



# Massachusetts State Police Policies and Procedures Index

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### **SPECIAL OCCURRENCES**

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SOC-02	Bomb Threats/Explosives Incidents	11/5/2008
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### **SUPPORT**

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### **TACTICAL OPERATIONS**

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TOP-04	Mounted Unit	6/17/2013
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TRF-02	Patrol	4/23/2009
TRF-03	Selective Traffic Enforcement	11/5/2008
TRF-04	Motor Vehicle Pursuits	5/10/2012
TRF-04A	Foot Pursuits	4/23/2009
TRF-05	Traffic Incident Management	11/5/2008
TRF-07	Motor Vehicle Stops	11/5/2008
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TRF-14A	Operating Under the Influence-Drugs	4/23/2009
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## TRAINING

<u>CODE</u>	<u>TITLE</u>	<u>DATE</u>
TRN-01	Training Administration	5/10/2012
TRN-02	Recruit Training	4/23/2009
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TRN-04	Professional Development	5/10/2012

## USE OF FORCE

<u>CODE</u>	<u>TITLE</u>	<u>DATE</u>
UOF-01	Use of Force	6/17/2013
UOF-02	Lethal Force-Response	11/5/2008
UOF-03	Reports	11/5/2008
UOF-04	Use of Force-Equipment	4/23/2009
UOF-05	Firearms Qualification	11/5/2008



# Department of State Police General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-01</b>
Subject	<b>Oath of Office</b>		

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**Policy**

All sworn members of the Department of State Police shall take and affirm an Oath of Office prior to the initial performance of duties.

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**Oath of Office**

I, do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the Constitution thereof, so help me God.

I, do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as a Massachusetts State Police Trooper: according to the best of my abilities and understanding, agreeably, to the rules and regulations of the Constitution, and the laws of this Commonwealth, so help me God.

I, do solemnly swear, that I will support the Constitution of the United States.

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**References**

MGL c.22C, s.15

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Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-02</b>
Subject	<b>State Police Mission and Policy</b>		

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### **Mission**

As the principal statewide law enforcement agency in the Commonwealth, the Massachusetts State Police, in partnership with local communities, shall provide for the public safety by providing quality policing directed at achieving safer roadways, and reducing crime through investigations, education and patrol services, and by providing leadership and resources during natural disasters, civil disorders and critical incidents.

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### **Policy**

The Department of State Police, in cooperation with the Executive, Legislative, and Judicial branches of government, shall ensure that justice in a free society is perpetually prevalent.

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### **Organizational Values**

The value statements of the Massachusetts State Police are:

- Maintenance of the highest standards of integrity and ethics;
- Excellence and teamwork in the performance of duty;
- Protection of Constitutional Rights;
- Problem solving for continuous improvement;
- Continuous planning for the future; and
- Performing public service and law enforcement tasks so as to provide leadership to the police profession.

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Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-04</b>
Subject	<b>State Police Authority</b>		

### Policy

Within the Commonwealth, sworn members shall exercise all the powers of police officers as authorized by law and exercise professional discretion when appropriate.

### Limits of Authority

No member may be used or called upon for service at any industrial dispute unless actual violence has occurred therein, and then only by written order of the Governor.

Members shall not exercise police powers on a reservation or other property of the United States of America unless requested by the person in charge of the reservation or property.

No member shall serve civil process.

### Discretion

When Rules and Regulations, Policy and Procedure, other Orders or Directives, fail to provide specific guidance, members shall exercise professional discretion that may be based upon:

- Training, experience, common sense;
- Principles, values, ethics;
- Advice from supervisors, senior officers; and
- Professionally accepted standards.

Discretionary measures may include:

- Application for complaint;
- Verbal or written warnings;
- Referral to other divisions, departments, or agencies;
- Guidance from the Attorney General/District Attorney; and
- Informal resolution.

### References

MGL c.1, s.7, s.22C, s.10, s.50  
40 USC s.318

Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-05</b>
Subject	<b>Organizational Structure</b>		

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**Policy**

The Department's organizational structure is arranged in a manner which simplifies the direction, coordination, and control of personnel.

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**Organizational Structure**

The Superintendent does hereby establish the following operational Divisions for the effective and efficient delivery of services:

- Division of Field Services;
  - Division of Investigative Services;
  - Division of Administrative Services; and
  - Division of Standards and Training.
- 

**Organizational Charts**

Organizational charts graphically depict organizational entities, levels of command, lines of authority, and positions established for the duties of personnel.

The charts must be:

- Reviewed by each Division Commander prior to the next fiscal year; and
  - Revised through the Office of the Superintendent.
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**Accountability**

Each employee is accountable:

- For the use of their authority delegated to others; and
  - For the performance of any personnel under their control.
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Subject <h1 style="text-align: center;">Organizational Structure</h1>	Number <h1 style="text-align: center;">ADM-05</h1>
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**Chain of Command**

The chain of command is the extension of authority and responsibility from the Colonel/Superintendent down to the level of execution.

Responsibility is accompanied by commensurate authority.

The chain of command for sworn members, in order of descending rank, shall be:

- Colonel/Superintendent;
- Lieutenant Colonel/Deputy Superintendent;
- Lieutenant Colonel;
- Major;
- Detective Captain;
- Captain;
- Detective Lieutenant;
- Lieutenant;
- Sergeant; and
- Trooper - The senior Trooper is in command, when necessary.

**Command**

Each organizational entity shall be:

- Under the direct command of only one supervisor.

Each employee shall be:

- Accountable to only one supervisor at any given time; and
- Bound by the chain of command that is applicable to their position.

Supervisory ratio must be:

- Adequate to provide guidance and control, as determined by the Colonel/Superintendent.

Ranking personnel shall:

- Assume line control outside their own organizational entity when failure to do so would seriously endanger the Department's:
  1. Ability to maintain law and order; and
  2. Public image.

**References**

Rules and Regulations Article 3

Promulgated By:
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# Department of State Police

## General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-06</b>
Subject			
<b>Command Staff Responsibilities</b>			

**Policy**                      The Command Staff is responsible for the administrative and operational control of the Department. Each member of the Command Staff shall maximize their involvement in the operations of the Department to deliver the highest level of public safety services to the citizens of the Commonwealth.

**Definition**                      The Command Staff shall include the following ranks:

- Colonel/Superintendent;
- Lieutenant Colonel/Deputy Superintendent;
- Lieutenant Colonel;
- Major; and

Civilian Member of the Command Staff:

- Chief Administrative Officer.

<b>Responsibilities</b>	<b>Position</b>	<b>Duties</b>
	Superintendent	<ul style="list-style-type: none"> <li>• Act as the Chief Executive Officer of the Department;</li> <li>• Assume full authority over the organization, administration and discipline of the Department; and</li> <li>• Promulgate all rules, regulations, policies, procedures, orders and directives.</li> </ul>
	Deputy Superintendent	<ul style="list-style-type: none"> <li>• Act as the Chief Operating Officer of the Department; and</li> <li>• Assume command of the Department as assigned and during the absence of, or when so designated by the Colonel/Superintendent.</li> </ul>
	Division Commander	<ul style="list-style-type: none"> <li>• Act as the Chief Operating Officer of a Division.</li> </ul>

Subject

# Command Staff Responsibilities

Number

# ADM-06

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## Meetings

Staff meetings shall be conducted to encourage and support the exchange of information. This may include a weekly staff meeting between the Colonel and all Divisions. Information from these meetings shall be distributed to all affected personnel as directed by Colonel/Superintendent.

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## References

MGL c.22C, s.2, s.3  
Rules and Regulations 3.1, 3.2, 3.3, 3.6.2

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Promulgated By:



# Department of State Police

## General Order

Effective Date <b style="font-size: 1.2em;">May 10, 2012</b>	Number <b style="font-size: 1.2em;">ADM-07</b>
Subject <b style="font-size: 1.2em;">Written Directives</b>	

**Policy**                      The Department shall provide administrative direction and operational guidance through an internal written directive process.

**Directive Format**

Directive	Issued by	Reason
General Order	Superintendent	<ul style="list-style-type: none"> <li>• To promulgate or rescind Policy &amp; Procedure, Rules &amp; Regulations or written directives.</li> </ul>
Personnel Order	Superintendent	<ul style="list-style-type: none"> <li style="width: 50%;">• Assignments</li> <li style="width: 50%;">• Transfers</li> <li style="width: 50%;">• Appointments</li> <li style="width: 50%;">• Discharges</li> <li style="width: 50%;">• Discipline</li> <li style="width: 50%;">• Commendations</li> </ul>
Special Order	Superintendent	<ul style="list-style-type: none"> <li>• Specific instructions for specific personnel; and/or</li> <li>• Dissemination of information relative to a particular topic or incident.</li> </ul>
Superintendent's Memorandum	Superintendent	<ul style="list-style-type: none"> <li>• Formal or informal clarification or inquiry.</li> </ul>
Division Commander's Order	Division Commanders	<ul style="list-style-type: none"> <li>• Administrative order issued for members under their command.</li> </ul>
Administrative Notice	Superintendent/ Deputy Superintendent	<ul style="list-style-type: none"> <li>• To inform members about general issues (crime, training, law updates, etc); and/or</li> <li>• Address item(s) not covered by the above directives.</li> </ul>

Subject <b>Written Directives</b>	Number <b>ADM-07</b>
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**Duration**

All General Orders, Personnel Orders, and Superintendent's Memorandums shall:

- Remain in effect until rescinded by the Colonel/Superintendent; or
- Remain in effect until superseded by another General Order, Personnel Order, or Superintendent's Memorandum.

Division Commander's Orders shall:

- Remain in effect until rescinded by the Division Commander or Colonel/Superintendent; or
- Remain in effect until superseded by another Division Commander's Order or General Order promulgated by the Colonel/Superintendent.

All other written directives are valid for one (1) year, unless rescinded. New directives may be issued at any time.

**Archives**

Departmental written directives, excluding Division Commander's Orders and Personnel Orders, shall be maintained by the Office of the Superintendent-Strategic Planning Section, including the signed "master copy" of all written directives.

Division Commanders and the Human Resources Section shall maintain the signed "master copy" of their Division Commander's Orders or Personnel Orders.

**Publications**

All Department written directives shall be published and archived on DocuShare.

If applicable, Troop/Section Commanders shall ensure that Department bulletin boards are maintained with up-to-date directives and are accessible to all personnel.

**Changes**

All written directives shall be amended to coincide with the terms of current Collective Bargaining Agreement(s), state and federal laws, and including Executive Orders.

The Strategic Planning Section shall review and post all written directives, except Division Commander's Orders and Personnel Orders.

Members are encouraged to make suggestions and recommendations to change or create written directives. Such suggestions/recommendations shall be written and forwarded, through channels, to the Office of the Superintendent-Strategic Planning Section for review.

Subject <h1 style="margin: 0;">Written Directives</h1>	Number <h1 style="margin: 0;">ADM-07</h1>
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**Exclusive Directives**

Commanding Officers may create written directives for the administration of their respective entities. Directives shall be filed with their appropriate Division Commander and shall remain in effect for one (1) year unless:

- Rescinded; or
- The directive conflicts with a General Order.

**Standard Operating Procedures (SOP)**

Section/Unit Commanders shall:

- Create and maintain an internal standard operating procedure (SOP) specific to their function; and
- Forward a copy through channels to their Division Commander for approval and filing.

**Distribution**

The Colonel/Superintendent shall ensure written directives are properly distributed and/or posted.

Members shall:

- Read and become familiar with the contents of all posted written directives; and
- Familiarize themselves with Policy & Procedures and Rules & Regulations as issued.

**Requesting Written Directives**

To obtain a copy of a written directive, members shall access DocuShare. If unable to access DocuShare, members shall consult their commanding officer who shall make the request through channels to the Strategic Planning Section.

**Responsibilities for Written Directives**

Position	Duties
Division Commanders	<ul style="list-style-type: none"> <li>• Ensure all Division Commander's Order are posted and archived accordingly;</li> <li>• Assign a member to review all current and proposed written directives; and</li> <li>• When applicable, forward approved proposals/drafts to the Office of the Superintendent-Strategic Planning Section.</li> </ul>

Continued next page.

Subject <b>Written Directives</b>	Number <b>ADM-07</b>
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**Responsibilities  
for Written  
Directives  
(Continued)**

Position	Duties
Office of the Superintendent-Strategic Planning Section	<ul style="list-style-type: none"> <li>• Create, edit or review proposed written directives;</li> <li>• Post promulgated written directives on DocuShare; and</li> <li>• Archive all written directives, excluding Division Commander's Orders and Personnel Orders.</li> </ul>
Colonel/ Superintendent	<ul style="list-style-type: none"> <li>• Sign and promulgate written directives.</li> </ul>

**References**

M.G.L. c. 22C, s. 2, s. 3

Promulgated By:  
**Colonel Marian J. McGovern**



# Department of State Police General Order

Effective Date	<b>November 5, 2008</b>	Number	<b>ADM-08</b>
Subject	<b>Strategic Planning</b>		

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**Policy**

In order to affectively manage, the Department shall continuously:

- Review written directives;
- Exercise oversight over the grant process; and
- Establish inter-divisional cooperative work groups regarding strategic plans.

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**Strategic  
Planning  
Responsibilities**

The Strategic Planning Section shall:

- Prepare and update written directives;
- Instruct and assist members with the grant application process;
- Maintain oversight on grant program operations and reporting;
- Develop strategic plans;
- Conduct reviews and evaluations of programs when requested;
- Research emerging technologies and trends;
- Maintain the forms management process, including design, inventory, and implementation;
- Assist the Command Staff with the Department's administration and control through planning, research and coordination; and
- Report to the Office of the Superintendent.

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**References**

ADM-07 Written Directives

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Promulgated By:





# Department of State Police

## General Order

Effective Date	November 5, 2008	Number	ADM-08A
Subject	Grant Approval Process		

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### Policy

Whenever Department employees seek to obtain services and/or funding through private, public, state or federal entities; or to acquire or transfer equipment from an outside entity, the following procedures within this policy shall be adhered to.

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### Definitions

Grant requests can be any of the following:

1. *Grant*: An award of financial assistance from an external entity where no "substantial involvement" is anticipated between the awarding entity and the Department during performance of the agreed upon activity.
2. *Cooperative Agreement*: An agreement of financial assistance where there is "substantial involvement" anticipated between an external entity and the Department during the performance of an agreed upon activity. Cooperative agreements are often non-cash agreements involving services provided to or by the Department.
3. *Interagency Service Agreement (ISA)*: An agreement between the Department and a state entity which is committing funds for a specific program.
4. *Equipment Acquisition Agreement*: Agreements, where upon the Department shall receive equipment to provide services, perform a specific function, or to use within its operations.

*Match Money*: The portion of funds that the Department shall provide to supplement the funding agency's contribution. The match is usually a percentage of the project's total budget.

*Project Administrator*: An employee appointed by their Division Commander to oversee a specific request/project and is responsible for the completion of all quarterly and annual reports.

*Grants Manager*: A manager from the Department's Fiscal Section, who is responsible for the grant fiscal oversight process through the Office of the State Comptroller and who ensures the timely submission of appropriate documentation as necessary to receive funding.

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Continued next page.

Subject <b>Grant Approval Process</b>	Number <b>ADM-08A</b>
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**Definitions  
(Continued)**

*Grants Coordinator:* A member from the Strategic Planning Section, who is responsible for monitoring the grants request process or equipment acquisitions and also assists members in the research, application, and reporting process.

*Request Review Meeting:* The initial meeting between the Project Administrator, the Grants Manager, and the Grants Coordinator to review the application requirements and to ensure the Department is eligible.

*Review Committee:* A Department committee which reviews existing programs to ensure their stated goals and objectives progress according to the best interest of the Department and forwards program recommendations to the Colonel/Superintendent.

*SP 426 Grant/Agreement Approval Request Form:* A form to be completed by employees requesting approval to initiate the application process for any services, funding and/or equipment acquisitions.

**Process**

Unless prior written approval has been granted from the Colonel/Superintendent, employees shall not:

- Enter into any grants, cooperative agreements, or interagency service agreements; or
- Solicit, submit an application, or accept funding and/or equipment from any outside entities.

**Equipment**

Project Administrators shall comply with ADM-30 Asset Management when receiving equipment through a grant request.

**Grants Review  
Committee**

The Grants Review Committee shall review existing funded programs throughout the year. The Review Committee shall consist of the following members:

- Grants Coordinator;
- Grants Manager;
- Deputy Chief Administrative Officer or designee; and
- Strategic Planning Section Commanding Officer or designee.

**Request  
Process**

<b>Position</b>	<b>Process</b>
Employees	<ul style="list-style-type: none"> <li>• Shall submit all requests through channels to the appropriate Division Commander or designee, <b>at least fifteen (15) days prior to the filing date deadline;</b></li> <li>• Submitted requests shall include the following information:               <ol style="list-style-type: none"> <li>1. A completed SP 426;</li> <li>2. A copy of the original solicitation/application that identifies the funding source and requirements i.e. eligibility, application deadline, and matching amount requirements;</li> <li>3. A program statement narrative that identifies the goals and objectives, as well as the intended outcome to be accomplished, and any supporting documentation; and</li> <li>4. A budget which includes current information regarding personnel and/or equipment costs and the services to be performed and/or purchased.</li> </ol> </li> </ul>
Division Commander or Designee	<ul style="list-style-type: none"> <li>• Shall review all requests;</li> <li>• Ensure adequate time is available to allow for modifications to the application before the filing deadline;</li> <li>• Endorse the SP 426;</li> <li>• Forward the request to the Strategic Planning Section; and</li> <li>• Designate a Project Administrator.</li> </ul>
Strategic Planning Section Commander	<ul style="list-style-type: none"> <li>• Shall immediately review the approved request;</li> <li>• Assign the request to the Grants Coordinator;</li> <li>• Ensure a Request Review Meeting is scheduled; and</li> <li>• Forward completed requests to the Colonel/Superintendent for approval.</li> </ul>
Grants Coordinator	<ul style="list-style-type: none"> <li>• Shall document approved requests;</li> <li>• Immediately schedule a Request Review Meeting with the designated Project Administrator; and</li> <li>• Notify the Grants Manager.</li> </ul>
Grants Manager	<ul style="list-style-type: none"> <li>• Shall record requests received from the Grants Coordinator;</li> <li>• Ensure the request budget is appropriate and accurate; and</li> <li>• Attend Request Review Meeting with the Grants Coordinator and the designated Project Administrator.</li> </ul>

Continued next page.

Subject <b>Grant Approval Process</b>	Number <b>ADM-08A</b>
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**Request Process (Continued)**

Position	Process
Colonel/ Superintendent	<ul style="list-style-type: none"> <li>• Approve or deny the request;</li> <li>• If approved, sign the original application and the SP 426.</li> </ul>

**References**

ADM-30 Asset Management  
SP 426 Grant/Agreement Approval Request Form

Promulgated By:
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# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>ADM-09</b>
Subject <b>Line Inspection</b>	

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**Policy**

Line Inspections shall be conducted to improve the operational readiness of the Department by ensuring that all members adhere to all established rules, regulations, policies, procedures, orders, directives, and general laws.

Members shall immediately correct unsatisfactory behavior and conditions in order to avoid the consequences which erode the trust and confidence of the public.

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**Procedure**

Members from the rank of Captain through Trooper shall be inspected.

Members assigned to duties requiring civilian attire are exempt from the uniform/appearance portion of the inspection.

Troop/Section Commanders may require additional line inspection procedures within their respective commands.

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**Line Inspections**

Troop/Section Commanders or designee, shall:

- Oversee the entire line inspection program for their command;
- Ensure that all members are inspected at least quarterly by their first line supervisor; and
- Ensure inspections are properly documented on PayStation.

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**First Line Supervisors Duties**

First Line Supervisors shall:

- Conduct a inspection of all immediate subordinates at least quarterly, including their assigned cruisers and equipment; and
- Submit a report of the inspection, including an explanation of the inadequacies, via PayStation quarterly during the months of January, April, July, and October.

Minor deficiencies, which can be corrected during the course of a first line inspection, may be reported as adequate via PayStation. Repeated minor deficiencies shall be documented on an Employee Evaluation System (EES) form.

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Continued next page.

Subject <b>Line Inspection</b>	Number <b>ADM-09</b>
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**First Line Supervisors' Duties (Continued)**

- Line Inspections shall include:
- Personnel: Uniform, equipment, appearance, cleanliness/neatness, jewelry, hygiene, cosmetics, and hair;
  - Use of force equipment: All issued use of force equipment;
  - Cruiser: General condition, issued equipment, cleanliness, and maintenance;
  - Citations and audit sheets: Review citations and audit sheets, ensure documentation for racial profiling requirements are correctly submitted; and
  - Licenses and Identification Cards e.g., Massachusetts Drivers License, License to Carry Firearms, and Department Identification Cards.

**Reviewing Supervisor Duties**

- Each submitted inspection report shall be reviewed by a second level supervisor prior to approval via PayStation. The reviewing supervisor shall:
- Discuss any deficiencies noted within the report with the inspecting member prior to approving the report; and
  - Take corrective action to ensure that all deficiencies and inadequacies are addressed.

**Station/Unit Inspection**

Station/Unit inspections shall be performed in conjunction with the Annual Fixed Assets Inventory. Station/Unit Commanders shall examine Department facilities and determine where there are inadequacies, deficiencies or areas not otherwise in compliance with Department rules, regulations, policies, procedures, orders, directives, and general laws.

Any written reports generated shall be forwarded to the Troop Commander through channels.

- Annual inspections shall include at a minimum:
- Buildings and grounds of facility: Conduct a general inspection of the facility with attention to the condition of maintenance and safety issues;
  - Entrances, exits, and security;
  - Public accommodation: Parking, handicap access, toilet facilities/ public restrooms, and lobby area;
  - Holding facilities: As required under PRI-04 Holding Facilities; and
  - Employee cards/records: Are current and complete for all assigned employees.

**References**

ADM-30 Asset Management  
PRI-04 Holding Facilities

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>ADM-09A</b>
Subject	
<b>Staff Inspections</b>	

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**Policy**

The Department shall continuously audit and inspect all resources, facilities, equipment, personnel, practices and policies, in order to update the Command Staff on the quality of Department services.

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**Staff Inspections Protocols**

To accomplish the mission of Staff Inspections, Inspectors shall have complete and unrestricted access to all Department records and properties.

Staff Inspections shall:

- Be performed on all resources, entities, and facilities within the Department;
- Be an open inspection conducted with the full knowledge and cooperation of everyone involved;
- Notify the appropriate Commanders of the intended date and scope of inspections, at least seven (7) days in advance of the inspection; and
- Include a list of those materials, files, and subjects to be reviewed or examined by the inspector.

Troop/Section Commanders shall work cooperatively with the Inspector, and shall prepare and provide all materials requested.

Upon request of the appropriate Division Commander, Staff Inspections may conduct unannounced inspections of any Department entity.

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**Routine Staff Inspections**

Routine Staff Inspections may include:

- Narcotics, contraband and physical evidence;
  - Seized monies/asset forfeiture;
  - PayStation including overtime and details;
  - Found/held property;
  - Holding facilities;
  - Racial Profiling compliance;
  - Line inspections;
  - Administrative journals and records;
  - Issued Department equipment; and
  - Other areas as directed by the Division Commander of Standards and Training.
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**Inspection  
Finding and  
Reports**

Staff Inspectors shall prepare and submit a detailed report through channels to the Colonel/Superintendent within sixty (60) days of each inspection.

This report shall include at a minimum:

- Findings and observations; and
- Opinions, recommendations and conclusions.

Copies of this report shall also be forwarded to the appropriate Division Commander.

Upon receipt of a Staff Inspection report, Troop/Section Commanders shall submit a report outlining the specific actions taken to ensure correction of all deficiencies noted. This report shall be submitted within thirty (30) days to the appropriate Division Commander, with a copy to be forwarded to the Division Commander of Standards and Training.

Promulgated By:





# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>ADM-10</b>
Subject <b>Awards</b>	

**Policy**                      The Department shall make every effort to recognize the people whose actions assist the Department in carrying out its mission and who go beyond normal expectations or requirements.

**EES Coordinator**                      The Employee Evaluation System (EES) Coordinator shall be a Commissioned Officer assigned within the Division of Standards and Training. They shall be responsible for the Awards Board's administrative duties, preservation of all records, and shall not be a voting member of the Awards Board.

**Standard Operating Procedure**                      The EES Coordinator shall develop a standard operating procedure that details:

- The Board's organization and procedures; and
- Board member duties and responsibilities.

<b>State Police Members</b>	
<p><b>Awards</b></p> <p><b>Medal of Honor</b> Gold Medal Blue/Yellow/Blue Ribbon</p>	<p>Established to honor Department members who have performed acts of extraordinary heroism above and beyond the call of duty.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Actions that depict outstanding bravery, courage, and self sacrifice, or overriding concern for others;</li> <li>• Heroic actions taken for the rescue of life or in defense of another life;</li> <li>• Actions taken notwithstanding the potential of being killed; or</li> <li>• For valorous sacrifice (severe injury or loss of life).</li> </ul>

Continued next page.

Subject	<b>Awards</b>	Number	<b>ADM-10</b>
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**Awards  
(Continued)**

**Sworn Police Officer**

<p><b>Medal of Valor</b> Silver Medal White/Red/Blue/Red/White Ribbon</p>	<p>Established to bestow recognition upon police personnel who have performed specific acts of bravery or have exhibited outstanding courage while performing their duties.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• An act characterized by courage, daring, and bravery;</li> <li>• The officer took immediate and decisive action to avert injury or loss of life to others;</li> <li>• While in a hazardous environment, the officer exhibited outstanding courage while performing their duties;</li> <li>• Rescued or defended another; or</li> <li>• For valorous sacrifice (severe injury or loss of life).</li> </ul>
<p><b>Medal of Merit</b> Bronze Medal Blue/White Ribbon</p>	<p>Established to bestow recognition upon police personnel who have performed acts of outstanding achievement, far exceeding normal demands of the Department, which greatly contribute to the operation of the Department.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Noteworthy achievements that greatly contributed to a Department operation or a community;</li> <li>• An exemplary act characterized by ingenuity, devotion, creativity, boldness, and outstanding professional conduct; or</li> <li>• Action(s) that reflects great credit to the member and the Department.</li> </ul>
<p><b>Medal of Lifesaving</b> Bronze Medal Red/White Ribbon</p>	<p>Established to bestow recognition upon police personnel who undertake significant actions in the saving of another life.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Actions were taken for the preservation of another life; and</li> <li>• The actions actually preserved life.</li> </ul> <p><u>Note:</u> Documentation should be submitted supporting the life threatening nature of the injuries or circumstances.</p>

Continued next page.

**Sworn Police Officers and Civilians****Awards  
(Continued)**

<p><b>Superintendent's Commendation</b> Plaque</p>	<p>Established to bestow recognition upon an employee of the Department, or a citizen, who has made an exceptional contribution to the Department.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Extraordinary performance that clearly distinguishes the individual;</li> <li>• Performance that significantly contributes to Department operations;</li> <li>• Actions that significantly enhance the positive image of the Department;</li> <li>• Exceptional contribution(s) to the Department; or</li> <li>• Exceptional service to the community.</li> </ul>
<p><b>Division Commander's Commendation</b> Certificate</p>	<p>Established to bestow recognition upon an employee of the Department, or a member of the public, who has made a significant contribution to a Division.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Notable performance that clearly distinguishes the individual;</li> <li>• Performance that notably contributes to the Division's operations;</li> <li>• Actions that notably enhance the positive image of a Division;</li> <li>• Exceptional contribution(s) to a Division; or</li> <li>• Exceptional service to the community.</li> </ul>
<p><b>Troop/Section Commander's Commendation</b> Certificate</p>	<p>Established to bestow recognition upon an employee of the Department, or a member of the public, who has made a significant contribution to their Station/Section/Unit.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Notable performance that clearly distinguishes the individual,</li> <li>• Exceptional contribution(s) to the Station/Section/Unit; or</li> <li>• Exceptional service to the community.</li> </ul>

Continued next page.

