

WRITTEN DIRECTIVE SYSTEM

POLICY & PROCEDURE NO. 4.20	ISSUE DATE: 07/01/14
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 12.2.1; 12.2.2; 11.4.3; 24.1.2	EFFECTIVE DATE: 07/01/14
	REVISION DATE:

I. GENERAL CONSIDERATIONS AND GUIDELINES

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

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

II. POLICY

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

III. DEFINITIONS

- A. *Directive*: As used generally in this policy, “directive” shall refer to Written Directives, Policies, Procedures, Rules, Regulations and other documents of guidance issued under the authority of the Chief of Police.
- B. *General Orders*: General Orders are permanent written orders outlining policy matters which affect the entire department. A General Order is the most authoritative written order the department issues, and

may be used to amend, supersede or cancel any previous order. General Orders remain in full force and effect until amended, superseded or rescinded by the Chief of Police.

- C. *Memoranda*: Memoranda are written communications (generally entitled “Memorandum” or “Memo”) issued for the following purposes: (a) to issue information or instructions which do not warrant a formal order; (b) to direct the actions of subordinates in specific situations; (c) to explain or emphasize portions of previously issued orders; or (d) to inform officers of actions or policies of other agencies. Memoranda may be issued by Chief of Police or Designee.
- D. *Personnel Orders*: Personnel orders are those pertaining to such matters as assignments, change of duty, administrative matters relating to conditions of employment, and employee rights and benefits. Personnel Orders may be issued by the Chief of Police or Designee.
- E. *Policies*: Policies summarize the department’s position on specific matters. Policies are concise position statements based on underlying organizational principles, goals, values, and operational philosophies. They are designed for broad general direction and guidance, primarily designed for use by all members of the department or by more than one operational division. Policies may be issued by the Chief of Police or designee.
- F. *Procedures*: Procedures build on the foundation of policy statements to provide specific guidance on required, desired, or preferred methods of operations or conduct. Procedures are more detailed instructions on means and methods for carrying out the policy directive and generally draw the boundaries of permissible officer discretion in performing specific tasks or duties. Procedures may be issued by the Chief of Police (As a practical matter, the department usually issues Policies & Procedures as a combined document.)
- G. *Rules*: As opposed to procedure statements that often provide officer flexibility and discretion, rules are characterized by their inflexibility. Rules define situations where no deviations from or exceptions to agency-authorized actions are permitted. Rules may be issued by the Chief of Police or Designee.
- H. *Special Orders*: Special Orders are temporary written orders outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved. Special Orders may be issued by the Chief of Police or Designee.
- I. *Written Directives*: Written directives are position statements by or authorized through the Chief of Police that guide or direct the actions and activities of officers. Directives encompass all means by which this

agency communicates instructions, orders and duty requirements to its members, to include policies, procedures, rules, regulations, general orders, special orders, memoranda, and instructional materials. Written Directives may be issued by the Chief of Police or those designated by the Chief as described in this policy.

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

IV. PROCEDURES

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

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

M.G.L. c. 41 §97A: Written Directives may be issued, revised or rescinded under the authority of the Chief, subject to the approval of the Board of Selectmen, provided that the Board of Selectmen takes action within thirty days after the directives have been submitted to

them by the Chief of Police. That authority may be delegated as stated in this policy.

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

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

1. GENERAL ORDERS

- a. General Orders may be issued, revised or rescinded only by or under the authority of the Chief and shall be reviewed annually. General Orders shall be a separate document from other directives and formatted as follows:
- b. General Orders shall be issued to each employee. A receipt form shall be signed by the employee documenting receipt of the directive, and filed in the employee's personnel file by the administrative function. Revisions to this directive shall be distributed in the same manner.
- c. Employees must read a newly-received Personnel Order prior to the end of the tour of duty when received.
- d. A master copy of General Orders shall be maintained by the administrative function in Dispatch area. Obsolete versions shall be placed in an archive file and permanently maintained.ⁱ

2. MEMORANDA (MEMOS)

- a. Memoranda may be issued, revised or rescinded only under the authority of the Chief of Police or Designee. Department memoranda shall be formatted as follows:

Memoranda shall be posted in the hallway on the Officer Information clip board. It is the responsibility of each employee to check and read new memoranda. No documentation of receipt is required.
- b. Employees must read a newly-received Personnel Order prior to the end of the tour of duty when received.
- c. A master copy of Memoranda shall be maintained by the Administrative Officer. Obsolete versions shall be placed in an archive file and permanently maintained.ⁱⁱ

3. PERSONNEL ORDERS

- a. Personnel Orders may be issued revised or rescinded only under the authority of the Chief of Police or Designee
- b. Personnel Orders shall be distributed to each employee by placing a paper copy in the employee's department mail box, or in hand. No documentation of receipt is required.

