

Somerville Police Department 	TYPE: GENERAL ORDER		POLICY NUMBER: RULES AND REGULATIONS	VERSION: 6.00			
	Subject: Rules and Regulations Manual						
	Issuing Authority: Charles Femino Chief of Police		Signature: 	Effective Date: April 7, 2023			
Accreditation Standards (6th Edition) 12.1.3; 22.3.4; 26.0.3; 26.1.2;		<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended					
Revision & Reissued Dates:	11/24/2015	1/19/2019	05/15/2019	10/3/2019	04/06/23		

SOMERVILLE POLICE DEPARTMENT

Rules and Regulations Manual



Chief Charles Femino

Version 6

April 2023

MANUAL OF RULES AND REGULATIONS

SOMERVILLE POLICE DEPARTMENT

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FOREWORD

The primary purpose of the police department is to provide a high level of safety, security and service for all members of the community. As a regulatory agency of local government, the police department has the direct responsibility for the preservation of the public peace; for the reduction of the opportunity to commit crime; and for the effective delivery of a wide variety of police services.

In our democratic society the legislature frames and constructs the law while the judiciary interprets the law. It is the police, however, who have the sworn duty to directly apply and execute the law fairly and objectively for the benefit of the entire community. This task has become one of the most difficult and demanding responsibilities in public service.

It is, therefore, of the utmost importance that all police officers have a keen perception of their role and purpose and a clear understanding of what is expected of them in the performance of their essential duties. It is towards the achievement of these goals that this manual of rules and regulations has been prepared and promulgated. It is the objective of this manual to outline the basic purposes for which the police department is organized and to establish standards of conduct and behavior to which every member of the department is to be held personally accountable.

The contents of this manual should be accepted and adhered to as a personal code of conduct and endorsed by all department members as a foundation for professional law enforcement. It provides clearly defined, reasonable standards of acceptable behavior and has the legitimate purpose of furnishing the best possible police protection and service for the community.

It should be noted, however, that rules and regulations can provide desirable guidelines for police officers to follow; adequate training can equip them with the understanding and technical skills necessary to perform effectively; and diligent supervision can furnish them with capable direction and guidance; but, in the final analysis it is the personal efforts of the individual officer that will earn the confidence and respect of the public. Police officers who are knowledgeable, thoughtful, courteous and resourceful in the performance of their duties will reflect credit upon themselves, upon the police department they represent and upon the community they serve.

By City Ordinance, The Chief of Police shall be responsible for the discipline and efficiency of their department and shall have entire control thereof; they shall execute and enforce the regulations governing the police. Deviations from the rules and regulations outlined in this manual are unacceptable without the approval or authorization of the Chief of Police except when necessary in the performance of an employee's duty with supervisory authorization. The Chief of Police on occasion may authorize an employee of the Police Department to act contrary to the rules and regulations herein based on extenuating circumstances.

Nothing in the rules and regulations shall be contrary to or inconsistent with the collective bargaining agreements made and entered into between the City of Somerville and the Somerville Police Employees Association and the Somerville Police Superior Officer's Association.

Mission Statement*

The Somerville Police Department, as part of, and empowered by, the community, is committed to protect the lives, property, and rights of all people, to maintain order, and to enforce the law impartially. Members of the department are committed to racial and social justice and actively pursue the cooperation of every resident in an effort to create a police/community partnership that is sensitive to the multitude of cultures that make up the human fabric of our community. To fulfill our mission, we will utilize innovative and proven crime prevention strategies and problem-solving partnerships with our community.

*Also referenced in “[General Order 401 – Oath of Office/Code of Ethics](#)”



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Oath of Office*

"I, _____, do solemnly swear that I will faithfully perform the duties incumbent on me as a police officer for the City of Somerville in the Commonwealth of Massachusetts, and uphold the Constitution of the United States, under the pains and penalties of perjury."

*Also referenced in "[General Order 401 – Oath of Office/Code of Ethics](#)"

Code of Ethics*

As a law enforcement officer, my fundamental duty is to humanity; 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 people to liberty, equality, and justice.

I will keep my private life untarnished 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 personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. I look to deescalate volatile situations, deter crime, and use the powers of arrest entrusted to me as necessary. 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 to my chosen profession—Law Enforcement.

*Also referenced in “[General Order 401 – Oath of Office/Code of Ethics](#)”

Value Statement*

The core values of the Somerville Police Department are:

1. To make Somerville safe in ways that reflect our democratic values and that fulfill the commitment to police Somerville without violating our legal, moral, and ethical principles
2. To treat every individual with civility, courtesy, sensitivity, and respect
3. To act with integrity
4. To provide quality service
5. To listen carefully and to act appropriately
6. To respect stability and embrace change, keeping what works and changing what could work better
7. To value diversity and inclusion
8. To discharge faithfully our role as guardians of the public trust and intervene when people's rights are violated
9. To partner with the public in an effort to solve community problems
10. To act with this thought in mind: to the citizens of Somerville, at all times in our actions we represent the government

*Also referenced in "[General Order 401 – Oath of Office/Code of Ethics](#)"

SECTION I RULES AND REGULATIONS

A. INTRODUCTION

The following Rules and Regulations are adopted for the government of the police department and for the direction and guidance of its officers. Personnel guidelines are a necessity in any organization if it is to effectively achieve the purposes for which it is established. This is particularly true in a police agency where the reputation of the organization is fundamentally dependent upon the personal conduct and professional competence of its individual officers. Although this manual is especially directed to the officers of the police department, it is expected that all civilian employees will adhere to, and be guided by, all rules, regulations and procedures consistent with the positions they hold and with their duties and functions in the department.