**Department Entities****Awards  
(Continued)**

<p><b>Superintendent's Unit Citation</b> Plaque</p>	<p>Established to bestow recognition upon the employees of a particular Station/Section/Unit who have made an exceptional contribution to the Department.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Extraordinary performance that clearly distinguishes the Station/Section/Unit;</li> <li>• The successful conclusion or culmination of a significant investigation or achievement of a significant project;</li> <li>• The achievement of outstanding enforcement efforts by a Station/Section/Unit;</li> <li>• Superior support efforts to the Department; or</li> <li>• Actions that significantly increase the positive image of the Department.</li> </ul>
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**Civilians**

<p><b>Distinguished Service Award</b> Gold Medal Red/White/Blue Ribbon</p>	<p>Established as the highest award to bestow recognition upon an employee of the Department, or a member of the public, who has provided extraordinary assistance to the Department.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Heroic actions were taken for the rescue of life, or in the defense of an officer or another;</li> <li>• The individual, while assisting the Department, imperiled himself/herself to the risk of great personal injury, or death;</li> <li>• The individual provided assistance to an officer in a critical situation and in need of help; or</li> <li>• The individual's extraordinary actions/achievements greatly contributed to a significant Department operation.</li> </ul>
<p><b>Lifesaving Award</b> Red/White Lapel Pin</p>	<p>Established to bestow recognition upon an employee of the Department, or member of the public, who undertakes significant actions in the saving of another life.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Actions were taken for the preservation of another life; and</li> <li>• The actions actually preserved life.</li> </ul> <p><u>Note:</u> Documentation should be submitted supporting the life threatening nature of the injuries or circumstances.</p>

Continued next page.

**Awards  
(Continued)**

<b>Public Service Award</b> Certificate	<p>Established to recognize an employee of the Department, or a member of the public, who has provided outstanding assistance to the Department, or has significantly contributed to public safety.</p> <p><i>Elements of consideration are:</i></p> <ul style="list-style-type: none"> <li>• Significant actions contributing to Department objectives;</li> <li>• Significant actions contributing to the betterment of policing or public safety;</li> <li>• The individual has accomplished noteworthy achievements that greatly contributed to a Department operation; or</li> <li>• The individual has accomplished noteworthy achievements that greatly contributed to a community.</li> </ul>
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**Nomination  
Procedures**

<b>Step</b>	<b>Action</b>
<b>1</b>	<p>Supervisors may make nominations according to the following process:</p> <p><b>Department Members</b></p> <ul style="list-style-type: none"> <li>• Consult the list of the Awards Board criteria;</li> <li>• Complete and forward an EES Observation Report through channels to the Division Commander; and</li> <li>• Include any supporting documentation.</li> </ul> <p><b>Department Civilian Employees or Non-Department Individuals</b></p> <ul style="list-style-type: none"> <li>• Notify the appropriate Division Commander via a To/From letter.</li> </ul>
<b>2</b>	<p>Division Commanders shall:</p> <ul style="list-style-type: none"> <li>• Determine if the act is worthy of recognition;</li> <li>• Forward To/From award recommendations to the EES Coordinator; and</li> <li>• Present the award nominations to the Awards Board with the supporting documentation, if warranted.</li> </ul>

Continued next page.

Subject	Number
<b>Awards</b>	<b>ADM-10</b>

	<b>Step</b>	<b>Action</b>
<b>Nomination Procedures (Continued)</b>	<b>3</b>	The Awards Board shall: <ul style="list-style-type: none"> <li>• Meet monthly to review recommendations from the Division Commanders;</li> <li>• Make recommendations to the Colonel/Superintendent based upon a majority vote; and</li> <li>• Return recommendations, which do not rise to the level of an award, to the Division Commander.</li> </ul>
	<b>4</b>	The Colonel/Superintendent shall: <ul style="list-style-type: none"> <li>• Review the monthly recommendations from the Awards Board; and</li> <li>• Notify the Awards Board of any changes to the recommendations.</li> </ul>

**Non-Department Nominations**

Nominations for awards given by organizations outside the Department shall be forwarded to the Awards Board as outlined above.

**Ceremony Procedures**

Awards shall be presented at least biannually, at ceremonies scheduled during the months of April and October. The Colonel/Superintendent may hold additional ceremonies as deemed necessary.

<b>Position</b>	<b>Duties</b>
<b>Awards Board</b>	<ul style="list-style-type: none"> <li>• Notify each Division Commander, in writing of all actions taken regarding the awards nominations for that Division;</li> <li>• Notify the Award recipients within thirty (30) days of the Board's decision; and</li> <li>• Notify Media Relations of the nominees at least forty-five (45) days before the next scheduled ceremony.</li> </ul>
<b>Media Relations</b>	<ul style="list-style-type: none"> <li>• Arrange for award ceremonies in April and October of each year; and</li> <li>• Ensure the award recipients have been notified, through the Office of the Superintendent, in writing at least thirty (30) days before the ceremony.</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Maintain a database containing all of the awards recipients' specifics; and</li> <li>• Place supporting award files in recipients' Personnel Files.</li> </ul>

Continued next page.

Subject	Number
<b>Awards</b>	<b>ADM-10</b>

**Ceremony  
Procedures  
(Continued)**

Position	Duties
<b>Colonel/ Superintendent</b>	<ul style="list-style-type: none"> <li>Present the awards.</li> </ul>

Division/Troop/Section Commander's Commendation ceremonies shall be held when necessary.

Position	Duties
<b>Division Commander</b>	<ul style="list-style-type: none"> <li>Present Division Commander Commendation Certificates to the recipient in hand; and</li> <li>Forward a record of the award receipt to the EES Coordinator.</li> </ul>
<b>Troop/Section Commander</b>	<ul style="list-style-type: none"> <li>Present Troop/Section Commendation Certificates to the recipient in hand; and</li> <li>Forward a record of the award receipt to the EES Coordinator.</li> </ul>

**Awards Board  
Composition**

The Awards Board shall be comprised of seven (7) employees with six (6) voting members. Awards shall be approved based on a majority vote. Employees shall serve for a minimum term of one (1) year.

Representative	Rank/Position	Designated by
President	Major	Superintendent
Department Employee	Civilian	Deputy Superintendent
Field Services	Captain or lower	Division Commander
Investigative Services	Captain or lower	Division Commander
Standards and Training	Captain or lower	Division Commander
Administrative Services	Captain or lower	Division Commander
EES Coordinator	Commissioned Officer Non-Voting Member	Division Commander of Standards and Training

Subject <b>Awards</b>	Number <b>ADM-10</b>
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**Other Awards**

Supervisors may establish:

- Other forms of recognition as necessary and forward documentation to the EES Coordinator for filing purposes.

These recognitions shall not be deemed to be a Department Award within the guidelines of this policy.

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**Exceptions**

In extraordinary circumstances the Awards Board may:

- Vote to make an exception to this policy, providing the vote is unanimous; and
  - Forward the exception to the Colonel/Superintendent for approval.
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**References**

Department Employee Evaluation System (EES)

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Promulgated By:





# Department of State Police General Order

Effective Date	<b>April 16, 2009</b>	Number	<b>ADM-11</b>
Subject	<b>Sick Leave</b>		

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## **Policy**

The Department recognizes the importance of Sick Leave for its sworn members and their families.

The Department has a responsibility to monitor the use of Sick Leave to prevent abuses.

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## **Sick Leave Credits**

Sick Leave credits are granted in accordance with provisions of the applicable Collective Bargaining Agreement (CBA) and the Department's Rules and Regulations. The Collective Bargaining Agreement also provides guidelines for the administration of Sick Leave.

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## **Granting Sick Leave**

Sick Leave is granted at the discretion of the Colonel/Superintendent or their designee, to a sworn member when the member cannot perform their duties because they are incapacitated by:

- Personal illness or injury;
  - The presence of the member at their work location would jeopardize the health of others, through exposure to a contagious condition; or
  - The member's spouse, child, parent, or spouse's parent, or relative living in the member's household, is seriously ill. In this event, a limit to the amount of leave the member can use is set by the CBA and federal and state laws.
- 

## **Calling On Sick Leave**

A member shall notify their duty assignment of their intention to use Sick Leave as early as possible on the first day of absence. This shall be appropriately logged in the Daily Administrative Journal and shall only reflect the member's name, identification number, and type of Sick Leave.

Supervisors shall be informed of:

- The nature of the illness or injury, and anticipated duration of absence, if known;
  - The location of their recuperation and a telephone number; and
  - Any duties or scheduled court appearances that may require attention.
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Subject <b>Sick Leave</b>	Number <b>ADM-11</b>
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**Sick Leave**

Members who are granted Sick Leave shall not request or work overtime and/or details within twenty-four (24) hours from the start time of their regularly scheduled work shift, unless the members has:

- Worked at least four (4) or more consecutive hours during the first half of their shift for which Sick Leave was granted; or
- Worked at least four (4) or more consecutive hours during the second half of their shift for which Sick Leave was granted.

Members may utilize Sick Leave to attend doctor and dental appointments.

Note: Supervisors shall ensure compliance with ADM-19 Vehicle Management with regards to Department issued vehicles.

**Calling Off Sick Leave**

Members shall call in at least eight (8) hours before reporting back for their next shift.

If using Sick Leave in excess of five (5) consecutive work days, the member may be required to undergo a medical examination, or provide documentation from a licensed medical practitioner, to determine their fitness for duty.

**Location of Recuperation**

Members suspected of abusing Sick Leave may be ordered to remain at a reported place of recuperation. A reasonable time period away from this location is allowed to:

- Obtain services or products consistent with medical care;
- Vote or attend religious services;
- Attend to an emergency situation; or
- Attend to other matters with the permission of their supervisor.

Members using Sick Leave may only leave the Commonwealth of Massachusetts:

- With authorization of their Commanding Officer; and
- To obtain medical care as prescribed by their licensed medical practitioner.

**Review of Sick Leave**

- Supervisors at all levels are responsible for monitoring Sick Leave. Supervisors should review attendance records for signs of Sick Leave abuse, preferably in conjunction with the Employee Evaluation System (EES).

Continued on next page.

Subject	Number
<b>Sick Leave</b>	<b>ADM-11</b>

**Review of Sick Leave (Continued)**

Some potential signs of Sick Leave abuse are:

- Excessive use;
- Patterns of use, such as before or after days off, or on weekends;
- Use on or around a holiday;
- Use after working overtime, details, or extra shifts;
- Use when the member has indicated that they want time off;
- Use when the supervisor believes that the member is not sick; and
- When the Sick Leave repeatedly creates shortages, or overtime.

**Review of Sick Leave (Continued)**

When a supervisor has *reason to suspect* Sick Leave abuse, the supervisor has the following options:

- Reason to Suspect Abuse in General- Notify the member using SP 382 Abuse of Sick Leave form. This advises the member that future Sick Leave may be subject to extra scrutiny; or
- Reason to Suspect Abuse In a Particular Instance- Notify the member using SP 383 Submission of Medical Evidence form. The member is then required to produce satisfactory medical evidence by submitting SP 384 Request for Certification of Medical Condition form within seven (7) days.

Supervisors should have articulable reasons for suspecting abuse before filing SP 382 Abuse of Sick Leave form. Supervisors may call or visit the member at their place of recuperation to verify the use of Sick Leave. Calls or visits shall not occur between 2200 hours and 0800 hours.

Members who abuse Sick Leave or who are excessively absent from duty may be subject to administrative or disciplinary action and denial of Sick Leave.

**Leave Benefits**

Leave issues for members are addressed in the Collective Bargaining Agreement.

Commanding Officers shall consult applicable collective bargaining agreements for civilians under their charge.

**References**

- ADM-19 Vehicle Management
- ADM-25 Paid Details
- SP 382 Abuse of Sick Leave
- SP 383 Submission of Medical Evidence
- SP 384 Request for Certification of Medical Condition
- State Police Association of Massachusetts Collective Bargaining Agreement

Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-11A</b>
Subject	<b>Temporary Modified Duty</b>		

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### Policy

Temporary Modified Duty is designed to provide an alternative work assignment for members who are temporarily unable to meet some of the Department in-service standards.

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### Temporary Modified Duty

While on Temporary Modified Duty, members shall not:

- Wear a uniform;
- Work overtime;
- Work paid details; and
- Have contact with prisoners; the public in an enforcement capacity; or function as a desk officer in a sub-station.

**Exception: Emergency situations may require the immediate response of the member.**

The Colonel/Superintendent may authorize members on Temporary Modified Duty to:

- Operate a Department vehicle; and
- Carry a Department issued firearm.

The immediate supervisor of a member on Temporary Modified Duty shall ensure compliance with ADM-19 Vehicle Management.

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### Eligibility

Eligibility for Temporary Modified Duty status shall:

- Be determined and recommended by the State Police Surgeon; and
- Require that the member's anticipated period of incapacitation or disability is less than one (1) year.

Members who are not eligible for Temporary Modified Duty may:

- Remain on Sick Leave, Injured Leave, or other approved leave as appropriate.

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### Evaluation By State Police Surgeon

Members who are eligible or assigned to Temporary Modified Duty shall be required to:

- Submit to periodic medical evaluation(s) of their condition as determined by the State Police Surgeon or by order of the Colonel/Superintendent.
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Subject <b>Temporary Modified Duty</b>	Number <b>ADM-11A</b>
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**Member's Assignment to Temporary Modified Duty**

The Colonel/Superintendent may assign a member to Temporary Modified Duty based upon a medical recommendation from the State Police Surgeon. A member may dispute such assignment by:

- Providing a written notification to the Colonel/Superintendent within seven (7) days; and
- Producing a written statement from the member's physician detailing the medical reasons the member cannot perform such assignment.

The Colonel/Superintendent upon receipt of such written notification may:

- Refer the member to a neutral physician.

The neutral physician shall:

- Examine the member to determine if the member can perform the duties of the proposed assignment; and
- Forward written documentation of the examination with recommendations to the Colonel/Superintendent.

The Colonel/Superintendent shall make all final determinations regarding a member's assignment to Temporary Modified Duty.

**Duty Status**

If the member is unable to return to full duty status after one (1) year of Temporary Modified Duty, the member shall:

- Report to the State Police Surgeon for an Employment Status Evaluation.

The State Police Surgeon shall recommend to the Colonel/Superintendent:

- Disability, separation, or retirement for those who are likely to be deemed permanently unable to meet the Department in-service standards; or
- The appropriate duty status as a result of the evaluation.

**Responsibilities**

Position	Duties
Colonel/Superintendent	Shall establish and approve Departmental: <ul style="list-style-type: none"> <li>• Leave Status;</li> <li>• Medical Standards; and</li> <li>• In-service Standards.</li> </ul>
State Police Surgeon	Shall evaluate members and recommend: <ul style="list-style-type: none"> <li>• Eligibility for Temporary Modified Duty status; and</li> <li>• The frequency of medical evaluation periods.</li> </ul>

Subject <b>Temporary Modified Duty</b>	Number <b>ADM-11A</b>
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**References**

ADM-19 Vehicle Management  
MGL c.22C, s.10

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-11B</b>
Subject	<b>Injury Reporting and Leave</b>		

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## Policy

The Department shall investigate and document each on-duty injury to a member. All duty related injury documentation shall be completed and forwarded to the proper authority in a timely manner.

Every injury shall be investigated in accordance with this policy.

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## Leave Status

Members incapacitated by an injury incurred on-duty shall:

- Be placed on *Injured Leave Pending* (ILP) status by their Commanding Officer or designee until examined by the State Police Surgeon; and
  - Officially be placed on *Injured Leave Duty* (ILD) status when so determined and approved by the Board on Claims.
- 

## Payroll Information

A member who:

1. Remains on approved ILD into the next calendar year, or
  2. Returns from approved ILD in the last quarter of the current calendar year may request:
    - The Colonel/Superintendent to convert excess vacation time credits to Sick Leave.
- 

Members on approved ILD may request a tax exempt status letter through the Payroll Section.

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## Reporting

If injured while on-duty:

- Division of Field Services members shall immediately advise the Desk Officer who shall notify the Troop Duty Officer; or
- Non-Field Services members shall notify their Commanding Officer.

The nature and cause(s) of a member's injury shall be noted in the Daily Administrative Journal.

Supervisors shall ensure the procedures outlined in TRF-20 Department Vehicle Crashes are followed, if an injury is the result of a cruiser crash.

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**Investigation/  
Documentation  
Protocols**

The **Troop Duty Officer** (for DFS members) or the **Commanding Officer** (for non-DFS member) shall :

- Assign an investigating officer;
- Ensure that form SP 624 Initial Injury Report is completed; and
- Ensure that prior to the end of the shift, the SP 624 is sent via FAX to General Headquarters Division Commander and the Occupational Health Unit/Human Resources Section.

**Injured members** should, if necessary, seek emergency medical care or seek treatment from their own personal physician. All bills shall be:

- Made out in the injured member's name and home address;
- Itemized and initialed by the member; and
- Submitted to the investigating officer within seven (7) days.

**Injured members** (unless physically incapable) shall, within seven (7) days, complete and sign the following forms and submit to the investigating officer:

- Sections 1 through 7 of SP 37 Statement in Support of Claim;
- Commonwealth's Form 1 Notice of Injury;
- To/From Letter (including how the injury occurred and names of any witnesses and statements); and
- SP 625 Authorization for Release of Medical Records.

**Investigating officers** shall:

When the injured members are physically incapable:

- Prepare the appropriate forms (e.g. SP 37); and
- Forward same on the injured member's behalf.

Within seven (7) days of receipt of claim, submit to the Troop/Section/Unit Commander:

- Statement in Support of Claim, after completing Section 8;
- Notice of Injury;
- Injured member's To-From along with all supporting documentation;
- Any witness statements; and
- Medical records and medical bills, as available.

**Troop/Section/Unit Commander** shall:

- Complete Section 9 of the Statement in Support of Claim;
- Prepare a To/From letter to the President of the Board on Claims, which shall include a brief account of the facts concerning the injury and conclusions regarding the cause of the injury and forward:
  1. Investigating Officer's Report and documentation; and
  2. The Statement in Support of Claims.
- Forward a copy of the Board on Claims decision letter to the injured member.

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Continued on next page.



**Investigation/  
Documentation  
Protocols  
(Continued)**

**Troop/Section/Unit Commanding Officer** shall, if the injured member is unable to return to duty:

- Place the member on ILP (members who have a recurrence of a previous injury should be placed on Sick Leave); and
- Notify the Occupational Health Unit of the status and request an appointment with the State Police Surgeon.

The **State Police Surgeon** shall:

- Conduct an initial evaluation of the injured member to determine the member's duty status;
- Schedule periodical examinations as deemed necessary to determine the member's duty status;
- Determine and recommend a member's eligibility for Modified Duty; and
- Report to the Department when a member is medically able to return to full duty status.

**Recurrent  
Injuries**

All recurrent injuries shall be reported using the same process as new injuries.

Members with any recurrent injuries shall be placed on Sick Leave until officially approved and placed on ILD status.

**While on  
Injured Leave**

Members on Injured Leave may only leave the Commonwealth:

- With authorization of their Commanding Officer.

Supervisors shall ensure compliance with:

- ADM-19 Vehicle Management with regards to Department issued vehicles; and
- ADM-20 Weapons Management with regards to Department issued weapons.

**References**

Commonwealth's Form 1 Notice of Injury  
TRF-20 Department Vehicle Crashes  
ADM-19 Vehicle Management  
ADM-20 Weapons Management  
Rules and Regulations Article 8

Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-11C</b>
Subject	<b>Maternity Leave and Guidelines</b>		

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## **Policy**

The maternity policy is designed to provide notification and employment guidelines in order to prevent workplace discrimination on the basis of pregnancy.

Members shall:

- Not be required to disclose her pregnancy except in accordance with this policy.

The Department shall only take action when;

- Requested by the member; or
  - The member's physician or obstetrician recommends work limitations.
- 

## **Notification Requirements**

A member shall notify her commanding officer that she is pregnant, when she has:

- Reached her third trimester of pregnancy;
- Requests modification, exemption, or leave from her assigned duties; or
- Been given physical restrictions or limitations by her physician or obstetrician that prohibits her from performing all aspects of her current assignment.

All notifications shall be made:

- In writing, and include the anticipated due date as well as the anticipated date of return to work (if known).
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**Notification  
Process**

The member shall submit to her commanding officer:

- Within seven (7) days of the initial notification, a letter from her physician or obstetrician regarding her pregnancy; and
- Every thirty (30) days thereafter, a written update from her attending physician or obstetrician.

Each letter shall contain:

- Name, address and contact information for the attending physician or obstetrician;
- Any restriction or limitation on her current work assignment, if none, the letter shall explicitly state so;
- Anticipated due date;
- Anticipated date for return to work (if known); and
- Any other information the member or physician or obstetrician believes would be of assistance to the Department.

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**Duty Status**

A member not placed on alternative duty shall:

- Perform all duties required of her in her current position until such time as other duties are assigned consistent with this policy.

If the member has not notified the Department of her pregnancy and sought alternative duty status under this policy, then her pregnancy:

- Cannot be a defense to any disciplinary action taken against her for failure to perform her duties.

A member may request in writing, at any time during her pregnancy, to be assigned to alternative duty. Alternative duty shall:

- Not affect the member's existing benefits;
- Be consistent with restrictions or limitations identified by her attending physician or obstetrician regarding:
  1. Overtime and paid details;
  2. Interaction with prisoners;
  3. Interactions with the public in an enforcement capacity; and
  4. Dangerous duty such as riots.

**Exception: Any emergency situation that may require the immediate response of the member.**

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**Voluntary  
Alternative  
Duty**

The Colonel/Superintendent or designee shall:

- Approve and determine a member's request for alternative duty assignment taking into consideration the pregnant member's current assignment and duties.

Eligibility for an alternative duty assignment:

- Does not entitle the member to be transferred to a different position or unit within the Department.

Alternative duty may be:

- A form of modified duties and/or an altered work shift at the request of the member; and
- Consistent with any restrictions or limitations set forth by her attending physician or obstetrician.

Eligible Members:

- Shall not be transferred or have their shift changed involuntarily as the result of seeking alternative duty; however
- A reasonable accommodation may require the member to accept temporary assignment in the geographic area of her current assignment or residence.

**Involuntary  
Alternative  
Duty**

The Department may involuntarily reassign a member to alternative duty based upon medical evidence that the member cannot safely perform her current duties.

A member may challenge such reassignment by:

- Providing a statement from her physician or obstetrician that she can perform such duties;
- Submit to an examination by a neutral obstetrician selected by the member from a list agreed upon by the Department and the representatives of the member's collective bargaining unit;
- Remain in her current duty assignment pending receipt of the opinion of the neutral obstetrician; and
- Be bound by the opinion of the neutral obstetrician.

The neutral obstetrician shall:

- Examine the member and determine whether she can perform the duties of her assigned position; and
- Render an opinion which shall be binding upon the Department and the member.

**Duty  
Assignment**

When an alternative duty assignment is unavailable within a member's current assignment, the Colonel/Superintendent or designee shall:

- Find appropriate alternative assignment within the member's immediate geographic area as defined by the Troop Area of her current assignment or her residence; and
- Ensure no member be denied such an assignment within her current assignment, or immediate geographic area.

If a member believes that she has been unreasonably denied such an assignment in violation of this policy, the member shall:

- Submit a To-From outlining the objections to the Colonel/Superintendent or designee.

The Colonel/Superintendent or designee shall:

- Endeavor to remedy the member's concerns within seventy-two (72) hours of receipt of the notice; or
- Respond, in writing, stating the position of the Department with respect to the request.

**Department  
Standards**

A member who has notified the Department of her pregnancy in accordance with this policy shall:

- Be exempt from weapons qualification requirements during the course of her pregnancy; and
- Be required, upon return to full duty status, to meet the Department's medical and in-service standards.

**Department  
Issued Vehicles**

A member who is placed on alternative duty shall be:

- Issued an unmarked vehicle while on an alternative duty status.

If the Department is unable to provide the member with an unmarked vehicle, the member shall be:

- Provided with a per diem rate in accordance with the same terms and conditions as apply to members of equal rank assigned to the Massachusetts Port Authority.

Members who are currently assigned an unmarked vehicle shall be allowed to continue to operate the vehicle.

Supervisors shall ensure compliance with:

- ADM-19 Vehicle Management with regards to Department issued vehicles.

Subject

# Maternity Leave and Guidelines

Number

# ADM-11C

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**Members  
Rights**

The member retains all such rights available to her under the collective bargaining agreement, state and federal law to challenge the decision of the Colonel/Superintendent or designee with respect to such a determination by the Colonel/Superintendent or designee as to the implementation of this policy.

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**References**

ADM-19 Vehicle Management

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Promulgated By:



# Department of State Police

## General Order

Effective Date	November 5, 2008	Number	ADM-11E
Subject	Leaves of Absence		

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### Policy

The Department may grant sworn and civilian employees leaves of absence, with or without pay, as allowed by:

- Federal and state law;
- Commonwealth's Human Resources Division (HRD);
- Collective Bargaining Agreements (CBA), Personnel Administration Rules (PAR), HRD Red Book; or
- The Colonel/Superintendent.

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### Leave Coordinator

The Division of Administrative Services (DAS) Commander shall appoint a Leave Coordinator who shall be responsible for:

- Receiving and processing specified requests for leave;
- Assisting employees with paperwork requirements;
- Assisting and coordinating with commanding officers and the Colonel/Superintendent to evaluate requests for leave;
- Coordinating the requirements for employees returning from leave;
- Ensuring personnel records, payroll history, health insurance and other benefits are updated or administered as necessary; and
- Consulting with Office of Employee Relations and Legal Section regarding leave requests.

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### Approval of Leave

The Leave Coordinator shall forward all requests for leave to the Colonel/Superintendent. The Colonel/Superintendent may approve or deny leave based upon:

- Applicable federal and state laws, and collective bargaining agreements;
- Operational needs of the Department;
- The purpose of the leave; and
- Other factors that may exist.

The Leave Coordinator shall notify an employee, in writing, of the decision of the Colonel/Superintendent.

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Subject	Number
<b>Leaves of Absence</b>	<b>ADM-11E</b>

**Conduct on Leave**

- An employee on a leave of absence for any duration shall:
- Adhere to and abide by all State Police Rules & Regulations, Policies & Procedures, applicable written directives, and collective bargaining agreements; and
  - Not work any overtime, details or appear in court on behalf of the Department.

An employee who is on any form of leave in excess of thirty (30) days shall return the following issued equipment to their Troop/Section/Unit Commander:

- All issued Department firearms and ammunition;
- Assigned vehicle along with vehicle issued equipment;
- Department issued fuel card, transponder and snow gate access cards; and
- All issued electronic devices (e.g. cell phone, laptop).

Troop/Section/Unit Commanders shall contact the issuing section regarding storage.

**Bereavement Leave**

Employees are entitled to leave, without loss of pay or benefits, in recognition of the death of family members, or persons living in the household of the employee, in accordance with their respective collective bargaining agreements.

**Blood Donation Leave**

**Employees**

Are permitted a maximum of four (4) hours leave of absence with pay, subject to operational needs and the approval of their supervisor, specifically to enable the employee to donate blood. The decision of their supervisor cannot be appealed.

- Leave time is for:
  1. Travel from work to the donation site;
  2. Actual donation time;
  3. Recovery from donation; and
  4. Travel time back to work.

**Leave Time**

- Shall be taken on the day the donation occurs;
- Employees shall not accrue compensatory time in lieu of such leave;
- Blood Donation Leave is permitted for a maximum of five (5) times per federal fiscal year, the period of October 1 through September 30 each year.

**Employees Blood Bank Form**

In order to qualify for the Blood Donation Leave, an SP 635 Employees Blood Bank form shall:

- Be completed certifying the date, location, times and type of blood donation.



Subject <b>Leaves of Absence</b>	Number <b>ADM-11E</b>
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**Education  
Leave**

**Purpose**

Employees may be granted a paid leave of absence for educational purposes to attend conferences, seminars, briefing sessions, or other functions of a similar nature that are intended to improve or upgrade the individual's skills or professional ability.

**Request Procedure**

Shall be made in writing to the Leave Coordinator and at least thirty (30) days in advance of the desired leave, or if unforeseen, as soon as possible.

- Requests shall include:
  1. The anticipated start and end dates of training;
  2. A thorough description of the training accompanied by documentation from the institute hosting the training; and
  3. Rationale for the relationship of the training to the employee's work unit, and/or the Department as a whole.

**Approval**

Approval is entirely at the discretion of the Colonel/Superintendent, and is not subject to appeal.

- Considerations may include, but not be limited to:
  1. Costs and benefit of the training to the Department as a whole;
  2. Benefit of the training to the individual employee and their work unit; and
  3. The reasonable relationship of the training to the individual employee's work assignment.

**Extended  
Illness Leave  
Bank (EILB)**

**Description**

A voluntary program to assist employees who have expended their accrued paid leave due to an extended personal illness or injury, thereby enabling the employee to remain on paid leave within the limits of the program.