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- c. Employees must read a newly-received Personnel Order prior to the end of the tour of duty when received.
 - d. A master copy of Personnel Orders shall be maintained by the administrative function and stored in the office of the Chief of Police. Obsolete versions shall be placed in an archive file and permanently retained.ⁱⁱⁱ
4. POLICIES AND PROCEDURES: [12.2.1(D)]
- a. Policies and Procedures are maintained as a single manual, separate from other directives. They may be in a printed and/or electronic format. These directives may be issued, revised or rescinded only under the authority of the Chief and shall be reviewed annually.
 - b. Policies and Procedures shall be indexed as follows:
 - 1.00 Operations - Reviewed by the Chief of Police.
 - 2.00 Investigations - Reviewed by the Chief of Police.
 - 3.00 Prisoners - Reviewed by the Chief of Police.
 - 4.00 Administration - Reviewed by the Chief of Police.
 - 5.00 Traffic - Reviewed by the Chief of Police.
 - 6.00 Property Mgt. - Reviewed by the Chief of Police.
 - 7.00 Incident Command -Reviewed by the Chief of Police.
 - c. Manual Components: The department's Policy and Procedure Manual shall include the following primary components:
 - 1) *Purpose of the Policy Manual:*
 - a) The policy manual exists as a guide for agency personnel. In this document the agency provides direction for officers in order for them to perform their duties. The policies are developed using law enforcement community wide "best practices" and procedures, with the input of the representatives of those affected by them. While the policies may restrict options available to employees in some cases, the department spells out acceptable or desired procedure which, when followed by employees, holds the department accountable for the employees' actions. Employees who follow policies and procedures may rely on the department to answer for questions which arise from those actions.
 - b) Employees should refer to this manual when questions arise as to the department's position on a topic addressed in the manual, or on how to proceed in a given situation. While

the manual cannot address every set of circumstances, it will often lead the employee to a satisfactory conclusion.

- 2) *Organization of the Manual [12.2.1(d)]*: An organizational description identifies the primary component parts of the manual, such as department organization, administration, field services, support services, investigations, and the manner in which individual and complementary series of policy statements are grouped and numbered.
- 3) *Table of Contents*: Topics covered in the manual and their location in the document are listed sequentially.
- 4) *Department's Source of Legal Authority*: This is the statutory authority granting police powers to the department from municipal and/or state government.
- 5) *Agency Mission and Values Statement*: This department's overall mission statement and the values adopted by the department form the foundation for policy, procedures, rules and other written directives. See department policy on ***Authority and Responsibilities***.
- 6) *Policy and Procedure Statements*: [12.2.1(f)] These are individual statements of department policy and accompanying procedures with regard to duties, responsibilities, and tasks of department officers and civilian personnel. Each policy and procedure statement will contain the following information:
 - a) *General Considerations and Guidelines: General Considerations and Guidelines* provides a statement of the issues likely to confront officers and the reasons for the adoption of the policy and procedure. The policy will be introduced by a succinct statement concerning what the policy is about and what it is attempting to relate.
 - b) *Definitions*: New or unfamiliar terms or words will be defined. This includes new, uncommon, or unusual terms, expressions, and phrases, including words or phrases used in law or not generally used in the police profession.
 - c) *Policy*: The policy statement identifies a problem, need or issue and provides guiding principles for exercising judgment. Rather than providing officers with precise guidance as found in procedures, the policy statement establishes the rationale and overall approach to a problem, situation, issue or concern. As such, it often draws upon the agency's philosophy and values to provide direction.
 - d) *Procedures*: Procedures will be included in each policy statement to the degree necessary to provide officers with

sufficient guidance to carry out the policy in accordance with agency requirements and desires. Procedures provide a method for performing an operation or means for proceeding on a course of action. Policies and procedures shall be issued to each employee.

