

Rules and Procedures

Rule 113

May 31, 1995

Rule 113 - PUBLIC INTEGRITY POLICY

Sec. 1 PURPOSE: The purpose of this policy is to set forth the standards of ethics which will guide both the Boston Police Department, as an organization, and its officers and employees in the conduct of their private and professional affairs.

Sec. 2 BACKGROUND: Policing in America today, especially in a major urban area, is a complex and, for many, a stressful occupation. Naturally, the police role has evolved greatly over the years. Officers now face enormous dangers to their physical and mental health. The increased level of violence and the increased level of sophistication of today's criminal present unprecedented challenges for the criminal justice system, especially for those in law enforcement. Additionally, the temptations that they face have created an added stress for the men and women who are on the front lines in the battle against crime and disorder. These temptations not only include possibilities of personal gain, monetary and otherwise, they also encompass over-zealousness in the investigation and prosecution of criminal suspects.

In order to maintain the highest standards of honesty and integrity--as a Department and as individuals--we need to attract and retain persons of outstanding character who are qualified and willing to meet the challenges of policing a diverse urban center such as Boston. Additionally, we need to correct and retrain those who have acted in a manner inconsistent with the values of the Boston Police Department and punish and/or terminate those who are unable or unwilling to act in accordance with established standards of ethical behavior.

The necessity of such a course of action--and the need to establish and articulate a public integrity policy--is undeniable given the history of problems encountered in most American police departments, especially those in large urban areas. Boston certainly has not been immune to those problems. Corruption, brutality, falsifying evidence, and bias cannot be tolerated among individuals sworn to uphold the law. Nor can hypocrisy, unfairness, deceit and discrimination be tolerated in an organization dedicated to the highest ideals of justice and the rule of law.

The Boston Police Department, mindful of its crucial role in a democratic society, has embraced those principles and values that reflect its commitment to preserving life and property while respecting the rights and dignity of all those with whom it may become involved. Accordingly, we rededicate ourselves to those principles and values by formally adopting ethical standards that will enable us to uphold the public trust. Through the adoption of this policy statement, we reaffirm our responsibility to be accountable for our actions and the conduct of our employees. By doing so, we hope to continue to merit the trust and support of the people that we have sworn to serve.

Sec. 3 POLICY: It is the policy of the Boston Police Department that every action of the Department as an organization, and those of the individuals who act on its behalf, will reflect the highest standards of honesty and integrity. In all of our dealings, whether with the public, other elements of the criminal justice system, or with each other, we will act in accordance with the ethical standards that are set forth below. Additionally, it is the responsibility of each and every member of the Boston Police Department to adhere to those standards and to take all necessary and prudent actions to expose those who knowingly violate the public trust. It is the responsibility of the Department to prevent, detect and correct instances of misconduct, administrative or criminal, within the organization.

Sec. 4 DEFINITIONS:

Integrity: Soundness of moral principles; the character of uncorrupted virtue; uprightness, honesty, self-control, courage, compassion.

Public Trust: Exercising public authority within the legal limits and according to the ends for which it was created, i.e., to serve the public interest.

Authority: The legally-granted right to issue commands or give directions to others.

Discretion: The authorized capacity to make judgments and choose from among a variety of actions, within the limits of law and Departmental policy, to resolve a problem.

Ethics: Standards or principles of conduct governing a profession; the rules of conduct or duty.

Corruption: Acts involving the misuse of authority by an employee in a manner designed to produce personal gain for himself, herself, or others.

Falsifying Evidence: Fabricating evidence that does not exist; destroying or distorting material evidence; knowingly failing to seek, discover or bring forth evidence that a reasonable person/officer would conclude might have an impact on the outcome of a matter before a court or tribunal of competent jurisdiction, and which prudence and justice dictates should be brought to the attention of a magistrate, officer of the court or hearing officer; or lying or deliberately misrepresenting the truth while under oath.

Bias: The use of authority, legal or otherwise, which results in the unequal application of the law toward some identifiable group or group member because of his/her affiliation with that group.

Employees: All sworn and civilian employees.

Supervisor: Supervisors, managers, directors and commanders.

