



POLICIES AND PROCEDURES MANUAL

	CODE OF CONDUCT	
	POLICY NUMBER: 26-3	ISSUING AUTHORITY
	EFFECTIVE DATE: October 28, 2018	Michael A. Davis Chief of Police

I. GENERAL CONSIDERATIONS AND GUIDELINES

By the very nature of police work, officers often perform their duties independently with a minimum of direct supervision. They are guided by their own intelligence, experience, prudent discretion and common sense. In addition to these personal attributes, written directives provide to officers specific procedural guidelines that define the limits of discretion.

The Code of Conduct serves as a component of the written directives; it is a supplement to the department Policies and Procedures. Whereas policies and procedures allow for leeway in choice from possible alternative actions and generally define the limits of discretion, the Code of Conduct specifically defines those actions that are allowed and those actions that are prohibited. It is incumbent on all members of the department to abide by the Code of Conduct.

This policy will be reviewed, updated periodically, and will be readily available to all personnel. All employees are invited and encouraged to forward suggestions for the improvement of department operations, practices and procedures, rules and regulations, through the Lieutenant of Administration and Professional Standards, to the attention of the Chief of Police.

In a constitutional democracy such as ours, police powers are conferred on police with the full faith and trust of the people. That faith and trust is earned and maintained by the good actions of its officers, actions that are fair, impartial and transparent.

II. POLICY

All members of the Department shall familiarize themselves with the provisions of the Department's Code of Conduct within 30 days of issuance. Police recruit officers shall familiarize themselves with the provisions of the Department's Code of Conduct prior to graduation from a police academy. Failure on the part of members of the Department to acquaint themselves with and abide by Department Code of Conduct as hereby directed may be considered neglect of duty and may subject such members to disciplinary action.

III. DEFINITIONS

- A. *Policies and Procedures*: policies and procedures provide officers with direction and guidelines for the delivery of police services based on department vision, mission and values. They allow for officer discretion within the law, good judgement and common sense and they define the limits of this discretion.
- B. *Rules and Regulations*: Rules and regulations for the purposes of this Policies and Procedures manual are referred to as the *Code of Conduct*. The *Code of Conduct* includes specific and binding statements regarding employee conduct that allow for little or no discretion. In most cases, conduct outside of the rules and regulations may be subject to disciplinary action.

IV. PROCEDURES

- A. Professional Conduct & Responsibilities (26.1.1)
 - 1. Membership in Organizations -- Officers of the 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 duties or reflect negatively on the department.
 - 2. Outside Employment – Any officer who wants to work outside of the department for pay or on a voluntary basis as a police officer must advise the Chief of Police in this regard in writing. The police department shall not be held liable or responsible for any losses, expenses, damages or costs that may incur from injury, claim, demand, lawsuit or judgements arising from the outside employment. Outside employment shall not interfere with department obligations.
 - 3. Political Activities -- Participation in political activities while in uniform or on duty is prohibited. In uniform includes wearing or displaying the departmental patch, logo, emblems or identifying marks. All actions that could give the impression that officers are using their official positions to influence the electoral process are prohibited. An officer or employee of the department shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.

Officers and employees who become candidates for salaried elective office may request 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. Testimonials and Gifts -- No officer or employee of the department shall collect or receive any money or other thing of value from any source for the purpose of making a gift to any active officer or employee of the department unless specific permission is granted by the

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

(It should be noted that under the provisions of M.G.L. ch. 268 § 9A, no person shall sell tickets or solicit contributions for a testimonial dinner or similar function for any person in active employment in any law enforcement agency or regulatory body of the state or any city or town.)

5. Unauthorized Transactions -- Officers and employees are prohibited from entering into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the department, except as may be specifically authorized by the Chief. This rule shall not preclude officers and employees from taking advantage of standard police discounts available, without obligation, to all department personnel.
6. Disposition of Unauthorized Gifts or Gratuities -- Any unauthorized gift, gratuity, fee or reward coming into the possession of any officer or employee shall be forwarded to the Chief of Police, together with a written report of the circumstances connected therewith.
7. Use of Official Position -- Officers shall not use their official positions, department identification cards or badges: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty, or (c) for avoiding consequences of illegal acts. Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief. Officers shall not authorize the use of their names, photographs, or official titles, which identify them as police officers, in connection with testimonials or advertisements for any person, commodity or commercial enterprise, without the approval of the Chief.

