



## Lunenburg Police Department Rules & Regulations

<b>Policy Number:</b> <b>7.00</b>	<b>Subject:</b> <b>Public Statements</b>
<b>Issue Date:</b> <b>12/20/2013</b> <b>Revision Date:</b> <b>10/30/2021</b> <b>Effective Date:</b> <b>12/20/2013</b>	<b>Massachusetts Police Accreditation Standards Referenced:</b> <b>22.2.7</b>
<b>Issuing Authority:</b>  <i>Chief Thomas L. Gammel</i>	

### 7.00 - PUBLIC STATEMENTS

The rules attempt to balance the employees' right to freedom of expression on matters of public interest with the department's legitimate interest in the integrity and efficiency of its operation. Police officers do not surrender their constitutional right of free speech upon taking their oath of office. However, courts have recognized a police department's ability to promulgate reasonable rules and regulations regulating certain types of statements by officers consistent with the mission of a law enforcement agency.

A police department is a quasi-military organization which is unique in the public service, and, as such, has a justifiable need for esprit de corps, harmony, discipline and confidentiality. Close personal or confidential relationships are often required. Extremely disrespectful and/or grossly offensive remarks are inconsistent with fostering and maintaining such relationships.

There is also a need to maintain a chain of command. Statements which undermine the working relationship between officers and superiors are disruptive to the mission of this agency. This is especially true where such statements are simply bickering or personal disputes with one's superiors.

Union spokespersons are entitled to express their association's viewpoints on matters of public concern. In fact, such individuals are afforded greater latitude in making public pronouncements on departmental policies or operations.

Certain types of speech by officers are not constitutionally protected. These include: speech which is knowingly false; statements made as an extension of a personal dispute; statements resulting from a personality conflict; speech promoting or endorsing private services; profanity or name calling; and speech which causes significant disruption of morale.

Officers who are the subject of an internal investigation may be instructed not to discuss the subject matter of such investigation with others. Except in unusual cases, such restrictions would not apply to conversations with an officer's attorney or union representative, or with such employee's spouse.

#### **RULE 7.01 - PUBLIC CRITICISM OF THE DEPARTMENT**

Officers shall not publicly criticize the Department, its policies or members by talking, writing, or expression in any manner where such talking, writing, or expression: (a) is defamatory, (b) is obscene, (c) is unlawful, (d) tends to impede the operation of the department by impairing its efficiency, interfering with the ability of supervisors to maintain discipline, or is made with reckless disregard for truth or falsity.

Officers shall not make any vexatious or unnecessary complaint against another member of the department nor criticize any other officer, nor shall officers maliciously gossip about any superior, order, policy, procedure, case or event that should remain police information; nor shall officers cause to discredit, lower or injure the morale of personnel in the department, or that of any individual in the department. To this end, officers shall make maximum utilization of the chain of command, and also the grievance procedure of the department as described in the applicable collective bargaining agreement. In addition, officers shall not publicly criticize instructions or orders they have received.

#### **RULE 7.02 - DISPARAGING REMARKS**

Officers shall not speak slightly of any minority, race, nationality, gender, or religion, nor make derogatory remarks about individuals on account of their marital status or sexual preference while on duty or while off duty in a public place.

#### **RULE 7.03 – COURTESY**

Officers shall not be discourteous or inconsiderate to the public, to their superior officers, or to their fellow officers and employees of the police department as well as other law enforcement and governmental agencies. They shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances.

Officers shall answer questions from citizens in a courteous manner and, if unable to supply an answer, shall make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation.

#### **RULE 7.04 – IDENTIFICATION [22.2.7]**

Officers shall properly identify themselves to any person requesting this information, while they are on duty, except when the withholding of this information is necessary for the proper performance of police duty, when it might jeopardize the physical safety of a department member, or when authorized not to do so by proper authority. Under M.G.L. Chapter 41, section 98D, every full time police officer is required to carry an official identification card to be shown to the public upon lawful request.

#### **RULE 7.05 DISSEMINATION OF OFFICIAL INFORMATION**

Officers shall treat as confidential that information which is confided to them personally in the course of their official duties. They shall disclose such information only as required in the proper performance of their duties.

Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

Officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

Officers shall treat the official business of the police department as confidential and shall conform to the following guidelines:

- a. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures.
- b. Access to departmental files, records and reports shall be limited to those officers and employees authorized by the Chief of Police.
- c. Official records or reports shall not be copied, or removed from a police facility, except in accordance with established departmental procedures.
- d. The identity of any person giving confidential information to the department or to any officer thereof in the performance of his or her duties, shall not be divulged except with the prior approval of the Chief of Police or by operation of law.
- e. No information shall be released, given or issued to the news media or to any members of the press concerning department operations, or the evidentiary aspects of any criminal investigations, without the prior approval of the Chief of Police.

**NOTE:** All releases to the press or media of information concerning departmental policy or the evidentiary aspects of any criminal investigation shall conform to the Department's Policy and Procedure entitled Media Relations.

- f. Officers shall not communicate or give police information which may aid a person to escape arrest, delay apprehension or avoid prosecution or which contributes to the destruction, removal or loss of evidence, goods or contraband.
- g. Officers shall not communicate to the public, news media
- h. or to any other agency or person information connected with the department or its personnel except as authorized by the Chief of Police or by statute. All requests for public appearances or speaking engagements by officers, on the subject of criminal justice, law enforcement or department operations or policies, shall be submitted to the Chief of Police for approval.

#### **RULE 7.06 - TESTIMONY IN CIVIL CASES**

Officers shall not testify in any civil case, arising as a result of the performance of duty, in any court, unless legally summonsed to do so or until having received permission or order from the Chief of Police. When summonsed to testify, an officer shall notify the Chief of Police in advance of testifying.

#### **RULE 7.07 – TRUTHFULNESS**

Officers shall speak the truth at all times when on duty or when discussing a matter arising out of or related to the officer's duties or the operation, organization or business of the department. In cases in which an officer is not allowed by the regulations of the department to divulge facts within his or her knowledge, the officer will decline to speak on the subject. Officers shall not fabricate, withhold, or destroy any evidence of any kind.

#### **RULE 7.08 - STATEMENTS CONCERNING LIABILITY**

Officers shall not make any oral or written statement to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty, unless specifically authorized to do so by the Chief of Police.

#### **RULE 7.09 - TESTIFYING FOR CRIMINAL DEFENDANTS**

Officers shall not testify for the defendant in a criminal case, parole hearing or other judicial proceeding, in any court or tribunal, unless legally summonsed to do so or with the advance approval of the Chief of Police. In cases which involve the police department or its personnel, officers shall, before testifying, inform the Chief of Police of the nature of the testimony intended to be given.

#### **RULE 7.10 - RECOMMENDATION FOR DISPOSITION OF CASES**

Officers shall not make a recommendation for the disposition of any case pending in the courts without the consent of the Chief of Police, or without the permission of the Prosecutor; or without the direct request of the Court to the officer.

## **RULE 7.11 – COMMUNICATION WITH OFFICIALS**

Officers shall not confer with or forward communications to governmental officials on police matters without first notifying the Chief of Police, except as otherwise provided by statute.