

		Policy & Procedures			No. 4.11	
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CALEA STANDARDS

26.0.3 12.1.3

26.1.1 22.3.4

Code of Conduct, Duties, and Responsibilities

Purpose

Effective discipline is a positive process when the perceived purpose is to train or develop. Among the processes those of which have an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are interdependent and a weakness in any one is damaging to effective discipline.

Standards in this chapter reflect a “systems” approach to discipline. However, many of the standards bearing on a disciplinary system are included in other chapters including those relating to selection, training, and direction. Therefore, this chapter focuses on the accountability component of the disciplinary system. This policy should be read in conjunction with Policy #1.49, Professional Conduct.

Policy

The following Code of Conduct Rules and Regulations (located on the I-Drive) will be adhered to by all members of the Canton Police Department.

Members shall include all sworn personnel as well as all civilian personnel for whom these standards are consistent with their positions, duties and functions within the department. **26.0.3 (1-4)**

Professional Responsibilities

The primary objective of the Canton Police Department is to provide the highest possible level of safety, security and service to the community.

To accomplish this objective, the professional responsibilities of the Police Department, within their area of jurisdiction, include the following functions:

- The protection of life and the safeguarding of property;
- The prevention and control of crime;
- The investigation of crime, the apprehension of criminal offenders and the recovery of stolen property;
- The preservation of peace and the maintenance of good order;
- The enforcement of all laws both state and local;
- The immediate response to all emergencies and to all persons therein who are in need of aid or assistance, which may be appropriately provided by the department;
- The performance of such other services required by the department, as determined by the Chief of Police, with the approval of the Town Manager;
- The advancement of a cooperative relationship within the community;
- The creation of a sense of safety and security for the entire community through vigilant preventive patrol; and
- The accomplishment of all police objectives within the law and the constitutional guarantees of all citizens.

Conflict of Interest

Since the position of a police officer is a public trust, it is imperative to avoid any situation involving a conflict of interest whether in fact or in appearance. Special areas of concern include certain kinds of outside employment; financial transaction with units of government or others; memberships in non-police unions; activities in partisan politics; and the use of an official position to secure unwarranted privileges, pecuniary advantage, or preferential treatment.

Gifts and Gratuities: Department employees shall not under any circumstances seek, solicit, or accept any gift, gratuity, loan, reward or fee where there is any direct or indirect connection or the appearance thereof between the solicitation or acceptance and their Departmental membership or employment, except as may be allowed under department policy or specifically authorized by the Chief of Police.

Accepting gifts or gratuities in an aggregate value exceeding \$50 is prohibited under regulations promulgated by the State Ethics Commission.

Any unauthorized gift, gratuity, fee or reward coming into the possession of any officer shall be forwarded to the Chief of Police, together with a written report of the circumstances connected therewith.

Membership in Organizations: Employees of this department shall not affiliate with or become a member of any organization if such affiliation or membership would in any way impede or prevent the effective performance of their duty.

Outside Employment: Prior to accepting any outside employment, an employee of the department shall obtain permission from the Chief of Police. Engaging in outside employment is subject to the following conditions:

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- Such employment shall not impair the efficiency of the officer or the operation of the department;
- Such employment shall not affect the officer's independence of judgment or action in the performance of police duties;
- Such employment shall not bring the officer, the department or town into discredit. All officers engaging in outside employment shall clearly understand that their primary obligation is to the department and the community they serve.

Outside employment also shall not give the appearance of any of the above or involve a conflict of interest and may be reviewed and revoked by the Chief of Police.

Political Activities: Participation in political activities while in uniform or on duty is prohibited. In uniform includes wearing or displaying the department patch, logo, emblems or identifying marks. All actions which could even give the impression that employees are using their official position to influence the electoral process are prohibited. An employee of the department shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose as a result of employment or as a condition thereof.

Testimonials and Presents: No employee of the department shall collect or receive any money or other thing of value from any source for the purpose of presenting it to any active officer of the department unless specific permission is granted by the Chief of Police.