B. Required Conduct (26.1.1)

In addition to the specific duties of each individual rank and assignment as set forth in 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.

1. 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 other law enforcement agencies, provide them with any authorized information they are entitled to receive, and submit a report on all such actions taken.
2. Awareness of Activities – Upon returning to duty from any period of absence, all officers shall inform themselves about all new orders, regulations, memoranda and all other important matters governing their assignments. Every officer of the department shall

become familiar with all laws, statues, ordinances and regulations necessary for the proficient execution of duty as a police officer.

3. 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.
4. Compensation -- Officers shall not seek in any way money or compensation for damages sustained or expressly 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 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.
5. Departmental Communications – All officers shall transmit all official communications promptly, accurately and completely to other officers of the department as required, and shall immediately inform their supervisors 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.
6. 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.
7. Attention to Duty – All 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. Recreational reading is not permitted while on duty except during authorized breaks. The conspicuous use of a cell phone in a public place that gives the impression of inattentiveness is prohibited.
8. Devotion to Duty – All officers, while on duty, shall devote their full time and attention to the service of the department and to the citizens of the community. They shall remain awake and alert at all times while on duty.
9. Duty Outside of the Community – Officers of the department shall not be assigned to perform duty outside of the community limits, except to assist the police authorities of another jurisdiction to suppress disorder or to preserve the peace, under the direction of the Commanding Officer of the police department involved. Any such request for assistance from other cities or towns, and the approval for such assistance, must be acted upon in accordance with M.G.L. ch. 41 §99. 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 jurisdiction.
10. Duty Status -- While off duty, as for every other citizen of the Commonwealth, officers may respond and intervene when witnessing a felonious act or circumstance involving a

likelihood of serious bodily injury or death. It should be noted that in these circumstances officers are acting in the capacity of civilian and not agents of the Northeastern University Police Department. Officers are advised to weigh the immediate risks and act or not act accordingly. At a minimum, officers should be good witnesses and report any event requiring police action.

11. 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 or supervisor. 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 be absent themselves from duty without leave. Officers unable to report for duty because of sickness or injury shall notify, or cause to be notified, a supervisor at least two hours prior to their next tour of duty, except in cases of emergency.
12. Home Address and Telephone – All officers and employees shall have a telephone in their place of residence, or where they can be reached, and shall report any change of telephone number or home address to the Chief of Police or designee within 48 hours of such change. The home telephone number or home address of officers shall not be given out to anyone outside the department, without the authorization of a superior officer. In the event of an emergency request, the telephone number will be called with a notification to call the person making the emergency request.
13. Identification – All officers shall properly identify themselves to any person requesting this 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 the proper authority. Under M.G.L. ch. 41 §98D, every full-time police officer is required to carry an official identification card to be shown to the public upon lawful request. NUPD officers are not part of the state initiative; however, they do have NUPD ID Cards and are bound by the spirit of the law and NUPD policy. [22.2.7(a)]
14. Knowledge of the Community – Every officer shall become familiar with the geography of the community, including routes of public transportation, the location of streets, highways, bridges, public buildings and places, hospitals, courts, large industrial plants or commercial establishments, and such other information as may be disseminated by supervisors from time to time.
15. 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 a supervisor or the dispatcher prior to leaving and again upon return. If an emergency prevents following this procedure, the officer must contact a supervisor as soon as possible. In all such cases, a subsequent report will be submitted, in writing, to the attention of the Chief, to include the circumstances, the reasons for leaving the community and the period of absence.
16. Line-of-Duty Disability – Any injury, illness or disability incurred in the line of duty, shall be reported in writing by the officer concerned to a supervisor, and this report will be properly

investigated. Disposition as to line-of-duty injuries, illnesses or disabilities shall be made by the Chief of Police. In each case of illness, injury or disability incurred in the line of duty, no officer shall be returned to duty until the ability to be placed on full duty status is certified by proper medical authority. The Chief of Police may approve light house-duty.