Sec. 5 CANONS OF ETHICS: General Statement - In furtherance of this policy, the following Canons of Ethics are adopted. They are not meant to be exclusive, but are presented because history and sound judgment indicate that violations of these canons severely undermine the ability of the Department to gain the confidence of both its employees and the public, and also negatively affect its ability to fulfill its essential mission. They are not meant to replace or supersede existing laws, special orders, rules or regulations, but to supplement them; they also serve as a reminder of the public trust that has been conferred upon the Boston Police Department by the citizens of Boston, and the need for constant vigilance in support of that trust.

Canon One: The Boston Police Department and every employee acting under its authority shall uphold the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts and all laws enacted or established pursuant to legally constituted authority.

Canon Two: As a law enforcement organization, the Boston Police Department and its agents shall treat all those with whom it comes into contact, or who may seek its assistance, or who may come under its care or custody, with the respect and dignity inherent in every person.

Canon Three: As an employer, the Boston Police Department shall treat its personnel with fairness, respect, and consideration in all aspects of the job including hiring, assignment, promotion, training, collective bargaining, discipline and, when necessary, termination. It shall establish and promulgate rules, procedures and orders in such a manner as to promote professionalism, merit, and equal opportunity for advancement as well as equal access to resources. The Department shall value communication and solicit and respect the opinions of its employees on matters in which they have expertise, or which may affect their professional interests.

Canon Four: Police officers shall at all times be prepared for the proper discharge of their duties; knowledgeable in the law and legal procedures; competent in the use of authorized weapons and tactics; respectful of other elements in the criminal justice system; and possessing the necessary temperament and attitude to effect the cause of public safety and justice.

Canon Five: Employees shall be impartial in the use of their authority, providing fair access to their services and favoring no group or individual for any improper reason. They shall not allow their prejudices or biases to affect their official actions. They shall exercise their discretion so as to achieve the ends of justice and in a manner consistent with the rule of law and Departmental policy.

Canon Six: Employees shall avoid all conflicts of interests and appearances of impropriety. They shall never seek or accept gratuities when it can be construed to involve their official position within the department.

Canon Seven: Employees shall not engage in any corrupt or unlawful activity. They shall immediately report all corruption and illegal activity involving members of the Department that

may come to their attention to the Anti-Corruption Division.

Canon Eight: Employees shall conduct their private affairs so as not to reflect unfavorably on the Boston Police Department; or in such a manner as to affect their ability to perform their duties honestly, effectively, fairly, and without impairment.

Canon Nine: Police officers shall use only that amount of force reasonably necessary to achieve their lawful purpose. Excessive or unauthorized force is never justified and every officer not only has an affirmative duty to intervene to prevent such violence, but also to report any such instances that may come to their attention.

Canon Ten: Police officers shall exhibit the utmost respect for the legal rights of all. They shall not falsify evidence nor deny to anyone the equal protection of the law. They shall attend to all proceedings where their presence is necessary to the administration of justice and shall conduct themselves professionally and respectfully before any court or tribunal. Police reports and records shall adequately reflect the truth as it is known to the officer at the time they are created.

Canon Eleven: While the responsibility to uncover and report knowledge of illegal and unethical conduct belongs to all employees, regardless of rank or assignment, members of the command staff and supervisors may be personally accountable for the actions of the personnel under their command if they knew or should have known that their actions were illegal or unethical. This places upon them a specific duty to proactively prevent, detect, expose and punish improper conduct. Additionally, they shall conduct themselves in such a manner as to serve, by uncompromising adherence to these canons, as an example to those who serve under them.

Sec. 6 GENERAL RESPONSIBILITY: The Boston Police Department Rules and Procedures direct which unit or division shall have responsibility for certain areas of misconduct. Generally, the Anti-Corruption Division has responsibility for the investigation of ongoing criminal activity that involves abuse of position by an employee. Examples of that conduct are bribery, unlawful drug usage or distribution, extortion, conflict of interest, fraud and gaming.

The Internal Affairs Division is responsible for the administrative investigation of all police misconduct, including violations of the law. It is also responsible for monitoring complaint histories of all officers to identify and address those officers that may have developed a pattern of troublesome behavior, or who may be unfit or unsuitable for particular assignments. The Internal Affairs Division may also investigate licensed Special Police Officers who violate their license under Rule 400 or 400A.

