

	<h1>South Hadley Police Department</h1>	<p>POLICY NO. 30</p>
<h2 style="color: red;">PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS</h2>		<p>DATE OF ISSUE: 06/17/2020</p>
<p>ISSUING AUTHORITY:              -----            Chief of Police</p>		<p>EFFECTIVE DATE: 06/27/2020</p> <p>REVIEW DATE: 06/17/2023</p>

### I. POLICY PURPOSE

A relationship of trust and confidence between the employees of this police department and the community is essential to the successful accomplishment of law enforcement objectives. All police employees are expected to conduct themselves, whether on or off duty, in such a manner as to reflect favorably upon themselves and the Department. The consistently high quality of this standard of conduct establishes and maintains the reputation of the Department and encourages the support of the community for police purposes and goals.

The Professional Standards and Internal Affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the Department depends on the personal integrity and discipline of each employee. An effective Professional Standards and Internal Affairs Function ensure that the rights of all community members are protected and that police officers be free to exercise their best judgment and to initiate action in a reasonable, lawful, impartial manner without fear of reprisal.

Since an Internal Affairs investigation and professional standard inquiry involves allegations against the Department or member of the Department, it is essential that the process not only be lawful, but confidential as well. This necessitates strict confidentiality and full adherence to procedure. The objectives of a Professional Standards Inquiry and Internal Affairs investigation are:

1. Protection of the public;
2. Protection of the employee;
3. Protection of the Department;
4. Removal of unfit personnel;
5. Correction of procedural problems.
6. Address training deficiencies

### II. POLICY STATEMENT

- A. It is the policy of the South Hadley Police Department to:
  - 1. Investigate all complaints against the department or a member of the department, regardless of the source of such complaints, through a regulated, fair, and impartial Internal Affairs Program;
  - 2. Determine whether or not such complaints are valid; and
  - 3. Take appropriate action.

All alleged or suspected violations of laws, ordinances, by-laws, department rules, regulations, policies, procedures, and orders (verbal or written), must be investigated according to the procedures outlined for each. These include:

- 1. Alleged violations reported to the Department’s superior officers by other members of the Department, either orally or in writing;
- 2. Alleged violations, observed or suspected, by Department superior officers;
- 3. Citizens’ complaints of alleged police misconduct which are made in person, by letter, by telephone, or anonymously (includes prisoner complaints).
- 4. Citizens’ complaints *against the Department* include Departmental misconduct (misfeasance) or the manner in which the Department responded to a community need (malfeasance or nonfeasance)

### III. SPECIAL TERMS

Professional Standards Inquiries (PSI) – violations of conduct, rules & regulations, policies and procedures.

Internal Affairs – criminal complaints shall be defined as alleged violations of state or federal criminal statutes.

Internal Administrative Investigation – a term used to include both Professional Standards Inquiries and Internal Affairs Investigations.

### IV. PROCEDURES

- A. **COMMAND:** The responsibility for supervising, conducting, coordinating, and maintaining the Internal Affairs function of the Department lies with the Lieutenant in Charge of Investigations and Administration who shall report directly to the Chief of Police. All findings will be prepared in writing and presented to the Chief of Police with a recommendation for disposition {52.1.3}

- B. **COMPLAINT REPORT FORM:**

- 1. A standard complaint report form should be used to record all complaints of misconduct, mistreatment, or unethical practices against the Police Department or personnel, whether registered by a citizen, initiated from within the police department, or forwarded by another governmental agency.

Formal complaint forms can be obtained at the South Hadley Police Department, the Town Administrators Office at Town Hall.