17. Mutual Protection – All officers shall come to the immediate aid, assistance or protection of fellow officers who, in the performance of their duties, requires such aid and assistance.
18. Paid Details – M.G.L. ch. 44, §53C requires that all payments for paid details must be channeled through the Treasurer’s Office. While the department is not bound by this law, department policy dictates that no officer shall accept compensation directly from such private employers for paid details. All payments for extra-duty employment shall be directed through the Finance Manager. (See *Extra Duty Employment*)
19. Extra Details -- All Officers assigned to department approved and regulated extra detail work shall follow the policy standards set forth by this agency. [22.3.5(a,d)]
20. 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 department common space, lockers, desks and vehicles used by them in a neat, clean, and orderly condition.
21. Physical or Psychological Examination – An officer shall submit to a physical, medical or, upon entry to the department, a psychological examination, at the expense of the department, when so ordered by the Chief. This paragraph does not alter an officer’s obligation to provide, at his/her own expense, a physician’s certificate in cases of sick leave.
22. Physical Fitness – All officers shall maintain good physical condition and mental alertness and are expected to keep themselves as physically fit, as their age permits and the nature of their duties requires.
23. Care and Transportation of Prisoners – All arrested persons shall be transported safely and directly to the appropriate place of custody. Officers shall make every effort to safeguard prisoners so that they do not injure themselves or others and that they do not attempt to escape or dispose of evidence.
24. Care and Custody of Property – All 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 prisoner, 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.
25. Public Appearances – All requests for public appearances or speaking engagements by officers, on the subject of department operations or policies, shall be submitted to the Chief

of Police for approval. Officers who are approached directly for this purpose shall suggest that such requests be forwarded to the Chief of Police.

26. Submitting Reports – All officers shall promptly and accurately complete and submit all reports and forms as required by departmental procedures.
27. Trials and Hearings – All officers concerned 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 evidence suitably arranged for presentation to the court, grand jury or hearing board. They shall afford the utmost respect toward the court, officers of hearing boards and members of the jury. When presenting evidence or testimony they shall speak calmly and clearly in a distinct and audible tone so as to be easily understood. They shall give evidence with accuracy, confining themselves to the case before the court and shall neither suppress nor overstate the slightest circumstances with an intention of favoring any person or projecting ill-will to either the complainant or the defendant. When cross-examined by a defense attorney, they shall answer with the same civility and readiness as when giving testimony in support of the prosecution.
28. Truthfulness – No member of the department shall knowingly or with reckless disregard for the truth sign any false official statement or report, commit perjury, or give false testimony before any court, board, or commission, or in any judicial or administrative hearing, whether or not under oath. Members found to be in violation of this rule shall be subject to discipline up to and including discharge from the department.
29. Motor Vehicle Operations -- When operating a police vehicle in a non-emergency capacity, officer shall obey all laws, CMRs, and City of Boston by-laws pertaining to the operation and parking of those vehicles.

C. Criminal Conflict

1. Department members shall not commit any criminal act (felony or misdemeanor), or violate the regulatory or criminal laws or statutes of the United States or of any state or local jurisdiction (by-law/ordinance), whether on or off duty. (22.3.5b) NOTE: A member may be guilty of violating this rule regardless of the outcome of any criminal court case. Conviction for the violation of any law is prima-facie evidence of a violation of this rule. However, even in the absence of a conviction (which requires proof beyond a reasonable doubt), a member may still be disciplined under this rule for the conduct that was involved since a preponderance of the evidence is the quantity of proof required in such cases.

D. Prohibited Conduct:

The following acts, actions or activities by department personnel are prohibited or restricted.
(26.1.1)

