

	Policy & Procedures				No. 4.28	
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I. BACKGROUND

Professionalism, ethics, and integrity are of paramount importance in law enforcement. Employees of a police department, by the very nature of their mission, often encounter people in embarrassing and sensitive situations or circumstances. To achieve and maintain the public's highest level of respect, we must hold to high standards of conduct and appearance, whether on or off duty, and safeguard the information that we collect in connection with our official duties. An employee's actions must never bring the Department into disrepute, nor should conduct be detrimental to its efficient operation.

II. POLICY

It is the policy of the Canton Police Department that all employees hold themselves to a high standard of professionalism and appearance at all times while on or off duty. Officers will adhere to the procedures below in maintaining their professional responsibilities to the department and the town of Canton.

III. PROCEDURES

A. Uniforms & Appearance

1. All employees shall wear such uniforms, equipment, and insignia of rank as the Police Chief or their designee may, from time to time, prescribe. A professional, uniform appearance fosters teamwork and esprit de corps. Employees should present professional appearance to the public at all times and reflect a positive image as members of the Department. The uniform identifies the employee and makes them readily accessible to the

citizen. It is, therefore, vital that the employee maintain a neat and clean appearance, and that the uniform serves as an appropriate introduction to the members of the community. Certainly, exceptions may be authorized for undercover assignments or for medical necessity. Periodically the Chief may post drawings for guidance in interpreting the following regulations.

B. Privacy and Off-Duty Conduct

1. The Department will generally limit its inquiry into an employee's personal matters, off-duty conduct, and outside employment, to situations reflecting upon the Department or affecting the employee's ability or fitness for duty. An employee's right to privacy guarantees that the disclosure of personal matters can be compelled only if the employer's interest in the disclosure outweighs the employee's privacy interest.
2. When the department determines that inquiry into an employee's private life is legitimate, it will make the scope of the inquiry as narrow as reasonable under the circumstances.
3. Disclosure of an employee's financial affairs will help to deter corruption, dishonesty, and conflicts of interest. It also enhances public confidence in the integrity of the Department. When the Departments elects to mandate such a financial disclosure, it will afford employees the opportunity to make claims of privacy as to certain financial records and to have those claims heard by a neutral body.
4. An employee's medical and psychological fitness for duty is a matter of continuing departmental concern. The Department is authorized to require employees to submit to medical and/or psychological examinations whenever there is reason to question the employee's fitness for duty. Reports of such examinations will be maintained in a separate file and dissemination of the information will be restricted to appropriate individuals.
5. The Department has a legitimate interest in preserving its public image of trust and respect. An employee's off-duty personal relationships should not be allowed to bring discredit to the employee or Department, affect the employee's ability to perform their job, or result in poor job performance.
6. Employees who are on paid leave status as a result of sickness or injury may have their activities regulated. Reasonable rules requiring an employee to remain at his residence except for compelling legitimate reasons, and then after notification of the Department, are permissible.
7. The Department has the right to regulate the off-duty employment of its employees. The emergency nature of law enforcement, the need to ensure that employees report to work in good physical and mental

condition, and the need to prevent conflicts of interest, all combine to provide the Department with discretion in regulating (including prohibiting) off-duty employment.

C. *Conduct Unbecoming*

1. It is impossible to have detailed rules governing every conceivable situation. Historically, the military and police service (a quasi-military organization) have relied upon the charge of conduct unbecoming to cover obvious violations for which no specific rule was promulgated. Admittedly, such a catch all rule would not be proper for regulating the conduct of the general public. However, over the years, we have come to understand that certain behavior is clearly not in keeping with the good order and proper operation of the Department.
2. This rule has been shown capable of objective interpretation. The standard of conduct expected of employees is learned in a variety of ways, from academy/initial training and in-service training to manuals, orders, and various written directives. It is fair to say that conduct unbecoming should be such as would alert a reasonable employee that their conduct under the circumstances would be inappropriate. Both on and off-duty conduct may subject an employee to a charge of conduct unbecoming. Employees do not sever their relationship with the Department at the end of their shift. An employee's off-duty conduct, especially where there is some nexus or connection to the Department or where the employee's status as a police department employee is known, may reflect unfavorably on the employee and the Department.
3. Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department and its members. Conduct unbecoming shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation, morale, integrity, reputation, or effectiveness of the Department or its members. Conduct unbecoming shall also include off-duty conduct where there is a nexus or connection between act or acts committed by the employee and his continued fitness or ability to effectively perform their required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation, or effectiveness of the Department and the ability of the employee(s) not involved in said act to effectively perform their required duties and responsibilities.
4. Employees charged with conduct unbecoming will have the underlying offensive conduct specified in the notice of the charges.
5. As with all rules and regulations, violations may result in discipline up to and including termination.