**Program**

1. To be eligible for membership, employees shall annually donate an amount of sick, vacation or personal leave credits to the EILB; and
2. Apply to withdraw from the EILB, up to one-hundred and twenty (120) days within a two (2) year period, when extended illness or injury have exhausted all their paid leave time.

Note: Employees seeking further information should contact the Leave Coordinator.

**Family and  
Medical Leave  
(FMLA)**

The Colonel/Superintendent shall grant employees who have completed their probationary period the following:

**Family Leave-**A leave of absence:

- For the birth, adoption, or placement of a child.

**Medical Leave-**A leave of absence:

- If an existing serious health condition prevents the employee from being able to perform the functions of their position; or
- To care for family members who have a serious health condition.

**Intermittent Leave/Modified Work Schedules**

- May be available to employees based on the operational needs of the work station/section/unit/.

Note: Employees shall consult their applicable collective bargaining agreements for specific benefits, durations, definitions, and other information for cited leave.

**Request Procedure**

Requests shall be made in writing to the Leave Coordinator at least thirty (30) days in advance of the desired leave, or if unforeseen, as soon as possible.

- The request shall contain the following:
  1. Anticipated start and end dates of leave, proposed intermittent usage of the leave or proposed modified work schedule;
  2. Specific reason for taking the leave (family or medical); and
  3. Appropriate documentation.
    - i. For the birth, adoption, or placement of the child, a birth certificate or adoption/placement papers may be required.
    - ii. For leave due to a serious health condition of the employee or other, a medical certification form provided by the Department in support of the request is required.

Note: Requests for Family and Medical Leave may be denied if the above requirements are not met.

Subject <b>Leaves of Absence</b>	Number <b>ADM-11E</b>
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**Non-FMLA  
Family Leave**

The Colonel/Superintendent may grant employees who have completed their probationary period, Non-FMLA Family Leave in accordance with the appropriate collective bargaining agreement.

**Request Procedure**

Requests shall be made in writing to the Leave Coordinator at least fourteen (14) days in advance of the desired leave, or if unforeseen, as soon as possible.

- The request shall contain the following:
  1. The anticipated start and end dates of leave, or the intended days for incremental use; and
  2. The specific reason for the requested leave and any documentation the employee may have in support of the leave request.

Note: Employees shall consult their applicable collective bargaining agreements for specific benefits, durations, definitions, and other information for cited leave.

**Leave of  
Absence  
Without Pay**

**Authorization**

The Colonel/Superintendent may grant employees authorized leave of absence for up to ninety (90) days and/or grant an extension of leave of absence upon written request filed by the employee.

**Request Procedure**

Requests for Leave of Absence Without Pay shall be made in writing to the Leave Coordinator at least thirty (30) days in advance of the desired leave, or if unforeseen, as soon as possible.

- The written request shall contain the following:
  1. Anticipated start and end dates of said leave;
  2. A detailed statement of the reason for the leave;
  3. In the event that the absence is illness/injury related, written requests shall be accompanied by substantiating proof of such illness.

**Sworn  
Members –  
Return to  
Service  
Requirements**

The Leave Coordinator shall inform sworn members of any requirements necessary for return to service from leave.

**Returning to Service – FMLA-Medical Leave or Authorized Leave of Absence Without Pay**

- Members returning to service due to their own illness/injury that exceeds ten (10) days shall:
  1. Notify their Commanding Officer to contact the Occupational Health Unit to schedule an appointment with the State Police Surgeon prior to returning to work; and
  2. Have a recommendation from the State Police Surgeon for return to service.

Continued next page.

Subject <b>Leaves of Absence</b>	Number <b>ADM-11E</b>
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**Sworn  
Members –  
Return to  
Service  
Requirements  
(Continued)**

**Leaves or Break-In-Service**

- Members returning from a leave or break in service that exceeds ninety (90) days shall be required to successfully complete:
  1. On-Line Academy; and
  2. An evaluation by the Division of Standards and Training Commander or designee regarding any additional training required.
  
- Members returning from a leave or break in service that exceeds one (1) year shall be required to successfully complete:
  1. A background investigation;
  2. A medical examination by the State Police Surgeon to include drug testing;
  3. Psychological testing; and
  4. An evaluation by the Division of Standards and Training Commander or designee regarding any additional training required.
  
- Former members wishing to return from a separation from service that exceeds three (3) years shall:
  1. Meet all requirements for reentry to the Department; and
  2. Successfully complete the Recruit Training for appointment to the position of Trooper.

Note: Failure to successfully complete the Recruit Training may affect pension benefits, if applicable.

**Returning  
From  
Leave:  
Civilians**

**Return From Leave**

- Employees returning from a leave that exceeds one (1) year shall be required to successfully complete:
  1. A background investigation;
  2. A drug test;
  3. A medical examination by the State Police Surgeon, as applicable, if returning from medical leave where the employee was the one that was ill; and
  4. Retraining, as determined by the employee’s supervisor or the Human Resources Director.

**Sworn  
Members  
Returning  
From Disability**

In addition to the previously listed requirements, sworn members returning from disability retirement shall have a medical evaluation conducted in conformance with MGL c.32, and the standards of the Commonwealth of Massachusetts Public Employee Retirement Administration Commission.

Subject

# Leaves of Absence

Number

# ADM-11E

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**Benefits**

Employees may be required to pay premiums for certain benefits while on Leave.

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**Military Leave**

Refer to Policy and Procedure ADM-11D Military Leave.

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**References**

MGL c.31, s.37  
MGL c.32  
NAGE Units 1, 3 and 6-Commonwealth CBA, Article 8  
AFSCME Unit 2-Commonwealth CBA, Article 8  
SPAM Unit 5A-Commonwealth CBA, Articles 8 and 38  
MOSES Unit 9-Commonwealth CBA, Article 8  
Personnel Administrator Rules, PAR 13 Leaves of Absence  
Red Book §§5.00, 6.00, and 8.00  
Mass State Employees Blood Program

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>April 23, 2009</b>	Number	<b>ADM-12</b>
Subject	<b>Serious Injury/Death of a Member</b>		

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## **Policy**

The Department recognizes that the death or serious injury of a member is traumatic and shall provide assistance to the member's family, recognizing that the needs of the family generally take precedence over the wishes of the Department.

Department members shall:

- Ensure that whenever a member's next of kin calls, their questions are answered honestly and openly.

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## **OFF-DUTY Death Notification Procedure**

When any member becomes aware of the death of a current or retired member of the Department of State Police, or an immediate member of their family, they shall immediately:

- Notify the Office of the Superintendent through channels.

Information for notification shall include:

- Personal information on the deceased person;
- The circumstances of the death;
- Any funeral arrangements; and
- A family contact person.

The Office of the Superintendent shall notify:

- Members of the Department; and
- Special effort shall be made to contact the member's graduating class.

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## **ON-DUTY Death Notification Procedure**

If the death or life threatening injury occurs on-duty, the member's Commanding Officer or designee shall immediately notify:

- The Office of the Superintendent.

The Colonel/Superintendent shall immediately:

- Assign a ranking member to personally contact the member's immediate family; however
  - Every effort shall be made to use a member of the Department who is a personal friend, along with the ranking member.
-

**Liaison  
Member**

If the family chooses, the Colonel/Superintendent shall:

- Appoint a Department member as a liaison, to provide additional assistance to the immediate family of the deceased/injured member or retiree.

As a guide, the liaison member should:

- Assist the family in contacting clergy, friends, and relatives;
- Assist the family with funeral arrangements;
- Provide transportation assistance for the immediate family;
- Arrange for security needs of the home and screening of phone calls prior to and on the day of the funeral;
- Coordinate the family's efforts to determine the status and amounts of compensation to which the deceased member may be entitled; and
- Keep the Colonel/Superintendent informed of all arrangements and developments.

**Honor Guard**

The Colonel/Superintendent shall:

- Designate a member to be the Officer-in-Charge (OIC) of the funeral detail.

The OIC shall:

- Coordinate with the liaison member; and
- Adhere to GEN-04A Ceremonial Tributes regarding funeral details.

**References**

GEN-04A Ceremonial Tributes  
SUP-04 Employee Assistance Unit

Promulgated By:



# Department of State Police

## General Order

Effective Date <b style="text-align: center;">April 23, 2009</b>	Number <b style="text-align: center;">ADM-13</b>
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Subject <b style="text-align: center;">Notification of Medical Examiner and/or Next of Kin</b>
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**Policy**                      The Department shall promptly and compassionately notify the nearest relative of victims who have sustained life threatening injuries, or passed away.

**Notification of Medical Examiner**      The Medical Examiner of jurisdiction shall be notified whenever a member of the Department becomes aware of a death (Specific circumstances appear in MGL c.38, s.4, 6.).

**Responsibilities**      Note: The District Attorney’s Office or State Police Detective Unit of jurisdiction shall direct the investigation of all homicides, suicides, and unattended deaths (including traffic fatalities, as requested by the Office of the District Attorney of jurisdiction).

Position	Duties
First member at the scene	<ul style="list-style-type: none"> <li>Notify the Station Desk Officer.</li> <li>For all homicides, suicides, and unattended deaths, secure the scene, pending arrival of the State Police Detective Unit (SPDU) of jurisdiction.</li> </ul>
Station Desk Officer	<ul style="list-style-type: none"> <li>Immediately notify the Troop Duty Officer.</li> </ul>
Troop Duty Officer	<p>Immediately notify the appropriate:</p> <ul style="list-style-type: none"> <li>SPDU of jurisdiction of all homicides, suicides, and unattended deaths, and take any action requested; and</li> <li>Local Medical Examiner’s (ME) Office, as requested by SPDU.</li> </ul> <p>If the ME declines to respond to the scene, request authority from the ME to remove the body.</p> <p>If the ME is unavailable, contact the Office of the Chief Medical Examiner at (617) 267-6767 and request authority to remove the body.</p>

Continued next page.



**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
Troop Commanders	Ensure that their Troop Duty Office has an updated list of Medical Examiners' phone numbers and addresses.

**Next of Kin**

Every effort should be made to locate the next of kin in the order of:

- Live-in spouse;
- Parents or legal guardian;
- Adult children;
- Brother or sister; or
- Other relatives.

**Request for  
Notification**

Members may be called upon to notify the next of kin that a family member or friend has been seriously injured or is deceased. Except under unusual circumstances, **this notification should be made in person.** No identifying information of the victim or their family shall be transmitted via radio.

<b>Position</b>	<b>Responsibility</b>
Members receiving request to notify the next of kin	<ol style="list-style-type: none"> <li>1. Request as much information as possible, to include: <ul style="list-style-type: none"> <li>• Cause of death and/or injuries;</li> <li>• Location of deceased or injured person; and</li> <li>• Contact person and telephone number.</li> </ul> </li> <li>2. If the member is unfamiliar with the caller, seek to confirm the information.</li> <li>3. Notify Troop Duty Officer.</li> </ol>
Troop Duty Officer	<ol style="list-style-type: none"> <li>1. Notify the appropriate Detective Unit of all homicides, suicides, and unattended deaths (including traffic fatalities if so requested by the DA's Office of jurisdiction).</li> <li>2. Determine who shall make the notification to the next of kin.</li> <li>3. If the notification is not to be made in person, determine what means shall be used.</li> </ol>

**District  
Attorney  
Offices**

Whenever there is a homicide, suicide, or unattended death, the Division of Investigative Services shall determine the notification process. Members assigned to an Office of a District Attorney shall follow the protocols promulgated for their particular office.

All other notifications shall be made by the Division of Field Services.

**Field Services  
Procedure**

Whenever possible, two (2) members shall be sent to make a notification of serious injury, illness, or death.

The member who is making the notification should carefully prepare their message before speaking with the next of kin. When possible, members shall:

- Seek assistance from clergy, relative, or close friend of the family;
- Make the notification in a private setting, and ask the recipient to sit down;
- Deliver the information to the recipient in a gradual manner;
- Observe the recipient carefully as the information is given;
- If possible, do not leave the recipient alone. Members should attempt to contact a relative, friend, or neighbor to stay with the recipient; and
- When the recipient is operating a motor vehicle, the member shall ascertain if they are able to continue driving. If not, members may transport or make transportation arrangements for the recipient.

**References**

MGL c.38, s.4, 6

Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>January 6, 2012</b>	Number	<b>ADM-14</b>
Subject	<b>Personnel Investigations</b>		

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### **Policy**

To protect the integrity of the Department and to ensure continued public support:

- All Department employees shall adhere to the Department's Policy and Procedure regarding external complaints (including anonymous ones) against any employee, policy, procedure, or operation of the Department;
- All complaints shall be documented and investigated according to complaint intake procedures; and
- Complaints when assigned shall be investigated at the lowest appropriate organizational level, unless determined otherwise by the Division of Standards and Training Commander or designee.

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### **Definition**

*Personnel Investigation:* An investigation or an inquiry into the actions of an employee that may result in charges of misconduct.

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### **Rights of the Accused Employee**

An accused employee shall:

- Receive a copy of the complaint, including the name of the complainant, if known, prior to any employee interrogation;
- Be afforded full Constitutional and other legal protections; and
- Be afforded the protections applicable under the Collective Bargaining Agreements.

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### **Rights of the Complainant**

The Complainant shall:

- Be notified of the receipt of the complaint, and the steps to be taken;
- Be given a status report when requested; and
- Be notified of the final disposition classification.

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### **Use of Examinations**

If during an investigation it becomes necessary to request an employee to submit to an examination or required test(s), the Troop/Section/Unit Commander shall contact the Division of Standards and Training for approval.

The results of medical tests shall be afforded appropriate privacy rights according to applicable laws.

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**Complaint  
Intake  
Procedures****A complaint that requires immediate attention shall:**

- Be immediately referred to the Troop/Section/Unit Commander, Duty Officer or Shift Supervisor.

**External Complaints**

External complaints are to be completed by the Complainant on a SP 340 Citizens Response Form. The Complainant may obtain a SP 340 in the following manner:

- Contacting a State Police facility for instructions;
- Arriving in person to a State Police facility and securing a copy of a SP 340;
- Downloading the SP 340 form from the State Police external website [www.mass.gov/msp](http://www.mass.gov/msp) ; or
- Calling the Citizen Response Intake Line (508) 988-7003 and following the prompts.

When a Complainant calls or arrives at a State Police facility the following shall occur:

- The Desk Officer or employee who attends to a Complainant, either by telephone or in person, shall:
  1. If applicable to their work assignment, log only the name and address of the Complainant into the Daily Administrative Journal (DAJ), the Complainant should not be asked to identify the employee(s) named in the complaint, nor should any employee information pertaining to this complaint be included within the DAJ entry. Note: DAJ information would also include anonymous complaints or when the Complainant refuses to give their name;
  2. Give the Complainant a copy of the SP 340 form; or
  3. Instruct the Complainant on how to obtain a SP 340 form from the above options;
  4. Ensure the Complainant understands all options and the submission procedure; and
  5. Assure the Complainant that all complaints shall be addressed by the Department.

In instances where the Complainant demands to immediately speak to a supervisor the following shall occur:

- Division of Field Services employees shall notify the Troop Duty Officer of jurisdiction and then refer or forward the Complainant to the same Troop Duty Officer; or
- Division of Investigative Services, Administrative Services or Standards and Training employees shall notify a Commissioned Officer from within their Division and then refer or forward the Complainant to the same Commissioned Officer.

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Continued next page.

Subject	Number
<b>Personnel Investigations</b>	<b>ADM-14</b>

**Complaint Intake Procedures (Continued)**

- The Troop Duty Officer or the Division Commissioned Officer shall:
- Record the Complainant within the DAJ, if applicable to their work assignment. Note: DAJ information would also include anonymous complaints or when the Complainant refuses to give their name;
  - Explain the complaint intake procedure;
  - Instruct the Complainant on how to obtain a SP 340 form from the above options; and
  - Assure the Complainant that all complaints shall be addressed by the Department.

- Employees who receive complaints about their own conduct shall immediately:
- Notify their Troop Duty Officer or a Commissioned Officer from within their Division; and
  - Transfer or refer the Complainant to the same Troop Duty Officer or Commissioned Officer from within their Division.

- Internal Complaints**  
Internal personnel complaints originating within the Department by any employee, shall:
- Be documented in a To/From format;
  - Faxed to the Division of Standards and Training within twenty-four (24) hours from the date of the To/From;
  - Submit a copy through channels to the appropriate Troop/Section/Unit Commander; and
  - Forward the original copy to the Division of Standards and Training.

**SP340 Citizens Response Form Submission**

- SP 340 Citizens Response Form shall be submitted in the following manner:
- Delivered in person to the Massachusetts State Police General Headquarters 470 Worcester Road Framingham, MA 01702 / Citizen Response Reports; or
  - Faxed to: The Division of Standards and Training/ Citizen Response Reports 508-820-2149; or
  - Emailed to: The Division of Standards and Training/ Citizen Response Reports at [Citizensresponsereports@pol.state.ma.us](mailto:Citizensresponsereports@pol.state.ma.us) ; or
  - Mailed to: The Massachusetts State Police Division of Standards and Training/ Citizen Response Reports 470 Worcester Road Framingham, MA 01702

**Interviews**

Reasonable arrangements shall be made to accommodate the schedules of the parties involved.

Interviews may be recorded mechanically or steno-graphically, by the Department. The accused employee may independently record their own interview.

Subject	Number
<b>Personnel Investigations</b>	<b>ADM-14</b>

**Investigation**

<b>Step</b>	<b>Action</b>
1	Supervisors shall conduct assigned investigations within thirty (30) days.
2	The complaint shall be categorized as: <ul style="list-style-type: none"> <li>• Employee’s conduct;</li> <li>• Validity of the enforcement action taken;</li> <li>• Department policy, procedure, or operations; or</li> <li>• Other.</li> </ul>
3	The investigating member shall make a conclusion of fact for each complaint, which shall be reviewed by the appropriate Troop/Section/Unit Commander. Dispositions shall be classified as: <ul style="list-style-type: none"> <li>• <b>Unfounded</b>- Complaint or incident is false and not factual.</li> <li>• <b>Exonerated</b>- Incident occurred, but employee’s action was lawful and proper.</li> <li>• <b>Not Sustained</b>- Insufficient evidence to prove or disprove the complaint.</li> <li>• <b>Sustained</b>- The complaint or incident is supported by sufficient evidence to prove employee misconduct.</li> </ul>
4	Complaints classified as <b>EXONERATED, NOT SUSTAINED, or UNFOUNDED</b> , and not alleging serious misconduct, shall be filed within the Internal Affairs database.  For <b>SUSTAINED</b> investigations the Troop/Section/Unit Commander shall: <ul style="list-style-type: none"> <li>• Prepared a memorandum indicating the category of the complaint, and recommendations; then</li> <li>• Forwarded memorandum with all completed reports and correspondence, through channels to the Division of Standards and Training.</li> </ul>
5	The affected employee and Complainant shall be notified of the final disposition classification by the Troop/Section/Unit Commander or the Division of Standards and Training Commander.
	<b>Note: Nothing in this policy should prevent members from taking appropriate and timely action for any allegations of criminal activity or criminal acts.</b>

<b>Responsibilities</b>	<b>Position</b>	<b>Duties</b>
	All Employees	<ul style="list-style-type: none"> <li>• Follow the complaint intake procedures;</li> <li>• Ensure the Complainant understands:               <ol style="list-style-type: none"> <li>1. All options for acquiring a SP 340;</li> <li>2. The SP 340 submission procedure;</li> <li>and</li> <li>3. That all complaints shall be addressed by the Department.</li> </ol> </li> </ul>
	Supervisor	<ul style="list-style-type: none"> <li>• Follow the complaint intake procedures; and</li> <li>• Review complaints and conduct investigations when assigned.</li> </ul>
	Troop Duty Officer or Division Commissioned Officer	<ul style="list-style-type: none"> <li>• Follow the complaint intake procedures;</li> <li>• Ensure the Complainant understands:               <ol style="list-style-type: none"> <li>1. All options for acquiring a SP 340;</li> <li>2. The SP 340 submission procedure;</li> <li>and</li> <li>3. That all complaints shall be addressed by the Department.</li> </ol> </li> </ul>
	Troop/Section/Unit Commander	<ul style="list-style-type: none"> <li>• Initiate investigations on complaints about employees under their supervision or command as assigned by the Division of Standards and Training; and</li> <li>• Forward completed reports and recommendations to the Division Commander within thirty (30) days of assigned date. <u>Note:</u> The Division of Standards and Training may authorize a time extension upon a written request.</li> </ul>
	Complaint Intake Officer	<ul style="list-style-type: none"> <li>• Process SP 340 received according to standards established by the Division of Standards and Training.</li> </ul>

Continued next page.

Subject <b>Personnel Investigations</b>	Number <b>ADM-14</b>
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**Responsibilities  
(Continued)**

Position	Duties
Internal Affairs	<ul style="list-style-type: none"> <li>• Provide oversight of all personnel investigations in accordance with the Section's Standard Operating Procedure (SOP).</li> </ul>
Division Commander	<ul style="list-style-type: none"> <li>• Review investigation reports;</li> <li>• Forward recommendations and requests for disciplinary action to the Division of Standards and Training; and</li> <li>• Issue letters of counseling as appropriate.</li> </ul>
Division of Standards and Training	<ul style="list-style-type: none"> <li>• Review complaints in accordance with the Division's SOP;</li> <li>• Notify the Division Commanders of any personnel investigations conducted by Internal Affairs; and</li> <li>• Review recommendations for disciplinary action with the Deputy Superintendent.</li> </ul>
Deputy Superintendent	<ul style="list-style-type: none"> <li>• Review recommendations for disciplinary action with the Division of Standards and Training; and</li> <li>• Administer disciplinary action as appropriate.</li> </ul>
Colonel/Superintendent	<ul style="list-style-type: none"> <li>• Prescribe and impose discipline.</li> </ul>

**References**

ADM-15 Internal Affairs  
 SP 340 Citizens Response Form  
 MGL c. 4, s.7 and c. 66A, s.2  
 Carney v. Springfield, 404 Mass 604 (1988)  
 Kastigar v. U.S., 406 US 441 (1972)  
 Garrity v. NJ, 385 US 493 (1967)  
 Collective Bargaining Agreement(s)

Promulgated By:  <div style="text-align: center; font-size: 1.2em; font-weight: bold;">Marian J. McGovern</div>
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# Department of State Police General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-15</b>
Subject	<b>Internal Affairs</b>		

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**Policy** The Internal Affairs Section investigates allegations of serious misconduct by employees of the Department or as ordered by the Office of the Superintendent or the Division of Standards and Training.

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**Organization** The Internal Affairs Section has the authority to report directly to the Office of the Superintendent.

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**Serious Misconduct Defined** Some examples of serious misconduct include:

- Corruption;
- Criminal conduct;
- Use of excessive force; and
- Civil rights violations.

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**Jurisdiction** Complaints are investigated at the lowest appropriate organizational level in accordance with ADM-14 Personnel Investigations. Internal Affairs may investigate any complaint when:

- Requested by the Troop/Section/Unit Commander, with approval from the Division of Standards and Training;
- Directed by the Office of the Superintendent or the Division of Standards and Training; or
- The complaint alleges serious misconduct.

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**Use of Examinations** Upon the approval of the Division of Standards and Training Commander or designee, any employee subject to an internal investigation may be asked to submit to tests, examinations, and/or disclosures. These procedures may include, but are not limited to, the following:

- Ballistics and Chemical Tests;
- Forensic and Polygraph Examinations;
- A Photograph Array or Line-Up; and
- Financial Disclosure Statements.

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Continued on next page.

Subject	Number
<b>Internal Affairs</b>	<b>ADM-15</b>

**Use of  
Examinations  
(Continued)**

Examinations and/or tests shall be:

- Relevant and material to the matter at hand;
- Specifically directed and narrowly related to such investigation; and
- Completed within a reasonable time and according to professionally accepted standards.

A polygraph examination may be used in investigations of criminal conduct.

The results of medical tests shall be afforded appropriate privacy rights according to applicable laws.

**Procedure for  
Internal Affairs  
Cases**

<b>Step</b>	<b>Action</b>
1	Open an Internal Affairs case file.
2	Notify the affected employee regarding; <ul style="list-style-type: none"> <li>• The nature of the investigation;</li> <li>• The employee's rights as legally required; and</li> <li>• The employee's responsibilities relative to the investigation.</li> </ul> <p><u>NOTE:</u> Internal Affairs can request written authorization from the Division of Standards and Training <u>not</u> to notify the employee, if the notification could hinder the investigation. However, the employee must be informed of the nature of the investigation <u>before</u> any interrogation takes place with the employee.</p>
3	Provide a notification to the employee's Commanding Officer, unless it would hinder the investigation.
4	Conduct the investigation in a timely manner.
5	Prepare a report on the investigation for the Division of Standards and Training, with supporting facts for each allegation and a classification of the complaint: <ul style="list-style-type: none"> <li>• Unfounded;</li> <li>• Exonerated;</li> <li>• Not Sustained; or</li> <li>• Sustained.</li> </ul>
6	The Division of Standards and Training Commander shall notify the affected employee in writing, through channels, of the decision(s).
7	All case files shall be permanently retained.

Subject <b>Internal Affairs</b>	Number <b>ADM-15</b>
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**References**

ADM-14 Personnel Investigations  
MGL c. 4, s.7 and c. 66A, s.2  
Furtado vs. Town of Plymouth No. 06-P-892, 69 Mass. App. Ct. 10049

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 25, 2008</b>	Number	<b>ADM-17</b>
Subject	<b>Employee Evaluation System</b>		

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**Policy**

The Department shall continuously maintain an Employee Evaluation System (EES) to establish and measure performance expectations for sworn members.

The EES shall be conducted in accordance with the Department's EES Manual.

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**EES  
Coordinator**

The Division of Standards and Training Commander or designee, shall designate a commissioned officer as the EES Coordinator.

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**EES Purpose**

EES is a proven tool for continuous individual and organizational improvement. Some primary purposes of EES are to:

- Maintain continuous supervisor/employee communication and feedback;
  - Motivate employees to improve by understanding their needs;
  - Establish goals and objectives at all organizational levels;
  - Evaluate the quality of performance; and
  - Evaluate the readiness to handle greater responsibilities.
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**References**

MGL c.22C, s.22  
Department of State Police Employee Evaluation System Manual

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Promulgated By:



# Department of State Police General Order

Effective Date	Number
<b>June 17, 2013</b>	<b>ADM-18</b>
Subject	
<b>Anti-Harassment/Sexual Harassment and Discrimination</b>	

**Policy**

The Department of State Police shall promote and maintain a working environment free from unlawful harassment, sexual harassment and discrimination.

**Harassment Investigation Unit**

The Harassment Investigation Officer shall be a Commissioned Officer assigned by the Colonel/Superintendent who reports to the Division of Standards and Training.

The Sexual Harassment Officer for the Department is the Division Commander of Standards and Training.

Investigations shall be conducted in a way that maintains confidentiality to the extent practicable. All complaints and reports of harassment, sexual harassment or discrimination shall be forwarded to the Harassment Investigation Unit, which shall conduct a confidential investigation, or recommend an alternative avenue for resolution.

All Supervisors (except for Supervisors assigned to the Ombudsman Office and/or Employee Assistance Unit) shall immediately report incidents of harassment, sexual harassment or discrimination to the Harassment Investigation Unit.

**Discrimination Defined**

The unequal and unlawful treatment of persons *in employment related decisions* because of race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran’s status (including Vietnam-era veterans) or other such category protected under the law.

**Discrimination Examples**

- Any conduct, where the Department bases:
- Employment decisions solely on the race of different applicants; or
  - Assignment solely on the age of an employee.

**Harassment Defined**

Any conduct that denigrates or shows hostility towards an individual or individuals because of their race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or other such category protected under the law that has the purpose or effect of:

- Creating an intimidating, humiliating, hostile or offensive work environment; or
- Unreasonably interfering with an individual's work performance.

**Harassment Examples**

Harassment is any behavior involving:

- Epithets or slurs based on an individual or group's race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or other such category protected under the law; or
- Other verbal or physical conduct that denigrates or shows hostility or aversion towards an individual or group based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or other such category protected under the law.

**Sexual Harassment Defined**

Unwelcome sexual conduct such as: sexual advances, requests for sexual favors, and other conduct of a sexual nature when such actions:

- Are explicitly or implicitly made terms of employment or the basis for employment decisions;
- Have the purpose or effect of interfering with work performance; or
- Have the purpose or effect of creating an intimidating, hostile, humiliating, or sexually offensive work environment.