No officer of the department shall seek or accept such present without the permission of the Chief of Police.

Un-Authorized transactions: Department employees are prohibited from entering into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person entering into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transactions takes place between themselves and any person involved in any matter or case which arose out of their employment with the department, except as may be specifically authorized by the Chief of Police.

Use of Official Position: Department employees shall not use their official position, department identification cards or badges for;

- Personal or financial gain;
- Obtaining privileges not otherwise available to them except in the performance of duty; or
- Avoiding consequences of illegal acts.

Employees shall not lend to another person any department equipment, their identification cards or badges or any other or permit them to be photographed or reproduced without the approval of the Chief of Police. Employees shall not authorize the use of their names, photographs, or official titles, which identifies them as police officers, in connection with testimonials or advertisements for any person, commodity or commercial enterprise, without the approval of the Chief of Police.

Required Conduct 26.0.3 (5)

In addition to the specific duties of each individual rank and assignment, the following provisions are applicable to all employees of the department in so far as they pertain to their particular functions and responsibilities.

Arrest: Whenever possible, arrest shall be made under the authority of a valid arrest warrant. When necessary, arrests without warrants shall be made in accordance with the law and prescribed departmental procedures. All constitutional and statutory rights shall be provided to all arrested persons at time of arrest and immediately thereafter.

Assistance Furnishing: Officers shall furnish police assistance in the most expeditious manner possible to all persons making such request, consistent with their police duties and assignments. They shall assist and cooperate with all other law enforcement agencies, provide them with any such authorized information they are entitled to receive, and submit a report on all such action taken.

Awareness of Activities: Upon returning to duty from any period of absence, all employees shall inform themselves about all new orders, regulations, memoranda and all other matters governing their assignments.

Each officer shall familiarize themselves with all the laws, statutes, and regulations necessary for the proficient execution of his/her duty as a police officer.

Care and Security of Firearms: All officers shall maintain their firearms in good working order at all times and report any damage, loss, or unserviceable condition immediately to their supervisor. All officers shall be personally responsible for the security and safekeeping of their service weapons and any other issued weapons at all times. S/he shall not alter or repair any part of their service firearm without the approval from the Chief of Police or a certified weapons instructor.

Civil Disputes: All officers shall take a neutral position in any dispute of a civil nature, acting only to prevent or control any breach of the peace that may arise.

Civil Suits for Personal Injury: Employees shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing.

Members or employees shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation for such illness or injury.

Notice shall be filed before the action is taken. It shall include the facts of the claims and the name of the defendant(s).

The Chief of Police shall be kept informed of the status of the case at each step of the judicial process and the final court determination.

This provision shall not apply to private insurance policies held by officers for which premiums are not paid in part or whole by the town.

Confidential Investigations: Any necessary confidential investigations shall be conducted only with the specific authorization of the Chief of Police and under his/her direction guidance and control.

Communications Departmental: All employees shall transmit all official communications promptly, accurately and completely to other officers of the department, as required; and shall immediately inform their supervisor of any matter of police importance coming to their attention during their work shift, or otherwise. They shall call to the attention of their relieving officers any information regarding unresolved problems or problems that may arise during the next shift of which they are aware.

Courtesy: All employees shall be courteous and considerate to the public, to their superior officers and to their fellow officers of the department. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most circumstances.

Defects in Roadways, Buildings, Etc.: Every officer shall observe and forthwith report to the Communications Center any defects, obstruction or nuisance in a roadway or other town area which may cause a hazardous condition or create a civil liability upon the town.

Appropriate notification shall be made to the dispatching officer for more remedial action where necessary and a log entry made reflecting that this has been done.

Duty, Attention To: Employees shall at all times be alert and vigilant in the performance of their duties and respond prudently, but decisively, when police action is required. The conspicuous use of a cell phone in a public place that gives the impression of inattentiveness is prohibited.