The following information shall be included on the complaint report form:

- a. Date and time of complaint report;
- b. Name, address, email address and telephone number of the complainant;

- c. Name, address and telephone numbers of any witnesses to the reported incident;
- d. Name, rank, badge number (or description) of the employee against whom the complaint is made;
- e. Date, time and location of the reported incident;
- f. Complainant's description of the incident which resulted in the complaint;
- g. Signature of complainant;
- h. Name, rank and signature of department supervisor receiving complaint report
- i. Signature of parent or guardian if complainant is under eighteen years of age;
- j. Date and time the Chief of Police received the complaint.
- k. Every person making a complaint against a department employee shall receive a copy of his or her complaint to serve as a receipt verifying that such complaint has been received. {52.2.4}

### C. RECEIVING AND RECORDING COMPLAINTS

1. The supervisor at the time the complaint is made shall be responsible for the efficient receiving and complete recording of any complaint of department or police employee misconduct made by a citizen in person, by mail or received by telephone. If the Supervisor is not in the station, they shall be contacted and shall attempt to speak with the complainant.
2. The utmost courtesy and cooperation should be extended to all complainants registering complaints or otherwise inquiring about complaint procedure.
3. This initial contact between a complainant and police authorities is a most important stage in the complaint process as the complainant is often tense, angry, and emotionally upset, and the potential for hostility is great.
4. No person should be denied an opportunity to register a complaint, nor should any such person be directed to return or call back later. If the complainant is intoxicated, the complaint should be recorded as outlined in C/1 and the complainant advised to return at a later date.
5. Whether the complaint is received in person, or over the telephone, the Supervisor is responsible that a CAD coded Civil Complaint is initiated, which will serve as verification that the complaint has been received. {52.1.2} This CAD will not contain identifying information of the employee or complainant. All documentation of complaints against the agency or employee will be forwarded to the Chief of Police by the receiving employee without delay. {52.2.2} by providing this confidential information for the Chief via email and in a sealed envelope in-hand or within the Chief's mailbox.
6. The complaint report form shall be given an identifying number, so that the processing of complaints can be carefully monitored. This identifying number will be assigned by the Lieutenant in Charge of Investigations and Administration.
7. Complainants making complaints in person should be requested to read over their complete report, to make any necessary corrections or additions and to sign their complaint. Once the formal complaint sheet is filled out and received by the Department, the time and date of arrival at the Department will be noted, and a copy made for the complainant as receipt verifying the complaint has been received.
8. If a complainant refuses to sign a complaint form, a notation to that effect should be made of the complaint form.
9. Complainants making complaints by telephone should be informed that their signed complaint is requested; however, no telephone complaint should be refused or rejected because the complainant does not wish to sign a complaint form or because he/she does not

- wish to be identified. A CAD Civil Complaint shall be initiated {52.1.2} and the information forwarded to the Chief of Police per C/5.
10. No complaint should be rejected solely because it is anonymous, as anonymous complaints can often be a valuable source of information and should be considered on their individual merits. Care must be taken, however, that the Department employees are not subject to unjust, frivolous, or capricious complaints
  11. Complaints Received by Mail: If a complaint of misconduct or mistreatment by the department or an employee is received by mail or email the allegations and information shall be recorded by the preparation of a memoranda by the receiving supervisor and the original communication attached thereto. A CAD Civil Complaint shall be initiated. If the information so received is insufficient or incomplete the complainant shall be contacted, if possible, and informed of the Department complaint procedure and any necessary additional information obtained. {52.1.2} The Chief of Police will be notified for review and assignment.
  12. Departmental Complaints: The Chief of Police and/or their designee shall have the discretion of directing that an internal investigation or professional standard inquiry be commenced in the following situations:
    - a. Whenever the Chief or their designee has determined that sufficient facts exist to warrant an investigation into alleged misconduct, in accordance with the department's Rules & Regulations, Policies & Procedures, Written Directives, and the "Management Rights" provisions contained in the contract with any union;
    - b. Upon the receipt of information from any supervisor relating to the job-performance or fitness for duty issues of any employee under his or her supervision or command;
    - c. Upon the receipt from any employee relating to allegations of official wrong-doing by any departmental personnel.
  13. Complaints by Detainees: Any detainee who alleges misconduct or mistreatment by a department employee shall be advised by the Supervisor of his/her rights to submit a complaint report form in the usual manner and such complaints should be investigated and processed in the same manner as other complaints.
  14. Complaints from Governmental Agencies: When information is received or obtained from other governmental agencies alleging specific acts of misconduct against a department employee, this information shall be recorded by the preparation of a memoranda by the receiving supervisor and an investigation initiated in the usual manner.
  15. Street Complaints: If an officer on the street is approached by a complainant regarding a complaint of alleged misconduct against the Department or an employee of the police department, the officer shall inform such person that his or her complaint should be directed to the supervisor. Personnel will adhere to all Rules and Regulations, *including Rule 13.4: Reporting Citizen Complaint by providing notice to their Supervisor without delay.*
  16. Command Notification: If the substance of a complaint, if proven, would be of a grave nature or is an accusation of a serious crime and immediate action is deemed necessary, the Chief, or the superior officer designated by the Chief, shall be notified forthwith in order that an investigation can be initiated without delay. {52.2.2}
  17. Civil Claims and Lawsuits. Whenever the department receives notice of a civil claim or a lawsuit, the Chief shall determine when or if to initiate an internal investigation or professional standards inquiry in those cases where no investigation was conducted previously; or when further investigation of the underlying incident is warranted as a result of the claim or lawsuit.

