage in off-duty employment or employment outside of that which is directly related to the Hadley Police or Communications Departments subject to the following limitations:

1. Employees shall submit a request to the Chief or designee to obtain secondary or outside employment.
2. Such employment shall not interfere with any Full Time employee's employment, responsibilities or obligations.
3. Such employment shall not create any conflict of interest or violate M.G.L. C. 268A or any other law.
4. Approval may be denied at the discretion of the Chief of Police or designee when it is determined that the outside employment may present a conflict of interest, or it may:
  - a. Render the full time employee unavailable for an emergency (part time staff are expected to make reasonable attempts to respond in the event of an emergency);
  - b. Physically or mentally exhaust the employee to the point that their performance may be affected;
  - c. Require special consideration be given to scheduling of the employee's regular duty hours, mandatory trainings and/or court related appearances;
  - d. Bring the employee and/or the Hadley Police/Communications Departments into disrepute;
  - e. Impair the operation, efficiency, or effectiveness of the Hadley Police/Communications Department.

# OFFICER-INVOLVED USE OF DEADLY FORCE INVESTIGATIONS

POLICY & PROCEDURE NO. <b>4.10</b>	ISSUE DATE: 10/05/15
	EFFECTIVE DATE: 11/04/15
HADLEY POLICE DEPARTMENT	REVISION DATE: 2/13/19

## I. GENERAL CONSIDERATIONS AND GUIDELINES

It is the purpose of this policy to provide guidelines for the investigation of officer-involved use of deadly force incidents.

Although, thankfully, very few officers become involved in deadly force situations, all officers should have an understanding of steps that must be taken following such an event and the impact it will have on those officers involved. The initial response of the involved officers and the steps taken thereafter by first responders, supervisor or OIC and investigative personnel may be critical in conducting an accurate and complete investigation.

The reputation and career of involved officers and the agency's reputation within the community depend upon a full and accurate investigation to determine the circumstances that precipitated the event and the manner in which it unfolded. The critical nature of these investigations is also underscored by the frequency with which these incidents result in civil litigation.

Failure to take appropriate measures can lead to the loss of indispensable evidence, inaccurate investigative findings, inappropriate assignment of responsibility or culpability for wrongdoing, and even the filing of criminal charges against officers who acted responsibly and lawfully.

## II. POLICY

It is the policy of this department to investigate officer-involved deadly force incidents with the utmost thoroughness, professionalism and impartiality to determine if an officer's actions conform to the law and this agency's policy on use of force.



### **III. PROCEDURES**

#### **A. On-Scene Responsibilities**

##### **1. GENERALLY**

For officers involved in a deadly force situation, there are four general areas of concern that should be addressed after the initial confrontation has been quelled:

The welfare of officers, innocents, and others at the scene;

The apprehension of suspects;

The preservation of evidence; and

The identification of witnesses.

The safety and well-being of the officer(s) and any innocent bystanders is the first priority.

##### **2. ACTIONS IMMEDIATELY FOLLOWING AN OFFICER INVOLVED DEADLY FORCE INCIDENT**

**Eliminate Hostile Threats:** Initially, the officer should ensure that the threat from the suspect has been terminated.

This includes but is not limited to handcuffing or otherwise securing the suspect.

If not handcuffed or otherwise secured during the application of emergency first aid, an armed officer must be present at all times and tasked with overseeing the security of the suspect and safety of emergency service providers.

One should never assume that because a suspect has been shot or otherwise incapacitated that he or she is unable to take aggressive action.

Secure and separate suspects.

Conduct a protective sweep of the scene.

Remove the suspect and others from the immediate crime scene;

If the suspect cannot be immediately removed and firearms or other weapons are in the vicinity of the suspect, they should be collected and secured.

**Obtain Additional Assistance:** Request a supervisor or OIC, additional back-up, and any other assistance required immediately.

**Provide for Medical Attention to the Injured**

If injured, administer emergency first aid to ones self first, if possible.

Administer basic first aid to suspects and others, as necessary, pending arrival of emergency medical assistance.

Summons medical assistance.

##### **3. APPREHEND SUSPECTS:** Relay information on fleeing suspects to the dispatch center and other field units and work with them to establish a containment area or locate and arrest suspects.

#### 4. PRESERVE EVIDENCE

Assess the Situation: Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects and suspect vehicles.

Firearms: Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings or in any other manner tamper with involved firearms.

Secure the scene, establish a crime scene perimeter and limit access to authorized persons necessary to investigate the shooting and assist the injured.

Protect evidence from loss, destruction or damage that is likely to occur. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence.

For further information, see the department policy on **Preliminary Investigations** .

5. IDENTIFY WITNESSES: Record the names, addresses and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

### **B. Supervisor or OIC Responsibilities at the Scene**

#### 1. OFFICE-IN-CHARGE

The first supervisor or OIC to arrive at the scene of an officer-involved deadly force incident will normally be designated as the officer-in-charge (OIC) until such time as he/she is relieved from this responsibility by an investigator or other appropriate senior officer.

A supervisor shall be notified and shall assume overall command of the incident. This duty may be assumed by the Chief of Police.

An investigation supervisor or OIC shall respond to supervise the agency's investigative efforts and coordinate with outside investigative entities (District Attorney's Office, Medical Examiner, etc.).

A patrol supervisor or OIC, if available, shall coordinate patrol support of the investigation.

#### 2. IMMEDIATE ACTIONS

Ensure that the scene is safe and secure from other hostile persons.

Determine the condition of officers and others at the scene.

Ensure that emergency medical care has been summoned if necessary and emergency first aid is being provided if needed in the interim.

Ensure that the crime scene has been protected and, to the degree possible, that it is kept intact and undisturbed until criminal investigators arrive.

Ensure that staffing is adequate to handle the incident and conduct the investigation. The supervisor or OIC may consider calling in off duty personnel or mutual aid, including additional dispatchers.

Ensure that those issues ordinarily addressed by patrol officers, if such officers at the scene were not able to do so, have been addressed.

Broadcast lookouts for suspects;

Request backup and related support services;

Identify persons who may have been at or within close proximity to the scene of the incident, as well as identify witnesses and request their cooperation.

3. NOTIFICATIONS: The on scene supervisor or OIC shall ensure that notifications are made as appropriate:

Shift Commander (Sergeant),

Patrol Commander (Senior Sergeant or next highest ranking officer)

Chief of Police;

District Attorney's Office: The District Attorney or his/her representative shall have the authority to direct and control the criminal investigation of a death;<sup>1</sup>

Internal investigations;

Chaplain or police advocate;

Legal advisor, if applicable.

Officer(s) Family: If a police officer has been shot or severely injured, the officer's family shall be notified. For further information, see the department policy regarding **Line of Duty Death's and Serious Injuries** ;

4. CARE OF INVOLVED OFFICERS

Officer Injuries

If an officer has been shot or severely injured, ensure that another officer accompanies the injured officer to the hospital and remains with the officer until relieved.

The accompanying officer shall be responsible for ensuring that the clothing and other personal effects of the injured officer are recovered and turned over to the police department as evidence.

Officers not Injured

Officer(s) should be moved away from the immediate shooting scene and placed in the company of a fellow officer, preferably a peer counselor, if available.

Ensure that all necessary steps are taken consistent with this agency's policy on **Post-Traumatic Stress Procedures** .

5. INCIDENT COMMAND: Establish command and control.

Establish a command post if necessary.