- e) *Name of the Department:* Policy statements will identify the issuing agency on each page of the document.
 - f) *Type of Directive:* Directives will be designated as policies, procedures, rules, or special orders.
 - g) *Subject:* Policies, procedures, and rules will be identified by the topic or issue under consideration.
 - h) *Policy Number:* The policy number is the decimal or other number identifying the sequential placement of the policy in the manual.
 - i) *Effective Date:* The effective date indicates the date the policy will be placed in force.
 - j) *Review Date:* The review date is the date on which the policy is required to undergo formal review, though modifications may be made at any time as required. Policies designated as sensitive by the department are required to undergo review every six months and all others on a yearly basis unless otherwise designated.
 - k) *Approval:* The signature or initials of the Chief or other designated departmental executive indicate final approval of the policy.
 - l) *Reference:* Links are provided to related department policies, procedures and rules that relate to or have bearing on the understanding and use of the present policy (e.g., “motor vehicle search” referenced to “obtaining search warrants”).
 - m) *Rescinds/Replaces:* These terms indicate a former policy issued under the same or similar title that has been deleted or modified by the present policy.
 - n) *Accreditation Standard:* Reference is given to the relevant standard defined by the Massachusetts Police Accreditation Commission that deals with this policy topic or issue.
 - o) *Number of Pages:* The total number of pages contained in the policy statement or rule is indicated.
- 7) *Topical Index: [12.2.1(e)]* The topical index shows the subjects, topics, and issues addressed in the manual, organized in alphabetical order by key-word(s).

- 8) *Authorized Forms*: An index to and samples of all forms authorized for use by this department are provided.
 - d. A receipt form shall be signed by the employee documenting receipt of the directive, and filed in the employee's personnel file by the administrative section. Revisions to this directive shall be distributed in the same manner.
 - e. Employees must read a newly-received policy and/or procedure prior to the end of the tour of duty when received.
 - f. A master copy of Policies and Procedures shall be maintained by the administrative function located in the dispatch area. Obsolete versions shall be placed in an archive file and permanently retained.^{iv}
 - g. Policy/Procedure Development and Revision
 - 1) Department members who identify a need for a new policy or policy revision shall advise the Chief of Police in writing (memo, e-mail, etc.), identifying the topic and briefly explaining the need for development or revision. The need for new policies will be determined by the Chief of Police.
 - 2) The Chief may assign the task of preparing the policy and/or procedure to an individual employee, a committee of employees, or an outside vendor; or obtain a prepared policy from an outside source.
 - 3) A draft shall be reviewed by the Chief of Police or Designee who shall consider at a minimum:
 - a) The legality of the policy/procedure as presented;
 - b) Any potential conflict with existing written directives;
 - c) The applicability of the policy/procedure to the agency mission; and
 - d) The practicality of the policy/procedure for agency personnel.
 - 4) The Chief shall present the proposed policy to the Board of Selectmen who may review and determine whether to approve of the policy. The Chief may institute the policy upon approval of the Board, or if the Board takes no action within thirty days of being presented with the proposed policy.
5. RULES AND REGULATIONS
- a. Rules may be issued, revised or rescinded only under the authority of the Chief and shall be reviewed annually. Department rules shall be a separate document from other directives and indexed as follows:

Authority

02.0 Receipt

03.0 Introduction

04.0 Professional Conduct and Responsibilities

05.0 Negligence of Duty

06.0 Incompetence

07.0 Public Statements

08.0 Orders

09.0 Uniforms and Appearance

10.0 Attention to Duty

11.0 General Requirements

12.0 Department Property and Equipment

13.0 Reports

14.0 Fitness for Duty

- b. Rules and regulations shall be issued to each employee. A receipt form shall be signed by the employee documenting receipt of the directive, and filed in the employee's personnel file by the administrative section. Revisions to this directive shall be distributed in the same manner.
- c. Employees must read a newly-received rule or regulation prior to the end of the tour of duty when received.
- d. A master copy of Rules and Regulations shall be maintained by the administrative section in the Dispatch area. Obsolete versions shall be placed in an archive file and permanently maintained.^v
- e. Policy/Procedure Development and Revision
 - 1) Department members who identify a need for a new policy or policy revision shall advise the Chief of Police in writing (memo, e-mail, etc.), identifying the topic and briefly explaining the need for development or revision. The need for new policies will be determined by the Chief of Police.
 - 2) The Chief may assign the task of preparing the policy and/or procedure to an individual employee, a committee of employees, or an outside vendor; or obtain a prepared policy from an outside source.
 - 3) A draft shall be reviewed by who shall consider at a minimum:
 - a) The legality of the policy/procedure as presented.

