

Department of State Police

Rules & Regulations

Effective Date	January 31, 2001	Number	Article 1
Subject	REGULATIONS FOR THE GOVERNANCE OF THE STATE POLICE		

1.0 REGULATIONS FOR THE GOVERNANCE OF THE STATE POLICE

1.1 AUTHORIZATION AND SEVERABILITY

For the purpose of these Rules and Regulations the Massachusetts Department of State Police shall hereinafter be referred to as the "Massachusetts State Police". Uniformed members shall hereinafter be referred to as "members".

The Massachusetts State Police's Rules and Regulations are issued pursuant to Massachusetts General Law Chapter 22C. These Rules and Regulations cancel and supersede all previous Massachusetts State Police Rules and Regulations. Causes of actions arising from events transpiring prior to March 19, 1997, shall be governed by Rules and Regulations then in effect.

If any article, section, sub-section, sentence, clause, or phrase of the Rules and Regulations is for any reason held to be unconstitutional, contrary to law, or otherwise inoperative, such decision shall not affect the validity of any other part of these Rules and Regulations.

1.2 INTRODUCTION

In the United States it is essential that the Criminal Justice System, upon which public safety depends, be administered in a manner which promotes public respect, confidence and acceptance.

The problems associated with the delivery of police services are many, as they reflect the complex interactions and changes of modern society. Accordingly, rules cannot be drafted that shall prescribe, in specific detail, the manner in which all duties of Massachusetts State Police officers are to be performed. Consequently, all members should be guided in their decision making processes by subscribing to certain fundamental principles.

These principles are as follows:

- 1.2.1 Members shall endeavor to elevate the standing of the Law Enforcement profession in the public mind and to strengthen public confidence in the Massachusetts State Police.
- 1.2.2 Members shall encourage all other members of the Massachusetts State Police to fully appreciate the responsibilities of their office.
- 1.2.3 Members shall endeavor to develop and maintain the public's support and cooperation.

- 1.2.4 Members shall promote the concept of teamwork for the benefit of all.
- 1.2.5 Members shall strive for full coordination of effort in all official relationships.
- 1.2.6 Members shall provide high quality problem solving and community-oriented police services.

1.3 CODE OF ETHICS

This code of ethics is a reflection of the organizational values of the Massachusetts State Police and is adopted as a general performance standard for all members.

- 1.3.1 We shall respect the diversity of, and be sensitive to, all people.
- 1.3.2 We shall accept our responsibility to the public by being punctual in our engagements and expeditious in the performance of duty.
- 1.3.3 We shall regard our office as a public trust and, in the discharge of our duties, be mindful of our primary obligations to serve the public efficiently and effectively.
- 1.3.4 We shall administer the law in a just, impartial, and reasonable manner, affording the same reasonable treatment to all cases.
- 1.3.5 We shall recognize the limitations of our authority and at no time use the power of our office for our personal advantage.
- 1.3.6 We shall be true to our obligations as custodians of public property.
- 1.3.7 We shall not diminish our integrity or limit our effectiveness by accepting gratuities or favors from persons, businesses, corporations, or other entities.
- 1.3.8 We shall cooperate fully with other public officials to assure the safety and general welfare of the public. We shall not permit jealousies or personal differences to influence our ability to cooperate with others in our official business.
- 1.3.9 We shall add to our effectiveness by enhanced training, diligent study, and sincere attention to self-improvement, including physical readiness. We shall welcome the opportunity to disseminate practical and useful information relating to matters of the public's safety and welfare.
- 1.3.10 We shall bear faithful allegiance to our government and be loyal to our profession. We shall accept as an obligation our responsibility to support the Constitutions of the United States and the Commonwealth of Massachusetts.
- 1.3.11 We shall fervently seek out and report the truth.

Promulgated by:

Department of State Police

Rules & Regulations

Effective Date	January 31, 2001	Number	Article 2
Subject	ORGANIZATIONAL VALUES		

2.0 ORGANIZATIONAL VALUES

The value statements of the Massachusetts State Police are:

- 2.1 Maintenance of the highest standards of integrity and ethics.
- 2.2 Excellence and teamwork in the performance of duty.
- 2.3 Protection of Constitutional Rights.
- 2.4 Problem solving for continuous improvement.
- 2.5 Continuous planning for the future.
- 2.6 Performing public service and law enforcement tasks so as to provide leadership to the police profession.

Promulgated by:



Department of State Police

Rules & Regulations

Effective Date	May 2, 2003	Number	Article 3
Subject	REGULATIONS ESTABLISHING THE DUTIES OF MEMBERS		

3.0 REGULATIONS ESTABLISHING THE DUTIES OF MEMBERS

To attain the Massachusetts State Police organizational goals and to implement the regulations of the Massachusetts State Police, the following duties are established for the Superintendent, Deputy Superintendent, Supervisory members, other uniformed members appointed under M.G.L. c. 22C, and civilian employees of the Massachusetts State Police.

3.1 SUPERINTENDENT

The Superintendent of the Massachusetts State Police shall hold the rank of Colonel and shall be the executive and administrative officer of the Massachusetts State Police. S/he shall promulgate all Rules, Regulations, Policies, Procedures, Orders, and Directives governing the Massachusetts State Police including, but not limited to, discipline, organization, government, administration, training, and compensation.

3.2 DEPUTY SUPERINTENDENT

A Lieutenant Colonel shall be designated by the Colonel/Superintendent as the Deputy Superintendent and shall be the second-in-command of the Massachusetts State Police. S/he shall exercise such authority and supervision over functions of the Massachusetts State Police as the Colonel may assign and during the absence of or when so designated by the Colonel/Superintendent shall perform the official duties of the Colonel/Superintendent.

3.3 STAFF OFFICERS

Staff Officers, with the exception of the Colonel/Superintendent, shall be appointed by the Colonel/Superintendent and shall exercise such authority and supervision over the functions of the Massachusetts State Police as may be assigned.

3.3.1 The term Staff Officer shall include the following ranks:

- Colonel/Superintendent
- Lieutenant Colonel/Deputy Superintendent
- Lieutenant Colonel
- Major

3.3.2 The Colonel/Superintendent shall fill vacancies in the ranks of Lieutenant Colonel/Deputy Superintendent, Lieutenant Colonel and Major with those officers who are eligible for such promotions. Officers so appointed may be returned to their previous rank or to the rank of Captain, at the discretion of the Colonel/Superintendent.

3.4 COMMISSIONED OFFICERS

A Commissioned Officer shall exercise such authority and supervision over the functions of the Massachusetts State Police as may be assigned by senior supervisory members or proper authority.

3.4.1 The term Commissioned Officer shall include the following ranks:

- Detective Captain
- Captain
- Detective Lieutenant
- Lieutenant

3.4.2 The Colonel/Superintendent shall fill vacancies in the ranks of Detective Captain from officers holding the rank of Captain and shall fill vacancies in the rank of Detective Lieutenant from officers holding the rank of Lieutenant. Any officer so appointed to the rank of Detective Captain or Detective Lieutenant on or after July 1, 1994, may be returned to their previous rank at the discretion of the Colonel/Superintendent.

3.5 NON-COMMISSIONED OFFICERS

A Non-commissioned Officer shall exercise such authority and supervision over the functions of the Massachusetts State Police as may be assigned by senior supervisory members or proper authority.

3.5.1 The term Non-commissioned Officer shall include the following rank:

- Sergeant

3.6 COMMAND RESPONSIBILITY

Unless otherwise ordered by the Colonel/Superintendent or Lieutenant Colonel/Deputy Superintendent, the senior Staff Officer, Commissioned Officer, Non-commissioned Officer or other senior member present shall be in command.

3.6.1 Senior member status shall be determined by:

- Rank
- Length of service in rank
- As named in order of appointment or promotion

3.6.2 At the scene of a homicide, suspicious death, suicide, or unattended death, the member designated by the Division of Investigative Services Commander of jurisdiction shall assume immediate command. Orders concerning the investigation shall be given by no member of the Massachusetts State Police except the Colonel/Superintendent or a senior supervisory member within the Division of Investigative Services.