**It is not necessary to meet the threshold of sexual harassment as defined by law to be considered a violation of this policy.**

**Sexual Harassment Examples**

Examples of sexual harassment include:

- Direct sexual advances or assaults;
- Sexual inquiries, jokes, and epithets;
- Derogatory comments about a person's sex or sexual orientation;
- Other forms of verbal abuse of a sexual nature, such as whistling or catcalling;
- Offensive or unnecessary touching, pinching, patting, etc.;
- The display of sexually suggestive posters, photographs, or objects; or
- An employee-receiving job benefits contingent on sexual favors (quid pro quo).

**Sexual Harassment Victims**

Victims of sexual harassment <u>may be...</u>	The harasser <u>may be...</u>
Of the same or different gender as the harasser.	Of either gender.
A third person who is not the intended target of the harassment.	Any employee or in certain circumstances someone who is not an employee (vendors, contractors).

**Liability and Sanctions**

Employees may be personally liable if they engage in harassing, sexually harassing or discriminatory behavior.

Any employee found to have engaged in harassment, sexual harassment, or discrimination in violation of this policy is subject to disciplinary action up to and including termination.

Supervisors may potentially be personally liable if they knew or should have known about incidents of sexual harassment, and did not take appropriate corrective action.

The Department may not be held responsible in cases of harassment, sexual harassment, and discrimination, if it can show that it took prompt and appropriate corrective action.

**Complaint Procedure**

Step	Action
1	Report cases of harassment, sexual harassment or discrimination: <ul style="list-style-type: none"> <li>• To a supervisor, who shall assist in immediately reporting the complaint to the Harassment Investigation Unit (HIU);</li> <li>• Fax a copy of the SP 387 Anti-Harassment, Sexual Harassment and Discrimination Complaint Form directly to the HIU at (508) 820-2149;</li> <li>• Forward the original SP 387 to the HIU 470 Worcester Road Framingham, MA 01702; and</li> <li>• Complaints may also be reported to the Director of the Human Resources Section at GHQ.</li> </ul>
2	The HIU shall immediately: <ul style="list-style-type: none"> <li>• Respond to the complainant and conduct a confidential investigation. These procedures may include the Department's Resolution Process as outlined within the Affirmative Action Plan.</li> </ul>

Continued next page.

Subject <b>Harassment &amp; Discrimination</b>	Number <b>ADM-18</b>
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**Complaint Procedure (Continued)**

<b>Step</b>	<b>Action</b>
3	<p>An employee may also file a complaint with:</p> <p><b>Massachusetts Commission Against Discrimination (MCAD)</b>            Boston Office:            One Ashburton Place, Room 601            Boston, MA 02108-1599 Telephone 617-994-6000</p> <p>Springfield Office:            436 Dwight Street, Room 220            Springfield , MA 01103 Telephone 413-739-2145</p> <p>Worcester Office:            455 Main Street, Room 101            Worcester, MA 01608 Telephone 508-799-8010</p> <p>New Bedford Office:            800 Purchase Street, Room 501            New Bedford , MA 02740 Telephone 508-990-2390</p> <p><b>Office of Diversity and Equal Opportunity</b>            One Ashburton Place, Room 213            Boston, MA 02108-1516 Telephone 617-727-7441</p> <p><b>US Equal Employment Opportunity Commission (EEOC)</b>            JFK Federal Building            475 Government Center, Room 475            Boston, MA 02203-0506 Telephone 617-565-3200</p> <p>The MCAD and EEOC have a time period of three-hundred (300) days for filing a claim.</p>
4	<p>The Harassment Investigation Unit shall notify the Department's Office of Diversity and Equal Opportunity of complaints of harassment or discrimination.</p>



**Responsibilities**

Position	Duties
<b>Supervisors</b>	<ul style="list-style-type: none"> <li>• Aggressively monitor the workplace to prevent and detect harassment, sexual harassment, and discrimination;</li> <li>• Take appropriate corrective action to stop all types of harassment, sexual harassment, and discrimination;</li> <li>• Immediately report incidents of harassment, sexual harassment, or discrimination to the Harassment Investigation Unit; and</li> <li>• Assist any employee in filing a complaint, or obtaining information on the Commonwealth’s Sexual Harassment Policy.</li> </ul>
<b>All Employees</b>	<ul style="list-style-type: none"> <li>• Shall not engage in harassing, sexually harassing, or discriminatory behavior;</li> <li>• Shall cooperate in investigations of harassment, sexual harassment, and discrimination; and</li> <li>• Shall actively participate in the Department’s efforts to prevent and eliminate harassment, sexual harassment, and discrimination.</li> </ul>

**Ombudsman/  
Employee  
Assistance**

All employees should be aware that conversations with the Ombudsman and/or Employee Assistance Unit are considered confidential and that these units are not the proper venue to notify the Department of harassment, sexual harassment, or discrimination complaints. Supervisors assigned to those units are not required to report such complaints through the official chain of command.

**Retaliation**

Any retaliation against an individual who has complained about harassment, sexual harassment, or discrimination, and any retaliation against individuals for cooperating with an investigation of a harassment, sexual harassment, or discrimination complaint is unlawful and shall not be tolerated.

**Distribution of  
Policy**

This policy shall be issued to each employee upon hiring and to all employees annually thereafter. This policy shall be continuously posted and available on DocuShare.

**Statewide  
Policy**

The Department shall adhere to the Commonwealth of Massachusetts, Human Resources Division Policy for the Prevention and Elimination of Sexual Harassment in the Workplace (April 21, 2005).

**Findings**

In the event that an investigation is conducted regarding a harassment, sexual harassment, or discrimination complaint, the findings shall be:

- Sustained;
- Not Sustained;
- Exonerated; or
- Unfounded.

Cases in which the complainant has withdrawn their complaint shall be classified as withdrawn. Cases that are recommended for an alternate resolution shall be classified as referred. In all cases, a record shall be made in the case file. All findings, withdrawals and referrals shall be reviewed and approved by the Division Commander of Standards and Training.

Any complaint which is sustained or unfounded may be deemed a violation of ADM-18 and shall be handled in accordance with Rules and Regulations of the Department, as applicable.

**References**

ADM-14 Personnel Investigation  
 ADM-36 Diversity and Equal Opportunity  
 SUP-04 Employee Assistance Unit  
 SUP-12 Ombudsman  
 MGL c.151B, s.3, 3a, and 4  
 MGL c.214, s. 1c  
 Department Rules and Regulations  
 Department of State Police Affirmative Action Plan  
 Executive Order 526- Order Regarding Non-Discrimination, Diversity, Equal Opportunity, and Affirmative Action  
 Commonwealth of Massachusetts' Human Resources Division Policy for the Prevention and Elimination of Sexual Harassment in the Workplace (4-21-05)  
 Title VII of the Civil Rights Act of 1964  
 SPAM Collective Bargaining Agreement Article 27  
 SP 387 Anti-Harassment, Sexual Harassment and Discrimination Complaint

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>November 5, 2008</b>	<b>ADM-19</b>

Subject
<b>Vehicle Management</b>

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**Policy** To establish a central management system for all vehicles owned or controlled by the Department in order to maintain a state of operational readiness.

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**Procurement** The Fleet Administrator shall authorize and be responsible for the procurement of all Department vehicles including:

- Vehicle specifications;
- Bidding process; and
- Equipment, parts and materials necessary for vehicle maintenance.

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**Fleet Administrator** The Fleet Administrator shall:

- Maintain a master vehicle inventory for computer/cruiser number, operator, operator assignment, vehicle model year, mileage, registration number, and condition;
- Ensure the annual reconciliation of the master inventory during the month of June;
- Maintain a sufficient inventory of parts, materials, and equipment at Fleet and the Troop/Section garages, subject to available funding;
- Issue parts and materials to Troop/Section garages according to need and availability;
- Maintain detailed vehicle maintenance records; and
- Notify Department personnel of manufacturer vehicle recalls.

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**Fleet Coordinator** Troop/Section Commander or designee shall act as the Fleet Coordinator:

- Ensure that monthly mileage and state inspection are submitted through established Departmental procedures.

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**Specialty Vehicles** Requests for specialized vehicles shall be forwarded through the respective Division Commander to the Fleet Administrator.

Specialty vehicles shall:

- Be purchased based on needs of the Department;
- Be assigned to personnel within the specialized sections/units; and
- Remain within the assigned section/unit unless otherwise authorized by the Fleet Administrator.

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**Vehicle Status**

Designation	Meaning
Active	Assigned and in-use.
Down*	Inoperable, requires repairs.
Out of Service*	Permanently disabled.
Spare	Unassigned and available for use.
* Vehicles designated "Down or Out of Service" <b><u>shall not be operated.</u></b>	

**Vehicle Assignment**

The Fleet Administrator or designee shall:

- Maintain control over vehicle assignment and re-assignment;
- Assign vehicles based on the year, condition, and mileage;
- Assign vehicles to individual personnel based upon availability and particular assignment; and
- Prior to the assignment or replacement of a vehicle:
  1. Analyze inventory reports of affected vehicle(s);
  2. Notify member(s) of scheduled vehicle assignment or appointment; and
  3. Inspect and verify vehicle being turned in for mileage, damage, operational status, cleanliness, and issued equipment.

Note: Personnel failing to report with their assigned vehicle and/or issued vehicle equipment shall not be issued a new or replacement vehicle.

**Transfers**

If members are...	Then members shall...
Transferred or promoted to a function requiring the same vehicle.	Retain currently assigned vehicle.
Transferred or promoted to a function requiring an alternate vehicle, i.e. marked, unmarked or specialty vehicle.	Contact the Fleet Section for vehicle re-assignment.

**Vehicle Disposal**

The Fleet Administrator shall:

- Maintain standards and criteria for determining when a vehicle is suitable for disposal;
- Ensure all usable equipment and parts are removed and the vehicle is appropriately prepared for disposal; and
- Provide the Commonwealth of Massachusetts Operational Services Division with the vehicle identification number of disposed vehicles.

**Extended Leave**

Position	Responsibilities
Member	Shall return the following issued equipment to their Troop/Section/Unit Commander when on extended leave in excess of thirty (30) days: <ul style="list-style-type: none"> <li>• Assigned vehicle along with issued vehicle equipment; and</li> <li>• Department issued fuel card, transponder and snow gate access cards.</li> </ul>
Troop/Section Commander	<ul style="list-style-type: none"> <li>• Shall notify the Fleet Administrator when issued vehicles and equipment are returned due to extended leaves; and</li> <li>• Advise the location of the vehicle and equipment.</li> </ul>
Fleet Administrator	<ul style="list-style-type: none"> <li>• Re-assign vehicle based upon the needs of the Department; and</li> <li>• If practicable, members returning to full duty should be re-assigned the same vehicle.</li> </ul>

**Forfeited/  
Donated  
Vehicles**

The Fleet Administrator has the authority to accept or reject vehicles on behalf of the Department.

Any vehicle accepted by the Department, shall be:

- Delivered to the Fleet Section with appropriate documentation, e.g. order of forfeiture, certificate of title;
- Inspected for mechanical and/or physical safety defects prior to acceptance and registration;
- Assigned a Fleet vehicle computer number; and
- Assigned by the Fleet Administrator based on the needs of the Department.

**References**

ADM-19A Vehicle Use and Maintenance

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>June 17, 2013</b>	<b>ADM-19A</b>

Subject
<b>Vehicle Use and Maintenance</b>

### Policy

Department vehicles shall be maintained in a safe, clean and serviceable condition at all times for reasons of safety and operational readiness, as well as to enhance the Department's public image.

Members assigned a vehicle belonging to various authorities or other governmental agencies, shall ensure they adhere to the authorities/agencies vehicle use and maintenance policies.

### Required Equipment

Vehicles used for enforcement purposes may be equipped with, at a minimum:

- Emergency lights and siren;
- Medical kit;
- Fire extinguisher;
- Radios;
- Prisoner safety barrier (marked, semi marked, low profile vehicles);
- Conspicuous markings (marked, semi marked vehicles); and
- All other equipment issued with, or made part of the vehicle according to Department specifications.

**Note: Cruiser equipment shall not be altered without prior approval of the Fleet Administrator.**

### Vehicle Inspection

Vehicles and equipment shall be inspected:

- Prior to the beginning of each shift by the vehicle operator;
- Before and after transporting prisoners for contraband and evidence;
- Quarterly by Station/Unit Commanders and documented according to Department procedures;
- For line or staff inspections; and
- When requested by the Fleet Administrator.

Employees shall immediately report, in writing to their immediate supervisor and the Fleet Administrator, any damage or vandalism to Department vehicles.

Any damage to a Department vehicle caused by a person arrested or summonsed to court shall be immediately reported to the Fleet Section, in order to collect restitution. The Fleet Coordinator shall make arrangements for repairs through the Fleet Section.

**Installation of Non-Issued Equipment or Vehicle Alteration**

Employees shall not install non-issued equipment in any Department vehicle, without prior written authorization from the Fleet Administrator.

Employees requesting to install non-issued equipment in Department vehicles shall:

- Make written requests through the appropriate channels to the Troop/Section/Unit Commander;
- Agree in writing to assume all responsibility for the loss or theft of the equipment, and any damage caused to the vehicle associated with the installation or removal of the equipment;
- Assume all costs associated with the purchase, installation, and service and/or maintenance fees associated with the installed equipment;
- Notify the Fleet Administrator of the location where the professional installation of the equipment shall occur; and
- Immediately remove any equipment as directed by the Fleet Administrator or proper authority.

The Troop/Section/Unit Commander shall review all requests and forward approved requests to the Fleet Administrator or the proper authority.

The Fleet Administrator shall:

- Approve or deny all written requests; and
- Forward the written approval or denial to the appropriate Troop/Section Commander.

**Vehicle Ornamentation and/or Window Tint**

Employees shall not affix/install vehicle ornamentation and/or window tint on or in any Department vehicle, including vehicles assigned to various authorities or other governmental agencies, unless approved in advance, and in writing, by the Deputy Superintendent and the Fleet Administrator.

**Vehicle Alteration**

Employees shall not:

- Remove, cover, or obscure the display of the issued registration plates; or
- Remove cruiser markings from Department vehicles without prior authorization from the Fleet Administrator or proper authority.

**Recalls**

Recalls issued by the Department or the manufacturer regarding Department vehicles shall be posted by the Fleet Administrator, according to Department procedures.

Employees who are assigned Department vehicles are responsible for checking recalls at least monthly. In the event a recall exists, the employee shall:

- Contact an authorized service center to schedule an appointment for service;
- Ensure the recall work is completed as ordered;
- Forward the repair order to the Fleet Section; and
- Retain a copy of the repair order.

**Vehicle Use**

Department vehicles shall be used for:

- Official use only;
- Commuting to and from home to assigned work location;
- Scheduled work assignments, callouts, or training; and
- Paid Details (undercover vehicles shall not be used at road construction sites.)

Employees (sworn and civilian) who use a Department vehicle shall:

- Notify their supervisor and receive authorization prior to using the vehicle outside of normal scheduled work hours, scheduled work assignments, callouts, training, details, or when on any type of time off or days off.

Supervisors shall:

- Only authorize an employee or member the use of a Department vehicle when the employee or member is on time off or days off for activities that are clearly indicative of official Department business; and
- Be responsible for documenting each request and authorization.

**Maintenance**

The operators of Department vehicles shall be responsible for:

- Maintaining a clean exterior and interior;
- Scheduling routine service and repairs with Fleet Section personnel, or at authorized service locations;
- Reporting all malfunctions to Department vehicles to the Fleet Administrator;
- Ensuring the vehicle registration is current;
- Ensuring the State Safety and Emission Inspection is current;
- Submitting monthly cruiser information according to Department procedures;
- Daily inspection checks; and
- The removal of snow and ice.

**Daily  
Inspection  
Checks**

The daily inspection check shall include, but not be limited to, the following checks:

- Fluid levels (oil, coolant, transmission, brake, steering and washer);
- Tires (pressure, wear and condition);
- Belts and hoses;
- Inspection and registration stickers; and
- Emergency equipment.



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**Scheduled Maintenance**

All Department employees are required:

- To have their currently assigned Department vehicle routinely serviced; and
- To have an oil change at a Department Fleet Facility every 9,000 miles or six (6) months, whichever occurs first.

Appointments shall be made with each individual Fleet Facility prior to mileage/month deadline. No employee shall:

- Have their cruiser serviced at a third party commercial service center, unless the service is specifically pre-approved by the Fleet Administrator.

Troop/Station/Section/Unit Commanders that have specialty, spare, and/or pool vehicles assigned under their command shall ensure compliance.

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**Fuel Cards**

Fuel cards issued to Department employees are restricted to the purchase of fuel for assigned Department vehicles. All purchases for items, other than fuel, shall result in the payment of restitution and/or disciplinary action. Employees utilizing fuel cards shall:

- Sign a receipt when issued fuel card;
- Enter Fleet vehicle computer number for PIN and current mileage when fueling;
- Immediately report lost or stolen cards in writing to the Fleet Section, through channels;
- Fuel vehicles at authorized facilities;
- Purchase regular unleaded fuel only, unless otherwise authorized;
- Use self-service facilities, whenever possible, to assist in controlling Department fuel expenditures;
- Ensure vehicle fuel tanks remain at least half full at all times; and
- Turn in fuel cards through channels to the Fleet Administrator upon any leave in excess of thirty (30) or more days.

**Note: Employees shall comply with Massachusetts General Law c. 90 s. 13 by not leaving their vehicle-running while unattended, unless within the scope of their duties e.g. motor vehicle stops.**

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**Transponders and Snow Gate Access Cards**

Non-revenue Fast Lane Transponders and Snow Gate Access Cards shall only:

- Be utilized for official business in Department assigned vehicles within the Commonwealth of Massachusetts.

Employees traveling outside of the Commonwealth shall:

- Disable their transponders;
  - Pay tolls with cash; and
  - File for reimbursement through the standard employee expense reimbursement process.
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Continued next page.

**Transponders and Snow Gate Access Cards (Continued)**

Electronic data associated with the use of these items shall be monitored to ensure compliance. Use of non-revenue Fast Lane Transponders and Snow Gate Access Cards constitutes express consent for the Department to monitor and/or inspect any data created in the course of such use.

Employees assigned non-revenue Fast Lane Transponders and Snow Gate Access Cards shall:

- Use the Fast Lane;
- Disable their transponders when traveling out of state;
- Immediately report lost or stolen transponders or Snow Gate Access Cards in writing to the Fleet Administrator, through channels; and
- Turn in non-revenue transponders and Snow Gate Access Cards through channels to the Fleet Administrator upon any leave in excess of thirty (30) or more days.

**Emergency Operation and Response**

Members responding in emergency vehicles shall operate vehicles with due care and regard for the safety of all persons and property.

Members, in an emergency and while in the performance of duty:

- May drive in excess of the applicable speed limit, if exercising caution and due regard under the circumstances; and
- May drive through an intersection, contrary to traffic signs or signals, **after coming to a full stop**, and then proceeding with caution; and
- **Shall never pass** a school bus that has stopped to allow pupils to alight or board and has its red lamps flashing.

<b>Response</b>	<b>Action</b>
Non-emergency/non-life threatening.	<ul style="list-style-type: none"> <li>• Emergency lights and/or siren need not be used; and</li> <li>• Observe all traffic laws and regulations.</li> </ul>
Emergency, but non-life threatening.	<ul style="list-style-type: none"> <li>• Emergency lights and sirens may be utilized; and</li> <li>• May use discretion in approach.</li> </ul>
Actual or potential life-threatening injuries or violent situations.	<ul style="list-style-type: none"> <li>• Utilize emergency lights and sirens;</li> <li>• Expeditious response with due care and regard for public safety; and</li> <li>• May use discretion in approach.</li> </ul>

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**Seatbelts**

All occupants shall properly wear seatbelts while traveling in any state owned vehicles as mandated by Executive Order No. 241.

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**Airbags**

No object shall be placed on or in the path of airbags for safety reasons. Airbag switches shall not be installed in any Department vehicle without the prior written approval of the Fleet Administrator.

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**References**

ADM-19 Vehicle Management  
TRF-20 Department Vehicle Crashes  
Executive Order No. 241 Use Of Seat Belts By State Employees  
MGL c. 90 s.13 Safety Precautions for Proper Operation and Parking of Vehicle and Buses  
M.G.L. c.89, s.7B  
M.G.L. c.90, s.14

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>April 23, 2009</b>	Number	<b>ADM-20</b>
Subject	<b>Weapons Management</b>		

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**Policy** The Armorer shall provide oversight for the control and operational readiness of all Department weapons and ammunition, from acquisition to final disposition.

Members shall continually inspect all weapons and ammunition issued to them or under their control, to ensure cleanliness and operational readiness.

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**Definition** *Firearms:* All firearms, rifles, shotguns, and machine guns issued by the Department.

*Armorer:* A member designated by the Colonel/Superintendent, responsible for all weapons and ammunition under their control or in storage at the Armory.

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**Armorer** The Armorer shall:

- Maintain an accurate inventory of all weapons;
- Maintain all SP 9 Record of Issue and SP 255 Equipment Transfer/Disposition forms;
- Update the Department Soft Body Armor/Weapons Inspection database;
- Maintain an inventory of ammunition and firearms related supplies;
- Ensure that sufficient quantities of ammunition, parts, and supplies remain at the Armory for Department use;
- Coordinate all firearms repairs;
- Conduct training for all members;
- Ensure each Station/Section/Unit has a suitable bullet trap or body armor for use in unloading firearms; and
- Ensure each Troop Headquarters has at least two (2) duty firearms (pistols) available for use as temporary replacements.

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**Firearms Issue or Transfer** Each firearm issuance and transfer shall be recorded on the SP 9. The Armorer shall ensure the correct information is updated on PayStation.

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Continued next page.

Subject <b>Weapons Management</b>	Number <b>ADM-20</b>
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**Firearms Issue or Transfer (Continued)**

Commanding Officers that have firearms assigned to the Station/Section/Unit shall complete a SP 255 form indicating:

- Description of firearms including serial number; and
- Date and location of assignment.

Commanding Officers shall forward one (1) copy to the Armorer and retain a copy for the Station/Section/Unit records.

**Storage of Firearms and Ammunition**

Commanding Officers that have firearms assigned to their Station/Section/Unit shall:

- Provide a secure, locked, and alarmed storage area;
- Keep all stored items in a state of operational readiness and available for emergency use at any time; and
- Permit immediate accessibility only to authorized members.

**Seizure of Firearms**

Upon seizure of a duty firearm, the supervisor shall contact the Armorer to:

- Determine if the member has additional issued firearms; and
- Coordinate storage of the seized duty firearms(s).

**Disposal of Weapons**

Upon determination that Department firearms or ammunition have become obsolete or inoperable, the Armorer shall complete a SP 255 indicating:

- Description of item;
- Reason and method of disposal (sale, trade-in, destruction); and
- Name of receiving agency/company and signature of receiving party.

The Armorer shall dispose of the item in accordance with the guidelines established by the Commonwealth of Massachusetts.

**Inspections**

During range qualification all firearms shall be inspected for condition and operational readiness by the Armorer or designee.

Supervisors shall ensure:

- A firearms inspection has been completed quarterly for all subordinates during the months of January, April, July, and October;
- A report of the inspection is documented on PayStation; and
- Members on leave during the quarterly period have their firearms inspected on the first day that the member returns to duty.

Only members trained in the inspection of specific firearms shall inspect that particular type of firearm.

Continued next page.

Subject	Number
<b>Weapons Management</b>	<b>ADM-20</b>

**Inspections  
(Continued)**

- Members submitting a firearm for inspection shall:
- Ensure that the firearm is in a safe and unloaded condition with the magazine removed;
  - Present the firearm with the slide locked in the open position;
  - Shotguns shall be presented for inspection with the action in the open position; and
  - Rifles, machine guns and submachine guns shall be presented for inspection in a safe manner as directed by the Inspector.

Weapons shall be unloaded in a safe manner consistent with training, using a suitable bullet trap or ballistic vest as a backdrop in a safe area approved by the Armorer.

**Inspectors  
Duties**

Only members trained in the inspection of specific firearms shall inspect that particular type of firearm. Inspectors may use a SP 608 Weapons Inspection form as a guideline during the inspection process.

- Firearms Inspectors shall:
- Inspect all Department firearms as assigned and document on the Department database during the months of January, April, July, and October;
  - Detail all inadequacies on the database; and
  - Remove any weapon or ammunition found to be defective and forward to the Armorer for repair or replacement.

**Temporary  
Firearms**

- Commanding Officers shall:
- Ensure that the member with the defective firearm is issued a temporary replacement firearm from the Troop Headquarters or the Armorer; and
  - Document the issue of the temporary firearm on a SP 9.

The issuance of a temporary firearm shall be made by the Armorer, Troop Commander or authorized Commissioned Officer.

**Leave**

Commanding Officers of a member who is on any leave in excess of thirty (30) days shall contact the Armorer for storage of Department issued firearms and ammunition.

**References**

- SP 9 Record of Issue Form
- SP 255 Equipment Transfer/Disposition Form
- SP 608 Weapons Inspection Form

Promulgated By:
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# Department of State Police

## General Order

Effective Date <b style="text-align: center;">November 5, 2008</b>	Number <b style="text-align: center;">ADM-21</b>
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Subject	<b>Communications</b>
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**Policy**

The Department shall maintain an effective and efficient communications system to aid in the performance of its public safety mission.

The Department shall ensure continuous communication accessibility through a twenty-four (24) hour multi-channel radio system capable of two-way operation on joint public safety frequencies.

The Department shall comply with all Federal Communications Commission (FCC) procedures and requirements.

**Positions and Responsibilities**

Position	Duties
Colonel/Superintendent or designee	<ul style="list-style-type: none"> <li>• Designate personnel to the Communications Staff positions.</li> </ul>
Director of Communications	<ul style="list-style-type: none"> <li>• Supervise all personnel assigned to the Communications Section.</li> </ul>
Communications Officer (commissioned officer)	<ul style="list-style-type: none"> <li>• Supervise members assigned to the Communications Section;</li> <li>• Oversee the administration of the audio recordings of Department radio frequencies;</li> <li>• Serve as “Keeper of the Records” for the Communications Section; and</li> <li>• Record and preserve E 911 Emergency Lines in accordance to general laws and codes for a period of one (1) year.</li> </ul>
Director of Dispatch Services	<ul style="list-style-type: none"> <li>• Supervise all personnel in the Dispatch Services Unit.</li> </ul>
Communications Coordinator	<ul style="list-style-type: none"> <li>• Provide technical expertise in the operation and implementation of Department radio systems.</li> </ul>

Subject	<b>Communications</b>	Number	<b>ADM-21</b>
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**Audio Recordings**

**Requests for Audio Recordings**

Audio recordings are available to comply with all legal requirements, for investigative and training purposes, or for other needs of the Department.

Requests for audio recordings shall be:

- Forwarded through channels to the Communications Officer using SP 623 Cellular 911 & Radio Transmission Recording Request form.

Note: The indiscriminate or inappropriate play-back of the Department's recorded messages is strictly prohibited.

**Communication Center GHQ**

The Communications Officer shall:

- Assign a commissioned or non-commissioned officer as the General Headquarters (GHQ) Communications Desk Officer for each duty shift.

Communications Desk Officer shall:

- During emergencies and/or unusual occurrences that may affect the Department, immediately notify the Command Staff and properly implement on-call procedures and ensure requests for specialized services are processed;
- Physically secure the dispatch area; and
- Monitor GHQ complex.

**Communication Facilities and Equipment**

Access to the Department Communications Centers and equipment shall be:

- Restricted to authorized personnel.

Each Department facility is equipped with an alternative power source, sufficient enough to operate the radio systems and other vital equipment, in the event of a primary power source failure.

The alternative power source shall be:

- Accessible only to authorized personnel; and
- Inspected and tested weekly by the Troop/Station/Section Commander or designee, and documented.

**Emergency Service Numbers**

The Troop/Station/Section/Unit Commanders shall ensure:

- The telephone numbers and addresses of available emergency service agencies are up to date and readily available to dispatchers, desk officers, as well as other communications personnel; and
- That the tactical dispatching plans or emergency operational plans that may affect facilities within their specific jurisdiction, e.g., prisons, nuclear plants, sports facilities, are up to date and readily available.