D. Immediate Resolution of a Complaint: In some cases a complaint can be resolved to the complainant's satisfaction at the time by the supervisor, in which case this fact would be reported in writing by the supervisor and if possible, acknowledged in writing by the complainant.

1. This immediate resolution can often be accomplished if the incident is clearly not of a serious nature, or arises from a misunderstanding or lack of knowledge of the law or limitations of a police officer's authority. If a complaint that arose from misunderstanding or lack of knowledge of the law was resolved by the supervisor, a notation will be made by the supervisor in an Assist Citizen CAD, however, no formal complaint form should be filed.
2. Under no circumstances, however, will a justifiable complaint be refused, delayed, or otherwise rejected in this manner.

#### E. CATEGORIES OF COMPLAINTS

1. The Department has established guidelines regarding which categories of complaints will be handled and investigated by a formal internal investigation and which by a supervisor, as part of routine discipline or professional standard inquiry. The criteria for determining the categories of complaints to be investigated and/or reviewed by Internal Affairs Investigation include, but are not limited to, allegations of:
  - a. corruption;
  - b. brutality;
  - c. use of excessive force;
  - d. violation of civil rights; and
  - e. criminal misconduct.
  - f. Death or serious bodily injury
  - g. Discharge of firearms;
  - h. Any investigation that is expected, because of its nature, to require a heightened degree of confidentiality. {52.2.1 b}
2. Professional Standard Inquiries may be assigned to a supervisor. It shall be deemed a Professional Standards Inquiry when this Department investigates complaints against an employee for:
  - a. alleged rudeness;
  - b. minor traffic or parking violations
  - c. no criminal conduct or corruption is involved
  - d. tardiness; and
  - e. insubordination. {52.2.1 a}

#### F. NOTIFICATIONS AND ASSIGNMENT

1. Upon receipt of a written complaint, the Chief of Police shall review the complaint to determine if the allegations constitute a violation of professional standards or an internal affairs investigation. Although handled differently, both Internal Affairs Investigations and Professional Standards Inquiries shall be considered Internal Administrative Investigations.