D. Conflict of Interest Law

1. Since police department employees are in a position of public trust, it is important to avoid all situations involving conflicts of interest whether in fact or only in appearance. Special areas of concern include certain kinds of outside employment; financial 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.
2. Employees should read and become familiar with the provisions of MGL c. 268A concerning conduct of public officials and employees. The following provisions are especially relevant to police department employees:
 - a. s3(d) "Whoever, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of substantial value for himself for or because of the testimony under oath or affirmation given or to be given by him or any other person as a witness upon any such trial, hearing or other proceeding, or for or because of his absence there from; -- shall be punished by a fine of not more than three thousand dollars or imprisonment for not more than two years, or both.
 - b. s 23(b) "No current officer or employee of a state, county, or municipal agency shall knowingly, or with reason to know:
 - i. Accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;
 - ii. Use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are not properly available to similarly situated individuals;
 - iii. Act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position, or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such conclusion."

Note: Remember that in case of doubt, the Town Attorney will prepare a legal opinion at your request through the Chief of Police. Said

opinion shall be sought prior to engaging in situations which may in fact create a conflict of interest.

3. No employee shall violate MA General Laws c.268A.

D. Memberships in Organizations

1. Employees shall not affiliate with or become members of any organization if such affiliation or membership would substantially interfere with or prevent them from performing their duty.

E. Improper Associations

1. 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 of the Department for present involvement in criminal behavior, except as necessary in the performance of official duties, with the knowledge and approval of the Chief or were unavoidable because of an officer's family relationships.

F. Undue Influence

1. Employees shall not seek or obtain the influence or intervention of any person, outside or from within the Department, for the purposes of advancement, preferential assignment, transfer, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a disciplinary hearing.

G. Valuable Items – Buying/Receiving/Selling

1. Employees shall not buy, receive, or sell anything of value from or to any complainant, suspect, witness, defendant, detainee, or other person involved in any case which has come to the attention or which arose out of Department employment, except as may be specifically authorized by the Chief of Police.

H. Department Correspondence

1. Employees shall not use Department letterhead for private correspondence nor shall they send any written communication about police business to any person, firm, or other law enforcement or public agency without the consent of the Chief of Police or their designee. Employees shall not enter into official Department correspondence with anyone or any agency outside the Department, except with the approval of the Chief of Police.

I. Mailing Address

1. Employees shall not use the Department as a mailing address for private purposes without the permission of the Chief of Police. At no time will the Department be used as a mailing address for the purposes of a motor vehicle license, registration or other private purposes.

J. Interfering with the Course of Justice

1. Employees shall not take part in, or be concerned with, either directly or indirectly, any compromise or arrangement with any person whom so ever for the purpose of permitting an accused person to escape the penalty of his wrongdoing, or seek to obtain a continuance of any trial or otherwise interfere with the course of justice except in the normal course of proceedings.

K. Possessing Keys to Private Premises

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

L. Private Benefit from Departmental Association

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

M. Off-Duty Employment

1. Employees shall not engage in any off-duty employment without the knowledge and approval of the Chief of Police. The approval of the Chief of Police shall be based upon: (a) increasing off-duty efficiency and availability (b) avoiding potential conflicts of interest and protecting the image of the Department (c) avoiding impairment of on-duty performance.
2. All personnel engaging in outside employment should clearly understand that their primary obligation is to the Police Department and the community they serve. Prior to accepting any outside employment, an officer must request, in writing, the approval of the Police Chief. No employee shall accept other employment which could impair his independence of judgment in the exercise of his official duties.

N. Political Activities

1. Employees shall not participate in political activities while in uniform or on duty. All actions which could give the impression that employees are using their official position to influence the electoral process are to be avoided. An employee shall not be required to solicit or be obliged to

make contributions in money, services, or otherwise, for any political purpose.