Subject <b>Communications</b>	Number <b>ADM-21</b>
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**Officer/Vehicle Status** Station Desk Officers and Dispatchers shall know which members are immediately available for service, therefore:

- Whenever a member engages in self-initiated patrol activities, they shall notify the desk officer or dispatcher of the exact location and purpose;
- Whenever a member is not available for normal patrol function, they shall notify the desk officer or dispatcher, and the appropriate status code shall be entered into the "officer assignment" section of the Daily Administrative Journal (DAJ); and
- Whenever a back-up officer is assigned to a call, an appropriate entry shall be made into the DAJ.

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**Radio Decorum** Department member(s) shall ensure:

- Department radio communications/messages have first priority;
- They properly identify themselves and use clear diction when communicating on the Department network; and
- When making requests for law enforcement information, the member shall do so via their assigned radio frequency, unless doing so would compromise an investigation or the member's safety.

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**Incident Command** The National Incident Management System (NIMS) has integrated existing best practices into a consistent, nationwide approach to domestic incident management at all jurisdictional levels and across functional disciplines.

Department member(s) involved at a complex critical incident shall:

- Use a clear spoken message-based on common terminology; and
- Refrain from using codes for radio communications.

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Subject	Number
<b>Communications</b>	<b>ADM-21</b>

**Radio Codes** To eliminate lengthy radio transmissions and maintain confidentiality, the following codes shall be used for all radio broadcasts, whenever practicable:

<b>CODE 1</b>	STANDBY FOR AN EMERGENCY - Cease and desist all unnecessary radio traffic. Only primary dispatchers and officers engaged in the emergency shall transmit messages.
<b>CODE 2</b>	TELEPHONE YOUR STATION
<b>CODE 3</b>	TELEPHONE (person) AT (number).
<b>CODE 4</b>	CRUISER OUT OF SERVICE Specify location and/or telephone number.
<b>CODE 5</b>	CRUISER NOW IN SERVICE
<b>CODE 6</b>	WHAT IS YOUR LOCATION?
<b>CODE 7</b>	RETURN TO YOUR STATION OR SPECIFIC LOCATION
<b>CODE 8</b>	STOPPING A SUSPICIOUS VEHICLE – Transmit vehicle make, model, color, registration number, number of occupants, and give <u>EXACT LOCATION</u> .
<b>CODE 9</b>	REQUEST LISTING ON-Transmit registration number and/or vehicle identification number of motor vehicle, and give <u>EXACT LOCATION</u> .
<b>CODE 10</b>	REQUEST STOLEN RECORD ON - Transmit registration number and/or vehicle identification number or serial number of suspected stolen property, and give <u>EXACT LOCATION</u> .
<b>CODE 11</b>	REQUEST LICENSE DATA ON - Transmit name, DOB, license number if known, and give <u>EXACT LOCATION</u> .
<b>CODE 12</b>	ANY MESSAGES FOR ME?
<b>CODE 13</b>	RADIO TEST CALL Give signal strengths as follows: R-1 Barely audible;                    R-7 Moderately strong signal; R-3 Weak signal;                        R-9 Strong signal loud and clear. R-5 Fairly good signal;
<b>CODE 14</b>	MISSING OR WANTED CHECK - Transmit name, race, sex, DOB, social security number, registration of vehicle if applicable, and give <u>EXACT LOCATION</u> .
<b>CODE 15</b>	OFFICER REQUESTING ASSISTANCE - Transmit <u>EXACT LOCATION</u> and, if able, reason for request.
<b>CODE 16</b>	CRASH INVESTIGATION (state type) AT (location)
<b>CODE 17</b>	CLEAR – From a previous assignment completed and now back on patrol and/or original assignment and available.
<b>CODE 18</b>	PERMISSION TO LEAVE ASSIGNED PATROL - Transmit <u>EXACT LOCATION</u> , reason and estimated time of absence.
<b>CODE 20</b>	INVESTIGATION (state type) AT (location)
<b>CODE 22</b>	CELLULAR CALLER ADVISEMENT/NOTIFICATION
<b>CODE 30</b>	<b>OFFICER IN TROUBLE/ TRANSMIT EXACT LOCATION</b>

**Phonetic  
Alphabet**

Members shall utilize the following phonetic alphabet.

<b>A</b> Alpha	<b>N</b> November
<b>B</b> Bravo	<b>O</b> Oscar
<b>C</b> Charlie	<b>P</b> Papa
<b>D</b> Delta	<b>Q</b> Quebec
<b>E</b> Echo	<b>R</b> Romeo
<b>F</b> Foxtrot	<b>S</b> Sierra
<b>G</b> Golf	<b>T</b> Tango
<b>H</b> Hotel	<b>U</b> Uniform
<b>I</b> India	<b>V</b> Victor
<b>J</b> Juliet	<b>W</b> Whiskey
<b>K</b> Kilo	<b>X</b> X-ray
<b>L</b> Lima	<b>Y</b> Yankee
<b>M</b> Mike	<b>Z</b> Zulu

**References**

National Incident Management System (NIMS) March 2004  
MGL Chapter 6A  
CMR 560 §3

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>ADM-22</b>

Subject
<b>Court Attendance and Fees</b>

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**Policy** Department employees shall comply with all court orders and summons.

Employees shall be compensated for court attendance according to their applicable collective bargaining agreements.

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**Definitions**

*Day Off:* Any regularly scheduled day off, including a holiday or an administrative day off.

*Vacation Day:* A paid vacation day within an approved scheduled vacation week.

*Nighttime Shift:* A regular duty assignment to the evening or midnight shift.

*Court Officers:* Shall be designated by a Troop Commander as the Officer-in-Charge of Instruments for Breath Alcohol Testing and be the Keeper of Records for their jurisdiction's Breath Alcohol Testing Devices.

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**Documentation** All court appearances, depositions, or consultations shall be accurately documented by appropriate log entries in the Daily Administrative Journal (DAJ) including the following:

- Case name;
- Type of appearance;
- Time in/out; and
- Court location.

**All court entries within the DAJ shall be reviewed daily by the Station/Unit Commander or designee.**

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**Payment for Court Appearances** Members may be entitled to payment of a court fee for attendance at a state or federal court if the member is on duty at night, on vacation or furlough, or on a regularly scheduled day off and is a:

- Witness testifying in court on behalf of the Commonwealth or United States;
- Subpoenaed witness in criminal court testifying in an official capacity; or
- Defendant in court in a civil rights case in which the member was acting in an official capacity within the scope of employment.

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**Payment for Court Appearances (Continued)**

Members may not receive a court fee or additional pay when:

- They are not a witness for the Commonwealth;
- They are the plaintiff in a case; or
- They are a witness, on behalf of another Department member, not acting in an official capacity.

**Note:** Except when on an approved scheduled vacation week, no member shall be granted paid time off which conflicts with a scheduled court appearance, or would result in overtime being generated for the court appearance.

**Witness Fees**

Any member entitled to a court witness fee may receive and accept such fee, in lieu of but not in addition to, any other type of compensation (MGL c.262, s.50.)

Members shall not receive a court witness fee when:

- Any other type of compensation is received during the period of time of court appearance;
- Appearing at a second court during a time for which the member is still receiving compensation for their appearance at the first court attended;
- Working a day shift;
- On sick, injured, or extended leaves; or
- They are not a witness for the Commonwealth.

**Travel Fees**

Members may be entitled to a travel allowance from the court when:

- A private vehicle is used to travel to and from court held in a city or town other than a city or town in which the member resides.

Note: Travel allowance is only authorized from the actual point of origin and actual point of return from court attendance.

Members are not entitled to any travel allowance if:

- A state-owned vehicle is used;
- Receiving mileage allowance from any other government or private source; or
- Duplication of mileage occurs from more than one (1) court within one (1) day.

**Court Fees**

Court appearance fees shall:

- Be computed from the start of the appearance, or the member's actual arrival time, whichever is later, until the end of the appearance;
- Be consistent with Massachusetts General Laws and collective bargaining agreements, unless it overlaps with a member's other duties; and
- Not be paid for member's travel time to or from court.

**Injured Leave Status**      Members on injured leave subpoenaed to appear in court shall:

- Notify their immediate supervisor and the Court Officer who issued the SP 189 Court Appearance Notification;
- Request a continuance or reschedule the appearance through the court officer of jurisdiction; or
- If a continuance is not granted, request authorization to appear from the Troop/Section Commander or designee.

**Temporary Modified Duty Status**      Members on Temporary Modified Duty notified to appear in court shall:

- Notify their immediate supervisor and the Court Officer who issued the SP 189;
- Request a continuance or reschedule the appearance; or
- If a continuance is not granted, request authorization to appear from the Troop/Section Commander or designee.

**Extended Leave Status**      Members on extended leave subpoenaed to appear in court shall:

- Notify their immediate supervisor and the Court Officer who issued the SP 189;
- Request a continuance or reschedule the appearance through the court officer of jurisdiction; and
- Not appear in court on behalf of the Department.

<b>Court Responsibilities</b>	<b>Position</b>	<b>Responsibilities</b>
	Employees	<ul style="list-style-type: none"> <li>• Check the Department email system every work shift, to remain apprised of newly assigned court cases or status changes to pending cases;</li> <li>• Print any emailed SP 189 Court Card Notifications;</li> <li>• Submit complaint applications to the Court Officer of jurisdiction;</li> <li>• If a summons is received directly from an authorized agent of the court, immediately submit the hard copy to the Court Officer of jurisdiction and request a SP 189;</li> <li>• Have any SP 189's signed by the required parties, if any overtime hours are generated by a court appearance;</li> <li>• The SP 189 shall be date/time stamped by the Clerk's Office at the conclusion of the case, if more than four (4) hours of overtime are generated by any court appearance on any single calendar day;</li> <li>• Have the Assistant District Attorney sign the SP 189, including the actual time of the member's appearance, if a date/time stamp is not available;</li> </ul>

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**Court  
Responsibilities  
(Continued)**

<b>Position</b>	<b>Responsibilities</b>
Employees	<ul style="list-style-type: none"> <li>• Notify the Court Officer of jurisdiction of any continuances and the parties who requested the continuance; and</li> <li>• Enter information on the case disposition, sign, and submit the SP 189 to their assigned Station/Section /Unit.</li> </ul>
Court Officer	<ul style="list-style-type: none"> <li>• Schedule employee's court appearances in an effort to minimize overtime;</li> <li>• Immediately enter information from summonses, continuances, or cancellations into the Department court database;</li> <li>• Issue the SP 189 for proceedings not scheduled by other Court Officers (e.g., Grand Jury, Superior Court, Federal Court, depositions);</li> <li>• Immediately advise affected employees of court case assignment and status changes to pending cases using all available methods;</li> <li>• Advise the Station/Unit Commander of any court case requiring the appearance of three (3) or more members;</li> <li>• Enter all disposition information into the Department court database;</li> <li>• Shall be the Officer-in-Charge of Instruments for Breath Testing Devices according to TRF-14 Operating Under the Influence of Alcohol, and function as the Keeper of the Records;</li> <li>• Provide the Commanding Officer with a weekly list of court notifications; and</li> <li>• Immediately notify their Commanding Officer if a member: <ol style="list-style-type: none"> <li>1. Fails to appear for a scheduled court date; or</li> <li>2. Appears at court without prior notification by a Court Officer; or</li> <li>3. Is notified to return to court for additional information required by the court during an arraignment.</li> </ol> </li> </ul>
Commanding Officers	<ul style="list-style-type: none"> <li>• Review and reconcile all submitted SP 189's prior to approving PayStation court overtime submissions;</li> <li>• Deny any court overtime submitted on PayStation without a proper and signed SP 189;</li> <li>• Retain all submitted Station/Unit court appearance notification forms for inspection for three (3) years;</li> </ul>

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**Court Responsibilities (Continued)**

Position	Responsibilities
Commanding Officers	<ul style="list-style-type: none"> <li>• Review requests for court appearances involving three (3) or more members as notified by the Court Officer and consult with the appropriate court authority to determine if any members appearance is not critical to the case; and</li> <li>• Notify the Troop/Section Commander or designee immediately if a member:               <ol style="list-style-type: none"> <li>1. Fails to appear for a scheduled court date; or</li> <li>2. Appears at court without prior notification by a Court Officer; or</li> <li>3. Is notified to return to court for additional information required by the court during an arraignment.</li> </ol> </li> </ul>
Troop Cases and Report Officers	<ul style="list-style-type: none"> <li>• Conduct examinations of submitted PayStation and SP 189's for signs of inefficiency or abuse;</li> <li>• Maintain staff supervision of the Court Officers and conduct semi-annual staff inspections of Court Officer's files;</li> <li>• Report inspection findings and analysis to the Troop Commander; and</li> <li>• Assist Court Officers in addressing problems at their assigned courts, or with conflicts between the courts and the Department.</li> </ul>
Troop/Section Commanders or Designee	<ul style="list-style-type: none"> <li>• Contact the appropriate court authority to confirm the necessity of the appearance of three (3) or more members on the same day; and</li> <li>• Conduct examinations of submitted PayStation and SP 189's for signs of inefficiency or abuse.</li> </ul>

**Non-Field Sections/Units**

Commanding Officers shall create court appearance guidelines appropriate for their Section/Unit and file a copy with the appropriate Division Commander.

**References**

ADM-11E Extended Leaves  
 SP 189 Court Appearance Notification  
 MGL c.262, s. 53B, 53C  
 SPAM Collective Bargaining Agreement Article 27

Promulgated By:





# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>ADM-24</b>
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Subject <b>Department Radio Call Signs</b>
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**Policy** The Department shall promote officer safety and efficiency through the use of a standardized radio call sign procedure.

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**Call Sign Structure** The Department shall use the following categories for radio call signs:

- The Executive and the Secretary of Public Safety Personnel;
- The State Police Command Staff;
- The Troop Commanders/Executive Officers;
- Specialty Vehicles; and
- Station Identifiers.

The call sign for all other Department personnel shall be the designated cruiser number assigned by the Fleet Administrator.

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**Call Sign Database** The Fleet Administrator shall:

- Maintain a database of assigned cruiser numbers;
- List the corresponding cruiser number to a vehicle and employee; and
- Ensure radio call signs assigned to Executive, Public Safety and Command Staff personnel are also included within the database.

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**Department Radio Call Signs** Department employees (sworn and civilian personnel), unless specifically identified within this policy, shall:

- Use the designated cruiser number assigned by the Fleet Administrator, as their radio call sign.

Employees utilizing spare cruisers or pool vehicles shall:

- Use the designated cruiser number of the assigned spare cruiser/pool vehicles;
- Identify themselves by their ID number; and
- Provide their name, rank when requested.

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**Call Signs for the Executive Office and Command Staff**

The Department shall issue call signs for the Executive, Public Safety and Command Staff personnel, excluding Command Staff personnel assigned to troops within the Division of Field Services.

The following calls signs shall be assigned:

Entity	Call Sign	Assignment
<b>Executive and Public Safety Personnel</b>	S-1	Governor
	S-2	Lt. Governor
	S-3	Secretary of Public Safety and Security
	S4-10	Available if Needed
<b>Department Command Staff Personnel</b>	1	Colonel/Superintendent
	2	Lt. Colonel/Deputy Superintendent
	3	Lt. Colonel/ Field Services
	4	Lt. Colonel/ Invest. Services
	5	Lt. Colonel/ Standards and Training
	6	Chief Administrative Officer
	7-9	Majors w/in Office of the Superintendent
	10	Chief of Staff
	11-15	Majors -Division of Field Services (DFS) Non-Troop
	16-20	Majors -Division of Investigative Services (DIS)
	21-25	Majors -Division of Standards and Training (DST)
	26-30	Majors -Division of Administrative Services (DAS)

**Call Signs for Troops**

Troop Commanders and their Executive Officers shall be assigned call signs as follows:

Each Troop Commander shall be:

- Identified as the number one (1) attached to the phonetic troop identifier e.g. "1A"; and

Each Troop Executive Officer shall be:

- Identified as the number two (2) attached to the phonetic troop identifier e.g. "2A".

Subject <b>Department Radio Call Signs</b>	Number <b>ADM-24</b>
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**Specialty Vehicles** Specialty vehicles shall be identified through radio call signs as:

- Name of the unit followed by the assigned number of the vehicle e.g. Marine 1, Air 3, and Cycle 5.

**Station Identifiers** Within the Division of Field Services the following protocol shall be adhered to:

Troop Headquarters shall use:

- The appropriate troop phonetic identifier preceded by the word Station as the radio call sign e.g. "Station H to 756".

Sub-Stations shall use:

- The appropriate phonetic identifier followed by the assigned numerical designation e.g. "B-1", "D-2".

Specialty Section/Units shall use:

- Plain English to identify themselves e.g. "Air Base Plymouth to Air 2", or "Marine Base to Marine 3".

**Portable Radio Call Signs**

- Members shall use the designated cruiser number while transmitting on the portable radio; and
- Members without a designated cruiser number shall announce their name, rank, and ID number if needed while transmitting on the portable radio e.g. members assigned to Troop "F".

**Protocol** Whenever a member requests information over the radio, requests shall be preceded or ended by the member's exact location.

**Incident Command** The National Incident Management System (NIMS) has integrated existing best practices into a consistent, nationwide approach to domestic incident management at all jurisdictional levels and across functional disciplines.

Department member(s) involved at a critical incident with multiple agencies shall use a clear spoken message-based on common terminology.

**Troop and Sub-Station Call Signs** The following radio call signs shall be used when transmitting on the Department Communication System.

<b>A</b>	<b>Danvers HQ</b>	<b>B</b>	<b>Northampton HQ</b>
A-1	Andover	B-1	Lee
A-2	Newbury	B-2	Shelburne Falls
A-3	Concord	B-3	Springfield
A-4	Medford	B-4	Cheshire
A-5	Revere	B-5	Russell
A-6	Danvers (sub-station)	B-6	Northampton (sub-station)
<b>C</b>	<b>Holden HQ</b>	<b>D</b>	<b>Middleboro HQ</b>
C-1	Athol	D-1	Norwell
C-2	Millbury	D-2	Yarmouth
C-3	Brookfield	D-3	Dartmouth
C-4	Leominster	D-4	Middleboro (sub-station)
C-5	Sturbridge	D-5	Oak Bluffs
C-6	Holden (sub-station)	D-6	Nantucket
C-7	Belchertown	D-7	Bourne
C-8	New Braintree (dispatch)		
C-9	Devens		
<b>E</b>	<b>Mass Pike Boston HQ</b>	<b>F</b>	<b>Logan Airport HQ</b>
E-1	Weston		
E-2	Charlton	<b>H</b>	<b>South Boston HQ</b>
E-3	Westfield	H-1	Government Center
E-4	Tunnels	H-2	Framingham
		H-3	Foxboro
		H-4	Boston
<b>G</b>	<b>General Headquarters, Framingham</b>	H-5	Brighton
		H-6	South Boston (sub-station)
		H-7	Milton

Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>ADM-25</b>
Subject	<b>Paid Details</b>		

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### Policy

The Department may allow personnel, on full duty status or alternative duty status, (as specified in ADM-11C Maternity Policy), to work paid details.

The Department recognizes the importance of maintaining safe and efficient traffic flow at roadway work sites and special events. The Department also recognizes that at major sporting, civic, special events, and other times, members may be required to provide crowd control and/or security.

All paid details may be worked by members from the rank of Trooper through Detective Lieutenant inclusive. Detective Captains and Captains may work paid details in a supervisory role with the approval of the Deputy Superintendent.

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### Definitions

*Paid Detail (detail):* A voluntary assignment paid for by an outside entity which has been authorized by the Colonel/ Superintendent.

*Scheduled Work Hours:* A regular shift or tour of duty consisting of eight and one-half (8.5) hours.

*Work:* Shall be defined to include hours actually worked during regularly scheduled duty, overtime, court time, and paid details.

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### Hours of Work

Members shall not schedule or work combinations of assignments and/or details which they know or should know will result in a direct violation of the "sixteen and one-half (16.5) hour rule" as contained within the Collective Bargaining Agreement (CBA), this policy, or Superintendent's Memo 13-SM-10 Extension to the 16.5 Hour Rule Limitation for further clarification.

Members shall not accept a detail if doing so would require the member not to work a regularly scheduled shift or attend other work obligations of which the member is aware.

Members shall not cancel a detail in order to accept another detail or overtime assignment.

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Continued next page.

**Hours of Work  
(Continued)**

In the event the detail hours exceed the hours of work allowed in any twenty-four (24) hour period, the member shall not be allowed to alter the starting time of their next assigned work shift, but shall use accrued personal leave or vacation leave credits to offset any conflicts with their scheduled work hours.

Members shall be paid for details in conformance with their applicable collective bargaining agreement.

**Overlapping  
Time**

Overlapping detail hours of any kind is strictly prohibited.

In order to prevent any overlapping of scheduled work hours, members shall utilize accrued personal or vacation leave to offset any overlap in conformance with the member's collective bargaining agreement.

**Travel Time**

Members are required to use at a minimum, one-half (1/2) hour of accrued personal or vacation leave as travel time to or from a detail when:

- The travel time overlaps with their scheduled work hours; or
- Working a detail outside the geographical boundary of their troop or section; or
- The travel time from the duty assignment to the paid detail location is greater than one-half (1/2) hour as determined by their duty assignment supervisor.

Note: Members not assigned to a specific sub-station, the geographical boundary for a section/unit is defined as the station of jurisdiction where their regular reporting location is sited. Temporary Duty Assignments (TDY) work locations shall be considered as the member's regular reporting location for administration of this policy.

Travel Time Exception: When a detail is located outside the member's primary troop/section and that detail location is within a Station Area that abuts the member's assigned station area/reporting location, then the one-half (1/2) hour of travel time is not required.

Duty Assignment Supervisors shall ensure travel time compliance.

Subject	Number
<b>Paid Details</b>	<b>ADM-25</b>

**Requests**

Members shall not:

- Make duplicate/same day requests for details in different Troops; or
- Request or work overtime or details within twenty-four (24) hours from the start time of their regularly scheduled work shift when sick leave was taken for:
  1. Personal illness or injury;
  2. The presence of the member at their work location would jeopardize the health of others, through exposure to a contagious condition; or
  3. The member's spouse, child, parent, or spouse's parent, or relative living in the member's household, is seriously ill. In this event, a limit to the amount of leave the member can use is set by the CBA and federal and state laws.

Exception: A member who works at least four (4) or more consecutive hours of their regularly scheduled work shift, in which Sick Leave was granted as outlined in ADM-11 Sick Leave, shall remain eligible to work paid details and overtime.

Members may request only one troop as a primary choice on a SPD-3 Request for Paid Detail form. The primary choice for:

- Members assigned to Field Operations within the Division of Field Services shall be limited to the troop they are assigned to, or to the troop from where they reside;
- Members assigned to the Division of Field Services, but not assigned to a troop within Field Operations, may request any troop as their primary choice; and
- Troops E and F are reserved for members assigned to the respective troop, Office of the Superintendent, Division of Field Services (see above), Division of Administrative Services, Division of Investigative Services, and Division of Standards and Training.

The SPD-3 shall be forwarded to the Paid Detail Officer of jurisdiction prior to the first of March each year or upon transfer.

Weekly requests for assignments shall be made according to a procedure approved by the Troop Commander. When requesting a detail, members shall report all out-of-troop details worked for the prior five (5) weeks, to the Paid Detail Officer of jurisdiction.

**Member Responsibilities**

Members assigned to a road construction type detail shall maintain a professional presence and shall perform the following duties:

- Provide public and site safety;
- Be aware of, and visible to, oncoming traffic;
- Maintain uniform traffic flow through manual direction or other devices as necessary;
- Stand, facing traffic, unless otherwise directed or authorized;
- Wear proper field uniform and assigned traffic vest or raincoat with high visibility side out;

Continued next page.

**Member Responsibilities (Continued)**

- Remain on the work site, except to perform enforcement duties, or at the direction of the state engineer, site foreman, appropriate authority, or in case of personal necessity; and
- Maintain radio contact with Troop of jurisdiction.

If radio contact is not possible with the Troop of jurisdiction then contact the nearest troop or station.

If more than one member is assigned to a detail then the members shall:

- Position themselves uniformly throughout the site or as directed by the state engineer, site foreman, or appropriate authority; and
- Dress alike, in the duty uniform of the day, or as prescribed by the officer-in-charge (OIC).

Members shall:

- Arrive and depart at the times posted and/or prescribed by the Paid Detail Officer, state engineer, site foreman, or appropriate authority;
- Reflect on the SPD-2 Paid Detail form:
  1. Detail's assigned hours;
  2. The actual hours worked while on the detail;
  3. The scheduled work shift for the day, if applicable; or
  4. The scheduled day-off for the day, if applicable; or
  5. The accrued time-off credits used to work the detail, if applicable.
- Enter the detail information including the total amount of hours to be paid, into PayStation; and
- Enter within the remarks section of PayStation the detail start and end time and the actual hours worked.

Members assigned to a detail shall complete and submit a copy of the SPD-2 to both:

- The Paid Detail Officer of jurisdiction; and
- The supervisor authorizing the member's PayStation entries.

Members shall make a photo copy of the SPD-2, when the detail is outside of the member's primary troop choice and forward a copy to:

- The member's primary Troop Detail Officer.

Failure to adhere to the requirements outlined in this policy shall constitute unsatisfactory performance and the member may be disciplined under the Department Rules and Regulations. In such instances, the member may be removed from all detail lists until final disposition of the formal disciplinary process.



Subject	Number
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**Supervisory Responsibilities**

All supervisory personnel shall:

- Monitor all members assigned to details;
- Immediately address and remedy all observed violations of this policy; and
- Document all violations on the SP 381 Paid Detail Inspection form, prior to the end of that business day.

The supervisor approving a member's weekly PayStation entry shall:

- Review the member's submitted SPD-2;
- Review the weekly entries made by the member into PayStation;
- Ensure that the submitted SPD-2 corresponds correctly to the PayStation weekly entries;
- Require the member to use accrued personal or vacation leave in order to ensure compliance with this policy; and
- Report all violations of hours to their Commanding Officer.

**Troop Commanders**

Troop Commanders are directly responsible for the administration and supervision of this policy and shall assign a supervisor to:

- Conduct inspections of detail sites within the Troop jurisdiction; and
- Submit SP 381 forms with all applicable findings.

Troop Commanders/Duty Officers of jurisdiction over the detail shall only authorize members to work in excess of 16.5 hours when:

- An emergency situation has arisen that requires the members' presence; or
- The member is on their last scheduled work day; or
- The member is on a day off and has no scheduling conflict.

**Extension to the 16.5 Hour Rule**

The Troop Commander or Troop Duty Officer of jurisdiction over the detail may grant an extension in order to allow member(s) to extend beyond the sixteen and one-half (16.5) hour limit under the following conditions:

- Member(s) shall not be granted more than one extension to the 16.5 hour rule in any forty-eight (48) hour period; and
- No more than a two (2) hour extension shall be granted without the member being required to take paid leave time, (vacation, personal), to ensure adequate rest before the start of their next assignment.

**In no event shall the maximum number of weekly work hours as allowed by the Collective Bargaining Agreement be exceeded. Please refer to Superintendent's Memo 13-SM-10 Extension to the 16.5 Hour Rule Limitation for further clarification.**

**Troop Inspections**

The Troop Executive Officer shall maintain all SP 381 forms and ensure that those forms indicating unsatisfactory performance are brought to the attention of the Troop Commander.

Troop Inspections shall include:

- Site, time, members present, overall appearance, adherence to policy;
- Verification of assigned members arrival and departure times with both SPD-2 and state engineer and/or site foreman; and
- Detail violation(s), if any.

**Staff Inspections**

Staff Inspectors shall conduct random inspections of detail sites and submit written reports to the appropriate Troop Commander of findings and recommendations to include:

- Site, time, members present, overall appearance, adherence to policy;
- Verification of assigned members arrival and departure times with both SPD-2 and state engineer and/or site foreman;
- Detail violation(s), if any;
- Audit of actual and overall hours worked by assigned members; and
- Audit of Paid Detail Office.

**Administration**

Troop Commanders shall assign a supervisor as the Paid Detail Officer.

The Paid Detail Officer shall:

- Work an administrative day shift;
- Process requests for details;
- Determine and/or verify personnel assignments, arrival, and departure times;
- Maintain a primary list of eligible members updated according to personnel transfers, requests, and so forth;
- Establish and post, in the Troop Duty Office, an availability list according to details accrued and seniority for filling cancellations/vacancies;
- Establish a secondary list to fill overages;
- Post all detail assignments within jurisdiction not less than thirty-six (36) hours prior to the commencement of that week's details, except in the event of late scheduled details;
- Be responsible for all billing, payroll, and accounts receivable activities as they pertain to details; and
- Immediately notify the Legal Section if informed that a contractor has filed for bankruptcy protection or is going out of business.