Appoint command Post Staff.

Designate a recorder to make a chronological record of activities at the scene, to include:

persons present,

actions taken by police personnel; and

the identity of any personnel who entered the incident/crime scene, to include emergency medical and fire

For further information, see the department's **All Hazard Plan** . regarding

## 6. PRELIMINARY INVESTIGATION

**NOTE: Any investigations, whether preliminary or otherwise must be conducted with the assistance of the State Police Detective Unit ; or may become the sole responsibility of the State Police due to conflict of interest issues. It will be the practice of this agency to contact the State Police before any investigation is conducted so it can be determined exactly how much involvement this department will have in the investigation process.**

Ensure that the incident scene has been secured and the size of the secure area is adequate for the investigation. Make necessary adjustments.

Begin a preliminary investigation. For further information, see the department policy regarding **Preliminary Investigations** .

Create a preliminary diagram of the scene and photograph it if a camera is available.

Note the location of and ammunition casings.

Locate the suspect's weapon(s), ammunition and expended cartridges.

Do not disturb weapons, ammunition, or the crime scene pending the arrival of investigators.

Collect information about the suspect, including name, physical description, domicile and other pertinent information.

Locate and secure as evidence any clothing that may have been removed from the suspect by emergency medical personnel or others.

Determine the original position of the officer(s) and the suspect at time of shooting.

## 7. CHIEF OF POLICE

If the Chief of Police is not the officer-in-charge of the incident scene, **[Chief may delegate and perform other functions related to the incident]** the chief should be briefed on the incident. The briefing should include:

Status of police employees;

Status of suspect(s);

Status of any involved innocents;

Any arrests;

Circumstances surrounding the incident; and

Any other pertinent information.

The officer-in-charge of the incident scene shall provide the Chief of Police with periodic updates and keep the chief apprised of all developments.

#### 8. MEDIA

The Chief should ensure that a press release or media statement is prepared outlining basic facts of the incident. See **Investigation Supervisor or OIC** in this policy.

Basic information concerning the incident should be provided to the press as soon as possible if it will not inhibit or undermine the department's investigative process.

Timely release of such information will serve to discourage the press from speculation or uninformed or misdirected commentary that could be harmful to the officers and the department.

The Chief may consider a review of the statement by the District Attorney's Office prior to release, particularly in the event that a death has resulted.

For further information, see the department policy regarding **Police Media Relations** .

### **C. Investigation Supervisor or OIC 's Responsibilities**

1. INVESTIGATIONS SUPERVISOR OR OIC: Investigation of officer-involved deadly force incidents shall be the responsibility of the State Police Detective Unit and this agency's investigations unit or as designated by Chief of Police.
2. GENERAL RESPONSIBILITIES: The investigation Supervisor or OIC shall be responsible for working directly with the State Police Detective Unit to accomplish all of the following:

Keeping the Chief of Police apprised of all developments and providing period updates, particularly during the early stages of the investigation;

Ensuring that the investigation is conducted in a careful and methodical manner;

Requesting adequate investigative resources including, as deemed necessary or required by law:

Additional department investigators;

Regional investigative personnel and specialists;

The District Attorney's Office;

Office of the Medical Examiner;

Crime Scene Services;

Forensic Chemists;

Crime Scene Mapping Personnel; and

Federal Bureau of Investigation.

Develop a statement of preliminary basic facts for the media to be delivered by the agency spokesperson in conformance with this agency's policy on media relations.

### 3. INVOLVED EMPLOYEES

Although the investigation of police involved deadly force incident is essential, for the employees directly involved, the investigation can be one of the more stress-provoking activities following such an incident.

Officers involved in these situations are acutely aware of how they are perceived, and the manner in which such investigations are conducted can heighten or diminish feelings of alienation and isolation.

Complete and professional investigation can be conducted while also showing consideration for an employee's emotional well-being.

It is not necessary to subject an officer to insensitive, non-supportive, or impersonal treatment.

### 4. UPON ARRIVAL AT THE INCIDENT SCENE

The investigations supervisor or OIC shall be briefed by the senior officer on scene regarding:

The nature of the incident;

Actions taken thus far;

Evidence located; and

Recommendations for actions yet to be taken;

Conduct a walk-through of the scene;

Assess the need for any search warrants;

Consult with assistant district attorneys as necessary;

Prepare a plan to process the crime scene and conduct the investigation; and

Assign investigators to investigative tasks and functions.

The investigation supervisor or OIC shall determine when and ensure that notification is provided to next-of-kin of injured or deceased suspects.

### 5. INCIDENT SCENE PROCESSING

Guidance for crime scene processing is available in the department policies regarding **Follow-Up Investigations , Collection and Preservation of Evidence , Search Warrant Affidavits, and Executing Search Warrants .**

Prior to entering the scene, investigators should consider the need for a search warrant for searches of vehicles, containers and homes.

Investigators may take precautions to prevent contamination of DNA or trace evidence through the use of protective gloves, clothing, and face masks.

The overall scene should be video recorded, if feasible, and photographed prior to being processed.

Any bodies should be video recorded and/or photographed and should not be moved until the area in which they are located is processed.

A diagram of the incident scene should be produced.

Evidentiary items should be identified, photographed in place, collected, packaged and documented in accordance with the department policy on **Collection and Preservation of Evidence** .

#### 6. POLICE WEAPONS

Secure officers firearms or other weapons if the use of such a weapon was involved.

Locate and secure loose weapons;

Collect involved officers' firearms and replace them with other firearms if feasible. Be sure to record the serial number of each firearm collected and the name of the officer from whom the firearm was collected; or

Order officers to secure firearms in their holsters and not to remove them unless :

Instructed to do so by a supervisor or OIC;

Instructed by an investigator tasked with inspecting the firearms; or

If needed for another deadly force situation.

Conduct an inspection of firearms only if it is not feasible to wait for the arrival of a ballistics investigator. In such a case a supervisor or OIC and an armorer, firearms instructor, or other designated person should conduct the inspection jointly and record:

The serial number, make, model and caliber of each firearm;

The officer having possession of the firearm;

The officer who had possession of the firearm during the incident;

The firearm status including:

Whether the firearm is cocked or un-cocked;

The position of any safety (on, off, burst, full-auto, etc).

If the slide is closed or locked open;

If the firearm was jammed, and if so, how;

Whether a magazine is present or not. If present, the number of rounds remaining in the magazine;

Whether a live round is in the chamber. In the case of a revolver, the cylinder should be opened carefully and a diagram made, if necessary, to show the location of live and fired rounds in relation to the position of the cartridge which was under the hammer when the cylinder was closed. This can be easily done by viewing the status of the primer in each cartridge, noting dented or undented primers.

Extra magazines, speed loaders, or other ammunition storage devices carried by the officer should be inspected and the number of live rounds noted.

If a firearm is know to have been discharged in the incident, or if it is believed to have been discharged, the firearm shall be seized as evidence and a replacement provided to the officer as quickly as possible, unless circumstances dictate otherwise.

## 7. CONDUCTING INTERVIEW AND INTERROGATIONS OF WITNESSES AND SUSPECTS

Guidance for these tasks is available from the following department polices:

**Interviewing Victims and Witnesses, Interrogating Suspects and Arrestees, Electronic Recording of Interrogations, Internal Affairs, and Eyewitness Identification .**

Obtain recorded statements from suspects.