The delivery of police services to a community is a unique and complex undertaking. It requires police officers who possess a high degree of stability, sound judgment, physical and moral courage, fidelity and personal integrity. It requires that police officers conduct themselves at all times within the limitations of their police authority. They cannot act outside of, above or beyond their lawful authority and any abuse of their police powers violates the authority entrusted to them.

It cannot be expected that the contents of this manual of rules and regulations will cover all situations or emergencies that may arise. By the very nature of police work, police officers in the field must perform their duties independently and with a minimum of direct supervision. Their own intelligence, practical experience, prudent discretion and common sense will often be their only available guidelines in carrying out their responsibilities.

All officers are expected to be thoroughly familiar with the contents of this manual and all revisions and amendments thereto. To serve its intended purpose this manual will be periodically reviewed and updated to meet current needs and requirements. All officers and employees are invited and encouraged to forward suggestions for the improvement of department operations, practices and procedures, in writing, through department channels, for the attention of the Chief.

These rules and regulations shall become effective on the date of issuance and shall remain in full force and effect until amended or rescinded. All previous rules, regulations, orders, directives, policies or procedures, inconsistent here with, are hereby revoked. If any part of these rules and regulations are rendered inoperable or declared illegal, by any court or governmental agency of competent jurisdiction, the balance of the entire manual will remain in full force and effect.

The level of all transgressions by police officers or other employees shall be judged by their intent if they act contrary to their duties. The Chief of Police on occasion may authorize an employee of the Police Department to act contrary to Department policies and the rules and regulations herein based on extenuating circumstances.

B. DEFINITIONS

Administrative Leave - A temporary leave from job responsibilities. This work status can be paid or unpaid based on the circumstances. During Administrative Leave, employers may conduct an investigation into employee conduct and determine an appropriate course of action.

Assignment – A specifically established or prescribed police duty, requiring the person so directed to perform a certain police task or tasks.

Bureau – The largest functional unit of the department composed of two or more divisions, whose commanding officer is a Captain that reports to a Deputy Chief.

Chain of Command – The unbroken line of authority extending from the Chief down through the rank structure at each level of the Department.

Chief of Police – The executive head of the police department.

Civilian Employee – Any employee of the police department who is not appointed as a sworn police officer

Commanding Officer – An officer assigned to command and direct any functional unit or subdivision of the department and responsible for its efficient operation.

Department – The police department as organized and staffed to achieve its purposes and objectives.

Deputy Chief – An appointed and sworn Officer within the Police Department's Command Structure who oversees the bureaus and divisions of the agency.

Detail – A police assignment composed of one or more officers for a specific purpose.

Division – A subdivision of a bureau, organized for general police service or for specialized police activity.

Duty – The obligation to perform police action or service.

Employee – Any person employed by the Somerville Police Department.

Headquarters – The police building from which the Chief of Police administers and directs the department and its personnel.

Incompetence – Being incapable of the satisfactory performance of police duties, which may include a lack of initiative, diligence, sound judgment, ability to take decisive action, or any other trait which demonstrates incapacity or ineptness in the performance of assigned tasks.

Manual – The department manual of rules and regulations, including any amendments and additions thereto, as promulgated by the Chief.

Officer – A sworn member of the police department having the power and authority of a police officer, regardless of rank or assigned duties.

Officer-in-Charge – The officer in command of any functional unit or subdivision of the department at any given time; or the officer in charge, and responsible for, any police action or operation.

Official Channels – The department chain of command

Organization – The organic structure of the department consisting of major functional units and subdivisions grouped according to similarity of purpose and operational responsibilities.

Patrol – Keep watch over an area by traveling through it on foot, in a vehicle, on a bicycle, etc. to detect criminal activity and traffic violations; respond to dispatched calls and emergencies; provide back-up assistance to other officers as needed; locate, apprehend and arrests law violators; performs physical searches and seizures; transport detainees for booking; engage the community through citizen contacts and business contacts; identify and solve community problems.

Police Officer – A duly appointed and sworn police officer who serves at the first level of the department structure.

Post – A fixed point or location to which an officer or employee is assigned to duty.

Peace Officer Standards and Training Commission (POST) – the State entity charged with creating a mandatory certification process for police officers, as well as processes for decertification, suspension of certification, or reprimand in the event of certain misconduct.

Rank – The relative position of each officer of the police force, classified by grade and title.

Ranking Officer – The officer having the highest rank or grade on duty at a particular time and place.

Relieved from Duty – The official act of temporarily removing an officer from street or field duty, with pay, for a specific purpose.

Route or Beat – A particular area designated for police patrol purposes, with uniformed officers assigned either on foot or by motor vehicle.

Sector – A particular geographical area of the community, designated for police patrol purposes, with uniformed officers assigned in distinctively marked, radio-equipped motor vehicles.

Superior Officer – An officer of the police force who has been promoted to administrative or supervisory responsibilities.

Suspension – The official act of temporarily removing an officer from all police duties, without pay, for a specified period of time, for violation of department policy, rules, regulations, orders or directives.

Termination of Employment - The separation of an employee from their employment with the City of Somerville

Termination Hearing – A hearing held to determine if an employee should be separated from their employment with the City of Somerville

Tour of Duty – A regularly established work period to which individual officers are assigned.

Uniform of the Day – The police uniform specifically designated by the Chief to be worn by all uniformed officers at particular times and occasions.

Unit – A number of police officers and/or civilian employees regularly or temporarily assigned together to perform a specific police purpose.

C. PROFESSIONAL RESPONSIBILITIES

The police are the most visible and most readily accessible representatives of local government. They respond to calls for assistance of a diversified nature and are expected to resolve a wide variety of community problems, as they occur.