3.7 SUPERVISORY MEMBERS

Supervisory members shall include Staff Officers, Commissioned Officers, and Non-commissioned Officers, and shall be responsible for adherence to all State Police Rules, Regulations, Policies, Procedures, Orders, and Directives. They are responsible and accountable for the maintenance of discipline and shall provide leadership, supervision, and continuous training and serve as an example to ensure the efficiency of all operational areas. They have the responsibility to positively influence other members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all members placed under them and, while they can delegate authority and functions, they cannot delegate responsibility. Supervisory members shall:

- 3.7.1 Lead, direct, train, supervise, and evaluate employees in their assigned duties.
- 3.7.2 Provide leadership and guidance in developing loyalty to the Massachusetts State Police and dedication to the police profession.
- 3.7.3 Perform specific duties and functions as assigned by senior supervisory employees or proper authority.
- 3.7.4 Support employees who are properly performing their duty, deal fairly and equitably with all employees and, when necessary, correct them in a dignified manner.
- 3.7.5 Cooperate with all Massachusetts State Police employees and other governmental agencies.
- 3.7.6 Recommend remedial or disciplinary action for inefficient, incompetent, or unsuitable employees.
- 3.7.7 Ensure that Rules, Regulations, Policies, Procedures, Orders, and Directives of the Massachusetts State Police are enforced and adhered to by employees under their charge.
- 3.7.8 Remain accountable for any failure, misconduct, or omission by employees under their charge.
- 3.7.9 Report violations of law committed by employees, through channels, to the Colonel/Superintendent. Report violations of Massachusetts State Police Rules, Regulations, Policies, Procedures, Orders, and Directives committed by employees, through channels, to the Division Commander and as appropriate to the Colonel/Superintendent.
- 3.7.10 During any temporary absence or disability of a member of the Massachusetts State Police, which prevents the performance of his/her duties, the command shall devolve to the next higher rank, unless otherwise ordered by a senior supervisory member or proper authority from within the same Division or Troop/Section/Unit.
- 3.7.11 Any unusual occurrence that may have an adverse impact upon the Massachusetts State Police shall be reported, through channels, to the Division Commander and, as appropriate, to the Colonel/Superintendent.

3.8 UNIFORMED MEMBERS APPOINTED UNDER M.G.L. c. 22C

All uniformed members appointed under M.G.L. c. 22C shall conduct themselves, at all times, in a fashion consistent with all Rules, Regulations, Policies, Procedures, Orders, and Directives. Members shall:

- 3.8.1 Render the highest order of police service to the citizens.
- 3.8.2 Obey all laws and promptly execute all lawful orders.
- 3.8.3 Know and conform to all applicable law, State Police Rules, Regulations, Policies, Procedures, Orders, and Directives.
- 3.8.4 Receive, record, and respond to all complaints and requests for service.

- 3.8.5 Provide security and care for all persons and property coming into their custody.
- 3.8.6 Maintain a military-like bearing and courtesy at all times.
- 3.8.7 Notify the appropriate Division Commander, in writing through channels, when aggrieved by treatment or actions of a senior employee not amounting to a specific violation of any Rule, Regulation, Policy, Procedure, Order, or Directive. Such complaint shall then be forwarded promptly, through channels, to the Office of the Colonel/Superintendent with recommendations.
- 3.8.8 Be on-duty or subject to recall twenty-four hours a day. A member may be recalled from leave or vacation when necessity demands. On hearing of a state of emergency, as declared by the Governor, all members (excluding personnel on suspension, injury, or other approved leaves) shall immediately contact their duty assignment supervisor, or other supervising officer within the chain-of-command, for specific instructions.
- 3.8.9 All members, without exception and regardless of rank, assignment, or duties regularly performed, shall be subject to all duties of the Department, including, but not limited to, emergency duties.
- 3.8.10 During the period immediately following a member's date of initial enlistment, when the probationary member is being trained by a senior member ("break in"), no such probationary member shall wear a State Police uniform or part(s) thereof while commuting to and from his/her duty assignment in a private vehicle unless authorized by the Troop Commander.

3.9 CIVILIAN EMPLOYEES

Civilian employees shall perform their assigned duties promptly and efficiently and shall:

- 3.9.1 Obey all laws and execute all lawful orders.
- 3.9.2 Be bound by those Rules, Regulations, Policies, Procedures, Orders, and Directives of the State Police as determined by the Colonel/Superintendent.
- 3.9.3 Civilian employees who have begun recruit training at the Massachusetts State Police Academy shall be known as Trainees.
- 3.9.4 Essential civilian employees (excluding personnel on suspension, injury, or other approved leaves) on hearing of a state of emergency, as declared by the Governor, shall immediately contact their duty assignment supervisor, or other supervising officer within the chain-of-command, for specific instructions.

Promulgated by:

Colonel Thomas J. Foley

Department of State Police

Rules & Regulations

Effective Date January 31, 2001	Number Article 4
Subject TITLE AND RANK, PAYROLL, PROMOTIONS	

4.0 *TITLE AND RANK, PAYROLL, PROMOTIONS*

4.1 The order of titles and ranks in the Massachusetts State Police shall be as follows: Colonel/Superintendent, Lieutenant Colonel/Deputy Superintendent, Lieutenant Colonel, Major, Detective Captain, Captain, Detective Lieutenant, Lieutenant, Sergeant, Trooper.

4.2 The pay scale for the members and trainees of the Department of State Police appointed under the provisions of M.G.L. c. 22C is fixed and established in accordance with the following titles and ranks:

Colonel/Superintendent
Lieutenant Colonel/Deputy Superintendent
Lieutenant Colonel
Major
Detective Captain
Captain
Detective Lieutenant
Lieutenant
Sergeant
Trooper First Class
Trooper
Trainee

4.3 In the event the Colonel/Superintendent elects to fill a vacancy or vacancies s/he shall issue a Personnel Order pronouncing his/her intention to do so, and shall thereafter fill such vacancy or vacancies within sixty days after such Order is issued.

4.4 The Colonel shall promote individuals to promotional vacancies within sixty days, unless the Colonel, as executive and administrative head of the Massachusetts State Police in charge of the administration and organization thereof, issues a written order to the Division of Administrative Services within sixty days specifying that one or more of the following reasons exists which shall prevent the filling of such vacancies in the near future:

- (1) the abolishment and/or consolidation of a division, bureau, section or unit of the Massachusetts State Police;
- (2) insufficient funding as appropriated by the General Court for the administration, organization, government, training, compensation, equipment, and maintenance of the Massachusetts State Police; or
- (3) the assignment, reassignment or transfer of any uniformed member within or among a division or divisions of the Massachusetts State Police, and/or the staffing needs of any such division or divisions with consideration given to any completed or ongoing staffing study and/or any change in duties within a particular rank.

4.4.1 No orders issued by the Colonel pursuant to Rule 4.4 shall continue in effect for more than 180 days, unless the Colonel issues a new order to the Division of Administrative Services stating the specific reasons for extending such order.

Promulgated by:

Department of State Police

Rules & Regulations

Effective Date	January 31, 2001	Number	Article 5
Subject	RULES OF CONDUCT		

5.0 ***RULES OF CONDUCT***

5.1 ***VIOLATION OF RULES***

Members shall not commit, nor cause to be committed, any act(s) or omit any act(s) which constitute(s) a violation of any Massachusetts State Police Rule, Regulation, Policy, Procedure, Order, or Directive.

5.1.1 All members of the State Police are required to familiarize themselves with the Rules, Regulations, Policies, Procedures, Orders, and Directives as may be issued or established by the Colonel/Superintendent. Members are also required to familiarize themselves with Orders and Directives as may be issued or established by senior supervisory members or proper authority.

5.2 ***UNBECOMING CONDUCT***

Members shall conduct themselves at all times in such a manner as to reflect most favorably upon themselves and the Massachusetts State Police. Conduct unbecoming shall include that which brings the Massachusetts State Police into disrepute or reflects discredit upon the person as a member of the Massachusetts State Police, or that which impairs the operation, efficiency, or effectiveness of the Massachusetts State Police or the member.

5.2.1 Members shall not associate with individuals they know or should know are engaged in criminal activities unless in the performance of duty or upon official police business.

5.2.2 Members shall not frequent or remain at any place where they know or should know criminal activity is occurring unless in the performance of their duty or upon official police business.

5.3 ***GENERAL CONDUCT***

Members shall maintain a level of conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any act which impairs their ability to perform as members of the State Police or causes the State Police to be brought into disrepute.

5.4 ***CONFORMANCE TO LAWS***

5.4.1 Members shall obey all laws of the United States and of any country, state, or local jurisdiction in which the members are present.

5.4.2 A finding of responsible, continuance without a finding, or conviction due to alleged violation(s) of any law shall be prima facie evidence of a violation of this section.

- 5.4.3 Members who have been arrested or indicted, members against whom a criminal complaint, restraining order, or warrant for arrest has issued, and members who know or have reason to believe that they have been identified as a suspect in any criminal investigation shall notify their duty assignment supervisor forthwith of said incident or belief. Members are further required to provide a copy of any order modifying any such permanent/temporary order.
- 5.4.4 Members must possess a valid, unrestricted Massachusetts driver's license. Members who know or have reason to believe that their driver's license has expired, or has been suspended, revoked, or restricted shall notify their duty assignment supervisor forthwith. For the purposes of this Article a corrective lens requirement shall not be considered a restriction.
- 5.4.5 Members must possess a valid, unrestricted Massachusetts firearms license. Members who know or have reason to believe that their firearms license has expired, or has been suspended, revoked or restricted shall notify their duty assignment supervisor forthwith.

