



Police Commissioner's Special Order

Number: SO 21-14

Date: April 15, 2021

Post/Mention: Indefinite

SUBJECT: RULE 102 – THE CONDUCT AND GENERAL RIGHTS AND RESPONSIBILITIES OF DEPARTMENT PERSONNEL, AMENDED

Rule 102, The Conduct and General Responsibilities of Department Personnel, is hereby amended superseding all previous rules, special orders, memos and directives on this subject and is effective immediately.

The amendments to this order include the following:

Section 9 has been amended to include gender identity.

Section 10, formatting only adjusted.

Section 31 has been corrected, per M.G.L., to amend the amount employees may contribute to a political campaign.

Section 33, Employment Outside of the Department. This section was amended in Special Order 18-003. Through this rule, the wording from that special order will be corrected on the Department's web page.

Section 36, Criminal Complaints, Protective Custody, and Arrests has been amended.

Section 38, Situation Involving Off-duty Boston Police Officers and Civilians Occurring within the City of Boston, has been amended.

Section 38A, Situations Involving Off-duty Boston Police Officers and Civilians Occurring outside the City of Boston, is new.

Commanding Officers shall ensure that this order and the attached Rule are posted on Department bulletin boards.

Gregory P. Long
Superintendent In Chief

Rule 102

April 15, 2021

The Conduct and General Responsibilities of Department Personnel

This rule is re-issued as to the guidelines for the conduct of, as well as the personal rights and responsibilities, of employees of the Boston Police Department. Its provisions are effective immediately, superseding all previously issued rules, orders, memoranda, and directives regarding the personal conduct of employees of the Department.

Sec. 1 DEFINITIONS: For the purpose of this rule, the following definitions will apply. Employee shall mean all members of the Boston Police Department, both officers and civilian personnel. Force refers to the sworn membership of the Department who are vested with full police powers. Officer means a sworn Department member clothed with full police powers.

Sec. 2 GENERAL CONSIDERATIONS: Police officers are more visible to the community than most other persons in government or public service. Public scrutiny, and sometimes public criticism, is directed not only at police performance but also at the behavior of those who deliver police services. The establishment of proper standards for police behavior must take into account not only the expectations of the citizen but also the importance of respecting the individual rights of police employees. The Boston Police Department recognizes that its employees have certain basic personal rights and restricts those rights only where necessary to ensure the integrity of the Department and the highest quality of police service are maintained.

Sec. 3 CONDUCT: Employees shall conduct themselves at all times, both on and off duty in such a manner as to reflect most favorably on the Department. Conduct unbecoming an employee shall include that which tends to indicate that the employee is unable or unfit to continue as a member of the Department, or tends to impair the operation of the Department or its employees.

Sec. 4 NEGLECT OF DUTY: This includes any conduct or omission which is not in accordance with established and ordinary duties or procedures as to such employees or which constitutes use of unreasonable judgment in the exercising of any discretion granted to an employee.

Sec. 5 MAINTAINING DEPARTMENT RULES AND PROCEDURES: Employees of the Department shall sign a receipt for a copy of this and all other subsequent Rules and Procedures of the Department as they are promulgated. Employees shall maintain their copies of the Rules and Procedures of the Department in the binder provided and shall be prepared to produce their binder for the examination or inspection by the members of the Staff Inspection Division or any superior officer or supervisor upon reasonable notification. In addition, employees shall be responsible for knowledge of, and full compliance with, all Rules and Procedures of the Department that apply to their duties. District and unit commanders shall return the signed acknowledgments of the receipt of Department Rules and Procedures to the Office of Staff Inspections after all personnel under their command have signed the receipt list.

Sec. 6 ACCOUNTABILITY: Superior officers and supervisors shall be held accountable for the actions of all subordinates subject to their authority and under their command.

Sec. 7 RESIDENCE AND TELEPHONE: Except as otherwise provided by law, all officers of the Department shall live in the City of Boston. All employees of the Department shall report their places of residence and their telephone number to the Commanding Officer or supervisor of the Bureau, Division, District, Unit or Office to which they are assigned. They shall also report to that person any change of residence or telephone number within twenty-four (24) hours after such change. The procedures which follow are instituted to standardize the process for all Department employees reporting a change of their name, address, telephone number or tax withholdings and to ensure compliance with Internal Revenue Service record keeping regulations.