2. Employees who become candidates for salaried elective office shall take leave of absence without pay. Such leave shall encompass both the campaign and tenure of office if elected. Nothing in this rule shall be construed to mean that Department personnel are restricted in any way, while off-duty, from exercising their constitutional rights as citizens in the political electoral process (including such actions as voting, supporting candidates, and belonging to a political party).

O. Gifts & Gratuities

1. 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 between the solicitation or acceptance and their departmental membership or employment, except as may be specifically authorized by the Chief.
2. Employees must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities, who might expect or seek preferential police treatment. All Department personnel must offer and are expected to make payment for their meals and beverages.
3. Any unauthorized gift, gratuity, fee or reward coming into the possession of any officer shall be forwarded to the Chief, together with a written report of the circumstances involved.

P. Testimonials & Benefits

1. Employees shall not collect or receive any money or other thing of value from any source for the purpose of making a present to any active officer or employee of the Department unless specific permission is granted by the Chief. No employee shall seek or accept such present without the permission of the Chief.
2. It will be noted that under the provisions of General Laws, Chapter 268, Section 9A, no person shall sell tickets or solicit contributions for a testimonial dinner or similar function for any person in active employment in any law enforcement agency or regulatory body of the state or any city or town.

Q. Unauthorized Transactions

1. Employees shall not enter into any transactions of material value at substantially lower than fair market value, or value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person involved in any matter or

case which arose out of their employment with the Department, except as may specifically authorized by the Chief.

R. *Use of Official Position*

1. Employees shall not use their official position, Department identification cards or badges:
 - a. for personal or financial gain;
 - b. for obtaining privileges not otherwise available to them except in the performance of duty, or
 - c. for avoiding consequences of illegal acts. Employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.
2. Employees shall not authorize the use of their names, photographs, or official titles, which identify them as police employees in connection with testimonials or, commodity, or commercial enterprise, without the approval of the Chief of Police.

S. *Insubordination*

1. Employees shall not be insubordinate. Insubordination shall include: any failure or deliberate refusal to obey a lawful order (written or oral) given by a Superior Officer or as otherwise specified above. It shall also include any disrespectful, mutinous, insolent, or abusive language or action toward a superior whether in or out of the presence of the superior.

T. *Conduct toward other Members of the Department*

1. Members and employees shall treat all other members of the Department with civility and respect.
2. They shall be courteous and civil at all times in their relationship with one another.
3. When on duty, and particularly in the presence of other members, employees, or the public, officers shall be referred to by their rank or title.
4. Rumors and malicious gossip shall be prohibited.

U. *Rules & Regulations*

1. Department members shall comply with all rules and regulations of the Department that are now in effect or that shall be promulgated in the future.

V. *Amanda's Law*: C. 271 § 51 Prohibition on taking or transmitting images of crime victims by first responders.ⁱ

1. Taking of Images

- a. No first responder who responds to or is otherwise present at the scene of a crime, accident or other emergency in the performance of the first responder's official duties shall take a photographic or digital image of a victim of a crime, accident or emergency unless the first responder takes the photographic or digital image:
 - i. In the performance of the first responder's official duties; or
 - ii. Upon the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim.

2. Transmitting of Images

- a. No first responder shall, other than in the performance of the first responder's official duties, transmit, disseminate or otherwise make available, to a third person, a photographic or digital image of a victim of a crime, accident or emergency without the consent of the victim or, if the victim is unable to consent, an immediate family member of the victim.
 - i. **Body camera Exception** provided, however, that this subsection shall not apply to the use by a first responder of body-worn cameras or cameras mounted on a first responder's vehicle.

3. Definitions

- a. **First Responder defined "First responder"**, a law enforcement officer, a paid, call, reserve or volunteer firefighter, a paid, call, reserve or volunteer emergency medical technician or any other person whose usual and regular duties include rendering assistance at the scene of a crime, accident or other emergency.
- b. **Immediate Family Member defined "Immediate family member"**, a spouse, child, step-child, adopted child, sibling, step sibling, adopted sibling, parent, step-parent, legal guardian, adoptive parent, grandparent or grandchild.

4. Penalty

- a. A first responder who knowingly violates subsection III/V/1 or III/V/2 shall be punished by a fine of not more than \$2,000, by imprisonment for not more than 1 year or by both such fine and imprisonment.

ⁱ Chapter 146 of the Acts of 2022 & M.G.L. c. 271 s.51