2. Outside Agency Investigations: The Chief of Police may request that a criminal investigation or internal affairs investigation be conducted by an appropriate outside agency, if circumstances are warranted.
3. The Chief of Police will forward to the Lieutenant in Charge Investigations and Administration complaints of misconduct for overall responsibility, supervision, and assignment of the internal administrative investigation to an Investigating Officer. The Investigation Officer could be the Lieutenant/Investigations or another capable supervisor.
4. The Investigating Officer is responsible to complete the internal investigation and shall report directly to the Chief of Police. {52.1.3} The Chief of Police will ensure that supervisors are provided notice of the internal investigation and forthcoming conclusion.
5. The Lieutenant in Charge Investigations and Administration will send a letter to the complainant, acknowledging the receipt of the allegations, identifying the Investigating Officer (if not the Lieutenant), the anticipated completion date of the investigation, how the complainant will be notified of the results and their option to request periodic status reports. {52.2.4 a/b/c}
6. The Lieutenant in Charge Investigations and Administration will forward a copy of the complaint and other correspondence to the assigned Investigating Officer (if not the Lieutenant). The originals will be maintained locked in a secure location within the control of the Chief of Police.
7. Any Internal Affairs investigation must be commenced immediately upon receipt of the complaint and must be completed within fourteen (14) days after the Investigating Officer has made contact with the complainant, unless extenuating circumstances exist. In such instances, these circumstances shall be documented {52.2.3} and the Investigating Officer shall notify the Chief of Police in writing of those circumstances.
8. The Investigating Officer shall be responsible for providing the Chief of Police with status reports on the progress of the investigation every five (5) days. These reports shall contain all pertinent information relating to the progress of the investigation. At the complainant's request, the Lieutenant in Charge of Investigations and Administration will attempt to update the complainant as to the status of the investigation every seven (7) days. {52.2.4 b}
9. When an employee is notified that they have become the subject of an internal affairs investigation, and before a Department employee is questioned or directed to submit a report regarding a complaint, such employee shall be issued a written statement of the allegations and the employees' rights and responsibilities relative to the investigation. This written notification shall include the classification(s) of offense or violation of rule, as alleged (i.e., Improper Conduct, Neglect of Duty, Use of Force Policy Violation etc)

## **V. INVESTIGATIVE PROCEDURES:**

- A. INVESTIGATION OF COMPLAINTS - An internal administrative investigation may inquire into a department employee's on-duty or off-duty conduct if such inquiry is responsibly and directly related to the employee's performance of duty, if such conduct affects the employee's fitness or ability to continue in the police service, or discredits the Department.
  1. Criminal Proceedings: If it is determined, after a preliminary investigation, that allegations against a department employee could result in a criminal prosecution, the accused employee

must be granted all applicable constitutional and statutory rights to include union representation.

- a. Prior to being questioned regarding alleged personal involvement in criminal activity, a department employee who is under arrest, or who is the target of a criminal investigation, shall be given the warnings and rights required by the Miranda decision, including the rights to have an attorney present during any such questioning.
  - b. If this procedure is followed, any voluntary statement made thereafter could be admissible in a criminal proceeding, and it may otherwise be used for departmental disciplinary purposes.
  - c. A department employee who is being questioned about alleged personal involvement in criminal prosecution, cannot be discharged, otherwise penalized, solely for invoking the right to remain silent as guaranteed by the Fifth Amendment or for refusing to sign a waiver of immunity. However, as discussed below, an employee may be compelled to answer questions narrowly drawn and related to his/her on or off duty conduct, and may be disciplined (including discharge) for failure to answer truthfully.
2. Departmental Disciplinary Action: If it is determined as a result of preliminary investigation, that allegations made against a department employee could result in departmental disciplinary action, the accused employee is entitled to a fair and objective investigation and resolution of the charges made.
3. All department employees, when requested by the Chief, or by a **supervisor** designated by the Chief, must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct which affects their fitness or ability to remain in the police service, and any failure to answer completely and truthfully to such inquires may be punished by appropriate disciplinary action, including dismissal from the Department.
- a. The official conducting the interrogation must, at the time of the interrogation, specify to the employee being questioned the precise repercussions (i.e., suspension, discharge, or the exact form of discipline) that may result if the officer fails to respond.
4. In the normal course of duty, officers are required to prepare reports of incidents and submit same in accordance with department policy and procedure. However, when a department employee is ordered to answer questions about a specific incident, that employee receives transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.
- a. The Supreme Judicial Court has held that Article 12 of the Massachusetts Declaration of Rights requires “transactional” immunity to supplant the privilege against self-incrimination when a public employee is being compelled to answer questions concerning possible criminal activities connected with his employment. Transactional immunity grants “immunity from prosecution for offenses to which compelled testimony relates.”
  - b. If the questions specifically, directly, and narrowly relate to the employee’s performance of official duties or his/her off-duty conduct which affects his/her fitness

or ability to remain in the police service, and if such employee is informed that he/she will receive transactional immunity from criminal prosecution, he/she must answer or face disciplinary action, including dismissal from the Department, for refusing to answer such questions.

5. No double jeopardy exists when a department employee is found not guilty in court of criminal charges and is then found guilty of departmental charges after disciplinary hearing, as the department charges are administrative in nature and can be sustained by a “preponderance of the evidence” rather than the criminal court standard of “beyond a reasonable doubt.”
6. In conducting internal administrative investigations, in the absence of a requirement in a collective bargaining agreement, there is no legal obligation for the police department to provide department employees with an opportunity to consult with an attorney before being questioned on work related matters, however request for an attorney or an employee’s union representative to be present will be granted if the investigation is not thereby unduly delayed.
  - a. Except in unusual situations, any interview or questioning should take place during the employee’s regular duty hours.
  - b. Any interview or questioning should not be prolonged without reasonable rest periods and the opportunity for meals and such other personal necessities as are reasonably required.
  - c. A department employee shall not be improperly harassed or threatened during this period of questionings.
  - d. All police personnel, whether they are an accused or merely a potential witness, may be required to complete reports or to participate in interviews in person, or both. Interviews in person shall be conducted with police personnel under the following circumstances:
    - i. Whenever the Chief or their designee so directs;
    - ii. Whenever the officer or employee requests an interview.
7. In conducting an investigation of alleged employee misconduct, all appropriate investigation techniques and methods should be employed, consistent with legal requirements and all necessary concern for the individual rights of the accused employee.
  - a. An internal administrative investigation should be conducted with the same degree of professional competence as is devoted to a criminal investigation.
  - b. Upon orders of the Chief of Police or their designee, an employee may be required to submit to a medical or laboratory examination, at the Department’s expense. This examination must be specifically directed and narrowly related to a particular internal affairs investigation being conducted by the department. {52.2.6 a}
  - c. A police officer or other employee may also be required to be photographed and can be compelled to stand in a lineup for identification in connection with an administrative investigation, and refusal can be the basis for an additional disciplinary charge of refusal to obey a lawful order. Such a lineup should be fairly constructed and not unfairly suggestive investigation where criminal charges are contemplated. {52.2.6 b/c}

- d. A police officer's or other employee's personal property, including their home, car, and other property, is protected from unreasonable search and seizure under the Massachusetts Constitution, and any evidence illegally obtained may not be used as evidence in any administrative proceeding. Department property furnished to the officer or other employee, such as desks, lockers, computers, other electronic devices, or vehicles, in which it is clearly understood in advance that an officer has "no expectation of privacy", may be searched without a warrant.
  - e. A police officer or other employee may be compelled to submit a financial disclosure statement as part of an internal affairs investigation providing such statement is material to the investigation being conducted. If such a statement is requested, the Department shall show the relevance of such statement in writing, ask only for relevant and specific items, and allow a reasonable amount of time for submission. {52.2.6 d}
  - f. Under the provisions of M.G.L. c. 149, s. 19B, police officers or other employee may be required to submit to a polygraph or lie detector test in connection with an internal administrative investigation if such test is conducted by a law enforcement agency in the course of a departmental investigation of criminal activity, and under such circumstances, police officers or other employees may face disciplinary action for refusal. It should be noted that Article 12 rights apply here. {52.2.6 e}
8. If possible, the complete interview with an employee in all internal administrative investigation should be recorded mechanically or by a qualified stenographer. All parties shall be made aware of the recording.
9. Withdrawn Complaints: If during the progress of an internal investigation, the complainant indicates a desire to withdraw the complaint, every effort should be made to ensure that this decision is made voluntarily, and a signed statement to this effect should be obtained from the complainant.
- a. Even though a complaint is withdrawn, a full report of the investigation to date should be prepared for the Chief and their approval obtained for the termination of the investigation.
  - b. Any attempt, directly or indirectly, on the part of the department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his complaint, is prohibited and will be treated most severely.

## VI. REPORT OF INVESTIGATION

- A. At the conclusion of any investigation of alleged employee misconduct or professional standards inquiry, a full written report shall be maintained and prepared for submission to the Chief, which shall include the following: {52.1.2}
- 1. the original complaint report, other supporting documents or memoranda;
  - 2. any additional statements taken from the complainant or statements obtained from witnesses;
  - 3. documentation confirming employee received notice of allegations, rights and responsibilities as required in section III/E/5.
  - 4. any statement made or reports submitted by the department employee under investigation;
  - 5. a summary of all evidence gathered;

6. any mitigating circumstances;
  7. an evaluation of the complaint and a “conclusion of fact” as to whether the charges made by the complainant were: {52.2.8} (see 8)
    - a. sustained, valid and supported by sufficient evidence;
    - b. unsustained because of inadequate or insufficient evidence;
    - c. unfounded as the allegations were baseless and without foundation;
    - d. unjustified or unwarranted as the actions of the accused department employee were in compliance with law or in accordance with Department policy and procedure.
    - e. Policy Failure - the allegation is true, but the employee was acting in a manner consistent with policy, which indicates a policy revision is required.
    - f. Exceptionally Cleared - a factor external to the investigatory process, such as the complainant’s refusal to provide essential information, or failure otherwise to cooperate with the investigation, results in the inability to properly conduct and complete the investigation.
  8. When the category of the complaint and subsequent internal investigation is within the parameters of III/E a-f, the issues under investigation are often more complicated and serious, with a much greater potential to impact issues of legal liability, the officer’s reputation and employment, the department’s reputation, and the safety and other concerns of individual complainants. Therefore, under no circumstances shall any such generated investigative report include any conclusion of fact or recommendation; these functions shall remain within the exclusive province of the Chief of Police or their specifically chosen designee(s).
- B. The Lieutenant in Charge of Investigations and Administrative ensures that all records and reports of such investigations are maintained in a secure area in order to ensure confidentiality. {52.1.2}
- C. Upon receipt of the report of investigation, the Chief should take further action as is necessary based upon findings in the particular case.
1. Every person who has filed a complaint against an employee shall be notified promptly as to the final results of the investigation, personally if possible or otherwise by mail. When discipline is imposed, information released to the complainant regarding its form shall be limited to the statement that “appropriate administrative action has been taken.” Documentation of these correspondences will be made part of the secure internal investigation file.
  2. If a disciplinary hearing is deemed necessary, the complainant shall be notified that his/her testimony may be required at that time.
  3. If the department employee is cleared of the charges made, he/she shall be officially exonerated in writing. Documentation of these correspondences will be made part of the secure internal investigation file.
  4. If the department employee has allegations which are sustained, he/she shall be notified in writing.

5. When a complaint is sustained, a determination will be made as to the corrective action taken. Corrective measures include, but are not limited to, retraining, psychological intervention, reassignment, oral reprimand, written reprimands, punishment duty, reduction in rank, suspension, and discharge. Remedial training assignments and corrective measures shall be made in accordance with applicable provision of relevant collective bargaining agreements. Punishment duty, suspension and discharge shall be in accordance of G.L. c. 31 s. 41-45, s. 62,
6. The complete investigation summary (see IX/B) will be completed by the Lieutenant in Charge, Investigations and Administrative original filed, with copies to all affected and appropriate Supervisory Staff.
7. The Chief of Police shall notify the employee and complainant in writing of the results of the internal investigation within seven (7) days after the completion of the investigation.

#### D. CONFIDENTIALITY OF INTERNAL AFFAIRS

In order to ensure that the individual rights of employees who are the subject of an Internal Affairs investigation are protected, all materials relevant to that investigation shall be kept strictly confidential and under lock and key by the Investigating Officer of the investigation, and the Office of the Chief of Police which maintains the completed original file in its entirety.

{52.1.2} No statement regarding an Internal Affairs investigation will be made or issued to the media unless the charges have been sustained and action has been taken or initiated against the officer or employee. This will only be authorized by the Chief of Police.

The Chief of Police shall exercise discretion in notifying the Town Administrator in regard to any pending investigation and/or disciplinary matter. However, in any matter that may involve a suspension for five (5) or more days or the potential for criminal charges, the Chief will notify the Town Administrator in a timely fashion.

#### E. INVESTIGATIVE FILES

1. A complete file of records on the investigation of all citizens and internal complaints shall be kept in the office of the Chief of Police. These files shall contain supporting investigative information, as well as notes taken during the investigation, the conclusion and shall include what disciplinary action was taken if any. These files shall be treated as confidential investigative files.
2. A copy of the complete investigation summary should be kept in a summary file in the office of the Chief of Police and will be the only source of public information about citizen complaints, other than the statistical log which may be prepared and published annually by the Chief of Police. The investigation summary will include the employee's name and rank; the nature of the complaint; charges (if any); Disposition, and; sanction, if any.
3. Officers or employees will have access to their own internal affairs files on all completed investigations. {26.1.8}

### VII. LIAISON WITH DISTRICT ATTORNEY:

Any Internal Affairs investigation which may, or does, result in criminal charges being brought against an officer shall require the District Attorney's office to be appraised of the case for the purpose of advising on legal issues and ultimate prosecution, if necessary. Contact shall be made through the Chief of Police.

## VIII. COMMAND AUTHORITY

The following is an outline by rank and command level of authority of superior officers to discipline subordinates. (Each superior officer should also be aware of his/her duties as specified in the Job Description Manual.)

1. **Sergeant:** has the authority to counsel, evaluate, praise, and recommend for recognition. He/she also has the authority to verbally admonish, relieve from duty as specified below, and issue a formal verbal reprimand or recommend more serious punitive disciplinary action, as appropriate.
2. **Lieutenant:** has all of the above, plus the authority to amend recommendations from Sergeants
3. **Chief of Police:** has all of the above, plus the authority to suspend for a period not to exceed five days in accordance with G.L. c. 31. plus, the authority in accordance with all applicable laws, Department of Personnel Administration Rules, and collective bargaining agreements.

## IX. RELIEVING EMPLOYEE FROM DUTY

### A. RELIEF FROM DUTY - RIGHTS OF SUPERVISORS: {52.2.7}

No officer or employee shall be relieved from duty as a result of an Internal Affairs investigation unless such action is in accordance with the MGL C 31, the collective bargaining agreement between the South Hadley Police Union, MASSCOP, Local 428 or any other collective bargaining agreement between the affected personnel and the Town of South Hadley, the Rules and Regulations of the South Hadley Police Department, Town of South Hadley Personnel Manual and subject to the provisions of state and federal anti-discrimination laws. All disciplinary action shall be according to these documents. The Supervisor of any shift or Section within the organization of the South Hadley Police Department may relieve, with pay, any officer or employee under his/her command for the balance of the assigned shift only if said Supervisor has determined that the officer or employee is unfit or unable to perform or carry out his/her assigned duties or responsibilities. {26.1.5/52.2.7} In all cases, the Chief of Police will immediately be notified. This action may or may not occur as a result of a need for disciplinary investigation or action.

### A. Examples of relieving for non-disciplinary reasons would be as follows:

1. If the officer or employee is suffering from an illness and appears too sick to work effectively or safely.
2. If the officer or employee reports to work injured, is injured during the performance of duties and a physician advises that he/she be relieved, or is injured on duty and refuses to acknowledge the apparent danger the injury may place himself/herself in if remaining on duty.

3. The officer's or employee's mental state as the result of an unusual or traumatic situation presents a danger that duties and responsibilities may not be performed safely and properly.
- B. Supervisors may also relieve any officer or employee from duty, with pay, for the balance of the assigned shift only, for any infraction or violation of the Rules, Regulations, Policies, Procedures, or Orders of the Department. Specific examples but not be limited to, the following;
1. Reporting to duty while under the influence of alcohol or controlled substances.
  2. Insubordination.
  3. Committing a criminal offense while on or off duty.
  4. Falsifying a statement or record.
  5. Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others. (52.1.8)

Any Supervisor who relieves an officer or employee from duty for disciplinary reasons shall immediately file a written memoranda to the Chief containing all details of the matter. This form will be left with the Commander's immediate superior, with copies going to the Chief of Police. Further investigation into the matter will be conducted in accordance with the procedures outlined previously in this Directive.

Any Supervisor who relieves an officer or employee from duty for non-disciplinary reasons shall file a complete written report on the details to his/her immediate superior, with copies going to the Chief of Police.

ATTACHMENT: Professional Standards Internal Affairs Complaint Form