Locate and identify witnesses.

Method of Documentation

An initial audio recorded interview is the preferred method, whenever possible.

Investigators may obtain a written statement or take notes if necessary, but all witnesses should have an opportunity to provide their version of the events as soon as possible.

If a witness states that he or she did not witness anything, that fact should be documented through recording or a written statement.

Interview Setting

It is preferable to transport eyewitnesses to the station where they can be interviewed by investigators.

Normally, detailed interviews with witnesses should not be conducted by supervisor or OIC personnel at the scene.

If witnesses are unwilling or unable to go to the station to make a statement, the general scope of their knowledge of the incident should be established and recorded together with a record of their identification for future contact by investigators.

First Responder Interviews: Record interviews with fire department personnel, emergency medical service providers and other first responders to the scene.

Employee Interviews:

Conduct a separate, recorded interview with each employee involved at the scene who was not immediately involved in the deadly force encounter.

A brief interview of the employee(s) immediately involved in the deadly force encounter may be conducted to obtain basic facts. A more detailed, recorded interview should be conducted later at an arranged time.

Be cognizant of symptoms of post-traumatic stress, particularly for those immediately involved in the deadly force encounter. Symptoms of post-traumatic stress include:

Time and space distortions;

Post-incident amnesia: This may result in the failure to remember the majority of the information observed in the incident;

Confusion;

Hearing and visual distortion; and



Emotional impairment, including shock.

Defer conducting audio recorded, in depth interviews if these symptoms are evident. A brief interview may be conducted to obtain basic facts. The employee will be better able to participate in a detailed interview after a healthy nights sleep.

Conduct the interview in a private location away from sight and hearing of agency members and others who do not have a need and a right to the information.

Advise the employees not to discuss the incident with anyone except his or her personal attorney, a department attorney, union representative or departmental investigator until the conclusion of the preliminary investigation.

## 8. INVESTIGATOR REPORTS

The investigation supervisor or OIC shall ensure that a final report is completed for presentation to the District Attorney's Office.

The final report should include reports of officers involved, investigators, laboratory analysis, evidence examinations, statements, interviews, photos and evidence from this department and other investigating agencies.

### **D. Check-list of individual 's responsibilities**

#### 1. PATROL OFFICERS CHECKLIST

Eliminate Hostile Threats

Secure Suspects

Protective sweep of incident scene

Request back-up

Additional patrols

Supervisor or OIC

Detectives

Administer first aid to yourself and others

Request emergency medical assistance

Broadcast B.O.L.O.'s

Secure your firearm

Secure the scene

Set up crime scene inner perimeter

Set up crime scene outer perimeter

Implement Crime Scene Access Log

Protect evidence

Identify persons at or leaving the scene

Identify witnesses and request cooperation

## 2. OFFICER IN CHARGE CHECKLIST

Ensure the scene is safe and secure from hostile persons.

Determine condition of officer and others

Ensure that medical support has been notified as necessary.

Ensure the crime scene is being protected and the perimeter is adequate.

Obtain additional staffing, as necessary

Patrol Officers

Additional Dispatchers

Ensure witnesses have been identified or detained.

Notify command/specialized units or personnel as appropriate:

Shift Commander

Investigations Supervisor or OIC

Chief of Police

District Attorney's Office

Internal Investigations

Chaplain or police advocate

Legal Advisor

Injured or Deceased Officer's Family.

Notify officer's family

Assign officer to family

If officer is shot, transport to hospital with support officer.

Collect officer's clothing and equipment as evidence

Move immediately involved officers away from the area

Don't release officer's name

Establish command post if required

Appoint a recorder to document police actions at the scene.

Appoint command post staff

Brief personnel

Investigations Supervisor or OIC

Chief of Police

Preliminary diagram and photograph overall scene

Locate and secure officer's weapons

Begin gathering information on incident

### 3. INVESTIGATOR'S CHECKLIST

Preliminary Assessment

On-Scene Supervisor or OICs Briefing

Nature of the incident

Actions taken thus far.

Evidence located

Recommendations for investigative action.

Incident scene walk-through.

Notifications

Additional department investigators

Regional investigative personnel and specialists

District Attorney's Office (Mandatory for Deaths)

Medical Examiner

Crime Scene Services

Forensic Chemists

Incident Scene Mapping

Federal Bureau of Investigation

Investigation

Assess need for search warrants

Consult with District Attorney's Office

Identify all police and emergency services personnel who were or are at the scene

Identify and interview witnesses and suspects

Interview employees and advise not to make public statements or discuss the incident

Formulate preliminary statement of facts

Establish chronology and conditions

Date and time call received

Names and rank of officers involved

Current assignment and detail

Uniform or plainclothes

Types of vehicles

Weather, lighting conditions

Describe and diagram scene including background

Position of officer(s)  
Position of suspect(s)  
Position of witnesses  
Path of bullets fired  
Scene Processing  
Need for DNA or Trace Evidence Protective Clothing, gloves, mask.  
Overall scene video or photographing  
Video and or photographing of bodies  
Incident scene diagram  
Ensure location, photographing, collection, and documentation of evidence  
Color photograph officer and injuries  
Take involved officer weapon(s) into custody  
Photographs and/or videotape items of evidence  
Officer firearms and ammunition  
Firearm: serial number, make, model, caliber, type holster  
Ammunition: type, manufacturer, number of rounds fired  
Suspect firearms and ammunition  
Firearm: serial number, make, model, caliber, type holster  
Ammunition: type, manufacturer, number of rounds fired  
Collect expended bullets and cartridge casings  
Suspect information  
Description  
Prior record  
Parole/probation and related information  
Complaint taker and dispatcher voice and data transmissions  
MDT logs  
Officer's and suspect's clothing  
Vehicles  
Description  
Evidence booked  
Post Investigation  
Disposition, e.g. impound  
Autopsy results

Brief prosecutor's office  
Debrief senior staff

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<sup>1</sup> M.G.L. c. 38, § 4.

# INTERNSHIP PROGRAM

POLICY & PROCEDURE NO. <b>4.23</b>	ISSUE DATE: 2/6/20
	EFFECTIVE DATE: 2/6/20
HADLEY POLICE DEPARTMENT	REVISION DATE: 08/01/17

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The Hadley Police Department has developed an internship program to utilize local students and citizens as interns/volunteers. This program will not only provide interns/volunteers with firsthand experience in a law enforcement field, but will also enhance the Department's recruitment efforts by encouraging promising students to consider employment with this department. Additionally, the student intern/citizen volunteer program can be a great asset to the Department to carry out projects or initiatives that it might not otherwise be able to accomplish.

## II. RESPONSIBILITY

**A.** The Student Intern/Citizen Volunteer Program will be coordinated, administered and supervised by a Supervisor designated by the Chief of Police. He/she will be responsible for the following duties related to the Intern/Volunteer Program:

1. Serve as the Department's liaison/work with SRO with the local schools to encourage students to consider internships with the Department;
2. Oversee all administrative activities associated with the program to include, but not limited to:
  - a) Ensuring that the intern/volunteer applicants receive proper instruction and complete the required forms for non-disclosure of criminal offender record information and confidentiality;
  - b) Ensuring that a Criminal History Check is conducted on all applicants, and;
  - c) Maintain a secured file of all records pertaining to interns/volunteers.