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

1. The protection of life and the safeguarding of property.
2. The prevention and control of crime.
3. The investigation of crime, the identification of suspects, the apprehension of criminal offenders, and the recovery of stolen property.
4. The preservation of the public peace and good order.
5. The enforcement of statutes, ordinances and by-laws within the police area of responsibility.
6. The immediate response to public emergencies.
7. The performance of other police related services required by the community.
8. The advancement of cooperative community partnerships and the building of trust with the general public.
9. The building of a sense of safety and security for the entire community through vigilant preventive patrol.
10. The accomplishment of all police objectives within the law and the constitutional guarantees of all citizens.
11. The diversion from incarceration of non-violent offenders especially juveniles when appropriate.
12. The utilization of de-escalation techniques to minimize use of force incidents and arrests.
13. The deployment of Department based mental health services to assist community members in crisis.
14. The police referral of drug counselors and clinicians from the Community Outreach and Recovery (COHR) program to assist those in the community suffering from addiction.

D. CONFLICT OF INTEREST [22.3.4]

All employees of the Somerville Police hold positions of public trust, thus, 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 transactions with units of government; membership in City of Somerville employee unions; activities in partisan politics; and use of an official position to secure unwarranted privileges. Remember that in case of doubt, the City Solicitor will prepare a legal opinion at your request through the Chief of Police.

1. Membership in Organizations – Officers and 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 their effective performance of duty.
2. Outside Employment – Before accepting any outside employment, officers and employees shall notify the Chief. Engaging in outside employment is subject to the following conditions: (a) such employment shall not impair the efficiency of the officer or the operation of the department; (b) such employment shall not affect the officer's independence of judgment or action in the performance of police duties; (c) such employment shall not bring the officer or the department into disrepute. All personnel engaging in outside employment should clearly understand that their primary obligation is to the police department and the community they serve.
3. Political Activities – Participation in political activities while in uniform or on duty is prohibited. All actions which could even give the impression that officers or employees are using their official positions to influence the electoral process are to be avoided. An officer or employee shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.

Officers and employees who become candidates for salaried elective office shall take a leave of absence without pay. Such leave shall encompass both the campaign and the tenure of office if elected. Nothing in this rule shall be construed to mean that department personnel are restricted in any way from exercising their constitutional rights as citizens in the political or electoral process.

4. Gifts and Gratuities – Officers and 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.

Officers and 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.

5. Use of Official Position - Officers shall not use their official position for personal or financial gain. This does not include discounts offered by retailers to individuals of a select group (IE: veterans, seniors, first responders, etc). Officers shall not authorize the use of their names, photographs or official titles that identify them as police officers in connection with testimonials or advertisements for any person, commodity or commercial enterprise, without the approval of the Chief.

E. ORDERS [12.1.3]

An order is a command or instruction, written or oral, given or issued by a superior officer. All lawful orders, written or oral, shall be carried out fully and in the manner prescribed.

1. General Orders – General Orders are permanent written orders issued by the Chief of Police outlining policy matters which affect the entire department. A General Order is the most authoritative written order the Chief issues, and may be used to amend, supersede, or cancel any previous order. General Orders remain in full effect until amended, superseded, or canceled by the Chief. Arrangements shall be made to include General Orders in the police manual.
2. Special Orders – Special Orders are temporary written orders issued by the Chief of Police outlining instructions covering particular situations. Special Orders are automatically cancelled when their objective is achieved.
3. Unlawful Orders – No superior officer shall knowingly issue any order which is a violation of any law except in the interest of public order or public safety. Obedience to an unlawful order is never a defense for an unlawful action; therefore no officer or employee is required to obey any order which is contrary to federal or state law. Responsibility for refusal to obey an unlawful order rests with the officer or employee to whom such order was given. He/she shall be strictly required to justify such action.
4. Unjust or Improper Orders – When lawful orders which appear to be unjust or improper are given, the officer to whom the order is given shall respectfully notify the superior officer issuing such order of its impropriety. If the order is not corrected, then the order is to be carried out. After carrying out the order, the officer to whom the order was given may file a written report to the Chief via the chain of command indicating the circumstances and the reasons for questioning the order, along with a request for clarification of departmental policy, rules and regulations. An officer who performs an order found to be unjust or improper by the Chief, will not be held responsible for carrying out such order.
5. Conflicting Orders – Should any order given by a superior officer conflict with any previous departmental order, the officer to whom such order is given will call attention to the conflict. If the superior officer does not change their order to avoid such conflict their order will be obeyed, but the officer obeying such order will not be held responsible for disobedience of the previous order. It should later be reported to the Chief in writing for clarification.
6. Personnel Orders – Orders pertaining to assignments, change of duty assignments, administrative matters related to conditions of employment, and employee rights and benefits.
7. Memorandum Orders – Written communications issued by the Chief of Police or other authorized command officers 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.

8. Complying with Instructions from Radio Dispatcher - All messages transmitted over the police radio system by any officer or employee shall be direct and concise and shall conform to all departmental radio procedures and the rules and regulations of the Federal Communications Commission. No officer shall fail to obey or refuse to take cognizance of any communication transmitted by the radio dispatcher, unless directed to do so by a superior officer.