- b) Any potential conflict with existing written directives.
 - c) The applicability of the policy/procedure to the agency mission.
 - d) The practicality of the policy/procedure for agency personnel.
- 4) The Chief shall present the proposed policy to the Board of Selectmen who may review and determine whether to approve of the policy. The Chief may institute the policy upon approval of the Board, or if the Board takes no action within thirty days of being presented with the proposed policy.
6. SPECIAL ORDERS:
- a. Special Orders may be issued, revised or rescinded only under the authority of the Chief of Police or Designee.
 - b. Special Orders be distributed to each employee by placing a paper copy in the employee's department mail box, or in hand. No documentation of receipt is required.
 - c. Employees must read a newly-received Special Order prior to the end of the tour of duty when received.
 - d. A master copy of Special Orders shall be maintained by the administrative section in the office of the Chief of Police. Obsolete versions shall be placed in an archive file and permanently maintained.^{vi}

C. Dissemination of Written Directives

1. The following methods may be used to disseminate written directives to employees. The method used will be dictated by the type of written directive distributed as indicated in Section 4.B. **[12.2.2 (a)]**
 - a. *E-MAIL*: It is the responsibility of each employee to review these directives.
 - b. *COMPUTER FILE STORAGE*: All written directives shall be posted in the department's network server in respective file folders by the Chief of Police of designee. **[12.2.2 (b)]**
 - c. *VERBALLY*: At Roll Call: A written directive authorized to be distributed verbally shall be read at roll call. Verbal distribution may augment other distribution methods.
 - d. *HARD COPY (PRINTED) POSTED*: Hard copies of written directives will be posted on the officer information area in the hallway. Expired directives must be removed by the Chief of Police or Designee. An up-to date Department Manual will be also be

maintained in the Dispatch area and the office of the Chief of Police.

- e. *ARCHIVE HARD COPY STORAGE*: The Administrative Function shall maintain the original copies of all written directives in the Dispatch area. **[12.2.2 (b)]**
2. Policy and procedure manuals of individual officers are subject to periodic inspection. Officers shall maintain such manuals in an organized, complete, and current manner.

The department shall keep its manual and directives in an electronic format available to officers on the Dispatch area computer as well as on cruiser mobile data terminals. Employees are responsible for periodically reviewing the manual. Maintenance of the up-to-date version of the electronic version of the Policy and Procedure Manual is the responsibility of the Chief of Police or Designee. [12.2.2(b)]

3. Upon receipt of the directive, the employee shall sign and submit to the issuing party a receipt form acknowledging having received the directive. The receipt shall be forwarded to the Chief of Police where it will be filed with the Office of the Chief of Police.

D. Familiarization with Written Directive

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

E. Updating and Purging

1. The Administrative Officer will be responsible for maintaining (including updating and purging) the hard copies of the up-to-date Department Manual and the hard copies of written directives posted at designated locations. [S]he will be responsible for purging written directives after a period of thirty-days (30) or upon the expiration date, whichever is longer. [12.2.1(e)]
2. When a negotiated labor agreement is ratified by all parties, the Chief shall cause:
 - a. A written, signed copy of the labor agreement to be obtained. [24.1.2(a)]
 - b. A review and amendment of all written directives and procedures to coincide with the terms of the labor agreement. [24.1.2(b)]

3. The Administrative Officer will be responsible for dissemination of information relative to a new labor agreement, including modifications to existing agreements, to managers and supervisors of bargaining unit employees. [24.1.2(c)]

F. Accreditation/Certification [Optional]

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

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

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

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

^{iv} Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.

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

^{vi} Secretary of the Commonwealth, Public Records Division, Police Department Records Disposal Schedule, DS-14-81, Rev. 2-96, Procedural Rules Series 14.43.