3. Coordinate and conduct the interview process, if applicable. This shall include the development of interview questions based upon the duties required of the intern/volunteer positions at that time;
4. Determine, through mutual agreement, an internship/volunteer project as well as working hours, and keep a record of such hours;
5. Develop an informal training program to familiarize student interns/volunteers with the function and operation of the Department;
6. Serve as the supervisor for all interns/volunteers;
7. Review the performance of the interns/volunteers on a regular basis. Communicate with the college/university Internship Coordinator should there be a problem with an intern's performance.
8. Complete written performance evaluations of all interns whenever required to do so by the college/university Internship Coordinator.
9. Ensure that the Department's Student Intern Program remains in compliance with the policies, rules and procedures governing the internship program for the college and/or university in which the interns are enrolled.

## **II. SELECTION**

In order to be approved, a prospective intern must undergo a criminal history check (BOP, III) and be free of any convictions, never have been the subject of a protection order, never have been charged with a felony or any crime against a person. Anyone with a sealed record will be required to make full disclosure of the events and authorize that the Hadley Police Department have access to such sealed records. An In-House check with the Hadley Police Department must also be completed free of any negative interactions. The approving officer may, based on other circumstances not specifically mentioned, deny any person requesting a Ride Along.

## **III. POLICY**

1. Interns shall not wear any apparel with the word "Police" or similar term or any Law Enforcement related apparel (BDU, 5.11 pants, etc.). Civilians shall present as clean and neat, wearing sneakers/shoes (no open shoes), pants (no athletic pants) and at minimum a polo type shirt. Civilians shall not carry a weapon of any type, and shall wear a ballistic vest on any ride-along
2. Employees who are responsible for an intern shall hold the safety of said person paramount. Interns are responsible for and officers will ensure that they;

3. Wear a seatbelt at all times while inside of a department vehicle;
4. Stay inside of a vehicle on all traffic stops;
5. Stay inside of the vehicle at any time there is a risk of bodily harm or injury to the civilian;
6. Are under the direct supervision of the assigned officer or another officer;
7. Never view or access any CORI or any sensitive material;
8. Never enter the cell area when detainees are present;
9. Never take photos, videos or recordings of any type at any time;
10. Not post on any social media or similar site, about any incidents occurring on the shift they are present for;
11. Never become involved in the on-going incident unless instructed to do so by an officer or supervisor;
12. Never use department equipment unless specified to do so and under are under direct supervision;
13. In the event that an intern fails to abide by any these guidelines, the assigned officer shall contact the Shift Supervisor or OIC, who will dismiss the individual immediately. Any violation that appears to be reckless or intentional shall be referred to the Chief of Police for review and possible exclusion from future Ride Along's.
14. Civilians will ride in the passenger's seat throughout the duration of the shift. Officers assigned a civilian rider will transport a prisoner only as a last resort. A Ride Along may be terminated in the event a call of a serious nature arises and requires the full attention of the assigned officer.

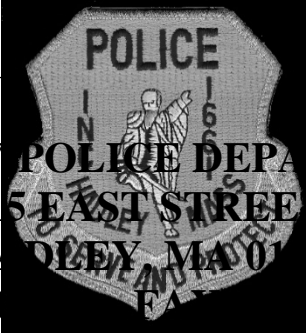
#### **IV. SCOPE OF TASKS**

The goal of the program is to give insight in to the administrative and operational functions of the Hadley Police Department to interested applicants and is designed to be more beneficial to the intern, as opposed to the department.

Every assignment given will be explained fully so that the intern has full understanding of all aspects of it. Assigned tasks will only be non-union work, but will never include work to fill time, or "busy work". Work will be within the Administrative Division and may often include tasks within Accreditation Management, Records, and Court.



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**HADLEY POLICE DEPARTMENT**  
**15 EAST STREET**  
**HADLEY MA 01035**  
**(413) 584-0100 (ext. 200) (413) 582-9053**  
**Michael A. Mason**  
**Chief of Police**

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## Civilian Internship/Community Service Agreement

1. I, \_\_\_\_\_ (print full name) have requested to work as an unpaid intern for the Hadley Police and/or Communications Department. I understand that it is expected that I will conduct myself in an appropriate and professional manner at all times. I will act and dress appropriately for office type assignments and wear the appropriate visitor badge or assigned attire.
2. I understand that I must submit to a full CORI check and full background check before being accepted as an intern. \_\_\_\_\_ (initials)
3. I understand that I may see or handle sensitive documents at times during this internship. \_\_\_\_\_ (initials)
4. I understand that I may be within earshot of sensitive conversations or near the communications center where sensitive information may be given out verbally. \_\_\_\_\_ (initials)
5. I agree that I will never disseminate or take any documents or any items whatsoever from the Hadley Police Department and I will not discuss or in any way, talk about conversations which may have contained sensitive information. \_\_\_\_\_ (initials)
6. I will not discuss any activities or my current status on any social media account and I further understand that I have no official capacity as an employee of the Hadley Police or Communications Department. \_\_\_\_\_ (initials)

In the event that any of the above regulations are violated, the Chief of Police will terminate this internship immediately and I could be subject to civil or criminal penalties.

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Signature

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Print Name

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**Hadley Police Department**  
**15 East Street**  
**Hadley, MA 01035**

The Hadley Police Department is pleased that you have chosen to participate in our Internship Program. The purpose of the program is to provide students the opportunity to “preview” their desired career field - policing. The program is under the overall command of the Operations Supervisor, and this release form must be returned to his attention. It is hoped that you will find this experience both informative and enjoyable.

The following are the conditions and circumstances under which the Internship Program operates:

1. You will be assigned to Intern with a Section of this Department. The appropriate supervisor will assign you duties and will supervise all of your work.
2. In order to enhance your experience in the Internship Program there may be opportunities where you will be in the field with Police Officers. Police Officers can be and often are assigned duties, which involve danger and/or serious risks. He/She will not avoid or disregard duties which involve emergencies or danger, simply because you are accompanying him/her.
3. While every effort will be made to ensure your safety, the Police Officer’s first responsibility will be to carry out his/her assigned duties. If an emergency arises while you are accompanying an officer you must immediately and without question, comply with any orders or directions given to you by the Police Officer.
4. For participant safety, as well as the safety of all involved in this program, **NO firearm or any other type of weapon** shall be carried by the participant at any time during their involvement in the Internship Program.
5. You are encouraged to ask questions of personnel of the Hadley Police Department that you may come in contact with.

**Hadley Police Department**  
**Covenant Not To Sue - Promise to Release**  
**Student Internship Program**

IN CONSIDERATION of the permission which I have received to participate in the Student Internship Program and to accompany one or more Police Officers of the Hadley Police Department of Hadley, Massachusetts, in the course of his/her official duties, the undersigned, do hereby, release the Town of Hadley, its Police Officers, public officials, officers, servants, and employees, from any and all liability, claims, demands , actions, causes of action which I may hereafter have on account of any and all injuries and damage to me or to my property, or my death, arising out of or related to any happening or occurrence while I am accompanying any Officer of the Hadley Police Department on duty, or incidental thereto, and for the same consideration, I promise to release, and covenant not to sue the said Town and the said persons, and agree to forever hold them and each of them harmless from any such liability, claims, demands, actions, or causes of action.

The terms hereof shall be of full force and effect on the date hereof and on any other occasion when I may hereafter accompany any Hadley Police Officer(s).