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**Administration  
(Continued)**

Member assignments shall be made:

- From the primary list;
- According to the number of detail hours accrued within the previous five (5) weeks, and then by seniority;
- From the availability list if a cancellation occurs; and
- As close to the member's residence as reasonably possible.

Cancellations shall be made by assigned members:

- To the Paid Detail Officer, or the Troop Duty Officer of jurisdiction if the Paid Detail Officer is unavailable; and
- Twenty-four (24) hours in advance of assignment.

Cancellations and/or refusals by members, for reasons other than personal illness or official duties, shall count as a detail worked. In cases where details are cancelled because of court, the member shall provide a copy of a signed SP 189 Court Card to the respective Paid Detail Officer.

**Cruisers**

The Paid Detail Officer with the approval of the Troop Commander shall determine the number of vehicles at details.

Marked and unmarked vehicles shall:

- Have working emergency lighting activated, when appropriate;
- Be conspicuously and strategically placed between oncoming traffic and the work site; and
- Be properly fueled prior to the detail.

Undercover vehicles shall not be used at road construction sites.

**Commercial  
Motor Vehicle  
Escort Details**

Prior to an escort detail, a member assigned to the Commercial Vehicle Enforcement Section, or the member assigned to the detail, shall inspect all oversized or overweight loads for:

- Permits;
- Load security;
- Vehicle condition; and
- Operator qualifications.

Subject <b>Paid Details</b>	Number <b>ADM-25</b>
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**Breaks**

To minimize impact on the work site, breaks shall be taken:

- At scheduled times in conjunction with vendor's/contractor's scheduled breaks; and
- Out of public view whenever possible.

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**References**

SPD-2 Paid Detail Form  
SPD-3 Request for Paid Detail Form  
SP 189 Court Card  
SP 381 Paid Detail Inspection Form  
ADM-11 Sick Leave  
ADM-11C Maternity Policy

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Promulgated By:



# Department of State Police General Order

Effective Date <b>December 10, 2007</b>	Number <b>ADM-26</b>
Subject <b>Military Leave</b>	

**Purpose**

To establish and define military leave protocols for Department of State Police personnel.

**Policy**

The Department shall allow employees (sworn and civilian) who are members of the Reserve Components of the United States Armed Forces (Army, Navy, Air Force, Marines, Coast Guard) to attend drills and other training as required. The Department shall allow employees who are members of the Massachusetts Army and Air National Guard, called to emergency/contingency duty in the service of the Commonwealth, to perform their required duties in accordance with the provisions of MGL c.33, Sections 38, 40, 41, 59, 59A, 60 and 61.

The Department shall support and facilitate the transition of employees who are called to active service under Title 10 of the United States Code (USC) upon their activation/mobilization as well as their return from active duty. This will ensure that the employee is treated fairly and equitably in accordance with all applicable federal and state law pertaining to their service and employment rights.

**Notifications**

Employees shall notify Station, Section and/or Unit Commanders of Inactive Duty Training Drill (IDT Drill), Annual Training, emergency/contingency activation/mobilization, as well as any other service obligations which conflict with regular work schedules with as much advance notice as possible.

**Notification Procedure**

1. Standard correspondence "To/From" accompanied by all pertinent supporting documents shall be considered proper "notification."
2. Requests for leave (with or without pay) shall be made through the chain of command via a "To/From." The requests shall include:
  - The timing and purpose of said leave;
  - Reference of any applicable law; and
  - A copy of official orders or correspondence on official letterhead.
3. A "Yearly Training Calendar" or similar official document from the employee's military chain of command/commander (attached with "To/From") shall suffice as "notification" for the training year in advance. Notification of any changes to said training shall be made as far in advance as possible and supported by proper documentation from the employee's military chain of command/commander.
4. In the event the employee has not received written orders in hand, he/she must submit their notification through the chain of command to the Office of the Superintendent/Deputy Superintendent with the following additional information:

*Continued on next page*

Subject <b>Military Leave</b>	Number <b>ADM-26</b>
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**Notification Procedure (continued)**

- The name and rank of the military commanding officer;
- A contact phone number for such commanding officer; and
- And notice that written orders will be forthcoming.

**PayStation**

Station, Section and /or Unit Commanders shall ensure that the appropriate notations are entered into PayStation to reflect the employee’s military leave/work status if the employee is unavailable to do so.

**Authorized Leave**

Type of Leave	Protocols
Inactive Duty Training (IDT) (or “Drill”)	<p>Station, Section and Unit Commanders shall attempt to make adjustments to an employee’s work schedule in accordance with the Collective bargaining agreements and Department Policy and Procedure without negative effect to the minimum manning and/or operation requirements of said station, section or unit.</p> <p>If mutually satisfactory arrangements can not be made, the employee shall:</p> <ul style="list-style-type: none"> <li>• Be released from duty without compensation; or</li> <li>• Be permitted to use paid leave time in accordance with the applicable provisions of the collective bargaining agreements and Department Policy and Procedure.</li> </ul>
Annual Training Periods	<p>Employees requesting paid military leave for the purpose of attending Annual Training shall:</p> <ul style="list-style-type: none"> <li>• Receive time off with compensation pursuant to the provisions of the applicable collective bargaining agreement and MGL c.33, s.59.</li> </ul> <p>Employees who are attending annual training in any format shall:</p> <ul style="list-style-type: none"> <li>• Not exceed 17 days of paid military leave in a state fiscal year, or 34 days in a federal fiscal year for that purpose.</li> </ul>
Title 10 Active Service Military Leave	<p>Employees who are called to active military service under Title 10 USC shall:</p> <ul style="list-style-type: none"> <li>• Receive unpaid time off for the period indicated in written orders;</li> <li>• Retain all employment rights as stipulated in federal and state law;</li> <li>• Be allowed to apply unused vacation, personal, and compensatory time prior to commencement of unpaid military leave to remain in paid work status as long as possible;</li> <li>• Not be permitted to use time accrued while on active service;</li> </ul>

*Continued on next page*

Subject	<b>Military Leave</b>	Number	<b>ADM-26</b>
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**Authorized Leave (continued)**

Type of Leave	Protocols
Title 10 Active Service Military Leave (continued)	<ul style="list-style-type: none"> <li>Suffer no loss of seniority either for retirement purposes or for assignments within the Department; and</li> <li>Continue to accrue all regularly accrued time off (sick, vacation, and personal leave) as though still present for duty while on Title 10 active service military leave status.</li> </ul>
State of Emergency/Contingency Activations	Employees serving in the Massachusetts Army and Air National Guard who are ordered to duty under the provisions of MGL c. 33, Sections 38, 40 or 41, and/or under Title 32 USC as reflected in written orders, shall be allowed time off with compensation in accordance with MGL c.33, s.59.
Additional Military Training: Required vs. Optional	<p>Employees requesting leave for <b>required</b> additional military training (required school/certification, etc.) as indicated in written orders, that is NOT in lieu of annual training must:</p> <ul style="list-style-type: none"> <li>Request said leave through the chain of command to the Office of the Superintendent/Deputy Superintendent; and</li> <li>May be released without compensation or use accrued leave time of any form as stipulated by the applicable Collective Bargaining Agreements and Department Policy and Procedure.</li> </ul> <p>Employees requesting leave for <b>optional/voluntary</b> additional military training (not required schooling/certification, etc.) as indicated in written orders, that is NOT in lieu of annual training may:</p> <ul style="list-style-type: none"> <li>Request an unpaid leave through the chain of command to the Office of the Superintendent/Deputy Superintendent.</li> </ul> <p>Considerations for approval of this military leave include, but are not limited to, the operational needs of the Department, the specific work unit of the employee, and the duration of the leave.</p>
Education Leave	<p>SPAM employees attending required or optional training may request in writing through the chain of command to the Office of the Superintendent/Deputy Superintendent, for the required or optional additional military training be considered paid Education Leave pursuant to the SPAM-Commonwealth collective bargaining agreement.</p> <p>Approvals of these requests are entirely at the discretion of the Superintendent, and are not subject to appeal in any forum.</p> <p>Consideration may include, but not be limited to, the benefit of the training to the Department as a whole, the benefit of the training to the individual employee and his/her work unit, and the reasonable relation of the training to the individual employee's work assignment.</p>

**Department  
Work While  
on Military  
Leave**

While an employee is on a military leave of any duration, he/she:

- Is deemed to be separated from service of the Department; and
- May not work any overtime assignments, detail assignments, appear in court on behalf of the Department, or perform any other function on behalf of the Department or in the capacity of a Department employee.

**Time Limit for  
Return to  
Work**

Time limits for returning to work from Annual Training or other types of extended military leaves of absence depend on the duration of the orders.

**The rules are:**

**Service of 1 – 30 days:** the beginning of the next regularly scheduled work period on the first full day following completion of service and expiration of an eight hour rest period.

**Service of 31 – 180 days:** application for reinstatement to duty through chain of command in To/From format to the Office of the Superintendent/Deputy Superintendent must be submitted not later than 14 days after completion of military duty.

**Service of 181 or more days:** application for reinstatement to duty through chain of command in To/From format to the Office of the Superintendent/Deputy Superintendent must be submitted not later than 90 days after completion of military duty.

In the event an employee does not return to work in a timely manner, he/she is subject to the Department's Rules and Regulations, Policies and Procedures, and applicable provisions of collective bargaining agreements for unauthorized absences.

**Requirements  
for Return to  
Department  
Service**

Sworn members returning from any military leave that exceeds one year shall be required to successfully complete:

- A background investigation;
- A medical examination, to include drug testing, by the State Police Surgeon;
- Psychological testing; and
- A training evaluation by the Commandant of the Academy and any training required by him/her.

Civilian employees returning from any military leave that exceeds one year shall be required to successfully complete:

- A background investigation;
- A medical examination, to include drug testing, by the State Police Surgeon;
- Psychological testing; and
- Retraining, as determined by the employee's supervisor or the Human Resources Director.



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**References**

MGL c.33, Sections 38, 40, 41, 59, 59A, 60, and 61  
Title 10 USC, c. 11, §270  
Title 32 USC (National Guard)  
Title 38 USC, c. 43, §§4301-4333 (USERRA)  
NAGE Units 1, 3 and 6-Commonwealth CBA, Article 8, §6  
AFSCME Unit 2-Commonwealth CBA, Article 8, §7  
MCOFU Unit 4-Commonwealth CBA, Article 8, §6  
SPAM Unit 5A-Commonwealth CBA, Article 8, §2.c., Article 38, §§3 and 4  
MOSES Unit 9-Commonwealth CBA, Article 8, §6

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Promulgated by:
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# Department of State Police

## General Order

Effective Date	November 5, 2008	Number	ADM-27
Subject	Transfers		

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**Policy**

In order to maintain and enhance the operational functions of the Department, transfers may be made to:

- Ensure adequate staffing levels;
- Provide efficient public safety services; and
- Meet other goals and objectives of the Department.

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**Transfer Restrictions**

Troopers assigned to the Division of Field Services, who have three (3) years or less of creditable service shall not be considered for any job posting or positions outside of the Division of Field Services.

This restriction does not preclude the Colonel/Superintendent from assigning troopers with three (3) years or less of creditable service to positions outside of the Division of Field Services based upon specific expertise (language skills, etc.) which a trooper may possess.

Troopers with five (5) or more years of creditable service may bid on positions within the Division of Field Services-Field Operations pursuant to the Collective Bargaining Agreement.

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**Biddable Assignments**

*Biddable Assignments:* All assignments established as a biddable assignment pursuant to the Collective Bargaining Agreement.

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**Non-Biddable Assignments**

*Non-biddable Assignments:* All assignments not otherwise established as a biddable assignment pursuant to the Collective Bargaining Agreement.

Department non-biddable assignments include, but are not limited to:

- Division of Investigative Services;
- Division of Administrative Services;
- Division of Standards and Training;
- Division of Field Services pursuant to the Collective Bargaining Agreement, and
- Office of the Superintendent.

Due to the specialized nature of these assignments, and the knowledge and skills required, these positions require a selection process.

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Subject <h1 style="text-align: center;">Transfers</h1>	Number <h1 style="text-align: center;">ADM-27</h1>
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**Biddable  
Assignments:  
Request for  
Transfer**

Members who request a transfer to biddable assignment within the Division of Field Services shall:

- Submit an electronic transfer request.

Only those requests received at least twenty-one (21) days prior to the end of a fifty-six (56) day bid cycle shall be considered for the next fifty-six (56) day bid cycle.

Members are allowed to have only one (1) transfer request for a biddable assignment at any time.

Human Resources Section shall publish a list of transfer requests on DocuShare for the Division of Field Services with information on a member's name, current assignment, request, and seniority. Two (2) lists shall be maintained, one (1) list for troopers, and one (1) list for supervisors.

Note: Requests for transfers to a biddable assignment within the Division of Field Services shall remain on file until honored or withdrawn.

**Request for  
Transfer:  
Non-Biddable  
Assignments**

Members who request a transfer to a non-biddable assignment within the Department shall submit the following to Human Resources Section:

- A To/From;
- A resume; and
- Any other materials required within the posting.

The member shall forward a copy of the above items to:

- Their current Commanding Officer; and
- The Commanding Officer of the requested section/unit.

Requests for transfer to a non-biddable assignment shall not be kept on file at Human Resources Section. All requests shall be submitted within the specified time periods of the posting.

Members who request a transfer to a non-biddable assignment within their respective troop or station shall submit the following to the Troop Commander:

- To-From;
- Resume; and
- Any other materials required within the posting.

**Non-biddable  
Assignments:  
Posting and  
Selection  
Process**

Vacancies for non-biddable assignments for members shall be posted for at least ten (10) days on Docushare.

Providing the minimum qualifications are met, members may apply to:

- Department non-biddable assignments;
- Troop non-biddable assignments when the member is assigned to the troop; and
- Station non-biddable assignments when the member is assigned to the station.

Each posting shall include:

- Assignment, location, and work schedule;
- Name of the current Commanding Officer;
- Rank requirements, if any;
- Minimum commitment and retention requirements, if any (i.e., completion of specialized training or the ability to develop a specialized skill); and
- Other requirements or information as appropriate.

Note: All qualified applicants shall be considered. Members who are on leave, are responsible for keeping themselves informed of such postings.

**Procedure:  
Department  
Non-biddable  
Posting and  
Selection**

<b>Step</b>	<b>Action</b>
1	The Commanding Officer of the section/unit shall seek approval to fill the vacancy from their Division Commander.
2	The Division Commander shall seek approval to fill the vacancy from the Deputy Superintendent.
3	The Division Commander shall submit a SP 389 Posting Request form to the Human Resources Section for any anticipated openings.
4	Human Resources Section shall post the anticipated openings for non-biddable assignments for ten (10) days.
5	Human Resources Section shall forward all timely non-biddable transfer requests to the Section/Unit Commander for review.
6	The Commanding Officer of the section/unit shall schedule interviews, conduct the selection process, and select the candidate(s).

Continued next page.

Subject	Number
<b>Transfers</b>	<b>ADM-27</b>

**Procedure:  
Department  
Non-biddable  
Posting and  
Selection  
(Continued)**

Step	Action
7	The Commanding Officer of the section/unit shall submit a To/From to the Division Commander detailing: <ul style="list-style-type: none"> <li>• The names of all applicants;</li> <li>• The names of the qualified applicants that they interviewed, the members of the interview panel, questions asked, and the evaluation instrument;</li> <li>• The candidate chosen; and</li> <li>• The chosen candidate's resume and other applicable documentation.</li> </ul>
8	If the Commanding Officer of the section/unit does not find an acceptable candidate, the position may be posted again, using the process identified above.
9	The transfer order shall serve as official notice to the candidate(s).

**Procedure:  
Troop and  
Station  
Non-biddable  
Posting and  
Selection**

Step	Action
1	The Troop Commander shall post within the troop for ten (10) days for anticipated openings for troop/station non-biddable assignments.
2	The Troop Commander, with the Commanding Officer of the section/unit where applicable, shall review submissions, schedule interviews, conduct the selection process, and select the final candidate(s).
3	If the Troop Commander does not find an acceptable candidate, the position may be posted again, using the process identified above.
4	The transfer order shall serve as official notice to the candidate(s).

**Interview  
Process  
Non-biddable  
Assignments**

Commanding Officers shall:

- Create an interview panel with a minimum of two (2) people;
- Create a list of standard questions using guidelines from Human Resources Section; and
- Ensure that a minimum of three (3) qualified applicants are interviewed using the standard questions referenced above. (Follow-up questions may be asked, as necessary.)

If there are less than three (3) qualified applicants, all qualified applicants shall be interviewed.

If the section/unit works in conjunction with another agency (e.g., DA's Office), a representative of the other agency may be one of the interview panel members.

**Responsibilities**

<b>Position</b>	<b>Duties</b>
Deputy Superintendent	<ul style="list-style-type: none"> <li>• Schedule transfer meetings as needed;</li> <li>• Obtain the transfer request list from Human Resources Section and conduct inter-divisional transfer meetings;</li> <li>• Review candidates and the operational needs of the Department;</li> <li>• Make written recommendations for transfers to the Colonel/Superintendent; and</li> <li>• Notify Commanding Officers of pending transfers.</li> </ul>
Colonel / Superintendent	<ul style="list-style-type: none"> <li>• Review and approve or deny the recommendations for transfer; and</li> <li>• Forward the approved transfers to Human Resources Section.</li> </ul>
Human Resources Section	<ul style="list-style-type: none"> <li>• Issue transfer orders through the Office of the Colonel/Superintendent; and</li> <li>• Notify all members affected by the transfers, through transfer orders, at least five (5) days before the transfers become effective.</li> </ul>

**Transfer Meetings**

Transfer meetings shall take place in conjunction with the fifty-six (56) day bid cycle. Additionally:

- Commanding Officers shall be immediately notified of the finalized transfers;
- Transfers shall be effective seven (7) days prior to the end of the current 56-day bid cycle; and
- Commanding Officers may make transfers outside of the fifty-six (56) bid cycle based on operational needs of the Department.

All bidding shall conform to the Collective Bargaining Agreement. Once in effect, the fifty-six (56) day bid cycle shall not be violated.

Exceptions are as follows:

- Promotions;
- Training activities, with five (5) days notice given to the affected member;
- Vacancies created as a result of retirement, illness, or leave;
- Emergencies; or
- With the mutual consent of all parties.

Subject <b>Transfers</b>	Number <b>ADM-27</b>
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**Intra-Troop Transfers**

Troop Commanders may make transfers within a troop at any time within the guidelines of this policy. Troop Commanders shall notify the Division Commander and Human Resources Section of the pending transfers.

**Temporary Duty (TDY) Assignments**

TDY assignments may be made by the Colonel/Superintendent at any time.

TDY assignments:

- Need not be posted; and
- Shall not exceed ninety (90) days without a review and written extension by the Colonel/Superintendent.

Members shall maintain only one (1) TDY status at any given time.

Troop Commanders may make TDY assignments within their troop and shall forward a copy of the order to Human Resources Section.

**Deployment**

Each Division Commander shall conduct a needs assessment in order to deploy personnel in the best interests of the Department.

Human Resources Section shall maintain a Position Management System that contains:

- A table of organizational entities, as approved by the Colonel/Superintendent;
- A position description, classification, and task analysis;
- The number, type, and location of each position; and
- A monthly report indicating whether each position is filled or vacant.

**Supervisory Members**

Supervisory members do not have bidding rights but may be considered for posted positions in accordance with the process identified in this policy.

**Equal Opportunity**

The Diversity Officer shall obtain and review transfer request lists from Human Resources Section. The Diversity Officer may make recommendations in writing to the Colonel/Superintendent.

**References**

MGL Ch. 22C  
 Collective Bargaining Agreement Article 28  
 SP 389 Posting Request Form  
 SP 389A Troop Posting Request Form

Promulgated By:

# Department of State Police

## General Order

Effective Date	Number
<b>March 18, 1998</b>	<b>ADM - 28</b>
Subject	
<b>DEPARTMENT MOTOR VEHICLES</b>	

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**Policy**

State owned vehicles shall be operated for official use only.

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**Commuting in Cruisers**

Members with cruisers, who are traveling to and from home to their duty stations or assignments, shall undertake all necessary activities ordinarily performed during motor patrol.

While commuting in a cruiser, all members are to be attired in the required duty uniform unless their usual duties require otherwise.

While commuting with a cruiser, discretion in choosing routes of travel should be used in order to promote the visibility concept on roadways which receive little or no coverage.

A member coming upon an accident scene while in commuting capacity shall immediately notify the substation of jurisdiction. The member shall then assist at the scene until relieved by an officer from the police agency with primary jurisdiction, or receives instructions to take appropriate action. If the accident occurs on a roadway where the State Police has primary jurisdiction and a State Police patrol is not available, he/she shall investigate the accident, advise the substation having jurisdiction of the pertinent details, and make a report of same upon returning to duty.

A commuting member arriving at his/her residence shall ensure that the cruiser is properly secured in a safe place and that all equipment is secured in the trunk. Weapons shall not be left in an unattended cruiser. The vehicle, whenever possible, shall not be parked on a public way. A member may garage a cruiser, at no expense to the Commonwealth, away from his/her residence if the Troop or Section Commander approves the location.

Members shall be required to commute in cruisers, when available, to and from their duty stations and/or assignments and homes, between shifts, unless otherwise authorized by the Troop or Section Commanding Officer.

An asterisk (\*) will be marked on the officer's audit sheet to show a violation notice while in commuting capacity.

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Subject

**DEPARTMENT MOTOR VEHICLES**

Number

**ADM - 28**

**Vehicle  
Maintenance**

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Members shall be responsible to make certain that cruisers assigned to them are given proper maintenance and care. Members shall also be responsible to make certain that expended or faulty emergency and safety equipment is promptly replaced. Before starting a tour of duty, when returning from days off, each member shall inspect the cruiser assigned them, in order to determine if the vehicle is in good condition and undamaged, and that all equipment prescribed for the vehicle is present and operable. Any deficiency shall be recorded in the Station Administrative Journal and corrective action initiated.

Vandalism to an unattended cruiser shall be reported to the member's duty station or assignment as soon as possible after discovery. Any damage to a cruiser or its equipment, sustained while commuting, responding, or on recall, shall be reported as prescribed for regular on-duty status.

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Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>ADM-29</b>
Subject	
<b>Workplace Violence</b>	

### Policy

The Department shall maintain zero tolerance for workplace violence and ensure the workplace environment remains free from any form of violence.

This policy does not apply to situations where members are exposed to threats or violent acts from persons in their care or custody, or the public at large, as an unavoidable component of the lawful performance of their law enforcement duties.

### Workplace Violence Defined

Workplace shall be defined as:

- Any Commonwealth owned or leased property;
- Any location where Commonwealth business is conducted;
- Any site where an employee is considered on duty;
- Commonwealth vehicles or private vehicles being used for Commonwealth business; or
- Any location if the violence has resulted from an act or decision made during the course of conducting Commonwealth business.

Workplace violence shall include, but is not limited to:

- Intimidation or threats communicated by any means;
- Physical assault and/or battery;
- Threats and/or acts of intimidation communicated by any means that cause an employee to be in fear of their own safety;
- Disruptive or aggressive behavior that causes a reasonable person to be in fear of their own safety or that of a colleague or that causes the disruption of workplace productivity; or
- Property damage.

Incidents of workplace violence may be individual acts or may take place between an employee(s) and:

- Other employee(s);
- Clients/customers/vendors;
- Acquaintances/partners; and
- The general public.

Subject <b>Workplace Violence</b>	Number <b>ADM-29</b>
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**Workplace Violence Coordinator**

The Workplace Violence Coordinator shall be a Commissioned Officer assigned by the Colonel/Superintendent. The Workplace Violence Coordinator shall report directly to the Commanding Officer of the Division of Standards and Training.

**Workplace Violence Safety Incident Team**

The Deputy Superintendent shall designate employees to the Workplace Violence Safety Incidence Team and provide such names to the Commonwealth's Human Resource Division. The established team shall consist of:

- A commissioned officer or senior manager from each division; and
- Representation from the Department's Human Resources Section, the Office of Employee Relations, Division of Standards and Training, and the Legal Section.

**Disciplinary Action**

Any employee found to have engaged in any act of workplace violence, in violation of this policy, is subject to disciplinary action up to and including termination.

Disciplinary action may also require the employee to participate and to successfully complete counseling, anger management education, or other appropriate programs.

The Department may consider acts of workplace violence, along with an employee's success in completing recommended programs, within the promotional process and other work related determinations (where not prohibited by statute, regulation or collective bargaining agreement).

**Investigations**

The Workplace Violence Coordinator does not conduct investigations into workplace violence. All investigations shall be conducted in accordance with ADM-14 Personnel Investigations.

**Responsibilities**

Position	Duties
Department Employees	<ul style="list-style-type: none"> <li>• Not engage in workplace violence behavior;</li> <li>• Immediately report any incident, threat of incident, or potential incident of workplace violence to their immediate supervisor;</li> <li>• Cooperate in investigations of workplace violence; and</li> <li>• Actively participate in the Department's efforts to prevent and eliminate workplace violence.</li> </ul>

Continued next page.

**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
Sworn Members	<ul style="list-style-type: none"> <li>• Promptly respond to reports of workplace violence;</li> <li>• Take appropriate and immediate enforcement action in response to an incident to ensure the safety of those involved;</li> <li>• Follow proper reporting and investigating procedures as prescribed by this policy; and</li> <li>• Make notification to the Workplace Violence Coordinator, <b>within seventy-two (72) hours of the incident</b> utilizing a SP 390 Workplace Violence Incident Report.</li> </ul>
Supervisors	<ul style="list-style-type: none"> <li>• Aggressively monitor the workplace to prevent and detect workplace violence;</li> <li>• Take appropriate corrective action to stop workplace violence;</li> <li>• Immediately report any incident of workplace violence to the Troop/Section Duty Officer and the Workplace Violence Safety Incidence Team Member designated for their Division;</li> <li>• Conduct investigations in a manner that is sensitive to the safety concerns and privacy of the victim(s), the perpetrator, and all witnesses;</li> <li>• Assist the employee/victim of a workplace violence incident by providing any additional support or services necessary to ensure their protection and safety;</li> <li>• Forward a copy of the final report for all workplace violence incidents, through channels, to the Workplace Violence Coordinator;</li> <li>• Make appropriate referrals to the Employee Assistance Unit, the Office of the Ombudsman, or Human Resources Section as needed; and</li> <li>• Ensure notification is made to the Workplace Violence Coordinator, <b>within seventy-two (72) hours of the incident</b> utilizing a SP 390.</li> </ul>
Station/Section/ Unit Commanders	<ul style="list-style-type: none"> <li>• Ensure, if necessary, written workplace protection plans are devised for employee(s) who are victims of workplace violence; and</li> <li>• File a copy of the workplace protection plan with the Workplace Violence Coordinator.</li> </ul>

Continued next page.

**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
Workplace Violence Safety Incident Team	<ul style="list-style-type: none"> <li>• Meet as needed, to devise, review policies, procedures and safety protocols for workplace violence;</li> <li>• Ensure, when necessary, written workplace protection plans for employees who are victims of workplace violence are operative;</li> <li>• Ensure consistent and coordinated responses to acts of workplace violence;</li> <li>• Evaluate and/or make additional notification, recommendations as required when notified of an incident of workplace violence by a supervisor; and</li> <li>• Review and evaluate any serious or critical incidents of workplace violence and make any appropriate recommendations to the Workplace Violence Coordinator necessary to enhance safety considerations.</li> </ul>
Workplace Violence Coordinator	<ul style="list-style-type: none"> <li>• Review and file all final reports of workplace violence incidents and make recommendations to the Division Commander of Standards and Training and the Workplace Violence Safety Incident Team;</li> <li>• Coordinate and schedule meetings as needed with the Workplace Violence Safety Incident Team; and</li> <li>• Annually report statistical data relative to workplace violence incidents within the Department to the Division Commander of Standards and Training.</li> </ul>
Human Resources Section	<ul style="list-style-type: none"> <li>• Coordinate with Workplace Violence Coordinator and the Commonwealth's Human Resources Division regarding Workplace Violence Training; and</li> <li>• Maintain all records of civilian employees trained in workplace violence.</li> </ul>

**Exceptions**

All employees should be aware that conversations with the Office of the Ombudsman and/or Employee Assistance Unit are considered confidential and that these entities are not the proper venue for notification to the Department for workplace violence complaints or incidents.