5.5 REPORTING FOR DUTY

- 5.5.1 Members shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped, attired, and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. A notice issued by any court shall constitute an order to report for duty under this section.
- 5.5.2 Members shall perform any law enforcement duty that may be required of them by any senior member or proper authority. This shall be in addition to the specific duties and responsibilities previously assigned by the provisions of any State Police Rule, Regulation, Policy, Procedure, Order, or Directive.
- 5.5.3 A member assigned to a patrol or post shall not leave the patrol or post except for police necessity or personal necessity. If required to quit such patrol or post, members shall first receive permission to leave from their duty assignment supervisor or proper authority.

5.6 NEGLECT OF DUTY

Members shall not engage in any activities or conduct any personal business or affairs which would cause them to neglect or be inattentive to duty.

5.7 FICTITIOUS ILLNESS OR INJURY REPORT

Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any member of the State Police as to the condition of their health or their need for sick leave.

5.8 UNSATISFACTORY PERFORMANCE

- 5.8.1 Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in such a manner as will maintain the highest professionally accepted performance standards in carrying out the functions and objectives of the State Police.
- 5.8.2 Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's rank, title, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving State Police attention; or absent without leave.

- 5.8.3 In addition to other indicators of unsatisfactory performance, repeated infractions of State Police Rules, Regulations, Policies, Procedures, Orders, Directives or any combination of them shall be considered prima facie evidence of unsatisfactory performance.

5.9 EMPLOYMENT OUTSIDE OF THE DEPARTMENT

- 5.9.1 Members may engage in off-duty employment subject to the following limitations:
- (1) such employment shall not interfere with the member's State Police employment;
 - (2) members shall submit a written request for off-duty employment through channels to the Colonel/Superintendent whose approval must be granted prior to engaging in any such off-duty employment.
- 5.9.2 Such employment shall not create any conflict of interest or violate M.G.L. c. 268A or any other law.
- 5.9.3 Approval may be denied at the discretion of the Colonel/Superintendent when it is determined that outside employment may present a conflict of interest, or it may:
- (1) render the member unavailable for an emergency;
 - (2) physically or mentally exhaust the member to the point that their performance may be affected;
 - (3) require special consideration be given to scheduling of the member's regular duty hours and/or court related appearances;
 - (4) bring the member and/or the State Police into disrepute;
 - (5) impair the operation, efficiency, or effectiveness of the State Police.
- 5.9.4 Members who want to act as officials; judges or referees at public competitions or exhibitions shall submit a written request through channels to the Colonel/Superintendent for approval and must be granted such approval prior to engaging in any such activity.

5.10 ALCOHOLIC BEVERAGES AND DRUGS

- 5.10.1 Members shall not, nor shall they permit, any person to store or bring into any State Police facility or vehicle alcoholic beverages or controlled substances except that which is held as evidence or in the course of official duties, unless authorized by the Colonel/Superintendent.
- 5.10.2 Members shall not possess or use any controlled substance except when prescribed by a licensed medical practitioner for a legitimate medical purpose. When a controlled substance is prescribed that may impair the member's ability to perform their official duties, said member shall notify their duty assignment supervisor forthwith.
- 5.10.3 Members shall not consume alcoholic beverages while in uniform.
- 5.10.4 Members shall not consume alcoholic beverages while on-duty except in the performance of duty and while acting under specific orders from a supervisory member or proper authority. Members shall not appear for duty, or be on-duty, while under the influence of alcoholic beverage(s) to any degree whatsoever, or with an odor of any alcoholic beverage(s) on their breath.

5.11 USE OF TOBACCO, GUM, AND OTHER FOREIGN OBJECTS

- 5.11.1 In accordance with M.G.L. c. 22C, no member or trainee appointed or hired after January 1, 1988 shall smoke any tobacco product. No member in violation of this Article shall continue in employment with the Massachusetts State Police.

- 5.11.2 No member or civilian employee shall smoke any tobacco product or possess any lit tobacco product in any Departmental building. No member or civilian employee shall smoke any tobacco product or possess any lit tobacco product in any Department vehicle, unless the vehicle is assigned to the member or employee and the member or employee is alone in said vehicle.
- 5.11.3 Members, when in uniform, shall not use tobacco, chew gum, or have any foreign object protruding from the mouth when they are:
- (1) in view of the public; and/or
 - (2) in formation.

5.12 *INSUBORDINATION*

- 5.12.1 Members shall promptly obey any lawful order conveyed to them by any senior member or proper authority. For the purpose of this Article an order can be written or verbal.
- 5.12.2 Members shall not assault, strike, threaten, draw or lift up any weapon, or feign violence against any employee of the Massachusetts State Police.
- 5.12.3 Members shall not use threatening or insulting language or behave in any insubordinate or disrespectful manner toward any employee of the Massachusetts State Police.

5.13 *CONFLICTING OR ILLEGAL ORDERS*

- 5.13.1 Members who are given an order which may be in conflict with any Rule, Regulation, Policy, Procedure, Order, or Directive shall inform the issuing senior member or proper authority of the conflict. Unless the senior member or proper authority alters or retracts his/her order, said order shall stand. Under these circumstances, the responsibility for the conflict shall rest solely on the senior member or proper authority issuing said order.
- 5.13.2 Members shall not obey any order which they know or should know would require them to commit an act in violation of law. Any member who is given an order which s/he believes in good faith would result in a violation of law, shall inform the issuing senior member or proper authority of the possible violation, and if the order stands or, as revised, still calls for an act in violation of law, the member shall be allowed reasonable time to confer with a more senior supervisory member or proper authority within his/her Division. If after conferring with such senior supervisory member or proper authority, the order is not overturned, and the member refuses to obey such order, the member shall be accountable for any violations of these Articles.
- 5.13.3 Whenever there seems to be a conflict, or doubt as to the meaning, of written Massachusetts State Police Rules, Regulations, Policies, Procedures, Orders, or Directives, application shall be made in writing through channels to the Colonel/Superintendent for an explanation or possible correction.

5.14 *GIFTS, GRATUITIES, BRIBES, OR REWARDS*

In accordance with M.G.L. c. 22C, any member who directly or indirectly receives a reward, gift, or gratuity on account of his official services shall be subject to criminal sanctions and discharge from office. Awards of plaques, citations, or other articles of appreciation recognizing meritorious service or accomplishment that have no significant monetary value are not contemplated by this Rule.

- 5.14.1 Members shall not solicit or accept from any person, business, corporation or other entity or organization any gift (including but not limited to money, property whether tangible or intangible, food, beverage, loan, promise, service, entertainment, or any other thing or service of value) for the direct or indirect benefit of said member or the Massachusetts State Police if it may be reasonably inferred that the person, business, or organization:
- (1) Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
 - (2) Has an interest which may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty.

5.15 ABUSE OF POSITION

- 5.15.1 Members shall not use their official position, official identification cards, or badges:
- (1) for personal gain;
 - (2) for obtaining privileges not otherwise available to them unless necessary in the performance of duty;
 - (3) for avoiding consequences of illegal acts.
- 5.15.2 Members shall not lend to another person their issued uniform parts, equipment, identification cards or badges nor permit such identification cards and badges to be photographed or reproduced without the specific approval of the Colonel/Superintendent.
- 5.15.3 Members shall not authorize the use of their names, photographs, likenesses or official titles which identify them as members of the Massachusetts State Police in connection with testimonials or advertisements for any commodity, commercial enterprise or political purpose.
- 5.15.4 Members shall not become directly or indirectly involved with any arrangements, agreements, or compromises between criminals and their victims without first receiving permission from their duty assignment supervisor and consulting with the appropriate prosecuting attorney.
- 5.15.5 Members shall not become directly or indirectly involved with any arrangements, agreements, or compromises between criminals and any member involving restitution for lost wages, lost details or any other payment or benefit from said criminal or said criminal's agent without first receiving permission from his/her duty assignment supervisor and consulting with the appropriate prosecuting attorney.
- 5.15.6 Members shall not withhold information of any type whatsoever in order to impede or hinder an ongoing investigation, or to delay the start of such an investigation.

5.16 ENDORSEMENTS AND REFERRALS

Members shall not, in their official capacity, recommend or suggest in any manner the employment, procurement or support of any product, service, charity, or proposed law or regulation unless first authorized by the Colonel/Superintendent.

5.17 IDENTIFICATION

- 5.17.1 Members shall carry their issued badge(s) and identification card(s) on their person at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name, current duty assignment, and identification number to any person requesting that information when they are on-duty or while acting in an official capacity, except when the withholding of such information is necessary for the performance of Massachusetts State Police duties or is authorized by a senior supervisory member or proper authority.

- 5.17.2 Members who are under suspension for five or more consecutive days must turn in their issued badge(s), identification card(s), and weapon to their Division Commander before the commencement of the suspension. Members who are under suspension for thirty or more consecutive days must turn in all their issued equipment to the Supply Section before the commencement of the suspension. If any issued equipment is missing or unsuitable because of neglect or willful abuse, immediate full payment must be made to the Fiscal Section. Suspended members shall be deprived of all Massachusetts State Police powers and privileges and must not represent themselves as members of the Massachusetts State Police.
- 5.17.3 No member shall cause to be produced, or possess, or distribute any business card with the member's title and Massachusetts State Police information thereon, unless for an official police purpose.
- 5.17.4 If at a civil disturbance or other incident where the senior supervisory member has ordered helmets be worn, the helmet worn shall visibly display the member's full and accurate State Police identification number.