I have read and understand the conditions of this program as stated above and hereby voluntarily assume all risk of loss, damage or injury to me or my property, including death, which may be sustained while or incidental to accompanying one or more Hadley Police Officers while on duty.

This release and agreement shall be binding upon me and my heirs, executors, administrators, personal representatives and assigns, and shall insure the benefit of the said City, Officers, public officials and persons herein designated, and their heirs, executors, administrators, personal representatives, assigns and successors in office.

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**Hadley Police Department  
Signature and Information  
Student Internship Program**

PRINTED FULL NAME\_\_\_\_\_

ADDRESS\_\_\_\_\_

PHONE NUMBER\_\_\_\_\_

DATE OF BIRTH\_\_\_\_\_

SOCIAL SECURITY NUMBER\_\_\_\_\_

---

I have read the previous Covenant Not to Sue - Promise to Release and the Acknowledgment of Understanding on Confidentiality of Information and by my signature below, I acknowledge that I understand and agree to the provisions as written;

\_\_\_\_\_DATE\_\_\_\_\_

\_\_\_\_\_  
(signature)

.....  
**ADMIN USE ONLY**

BOP CHECK\_\_\_\_\_

HPD RECORD CHECK\_\_\_\_\_

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## **ACKNOWLEDGMENT OF UNDERSTANDING ON CONFIDENTIALITY OF INFORMATION**

I, the undersigned, acknowledge that I fully understand that any information I may see, hear or otherwise become privy to, while interning at the Hadley Police Department in my capacity as a Student Intern, must be kept confidential.

I also understand that the disclosure of any such information could result in the denial of further participation in the Student Internship Program.

I further understand that the disclosure of any information, protected by the statutes of this Commonwealth, would not only subject me to termination from the Student Internship Program, but also to the possibility of criminal prosecution.

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(signature)

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(date)

---

(witness)

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(date)

# BODY-WORN /IN-CAR CAMERAS

POLICY & PROCEDURE NO. <b>4.24</b>	ISSUE DATE: June 6, 2020
	EFFECTIVE DATE: August 1, 2020
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.3.8	REVISION DATE: Next Review Cycle

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The use of a body-worn camera (BWC) system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. The goal of this department's BWC program is to ensure that audio visual recordings provide as true and accurate a depiction of events as is reasonably possible, in order to provide the best possible evidence and documentation of events.

In many cases, accurate and reliable recordings can help defend officers and the department against false accusations and unjustified litigation. The use of BWC's can also give officers added protection against false accusations of police misconduct during interactions with the public.

In instances where an officer is injured or killed, investigating officers can review the recording and, through video forensics, clarify and identify evidence that can lead investigators to specific persons or vehicles. The chance of apprehending offenders in these instances is dramatically improved and can save hundreds of hours of investigative time.

The purpose of this policy is to provide officers with guidelines for the use, management, storage, and retrieval of video media recorded by BWC systems.

## II. POLICY

It is the policy of this police department to:

- A. Body-worn cameras will be used to record public interactions, motor vehicle stops, pursuits and police responses involving criminal and civil violations of the law, as well as when an officer believes, in his/her best judgment any situation, condition or event that has the potential for loss of life, injury or damage to property or chance of citizen complaint. **41.3.8a.**

- B. Retain video recordings pursuant to records retention standards set forth by the Secretary of the Commonwealth, and make the video available for court and other proceedings.

### III. DEFINITIONS

- A. Recorded media: Refers to audio-video signals recorded on any of several storage devices or other portable digital storage devices (CD, DVD, hard drive, etc.).
- B. In-Car Camera System and Mobile Video Recorder (MVR):  
Synonymous terms referring to any system that captures audio and video signals capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder, and monitor. **(When this policy addresses MVR in later procedures, they are applicable only to officers operating cruisers that are so equipped)**
- C. BWC: Body-Worn Camera.
- D. BWC Manager: An employee assigned by the Chief of Police to oversee the operational use of and coordinate maintenance of BWCs, media duplication, storage and retrieval, and procedures.
- E. Degaussing: Electronic cleansing of magnetic recording media.

### IV. PROCEDURES

#### A. Duties and Responsibilities

##### 1. OFFICERS' RESPONSIBILITIES

- a. The inspection and general maintenance of BWC equipment.
- b. BWC equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
- c. Prior to beginning each shift, the assigned officer shall perform an inspection to ensure that the BWC is performing in accordance with the manufacturer's recommendations covering the following matters:
  - 1) Camera Lens:
    - a) Lens is clean and free of debris; and
    - b) Camera facing intended direction.
  - 2) Recording mechanism:
    - a) System capturing both audio and video; and
    - b) System playing back both audio and video tracks.
  - 3) Malfunctions, damage or theft of BWC equipment shall be reported to the officer's immediate supervisor prior to placing the unit into service. A subsequent written report shall include information on the suspected



cause(s) of equipment failure and any recommendations for corrective action.

- d. Officers may review the recordings when preparing written reports of events to help ensure accuracy and consistency of accounts.
- e. When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, departmental shootings, departmental accidents), a supervisor shall respond to the scene and ensure that:
  - 1) The BWC is secured;
  - 1) The recorded media downloaded properly;
  - 2) The media is logged into evidence;
  - 3) Copies of the media are provided to authorized investigative personnel; and
  - 4) The appropriate notation is made in the chain of custody log.
- f. Supervisors who are informed or otherwise become aware of malfunctioning equipment shall ensure that the BWC technician is advised in a timely manner.
- g. Supervisors shall conduct **periodic reviews** of officer-assigned media in order to:
  - 1) Assess officer performance and compliance **with this policy** ;
  - 2) Assure proper functioning of BWC equipment;
  - 3) Determine if BWC equipment is being operated properly; and
  - 4) Identify recordings that may be appropriate for training.
- h. Supervisors shall conduct bi-weekly reviews of personnel who have newly assigned BWC equipment in order to ensure compliance with departmental policy. Supervisors shall, thereafter, conduct quarterly reviews.
- i. Minor infractions (not criminal in nature) discovered during the routine review of recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.
- j. Whenever possible, officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals.
- k. Unless an individual declines to be recorded as described in J., the BWC shall remain activated until the event is completed in order to ensure the

integrity of the recording unless the contact moves into an area restricted by this policy.

- l. Officers should keep in mind that consent to record another person is not needed in public, such as a traffic stop, at a business, outside of a home, or even inside of a home where a person does not have an expectation of privacy, such as a guest. In the event someone who is in public requests not to be recorded, they should be informed that while they are in public, consent is not needed.
  - m. Examples of situations where someone may revoke consent to record may be matters such as civil complaints (ex. Landlord/tenant disputes, other civil matters). If an arrest or search is possible, a recording will be made.
2. BWC MANAGER
- a. The BWC Manager shall be responsible for the ordering, issuance, retrieval, storage, cleansing (degaussing), and duplication of all recorded media.
  - b. The BWC Manager shall ensure that adequate recording media is on hand and available for issuance.
  - c. The BWC Manager shall be responsible for collecting and storing all completed media.
  - d. Recorded media may only be degaussed/erased:
    - 1) Pursuant to a court order; or
    - 2) In accordance with established retention guidelines.
  - e. For the purpose of accountability, all media will be assigned an identification number prior to issuance to the field. The BWC technician will maintain a record database of issued media.
  - f. The BWC technician shall be responsible for the following:
    - 1) Long-term storage of media deemed to be of evidentiary value consistent with the department's evidence storage protocols and retention schedule; and
    - 2) The cleansing (degaussing) and re-issuance of all other media deemed to be of no evidentiary value consistent with the department's document retention requirements.