A. Reporting Changes in Names, Addresses, Telephone Numbers and Tax Withholdings: Any employee who reports a change of their name, address or telephone number shall do so only on BPD Form #2785. Changes in tax withholdings shall be made by filling out the federal W-4 and/or the state M-4 form. All changes of name, address and/or tax withholdings shall be processed as outlined below, using the appropriate required form, depending upon whether the employee is submitting a change of name, address, telephone number and/or tax withholding:

- If an employee needs to report a change of name, that employee must submit a completed BPD Form 2785 and an original Department of the Treasury Internal Revenue Service Form W-4 to their Commander/Director;
- If an employee needs to report a change of address, that employee must submit a completed BPD Form 2785 and an original Department of the Treasury Internal Revenue Service Form W-4 to their Commander/Director;
- If an employee needs only to report a change of telephone number, that employee must simply submit a completed BPD Form 2785 to their Commander/Director;
- If an employee needs only to make a change of federal tax withholding, that employee must submit an original Department of the Treasury Internal Revenue Service Form W-4 to their Commander/Director; and
- If an employee needs only to make a change of state tax withholding, that employee must submit an original Massachusetts Employee's Withholding Exemption Certificate Form M-4 to their Commander/Director. NOTE: The state Form M-4 is only required for making changes in state tax withholding and is not required for a name or address change.

B. Responsibilities of Commanders/Directors: Commanders/Directors shall review all forms for completeness prior to signing them and shall ensure that all original forms are immediately forwarded to the Employee Records and Central Attendance Management Unit, Human Resources Division.

C. Responsibilities of the Employee Records and Central Attendance Management Unit: Upon receipt of the required forms (BPD Form 2785, W-4 and/or M-4), the Employee Records and Central Attendance Management Unit shall process the forms as follows:

- The original BPD Form 2785 shall be "time/date stamped" and placed in the employee's Personnel Record, along with a copy (if applicable) of the W-4 tax form and/or M-4 tax form;
- The original W-4 tax form (and/or M-4 tax form) shall be mailed to the Payroll Department at City Hall, along with a copy of the BPD Form 2785 (if applicable);
- A copy of the BPD Form 2785 shall be forwarded to the Director, Human Resources Division; and
- A copy of the BPD Form 2785 shall be forwarded to the Data Processing Unit.

Sec. 8 DIRECTIVES AND ORDERS: Employees shall obey and comply with all rules, orders and other directives of the Department whether transmitted verbally or in writing. Employees shall obey all orders of a superior officer or supervisor.

Improper Orders:

An employee, given an order which he believes to be improper or not in accordance with Department rules, must obey the order. He may then appeal the matter to his commanding officer, and if the matter is not resolved at that level, it may be appealed through the chain of command to the Police Commissioner.

Conflicting Orders:

An employee given an order which conflicts with Department rules and/or policies or with a previous order from a higher authority, shall promptly and respectfully call the conflict to the attention of the superior officer or supervisor giving the order. If the superior officer or supervisor does not withdraw or change his order to avoid the conflict, the order shall be binding upon the employee unless or until it is specifically countermanded by an officer or supervisor of higher rank.

Sec. 9 RESPECTFUL TREATMENT: Employees shall, on all occasions, be civil and respectful, courteous and considerate toward their supervisors, their subordinates and all other members of the Department and the general public. No employee shall use epithets or terms that tend to denigrate any person(s) due to their race, color, creed, **gender identity** or sexual orientation except when necessary in police reports or in testimony.

Sec. 10 REPORTING FOR DUTY: A. Employees shall report for duty at the time and place specified by their superior officer or supervisor and shall be physically and mentally fit to perform their duty. They shall be properly equipped and cognizant of the information required for the proper performance of duty so that they may immediately assume their duties. They shall acquaint themselves with all matters occurring since their last tour of duty which affect their responsibilities and be accountable for compliance with all new orders, rules, bulletins and circulars.