5.18 PAYMENT OF DEBTS

For the purpose of this Article a just debt or support obligation must be recognized as such by a court of competent jurisdiction before administrative action may be initiated.

- 5.18.1 Members shall not undertake any financial obligation which they know or should know they will be unable to meet.
- 5.18.2 Members shall pay all just debts.
- 5.18.3 Members shall provide the necessary and adequate support of their immediate family, and legal dependents.

5.19 POLITICAL ACTIVITY

Members are prohibited from using their official capacity to influence, interfere with, or affect the results of any election for public office. This section is not meant to interfere with the lawful activities of the collective bargaining unit representatives. In accordance with law and these Rules and Regulations, members are prohibited from:

- 5.19.1 Assuming active roles in the management, organization, or financial activities of partisan political clubs, campaigns, or parties;
- 5.19.2 Serving as officers of partisan political parties or clubs;
- 5.19.3 Serving in any elected public office, becoming a candidate for any public office or campaigning for any candidate seeking any public office;
- 5.19.4 Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or a partisan or non-partisan candidate;
- 5.19.5 Addressing a political gathering in support of, or in opposition to, a partisan candidate;
- 5.19.6 Engaging in prohibited partisan political activities on the Federal, state, county, or municipal level;
- 5.19.7 Serving as election judges or clerks or as a clerk or judge of any board or registry.

5.20 CIVIL ACTIONS

If any member shall bring a civil action, or directly or indirectly commence negotiations for settlement for damages for personal injuries incurred while in the performance of his/her duty, s/he shall immediately notify the Colonel/Superintendent, through channels and in writing, and file with the Colonel/Superintendent copies of any complaint(s) or allegation(s), and any notification of settlement(s), and also the final disposition of the action or negotiation.

5.21 RESIDENCE

Members shall reside within the territorial boundaries of the Commonwealth of Massachusetts. Any change regarding a member's domicile or mailing address, shall be reported immediately, in writing, on a change of address form, to their supervisor who shall forward same to the Director of Human Resources.

5.22 TELEPHONE

Members shall, at all times, provide to their duty assignment supervisor a telephone number or numbers allowing for direct access and immediate contact.

5.23 DISSEMINATION OF INFORMATION

- 5.23.1 The intent of this section is to protect the members and the Massachusetts State Police against wrongful dissemination of information or its commercialization and is not intended to prevent distribution of legitimate news through proper channels.
- 5.23.2 Members shall treat official business of the State Police as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Procedures.
- 5.23.3 Members may remove or copy official records or reports from a State Police installation only in accordance with established Procedures.
- 5.23.4 Members shall not divulge the identity of any person(s) giving confidential information, except as authorized by his/her supervisory member or proper authority.
- 5.23.5 Members shall not make known any proposed action or movement of the State Police, or the contents of any Order or Directive, to persons not immediately concerned with its execution.
- 5.23.6 Members shall not comment for publication, nor be interviewed, nor make public speeches on police business, except by permission of the Colonel/Superintendent. Requests for talks, interviews and public speeches shall be directed to the Colonel/Superintendent through the Public Information Section.

- 5.23.7 No member or civilian employee shall make any type of "records inquiry" either orally, in writing, electronically, or through computer except upon official police business. The results and contents of such checks shall not be disseminated to any person or entity except in conformance with law and Massachusetts State Police Policy and Procedure, and in the course of official police business. A "records inquiry" includes obtaining information found in the records of the Registry of Motor Vehicles, and records and information available through NLETS, NCIC, CJIS, court, probation, conviction and corrections records wherever found, Massachusetts State Police records, and any other database or case records management system maintained for law enforcement or public safety purposes that is not accessible to the general public.
- 5.23.8 Members shall not, directly or indirectly, seek notoriety through the public media.
- 5.23.9 Members shall not, directly or indirectly, publicly criticize or ridicule any official action of the Massachusetts State Police or any member.
- 5.23.10 Members shall not directly or indirectly represent the Massachusetts State Police, nor identify themselves as a member of the Massachusetts State Police, when expressing opinions on matters outside the scope of their employment.

5.24 INTERVENTION

- 5.24.1 Members shall not intervene in investigations being handled by other members or by other governmental agencies unless ordered to intervene by a supervisory member or proper authority or where the situation and circumstances warrant such intervention.
- 5.24.2 Members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their immediate supervisor unless the exigencies of the situation requires immediate Massachusetts State Police action. In that event, their action(s) and the reason(s) therefore shall be reported as soon as possible to their immediate duty supervisor or proper authority.

5.25 ABUSE OF PROCESS

Members shall not knowingly make untrue statements or accusations at any stage of an administrative hearing, civil proceeding or criminal proceeding, or process or application leading thereto.

5.26 USE OF EQUIPMENT

- 5.26.1 Members shall utilize Massachusetts State Police equipment only for its intended purpose and shall not willfully or through neglect, abuse, spoil, damage, lose, or wrongfully dispose of Massachusetts State Police equipment.
- 5.26.2 Members shall be liable for the replacement of any Massachusetts State Police property damaged, lost or destroyed by negligence or misuse.
- 5.26.3 All Massachusetts State Police equipment issued to members shall be maintained in proper working order.

- 5.26.4 No member shall use Massachusetts State Police telephones, computers, postage, copiers, facsimile machines, modems, cruisers or other Massachusetts State Police supplies and equipment except for official business.
- 5.26.5 Members shall operate Massachusetts State Police vehicles in a cautious manner, and in conformance with Massachusetts State Police Policy and Procedure and applicable law.
- 5.26.6 Members shall not permit non-employees to ride in Massachusetts State Police vehicles unless due to police necessity, or where permission has been granted by the member's supervisor or proper authority.
- 5.26.7 Ride-alongs for non-Department personnel for instructional or informational purposes shall not be permitted unless approved in advance by the member's Troop/Section/Unit Commander or designee.
- 5.26.8 Members shall not leave the Commonwealth of Massachusetts while on duty, or while in any Massachusetts State Police vehicle, or be in uniform while out of state, except when on official police business with permission of their supervisor or proper authority.
- 5.26.9 Members shall not permit any non-member to wear any part(s) of any issued Massachusetts State Police uniform assigned to them.

5.27 TRUTHFULNESS

- 5.27.1 Members and civilian employees shall be truthful at all times.
- 5.27.2 Upon the order of the Colonel/Superintendent, his/her designee, supervisory member, or proper authority, members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Massachusetts State Police which may be asked of them. An invocation of Constitutionally protected Rights shall not be a violation of this Rule.
- 5.27.3 No member or civilian employee shall, in the course of his/her official duties, execute, file or publish any false written report, minutes or statements, knowing the same to be false.

5.28 OFFICIAL CORRESPONDENCE AND OFFICIAL BUSINESS

- 5.28.1 Members must transact all their official correspondence and official business through their Commanding Officer.
- 5.28.2 Massachusetts State Police stationery shall only be used for official Department business.

5.29 INTERCESSION FOR MEMBERS

- 5.29.1 No member shall directly or indirectly cause any person, not his/her duty assignment supervisor, to intercede on his/her behalf with supervisory members or proper authority for the purpose of seeking preferential treatment, or for transfer, re-transfer, assignment or promotion.

5.29.2 No member shall directly or indirectly cause any person, other than his/her duly authorized counsel where permitted, to intervene with supervisory members or proper authority relative to any official Massachusetts State Police proceeding(s) begun under these Rules and Regulations.

5.29.3 A member against whom a complaint has been made shall not attempt, directly or indirectly, by threat, persuasion, payment or promise of money, or other means to secure the withdrawal or abandonment of such complaint, or to prevent the attendance of witnesses, and shall not at any time before final judgement cause any person to intercede personally, or by letter, or in any other manner, directly or indirectly, in his/her behalf, with the Colonel/Superintendent or with a member of the Trial Board.