## **B. Recording**

1. MANDATORY RECORDING: Officers assigned to BWC equipment will activate the same to record the following:
  - a. Traffic stops (to include, but not be limited to, traffic violations, stranded motorist assistance and all crime interdiction stops);
  - b. Pedestrian stops (including officer-initiated consensual encounters)
  - c. Vehicle pursuits, in conjunction with MVR;

- 
- d. Prisoner transports, in conjunction with MVR;
  - e. Crimes in progress;
  - f. Calls for service;
  - g. Searches;
  - h. Arrests;
  - i. Uses of force;
  - j. Witness and victim interviews;
  - k. Crowd management and;
  - l. Other investigative or enforcement activities where, in the officer's judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later review.
2. STOPPING OF RECORDING DURING AN INCIDENT: When the BWC is activated to record an event, it shall not be deactivated until the event has been concluded unless:
    - a. The incident or event is of such duration that the BWC may be deactivated to conserve recording times;
    - b. The officer does not reasonably believe that deactivation will result in the loss of critical documentary information; and
    - c. The intention to stop the recording has been noted by the officer either verbally or in a written notation.
3. USE OF BODY-WORN CAMERA
    - a. Operation
      - 1) All patrol officers shall be trained to have an in-depth working knowledge of the system. It shall be the individual's responsibility to activate the recorder every time [s]he records an incident or event.
      - 2) With the exception of police radios, officers shall ensure that the volume from other electronic devices does not interfere with BWC recordings.
      - 3) Officers shall activate both BWC and MVR recordings when responding in a support capacity in order to obtain additional perspectives of the incident scene.
      - 4) The officer shall activate both BWC and MVR when actions involve a police vehicle.
      - 5) Officers are encouraged to narrate events using the audio recording, so as to provide the best documentation for pretrial and courtroom presentation.

- 6) If reasonably possible, upon initial contact with any person that may be subject to enforcement action or an investigation, that person should be informed affirmatively that they are being recorded.
- 7) There must never be attempts to hide, cover, or conceal a body camera, and should be cognizant that outer wear such as rain or winter jackets may inadvertently conceal the camera.
- 8) At the end of the shift, officers assigned to BWC's shall discuss with their Supervisor anything recorded by the camera that could be considered "critical evidence."
- 9) If an officer fails to activate BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why recording was not made, was interrupted, or was terminated.
- 10) Officers shall not copy, modify, edit, alter, erase or otherwise modify in any manner BWC recordings, except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.
- 11) Officers shall not change, alter or make repairs of any kind to BWC device, all repairs will be conducted with approval of the Chief of Police.
- 12) Body-worn camera equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body-worn cameras shall not be used to record Departmental personnel during briefings, meetings, roll calls or while in private areas such as locker rooms or restrooms.

## C. Media

### 1. CARE OF MEDIA

- a. Officers shall not erase, alter, reuse, modify or tamper with BWC recordings. Only a supervisor or BWC technician will have access to and may erase previously recorded recordings and may only do so pursuant to the provisions of this policy. **41.3.8b**
- b. To prevent damage, original recordings shall not be viewed in any equipment other than the equipment authorized by the BWC Manager.

### 2. REPLACEMENT OF MEDIA: The recording media shall be replaced when the recording time remaining is less than one hour.

### 3. STORAGE OF MEDIA

- a. BWC recordings shall be marked with corresponding identifying labels and shall be downloaded at end of shift use for storage. **(41.3.8c)** The following labels will be attached:

- 
- 1) Arrests;
  - 2) Criminal complaint;
  - 3) Physical or verbal confrontations;
  - 4) Motor vehicle stop;
  - 5) Searches;
  - 6) Public interaction;
  - 7) All prisoner transports and;
  - 8) Test.
- b. Media not identified as evidence shall be tagged as test and submitted to the BWC Manager for storage.
  - c. The storage of the BWC System Server will be located within the secure server room. **41.3.8b**
4. RETENTION (**41.3.8C**)
- a. Media containing evidentiary material for criminal cases shall be retained in accordance with policy dealing with evidence. See the department policy regarding **Evidence and Property Control** .
  - b. Media which is not considered criminal evidence shall be stored for at least (3) three years.
  - c. Traffic stop media shall be stored for (1) one year.
  - d. All media tagged with Test will be deleted in (30) thirty days
5. MEDIA DUPLICATION
- a. All recording media, recorded images and audio recordings are the property of this Department. Dissemination outside of the agency is strictly prohibited without specific written authorization of the chief of police or his or her designee. Media will not be used for personal use, and will not be uploaded to public web sites.
  - b. To prevent damage to or alteration of the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department BWC Manager.
  - c. When possible and practical, a copy of the original media shall be used for viewing by investigators, staff, training personnel, and the courts (unless otherwise directed by the courts) to preserve the original media in pristine condition.
  - d. At the conclusion of the trial proceedings or as otherwise authorized by the prosecutor's office for which the media was required, all copies shall be submitted to the BWC Manager for disposition.

- e. Distribution of media to the public will be conducted by the media manager or chief of police. Recorded media will be distributed carefully due to the highly sensitive nature of some of the recordings.

#### **D. Equipment Issue**


1. All BWC equipment will be assessable in the Evidence Hall. At the beginning of each shift the officer will retrieve the BWC. At the conclusion of each shift the officer will return the BWC to the charging/downloading station.
2. The placement and operation of the BWC shall be based on officer safety requirements. The BWC should be affixed on the front of the officer on the outer most garment.
3. Equipment distribution in situations where staffing exceeds equipment level is the discretion of the Chief or Designee.

#### **E. Periodic Review Protocol**

As described in Paragraph A, sec 3., sub g. periodic reviews will be conducted to ensure compliance with **this policy** , and will be conducted as follows;

1. Different officers will be chosen for each periodic review, by their direct supervisor.
2. The reviewer will locate a call in the log at random where there should be an associated recording.
3. The reviewer will confirm that where it is reasonable, the officer informs parties that they are being recorded.
4. The reviewer will review the call in it's entirety ensuring the call is completely recorded.
5. Reviews will be logged and entered on a Feedback Form in PMAM Software, or as deemed appropriate by the Chief of Police, with the exception of any corrective action taken.



<b>HADLEY POLICE DEPARTMENT</b>		<b>Department Manual:</b>  <b>Policy No. 4.25</b>
<b>Subject:</b>  <div style="text-align: center;"><b>Crisis Intervention Team</b></div>		
<b>MASSACHUSETTS POLICE ACCREDITATION STANDARDS</b>  <b>REFERENCED:</b>		<b>GENERAL ORDER</b>
<b>Issue Date:</b> 7/1/21  <b>Effective Date:</b> 7/1/21	<b>Issuing Authority</b> <div style="font-size: 1.5em;"><b>Michael A. Mason</b></div> <b>Michael A. Mason</b> <b>Chief of Police</b>	

**I. POLICY STATEMENT**

It is the policy of the Hadley Police Department to provide individuals displaying signs of mental illness or severe emotional distress with the same rights, dignity and access to law enforcement and other government and community services as are provided to all community members, but without compromise for the safety of the individual, community, or officers involved in the incident.