F. REQUIRED CONDUCT

In addition to the specific duties of each individual rank and assignment, as set forth in Section II of this manual, the following provisions are applicable to all officers and employees of the department insofar as they are pertinent to their particular functions and responsibilities. [26.0.3]

1. Arrests – Whenever appropriate, arrests shall be made under the authority of a valid warrant. When necessary, arrests without warrant shall be made in accordance with law and all prescribed departmental procedures. All constitutional and statutory rights shall be provided to all arrested persons at time of arrest and immediately thereafter. Miranda warnings are not necessary if a person arrested is not to be questioned.
2. Attention to Duty – Officers shall at all times be alert and vigilant in the performance of their duties and respond prudently but decisively when police action is required.
3. Awareness of Activities and Department Policy – Upon returning to duty from any period of absence, all Department employees shall inform themselves about all new orders, polices, rules and regulations, memoranda, emails and all other important matters. Department employees shall familiarize themselves with all the laws, statutes, ordinances and regulations necessary for the proficient execution of their job assignment.
4. Care and Custody of Property – Personal property, including money, which comes into an officer's custody while on-duty, whether lost, stolen, confiscated, abandoned, turned in to the department or taken from a detainee, shall be suitably tagged, recorded, and turned over to the proper department authority, or placed in the designated place of storage, for safekeeping, in accordance with current departmental procedures.
5. Care and Security of Firearms – All officers shall maintain their service firearms in good working order at all times and report any damage, loss, or unserviceable condition immediately to their commanding officer. All officers shall be personally responsible for the security and safekeeping of their service firearms at all times and shall not alter or repair any part of their service firearms without the approval of the Chief or their commanding officer.
6. Care and Transportation of Detainees – All arrested persons shall be transported safely and directly to the appropriate place of custody. Officers shall monitor detainees and make every effort to ensure that detainees do not injure themselves or others. Officers must also ensure that those taken into custody do not attempt to escape or dispose of evidence.

7. Checking Email – It shall be the responsibility of each employee to check their department email at least once per working shift and to read all messages (and view attachments) relevant to their position.
8. 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.
9. Civil Suits for Personal Injuries – Any claims for damage to clothing or other personal property belonging to an officer caused by the performance of duty shall be made in accordance with current departmental directives. Officers shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing. Officers who have received municipal salaries for illness or for personal injuries sustained off-duty, shall notify the Chief of Police, or their designee, in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. Notice shall be filed before the action is taken which shall include the facts of the claim and the name of the defendant. The Chief shall be kept informed of the status of the case and the final court determination. This provision shall not apply to private insurance policies held by officers for which premiums are not paid in part or in whole by the municipality.
10. Courtesy – All officers 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 trying circumstances.
11. Departmental Communications – Officers shall transmit all official communications promptly, accurately, and completely to other officers of the department as required, and shall immediately inform their commanding officer of any matter of police importance coming to their attention during their tour of duty, or otherwise. They shall call to the attention of their relieving officers any information regarding unresolved problems or problems that may arise during the next tour of duty.
12. Devotion to Duty – Officers, while on-duty, shall devote their attention to the service of the department and to the citizens of the community.
13. Duty Outside of the Community – Officers shall not be assigned while on-duty to perform duty outside of the community limits in another city or town, except to assist the police authorities of that city or town in suppressing disorder or preserving the peace. Assisting a Police Department in another jurisdiction must be at the direction of the Commanding Officer of the police department involved. It is preferable that a Mutual Aid Agreement exist between the Somerville Police Department and the involved City or town in advance of an emergency situation. Any request for assistance from other cities and towns, and the approval for such assistance, must be acted upon in accordance with M.G.L. Chapter 41, Section 99 or under the existence of a proper mutual aid agreement. The officers of this department, so assigned, shall have the authority of a police officer in that city or town and shall have the same immunity and privileges as when acting within their own community.

If a detail assignment is requested by a Department in another jurisdiction, a Somerville Police Officer assigned to the detail may assist Officers in that jurisdiction in the interest of public safety. Transferred authority is implied by the very nature of the detail request.

When it is necessary for on duty personnel to perform police functions (IE: criminal investigations) in other jurisdictions (or when working with police personnel from

another jurisdiction), they must notify their Commanding Officer. Somerville Police Officers must act in accordance with state law when working in an outside jurisdiction.

14. Duty Status – Although officers of the Police Department are assigned specific hours of regular duty, they shall be considered "on-duty" at all times within their jurisdiction for the preservation of the public peace and the protection of life and property, and shall be prepared to take all reasonable police action to accomplish this purpose.
15. Duty to Intervene -Officers of this agency must recognize and act upon the duty to intervene to prevent or stop another employee from conducting any act that is unethical, or that violates the law or an agency policy (e.g., excessive force, biased based policing, theft, fraud, sexual misconduct, falsifying documents, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this agency to disciplinary action, notification to the Peace Officers Standards and Training Commission (POST) and/or legal action.
16. Furnishing Assistance – Officers shall furnish police assistance to all persons making such request, consistent with their police duties and assignments. They shall assist and cooperate with all other law enforcement agencies, provide them with any authorized information they are entitled to receive, and when necessary and appropriate, submit a report on all such action taken. When assisting other law enforcement agencies, Somerville Police employees should consider the values of the City of Somerville and adhere to Community Standards and Department policy.
17. Home Address and Telephone – All officers shall report any change of telephone number or home address to the Records Department within twenty-four (24) hours of such change. Telephone numbers and home addresses of officers shall not be given out to anyone outside of the department without authorization of the Chief's Office.
18. Identification – All officers shall properly identify themselves to any person requesting their information while they are on-duty, except when the withholding of this information is necessary for the performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by proper authority. Under General Laws, Chapter 41, Section 98D, every full-time police officer is required to carry an official identification card to be shown to the public upon request. In the absence of an identification card, an Officer must provide their name and badge number to the requestor in writing if requested.
19. Knowledge of the Community – Every officer shall be familiar with the geography of the community, including routes of public transportation, the location of hospitals, courts, and such other information as may be disseminated by their superior officers from time-to-time.
20. Leaving the Community – Whenever it is necessary in the performance of duty for an officer to leave the limits of the community and to enter another city or town, the officer shall inform their commanding officer prior to leaving the city. If an emergency prevents following this procedure, the officer must contact their commanding officer as soon as possible. The Chief of Police may grant discretion to members of the Police Department allowing them to leave the City of Somerville during working hours. Due to the nature of their work, the Chief of Police, Deputy Chief(s) of Police, Captains, and others authorized by the Chief are exempt from this provision.
21. Line-of-Duty Disability – Any injury, illness, or disability incurred in the line-of-duty, shall be reported in writing by the involved officer to their Commanding Officer, and

