

AUTHORITY AND RESPONSIBILITY

POLICY & PROCEDURE NO. 4.15	ISSUE DATE: 07/01/14
	EFFECTIVE DATE: 07/01/14
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.1.1; 1.1.2; 1.2.1; 26.1.1; 61.3.4(a)	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

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

II. POLICY

It is the policy of the department that:

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

III. DEFINITIONS

- A. *Auxiliary Officer*: Unpaid, police volunteer whose sworn authority exists only during time of emergency or training as authorized by the Chief of Police.
- B. *Civilian Employees*: All non-sworn employees of the department. They have no arrest authority but may be authorized to issue civil citations for

violation of Erving by-laws or ordinances. Civilian employees may or may not be uniformed.

- C. *Employee*: Any person officially affiliated with the department whether full or part time, sworn, civilian, special or auxiliary police, crossing guard, animal control officer, volunteer, intern, or other.
- D. *Full Time Permanent Police Officers (FTPPO)*: Full time, permanent, sworn police officers. This category includes all sworn ranks.
- E. *Reserve Officer*: A sworn officer who works less than full time.
- F. *Crossing Guard*: An adult civilian employee who may be uniformed and who is assigned to control traffic for the safe passage of pedestrian and vehicular traffic at street crossing points.
- G. *Special Officer*: A sworn officer whose police authority is limited in scope in relation to hours of the day, geographic area, assignment, and/or length of (days/months) authority.
- H. *Sworn*: Refers to a person's ability to make a full custody arrest; it does not refer to the administration of an oath of office.
- I. *Sworn Personnel*: Those members of the Department, full and part time, who are duly sworn and vested with police power under M.G.L. Chapter 41, Section 98. Sworn personnel have the authority to make "full custody" arrest (as opposed to a citizen's arrest). This definition does not apply to civilian employees who take an oath of office or are sworn-in.

IV. PROCEDURES

A. Sworn Personnel

1. OATH OF OFFICE [1.1.1]

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

"I, _____, do solemnly swear or affirm that I will faithfully and impartially discharge the duties incumbent on me, as a (police officer, police sergeant, police lieutenant, police captain, deputy police chief or police chief) for the Town of Erving, according to the best of my ability and understanding, agreeably to the rules and regulations of the Police Department, the Constitution and the laws of the United States and the Commonwealth of Massachusetts and under rules, regulations and ordinances or by-

laws of my municipal employer made under the authority thereof [if oath is sworn], so help me God.”

- b. The oath shall become a permanent record maintained in the employee's personnel file.

2. SWORN OFFICER CODE OF ETHICS

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

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

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

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

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

- 3. LEGAL AUTHORITY [1.2.1]: This Police Department is composed of the following categories of sworn agency personnel. All sworn officers shall have, within the territorial limits of the Town of Erving, the powers and duties conferred or imposed upon Police Officers by M.G.L., Chapter 41, and Section 98.

- a. *Full Time Permanent Police Officers (FTPPO)*: The category includes all sworn ranks. FTPPOs are appointed by The Board of Selectmen. FTPPOs shall have police powers at all times.

- b. *Reserve Police Officers:* Reserve Police Officers are part-time employees with the department, appointed by The Board of Selectmen. Reserve police officers shall have the same police powers as full time officers.
 - 1) *Special Police Officers:* Special Police Officers are appointed by the Board of Selectmen. They shall have full police powers as limited by the appointing authority or Chief of Police
 - 2) Retired police officers may be appointed as special police officers.
 - 3) Officers from other communities may be also appointed as Special Police Officers in this community for such purposes as the appointing authority determines, including but not limited to paid details and mutual aid pursuant to M.G.L. c. 41 §99.
- c. *Auxiliary Officer:* Auxiliary Officers are appointed by The Board of Selectmen. They shall have police powers as limited by the Chief of Police or other supervisors acting under the Chief's authority, while on active duty as authorized by the Chief of Police during times of emergency or training. The authority of auxiliary officers is derived from the Massachusetts Civil Defense Act, St. 1950, c.639, § 11, as amended.

B. Non-Sworn Personnel

1. ANIMAL CONTROL OFFICERS

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

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

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

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise and with accurate reporting and presentation of the facts for prosecution of violators and abusers, I will enforce the law courteously and appropriately without fear or favor, malice, or ill

will, always employing humane practices and high, acceptable community standards, and never accepting gratuities.

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

- b. Authority: Animal Control Officers are appointed by The Board of Selectmen. They shall have the authority granted under their warrant, and M.G.L. c. 150 §151 and §151A.

2. CROSSING GUARDS

- a. All crossing guards shall abide by the Crossing Guard Code of Ethics.:

As a School Traffic Safety Supervisor, my fundamental duty is to serve the community; to safeguard the children who depend on me to get safely to and from school, and promote the safe, free flow of traffic.

I will maintain vigilance in anticipating dangers that may face the children in my charge; bear the discomforts of extremes in weather; and stand as a symbol of safety to all.

I will keep my official life unsullied as an example to all; display courageous calm in the face of danger, scorn, or ridicule; maintain self-restraint; and be constantly mindful of the welfare of the children I protect.

Honest in thought and deed in my official life, I will strive to obey the laws of the land and the regulations of my police and school departments.

I will report violations and unsafe situations to my superiors.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept forever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust for the safety of our most precious gift, children.

3. OTHER CIVILIAN EMPLOYEES CODE OF ETHICS:¹

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

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

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

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

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

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

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

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

- b. Appointment: Civilian employees are appointed by the Board of Selectmen.

C. All Employees

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

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