Duty, Devotion To: All employees, while on duty, shall devote their full time and attention to the service of the town. They shall remain awake and alert at all times while on duty.

Duty, Reporting For: All department employees shall report for duty promptly at the time and place required by their assignment or as otherwise directed by the Chief of Police or their Supervisor. They shall be properly uniformed and suitably equipped, ready to assume their duties immediately. While on duty, they shall not absent themselves from duty without the prior permission of their supervisor.

Employees unable to report to duty because of sickness or injury shall notify, or cause to be notified, the Shift Supervisor as early as possible on the first and subsequent day of absence. At the conclusion of their tour of duty, officers shall report off duty at the time and place required by their assignment or as otherwise directed by the Chief of Police or their supervisor.

Firearms, Use of: Officers authorized to carry firearms shall comply with all provisions of Department Policies: Use of Force and Authorized Weapons.

Home Address and Telephone: All employees shall have a telephone in their place of residence, and report change of address or telephone number to their Supervisor within 24 hours of such change.

The home telephone numbers or home addresses of officers shall not be given out to anyone outside of the department without authorization from the officer. In the event of an emergency request, the telephone number will be called by police personnel, with a notification to call the person making the emergency request.

Identification, Personal: All employees shall, properly identify themselves to any person requesting this service by showing their department ID card while they are on duty except; when the withholding of the information is necessary for the performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by proper authority.

Knowledge of Community: Every employee shall be thoroughly familiar with the town including its roadways, buildings, offices, etc., in order to be able to provide accurate information to the public upon request and to be prepared to respond swiftly and effectively to any part of the town in an emergency.

Leaving the Town: Whenever it is necessary, in the performance of duty, for an officer to leave the town limits, s/he shall request permission from his/her supervisor prior to leaving and advise him/her on return. If an emergency prevents following this procedure, s/he must contact his/her supervisor as soon as possible.

Line of Duty Disability: Any injury, illness or disability incurred in the line of duty, shall be reported in writing, as soon as possible, by the officer or employee concerned to his/her supervisor for the attention of the Chief of Police. Final disposition as to line of duty injuries, illnesses or disabilities shall be made by the Chief of Police after consultation with a physician. In each case of illness, injury, or disability incurred in the line of duty, no officer/employee shall be returned to full duty until his/her ability to be placed on full duty status is certified by proper medical authority.

Mutual Protection: All officers shall come to the immediate aid, assistance or protection of fellow officers who, in the performance of their duties, require such aid and assistance.

Paid Details: M.G.L. c44 § 53c, requires that all payments for paid details must be channeled through the Treasurer's Office. No officer shall accept compensation directly from such private employers for paid details.

Parking Enforcement: Parking of vehicles within the town shall be enforced efficiently and effectively in conformity with current State Laws, Town By-Laws and Departmental Rules/Regulations or Policy/Procedures.

Personal Appearance: All officers and uniforms shall be neat and clean in appearance while on duty, whether in or out of uniform, and they shall maintain police quarters, lockers, desks, and vehicles used by them in a neat, clean, orderly condition. **26.0.3**

Personal Relationships: All employees shall be considerate and polite at all times to all department personnel and maintain good relationships with their supervisors and their fellow employees in a spirit of mutual concern for their common objective.

Physical or Psychological Exams: An employee shall submit to a physical health, physical fitness, medical or psychological examination, at the expense of the Department, when ordered to do so by the Chief of Police.

Physical Fitness: All employees shall maintain good physical condition and mental alertness in accordance with standards set by the Chief of Police. All officers are expected to keep themselves as physically fit as their age permits and the nature of their duties require.

Property, Care and Custody of: All property, including money, which comes into an officer's custody while on duty, whether lost or stolen, confiscated, abandoned, turned into the department or taken from a detainee, shall be suitably recorded and safely secured in accordance with Department policies and procedures.

Public Appearance: All requests for public appearance or speaking engagements by employees regarding department operations or policies shall be submitted to the Chief of Police for approval. Officers who are approached directly for this purpose shall suggest that such requests be forwarded to the Chief of Police.