B. No officer shall work or be permitted to work more than the equivalent of two (2) tours of duty or more than eighteen (18) hours in any given twenty-four (24) hour period. This shall include all hours worked (including, but not limited to regularly scheduled tour of duty, overtime, court time, paid details, working in (W/I), union business, outside employment). However, if an Officer is ordered to work an assignment that will put the officer beyond the Eighteen (18) hours due to the operational needs of the Department, the following shall apply:

1. The Officer is required to immediately notify the supervisor ordering him to work that the ordered overtime will cause the officer to exceed eighteen (18) hours in a twenty-four (24) hour period. Additionally, the Officer shall notify the supervisor of any court summons for which the officer is required to appear the next morning. Officers already approaching the 18 hour limitation and already summonsed to court the following morning shall not be considered for overtime, unless the to-be-ordered list is exhausted.
2. The Officer shall submit a Form 0069-BAT-0615 to the ordering supervisor documenting the hours worked and hours scheduled to be worked (i.e., copy of overtime and/or detail slip).
3. The ordering supervisor must complete a Form 0069-BAT-0615 documenting (in detail) the reason why that officer was required to work the ordered overtime causing them to work beyond 18 hours.

If the supervisor determines that the Officer is still required to work (after considering the hours already worked and the hours to be worked in the future including court summonses, and in order to ensure that the Officer is properly rested after working beyond the eighteen (18) hours in any given twenty-four (24) hour period), the following applies:

1. Following that ordered overtime, there must be eight (8) hours of relief or scheduled time off prior to reporting for any work. Officers receiving relief time should use the appropriate code designating their relief time. During this relief time, the officers may not work any assignment, including, but not limited to regularly scheduled tour of duty, overtime, paid details, working in (W/I), union business, outside employment). Under no circumstance will an officer get more than eight hours of relief.
2. The ordering supervisor shall notify the Commanding Officer, the relieving Supervisor and the Chief Clerk's office by email of any officers affected by this order to ensure that appropriate staffing levels are maintained. For officers receiving the eight (8) hours of relief time, the paperwork submitted must contain the following items and shall be forwarded to the Commanding Officer, with a copy left for the Clerks to note the relief on the BAT:
 - a. Form 0069-BAT-0615
 - b. To-be-ordered list
 - c. supporting documents (i.e., copy of overtime and/or detail slip).
3. Commanding Officers will forward copies of all reports (i.e. overtime slips, detail slips, W/I slips, to-be ordered list and all other relevant documents) to the Bureau Chief of the officer who will be receiving the relief time.

C. No officer shall work more than ninety (90) hours in one (1) week, from 8:00 AM Saturday until 8:00 AM the following Saturday. These hours shall include all hours worked (i.e. regularly scheduled tour of duty, overtime, court time, paid details, compensatory time, union business, outside employment). Any tour of duty missed due to illness or injury, suspension or administrative leave shall also be included in the calculation of the total of hours worked for the week.

****For purposes of calculating relief time, the 8 hours of relief time starts when the officer is relieved from duty NOT when the actual OT slip ends. (Example: an officer is receiving a guaranteed minimum number of hours, but is relieved after 2 hours – the relief time starts at the end of the two hours not the four hour slip)

****Exceptions to these limitations on maximum hours may be made only by supervising officer in the interest of public safety, specifically: Court Appearances and Mandatory Overtime; or any Public Necessity as determined by the Bureau Chief.

EXPLAINED:

This rule change requires officers to be rested for a period of at least eight hours if they have been ordered to work more than 18 hours in a twenty (24) hour period. Officers who are ordered, officers who are ordering and district clerks all have responsibilities when an officer is reaching or has reached this threshold:

Ordered Officers:

The Officer is required to immediately notify the supervisor ordering him to work that the ordered overtime will cause the officer to exceed eighteen (18) hours in a twenty-four (24) hour period. Additionally, the Officer shall notify the supervisor of any court summons for which the officer is required to appear the next morning. Officers already approaching the 18 hour limitation and already summonsed to court the following morning shall not be considered for ordered overtime, unless the to-be-ordered-list has been exhausted.

The Officer shall submit a Form 0069-BAT-0615 (See Attached) to the ordering supervisor documenting the hours worked and hours scheduled to be worked.

Ordering Supervisors:

If the supervisor determines that the Officer is still required to work (after considering the hours already worked and the hours to be worked in the future including court summonses, and in order to ensure that the Officer is properly rested after working beyond the eighteen (18) hours in any given twenty four (24) hour period), the following applies:

The ordering supervisor must fill out the second half of the Form 0069-BAT-0615 documenting (in detail) the reason why that officer was required to work the ordered overtime causing them to work beyond 18 hours and determine the time in which the officer is required to report for duty following the relief period.