**II. POLICY PURPOSE**

The Hadley Police Department has adopted a Crisis Intervention Team (CIT) model of police services when dealing with community members who are mentally ill or experiencing emotional distress. Specifically, CIT is a police-based specialized police response. The CIT program provides officers with extensive classroom instruction including techniques to diffuse difficult situations. These trained officers then serve as specialized front-line responders who are better informed to redirect individuals with mental illnesses, when appropriate, to treatment services instead of the judicial system. The implementation of a CIT will improve our service to the community and reduce our call volume by better responding to these calls. The goal of the CIT is to divert these cases from the criminal justice system and jail to medical services that can provide the help needed.



## Policy # 4.25, Crisis Intervention Team

Whenever practical and depending on availability officers shall use the Department Crisis Intervention Team Officers (CIT) as a resource when responding to individuals who exhibit symptoms of mental illness or display behaviors indicative of someone experiencing emotional trauma. The CIT works in partnership with patrol officer, communication center personnel, health professionals, and the community to achieve the common goals of safety, understanding, knowledge, and service to individuals who are in crisis and who exhibit symptoms of mental illness. Whenever possible, a member of the CIT should be dispatched to calls for service involving mentally ill individuals. However, Crisis Intervention Team members only handle those incidents that do not rise to a level of a high-risk incident as outlined in other departmental policies. Additionally, personnel should refer our policy outlining our response to persons with mental illness, for guidance in assisting persons with mental illness.

### **III. PROCEDURES**

#### **CIT COORDINATOR:**

A Supervisor of the rank of Sergeant or above, shall be designated by the Chief of Police to serve as the CIT Coordinator. The Coordinator will manage all aspects of the CIT program. The CIT Coordinator will assign a liaison officer that will assist in the ongoing development and enhancement of the CIT program. Both will collect and review all CIT calls, reports and forms and referrals via email or telephone for appropriate follow-up and statistical collection. The Coordinator and liaison officer will serve as a bridge between the police department and the entire array of medical, social and community services utilized by the CIT.

#### **COMMUNITY COLLABORATION:**

The premise behind the CIT model is that public safety responders develop partnerships with area mental health service providers. This will result in dialogue and collaboration with our mental health partners including the Emergency Services provider in Hampshire County, Community Support Options, and our local human services agencies including Veterans Services and Service Net. Collaboration may also include, but is not limited to, the counseling centers at UMASS, Amherst College and Hampshire College as well as the guidance and counseling offices of the Hadley and Amherst/Pelham Regional School District.

#### **TRAINING AND SELECTION OF CIT OFFICER :**

- All Officers within the patrol division will be trained as CIT members, as training allows. When CIT training classes are being offered, the CIT Coordinator will communicate upcoming training dates and locations to officers and communications center staff who have yet to complete the training. The goal is that 100% of the patrol division will be trained in the CIT model of police response to a mental health crisis or incident.
- Communication Center personnel will also be offered training opportunities under the CIT program.

## Policy # 4.25, Crisis Intervention Team

- Currently, certification for CIT members is a 40-hour specialized training offered by Behavior Health Network in Springfield. Additional specialized training will be available to CIT members to improve their skills.

### **PROCEDURES FOR CIT RESPONSE :**

- The CIT consists of specially-trained sworn officers who are designated to handle situations involving persons in crisis, persons with a mental illness, severely incapacitated persons due to ongoing abuse of narcotics or alcohol, and their families. The CIT program is meant to enhance, not replace, the police response.
- A CIT trained officer should be dispatched to all mental health calls. However, this does not prohibit a shift supervisor from modifying the patrol response as necessary. The primary responsibility of the CIT officer on the scene is to use his/her skills for the successful conclusion of the incident. Given this increased training, the CIT officer is expected to become the primary officer on the call, regardless of their district designation.
- Many CIT calls can be identified by the communication center at the onset of the call and they will dispatch a CIT officer. Also, the first responding district officer may identify that the call is appropriate for a CIT response. If that first responding officer is not a CIT trained officer, they can request the assistance of a CIT officer with the permission of their supervisor. CIT officers may request from their supervisor to be dispatched to a call/address to assist a caller that they know from previous interactions who may be experiencing a mental health crisis or incident, absent a call type designation of medical/mental. Given the CIT officers knowledge of the caller/address, the CIT officer may be more successful in assisting the community member.
- When called to/dispatched to the scene in the absence of a supervisor, regardless of their district designation, the senior-most CIT officer has the authority to direct police activities. The CIT officer shall relinquish such authority when relieved by, or at the discretion of, a supervisor. Non-CIT trained supervisors shall give reasonable latitude to CIT officers when making the decision to relieve.
- Upon arriving and identifying the call as a CIT call, the officer should identify himself/herself if feasible, as a CIT officer to the involved parties.
- If the CIT officer is unable to resolve the CIT call, then he/she should utilize the Emergency Services Provider/Clinical and Support Options as a resource for evaluating an individual's needs. Additional resources include the schools, detox facilities, counselling centers, and homeless shelters.
- Once the crisis has been stabilized, the CIT officer will document the findings of the call in the appropriate CAD, or incident report if dictated by existing policy. Valuable data that should be included in the call narrative, or report narrative if applicable, would

## Policy # 4.25, Crisis Intervention Team

include substance use, history of military service, whether criminal custody or criminal charges were diverted, living arrangements (ie, homelessness, living with parents) and additional supports provided.

- Under MGL Chapter 123 S 12, a police officer has the authority to make an application for a mental health evaluation. Current policy dictates that a supervisor/OIC authorize an application under MGL 123 S 12. Those officers that are CIT trained as outlined in this order, after consulting with a supervisor/OIC, are authorized to sign an application for evaluation under MGL 123 S 12. All applicable reports, as dictated by current policy, will be completed by the CIT officer. It is expected that given the specialized training received by a CIT member, they are trained to understand the provisions under MGL Chapter 123 S 12 and can apply those accordingly when making application for evaluation under this law. CIT members, when completing an application for evaluation under MGL Chapter 123 S 12 will call the local emergency services provider, to speak to the on-call clinician regarding the party being transported for an evaluation, unless exigent circumstances do not allow, at which point CSO will be contacted as soon as practical. This additional communication, in addition to the completed Section 12 form, will ensure that the CIT officer is relaying all relevant information.
- In cases where a CIT officer is not available during mental health crisis type calls, district officers shall provide any immediate assistance available to the individual involved, complete applicable reports and CADs, including an arrest report if criminal charges are pending or application for evaluation has been made. The responding officer shall notify his/her supervisor of the call and in turn the supervisor shall ensure that the next CIT officer working is notified concerning the call. The CIT officer will take over further responsibility, including additional supplemental reports (if applicable) and further notifications involving care for the individual, etc. These additional contact will be documented via a CAD for Medical/Mental Follow-up 62F.