Searches and Seizures: Any necessary and required searches and seizures shall be conducted in accordance with law and all prescribed Department Policy, Search and Seizure, under the specific direction and guidance of the Chief of Police.

Trials and Hearings: All officers concerned with cases before the courts shall be punctual in attendance and neat in appearance. All officers shall have facts of the case in which they are concerned properly prepared and ready for presentation at the time of the hearing.

Truthfulness: An officer shall truthfully state the facts in reports, as well as when he/she appears before any judicial, departmental, or other official investigation, hearing, trial, or proceeding. S/he shall cooperate fully in all phases of such investigations, hearings, trials, and proceedings.

PROHIBITED CONDUCT 26.0.3 (5)

The following acts, actions, or activities by department officers are prohibited and/or restricted:

False Payment of any Kind: All employees are prohibited from submitting a false or fraudulent claim of hours worked for payment. **26.0.3 (6.)**

Conduct Unbecoming an Officer: The omission of any required act, or the commission of any specific act or acts of immoral, improper, disorderly or intemperate personal conduct, or any action or inaction, which reflects discredit upon the officer him/herself, upon his/her fellow officers, upon the department or upon the town.

Criminal Conduct: Employees shall not commit any criminal act (felony or misdemeanor), or violate the regulatory or criminal laws or statutes of the United States or of any state or local jurisdiction (by-law/ordinance), whether on or off duty. **22.3.5(b)**

Assault and Battery on a Detainee: Any Law Enforcement Officer who commits an assault and battery on a person in their custody or control will be charged under MGL Ch. 265-13H1/2. **26.0.3 (7)**

Defendants/Suspects, Communication With: An officer shall not recommend any course of legal action or hypothesize on the possible outcome of any judicial or administrative proceedings with a criminal defendant or suspect, or otherwise assist or feign assisting a defendant or suspect in any manner without the approval of the Chief of Police or the court.

Department Property, Abuse Of: Intentionally or negligently abusing, misusing, damaging or losing department property or equipment.

Department Telephones: Department telephones are not to be used for the transmission of personal messages, without the existence of urgency, or the permission of the Shift Supervisor.

Discourtesy: Being rude impolite, contemptuous or insolent to a superior officer, to a fellow officer or to a member of the public.

False Information on Records: An officer shall not make or submit any false or inaccurate reports or knowingly enter or cause to be entered into any departmental books, records or reports, any inaccurate, false or improper Information.

Feigning Illness or Injury: An officer shall not feign illness or injury, falsely report him/herself ill or injured, or otherwise deceive, or attempt to deceive, any superior officer as to the condition of his/her health as it relates to the performance of his/her duties.

Improper Association: Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior. The exception will be, when necessary to the performance of official duties, with the knowledge and approval of the Chief of Police, or where unavoidable because of family relationships of the officers.

Incompetence: An employee shall maintain sufficient competency to perform his/her duty and to assume the responsibilities of his/her position. Incompetency may be demonstrated by, but is not limited to the following:

- A lack of knowledge of the application of laws or regulations required to be enforced;
- An unwillingness or inability to perform assigned tasks;
- A failure to perform to work standards established for the officer's rank, grade, or position; and
- Repeated poor evaluations or repeated infractions of the Rules and Regulations/Policies and Procedures.

Incurring Departmental Liability: An employee shall not incur a liability chargeable to the department without the prior knowledge and consent of the Chief of Police. This means nothing will be charged to the department without the Chief's permission, or in his/her absence the approval of the appropriate Division Commander or in his or her absence the Officer In Charge.