their report will be properly investigated. Final disposition as to line-of-duty injuries, illnesses, or disabilities shall be made by the Chief, or their designee, after consultation with a physician. In each case of illness, injury, or disability incurred in the line-of-duty, no officer shall be returned to duty until their ability to return to work has been authorized by a proper medical authority. Light-duty may be approved by the Chief at their discretion.

22. Notification to Designated Infection Control Officer (DICO) – Employees potentially exposed to infectious diseases while working including needle sticks should report the exposure in writing as soon as possible to the Department’s DICO, the Health Department, and other employees noted in the “exposure” packet located on the SPIN Network.
23. 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. Failure to do so is viewed as a serious violation of Department Rules and Regulations.
24. Paid Details – Officers assigned to paid details are bound by the provisions of their manual and by any general or special orders issued by the Chief.
25. Personal Appearance – All officers shall be neat and clean in appearance while on-duty, whether in or out of uniform, and they shall maintain police quarters, lockers, desks and vehicles used by them in a neat, clean, orderly condition.
26. Professional Relationships – All officers shall be considerate and polite at all times to all department personnel and maintain professional relationships with their superiors and their fellow officers in a spirit of mutual concern for their common objectives.
27. Physical or Psychological Examination – An officer shall submit to a physical, medical, or psychological examination, at the expense of the department when so ordered by the Chief.
28. Physical Fitness – All officers should strive to maintain good physical condition and mental alertness in accordance with standards determined by the Chief. All officers are expected to keep themselves as physically fit as their age permits and the nature of their duties require.
29. Policy Management System - It shall be the responsibility of each employee to check the department’s Policy Management System at least once per work week (not including extended personal time off) and to mark all Directives, Policies, orders, Procedures, Rules and Regulations, etc. as “read” to acknowledge their receipt and understanding of each document. Officers who do not understand some type of correspondence in this system should consult a Supervisor for clarity.
30. Public Appearances – All requests for public appearances or speaking engagements by officers, on the subject of department operations or policies, shall be approved by the Chief of Police or their designee. Officers who are approached directly for this purpose shall suggest that such requests be forwarded directly to the Chief or their designee. Presenting in classrooms at schools on none police related matters is exempt from this rule. Officers are prohibited from making political statements during public appearances.

31. Reporting for Duty – All officers shall report for duty promptly at the time and place required by their assignment or as otherwise directed by the Chief, their designee, or their commanding officer. They shall be properly uniformed and suitably equipped, ready to immediately assume their duties. While on-duty they shall avoid any activities not directly related to their police responsibilities and shall not absent themselves from duty without leave. Officers unable to report for duty because of sickness or injury shall notify their commanding officer at least two hours prior to their next tour of duty, except in cases of emergency. Officers shall call the Commanders extension 7253 and speak directly to a supervisor. Officers shall not leave a voicemail or call the Commander on their cell phone to report out sick. If no supervisor is available, officers shall leave their call back information with the station officer. The station officer will notify the Commander who will call the officer back. If an officer does not hear back from the Commander in a reasonable amount of time, they are to call back. Officers will not have fulfilled their obligation in reporting out of work, until they have spoken with a supervisor. The Chief of Police may authorize members of the Department to adjust their work hours based on the needs of the Department. The Chief is also the sole authority for the authorization of compensatory time and flex time.
32. Report Use of Force – An officer who finds it necessary to use force in the performance of their duties must adhere to the Department’s use of Force Policy and file a “Use of Force Report” prior to the end of their shift. This report will be reviewed by the employee’s Supervisor, Commanding Officer, and Administrative Captain. The Commanding Officer shall conduct an immediate investigation into the possibility of injury to any person or property and the propriety of the officer’s use of force when there is a complaint of injury. The Administrative Captain will review and conduct an investigation when warranted. Officers shall make a written report of any deliberate or accidental discharge of firearms, excluding authorized target practice. It is not necessary to file a “Use of Force Report” for the routine handcuffing of detainees.
33. Searches and Seizures – All required searches and seizures shall be conducted in accordance with law and all prescribed departmental procedures. All officers serving search warrants shall be responsible for their lawful execution.
34. Submitting Reports – All officers shall promptly and accurately complete and submit all reports and forms as required by departmental procedures.
35. Trials and Hearings – All officers involved with cases before the courts, grand jury, or hearing boards shall be punctual in attendance. All officers shall have the cases in which they are concerned properly prepared, and their evidence suitably arranged for presentation to the court, grand jury, or hearing board. They shall afford the utmost respect to the court, officers of hearing boards, and members of the jury. They shall give evidence with accuracy, confining themselves to the case before the court.
36. Truthfulness – knowingly making an untruthful statement concerning a material fact or knowingly omitting a material fact, on an official criminal justice record, including, but not limited to, a police report, while testifying under oath, to the POST commission or an employee of the POST commission, or during an internal affairs investigation, administrative investigation or disciplinary process.
37. Use of Firearms – Police Officers are authorized to use firearms when justified under the law in situations where there is a threat of serious bodily injury or death to the

Officer or others. Officers shall comply strictly with prescribed departmental procedures for the use of such force. The use of firearms is the highest degree of force that an officer may apply and is the most crucial official decision they will ever make. An officer shall never brandish a firearm, or display it unnecessarily.