### **MASSACHUSETTS STATUTES TO ASSIST CIT OFFICERS:**

- Chapter 123, Section 12 Petitions: officers shall write an Incident report when they make an application under MGL 123/12.
- Chapter 123, Section 35 Petitions: Massachusetts General Laws Chapter 123, Section 35 permits the courts to involuntarily commit someone whose alcohol or drug use puts themselves or others at risk. Such a commitment can lead to an inpatient substance abuse treatment for a period of up to 90 days. A written petition for an order of commitment can be requested by a spouse, blood relative, guardian, police officer, physician, or court official. CIT officers should educate family member on how to file a petition for commitment. If a family member is unable or unwilling, the CIT officer may file a petition, with the approval of their supervisor. As written in MGL 123, a likelihood of serious bodily harm must be evident.
- When submitting a petition under MGL 123, Section 35 the CIT officer will submit a written “no crime” incident report, through the chain of command to their supervisor,

## Policy # 4.25, Crisis Intervention Team

which will including all supporting documents, i.e. other arrest reports, incident reports or cad reports. The narrative of the primary incident report should clearly indicate the history of interaction with the individual which documents a likelihood of serious bodily harm. The court liaison officer will bring the petition to the District Court for consideration.

### **RESPONSIBILITIES OF SUPERVISORS:**

- The primary responsibility for the supervisor is to monitor the activities of CIT officers within his/her span of control. Monitoring of the CIT officers under a supervisor's command shall include but is not limited to the following:
  - ✓ Ensuring that the CIT officers complete reports when applicable.
  - ✓ Provide supervision and oversight to CIT officers; review all reports including custodial reports, incident reports, or application for evaluation (under 123/12 and 123/35) reports.
  - ✓ Allow CIT officer to respond out of sector as needed for calls that are relevant to CIT.
  - ✓ Ensure that the CIT officers conduct follow-up investigations, if necessary, on cases investigated by them.
  - ✓ Allow CIT officers the time to be successful. Recognize that one goal of CIT is to reduce the overall strain on police services by addressing mental health calls for service efficiently on our initial dealings with the person in crisis. To do so, CIT officers will require more time on medical/mental calls, as they may be assisting them, or their family, with getting services. A large theme in CIT training is that a rush to place people in ambulances and then to overcrowded emergency rooms, when not necessary, does not provide many with the help that they need. Emergency Service Providers are often willing to respond to the home or other neutral locations to assess a person who is experiencing a mental health crisis that does not amount to the threshold of a commitment under MGL 123 S 12. Successful crisis interventions, that improve the safety of our community and our police officers, will take more time in the onset.

# USE OF DISCRETION

POLICY & PROCEDURE NO. <b>4.26</b>	ISSUE DATE: 03/31/23
	EFFECTIVE DATE: 03/31/23
HADLEY POLICE DEPARTMENT	REVISION DATE:

## I. PURPOSE

The purpose of this policy is to define the limits of, and provide a guideline for, the use of discretion by sworn members of the Hadley Police Department.

## II. POLICY

The Department shall allow sworn police personnel the use of discretion in the performance of their duties. When occasion arise that discretion can be exercised, sworn police personnel are expected to evaluate the circumstances and contingencies of the situation, as well as available resources, in making responsible decisions.

## III. DEFINITIONS

Discretion - The power or right conferred upon law enforcement officers to exercise judgement in the selection of a course of action from available alternatives.

## IV. DISCRETIONARY SITUATIONS

Situations where employees will normally be confronted with decisions that may require the use of discretion include:

- The enforcement of law;
- The use of force;
- The resolution of conflict or disputes; and
- Problem-solving policing.

## **V. DISCRETIONARY OPTIONS**

Discretionary options may include, but are not limited to:

- Verbal or written warnings;
- Motor vehicle citation collateral fine;
- Application for criminal complaint;
- Arrest;
- Referral to other departments or agencies;
- Seeking guidance from the Attorney General/District Attorney; and
- Informal resolutions

## **VI. LIMITS OF DISCRETION**

A law enforcement officer's discretion may be restricted by:

- Constitutional law;
- Federal law;
- State law;
- Court decisions;
- Department directives and policies;
- A lawful order of a superior;
- Training and experience;
- The Law Enforcement Code of Ethics;

## **VII. CIRCUMSTANCES WHERE ALTERNATIVES TO ARREST MAY BE APPROPRIATE INCLUDE THE FOLLOWING:**

-When an arrest could aggravate community conflict or possibly precipitate a serious disorder

-When there is a greater priority to respond to a more serious crime or to an urgent public emergency

-In quarrels among neighbors, noisy parties, disputes, and other minor disturbances of the peace where no serious crime has been committed and the officer can successfully


act as a mediator.

-In minor juvenile offenses where a warning and a talk with the parents can avoid a court appearance.

-In circumstances where persons violating the law may be doing so for seemingly legitimate reasons (i.e. vehicle operator speeding and/or failure to stop in order to get a pregnant occupant to the hospital)

-In other minor offenses where a summons can effectively accomplish the intended purpose

-Minor motor vehicle offenses.

<b>HADLEY POLICE DEPARTMENT</b>		Department Manual: Policy No. <b>4.27</b>
<b>SUBJECT:</b>  <b>Special Assignments</b>		
		SPECIAL ORDER <b>May be rescinded at any time</b>
Issue Date: Effective Date : Revision Date:	Issuing Authority <b>Michael A. Mason</b>  Michael A. Mason CHIEF OF POLICE	

**PURPOSE:**

There are many tasks that public safety personnel must perform which are within the general job description for community service or public relations but are often considered somewhat voluntary in nature; meaning, there are tasks which management are reluctant to order employees to duty to perform but still must be performed. The purpose of designating a Special Assignment rate is to ensure voluntary coverage for certain assignments and to better compensate those who are willing to assume these tasks.

**POLICY:**

- a. The rate will be equivalent to the police detail rate.
- b. This rate will be offered for any assignments which are deemed Special Assignments by the Chief of Police, or designee, which decision shall not be grievable.
- c. This rate will never be increased to time and ½ or double-time even if the hours are worked outside of the normal work schedule, over 40 hours per week, or are the result of an order-in



as they shall be considered voluntary public details excluded from the Fair Labor Standards Act. They will be paid at the set rate described in this policy.

- d. Compensation for said Special Assignments will never be eligible for an hourly minimum. The employee will be paid for the hours worked.
- e. Special Assignments will not be permanently designated. For Example, if an annual community event is designated as a special assignment one year, this does not mean that it will be designated as a special assignment the next year. It will be based on staffing and willingness to work these events.
- f. Designating a Special Assignment does not, in any way, disallow management from fulfilling the needs of the department and ordering employees to duty. They would, however, be paid at the special rate.

#### **DEFINITIONS:**

Special Assignments shall be defined as any duty or task outside of normal shiftwork or any other normally assigned duties of police and/or dispatch.

Some examples of Special Assignments might include parades, certain community or school events, certain meetings, or ceremonies, etc.

This is not an exhaustive list and Special Assignments may be added and altered as circumstances arise.

#### **PROCEDURES:**

The Chief of Police or designee will inform staff of any Special Assignments within the same electronic schedule used for all other scheduling. It will be denoted with a description that is clearly understandable to all staff.

Officers or Dispatchers will follow the same bidding procedure as overtime shifts, but:

- Management will have the final determination of who is selected for the assignment based upon special skills, duties/assignments, abilities, training, and/or past participation in special assignment activities, which decision shall not be grievable.
- If no special skills, abilities, or training are required, it will be issued on a rotating fairness basis.
- If a normal duty assignment requires additional personnel, it may be changed to a Special Assignment rate. In that case, no bumping will be allowed.

- The Chief may determine at any point in time (even after an event has been staffed) that an event will be paid at the special rate; with the intent to motivate employees to seek out events that they desire to work, and not solely based on the rate of pay. No bumping will be allowed if this occurs.