Insubordination: Failure or deliberate refusal by any employee, sworn and civilian, to obey a lawful order given or issued by a Superior Officer or the Shift Supervisor. This includes any order relayed from a superior officer by an employee of the same or lesser rank. **12.1.3**

Intoxicating Beverages or Drugs, Use Of: No employee shall, while on duty, consume any intoxicating beverage, except with the specific approval from the Chief of Police or a Superior Officer;

- Shall not, while on duty, use any narcotic, controlled substance or other toxic drug except at the direction of a physician for a specific health purpose; (In any case where it is necessary to take any such drug on the advice of a physician, such officer shall notify his/her supervisor upon reporting for duty and be guided by his/her decision as to fitness for duty.)
- Shall not report to duty under the influence of intoxicating liquor or under the influence of any narcotic drug or controlled substance unlawfully administered;
- Shall not report for duty with the odor of intoxicants on his/her breathe.
- Shall not, while off duty and while wearing any identifiable part of his/her uniform, drink any intoxicating beverage.

Letterhead, Department: Employees shall not use the department letterhead for private correspondence or for sending official correspondences out of the department without the permission from the Chief of Police.

Mailing Address: Employees shall not use the department as a mailing address for private purposes without permission from the Chief of Police. At no time will the department be used as a mailing address for the purposes of a motor vehicle license or registration.

Neglect of Duty: Being absent from assigned duty without leave; leaving post or assignments without being properly relieved; or failing to take suitable and appropriate police action when any incident requires police attention or service.

Notices, Department: Altering, defacing, or removing without permission, any official posted notice on the department bulletin boards. No notice shall be posted on the department boards or other department property without permission from the Chief of Police, except in accordance with the current collective bargaining agreement.

Official Information, Dissemination: Department members shall treat the official business of the department as confidential and shall conform to the guidelines set forth by department policy.

Personal Business: Employees while on duty or in uniform shall not conduct any personal business, purchase any alcoholic beverages or purchase and carry any conspicuous amounts of merchandise, unless required in the performance of duty.

Recommending Private Services: An employee shall not officially or unofficially recommend or suggest to the public, the employment or purchase of any particular professional or commercial service or product.

Public Statements: No employee shall make, publish or issue any derogatory, discreditable or disparaging public statements concerning the department or its officers, which might tend to undermine the efficiency of department operations and/or morale of its membership.

Recommendation for Disposition of Cases: An officer of the department shall not make recommendation to defense or prosecutors for the disposition of any case pending in the courts without the knowledge and consent of the Chief of Police.

Smoking: Conspicuous smoking in public view while on duty in uniform is prohibited. There shall be no smoking allowed in any departmental vehicle or in the police department building. This applies to those hired before Jan. 1, 1988 as well.

Undue Influence: An employee shall not seek to obtain the influence or intervention of any person outside the department for purposes of personal preference, advantage, transfer or advancement.

Unnecessary Force: The use of more physical force than that which is necessary to accomplish a proper police purpose is strictly forbidden. Officers shall use force only when required in accordance with the law and Department Policies and Procedures.

Warrants or Complaint for Assault: An officer shall not make application for a warrant or complaint that s/he was assaulted while in the performance of police duty without first reporting the facts to the Chief of Police and/or the Department Court Prosecutor.

Wearing of the Uniform: An employee shall not wear any identifiable part of his/her uniform outside of the Town of Canton, except while in the performance of official duty or with the permission of the Chief of Police.

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Withholding Evidence: An officer shall not fabricate, withhold or destroy any evidence of any kind.

Discipline

- Officers of the Department are subject to disciplinary actions by statute (M.G.L. c. 31 sec. 43) and such other less severe measures deemed appropriate by the Chief of Police such as letters of reprimand. Procedural requirements regarding notice and hearings shall be observed.
- Statutory provisions provide for review before the Civil Service Commission (M.G.L. c 31 sec. 43b) and thereafter before the state courts (M.G.L. c 31 sec. 43d). Probationary officers having less than one years' service charged with a violation of prohibited conduct are subject to discharge without right to a hearing or appeal under the provisions of M.G.L. c31.s 20D.
- Civilian employees of the department are subject to the same disciplinary actions as officers of the department. Disciplinary actions which may be imposed range from a letter of reprimand to discharge from the department.