Following that ordered overtime, there must be eight (8) hours of relief or scheduled time off prior to reporting for any work. Officers receiving relief time must use the appropriate code designating their relief time. During this relief time, the officers may not work any assignment, including, but not limited to regularly scheduled tour of duty, overtime, paid details, working in (W/I), union business, outside employment). Under no circumstance will an officer get more than eight hours of relief.

The ordering supervisor shall notify the Commanding Officer, the relieving Supervisor and the Chief Clerk's office of any officers affected by this order to ensure that appropriate staffing levels are maintained. For officers receiving the eight (8) hours of relief time, the paperwork submitted must contain the following items and shall be forwarded to the Commanding Officer, with a copy left for the Clerks to note the relief on the BAT:

- a. Form 0069-BAT-0615
- b. To-be-ordered list
- c. supporting documents (i.e., copy of overtime and/or detail slip).

Clerks:

Clerks shall code the time off as RT "Relief Time" on the Daily Time and Attendance Sheets. Relief Time is hours an officer is paid but not required to work to ensure eight hours of rest. Relief time may only be granted when an officer has been ordered to work. Time an officer is already off shall be factored into the computation of Relief Time hours to be granted. Additionally, when replacing officers on RT "Relief Time", clerks shall use the Replacement Overtime Code: 133 "Sworn Relief Replacement Overtime."

Shift Commanders:

Shift Commanders shall be responsible for all information conveyed about Relief Time and any need to hire additional officers.

Commanding Officers:

Commanding Officers will forward copies of all relevant reports (i.e. overtime slips, detail slips, W/I slips, to-be-ordered-list and all other relevant documents) to the Bureau Chief of the officer who will be receiving the relief time.

Sec. 11 GROOMING: All uniformed personnel when reporting for duty shall be properly groomed. Hair shall be neatly trimmed and not overhanging a shirt collar. Side burns may not extend below the bottom of the ear and shall be straight and neatly trimmed and not be allowed to flare out from the ear. In no case shall the bulk of the hair interfere with the proper wearing of uniform headgear. If a beard or mustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance. Full and partial beards are authorized, but patchy, spotty clumps of facial hair are not considered beards and as such are not permitted. The bulk of the beard (distance that the mass of facial hair protrudes from the skin of the face) shall not exceed one-half an inch. The length of the individual facial hair shall be limited to three quarters of an inch. No portion of any mustache will extend below the lip line of the upper lip. Police officers, while in uniform, shall not wear earrings or ear-studs; nose-studs; or any type of necklace chain or medallion outside of a uniform shirt, blouse or jacket.

Sec. 12 SLEEPING ON DUTY: Employees shall remain awake and alert while on duty.

Sec. 13 USE OF ALCOHOL AND TOBACCO ON DUTY: Employees shall not drink alcoholic beverages when on duty unless it is necessary to gain evidence and upon the order of a superior officer. Employees shall not appear for duty or be on duty while under the influence of alcoholic beverages to any degree whatever or have an odor of alcohol on their breath. Employees shall not smoke or chew tobacco while in uniform, when in view of the public, or when in contact with the public. (This is not meant to prohibit smoking in a sector car, wagon, or unmarked car.) No employee shall smoke or chew tobacco when in direct contact with the public (while taking a report, conducting an interview, or making an investigation on private property), in uniform or in plainclothes.

Sec. 14 USE OF ALCOHOL OFF DUTY: Officers while off duty shall refrain from consuming alcoholic beverages to the extent that it results in obnoxious or offensive behavior which would tend to discredit them or the Department or render them unfit to report for their next regular tour of duty. Employees shall not consume alcoholic beverages in public places while wearing the uniform of the Department or while wearing any part of the uniform which could indicate that they are employees of the Department.

Sec. 15 ALCOHOLIC BEVERAGES ON POLICE INSTALLATIONS: Employees shall not bring into or store alcoholic beverages in any police facility or vehicle except alcoholic beverages which are to be held as evidence or found property which is held for safekeeping.