Promulgated by:

Department of State Police

Rules & Regulations

Effective Date	February 5, 2001	Number	Article 6
Subject	REGULATIONS ESTABLISHING DISCIPLINARY PROCEDURES AND TEMPORARY RELIEF FROM DUTY		

6.0 *REGULATIONS ESTABLISHING DISCIPLINARY PROCEDURES AND
TEMPORARY RELIEF FROM DUTY*

6.1 *TEMPORARY RELIEF FROM DUTY*

- 6.1.1 A supervisory member shall temporarily relieve from duty and place on Administrative Leave with pay, for a period of NOT more than one work day, any member who is unfit for duty. "Unfit for Duty" may include any physical, mental or emotional condition which may, in the judgement of the supervisory member, render the member incapable of adequately performing their duties or causing the member to perform duties in such a way as to embarrass or discredit the Department or jeopardize the safety of himself/herself or any other person or property. A written report of the incident shall be forwarded, through channels, to the Division Commander forthwith and a copy of this report shall be made available to the relieved member. The supervisory member shall also secure any issued weapon(s), identification cards and/or other equipment in the relieved member's possession when necessary for the safety of the member or other persons.
- 6.1.2 Any member placed on Administrative Leave with pay in accordance with Rule 6.1.1 or Policy and Procedure UOF-03, or any member failing to meet the medical or physical fitness standards as required by law and Rules and Regulations, or any member manifesting symptoms of a physical, mental or emotional dysfunction shall, when so ordered by the Colonel, be examined or re-examined, as the case may be, by the Massachusetts State Police Surgeon to determine said member's fitness for duty. During the pendency of said examination or re-examination until otherwise ordered by the Colonel, said member shall be placed on appropriate leave or duty status. The Massachusetts State Police Surgeon shall examine said member forthwith and recommend to the Colonel in writing a duty status as follows:
- (1) Full Duty or,
 - (2) No Duty, member may use sick, vacation, personal or other accrued time as allowed by the collective bargaining agreement or,
 - (3) Temporary Modified Duty
- 6.1.3 A Troop/Section/Unit Commanding Officer, through channels, may recommend to a Division Commander that a member who:
- (1) is the subject of a criminal investigation, is arrested or indicted or if a criminal complaint or warrant is issued against the member; or
 - (2) is the subject of an internal investigation; or
 - (3) engages in a strike or prohibited job action; or

- (4) has failed to attend and successfully complete compulsory training as mandated by the Colonel; or
- (5) is the subject of a court order directing said member, to refrain from abusing a family or household member or, to refrain from threatening or endangering the health, safety or, welfare of a family or household member. (For the purpose of this sub-part "family or household member" shall be defined in accordance with M.G.L. c. 209A §1); be placed on Administrative Leave with pay for a period **NOT** to exceed five work days. Power to issue such relief shall be vested solely in the Division Commander, with the approval of the Colonel/Superintendent. Administrative Leave shall not involve loss of pay initially; however, loss of pay relating to this period of Administrative Leave may be later imposed along with other disciplinary action. The supervisory member shall secure any issued weapon(s), identification cards and/or other equipment in the relieved member's possession when appropriate.

6.2 DUTY STATUS HEARING

- 6.2.1 A Division Commander, with the approval of the Colonel/Superintendent, may convene a duty status hearing relative to the member's duty status if:
 - (1) the member is the subject of a criminal investigation, is arrested or indicted or, if a criminal complaint or warrant is issued against the member; or
 - (2) the member is the subject of an internal investigation; or
 - (3) the member engages in a strike or prohibited job action; or
 - (4) the member has failed to attend and successfully complete compulsory training as mandated by the Colonel; or
 - (5) the member is the subject of a court order directing said member, to refrain from abusing a family or household member or, to refrain from threatening or endangering the health, safety or, welfare of a family or household member. (For the purpose of this sub-part "family or household member" shall be defined in accordance with M.G.L. c. 209A §1); or
 - (6) exceptional circumstances exist which warrant such duty status hearing.
- 6.2.2 The duty status hearing shall be conducted by a Board consisting of three staff and/or commissioned officers appointed by the Colonel. The Board shall expeditiously gather sufficient facts of satisfactory reliability to make a fair determination relative to the member's appropriate duty status.
- 6.2.3 The duty status hearing shall be under the full control of the Board, and no person, whether an official of the Massachusetts State Police or not, shall be permitted to be present or take part without the unanimous consent of the Board.
- 6.2.4 The Duty Status Board shall, after a review of the facts presented, make findings and recommend to the Colonel/Superintendent whether the member should be:
 - (1) Continued on full duty
 - (2) Placed on restricted duty
 - (3) Suspended with pay
 - (4) Suspended without pay

The Board may supplement its recommendation with a referral to the State Police Surgeon to evaluate a member's fitness for duty, and/or a referral to the Employee Assistance Unit; provided however, said referral shall be rationally related to the incident which gave rise to the Duty Status Hearing.

6.2.5 All Duty Status recommendations shall be subject to the approval of the Colonel/Superintendent. The Colonel shall impose a Duty Status consistent with the Board's recommendation, provided however, the Colonel/Superintendent may impose a different Duty Status if facts, circumstances, evidence, aggravating or mitigating factors or any other matters so dictate. Once approved by the Colonel such order shall be embodied in Personnel Orders. A member's failure to strictly adhere to such order(s) shall be cause for the Duty Status Board to reconvene and reconsider the member's duty status. Failure to adhere to such order(s) may also result in independent administrative action.

6.2.6 Restricted duty shall consist of any type of limited duty approved by the Colonel/Superintendent, and shall continue in full force and effect until such time as otherwise recommended by the Duty Status Board and approved by the Colonel.

6.3 LETTER OF COUNSELING

6.3.1 After investigation a Division Commander may order that a letter of counseling be placed in a member's personnel file.

6.3.2 A letter of counseling is a formal document specifying the member's deficiency (ies).

6.3.3 If the Division Commander orders that the letter of counseling be placed in the member's personnel file, the Division Commander shall forward a copy of the letter of counseling to the member through channels. A member shall be allowed to have placed in his/her personnel file a written response or counter-statement to any letter of counseling. A letter of counseling cannot be the subject of appeal.

6.3.4 Letters of counseling shall expire one year from the date of issue. A member may request that a letter of counseling be removed from their personnel folder upon its expiration. Whenever a second or subsequent letter is filed prior to the expiration date of any preceding letter, the member may request that the letters on file be removed on the expiration date of the most recent letter.

6.3.5 This section does not limit the use of any other disciplinary procedure enumerated in these Rules and Regulations.

6.4 CHARGES AND DISPOSITION WITHOUT HEARING

Troop/Section/Unit Commanding Officers may after investigation, recommend through channels to the Division of Standards and Training that disciplinary action be brought against members under their charge for violations of law and/or State Police Rules, Regulations, Policies, Procedures, Orders, and Directives. Such recommendations shall contain a copy of the charge form.

- 6.4.1 The Division of Standards and Training shall review all requests for disciplinary action and recommend to the Deputy Superintendent that charges be preferred if warranted.
- 6.4.2 Upon recommendation from the Lieutenant Colonel/Deputy Superintendent that a member complained against be exonerated, the Colonel/Superintendent, may, in writing, exonerate the member. Copies shall be given to the member and the appropriate Division Commander.
- 6.4.3 When a Troop/Section/Unit Commanding Officer is notified that the Colonel/Superintendent has approved the charges and recommended corrective or disciplinary action the Troop/Section/Unit Commanding Officer shall serve a copy of the charge form and, waiver if deemed appropriate, on the member against whom charges are to be preferred. The charge form shall include:
- (1) the particular Article or Articles alleged to have been violated and the corresponding class schedule as determined in accordance with Appendix "A".
 - (2) the date or dates upon which and the place or places at which the alleged acts or omissions occurred;
 - (3) a statement of the alleged acts or omissions.
- 6.4.4 One copy of the charge form shall be given to the member and the original shall be forwarded, through channels, to the Division of Standards and Training.
- 6.4.5 Members may waive their right to a hearing by a Trial Board and may accept such discipline as the Colonel/Superintendent may offer and prescribe, including discharge.
- 6.4.6 In the event a member does not elect to waive the right to a Trial Board, the Colonel/Superintendent shall issue an order, in writing, for disciplinary action in accordance with Rule 6.7. Copies shall be given to the member and the appropriate Division Commander.

6.5 HEARING ON CHARGES

- 6.5.1 A member who has served for one year or more and has been formally charged in accordance with Departmental Rules and Regulations shall be tried by a State Police Trial Board appointed by the Colonel/Superintendent. Alternatively, the member may request that s/he be tried by a Board consisting of the Colonel. Any request for a hearing before the Colonel shall be made in writing and subject to the Colonel's approval.

6.6 DEPARTMENTAL PROSECUTOR

- 6.6.1 The Lieutenant Colonel/Deputy Superintendent shall appoint a Commissioned Officer as the Departmental Prosecutor. The Department Prosecutor shall present evidence, call witnesses, and cross-examine witnesses on behalf of the Department.

6.7 TRIAL BOARDS

- 6.7.1 A State Police Trial Board shall hear cases regarding violations of Rules, Regulations, Policies, Procedures, Orders, or Directives. A Trial Board hearing shall be a formal administrative proceeding.