Additionally, the Internal Affairs Division will ensure that the integrity and character of police applicants is considered when evaluating their fitness to become members of the Department.

Other agencies may have exclusive or concurrent jurisdiction for handling other types of misconduct, criminal or administrative, depending on the offense and the circumstances.

Current rules and directives should be consulted to determine the appropriate investigative entity or entities.

SPECIFIC RESPONSIBILITIES

Historically, investigations of police misconduct have been reactive in nature and initiated only when the wrongdoing has been alleged or exposed for some reason. However, the Public Integrity Policy of the Boston Police Department incorporates the concept of proactive prevention to ensure that integrity is maintained in the organization at all times. Accordingly, specific responsibility is assigned to certain units, and the commanders and supervisors of those units. Additionally, those units or individuals will be held accountable for maintaining integrity in those areas of responsibility.

The following procedures and processes are instituted to assure that the goals of this policy are implemented by clearly defining areas of responsibilities.

1. The Anti-Corruption Division

Officers of the Anti-Corruption Division will be responsible for handling corruption prevention programs as well as proactive and reactive investigations. Specifically, they will:

- A. Review monthly summations of citizen and internal complaints for indicators of misuse of authority by a Department employee or misuse of City of Boston employee status for personal gain.
- B. Review the findings of Internal Affairs investigations for patterns of conduct which are indicative of corrupt police behavior.
- C. As appropriate, cooperate in the investigation of any City of Boston employee with or by any other agency including state, local, or federal authorities, offices of the various district attorneys, the office of the U.S. Attorney or the office of the Attorney General of the Commonwealth.
The commanding officer of the Anti-Corruption Division shall be responsible for determining whether an investigation will be conducted solely by the Anti-Corruption Division or cooperatively with another unit, division, district, or area within the Department. In any event, the Anti-Corruption Division will maintain an oversight role in any criminal or corruption related investigation of any Department employee.
- D. Review the results of department inspection and audit reports to specifically identify indicators of corruption.
- E. Operate a reporting method for citizens and Department/City of Boston employees to report behavior indicative of corruption.
- F. Immediately notify the Police Commissioner through the Chief, Bureau of Professional Standards and Development when a suspicion of significant corruption enters an investigation. Inform an employee's commanding officer of such a suspicion as soon as possible when such notification would not negatively impact an on-going investigation and/or prosecution. Upon the arrest, indictment, or commencement of any other

criminal proceeding the Anti-Corruption Division shall notify the following:

- 1.The Police Commissioner
 - 2.Chief, Bureau of Internal Investigations
 - 3.Employee's Bureau Chief
 4. Employee's Commanding Officer
- G. Coordinate, in cooperation with the Commander of the Training and Education Division, in the development and conducting of informational and educational sessions for members of the Department as may be deemed appropriate by the Chief, Bureau of Professional Standards and Development or the Police Commissioner.
- H. Be notified and review its records before a personnel order is issued promoting, transferring, commending, or rating Department personnel. After such review, the Anti-Corruption Division will notify the Chief, Bureau of Professional Standards and Development concerning the status of active investigations or complaints sustained.
- I. Ensure that criminal or corruption related investigations of Department employees will be conducted in full conformance with the rules and procedures of the Boston Police Department, state and federal laws and court decisions, especially as they relate to employee's rights and protections against self-incrimination. Investigations will be conducted without regard to influences, pressures, or mandates from those who would improperly seek to affect the outcome of any investigation.
- J. Have the option to coordinate any prosecution in a criminal court involving a Department employee with the appropriate district attorney's office, the Office of the Attorney General of the Commonwealth, or the Office of the United States Attorney.
- K. Maintain records, files, and other data as appropriate to the proper functioning of the Division. Such information shall be only accessible to officers of the Anti-Corruption Division, the Chief of the Bureau of Professional Standards and Development and the Police Commissioner. Anonymity and confidentiality, where appropriate, shall be respected and strictly adhered to.

The mission of the Anti-Corruption Division shall not be limited to investigations of allegations of corruption or criminality on the part of employees of the Boston Police Department, but may include investigations of any agency, department, division and its employees of the City of Boston as may be deemed appropriate by the Police Commissioner. Further, the Anti-Corruption Division shall be authorized to conduct any other investigation as may be directed by the Police Commissioner.