**Retaliation**

Any retaliation against an individual who has complained about workplace violence and any retaliation against individuals for cooperating with an investigation of workplace violence are prohibited and shall not be tolerated.

Subject <b>Workplace Violence</b>	Number <b>ADM-29</b>
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**Distribution of Policy** This policy shall be shall be issued to each employee upon hiring, and shall be continuously posted and available on DocuShare.

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**References**  
Executive Order No. 442  
SP 390 Workplace Violence Incident Report  
ADM-14 Personnel Investigations  
SUP-04 Employee Assistance Unit  
SUP-12 Office of the Ombudsman  
SPAM Collective Bargaining Agreement Article 27

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Promulgated By:



# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>ADM-30</b>
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Subject	<b>Asset Management</b>
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**Policy**                      The Department shall conduct an Annual Fixed Assets Inventory. The Department shall:

- Maintain an automated Asset Management System that reflects all minor fixed assets (valued under \$5000), when acquired; and
- Record other fixed assets within the Massachusetts Management Accounting and Reporting System (MMARS) Fixed Asset Subsystem.

**Definitions**                *Fixed Assets:* Tangible property with a historical cost of \$100.00 or more and a useful life of one (1) year or more.

**Asset Management**        The Commanding Officer of the Supply Section is the Asset Manager for the Department. Within the Supply Section there shall also be a Property Coordinator responsible for asset management.

When Commanding Officers acquire, transfer, lose, or dispose of fixed assets, they shall notify the Asset Management Unit by forwarding a copy of the SP 255 Equipment Transfer Form to the Supply Section.

**Annual Fixed Assets Inventory**

Step	Action
1	The Property Coordinator shall distribute two (2) copies of the inventory printout based on the Asset Management Unit records to the Commanding Officer of each reporting entity.
2	Commanding Officers shall: <ul style="list-style-type: none"> <li>• Reconcile the inventory with their previous inventory by physically accounting for each item listed;</li> <li>• Complete and return the SP 255 form for fixed assets that have been acquired, transferred, lost, or disposed of;</li> <li>• Tag newly acquired items with an inventory control identification number;</li> <li>• Rectify discrepancies as directed by the Supply Section; and</li> <li>• Retain copies of the inventory printout and SP 255 forms.</li> </ul>

Continued next page.

Subject	Number
<b>Asset Management</b>	<b>ADM-30</b>

**Annual Fixed Assets Inventory (Continued)**

The Annual Fixed Assets Inventory is coordinated by the Supply Section. An Annual Fixed Asset Report shall be completed by June 30th of each year.

Whenever there is a change of command at a reporting entity, or a change in the personnel assigned to manage specified fixed assets, an asset inventory shall be completed.

Note: The Property Coordinator shall be notified before fixed assets are disposed of so that surplus procedures can be followed.

**Exceptions**

The following Sections/Units are responsible for the management of their assigned fixed assets:

- Management Information Systems;
- Facilities Management;
- Fleet Section;
- Armorer;
- Traffic Programs (radars and lidars);
- Office of Alcohol Testing (breath test machines, devices, and simulator equipment);
- Forensic Services Section;
- Communications Section;
- Marine Unit; and
- Air Wing Unit.

Commanding Officers shall maintain a master inventory of their assigned fixed assets that:

- Is accurate and reflects changes as they occur; and
- Includes the valuation of the assets.

These Sections/Units shall also conduct an annual inventory, reconcile their databases, and forward the updated inventory report to the Supply Section by June 30th of each year.

**References**

MGL c.7, s.4A  
802 CMR 3.00, 6.00  
Chapter 647 of the Acts of 1989

Promulgated By:





# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>ADM-34</b>
Subject <b>Information Technology Resources (ITR)</b>	

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**Policy**

The Department shall regulate the use of Information Technology Resources (ITR), including computers, printers and other peripherals, programs, data, local and wide area networks, and use of the internet.

ITR communications including email messages are considered public records, copies of which may be requested by the public.

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**Definitions**

*Department Information Technology Resources:* Include computers, printers and other peripherals, programs, data, local and wide area networks, and use of the internet.

*User:* Any employee and/or contractors of the Department that utilizes any of the above resources.

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**User  
Responsibilities**

Failure to adhere to this policy may subject employees to disciplinary action, up to and including termination.

Employees assigned to a Department entity where they may have occasion to access another system not owned or supplied by the Department shall comply with the terms and provisions of this policy for all such usage.

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**Acceptable  
Uses**

All employees are allowed to use ITR to the fullest extent possible for any legitimate law enforcement function.

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**Unacceptable  
Uses of Agency  
ITR**

Unless conducting a legitimate law enforcement function, it shall be unacceptable for any employee to use ITR:

- In furtherance of any illegal act, including violation of any criminal or civil laws or regulations;
- For any political or commercial purpose;
- To send threatening, sexual, or harassing messages;
- To access or share obscene, or otherwise inappropriate materials;
- To infringe any intellectual property rights;

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**Unacceptable  
Uses of Agency  
ITRs  
(Continued)**

- To gain, or attempt to gain, unauthorized access to any computer or network;
- For any use that causes interference with or disruption of network users and resources, including distribution of computer viruses or other harmful programs;
- To intercept communications intended for other persons;
- To misrepresent either the Department or a person's role at the Department; or
- To libel or otherwise defame any person.

**Supervisor  
Responsibilities**

Supervisors are responsible for ensuring that employees under their command comply with the provisions of this policy, and shall monitor use in order to ensure compliance.

**Data  
Confidentiality**

Under no circumstances is it permissible for employees or contractors to acquire access to confidential data, unless such access is required to perform their job or task.

Under no circumstances may employees or contractors disseminate any confidential information that they have rightful access to, unless such dissemination is authorized by proper supervisory authority.

**Copyright  
Protection**

Employees shall exercise care and judgment when copying or distributing computer programs or information that could reasonably be expected to be copyrighted.

**Hardware or  
Software  
Installation**

Employees shall not install hardware and/or software on any Department ITR without express written authorization from the Division of Administrative Services.

**Computer  
Viruses**

Employees shall exercise reasonable precautions in order to prevent the introduction of a computer virus into the local area or wide area networks. Many viruses are spread using email attachments.

Virus scanning software shall be used to check any software downloaded from the internet or obtained from any questionable source. All disks or software shall be inspected for virus infection prior to introduction into the Department system or stand-alone computers or laptops.

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**Security**

Employees shall:

- Change passwords at least every ninety (90) days;
- Never share their passwords with anyone else, unless ordered by proper authority;
- Promptly notify the Division of Administrative Services if they suspect their passwords have been compromised;
- Log off the network or have password-protected screen savers in operation if leaving their ITR unattended for extended periods;
- Not access the internet or other external networks via modem unless they have received prior written permission from the Division of Administrative Services;
- Not move desktop computers, terminals, and printers from their assigned location without written notification and the consent of the Division of Administrative Services; and
- Not transfer to another employee any mobile equipment assigned to the individual such as laptop computers, mobile data terminals, and portable printers without prior written notification from the Division of Administrative Services.

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**Email**

Employees are reminded that email messages are considered public records, copies of which may be requested by any member of the public.

Employees shall:

- Consider email messages to be the equivalent of letters sent on official letterhead and be written in a professional and courteous tone;
- Be aware that emails can be stored, copied, printed, or forwarded by recipients; and
- Not subscribe to email mailing lists, unless related to their job function.

Email shall only be used to communicate official business documents to official recipients. The forwarding of non-business related information is prohibited. Employees who are the recipients of non-business related email are required to discard them and shall not forward them to anyone.

Email attachments that are received from an unknown party should be considered suspicious, and shall not be opened until the sender's identity can be confirmed.

Emails which represent privileged correspondence between Department attorneys and other Department employees shall be clearly marked within the message as "Attorney Client Privilege". In addition, documents that are sent as attachments to an email shall also be clearly marked with "Attorney Client Privilege."

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**No Expectation  
of Privacy**

The Department retains the right to inspect any employee's computer at any time.

Use of Department ITR constitutes express consent for the Department to monitor and/or inspect any data that employees create or receive, any messages they send or receive, and any web sites that they have accessed.

Employees shall be aware that network administrators routinely monitor network traffic.

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**Compliance**

Staff Inspections shall conduct periodic inspections of all ITR to ensure compliance with all provisions of this policy.

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**References**

Rules and Regulations  
SPAM Collective Bargaining Agreement Article 27  
Executive Order 504 Order Regarding the Security and Confidentiality of  
Personal Information

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Promulgated By:



# Department of State Police General Order

Effective Date <b>June 17, 2013</b>	Number <b>ADM-34A</b>
Subject <b>Social Media/Networking</b>	

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## Policy

The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department of State Police Employees.

When using social media/networking, Department Employees (sworn and civilian) should be mindful that their speech becomes part of the worldwide electronic domain.

Department Employees should also be mindful to treat Department of State Police business as confidential per Rules and Regulations Article 5.

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## Definitions

These definitions are evolving as social media, networking, and internet usage and capabilities evolve as well.

*Social Media and Networking:* Are categories of internet-based resources that integrate user-generated content and user participation. They are online platforms where users can create profiles, share information, and socialize with others professionally, personally, or informally. The interface is conducted through posts or speech via a range of technologies such as computers, cellular phones, and tablets to name a few.

*Social Media:* A form of electronic communication through which users create online communicated to share information that may include, but are not limited to: personal messages, videos, photo and video sharing sites, blogs, micro blogging sites, Facebook, MySpace, Twitter, You Tube, Pinterest, Instagram, and Snapchat.

*Networking:* An exchange of information or services among individuals, groups, or institutions that may include, but are not limited to: the cultivation of productive relationships for employment or business, networking sites, podcasts, as well as comments posted on a site, message or discussion boards, LinkedIn, Plaxo, Jobster, Craigslist, and MyWorkster.

*Post:* Contents an individual shares on a social media/network site or the act of publishing the contents on a site.

*Speech:* Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Subject <b>Social Media/Networking</b>	Number <b>ADM-34A</b>
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**Supervisor Responsibilities** Supervisors are responsible for ensuring that employees under their command comply with the provisions of this policy and address violations as soon as possible.

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**Responsibilities of Employees** In accordance with Department Rules and Regulations and Policy and Procedures, Department Employees using social media/networking applications shall:

- Use appropriate discretion in their reference to the Department and not discredit themselves or the Department;
- Be aware that speech and/or related activities on social media/networking sites may reflect upon them in their official capacities and/or upon the Department, and act accordingly;
- Be cautioned that speech, on or off-duty, may form the basis for disciplinary action under current law;
- Be aware that privacy settings and social media/networking sites are constantly in flux, and they should never assume that personal information posted on such sites is protected;
- Expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice;
- Not divulge information gained due to their authority; and
- Not make any statements, speeches, appearances, and endorsements or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization.

Department Employees should use common sense in all communications, particularly on any social media/networking site. An examination of the facts could potentially result in an internal personnel investigation. Employees are responsible for anything you write or present online. Some examples of prohibited action may include, but not be limited to:

- Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule regardless of the intent to malign, disparage, threaten harm or otherwise express bias against any race, any religion, or any protected class of individuals; and
- Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless, irresponsible or unprofessional.

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**Responsibilities  
of Employees  
(Continued)**

Department Employees should exercise care if they choose to post personal information on the internet. Some activities in an employees' personal life may impact job performance, the performance of other employees, and/or interests of the Department. Once information is posted, it is accessible by anyone, indefinitely, and such information may result in unintended consequences, such as:

- Limiting future career opportunities e.g., undercover, covert operations, or attainment of a security clearance;
- Manipulation by defense counsel to undermine or impeach an employee's credibility or integrity, hindering a successful prosecution; and
- Being viewed, altered, printed and redistributed by other internet users including criminal organizations.

Department Employees, who choose to identify themselves as an employee of the Massachusetts State Police whether explicitly, implicitly, or visually, shall:

- Be considered to be publicly representing the agency in a professional manner from that period forward while still employed by the agency; and
- Be responsible for all content published on their individual social media site(s).

**Creation of  
Media  
Application**

Colonel/Superintendent shall approve in writing before the creation of any:

- Website, page, fan group or other application of social media using the Department as the basis of such application. Examples may include, but are not be limited to:
  1. Creating a website or fan group dedicated to Massachusetts State Police;
  2. Creating an identity using a username such as Massachusetts State Police, MSP or any term associated with the Department.

Department Employees shall

- Not publish Commonwealth or Department images of intellectual property using social media without prior approval from the Colonel/Superintendent, e.g., photos of sworn personnel in uniform, marked agency vehicles, videos of training or operations exercises, compilation videos of personnel, vehicles, or equipment, electronic artwork of the State Police patch or seal; and
- Not create an identity, website, page, fan group or other application of social media using the Massachusetts State Police as the basis of such a creation without prior approval from the Colonel/Superintendent, e.g., creating a website or fan group dedicated to Massachusetts State Police, using "Massachusetts State Police" or "MSP" in a username.

Subject <b>Social Media/Networking</b>	Number <b>ADM-34A</b>
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**Violations**

Department Employees shall notify their immediate supervisor when they become aware of:

1. Any personal identifying information of themselves on the internet in violation of this policy; or
2. Have knowledge of a posting and/or website in violation of the provisions of this policy.

Any sites deemed inappropriate, bringing discredit to the Department and or employees, and promoting misconduct whether on or off duty shall be:

- Investigated either through a criminal or administrative investigation.

**Investigative Activities**

Department Employees shall:

- Not conduct any activity related to ongoing investigations through their personal social networking accounts.

**References**

Department Rules and Regulations  
Department Policy and Procedures

Promulgated By:





# Department of State Police

## General Order

Effective Date	Number
<b>November 5, 2008</b>	<b>ADM-36</b>

Subject
<b>Diversity and Equal Opportunity</b>

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**Purpose** The Department prohibits discrimination in employment on the basis of race, color, religious creed, national origin, ancestry, gender, sexual orientation, Vietnam Era Veteran status, age, and disability.

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**Policy** The Department recognizes that when the effects of employment practices, regardless of their intent, discriminate and create adverse impact against any group of people, affirmative action shall be taken to ensure diversity and equal opportunity and provide equitable remedies for the consequences of present and/or past discriminatory practices. This provides a positive benefit by expanding opportunities to society, the public and all current and future employees.

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**Strategy for Implementation** The Department shall develop a strategy, which includes plans to address:

- Affirmative Action; and
- Diversity and Equal Opportunity.

The Department, as required and limited by state and federal law, remains committed:

- To ensure equitable participation of minorities, women, Vietnam Era Veterans and persons with disabilities, in all of its operations.

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**Scope** This policy applies to all employment practices and programs including, but not limited to:

- Recruitment, selection, promotions, termination, transfers, layoffs, compensation, training, and benefits as well as terms and conditions of employment.

The Department shall review, investigate, and when necessary change:

- The policies relative to facilities and programs accessible to the public; and
  - Provisions of reasonable accommodation for persons with disabilities.
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**Diversity  
Officer**

The Colonel/Superintendent shall appoint a Diversity Officer who shall:

- Develop and implement:
  1. An Affirmative Action Plan; and
  2. A Diversity Plan.
- Report to the Colonel/Superintendent:
  1. Specific goals and timetables for achievement of each plan;
  2. The Department's compliance with reporting guidelines and requirements; and
  3. Any recommendations regarding equal opportunity.

**Responsibilities**

The Colonel/Superintendent has the overall responsibility for ensuring equal opportunity and affirmative action in the Department. Supervisors at all levels have the responsibility for the successful implementation of the affirmative action and equal opportunity plans.

**References**

ADM-18 Anti-Harassment/Sexual Harassment and Discrimination;  
Department of State Police Affirmative Action Plan;  
Department of State Police Diversity Plan;  
Massachusetts General Laws Chapter 151B;  
Executive Orders 237, 240, 390 and 478;  
The Equal Pay Act of 1963;  
Title VI and Title VII of the Civil Rights Act of 1964;  
The Age Discrimination in Employment Act of 1967;  
The Equal Employment Opportunity Act of 1972;  
The Civil Rights Act of 1991;  
Section 504 of the Rehabilitation Act of 1973;  
The Americans With Disabilities Act of 1990;  
The Family and Medical Leave Act of 1993,

Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>ADM-41</b>
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Subject <b>Telephone Use/Access</b>
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**Policy** The use of Department telephones is limited to conducting official business.

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**Equipment and Access** Any equipment not issued by the Department is restricted from being connected to any Department telephone jack or telephone line.

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**Telephone Lines**

If...	Then...
Additional line is needed or no longer needed	The commanding officer shall contact the Telecommunications Section at GHQ through channels.

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**Telephone Bills** Commanding Officers shall:

- Review all telephone bills to ensure compliance with this policy;
- Sign the lower right-hand corner of the front page of the bill to indicate that it was reviewed; and
- Employees shall reimburse the Commonwealth for non-business related calls.

Division Commanders shall:

- Ensure commanding officers and all personnel under their command are in compliance with this policy.

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**Cellular Phones** Department issued cellular phones are restricted to employees whose duties require them in order to effectively perform their duties.

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Continued next page.

**Cellular Phones  
(Continued)**

Cellular phones are maintained and controlled by the Fiscal Section.

Requests for cellular phones shall be:

- Submitted through channels, in writing, to the Chief Administrative Officer.

Cellular phones usage is limited to time critical communications. The restrictions on Department telephone use shall also apply to issued cellular phones.

Employees issued a cellular phone shall:

- Sign for the issued equipment;
- Notify through channels their Division Commander and the Fiscal Section if the cellular phone is lost or stolen; and
- Return the cellular phone to the Fiscal Section when leaving their current assignment.

Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>ADM-46</b>
Subject <b>Sexual Activity in Public Places</b>	

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**Policy**

The Commonwealth of Massachusetts has a legitimate enforcement interest in ensuring that sexual activity and/or genital exposures do not occur in public places, where the likelihood of being observed by a casual passerby is reasonably foreseeable.

Disparate enforcement of applicable statutes against any particular group and/or disparate treatment of any group is unacceptable.

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**Definitions**

*Sexual Conduct:* The exposure or touching of the genitals, buttocks, or female breasts for purposes of sexual arousal, gratification or offense, or public solicitation to engage in such conduct in a public place. Sexual conduct does not include socializing and expressions of affection absent the particularized conduct described in this subsection.

*Public Place:* A place where the person engaging in sexual conduct knows or reasonably should know that there is a substantial risk that his or her sexual conduct will be observed by a casual passerby. Sexual conduct does not occur in a public place simply because it is observed by another. An area may be open to the public and not be considered a public place if a reasonable person would not foresee such a substantial risk.

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**Criminal Laws** Members shall pay particular attention to the elements of the various offenses when making a determination to arrest possible offenders for engaging in sexual conduct on public property (e.g. rest areas, parks).

All of the elements of a particular offense shall be met in order to charge an individual with an offense.

Most criminal complaints involving consensual sexual conduct on Commonwealth lands generally allege violations of the following Massachusetts General Laws (MGL):

**MGL c. 272, s. 16 Open and Gross Lewdness**

To sustain a conviction for open and gross lewdness, the Commonwealth must prove five (5) elements:

- That the defendant exposed their genitals, buttocks, or female breasts to one or more persons;
- That they did so intentionally;
- That they did so openly, i.e., with the intent of exposing themselves, or in reckless disregard or substantial risk of public exposure, to others who might be offended by such conduct;
- That defendant's act was done in such a way as to produce alarm or shock; and
- That one or more persons were in fact alarmed or shocked by defendant's exposing their self. Members should identify at least one witness, who is not a police officer, to satisfy this requirement.

**MGL c. 272, s. 35 Unnatural Acts**

The conduct must:

- Occur in a public place;
- Involve oral contact with the genital or anal area, anal intercourse or masturbation of another person; and
- Be done intentionally or with reckless disregard that others may observe the conduct and be offended.

**MGL c. 272, s. 53 Indecent Exposure and Lewd and Lascivious Behavior**

A charge of lewd and lascivious behavior requires both:

- The sexual conduct must occur in a public place; and
- That it be by a person who knows or should know of the presence of another person or persons who may be offended by the conduct.

This section also prohibits the:

- Public solicitation of conduct to be performed in a public place; when
  - The conduct committed or solicited involves touching of the genitals, buttocks, or female breasts for the purpose of sexual arousal, gratification, or offense.
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**Procedure**

Members are free to approach and make inquiries to persons in public areas. The approach or inquiry, however, shall neither explicitly nor implicitly assert that persons must respond to their inquiries.

Persons cannot be arrested:

- For failing to respond;
- On mere suspicion;
- For failing to give an account which satisfies the member; or
- Because of a past offense.

Members shall not order someone to leave a public area in the absence of unlawful conduct.

An investigatory stop or brief detention shall be based on reasonable suspicion.

An arrest shall be based on probable cause.

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**References**

MGL c. 272, s. 16

MGL c. 272, s. 53

MGL c. 272, s. 35

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Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>ADM-47</b>

Subject
<b>Identification/Prevention of Racial &amp; Gender Profiling</b>

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### Policy

Except in “suspect specific incidents”, members are prohibited from considering the race, gender, national, or ethnic origin of members of the public in deciding to detain a person or stop a motor vehicle and in deciding upon the scope or substance of any law enforcement action.

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### Introduction

The Department of State Police is committed to protecting the constitutional and civil rights of all citizens. Allegations of racial and gender profiling or discriminatory practices, real or perceived, are detrimental to the relationship between the police and the communities they protect and serve, because they strike at the basic foundation of public trust. This trust is essential to effective community based policing.

Racial and gender profiling are illegal and ineffective methods of law enforcement. Racial profiling results in increased safety risks to members and citizens and is a misuse of valuable police resources. More importantly, such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability.

The Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial and gender profiling by its members. While recognizing that most members perform their duties in a professional, ethical and impartial manner, the Department is committed to identifying and eliminating any instances of racial and gender profiling.

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### Definitions

*Racial and Gender Profiling:* The practice of detaining or stopping a suspect based on a broad set of criteria which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.

*Suspect Specific Incident:* An incident in which a member is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by national or ethnic origin, gender, or race.

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**Prevention of Profiling**

To prevent racial and gender profiling, the Department shall:

- Provide training programs to ensure that appropriate employees receive training on racial and gender profiling practices and the standards established by this policy;
- Ensure that this policy is disseminated to all members, dispatchers and appropriate civilian employees;
- Continuously review and, where appropriate, revise all procedures that involve the stop, detention, apprehension, or search of individuals to ensure that procedures are in compliance with the provisions of the law and this policy;
- Continuously review performance recognition and evaluation systems, training curricula, policies, and customs of the Department to determine if any practice encourages conduct that may support or lead to racial or gender profiling; and
- Work with the Executive Office of Public Safety and Security (EOPSS) and the Registry of Motor Vehicles to educate the public on what to expect when either stopped or detained by the State Police, as well as what the officer's expectations are during motor vehicle stops or detainment, to ensure both officer and citizen safety.

**Enforcement of Profiling Policy**

To enforce the provisions of this policy, the Department shall:

- Take appropriate and timely action to address allegations of racial or gender profiling; and
- Take appropriate and timely measures to correct any institutional practice or policy that may support or lead to the use of racial or gender profiling.

**Responsibilities**

Position	Duties
Division of Standards and Training	<ul style="list-style-type: none"> <li>• Promote professionalism throughout the Department;</li> <li>• Ensure that all employees receive training on the prevention and elimination of racial and gender profiling;</li> <li>• Assist supervisors in identifying and modifying potentially problematic behavior;</li> <li>• Utilize appropriate citizen complaint procedures to document and investigate allegations of racial or gender profiling; and</li> <li>• Investigate referrals from the EOPSS;</li> </ul>

Continued next page.

**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
Supervisors	<ul style="list-style-type: none"> <li>• Monitor members conduct to ensure that the standards of this policy are being carried out;</li> <li>• Ensure that members collect data on race, gender, and searches in accordance with laws, and TRF-08 Citations; and</li> <li>• Take positive steps to identify, prevent, and eliminate any instances of racial or gender profiling by members of the Department.</li> </ul>
Members	<ul style="list-style-type: none"> <li>• Provide everyone with fair and impartial police services consistent with constitutional and statutory mandates;</li> <li>• Respect the diversity and the cultural differences of all people;</li> <li>• Members shall collect data on race, gender, and searches in accordance with laws, and TRF-08 Citations; and</li> <li>• Uphold the Department's commitment to lawful and nondiscriminatory enforcement that promotes public safety and strengthens the public's trust and confidence.</li> </ul>
Colonel/Superintendent	<ul style="list-style-type: none"> <li>• Promote the Department's commitment to prevent and eliminate gender and racial profiling;</li> <li>• Ensure all employees receive a copy of this policy; and</li> <li>• Ensure all employees comply with this policy.</li> </ul>

**References**

ADM-14 Personnel Investigation  
The Commonwealth of Massachusetts  
Chapter 228 of the Acts and Resolves of 2000:  
An Act Providing for the Collection of Data Relative to Traffic Stops  
Chapter 420 of the Acts of 2000:  
An Act Further Regulating the Collection of Certain Data Relative to Stopping of Motor Vehicles  
Whren v. United States 517 U.S. 806, 116 S. Ct. 1769 (1966)  
Commonwealth v. Franklin Fruit Co., Inc. 388 Mass. 228 (1983)  
Commonwealth v. Gonsalves 429 Mass. 658 (1999)  
SPAM Collective Bargaining Agreement Article 27

Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>GEN-01</b>
Subject	<b>Personal Appearance</b>		

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## Policy

As the principal law enforcement agency within the Commonwealth of Massachusetts, members shall present an image of the highest standard, order, and professionalism to the public.

Members shall correct any deficiencies in their personal appearance, uniform, or equipment as soon as practicable, unless otherwise specified in this Order.

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## Jewelry

No jewelry, pins, necklaces, or bracelets of any kind shall be worn with the uniform. Exceptions, if conservative, are:

- Wristwatch;
- Medic Alert bracelet;
- Rings; and
- Necklaces worn discreetly beneath the shirt.

Note: Earrings shall not be worn while in uniform; however, conservative earrings may be worn by members in plainclothes assignments.

Members shall not display implants or facial/body piercing, while on duty or representing the Department. Note: In some instances, implants may be acceptable if a licensed medical practitioner requires the medical procedure and the procedure is performed under their supervision.

Facial/body piercings include, but are not limited to:

- Piercing of the face, tongue, nasal septum, lips or lip plate; or
- The deliberate expansion of a healed fistula (hole in the skin) for wearing body-piercing jewelry; or
- The transdermal or microdermal implants.

### **Exception:**

Members who are on undercover assignment may display facial or body piercings, when authorized by their Division Commander.

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**Hygiene and Oral Hygiene**

Members' personal care shall conform to the highest personal hygiene standards.

Members, when in any uniform or representing the Department, shall ensure:

- Teeth will be clean and free of foreign debris;
- There is an appearance of a full set of teeth; and
- Missing or broken teeth and/or loose orthodontics shall be replaced or repaired as soon as possible.

Members shall not display dental/oral modifications to their teeth or mouth area while on duty or representing the Department. Note: In some instances, dental/oral modifications or procedures may be acceptable if a licensed dental or medical practitioner requires the medical procedure and the procedure is performed under their supervision.

Dental/oral modifications include, but are not limited to:

- Tongue splitting or bifurcation;
- Abnormal filing of the teeth; and
- Dental veneers or laminates ornamented with designs, jewels, initials, or any other decoration.

**Members Grandfather Waiver re Tattoos/Body Art/Brands/Scarification**

Members who have tattoos/body art/brands/scarifications that are visible while wearing the Department uniform must have submitted:

- To the Colonel/Superintendent through channels an SP 801 Grandfather Waiver: Tattoos/Body Art/Brands/Scarifications. The SP 801 must have contained the following information:
  1. The date the tattoo/body art/brand/scarification was received;
  2. A description and photograph(s) of the respective tattoo/body art/brand/scarification; and
  3. The size and location of the tattoo/body art/brand/scarification on the member's body that is visible while wearing the Department uniform.

Member shall continue:

- Not to display any unprofessional or offensive tattoos/body art/brands/scarification, that is visible while wearing the Department uniform, which may include, but are not limited to:
  1. Sexist, racist, vulgar, anti-American, anti-social, gang related; or
  2. Extremist group, or organization related; or
  3. Depictions of nudity, violence, symbols, initials, acronyms, profane language, words, or phrases.
- To refrain from adding to or receiving additional tattoos/body art/brands/scarifications that is visible while wearing the Department uniform.