- 6.7.2 A Trial Board shall consist of three staff and/or commissioned officers appointed by the Colonel/Superintendent. The Board shall be presided over by a President, as designated by the Colonel/Superintendent. The President shall designate a member of the Board to act as Secretary.
- 6.7.3 No member of a Trial Board shall sit in a hearing in which a member of his/her own Troop/Section/Unit is either a complainant or defendant; nor, shall s/he sit in on any other case in which his/her personal or official relations to either party or to counsel might properly raise a question of impartiality. Said member shall be excused and replaced by an alternate.
- 6.7.4 The charged member, prior to the hearing date, may request a continuance. Continuances may be granted by the Colonel/Superintendent. No continuance shall be granted within seventy-two hours of the Trial Board Hearing unless extenuating circumstances warrant the granting of such continuance. If criminal charges are pending against the charged member, the hearing may be postponed until after the criminal disposition.
- 6.7.5 The hearing shall be under the full control of the Board, and no person, whether an official of the Department or not, shall be permitted to be present or take part without the unanimous consent of the Board.
- 6.7.6 The charged member is entitled to be represented by counsel, but counsel shall not be provided by the Massachusetts State Police. All proceedings shall be recorded. The charged member shall have the right to present evidence, to call witnesses on his/her behalf, and to cross-examine witnesses against him/her. Witnesses shall testify under oath or affirmation. The Trial Board is not bound to follow strict rules of evidence.
- 6.7.7 Upon the completion of the testimony presented by the prosecution and defense, the Board shall accept evidence from the Department prosecutor of prior offenses/disciplinary history. Any such records or evidence submitted shall be used only after the charges have been adjudicated by the Trial Board and for the sole purpose of recommending discipline under Rule 6.9. Should the member wish to address the Board on the issue of any such prior discipline, the Board shall hear any such additional arguments.
- 6.7.8 The Trial Board, by a majority vote and in writing shall summarize the evidence, and make findings of fact. The Trial Board shall enter a determination of "Guilty" or "Not Guilty" for each charge/specification. In the event that the Trial Board finds guilt by a preponderance of the evidence on one or more of the charges, the Trial Board shall consider the evidence presented by the Department prosecutor pertaining to the accused member's prior offenses/disciplinary history, and shall make recommendations for administrative action in accordance with Rule 6.9. The Board shall forward said findings to the Lieutenant Colonel/Deputy Superintendent. Should the Board recommend increased discipline under the Discipline Guidelines, the Trial Board should note the same in its recommendation, referring to specific prior offenses. In the event the Trial Board finds the member not guilty, such finding shall be final and conclusive, except as otherwise provided by law.

6.8 DEPUTY SUPERINTENDENT'S ACTION

- 6.8.1 Upon receipt of the trial record, the Lieutenant Colonel/Deputy Superintendent shall review all summaries, findings, reports, and recommendations received.

- 6.8.2 If the Trial Board's decision is adverse to the accused member, the Lieutenant Colonel/Deputy Superintendent shall forward a copy of the proposed decision to the member provided, however, a request was made to file objections with the Colonel seven (7) days prior to the hearing date. Absent such a written request, the provisions of this section shall be deemed waived. The accused member shall have seven (7) days from receipt of the proposed decision to file written objections to the Colonel.
- 6.8.3 After receipt and review of written objections as provided in Rule 6.8.2, the Lieutenant Colonel/Deputy Superintendent shall make, in writing to the Colonel/Superintendent, any recommendations as may be determined by the facts of the case and forward the Trial Board decision, written objections and recommendations to the Colonel/Superintendent..

6.9 JUDGMENTS AND DISCIPLINE

- 6.9.1 The Trial Board shall recommend discipline in accordance with Rules 6.9.2, 6.9.3 and 6.9.4.
- 6.9.2 Recommendations for discharge, suspension, loss of accrued vacation/personal/holiday time, and reprimands (s) in Personnel Orders shall be made in accordance with the Appendix "A" Guidelines. All disciplinary recommendations made by the Trial Board shall fall within the parameters of the Appendix "A" Guidelines; provided however, the Trial Board may supplement its recommendation with a petition to the Colonel/Superintendent requesting that s/he consider a departure from said guidelines. In the event the Trail Board elects to file a supplemental petition, such petition shall state in writing facts, circumstances, evidence, aggravating or mitigating factors, or any other matters that may warrant such consideration.
- 6.9.3 Notwithstanding Rule 6.9.2, the Trial Board may recommend other additional discipline as it deems appropriate including, but not limited to alternative duty (6.9.8), transfer, limiting paid details or overtime, and reduction in one or more titles of rank.
- 6.9.4 The Trial Board shall recommend discipline for each offense for which the member is found guilty; provided however in the event of multiple offenses the Board shall further recommend whether such discipline should be imposed consecutively or concurrently. All such recommendations shall be forwarded to the Lt. Colonel/Deputy Superintendent in accordance with Rule 6.8.
- 6.9.5 All judgments of guilt entered or, discipline recommended by the Trial Board or recommendations made in accordance with Rule 6.8.2, shall be subject to the approval of the Colonel/Superintendent and, when so approved, shall be final and conclusive except as otherwise provided by law. Disciplinary action imposed by the Colonel/Superintendent, shall be in writing, duly entered upon the record and embodied in Personnel Orders and a copy thereof placed in the member's personnel file.

- 6.9.6 In the event the Trial Board finds a member not guilty, such finding shall be final, conclusive and binding on all parties. In the event the Trial Board finds a member guilty and the Colonel/Superintendent finds material error in the procedure, judgment, or disciplinary recommendation of a Trial Board, the Colonel may order a new Trial Board, or direct that one or more charges against the accused be dismissed or impose discipline in accordance with Rule 6.9.5 and 6.9.7.
- 6.9.7 The Colonel/Superintendent may impose discipline that departs from the Guidelines if facts, circumstances, evidence, aggravating or mitigating factors, or any other matters so dictate. In the event the Colonel/Superintendent departs from the Guidelines, the Colonel/Superintendent shall put forth in writing his/her justification for such departure.
- 6.9.8 If alternative duties are recommended by the Trial Board and approved by the Colonel/Superintendent, they shall be performed under the direction of the member's Troop/Section/Unit Commanding Officer. When the disciplinary action has been completed, the Troop/Section/Unit Commanding Officer shall so certify in writing to the Lieutenant Colonel/Deputy Superintendent.

Promulgated by:



Department of State Police

Rules & Regulations

Effective Date	Number
June 25, 2008	Article 7

Subject
7.0 REGULATIONS ESTABLISHING ENLISTMENT, DISCHARGE AND RESIGNATION

7.1 ENLISTMENT

- 7.1.1 No trainee or member shall procure his appointment or enlistment or, continue in enlistment by means of any willful misrepresentation or misstatement.
- 7.1.2 Enlistment within the Massachusetts State Police is dictated by the terms of M.G.L. c. 22C s.10.
- 7.1.3 During the first twelve months following a member's initial enlistment members shall be retained on a probationary status. During the probationary period the Colonel/Superintendent may, as allowed by law, discharge any member.
- 7.1.4 As condition precedent to a member's continued enlistment said member shall undergo an in-service medical and physical fitness examination and shall meet such in-service medical and physical fitness standards as provided by law and as prescribed by the Colonel/Superintendent.

7.2 DISCHARGE

- 7.2.1 An HONORABLE discharge may be given to members of the Massachusetts State Police:
 - (1) Upon retirement in good standing; or
 - (2) Upon separation for illness or injury incurred through no fault of the member, in the actual performance of duty, and where the member's record of service merits such discharge.
- 7.2.2 An ORDINARY discharge may be given under honorable conditions to members of the Massachusetts State Police:
 - (1) Resigning at their own request.
- 7.2.3 A GENERAL discharge may be given to members of the Massachusetts State Police not complying with conditions applicable to an honorable or ordinary discharge. A GENERAL discharge shall mean the complete and final severance from any duty with the Massachusetts State Police.

- 7.2.4 A DISHONORABLE discharge may be given to any member of the Department who is;
- (1) Discharged following a Trial Board, or is discharged after having waived their right to a Trial Board;
 - (2) Separated from service while a Trial Board is pending or before completion of the full and complete discipline imposed following a Trial Board;
 - (3) Separated from service after being charged with or convicted of a criminal offense;
 - (4) Separated from service while the subject of an administrative or criminal investigation.
- 7.2.5 A member of the Department who has been dismissed from the State Police after a hearing before a Trial Board, or who resigned while charges were pending against that member shall not be reinstated by the Colonel/Superintendent. Any member granted a GENERAL or DISHONORABLE discharge shall not be reinstated by the Colonel/Superintendent.

7.3 RESIGNATION

- 7.3.1 Members of the Massachusetts State Police who resign voluntarily shall submit their resignations to the appropriate Division Commander, in writing, at least one month in advance of the anticipated date of separation. The Division Commander shall notify the Personnel Section forthwith.
- 7.3.2 A member shall remain subject to State Police Rules, Regulations, Policies, Procedures, Orders and Directives until their resignation or retirement is effective.
- 7.3.3 All resignation requests shall be investigated by the member's Troop/Section/Unit Commanding Officer. All Troop/Section/Unit Commanding Officers shall state in their endorsement on all resignations whether or not the member should be recommended for future reinstatement. When a member resigns after charges have been preferred or while charges are pending the Troop/Section/Unit Commanding Officer shall state in their recommendations what the specific charges are and the reason for same.