Sec. 16 USE OF DRUGS: Employees shall not use any prescription drugs, controlled substances, narcotics or hallucinogens except when prescribed in the treatment of the employee by a registered physician or dentist. When prescription drugs, controlled substances, narcotics or hallucinogens are prescribed for him, an employee shall notify his superior officer or supervisor, in writing, before his next tour of duty of such prescription. Prescription drugs, controlled substances, narcotic or hallucinogenic shall mean any substances so defined in Massachusetts General Laws, Chapter 94C. A superior officer or supervisor shall, when notified by an employee that any prescription drugs, controlled substances, narcotics or hallucinogens have been prescribed and ingested, notify the Department physician of the quantity of the substance which the employee reports has been prescribed and shall be guided by the Department

physician's opinion as to whether or not the employee can fulfill his duties while under the influence of such prescribed substance. In the event that the Department physician cannot be reached, the superior officer or supervisor shall exercise his own best judgment as to whether or not the employee, reporting the use of such substance, should perform his Departmental duties. Whether or not the employee does continue to perform his Department duties shall not affect the responsibility of the superior officer or supervisor to notify the Department physician of the use of such substance as soon as possible.

Sec. 17 POLICE SERVICE: Employees, while on duty, shall promptly respond to all persons requesting service, insofar as it is within their duties and is consistent with Department rules and policies.

Sec. 18 PERSONAL BUSINESS: Employees of the Department shall not engage in personal business while on duty and shall avoid all activities not relating directly to their Departmental responsibilities.

Sec. 19 STATEMENT OF OPINION: Employees shall not publicly criticize or ridicule the Department, its policies, or other employees by speech, writing, or expression in any other manner when such speech, writing or other expression is defamatory, unlawful, interferes with the maintenance of discipline, or is made with reckless disregard of its truth or falsity.

Sec. 20 SELF IDENTIFICATION: General Law, Chapter 41, Section 98D, requires every officer to carry his identification card with photograph and exhibit this card upon a lawful request for purposes of identification. Any officer, acting in his official capacity, shall give his name, rank and badge number, in a civil manner to any person who may inquire unless he is engaged in an undercover police operation and his physical safety or the police operation would be jeopardized by his making such identification. Civilian employees, while engaged in their Departmental duties, shall identify themselves in a civil manner to any person who may inquire as to their identity and status within the Department.

Sec. 21 CHARITABLE SOLICITATIONS: Employees, while on duty or in uniform, shall not solicit from the general public money, gifts, or other things of value for charitable or testimonial purposes nor otherwise use their identity as police officers for such purposes.

Sec. 22 GIFTS AND GRATUITIES: Employees of this Department shall not solicit, seek or accept any gift or gratuity, including food, drink, admissions to public transportation or public amusements, for themselves or others, from an individual, merchant, or business establishment, when it can be construed to involve their position as an employee of the Boston Police Department. Employees of the Department or their agents or persons/corporations/associations, etc., at their request/direction shall not seek, solicit or accept contributions in any form whether moneys, goods or sponsorships from any individual, firm or corporation licensed in whole or in part by the Commonwealth of Massachusetts, the City of Boston, or any political subdivisions thereof. Employees shall immediately report to their commanding officer, in writing, any offer or attempt to offer any gift or gratuity when it can be construed to involve their position as an employee of the Boston Police Department.

Sec. 23 DEPARTMENTAL REPORTS – TRUTHFULNESS: Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by employees shall be truthful and complete. No employee shall knowingly enter, or cause to be entered, any inaccurate, false or improper information.

Sec. 24 CONFLICT OF INTEREST: Employees shall comply with the provisions of General Law, Chapter 268A and St. 1909, Chapter 486, Section 8, the conflict of interest statutes.

Sec. 25 REPORTING LAW VIOLATIONS: All officers shall report in writing to their Commanding Officer all information that comes to their attention concerning organized crime, vice, gaming, liquor or narcotic violations, all felony violations of the criminal statutes of the Commonwealth, and violations of the conditions of any license which have been issued to persons or premises.

Sec. 26 REWARDS: Employees may be permitted by the Commissioner, at his discretion, to receive rewards with a monetary value tendered for services rendered in the discharge of their duties which are especially meritorious or otherwise in the public interest. In each and every case, application must be made in writing to the Commissioner for permission to give or receive any reward.

Sec. 27 ABUSE OF PROCESS – WITHHOLDING EVIDENCE: Officers shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information nor make any false accusations of a criminal charge or seek to influence the outcome of any investigations.