G. PROHIBITED CONDUCT [26.0.3]

The following acts, actions, or activities by department personnel are prohibited or restricted:

1. Abuse of Department Property – Intentionally or negligently abusing, or damaging, police department property or equipment.
2. Conduct Unbecoming an Officer – The commission of any specific act or acts of immoral, improper, disorderly, unreasonable, or personal conduct which brings discredit upon the officer, upon fellow officers, or upon the police department.
3. Criminal Conduct – The commission of any felony or misdemeanor.
4. Department Letterhead – Officers and employees shall not use department letterhead for private correspondence without approval from the Chief, a Deputy Chief, or a Captain.
5. Discourtesy – Being rude, impolite, contemptuous, or insolent to a superior officer, to a fellow officer, or to a member of the public. An officer shall be courteous and tactful in the performance of their duties and shall control their temper, exercising the utmost patience and discretion, even in the face of extreme provocation.
6. Dissemination of Official Information – Officers and employees shall treat the official business of the police department as confidential and shall conform to the following guidelines:
 - a) Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
 - b) Access to departmental files, records, and reports shall be limited to those officers and employees authorized by the Chief or their designee for a legitimate purpose.
 - c) Official records or reports shall not be copied, or removed from a police building, except in accordance with established departmental procedures or with the authorization of the Chief of Police or their designee.
 - d) The identity of any person giving confidential information to the department or to any officer thereof in the performance of their duties shall not be divulged except with the prior approval of the Chief or their designee.
 - e) No information shall be released, given, or issued to the news media or to any members of the press concerning department operations or the evidentiary aspects of

any criminal investigation, without the prior approval of the Chief, the Chief's designee, or the Department's Public Information Officer (PIO).

7. False Information on Records – An officer or employee 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.
8. Feigning Illness or Injury – An officer shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any superior officer as to the condition of their health. There is an expectation that employees will remain home to recuperate when reporting out of work with an illness or injury. Officers who report out sick or injured are prohibited from entering establishments that sell liquor during what would be their scheduled working hours.
9. Improper Associations – Officers and employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment except as necessary in the performance of official duties.
10. Incompetence – An officer shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. Incompetency may be demonstrated, but is not limited to, the following:
 - a) A lack of knowledge of the application of laws required to be enforced;
 - b) An unwillingness or inability to perform assigned tasks;
 - c) The failure to conform to work standards established for the officer's rank, grade, or position;
 - d) Repeated poor evaluations or repeated infractions of the rules and regulations.
11. Incurring Department Liability – An officer or employee shall not incur a liability or cost chargeable to the police department without the prior knowledge and consent of the Chief or their designee.
12. Insubordination – Failure or deliberate refusal to obey a lawful order given or issued by a superior officer.
13. Internet Access, City Owned Equipment, and Personal Electronic Devices – Any non-departmental use of the City owned equipment should not interfere with the purpose or intent of departmental equipment or hinder an employee's performance. Use of personal devices should not hinder an employee's performance or distract them from their job functions.
14. Mailing Address – Officers and employees shall not use the department as a mailing address for private purposes, without permission of the Chief or their designee. And at no time will the department be used as a mailing address for the purpose of a motor vehicle license or registration.
15. Neglect of Duty – Being absent by negligence from assigned duty without authorization, leaving post or assignment without being properly relieved, or failing to take suitable and appropriate police action when any crime, public disorder, or other incident requires police action.

16. Personal Business – Personal business conducted while on duty must be brief in a nature, not impact an Officer’s job performance, and not bring discredit upon the Department or the Officer. Employees shall not purchase any alcoholic beverages unless required in the performance of duty.
17. Public Statements – No officer or employee shall make, publish, or issue any derogatory, discreditable, or disparaging public statements concerning the department or its officers which might undermine the efficiency of department operations and/or the morale of its membership.
18. Recommending Private Services – An officer or 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, such as lawyers, bondsmen, undertakers, towing services, or burglar alarm companies.
19. Sleeping While On-Duty – No officer shall sleep while on-duty.
20. Smoking - Conspicuous smoking while on-duty is prohibited.
Smoking, both on and off-duty, for officers hired after January 1, 1988 is prohibited.
Smoking in public buildings and in departmental vehicles is prohibited.
21. Recommendation for Disposition of Cases – An officer of the department shall not make recommendation for the disposition of any case pending in the courts unless asked to do so by a Judge, Court Clerk, Clerk Magistrate, or the District Attorney’s Office.
22. Testimony in Civil Cases – An officer summonsed to testify in any civil case, which is related to their police duties, or which involves the police, department or the City of Somerville, shall notify the Chief, or their designee, in advance.
23. Testimony for Defendant in Criminal Cases – An officer shall not testify for the defendant in a criminal case in any court unless legally summonsed to do so and in such cases the officer shall, before testifying, inform the Chief, or their designee.
24. Undue Influence – An officer or employee shall not seek or obtain the influence or intervention of any person outside the department for purposes of personal gain.
25. Unnecessary Force – Officers shall not use more physical force than that which is reasonable and necessary to accomplish a proper police purpose. Officers shall use force only when required in accordance with law and departmental procedures. The Somerville Police Department’s Use of Force Policy is the Agency’s guiding document for all matters related to use of force.
26. Use of Intoxicating Beverages or Drugs – An officer or employee:
 - a) Shall not, while on-duty, consume any intoxicating beverage, except for a proper police purpose with the specific approval of the Chief or their designee;
 - b) 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 such cases, the employee shall obtain written clearance from a physician indicating that they are clear to perform their specific job function.
 - c) Shall not report for duty while under the influence of intoxicating liquor or under the influence of any narcotic drug or controlled substance unlawfully administered;