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Department of State Police

Rules & Regulations

Effective Date	Number
January 31, 2001	Article 8
Subject	
REGULATIONS ESTABLISHING THE BOARD ON CLAIMS	

8.0 ***REGULATIONS ESTABLISHING THE BOARD ON CLAIMS***

- 8.1 Under the authority granted by M.G.L. c. 22C, there is established within the Massachusetts State Police a Board on Claims for physical injuries.
- 8.1.1 The Board on Claims shall hear cases of claims relating to injuries incurred by any member or trainee (while in training) actually performing police services or while such member or trainee is traveling to and from a duty assignment.
- 8.1.2 The Board on Claims shall be appointed by the Lieutenant Colonel/Deputy Superintendent with the approval of the Colonel/Superintendent and shall consist of three members as follows:
(1) two staff and/or commissioned officers of the Department; and
(2) the State Police Surgeon.
- 8.1.3 One staff or commissioned officer shall be designated by the Lieutenant Colonel/Deputy Superintendent as the President.
- 8.1.4 One staff or commissioned officer shall be designated by the President of the Board on Claims as the Secretary.
- 8.1.5 The members of the Board on Claims shall review all appropriate and available information relating to any claim of physical injury alleged by a member or trainee to have occurred in the line of duty.
- 8.1.6 The Board on Claims shall be conducted in an informal manner and may proceed in any manner as it deems fair and appropriate. The Board on Claims may obtain any investigative reports, documents, and bills of debit that may relate to the claim.
- 8.1.7 The Board on Claims may require an employee to undergo additional evaluation as appropriate.
- 8.1.8 At the conclusion of a Board on Claims hearing, the panel, in writing, shall summarize the claim and make findings.
- 8.1.9 The President of the Board of Claims through channels and in writing, shall notify the member or trainee of any action taken.
- 8.1.10 The Department shall be reimbursed forthwith by any member or trainee for the sums as have been paid to the injured member or trainee, or on his behalf, as injury related costs and wages, provided that the injured member has been reimbursed by the person(s) or organization(s) responsible for the accident or injury.

Promulgated by:

Department of State Police

Rules & Regulations

Effective Date	January 31, 2001	Number	Article 9
Subject	REGULATIONS ESTABLISHING EXAMINATION APPEAL		

9.0 *REGULATIONS ESTABLISHING EXAMINATION APPEAL*

- 9.1 The Colonel/Superintendent or his/her designee shall administer the appeal process for recruit entrance exams and promotional exams as established by Massachusetts State Police Rules, Regulations, Policy, Procedure, Order, or Directive and applicable law.
- 9.2 The appeal process for recruit candidates shall include the following elements:
- 9.2.1 The marking of an applicant's answers to the questions on such entrance examination;
- 9.2.2 A finding by the Colonel/Superintendent that an applicant does not meet the entrance requirements for such examination or that such applicant does not meet age requirements.
- 9.2.3 The suitability of a question to test the fitness of such member to perform the primary and dominant duties of the position for which the examination was held.
- 9.3 An Appeals Board consisting of three staff and/or commissioned officers appointed by the Colonel shall review all promotional examination appeals and make written recommendations to the Colonel.
- 9.4 Appeals regarding promotional examinations shall be limited to the following:
- 9.4.1 A finding by the Colonel that a member does not meet the requirements for such examination.
- 9.4.2 The marking of a member's answers to the questions on such promotional exam.
- 9.4.3 The suitability of a question to test the fitness of such members to perform the primary and dominant duties of the rank for which the examination was held.
- 9.5 In determining appeals filed pursuant to Rule 9.4.1 the Board shall utilize Departmental records to determine whether a member meets the requirements set forth in M.G.L. c. 22C.
- 9.6 In determining appeals filed pursuant to Rule 9.4.2 the Board shall consider the following:
- Does the question contain any material typographical or syntax errors?
 - Is the keyed answer correct according to the master answer sheet?
 - Is the intended key the best of the available choices?
 - Was the marking of the member's answers to the questions correctly recorded?

- 9.7 In determining appeals filed pursuant to Rule 9.4.3, the Board shall determine, (1) whether the question was drawn from recommended source material and, (2) whether the question and the source material reasonably test the fitness of a member to perform the primary and dominant duties of the rank for which the examination was administered. When determining whether the question and the source material reasonably test the fitness of a member to perform the primary and dominant duties of the rank for which the examination was administered, the Board shall observe, and be guided by, the current job classification specifications for such rank.
- 9.8 The Colonel shall establish in Departmental Orders the time and manner when appeals shall be filed. All appeals shall be in writing.

Promulgated by:



Department of State Police

Rules & Regulations

Effective Date February 21, 2013	Number Article 10
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Subject 10.0 REGULATIONS ESTABLISHING RECRUIT MINIMUM ENTRANCE REQUIREMENTS

- 10.1** Candidates considered for appointment must:
- 10.1.1 Satisfy all statutory requirements for appointment to the Massachusetts State Police Academy;
 - 10.1.2 Demonstrate themselves to be of good moral character, sound work ethic, decision making consistent with the Oath of Office and otherwise suitable for appointment to the Massachusetts State Police Academy;
 - 10.1.3 Be qualified and deemed suitable by the Colonel/Superintendent to possess a valid Massachusetts Firearms License upon appointment to the Massachusetts State Police Academy;
 - 10.1.4 Possess a high school diploma or a General Educational Development (GED) certificate upon appointment to the Massachusetts State Police Academy;
 - 10.1.5 Satisfy the Department's physical fitness standards for initial appointments, as promulgated and amended;
 - 10.1.6 Satisfy the Department's medical and psychological standards for initial appointment, as promulgated and amended;
 - 10.1.7 Be a United States Citizen upon appointment to the Massachusetts State Police Academy;
 - 10.1.8 Possess a valid Massachusetts Driver's License upon appointment to the Massachusetts State Police Academy;
 - 10.1.9 Be a Massachusetts resident upon appointment to the Massachusetts State Police Academy;
 - 10.1.10 Subject to the limitation(s) set-forth in this paragraph all candidates for appointment to the position of Massachusetts State Police Trooper and/or Trainee shall have tattoos, body art, brands or scarifications of any type removed prior to appointment to the Massachusetts State Police Training Academy. For the purpose of this Rule only those tattoos, body art, brands or scarifications that are visible when the candidate is dressed in the Department's summer Class B duty uniform must be removed. Attempts to disguise, cover-up or, otherwise keep any such tattoos, body art, brands or scarifications from view shall not satisfy the requirements of this Rule. For the purpose of this Rule, candidates for appointment shall include those candidates eligible for appointment from any initial appointment eligibility list certified on or after April 1, 2013.

10.1.11 Meet all other eligibility and entrance requirements duly established by statute, rule, regulation, policy, procedure, directive, and/or order of the Commonwealth of Massachusetts Department of State Police, including but not limited to Classification Specification promulgated for the position of a Massachusetts State Police Trooper, as amended.

10.2 Candidates satisfying all of the minimum entrance requirements shall, in accordance with Massachusetts General Laws c.22C §11, be considered for appointment to the Massachusetts State Police Academy. However, satisfaction of the minimum requirements by a candidate shall not guarantee appointment to the Massachusetts State Police.

Promulgated by:

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Department of State Police

Rules & Regulations

Effective Date <p style="text-align: center; font-size: 1.2em;">January 31, 2001</p>	Number <p style="text-align: center; font-size: 1.2em;">Appendix "A"</p>
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Subject <p style="font-size: 1.2em;">DISCIPLINE GUIDELINES</p>

Class

A	<ol style="list-style-type: none"> 1. FIRST OFFENSE: Suspension of not less than thirty (30) days up to and including termination. 2. SECOND OFFENSE: Suspension of not less than ninety (90) days up to and including termination. 3. THIRD OFFENSE: Termination.
B	<ol style="list-style-type: none"> 1. FIRST OFFENSE: Suspension of not less than five (5) days nor more than thirty (30) days. 2. SECOND OFFENSE: Suspension of not less than ten (10) days nor more than sixty (60) days. 3. THIRD AND SUBSEQUENT OFFENSE(S): Suspension of not less than thirty (30) days up to and including termination.
C	<ol style="list-style-type: none"> 1. FIRST OFFENSE: Written reprimand up to and including suspension of not more than five (5) days. 2. SECOND OFFENSE: Suspension of not less than one (1) day nor more than fifteen (15) days. 3. THIRD AND SUBSEQUENT OFFENSE(S): Suspension of not less than fifteen (15) days up to and including termination.
D	<ol style="list-style-type: none"> 1. FIRST OFFENSE: Written reprimand up to and including suspension of not more than two (2) days. 2. SECOND OFFENSE: Written reprimand up to and including a suspension of not more than five (5) days. 3. THIRD AND SUBSEQUENT OFFENSE(S): Suspension of not less than ten (10) days up to and including termination.