Sec. 28 RECOMMENDATIONS OF SERVICE: Employees shall not recommend or suggest in any manner except in the transaction of personal business, the employment or procurement of a particular product, professional service, or a commercial service, including, but not limited to, the services of an attorney, bondsman, bail commissioner or funeral director, an ambulance service or a towing service. In the case of an ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it, the officer shall proceed in accordance with established Department procedure.

Sec. 29 ENDORSEMENT OF COMMERCIAL PRODUCTS: The Department does not endorse commercial products or allow its facilities to be used for such endorsements. Departmental personnel shall not make any endorsements of commercial products in their capacity as members of the Department.

Sec. 30 POLITICAL ACTIVITY: Employees shall be permitted to: Register and vote in any election. Express opinions as private individuals on political issues and candidates, subject to the provisions of Section 19 of this Rule. Attend political conventions, rallies and similar political gatherings as private individuals. Sign political petitions as private individuals. Become candidates for election to an office of any town or city, other than the City of Boston, in any county other than Suffolk County, or other local or regional office which are not prohibited by Section 31 of this Rule. Hold membership in a political party and participate in its functions to the extent consistent with law and with these rules. Participate fully in public affairs to the extent that such endeavors do not impair the natural and efficient performance of official duties, or create real or apparent conflicts of interest.

Sec. 31 EMPLOYEES NOT ON LEAVE OF ABSENCE PURSUANT TO SECTION 32 OF THIS RULE ARE PROHIBITED FROM:

- Becoming a candidate for election to or holding any office of the City of Boston, Suffolk County, the Commonwealth of Massachusetts or the Federal Government.
- Using their official capacity to interfere with or affect any election.
- Engaging in the direct or indirect solicitation of funds for political candidates, political campaigns, political parties or political organizations.
- Soliciting votes in support of or in opposition to any candidates in any way which would identify an employee as a member of the Boston Police Department.

- Engaging in any political activities prohibited by federal law, state statute or municipal ordinance.
- Except for the Police Commissioner and/or his or her designee[s] when acting in their official capacities, publicly endorsing or opposing political candidates and/or issues in any way which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that the employee was acting in his or her official capacity as a member of the Boston Police Department. No bargaining unit member shall be compelled to act as the “designee” under this provision. Under no circumstances shall a member of the Department, other than the Commissioner and/or his or her designee acting in their official capacity, appear in uniform on behalf of a political candidate or on a political issue, whether on or off duty.
- Utilizing public resources (e.g., office equipment, vehicles or staff) for political campaign activity. Political Contributions: Pursuant to state and federal law employees may make political financial contributions with the following exceptions and limitations:
 - An employee may make campaign contributions to state or local candidates or to candidate’s committees so long as the total of all contributions for the benefit of any one state or local candidate and the candidate’s committee does not exceed \$1,000.00 in any calendar year.
 - An employee may, in addition, make contributions for the benefit of state or local political party committees, whether elected or non-elected, (e.g., the democratic state committee) so long as the total of contributions for the benefit of any one state or local political party committee does not exceed \$5,000.00 in any one calendar year.
 - The aggregate of all contributions from any one employee to all such state and local candidates and candidate’s committees shall not exceed \$12,500.00 in any one calendar year.
 - An employee may make contributions without limitation to state and local ballot question committees.
 - An employee may make campaign contributions to federal candidates or candidate’s committees (e.g., candidate for U.S. Senate) so long as the total of all contributions for the benefit of any one federal candidate and the candidate’s committee does not exceed \$1,000.00 per election.
 - An employee may make contributions for the benefit of federal political party committees (e.g., the democratic national party) without limitation with the exception that if the employee designates such contribution for federal election purposes the employee is subject to an annual contribution limitation of \$20,000.00. (Section Amended by Special Order 99-35, issued June 4, 1999)

Sec. 32 EMPLOYEES SEEKING POLITICAL OFFICE: Every employee of the Police Department upon becoming a candidate for election to any office specified in Section 31 shall take a leave of absence, without pay, effective with the day he requests nomination papers or subscribes his statement of candidacy and continuing until whichever of the following first occurs; his failure of nomination or election at the primary or final election or his failure to become, or withdrawal as a candidate, or if elected, the termination of his term of office.

Sec. 33, EMPLOYMENT OUTSIDE OF THE DEPARTMENT: Employees may engage in off-duty employment subject to the following limitations (this section does not apply to Department-assigned paid details):

- A. The Police Commissioner's written approval must be granted prior to engaging in off-duty employment. To receive such approval, employees shall fill out BPD Form 2196 (revised 1996), "Request for Permission to Hold Off-Duty Employment" and give it to their Commanding Officer/Director. Commanding Officers/Directors shall forward such forms with their recommendation for approval or disapproval to the appropriate Bureau Chief.