1. Conduct Unbecoming an Officer – The commission of any specific act or acts of immoral, improper, disorderly or intemperate personal conduct, which reflects discredit upon the officer, upon fellow officers or upon the police department shall be considered conduct unbecoming and shall be subject to disciplinary action.
2. Abuse of Department Property -- Intentionally or negligently abusing, misusing, damaging or losing police department property or equipment is prohibited.
3. Use of Department Vehicles – Officers shall not use any department vehicle without the permission of a supervisor, or drive any department vehicle to which they have not been assigned, except in an emergency.
4. Discourtesy – Being rude, impolite, contemptuous or insolent to a superior officer, to a fellow officer or to a member of the public.
5. Improper Associations – Officers and employees shall avoid regular or continuous association or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, with the knowledge and approval of the Chief, or where unavoidable because of family relationships of the officers.
6. Incompetence – Officers shall maintain sufficient competency to perform police department responsibilities commensurate with each position.
7. Incurring Department Liability – An officer or employee shall not incur a liability chargeable to the police department without prior approval according to department procurement protocol.
8. Insubordination
 - a. No member of the department shall willfully disobey the lawful command or order of a superior officer or person authorized to give such order by the Chief of Police. However, obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member of the department shall issue such an order and no member of the department is required to obey an order that is in violation of any State or Federal law.
 - b. In a case when a supervisor issues an order that is in conflict with policy or contract, the officer receiving the order is obligated to obey but may advise the issuing supervisor of the conflict. If the supervisor does not change the order, the officer is obligated to obey the order but may grieve it afterwards.
 - c. When an officer receives conflicting orders, the officer is obligated to advise the supervisor of the conflict and if the order is not rescinded based on this information, the officer shall be obligated by the latest order.
9. Intoxicating Beverages or Drugs, Use of – 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 a superior officer; (b) shall not, while on duty, use any narcotic, controlled substance or other toxic drug except a the direction of a physician for a

- specific health purpose. in any case where it is necessary to take any such drug on the advice of a physician, such officer or employee shall notify the shift supervisor upon reporting for duty and be guided by the supervisor's decision regarding fitness for duty; (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, while off duty and while wearing any part of the NUPD uniform, drink any intoxicating beverage in public view or in any place accessible to the public; (e) 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.
10. Department Letterhead -- Officers and employees shall not use police department letterhead for private or unauthorized correspondence.
 11. Neglect of Duty – Officers shall not be absent from assigned duty without leave; leave post or assignment without being properly relieved; or fail to take suitable and appropriate police action when any crime, public disorder or other incident requires police attention or service.
 12. Department Notices – Officers shall not alter, deface or remove without permission any posted notice on the department bulletin board. No unauthorized notice shall be posted on the department bulletin board.
 13. Official Information, Dissemination of -- 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.
 - c. Official records or reports shall not be copied, or removed from a building, except in accordance with established departmental procedures.
 - d. The identity of any person giving confidential information to the department or to any officer thereof in the performance of police duties shall not be divulged except with the prior approval of the Chief or 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 of Police or designee.

14. Personal Business -- Officers while on duty shall not conduct any personal business, purchase any alcoholic beverages or purchase and carry any conspicuous amounts of merchandise, unless required in the performance of duty.
15. Possessing Keys to Private Premises – Officers shall not possess unauthorized keys to private buildings or dwellings in an officer’s area of patrol.
16. Use of Private Vehicles - While on regular department duty, officers shall not drive private vehicles to a duty assignment to cover the assignment in or with the private vehicle unless authorized to do so by a supervisor.
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 tend to undermine the efficiency of the department operation and/or the morale of its membership. Officers and employees of the police department with legitimate complaints regarding the department may seek remedies by referring to the University policy titled *Whistleblower Policy*, effective June 1, 2012.
18. Smoking While on Duty –While not covered under MGL ch. 32 §92, which states that smoking is prohibited for any sworn officer hired after January 1, 1988, NUPD officers, in accordance with University policy, are prohibited from smoking conspicuously in uniform in public, prohibited from smoking in any police vehicle, and prohibited from smoking anyplace on University property.
19. Recommendation for Disposition of Cases -- An officer of the department shall not make recommendations for the disposition of any case pending in the courts without the consent of the Chief of Police or designee.
20. Towing Services -- No officer shall solicit in any way for a towing service. All requests for towing shall be referred to Communications. It shall be the responsibility of the dispatcher to follow department protocol.
21. 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 preferment, advantage, transfer or advancement.
22. Excessive Force –No officer shall use more physical force than that which is reasonable to accomplish a proper police purpose. Officers shall use force only when required in accordance with law and departmental policies and procedures and then only reasonable force.
23. Wearing the Uniform -- An officer shall not wear any part of the NUPD uniform outside the limits of the University community except while in the performance of official duty or in transport to and from work or with the permission of a supervisor.
24. Withholding Evidence - An officer or employee shall not fabricate, withhold or destroy any evidence of any kind.