- d) Shall not report for duty with the odor of intoxicants on their breath;
 - e) Shall not, while off-duty, render themselves unfit to report for a scheduled shift through the use of intoxicating beverages or through the use of any narcotic drug or controlled substance lawfully or unlawfully administered;
 - f) Shall not, while off-duty and while wearing a badge or Somerville Police emblem, drink any intoxicating beverage in public view or in any place accessible to the public;
 - g) Shall not bring, place, or keep, or permit to be brought, placed or kept, in any police building or vehicle, any intoxicating beverage or any narcotic drug or controlled substance, except in the proper performance of police duty as required by departmental practices and procedures.
27. Use of Private Vehicles – While an officer is on regular department duty assignment, the officer shall not cover their duty assignment in a private vehicle unless authorized. Officers traveling from roll call to their relief location are exempt from this provision.
28. Wearing the Uniform – An officer shall not wear any identifiable part of their uniform outside the limits of the community except while in the performance of official duty or with the permission of the Chief of Police or their designee.
29. Withholding Evidence – An officer or employee shall not fabricate, withhold, or destroy evidence of any kind.

H. DEPARTMENTAL PROPERTY AND EQUIPMENT

Equipment issued to officers of the department shall remain the property of the Department. Officers and employees shall maintain department property and equipment assigned to them in good condition. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.

1. Damaged, Defective or Inoperative Property and Equipment – Officers and employees shall immediately report to their Commanding Officer on designated forms any loss or damage to department property or equipment assigned to them. The Commanding Officer shall also be notified of any defects or hazardous conditions existing in any department property or equipment.
2. Care of Department and City Buildings – Officers and employees shall not mar, mark, or deface any surface in any department or city building in a manner that causes damage or disrepair. Employees shall not post any form or disparaging material in any city building.
3. Authorized Equipment – While on-duty, an officer shall carry only such equipment as is issued by the department or authorized by the Chief.
4. Surrender of Department Property – Officers and employees are required to surrender all department property in their possession upon separation from the service, or when otherwise ordered by a Supervisor.
5. Department Vehicles – A valid Massachusetts driver's license is required for all officers. Officers shall not use department vehicles outside of their normal duties without authorization from the Chief of Police or their designee. General Order 417 – Police Vehicles provides all employees guidance on the use of Department vehicles.
6. Transporting Citizens – Only authorized police personnel may drive or be transported in departmental vehicles. Citizens shall be transported in department vehicles in the interest of public safety only as authorized by the Chief's Office. Such transportation shall be in conformance with department policy or at the direction of the Chief or the shift Commander as designee in the absence or a higher authority.
7. Safe Driving of Police Vehicles – The driver of any police vehicle shall operate the vehicle in a reasonable and safe manner, exercising due caution and judgment. The

officer shall operate the police vehicle in compliance with the motor vehicle laws and traffic regulations. When responding to an emergency, they shall strictly adhere to the driving procedures established for the operation of emergency vehicles, and shall act in compliance with G.L. c. 89, s. 7B. Officers are strongly discouraged from pursuing other motor vehicles and are required to obtain authorization from the Patrol Supervisor before commencing a pursuit. Officers should consult Policy 125 “Motor Vehicle Pursuit” for further guidance.

8. Reporting Accidents – Accidents involving department vehicles, property, personnel, and/or equipment must be reported in accordance with procedures established by the Chief. The Commanding Officer of the officer involved in a motor vehicle accident shall subsequently submit a report to the Chief setting forth their findings and recommendations relative to the responsibility or negligence on the part of the officer.
9. Responsibility for Vehicle – An officer who is assigned to duty as an operator of a department vehicle shall be responsible for checking the serviceability of the vehicle assigned to their use. Except when the vehicle is in emergency use, the officer or employee shall inspect the vehicle when it is turned over to them and shall report to any defect, damage, or unserviceability of the vehicle to the Patrol Supervisor. The officer at the same time shall also inspect the interior of the vehicle for the presence of any unauthorized articles.
10. Unattended Police Vehicle – The operator of a department motor vehicle shall lock the ignition and remove the key when leaving the vehicle unattended, except in an emergency or during a motor vehicle stop when the Department vehicle remains in the Officer’s sight and control. They shall also lock the doors of such vehicle when it is unattended.
11. Report of Loss or Damage – In the event that department property is lost, found, or bearing evidence of damage which has not been reported, the last person using the property may be charged with failure to report and if responsible may be held responsible for damages.

I. ACCOUNTABILITY AND DISCIPLINE

An effective and responsive system of personnel accountability and discipline has for its purpose the maintaining of efficient department performance and the preserving of overall department morale. A clearly defined disciplinary policy 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 the disciplinary process and it is the personal responsibility of the Chief to ensure that this standard is equitably maintained. The Chief of Police or their designee on occasion may authorize an employee of the Police Department to act contrary to the rules and regulations due extenuating circumstances.