- B. Upon reviewing the recommendation of the employee's Commanding Officer/Director, the Bureau Chief shall forward the request with their recommendation for approval or disapproval to the Police Commissioner for consideration.
- C. Upon reviewing the employee's request and the recommendations of the Commanding Officer/Director and the Bureau Chief, the Police Commissioner shall approve or disapprove the request. All requests will be forwarded to the Director/ Human Resources Division, Bureau of Administration and Technology, where they will be kept on file. The Director, Human Resources Division is responsible for ensuring that employees are sent a copy of their request, approved or disapproved, once the Police Commissioner has acted upon it. No employee may engage in off-duty employment prior to receiving a copy of his or her request, which has been approved by the Police Commissioner.
- D. A new BPD form 2196 must be filled out every time an employee who has received permission for off-duty employment changes jobs, off-duty employers or number of hours worked.
- E. All employees who have permission to hold off-duty employment shall fill out a new BPD form 2196 every year during the month of October. Upon receiving a copy of such form, approved by the Police Commissioner, from the Director, Human Resources Division, the employee's permission to hold off-duty employment is renewed until December 31st of the following year, unless revoked earlier by the Police Commissioner. Permission to hold off-duty employment is automatically revoked on December 31st of any year in which an employee fails to file the above form and maintain proof of having done so.
- F. Responsibility to the Boston Police Department is paramount for its employees. Each employee shall consider the Boston Police Department its primary employer. In no case shall an employee permit responsibilities to a secondary employer to interfere with the employee's responsibilities to the Department, including, but not limited to, the requirement to be available to work mandatory overtime.
 - 1. Off-duty employment shall constitute no more than thirty-two (32) hours' work per week. This limitation does not apply during any week that the employee does not report for duty because the employee is serving an unpaid suspension. Additionally, employees on administrative duty shall not work more than 90 hours per week, between their employment with the Boston Police Department and a secondary employer, during the period of their administrative leave / duty.
- G. Sworn employees shall not engage in any employment or business, or acquire or retain a financial interest in, any employment or business that is licensed by the Licensing Board of the City of Boston. Such business include, but are not limited to, those that engage in the sale or distribution of alcoholic beverages within the City of Boston, nightclubs, private clubs, hotels, and inns.
 - 1. Civilian employees shall be permitted to engage in such employment as described in paragraph G, except where the Department determines that a conflict exists.
- H. Sworn employees shall not be employed as a guard or security officer.
- I. Employees shall not engage in any employment or business which would constitute a violation of M.G.L. c. 268A, "Conduct of Public Officials and Employees", or St. 1909, Chapter 486, Section 8.

- J. Employees shall not hold any elective office specified in Section 31 of this Rule.
- K. Employees shall not engage in, acquire or retain a financial interest in any business or employment involving investigatory work outside the Department. Investigatory work includes, but is not limited to, private detectives, insurance company investigations, collection or credit agencies or as the investigator for any attorney or bail bond agency.
- L. It is of utmost importance that each employee avoid private financial or business relationships with convicted felons or with persons who openly associate with felons. Each employee must remain vigilant to ensure that they do not work for an employer or acquire a financial interest in any business with a person who has been convicted of a felony or who openly associates with convicted felons. It is the Department's policy to provide notice to the officer when violations of this subsection come to its attention. Once notified, the officer shall forthwith discontinue any relationship in violation of this subsection. No notice will be provided to an officer that may compromise an investigation. The Department shall bear the burden of proving violations of this section.
- M. Employees who are lawyers and who receive permission to practice law may not represent clients in criminal cases, consult or offer advice to other attorneys on criminal cases.
- N. Employees who have received permission to hold off-duty employment may have such permission revoked at the discretion of the Police Commissioner. The employee may request in writing an explanation for the revocation. (Section Amended by Special Order 03-02, issued January 28, 2003)

Sec. 34 MUTUAL PROTECTION: In an emergency, an officer shall promptly come to the aid of any officer who, when carrying out his official duties, is in need of assistance.