INTERPRETATIVE NOTES FOR APPENDIX "A"

1. When determining the number of prior offenses under the Guideline, the Trial Board shall consider only those offenses, which occurred on or after March 19, 1997, for which the member was found guilty and which were scheduled in a Class equivalent to or, superior to, the Class of the subject offense; provided however, a member's complete and entire disciplinary history including all offenses, if any, committed before March 19, 1997, shall be considered as aggravating or mitigating factors, as the case may be, when recommending discipline.

2. The Trial Board may recommend loss of accrued vacation/personal/holiday time as an alternative to suspension. Such recommendation shall not be considered a departure from the Guideline provided the number of days so recommended is consistent with the Guideline.

3. Notwithstanding the Class Schedule, members may be charged and prosecuted for any action violating a Rule and/or Regulation.

4. Rules and Regulations which have been ranked within the Class Schedule (i.e., A-B-C-D) denote violations which, predicated on the circumstances, encompass a broad scope of behavior ranging from the most egregious to the most negligible. Ranked Articles shall be scheduled in accordance with Rule 6.4.1 except as otherwise authorized by Rule 6.9.

APPENDIX "A" DISCIPLINE GUIDELINES

CLASS SCHEDULE

<i>SECTION #</i>	<i>SECTION TITLE</i>	<i>CLASS</i>
1.0	REGULATIONS FOR THE GOVERNANCE OF THE MASSACHUSETTS STATE POLICE.....	N/A
1.1	AUTHORIZATION AND SEVERABILITY.....	N/A
1.2	INTRODUCTION.....	N/A
1.2.1	.....	N/A
1.2.2	.....	N/A
1.2.3	.....	N/A
1.2.4	.....	D
1.2.5	.....	D
1.2.6	.....	D
1.3	CODE OF ETHICS	N/A
1.3.1	.....	D
1.3.2	.....	D
1.3.3	.....	D
1.3.4	.....	B
1.3.5	.....	C
1.3.6	.....	D
1.3.7	.....	D
1.3.8	.....	D
1.3.9	.....	N/A
1.3.10	.....	B
2.0	ORGANIZATIONAL VALUES	N/A
3.0	REGULATIONS ESTABLISHING THE DUTIES OF MEMBERS	N/A
3.1	SUPERINTENDENT.....	N/A
3.2	DEPUTY SUPERINTENDENT.....	N/A
3.3	STAFF OFFICERS.....	N/A
3.4	COMMISSIONED OFFICERS.....	N/A
3.5	NONCOMMISSIONED OFFICERS.....	N/A
3.6	COMMAND RESPONSIBILITY.....	N/A
3.7	SUPERVISORY MEMBERS.....	N/A
3.7.1	.....	C
3.7.2	.....	C
3.7.3	.....	C
3.7.4	.....	C
3.7.5	.....	C
3.7.6	.....	C
3.7.7	.....	C
3.7.8	.....	D
3.7.9	.....	C
3.7.10	.....	N/A
3.7.11	.....	C
3.8	MEMBERS APPOINTED UNDER M.G.L. c.22C	N/A
3.8.1	.....	C
3.8.2	.....	B-C
3.8.3	.....	A-B-C-D
3.8.4	.....	A-B-C-D
3.8.5	.....	A-B-C-D
3.8.6	.....	D
3.8.7	.....	N/A
3.8.8	.....	C
3.8.9	.....	N/A
3.8.10	.....	C

3.9	CIVILIAN EMPLOYEES	N/A
4.0	TITLE AND RANK, PAYROLL, PROMOTIONS	N/A
5.0	RULES OF CONDUCT	N/A
5.1	VIOLATION OF RULES	A-B-C-D
5.1.1	.....	D
5.2	UNBECOMING CONDUCT	B
5.2.1	.....	B
5.2.2	.....	A-B-C
5.3	GENERAL CONDUCT	B
5.4	CONFORMANCE TO LAWS	N/A
5.4.1	.....	A-B-C
5.4.2	.....	N/A
5.4.3	.....	C
5.4.4	.....	C
5.4.5	.....	C
5.5	REPORTING FOR DUTY	N/A
5.5.1	.....	D
5.5.2	.....	C
5.5.3	.....	C
5.6	NEGLECT OF DUTY	B-C
5.7	FICTITIOUS ILLNESS OR INJURY REPORT	C
5.8	UNSATISFACTORY PERFORMANCE	N/A
5.8.1	.....	C-D
5.8.2	.....	A-B-C-D
5.8.3	.....	B
5.9	EMPLOYMENT OUTSIDE OF THE DEPARTMENT	N/A
5.9.1(1)	.....	D
5.9.1(2)	.....	B-C
5.9.2	.....	B
5.9.3	.....	N/A
5.9.4	.....	C
5.10	ALCOHOLIC BEVERAGES AND DRUGS	N/A
5.10.1	.....	C
5.10.2	.....	B
5.10.3	.....	B
5.10.4	.....	B
5.11	USE OF TOBACCO, GUM AND OTHER FOREIGN OBJECTS	N/A
5.11.1	.....	A
5.11.2	.....	C
5.11.3	.....	C
5.12	INSUBORDINATION	N/A
5.12.1	.....	B
5.12.2	.....	A
5.12.3	.....	B
5.13	CONFLICTING OR ILLEGAL ORDERS	N/A
5.13.1	.....	N/A
5.13.2	.....	B
5.13.3	.....	N/A
5.14	GIFTS, GRATUITIES, BRIBES OR REWARDS	A
5.14.1	.....	A
5.15	ABUSE OF POSITION	N/A
5.15.1	.....	A
5.15.2	.....	B-C
5.15.3	.....	B-C
5.15.4	.....	A
5.15.5	.....	A
5.15.6	.....	A
5.16	ENDORSEMENTS AND REFERRALS	B-C
5.17	IDENTIFICATION	N/A
5.17.1	.....	D

5.17.2	.....	N/A
5.17.3	.....	D
5.17.4	.....	D
5.18	PAYMENTS OF DEBTS.....	N/A
5.18.1	.....	D
5.18.2	.....	D
5.18.3	.....	C
5.19	POLITICAL ACTIVITY.....	N/A
5.19.1	.....	B-C
5.19.2	.....	B-C
5.19.3	.....	B-C
5.19.4	.....	B-C
5.19.5	.....	B-C
5.19.6	.....	B-C
5.19.7	.....	B-C
5.20	CIVIL ACTIONS.....	B-C
5.21	RESIDENCE (1 ST SENTENCE).....	B-C
5.21	RESIDENCE (2 ND SENTENCE).....	D
5.22	TELEPHONE.....	D
5.23	DISSEMINATION OF INFORMATION.....	N/A
5.23.1	.....	N/A
5.23.2	.....	C
5.23.3	.....	B
5.23.4	.....	A
5.23.5	.....	A
5.23.6	.....	C
5.23.7	.....	C
5.23.8	.....	D
5.23.9	.....	C
5.23.10	.....	C
5.24	INTERVENTION.....	N/A
5.24.1	.....	A
5.24.2	.....	C
5.25	ABUSE OF PROCESS.....	A
5.26	USE OF EQUIPMENT.....	N/A
5.26.1	.....	B
5.26.2	.....	A
5.26.3	.....	D
5.26.4	.....	D
5.26.5	.....	C
5.26.6	.....	D
5.26.7	.....	D
5.26.8	.....	B
5.26.9	.....	C
5.27	TRUTHFULNESS.....	N/A
5.27.1	.....	B
5.27.2	.....	A
5.27.3	.....	A
5.28	OFFICIAL CORRESPONDENCE AND OFFICIAL BUSINESS.....	N/A
5.28.1	.....	D
5.28.2	.....	C
5.29	INTERCESSION FOR MEMBERS.....	N/A
5.29.1	.....	C
5.29.2	.....	B
5.29.3	.....	A
6.0	REGULATIONS ESTABLISHING DISCIPLINARY PROCEDURES AND TEMPORARY RELIEF FROM DUTY.....	N/A
6.1	TEMPORARY RELIEF FROM DUTY.....	N/A
6.2	DUTY STATUS HEARING.....	N/A
6.3	LETTER OF COUNSELING.....	N/A

6.4	CHARGES AND DISPOSITION WITHOUT HEARING.....	N/A
6.5	HEARING ON CHARGES.....	N/A
6.6	DEPARTMENTAL PROSECUTOR.....	N/A
6.7	TRIAL BOARD.....	N/A
6.8	DEPUTY SUPERINTENDENT'S ACTION.....	N/A
6.9	JUDGEMENTS AND DISCIPLINE.....	N/A
7.0	REGULATIONS ESTABLISHING ENLISTMENT AND DISCHARGE....	N/A
7.1	ENLISTMENT.....	N/A
7.2	DISCHARGE AND RESIGNATION.....	N/A
8.0	REGULATIONS ESTABLISHING THE BOARD ON CLAIMS.....	N/A
8.1	BOARD ON CLAIMS.....	N/A
9.0	REGULATIONS ESTABLISHING EXAMINATION APPEAL.....	N/A

Promulgated By: