



## Lunenburg Police Department Rules & Regulations

<b>Policy Number:</b> <b>8.00</b>	<b>Subject:</b> <b>Orders</b>
<b>Issue Date:</b> <b>12/20/2013</b> <b>Revision Date:</b> <b>10/30/2021, 1/18/2022</b> <b>Effective Date:</b> <b>12/20/2013</b>	<b>Massachusetts Police Accreditation Standards Referenced:</b> <b>12.1.3</b>
<b>Issuing Authority:</b>  <i>Chief Thomas L. Gammel</i>	

### **8.00 – ORDERS [12.1.3]**

An order is defined as a command or instruction, oral or written, given by one member of the department to another member of lesser rank. It is essential to the proper operation of a police agency that all employees, sworn or civilian, promptly obey all lawful orders. Every employee of the department shall promptly obey, without reservation, the orders, rules, regulations, policies and procedures of the department and all lawful commands of a superior officer including those commands relayed from a superior by an officer of the same or lesser rank. The intentional refusal to obey any direct lawful order is grounds for termination.

### **OBEDIANCE TO RULES AND ORDERS**

Police officers are expected to be familiar with and comply with all lawful orders, rules and regulations, and policies and procedures issued by the Department.

### **UNLAWFUL ORDERS [12.1.3]**

Obedience to an unlawful order is never a defense for an unlawful action; therefore, no employee is required to obey any order which is contrary to any Federal or State law. Responsibility for refusal to obey an unlawful order rests with the employee to whom such order was given. The employee shall be

strictly required to justify such action. Employees issued what they believe to be an illegal order shall request the issuing employee to clarify the order or to confer with higher authority.

## **RULE 8.01 – ISSUING UNLAWFUL ORDERS**

No superior officer shall knowingly issue any order which is a violation of any law.

### **CONFLICTING ORDERS [12.1.3]**

Should any order given by a superior conflict with any previous departmental order, rule, regulation, policy or procedure, the employee to whom such order is given will call attention to the conflict. If the person responsible for issuing said order does not change the order to avoid such conflict, the order will be obeyed, but the officer obeying such order shall not be held responsible for disobedience of the previous order, rule, regulation, policy or procedure. Responsibility for the conflict shall be upon the superior officer that issued such conflicting order. It should later be reported to the Chief of Police, through the chain of command, for clarification.

### **UNJUST OR IMPROPER ORDERS**

When lawful orders which appear to be unjust or improper are given, the officer to whom the order is given shall respectfully notify the superior officer issuing such order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the officer to whom the order was given may file a written report to the Chief of Police, via the chain of command, indicating the circumstances and the reasons for questioning the order, along with a request for clarification of departmental policy. After complying with this Section, an officer who carries out an order found to be unjust or improper by the Chief of Police or court or tribunal of competent jurisdiction, will not be held responsible for carrying out such order.

### **INSTRUCTIONS FROM DISPATCHER**

All messages transmitted over the police radio system by any officer or employee shall be direct and concise and shall conform to all departmental radio procedures and the rules and regulations of the Federal Communications Commission. No officer shall fail to obey or refuse to take cognizance of any communication (whether via radio, telephone, computer, in person or otherwise) transmitted by or conveyed directly from the Desk Officer or the Dispatcher, unless instructed to do so by a Superior Officer.

### **TYPES OF ORDERS**

Written orders come in a variety of forms. Below is a brief description of the types of written directives which may, from time to time, be utilized. They may be issued by the Chief of Police or by his or her designee.

## **GENERAL ORDERS**

General Orders are permanent written orders outlining policy matters which affect the entire department. A General Order is the most authoritative written order the department issues, and may be used to amend, supersede or cancel any previous order. General Orders remain in full force and effect until amended, superseded or rescinded by the Chief of Police.

## **SPECIAL ORDERS**

Special Orders are temporary written orders outlining instructions covering particular situations. Special Orders are automatically canceled when their objective is achieved.

## **PERSONNEL ORDERS**

Personnel orders are those pertaining to such matters as assignments, change of duty, administrative matters relating to conditions of employment, and employee rights and benefits.

## **MEMORANDA**

Memoranda are written communications (generally entitled “Memorandum” or “Memo”) issued for the following purposes:

- a. to issue information or instructions which do not warrant a formal order;
- b. to direct the actions of subordinates in specific situations;
- c. to explain or emphasize portions of previously issued orders; or
- d. to inform officers of actions or policies of other agencies.

## **RULES AND REGULATIONS**

A manual of rules and regulations issued by the Chief of Police (with the approval of the municipal government official(s) where appropriate or required) which defines required and prohibited conduct and generally outlines the basis for departmental discipline.

## **POLICIES AND PROCEDURES**

A manual describing the policy of the department and required procedures to be followed in handling a variety of operational areas confronting law enforcement officers.

## **RULE 8.02 – INSUBORDINATION**

Officers shall not be insubordinate. Insubordination 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) or a dispatcher or as otherwise above specified. Some other examples, which may already be included in the rules and regulations, are:

- a. Commits an act which exceeds the authority either expressly granted by the employer or impliedly created by failure of the employer to object to a particular course of conduct. (Exceeding authority)
- b. Makes a statement or remark, which is not the result of an error in judgment, under the circumstances which damage or tend to damage the employer's interest. (Disputing or ridiculing authority)
- c. Addresses vulgar, profane, insulting, obscene, derogatory, or offensive language of a vile nature toward the employer or the employer's representative when such remarks are unjustified under the circumstances, and not within the normal exchange and customary good-natured banter between the employer or the employer's representative and the employee. (Vulgar or profane language)

**NOTE:** Officers shall follow the procedures, under "Unjust and Improper Orders," specified above when given what they believe to be an unlawful, conflicting, unjust or improper order.