Sec. 35 CONFORMANCE TO LAWS: Employees shall obey all laws of the United States, of the Commonwealth of Massachusetts, all City of Boston ordinances and by-laws and any rule or regulation having the force of law of any board, officer, or commission having the power to make rules and regulations. An employee of the Department who commits any criminal act shall be subject to disciplinary action up to and including discharge from the Department. Each case shall be considered on its own merits, and the circumstances of each shall be fully reviewed before the final action is taken.

Sec. 36 CRIMINAL COMPLAINTS, PROTECTIVE CUSTODY, AND ARRESTS: An employee of the Department, upon learning that an application for a criminal complaint has been made against them, or that a complaint has been issued against them, or has been arrested, or has been taken into protective custody, shall notify their commanding officer verbally and in writing within 24 hours, or as soon as possible. Failure to provide proper notification may result in a separate disciplinary action for failure to notify, in addition to any discipline that may be considered for the underlying incident. Such notification shall be a summary of the complaint sought or issued and the projected date of the hearing or trial; or in the case of an incident of protective custody or arrest the circumstances and details related to the protective custody or arrest. The commanding officer receiving such notification shall transmit a copy of the employee's report to the Office of the Police Commissioner and the Superintendent of the Bureau of Professional Standards.

The Supervisor of Cases at each court, upon receipt of information that a complaint or indictment has been sought or issued against a Department employee, shall submit a separate report to the Office of the Police Commissioner and the Superintendent of the Bureau of Professional Standards, furnishing the subject matter of the complaint or indictment and the date of the hearing or trial.

Sec. 37 SITUATIONS INVOLVING FAMILY OR FRIENDS: An officer confronted with a situation requiring police intervention, in which a member of his family or a friend is involved, shall not intervene unless an emergency exists, and then only to meet the emergency. The officer concerned shall notify the Operations Section, or if outside the City of Boston, the appropriate police agency, so that a more objective police unit may handle the matter.

Sec. 38 SITUATIONS INVOLVING OFF-DUTY BOSTON POLICE OFFICERS AND CIVILIANS OCCURRING WITHIN THE CITY OF BOSTON: When an officer is confronted with a situation in which the conduct of an off-duty Boston Police Officer or civilian employee is in question, that officer shall follow appropriate and normal police procedures and, as soon as possible, shall notify the Operations Section and request that a Superior Officer respond to the incident. The responding Superior Officer shall notify the Operations Division to notify the Superintendent of the Bureau of Professional Standards if the off-duty officer or civilian employee is arrested, detained, if they have information to indicate that a criminal complaint will be filed, or if the Superior Officer determines that the conduct in question should be referred to the Bureau of Professional Standards. In addition, the Superior Officer shall notify the Commander of the area, division or unit to which the off-duty officer or civilian employee is assigned.

Sec. 38A SITUATIONS INVOLVING OFF-DUTY BOSTON POLICE OFFICERS AND CIVILIANS OCCURRING OUTSIDE THE CITY OF BOSTON: When an on-duty officer or civilian employee is made aware of a situation in which the conduct of an off-duty Boston Police Officer or civilian employee is in question, that officer or civilian employee shall notify their immediate supervisor. The supervisor shall notify the Operations Division to notify the Superintendent of the Bureau of Professional Standards if the off-duty officer or civilian employee is arrested, detained, if they have information to indicate that a complaint will be filed, or if the Superior Officer believes that the conduct in question should be referred to the Bureau of Professional Standards. In addition, the Superior Officer shall notify the Commander of the area, division or unit to which the off-duty officer or civilian employee is assigned.

Sec. 39 ASSOCIATION WITH CRIMINALS: Department employees shall not associate with persons whom they know, or should know, are persons under criminal investigation, or who have a reputation in the community or in the Department for recent or present involvement in felonious or criminal activities. This rule shall not apply where said associations are necessary in the performance of official duties, or where said associations are unavoidable due to familial relationships of employees.

Sec. 40 RESIDENCY:

A. All members of the AFSCME, SEIU and SENA bargaining units hired by the city after July 1, 1980 shall be subject to the City of Boston Residency Ordinance. All other civilian employees shall be subject to the Residency Ordinance regardless of their date of hire, except as referenced in the Ordinance itself.

B. All members of the Department who become sworn permanent officers after July 1, 1994 shall be subject to the City of Boston Residency Ordinance.

Gregory P. Long
Superintendent In Chief