
	<b>BRANDEIS UNIVERSITY POLICE DEPARTMENT</b>  <b>CODE OF CONDUCT</b>	
<b>Policy Number:</b>	<b>2.1</b> <span style="float: right;">PAGE: 1 of 7</span>	
<b>Policy Type:</b>	<b>RULES AND REGULATIONS</b>	
<b>Issue Date:</b> 6.22.2023 <b>Review Date:</b> 6.22.2024 <b>Revised:</b>		<b>Issuing Authority:</b>  <b>Chief Matthew T. Rushton</b>
<b>Accreditation Standards (6<sup>th</sup> Edition)</b> <ul style="list-style-type: none"> <li>• <b>New 26.0.3</b></li> <li>• <b>Revised</b></li> <li>• <b>Amended</b></li> </ul>		

## I. PURPOSE

Although it is not possible to provide guidance that covers every situation, it is the intent of this Department to define areas of conduct that is of reasonable concern when discussing the conduct expected from members of this Department and shall discuss both required and prohibited conduct. This policy establishes a code of conduct for all members of this Department and shall be made available to members via the Department’s electronic policy management system (PMAM) and hard copy within the Department Policy Manual. **[26.0.3 (1,2,3,4,5)]**

## II. POLICY

It is the policy of this Department to provide guidance for acceptable and unacceptable conduct for all members while on and off duty. **[26.0.3 (1,3)]**. This Department will limit its inquiry into a member’s personal matters, off-duty conduct, and outside employment, to situations impacting or reflecting upon the Department or affecting the member’s ability or fitness for duty. When the Department determines that inquiry into a member’s private life is legitimate, it will make the scope of the inquiry as narrow as reasonable under the circumstances.

Members, whether on or off duty, shall obey all laws of the United States and of the Commonwealth of Massachusetts. Any member who commits a criminal act shall be subject to disciplinary action, up to and including discharge from the Department. Each case will be considered on its own merits and the circumstances of each shall be fully reviewed before final action is taken.

The Massachusetts Peace Officer Standards and Training (POST) Commission was established as part of the criminal justice reform enacted in Chapter 253 of the Acts of 2020. POST created a mandatory certification process for police officers, as well as processes for decertification, suspension of certification, or reprimand in the event of certain misconduct.

This Code of Conduct Policy prohibits the assault and battery of detainees, as defined by law, under the custody and control of officers with penalties defined by this agency and MGL. [26.0.3 (7)]

### III. DEFINITIONS

- A. **POST:** Peace Officer Standard and Training Commission
- B. **Insubordination:** is not allowed and it shall include any failure or deliberate refusal to obey a lawful order (written or oral) given by a Superior Officer or relayed from a Superior Officer by another officer (regardless of rank), a dispatcher, or as otherwise specified.
- C. **Member:** Any person, paid or unpaid that is considered part of the Department.

### IV. PROCEDURES

#### Off Duty Employment

A request is to be made, in writing, to the Chief of Police, requesting the approval of outside employment prior to accepting any form of employment to ascertain that off-duty employment of a member does not adversely affect the member's ability to report for work in good physical and mental condition and does not present a conflict of interest.

#### Conduct Unbecoming

The standard of conduct expected of police officers and members of this Department, is learned in a variety of ways, from academy and in-service training to manuals, orders, on the job training and various written directives. Conduct unbecoming an officer, or a member of this Department should be such as would alert a reasonable officer/person that his or her conduct under the circumstances would be inappropriate.

- A. Members shall not commit any specific act or acts of immoral, improper, unlawful, disorderly, or intemperate conduct, whether on or off duty, which reflects discredit or reflects unfavorably upon the member, upon other members or upon the police Department. Members shall conduct themselves, both on and off duty, in such a manner as to reflect most favorably on the Department and its members.
- B. Both on and off-duty conduct may subject a member to a charge of Conduct Unbecoming. A members off-duty conduct; especially, where there is some nexus or connection to the Department or where a members status as an employee of the Department becomes known, may reflect unfavorably on both the member and Department.

#### Neglect of Duty – Sworn

Officers are required to be attentive and not neglect their sworn duty. They must not leave their assigned duty without being properly relieved. They must take suitable and appropriate police action, regardless of whether they are on or off duty, when any crime, public disorder or other incident requires police action, and they are capable of responding.

- A. Examples of neglect of duty include, but are not limited to:
  - 1. Failure to perform duties or take appropriate police action when necessary;
  - 2. Failure to render medical assistance consistent within one's training.
  - 3. Being absent without leave;
  - 4. Failure to report to duty at the time and place designated; unnecessary absence from one's assignment during a tour of duty; failure to comply with any job description, rule or regulation, general, special or other order; or
  - 5. Failure to conform to Department policies and procedures.
- B. When off-duty, an officer shall not be considered to have neglected his/her duty for failing to intervene in a situation if the current condition would make it imprudent or unsafe to intervene.

### **Incompetence**

Officers shall maintain sufficient competency to perform their duty and to assume the responsibilities of their position. Incompetence may be demonstrated by, but is not limited to, the following:

- A. A lack of knowledge of the application of laws required to be enforced;
- B. An unwillingness or inability to perform assigned tasks;
- C. The failure to conform to work standards established for the officer's rank, grade, or position; and
- D. Repeated failures to meet rules and regulations, job standards, or policies and procedures.

### **Insubordination and Cooperation**

Insubordination is not allowed and it shall include any failure or deliberate refusal to obey a lawful order (written or oral) given by a Superior Officer or relayed from a Superior Officer by another officer (regardless of rank), a dispatcher, or as otherwise specified. Also, members are required to cooperate and work together with other members, other public officials, and members of organizations with whom the member needs to have a good working relationship in order to achieve the Department's mission, goals, or objectives. The effective, efficient, and safe delivery of public services requires the coordinated effort of all employees and public service agencies.

- A. Officers who are on paid leave status due to sickness or injury, may be expected not to engage in any activity that is inconsistent with that illness or injury.
- B. Fighting: Members shall not engage in a physical altercation with one another.
- C. Sexual Activity: Members of this Department shall not engage in any sexual activity while on-duty.
- D. Conformance to Laws: Members, whether on or off duty, shall obey all laws of the United States, of the Commonwealth of Massachusetts. Any member who commits a criminal act shall be subject to disciplinary action, up to and including, discharge from the

Department. Each case will be considered on its own merits and the circumstances of each shall be fully reviewed before final action is taken.

- E. 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 if the quantity of proof required is in such cases.
  - 1. The Massachusetts Peace Officer Standards and Training (POST) Commission was established as part of the criminal justice reform enacted in Chapter 253 of the Acts id 2020. POST created a mandatory certification process for police officers, as well as processes for decertification, suspension of certification, or reprimand in the event of certain misconduct.

### **Criminal Complaints**

An employee, upon learning that an application for a criminal complaint has been made against him or her, or that a complaint, indictment, or order pursuant to M.G.L. 209A or M.G.L. 258E has been issued against him or her, shall *forthwith* notify the Chief of Police in writing. Such notification shall include a summary of the complaint sought or issued and the projected dates of all court appearances. The Chief of Police shall take whatever action he/she deems appropriate under the circumstances to seize or secure a member/officer's license to carry firearms, service weapon(s) and ammunition, and/or any other Department issued weapon, equipment, or property.

### **False Accusations**

Members shall not make knowingly false accusations about any fellow members or member of the public.

### **Truthfulness**

Members shall truthfully state the facts in all reports, written or verbal, as well as when he/she appears before any judicial, Departmental, or other official investigation or procedure. Members shall cooperate fully in all phases of such investigations, hearings, trials, and proceedings. Employees shall not fabricate, withhold, or destroy any evidence of any kind.

- A. Members shall answer questions truthfully, respond to lawful orders, and render material and relevant statements, in any internal Department investigation when such orders, questions and statements are directly related to job responsibilities or fitness for duty. Nothing in this section shall require any employee to waive any Federal or State constitutional rights, including the right not to give a compelled statement as set out in *Carney v. Springfield* and *Baglioni v. Salem* or to waive the right to union representations and/or representation by counsel.

### **Conflict of Interest**

The position of police officer is a public trust. It is therefore imperative to avoid any situation involving a conflict of interest whether in fact or appearance. Employees should read and become

familiar with the provisions of M.G.L. 268A concerning conduct of public officials and employees. The law may be amended from time to time by legislature. Employees should seek clarification through the chain of command for situations that might violate rules; especially those under the heading of conflict of interest.

### **Abuse of Position**

Members shall not use the prestige or influence of their official position, or use the time, facilities, equipment or supplies of the Department for the purpose of obtaining private gain or advantage for themselves or another. This shall not prevent an officer from identifying him/herself as a police officer. This shall not preclude an officer from accepting a discount or participating in a program open generally to police officers and which was not solicited by the officer or offered for the purpose of securing any special consideration for the officer. Nothing about this rule shall prohibit fundraisers by the police union or for other charities. This Department prohibits the submission of false or fraudulent claim of hours worked for payment. [26.0.3 (6)] It also prohibits the assault and battery of detainees, as defined by law, who is under the custody and control of an officer. Penalties for this are also defined by law. [26.0.3 (7)]

### **Gift and Gratuities**

Members shall not seek, solicit, or accept any gift, gratuity, loan, reward, or fee of significant value for the benefit of the member, a family member or acquaintance, or the Department, where there is any direct or indirect connection between the solicitation or acceptance and their Departmental membership or employment, except as may be specifically authorized by the Chief of Police.

- A. Members must be especially guarded in their relationship with persons holding or seeking to hold licenses issued by local authorities or anyone else who might expect or seek preferential police treatment. This would include attempts to influence actions of an official nature or the performance or non-performance of one's official duty.
- B. Any unauthorized gift, gratuity, fee, reward, or attempted bribe offered to or coming into the possession of any officer shall be forwarded immediately (or reported in the case of an attempt) to the Chief, together with a written report of the circumstances involved.
- C. *Every 2 years, all municipal employees must complete a conflict-of-interest law online training program. Newly elected or appointed public employees must complete this training within 30 days of beginning public service, and every 2 years thereafter.*

### **Use of Official Position**

- A. Members shall not use their official position, Department identification cards or badges for personal or financial gain, or for obtaining privileges not otherwise available to them except in the performance of their duty.
- B. Members shall not lend to another person any part of their uniform or equipment, nor their identification cards or badges, or permit them to be photographed or reproduced, without the approval of the Chief of Police.
- C. Members shall not authorize the use of their names, photographs, or official titles which identify them as police officers or member of the Department in connection with any

testimonials or advertisements for any person, commodity, or commercial enterprise, without the approval of the Chief of Police.

### **Unauthorized Transactions**

Members are prohibited from directly or indirectly benefiting from any transaction of material value, at substantially higher or lower than fair market value as compared to the general public, when such transactions take 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 of Police.

### **Undue Influence**

Members shall not seek or obtain the influence or intervention of any person, outside or from within the Department, but not including a lawfully retained attorney, for the purposes of advancement, preferential assignment, pecuniary advantage or any other type of preferred treatment or advantage, including the disposition of pending charges or findings in a criminal or disciplinary hearing.

### **Situations Involving Family and Friends**

A member confronted with a situation requiring police intervention, in which a member of his/her family, or a friend is involved, or anyone else that the member feels creates a serious conflict, shall not intervene unless an emergency exists, and then only to meet the emergency. The member concerned shall notify the Shift Supervisor and allow another officer to handle the situation.

### **Visiting Prohibited Establishments**

Members shall not knowingly visit or enter a place where illegal gambling, prostitution, unlawful drug use or sales, after hour liquor sales, or other locations where laws are violated; except, in the performance of their official duty or while specifically authorized to do so by a Superior Officer. The prohibition shall apply to social gatherings where the employee knows or has reason to know that illegal activity is ongoing.

### **Improper Associations**

Members shall avoid regular and continuous associations with persons whom they know, or should know, are persons under criminal investigations or indictment, or who have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, with the knowledge and approval of the Chief, Deputy Chief, or the officer's supervisor, or where unavoidable because of family relationships.

### **Membership Organizations**

Members shall not affiliate with or become a member of any organization if such affiliation or membership would substantially interfere with or prevent them from performing their duty.

### **Political Activities**

Members shall not participate in political activities while in uniform or on duty. All actions which could give an impression that members are using their official positions to influence the electoral process must be avoided. A member shall not be required to solicit or be obliged to make contributions in money, service, or otherwise, for any political purpose.

- A. Officers may not become a candidate for a partisan elective office. Officers who become candidates for non-partisan, salaried, elective office shall take a leave of absence without pay. Such leave shall encompass both the campaign and the tenure, if elected.
- B. Nothing in this shall be construed to mean that Department members are restricted in any way, while off-duty and not in uniform or demonstrating their position as a police officer, from exercising their constitutional rights as citizens in the political or electoral process (including such actions as voting, supporting candidates, and belonging to a political party).

### **Endorsing Private Services**

Members shall not recommend or suggest to the public, the employment or purchase of any particular product, professional service, or commercial service. Members shall follow Departmental procedures for contacting a towing service or other privately owned service utilized by the Department.

### **Reporting Law Violations**

Members shall report all information that comes to their attention concerning organized crime, vice, gambling, liquor or narcotic violations, violations of the conditions of any locally issued licenses, and/or felony violations of Massachusetts General law that occur within this community.

### **Department Atmosphere**

When on duty, and particularly in the presence of other members or the public, sworn personnel shall be referred to by their rank or title. Employees shall maintain an agreeable environment and shall not communicate with each other in a disrespectful manner.