1. Under the provisions of M.G.L. Chapter 31, officers and employees may be disciplined for just cause and have the right to due process. This would include any misconduct or unsatisfactory behavior which impairs personnel or departmental efficiency or effectiveness.
2. Disciplinary actions which may be imposed after statutory procedural requirements are observed are as follows:
 - a) Punishment duty (M.G.L. c.31 sec. 62)
 - b) Suspension not exceeding five (5) days (M.G.L. c. 31 sec. 41e)
 - c) Suspension exceeding five (5) days (M.G.L. c. 31 sec. 41a)
 - d) Lowering in rank and compensation (M.G.L. c. 31 sec. 41a)
 - e) Transfer without consent (M.G.L. c. 31 sec. 41a)
 - f) Discharge (M.G.L. c. 31 sec. 41a)

Statutory provisions provide for review before the Civil Service Commission (M.G.L. c. 31 sec. 43) and thereafter before the state courts (M.G.L. c. 31 sec. 44).

Probationary officers having less than one (1) years' service as a certified Police Officer that are charged with violations of these Rules and Regulations are subject to discharge without right to a hearing or appeal under the provisions of M.G.L. c. 31 s. 61.

A complete record will be made of the facts and circumstances of any disciplinary action taken and will be retained in the Professional Standards file of the officer or employee involved. This record will also be provided to the POST Commission based on requirements established by the Commission.

3. Department standards of conduct and performance will be enforced in a uniform and consistent manner and the disciplinary measures taken will be based upon the seriousness of the charges.
4. When appropriate, the following disciplinary measures may first be considered:
 - a) Oral Reprimand – The Chief or a superior officer may reprimand or admonish for minor infractions of department regulations or procedures. At the Chief's discretion a record of the same may be entered in an individual's Professional Standards file or Personnel File.
 - b) Written Reprimand – The Chief may issue a written reprimand for infractions of department regulations or procedures. All letters of reprimand will become a permanent part of the individual's record and be included their Professional Standards file or Personnel File.
5. Officers will not be subjected to unjust, arbitrary, capricious, or frivolous complaints and they will be exonerated when investigation determines that they were carrying out their duties in accordance with law or in compliance with department practices and procedures. The Chief of Police has the discretion to determine if a record of such unjust, arbitrary, capricious, or frivolous complaints shall be kept.
6. Superior Officers will immediately report all violations of law committed by officers under their command or control through the chain of command verbally as soon as possible. They must then file a written report to document the law violation in a timely manner. Failure to do so, in either case, will be considered neglect of duty/failure to supervise.
7. Superior Officers will immediately report through the chain of command violations of departmental policies, rules, regulations, or procedures committed by officers under their command or control that require further disciplinary action. They must also report such violations verbally as soon as possible and memorialize violations with a written report in a timely manner. Failure to do so, in either case, will be considered neglect of duty/failure to supervise.

J. DUTY STATUS

It is imperative that employees received due process in disciplinary matters. The Chief of Police may change an employee's duty status during an internal investigation or as part of the disciplinary process. The following are employee statuses used by the Somerville Police Department:

1. Active Duty – The status of full-time service. Employees work their regular job assignment and complete all of the duties required of them based on their job description. Employees are eligible for overtime if they are a non-salaried employee. Police Officers are eligible to work paid details while on Active Duty status.
2. Relieved from Duty - An employment condition during which an employee is not permitted or required to continue performing their assigned duties. The employee receives pay and benefits upon being relieved from duty.
3. Paid Administrative Leave - The employee is instructed/directed not to report to work during regular work hours but continues to receive regular pay and benefits. The employee's schedule can be modified to ensure that the employee remains available to the Department during normal business hours. They must remain available to the Police Department and the City of Somerville during their scheduled work hours. There is no fixed period of time that an employee can remain on Paid Administrative Leave status.
4. Unpaid Leave – An employment condition for which an employee retains their job but is not permitted to come to work and does not receive pay and benefits. There is no fixed period of time that an employee can remain on Unpaid Leave status.
5. Suspension - The temporary removal of an employee from service as a result of a sustained finding in a disciplinary matter. The employee is prohibited from performing their work duties and from receiving pay and benefits, as a disciplinary measure for a fixed period of time. The length of a suspension can vary in length. The appointing authority is notified about any suspensions of five days or more and may impose further sanctions up to and including the termination of employment.
6. Termination – The employee is separated from their employment with the City of Somerville. They do not retain their job. The employee's pay and benefits cease.

K. COMMENDATIONS [26.1.2]

As essential as it is for a police department to have an effective internal disciplinary process, it is equally important to have a positive program of awarding commendations for outstanding duty performance. This is the mean by which deserving employees can receive official recognition for their accomplishments.

1. Any meritorious act or action performed by an officer which is considered to be above and beyond the regular performance of their duty, shall be reported in writing to the Deputy Chief in charge of the patrol division by the superior officer concerned with their recommendation for commendation.
2. The following categories of acts or actions will be considered for commendation:
 - a) The personal display of extraordinary courage and valor in the performance of police duty
 - b) The exemplary performance of meritorious police service to the community
 - c) The performance of outstanding and exceptional service to the police department.
3. The basic award of the department is a letter of commendation, written on standard police department letterhead, outlining the reasons for the award and signed by the Chief.
4. A certificate of commendation is awarded for superlative and distinguished performance of police duty and is signed by the Chief on behalf of the citizens of the community.
5. All official commendations will be read at roll call or ceremoniously in some fashion. A copy or all commendations will be placed in the commended officer's "personal file" located at Somerville Police Headquarters and in the IAPro system.
6. A special citation, when appropriate, signed by the Chief, may be awarded to a citizen who has performed a commendable and laudable act or action which has been of aid and assistance to the police department or to an officer in the performance of police duty.