2. The Internal Affairs Division

The Internal Affairs Division shall be required to immediately notify the Anti-Corruption Division concerning any allegation of corruption or serious criminal activity reported to them or uncovered during the course of any internal affairs investigation.

On a monthly basis it shall submit a report to the Chief of the Bureau of Professional Standards and Development containing information that may assist in determining whether patterns of corruption may be developing. Specifically, the report shall contain the following information for the preceding month:

- Names of Department employees complained against;
- the nature of the complaint, and;
- prior complaints (and dispositions) for each employee complained against.

This report will be forwarded to the Anti-Corruption Division for review and analysis for potential linkage to ongoing Anti-Corruption Division investigations.

3. Supervisors

Supervisors will be accountable for the foreseeable or preventable illegal conduct of those employees under their assigned area of supervision or command.

Supervisors are responsible for reporting any suspicious behavior which they knew or should have known was indicative of corruption. This behavior may include duty-related activities, personal or off-duty related activities, or personal patterns of conduct that may come to their attention through any means.

Commanders are responsible for monitoring the activities of their subordinate supervisors, especially in regard to the supervisor's concern for accountability and integrity within his/her respective unit or area of supervision.

4. All Officers and Employees

The established and published values of the Boston Police Department are applicable to all Department employees. All Department employees are responsible for reporting other Department employees whose behavior is clearly illegal or who exhibit behavior that a reasonable and prudent employee would clearly judge to be indicative of illegal activity.

All Department employees are required to fully cooperate in any investigation being conducted by the Anti-Corruption Division without regard to the conventional requirements of the chain of command. Said cooperation shall include, but is not limited to, providing the Anti-Corruption Division with any oral or written reports required by investigators, taking into consideration any and all protections against self-incrimination; any and all records, documents, or any other items of evidentiary or investigative value known to the employee or requested by Anti-Corruption Division investigators.

Sec. 7 RESPONSE AND REPORTING PROCEDURES: Whenever any Department employee receives a complaint, or is made aware of a complaint through any means--whether written, oral, identified complainant or anonymous; or whenever any Department employee is made aware of any criminal activities or allegations of corruption by any Department member(s) or other City of Boston employee(s); the employee shall adhere to the following procedures:

- a. Notify a sworn member of the Anti-Corruption Division, within 24 hours of being made aware of the activity or allegation by calling the Anti-Corruption Division (617)343-4366. If it is after normal business hours or sworn personnel are unavailable, then a message

and return telephone number should be left and the call will be forwarded to an on-call investigator who will return the call forthwith.

- b. Following oral notification, the employee shall submit within 24 hours a written report detailing his/her knowledge of the relevant activities or allegations directly to the Commander of the Anti-Corruption Division. Normal chain-of-command requirements and formal procedures pursuant to Rule 109 are specifically exempt from those situations covered by this rule.
- c. Subsequent communications regarding such activities or allegations shall only be between the employee and the Anti-Corruption Division directly unless the Police Commissioner, the Chief of the Bureau of Professional Standards and Development or the Commander of the Anti-Corruption Division determines otherwise.
- d. Refrain from discussing a matter referred to the Anti-Corruption Division with any other individual(s) without the consent and knowledge of the Police Commissioner, the Chief of the Bureau of Professional Standards and Development or the Commander of the Anti-Corruption Division.

The reporting requirements, as set forth in this section, shall not be construed as abrogating the responsibility of a sworn member of the Department from taking appropriate action as required by law or dictated by prudence and the exercise of sound judgment, when confronted with a situation involving criminal acts.

The criminal investigation of allegations of corruption and/or criminal behavior shall take precedence over any administrative disciplinary proceeding or investigation. However, such criminal investigation shall not preclude the Department from proceeding administratively against an employee provided that the administrative investigation or proceeding does not compromise a criminal investigation.

Sec. 8 Information regarding investigations of corruption or alleged criminal activity by members of the Department will be released to the public and media if deemed appropriate by the Police Commissioner or the Chief of the Bureau of Internal Investigations.

Sec. 9 Failure to follow the reporting requirements of this rule and any other applicable rules, or violation of any other section, may result in disciplinary action, up to and including termination.

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 6 (1) (B,F,G,H,K) and (2), Section 7 (C,D), Section 8.