**Eligible  
Candidates for  
Position of  
State Police  
Trooper**

Any candidates eligible for appointment from any initial appointment eligibility list certified on or after April 1, 2013:

- Shall have no visible tattoos, body art, brands or scarification per the Department's Rules and Regulations *Article 10 Regulations Establishing Recruit Minimum Entrance Requirement*; and
- For the purpose of this Rule: only those tattoos, body art, brands or scarifications that are visible when the candidate is dressed in the Department's summer Class B duty uniform must be removed prior to appointment to the Massachusetts State Police Training Academy.

**Cosmetics**

Cosmetics, if worn, shall be:

- Subdued and blended to match the natural skin color; and
- Conservative.

No false eyelashes or unnaturally colored contact lenses shall be worn.

No fingernail polish of any color shall be used when in uniform.

**Hair**

Hair shall:

- Be clean, neat, and well groomed;
- Not touch the top of the uniform shirt collar, at the back, when standing with the head in a normal posture;
- Not interfere with the wearing of any issued headgear; or
- Not be dyed or tinted in an exaggerated or unnatural color.

Note: Wigs or hairpieces may be worn if they conform to the above standards.

**Males in Uniform:**

Hair shall be:

- Either tapered or blocked at the back of the neck; and
- Tapered or blocked at the sides but may not touch the ears.

Sideburns shall be:

- Neatly trimmed and rectangular;
- Trimmed horizontally, at a right angle;
- Of even width; and
- No longer than the midpoint of the tragus of the ear.

Continued next page.

**Hair  
(Continued)**

Faces shall be clean shaven except:

- Members assigned undercover, and with the approval of the Unit/Section Commander; or
- Members with a temporary medical condition, verified by the State Police Surgeon.

Note: Members with mustaches, beards, or goatees shall not appear in uniform.

**Females in Uniform:**

- Hair may extend over, but not below, the bottom of the ear, nor more than two inches forward of the ear;
- Conservative ponytails, braids, hair buns, etc., may be used if secured to the head; and
- Inconspicuous hair aids that blend in with the hair may be used.

**References**

MGL c. 22C, s.19

Inturri v. City of Hartford, 2006 WL 231671 (2nd Cir. 2006)

SP 801 Grandfather Waiver: Tattoos/Body Art/Brands/Scarifications  
Department Rules and Regulations Article 10-Regulations Establishing  
Recruit Minimum Entrance Requirement

Promulgated By:



# Department of State Police

## General Order

Effective Date	June 17, 2013	Number	GEN-02
Subject	Uniforms		

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**Policy** Members of the Department shall maintain their personal appearance and uniforms to the highest standards possible.

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**Cruiser Operation** While operating Department vehicles, all members are required to wear the authorized uniform or appropriate business attire.

Members shall display their badge of office while operating a Department vehicle; exceptions may be allowed for:

- Members assigned to the Division of Investigative Services or to other assignments where the member's identity should not be revealed.
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**General** Supervisors are responsible for continuous line inspections in order to ensure that members under their control maintain a professional appearance and correctly wear the uniform.

Members while in uniform shall not:

- Participate in social functions, unless authorized to do so by their Division Commander;
- Wear unauthorized or non-issued clothing, parts, medallions, ornaments, or other appurtenances; or
- Wear personal headphone devices or cellular phone headsets.

Members shall not wear any part of the uniform while off-duty, unless authorized to do so.

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**Replacement of Uniforms or Equipment** When worn out, damaged, or destroyed through normal use, or when items do not fit, members may turn in items to the Troop Clerk and requisition a replacement.

When items are damaged or destroyed through negligence or misuse, the member shall replace the item(s) at their own expense.

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**Cleaning and Maintenance**

- Boots, shoes, and leather shall be highly polished.
- Metal parts shall be clean and highly shined.
- Clothing items shall be clean, stain free, and pressed.
- Necessary alterations or repairs may be done by the Troop Tailor or through the Troop Clerk.
- Whenever an occasion causes deficiencies in personal appearance, uniform, or equipment, members shall avail themselves of the first opportunity to correct the condition.

**Riot Gear**

All members, unless undercover, shall carry the issued riot gear in the trunk of their cruiser:

- Riot jacket, gloves, helmet, baton, and gas mask.

The Officer in Charge (OIC) at a riot or disturbance may designate the following items as optional:

- Necktie and tie clasp, cross-strap, name tag, badge of office, whistle and chain, riot baton, and gas mask.

**Summer and Winter Uniform Dates**

The Summer Uniform shall be worn from:

- April 15th through October 14th.

The Winter Uniform shall be worn from:

- October 15th through April 14th.

Note: The Winter shirt is optional for thirty (30) days before and after this period.

Whenever two (2) or more members are gathered in the same location, the members shall dress the same as the Officer in Charge (OIC) or Senior Trooper, or as otherwise ordered.

Note: Staff Officers while in any uniform shall wear the garrison cap at all times.

**Full Dress (Class "A") Uniform**

The Class "A" Uniform is for ceremonial or dress occasions. It consists of:

- Long sleeve shirt;
- Necktie and tie clasp;
- Blouse;
- Breeches;
- Garrison belt;
- Field boots;
- Field service belt with only the holster and firearm, ammunition case, handcuff case, club ring, and the cross-strap;

Continued next page.



Subject	Number
<b>Uniforms</b>	<b>GEN-02</b>

**Full Dress  
(Class “A”)  
Uniform  
(Continued)**

- Appropriate cover (the garrison cap for Winter, the straw campaign cover for Summer);
- Black or white gloves, when authorized; and
- Authorized ribbons and medals.

Keepers and extra handcuffs shall not be worn with the Class “A” uniform.

For designated periods of mourning, a black badge shroud shall be worn around the badge of office.

**Summer  
Field Service  
(Class “B”)  
Uniform**

- Straw campaign cover;
- Short sleeve shirt, top button unbuttoned, no undergarments or jewelry visible;
- Pants;
- Jump boots;
- Field service belt with holster and firearm, handcuff case, club ring, ammunition case, and other authorized equipment; and
- No ribbons or medals.

If the long sleeve shirt is worn, a necktie and tie clasp shall be worn without the cross-strap.

**Winter  
Field Service  
(Class “B”)  
Uniform**

- Garrison cap;
- Long sleeve shirt, completely buttoned, with necktie and tie clasp;
- Breeches;
- Field boots;
- Field service belt with cross-strap, holster and firearm, handcuff case, club ring, ammunition case, and other authorized equipment;
- Issued jacket (optional);
- Black gloves (optional); and
- No ribbons or medals.

**Specialty  
Uniforms**

Specialty uniforms may be worn with the permission of their Division Commander. Only members who are performing a specialized function shall wear specialty uniforms.

The Division Commander of Standards and Training, or designee, may revise the duty uniform of personnel assigned to the Academy.

**Issued Uniform  
Parts and  
Equipment**

The **Badge of Office** shall be:

- Prominently displayed by wearing it on the left breast area of the outer uniform garment in the holder provided.

The **Headgear badge** shall be:

- Worn on all campaign covers, garrison caps, and other authorized headgear.

**Collar insignias** shall be:

- Worn on the shirt and dress blouse only;
- Placed with the Commonwealth ornament on the right hand side;
- Placed with the troop designation ornament on the left hand side; and
- Placed one (1) inch back from the leading edge of the collar and centered between top and bottom.

**Service chevrons** shall be:

- Worn, one (1) for every two (2) years of service; and
- Worn on the left sleeve of the blouse, pointing downward with the lowest chevron centered one and one-half (1 ½) inches above the semicircular cuff edging; and

Note: Service chevron shall not be worn by commissioned and non-commissioned officers.

**Non-Commissioned Officers' stripes** shall be:

- Worn on both sleeves of all shirts and outer garments; and
- Centered on the sleeve, six (6) inches down from the shoulder seam, with the point facing upward.

**Commissioned Officers rank insignias** shall be:

- Worn on both shoulders of all shirts and outer garments; and
- Centered between the shoulder seam and shoulder strap.

**Name tags** shall be:

- Prominently displayed on all outer uniform garments, except rain gear;
- Affixed to the lower seam edge running horizontally across the right breast of the shirt/coat pocket; and
- Positioned so as to appear centered between the lapel edge and shoulder seam.

**Tie clasps** shall be:

- Worn on the tie, clipped to the shirt, and horizontally even with the name tag.

The **whistle and its attached chain** shall be:

- Worn suspended from the right epaulet button and attached to the right breast pocket button on the blouse or shirt; and
- Worn with the chain under the name tag.

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Continued next page.

**Issued Uniform Parts and Equipment (Continued)**

The **handcuff key** shall be:

- Attached to the whistle end of the chain and to the left of the whistle.

The issued **weapons, ammunition, and handcuffs** shall be:

- Carried and secured in the appropriate case on the field service belt.

The **raincoat** shall be:

- Worn during inclement weather, high visibility side out (see section Issued High Visibility Safety Apparel), except for solemn or ceremonial occasions, where the blue/black side shall be out.

The **traffic vest** see:

- Issued High Visibility Safety Apparel.

The **garrison cap** shall have:

- The leather back strap removed for both commissioned and non-commissioned members;
- A gold hat band worn for commissioned members; and
- A silver hat band worn for non-commissioned members.

**Issued High Visibility Safety Apparel**

High Visibility Safety Apparel is comprised of fluorescent colored background material that has retro-reflective applications affixed to it, thus providing the wearer with a high degree of visibility during both daylight and darkness.

At this time, the Department issued fluorescent yellow-green Traffic Vest and Short Rain Jacket (high visibility side out) shall be considered high visibility safety apparel.

**Orange raincoats/jackets and traffic cross strap:**

- Are not considered high visibility safety apparel; and
- Shall not be worn by Department Employees.

Department Employees (sworn and civilian) are advised that issued high visibility safety apparel shall be:

- Worn in accordance with current state and federal laws.

Specific clothing worn by certain sections of the Department may be considered high visibility safety apparel, only if the article of clothing has an American National Standards Institute-International Safety Equipment Association (ANSI/ISEA) certified label affixed to it.

Continued next page.

**Issued High  
Visibility Safety  
Apparel  
(Continued)**

The Department realizes that members performing motor vehicle stops have discretion when balancing their need to be visible to approaching traffic and their need to ensure proper patrol procedures/officer safety during the course of the motor vehicle stop.

Employees (sworn and civilian) are not required to wear high visibility safety apparel when:

- A member is performing a motor vehicle stop; or
- A civilian employee is performing functions away from the roadway and traffic areas.

However, members who choose not to wear high visibility safety apparel during motor vehicle stops shall:

- Remain vigilant and understand that they are less likely to be seen by approaching motor vehicle traffic particularly:
  1. In darkness; or
  2. In periods of diminished visibility due to inclement weather.

Employees (sworn and civilian) wearing uniforms or plain clothes shall wear high visibility safety apparel during all hours and lighting conditions when engaged in the following activities:

- Directing traffic;
- At all road and highway motor vehicle crash scenes;
- When investigating motor vehicle crashes;
- When working at lane closures and obstructed roadways;
- On all road and highway work zones and construction details including moving details (excluding dignitary protection); or
- Special or significant events when ordered by the Officer-In-Charge (OIC).

**Eye Wear**

Members performing a line function and wearing prescription lenses shall have:

- Safety lenses; and
- Conservative and secure frames.

Sunglasses may be worn for outside assignments only, and shall be of a conservative style.

Subject <b>Uniforms</b>	Number <b>GEN-02</b>
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**Department  
Issued Ribbons  
and Medals**

Department members who have attained ten (10) years of service shall be allowed to wear, while in Class “B” uniform:

- The Department issued Service Ribbon (blue/white/blue);
- If applicable, one (1) gold star for each additional five (5) years of service to be inserted onto the white section of the ribbon; and
- Worn over the left breast pocket of the shirt.

Department issued ribbons and medals shall be worn on the Class “A” uniform over the left breast pocket of the blouse. However, if the member has military awards, the Department ribbons and medals shall be worn over the right breast pocket of the blouse.

Memorial pins, medallions, insignias, or ornaments shall not be worn, unless authorized by the Colonel/Superintendent.

**Military  
Ribbons  
and Medals**

Awarded ribbons and medals issued by the U.S. Armed Forces may:

- Be worn or displayed, in military fashion, while in Class “A” uniform over the left breast pocket of the blouse.

No military ribbons or medals shall be worn or displayed while in Class “B” uniform.

**References**

MGL c.22C, s.19  
MGL c.149 s. 6  
Commonwealth of Massachusetts Division of Occupational Safety  
Department of Transportation Federal Highway Administration Manual on  
Uniform Traffic Control Devices  
American National Standards Institute-International Safety Equipment  
Association (ANSI/ISEA) 107 & 207 Standards

Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	GEN-04
Subject	Military Courtesy		

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<b>Policy</b>	The Department has been a paramilitary organization since its inception; the application of military courtesies shall continue to maintain this tradition.
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<b>Salutes</b>	<p>Salutes shall be given when members are both in uniform and covered, unless it would interfere with the performance of duty.</p> <p>Salutes shall be given to a Staff Officer or a Commissioned Officer, and be smartly and promptly acknowledged by that member. In the case of Commissioned Officers, this rule shall only apply to members of superior rank.</p> <p>The salute shall also be given to the Governor, President and Vice President.</p> <p>This policy shall also apply when meeting uniformed members of other police agencies and the Armed Forces.</p>
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<b>Salutes in Formation</b>	<p>Members shall salute upon a command from the Commanding Officer when:</p> <ul style="list-style-type: none"><li>• In formation at a halt, the commands are "Attention", then "Present Arms" and the recovery command is "Order Arms"; and</li><li>• In a moving formation, the salute is only executed by the Commanding Officer leading the formation; the command for the formation is "Eyes Right" (or left), and then "Ready Front" as the salute.</li></ul>
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<b>Attention</b>	Upon entering the office of the Colonel/Superintendent, a Lieutenant Colonel, or a Major, a member shall remove their cover and stand at attention.
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<b>National Anthem</b>	<p>Members in uniform shall stand at attention and salute when the National Anthem is played:</p> <ul style="list-style-type: none"><li>• Facing the music (unless the National Flag is displayed); and</li><li>• Starting at the first note of the anthem, continuing to the last note.</li></ul> <p>If in civilian clothes, the right hand is placed over the heart in lieu of the salute.</p>
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**National Flag**

Unless it would interfere with the performance of duty, uniformed members wearing the appropriate cover, shall stand at attention facing the flag and salute when:

- It passes by on all public occasions, ceremonies, parades, etc. (The salute shall be given when the flag has arrived within a distance of six (6) paces and maintained until it has passed six (6) paces beyond); or
- It is carried into any building, room, or other place where members are present; or
- It is formally raised or lowered.

If in civilian clothes, the right hand is placed over the heart in lieu of the salute.

**Pledge of Allegiance**

Unless it would interfere with the performance of their duty, during the Pledge of Allegiance members shall:

- Stand at attention facing the flag and salute when in uniform wearing the appropriate cover; or
- Stand at attention facing the flag and place their right hand over their heart if in civilian clothes.

**Display of Flags**

The Flags of the United States and the Commonwealth shall be flown at all Department facilities. The National Colors shall be flown on the flag's own right, (on the right as facing the street), and slightly higher than the Commonwealth Flag.

Flags shall be flown:

- Every day when the weather permits; and
- At night if they are directly illuminated

The National Flag shall be flown at half-staff in honor of a member who dies while in the line of duty, from the notification of death until dusk of the day of interment.

The Flag of the Commonwealth shall be flown at half-staff when:

- The National Flag is at half-staff;
- As ordered by the Governor; or
- As ordered by the Office of the Superintendent.

On Memorial Day, the flags should be flown at half-staff until noon, and then raised.

To display flags at half-staff, the flags should be hoisted to the peak, and then lowered to half-staff.

Promulgated By:



# Department of State Police General Order

Effective Date <b>June 17, 2013</b>	Number <b>GEN-04A</b>
Subject <b>Ceremonial Tributes</b>	

**Policy** The protocols identified within this policy shall be adhered to during ceremonial tributes in honoring Department members or when attending tributes with other agencies.

**Request Procedure and Authorization** The Colonel/Superintendent shall authorize final approval for all Department tributes and requests from outside agencies. The Division of Field Services shall handle implementation, unless otherwise ordered.

**Ceremonial Tributes** The Department may provide the following as determined by the Colonel/Superintendent:

### Line of Duty Death

- Wake – Organized police walk-by, honor guard and/or color guard detail;
- Drill and Ceremonial Unit;
- Rifle Salute;
- Mounted Unit;
- Motorcycles;
- Air Wing;
- Vocalist and bugler(s);
- Department Pipes & Drums;
- Classmates of the Deceased;
- Specialty Unit/Team to which the member belonged;
- Minimum of forty (40) members; and
- All available members of the Command Staff.

### Off-Duty Death

- Wake – Honor guard at wake consisting of member’s troop/section;
- Drill and Ceremonial Unit;
- Motorcycles;
- Classmates of the Deceased;
- Vocalist, bugler and piper;
- Specialty Unit/Team to which the member belonged;
- Minimum of twenty (20) members; and
- Division Commanders or Designees.

Continued next page.



Subject <b>Ceremonial Tributes</b>	Number <b>GEN-04A</b>
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**Ceremonial Tribute (Continued)**

**Death of Immediate Family Member of an Active Member**, (spouse, child, brother, sister, parent of member or spouse)

- Four (4) members, provided for by the member’s Station/Section/Unit, to cover calling hours, funeral detail, and the procession.

**Retired Member(s)**

- Two (2) members to be provided by the Division of Field Services to cover calling hours, funeral detail, and procession.

**Active Public Safety Officers**

The Colonel/Superintendent shall determine any ceremonial tributes provided for active public safety officers killed in the line of duty.

**Funeral Attendance**

The Department shall attempt to allow as many on-duty members as possible to attend the calling hours and funeral services of an active member.

Members to attend calling hours and funeral services in uniform shall:

- Wear the appropriate uniform-of-the-day as indicated on calling hours and funeral services announcements;
- Be authorized, when attending off-duty, to wear the uniform-of-the-day as indicated on calling hours and funeral services announcements; and
- While inside a funeral home or church carry their headgear under their left upper arm, unless directed otherwise or when participating as a member in the honor guard.

**Honor Guard**

Details at funeral homes should consist of at least four (4) members. The senior member should coordinate with the family liaison. Members shall wear the class “A” uniform, with a black badge shroud and white gloves, unless otherwise directed.

**Funeral Processions**

Upon leaving the funeral home or church, members should:

- Cover and form two (2) lines along the path where the casket is to be carried;
- The formation shall start at the funeral home or church and end at the hearse; and
- A proper interval shall be maintained between members.

Subject <b>Ceremonial Tributes</b>	Number <b>GEN-04A</b>
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**Badge Shrouds** As designated by the Colonel/Superintendent, black badge shrouds shall be worn for thirty (30) days by all members in honor of an active member who dies in the line of duty.

Black badge shrouds shall be worn by all members in honor of an active member who dies off duty, from the date of the death notification until the interment.

Black badge shrouds shall be worn by uniformed members while appearing at a funeral or memorial service for active or retired members.

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**Funeral Escorts** Department vehicles escorting or following the funeral procession shall:

- Be operated at a speed consistent with that of the hearse and far enough ahead of the procession to control traffic; and
- Have all the emergency warning lights activated and left on during the entire escort.

Members assigned to traffic control duties where the funeral procession is passing by shall:

- If conditions allow, stand at attention and render the hand salute while the hearse is passing.

If the escort terminates at the entrance to a cemetery, church, or funeral home, the escorting members shall:

- Stand at attention in two (2) lines, face each other; and
- Render the hand salute until the hearse has passed by.

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Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>GEN-05</b>
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Subject <b>Communicable Diseases</b>
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**Policy** The Department shall provide its employees with equipment and information on communicable diseases to prevent exposure to dangerous and life-threatening diseases.

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**Definitions** *Communicable Disease:* Infectious illnesses and viruses that are transmitted through contact with bodily fluids, tissue, or breath of an infected individual.

*Bodily Fluid:* Liquid secretions such as blood, semen, vaginal secretions, saliva, vomit, urine, and feces.

*Airborne Exposure:* Contact with bacteria, virus, chemical, smoke, or any foreign particle suspended in the environment.

*Unprotected Exposure:* Any bodily fluid or tissue that comes into direct contact with a mucous membrane (e.g., eyes, nose, and mouth) or non-intact skin (e.g., cuts, chapped skin). This includes a bite from a human or animal.

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**Communicable Disease Prevention** All employees should assume that all persons are potential carriers of communicable disease.

When coming into contact with people or evidence where the transfer of bodily fluids is a possibility, employees should wear protective clothing and equipment to minimize their exposure to disease. This includes:

- No eating, drinking, or smoking at a scene where bodily fluids are present;
  - Wear **disposable gloves** when administering first aid or handling anything that has been exposed to bodily fluids (double gloves should be used, if necessary);
  - Wear a **protective mask**, eye wear, and coveralls if available, in situations where bodily fluids may come into contact with the employee;
  - Use the issued **plastic mouth piece** or other barrier resuscitation device when performing CPR;
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Continued next page.

**Communicable Disease Prevention (Continued)**

- Use extra care when handling contaminated sharp objects (e.g., wear **protective gloves** when conducting a search, or when handling sharp objects);
- Use a **flashlight or baton** to conduct an initial sweep of areas where sharp objects may be hidden;
- Place hypodermic needles in leak proof, rigid, puncture-resistant, shatterproof containers (needles should not be recapped, bent, broken or removed from the syringe); and
- All employees assigned to the Forensic Service Group involved in the collection and handling of evidence shall follow Communicable Disease Prevention procedures identified in the current version of the Laboratory Safety Manual.

**Disinfection Guidelines**

<b>If...</b>	<b>Then</b>
Any unprotected skin surface comes in contact with bodily fluids	<ol style="list-style-type: none"> <li>1. Immediately and thoroughly wash the affected area with hot running water and soap for at least fifteen (15) seconds before rinsing and drying.</li> <li>2. Use alcohol or waterless antiseptic hand cleaning gel when soap and water is unavailable.</li> <li>3. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.</li> <li>4. When necessary, report to a medical facility for an examination or treatment.</li> </ol>
You are wearing disposable gloves that come in contact with bodily fluids.	<ol style="list-style-type: none"> <li>1. Thoroughly rinse the glove before removing.</li> <li>2. Hands and forearms should then be washed as described above.</li> </ol>
Uniform or clothing comes in contact with bodily fluid.	<ol style="list-style-type: none"> <li>1. Remove the uniform/clothing as soon as practical.</li> <li>2. Place the contaminated uniform/clothing in a paper bag.</li> <li>3. Any contaminated skin area should be cleaned as described above.</li> <li>4. Uniforms/clothing should be marked as contaminated and cleaned by: <ul style="list-style-type: none"> <li>• Laundering in the usual manner;</li> <li>• Turning into the Supply Clerk for an exchange; or</li> <li>• Disposing according to the State Sanitary Code.</li> </ul> </li> </ol>

Continued next page.

Subject	Number
<b>Communicable Diseases</b>	<b>GEN-05</b>

**Disinfection Guidelines (Continued)**

If...	Then
A Department vehicle becomes contaminated with bodily fluids.	1. The Troop Supply Clerk shall arrange for a complete cleaning and disinfection, as soon as possible.
Non-disposable equipment becomes contaminated with bodily fluids.	<ol style="list-style-type: none"> <li>1. Wear protective clothing when cleaning.</li> <li>2. Prepare a cleaning solution containing: <ul style="list-style-type: none"> <li>• One (1) part bleach to ten (10) parts water; or</li> <li>• A fungicide or a micro bacterial disinfectant.</li> </ul> </li> <li>3. Wipe excess bodily fluids with disposable absorbent material.</li> <li>4. Clean equipment with the prepared solution or disinfectant.</li> <li>5. Dispose of the cleaning material according to the State Sanitary Code.</li> <li>6. Follow manufacturer's guidelines for proper disinfection/cleaning procedures.</li> </ol>
Disposable equipment, (such as cleaning materials) contaminated with bodily fluids.	1. Bag and dispose of according to the State Sanitary Code.
Evidence contaminated with bodily fluids is recovered.	<ol style="list-style-type: none"> <li>1. Place in paper bags and clearly mark as contaminated.</li> <li>2. Allow items to dry out.</li> <li>3. Take additional precautions as necessary.</li> <li>4. Consult with Crime Services Section for proper disinfection/handling procedures.</li> </ol>

**Transport and Custody**

When transporting an individual who has bodily fluids on their person or has stated that they have a communicable disease:

Position	Duties
Members shall:	<ul style="list-style-type: none"> <li>• Take all precautions to minimize the possibility of exposure to the bodily fluids;</li> <li>• Administer necessary first aid;</li> <li>• Transport this individual in a separate vehicle from other people; and</li> <li>• Notify the Desk Officer.</li> </ul>
Desk Officers shall:	<ul style="list-style-type: none"> <li>• Appropriately isolate the person;</li> <li>• Notify the Troop Duty Officer; and</li> <li>• Document the incident in the Daily Administrative Journal.</li> </ul>

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**Reporting  
Unprotected  
Exposures**

Members who have had an unprotected exposure while on duty should seek immediate treatment at an emergency room. Larger hospitals and teaching hospitals are often better able to assist with potential exposures.

The exposure shall be treated as an on-duty injury, and documented under the guidelines of ADM-11B Injury Reporting and Leave. In addition, a **Department of Public Health Unprotected Exposure Form** shall be filled out to document the exposure and:

- Taken to the medical facility where the member(s) is being treated, and
- Faxed to the Health Unit.

All employees assigned to the Forensic Service Group involved in the collection and handling of evidence shall follow the exposure procedures identified in the current version of the Laboratory Safety Manual.

Department civilian employees shall seek guidance from their immediate supervisors who shall follow the procedures for sworn members.

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**Supplies**

All Department cruisers and/or installations should be stocked with the following communicable disease control supplies:

- Disposable and protective gloves;
  - Puncture resistant containers and plastic evidence bags;
  - Barrier resuscitation equipment, goggles, and masks;
  - Liquid germicidal cleaner;
  - Disposable towelettes with 70% isopropyl alcohol; and
  - Waterproof bandages.
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**Health Unit  
Responsibilities**

The Health Unit shall:

- Advise members about communicable disease and infection control matters;
  - Conduct training pertaining to communicable disease and infection control matters;
  - Distribute protective clothing and equipment; and
  - Develop guidelines for the use of the equipment and providing care to the public.
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**Responsibilities**

<b>Position</b>	<b>Duties</b>
Members	<ul style="list-style-type: none"> <li>• Ensure that all assigned medical supplies are properly maintained;</li> <li>• Keep disposable and protective gloves readily available and easily accessible;</li> <li>• When an on-duty incident results in an unprotected exposure, notify the Desk Officer and follow the guidelines in this policy to minimize the risk of infection; and</li> <li>• No member shall refuse to handle or arrest any person.</li> </ul>
Desk Officers	<ul style="list-style-type: none"> <li>• Notify the Troop Duty Officer; and</li> <li>• Document the incident in the Daily Administrative Journal.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Ensure that any employee who has an unprotected exposure while on-duty receives proper first aid and medical treatment;</li> <li>• Assign a supervisor to investigate the exposure; and</li> <li>• Ensure Notice of Injury Report is submitted forthwith per ADM-11B.</li> </ul>
Commanding Officers	<ul style="list-style-type: none"> <li>• Ensure that communicable disease control supplies are made readily available to all members of their Troop/Section/Unit;</li> <li>• In the case of an on-duty unprotected exposure, ensure that the employee receives: <ol style="list-style-type: none"> <li>1. Assistance in reporting the exposure;</li> <li>2. Continued testing for evidence of infection; and</li> <li>3. Any emotional assistance or counseling as required.</li> </ol> </li> <li>• Contact the District Attorney to ascertain if criminal charges are appropriate for intentional exposures.</li> </ul>

**References**

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The Ryan White Comprehensive AIDS Resources Emergency Act (Pub. L. 101-381)  
OSHA Final Standard on Bloodborne Diseases 29 CFR 1910.1030  
Massachusetts Department of Public Health 105 CMR 170-172  
Massachusetts Department of Public Health Unprotected Exposure Form  
MGL c.111, s.111C  
“State Sanitary Code. Chapter VIII”, 105 CMR 480.00  
Massachusetts State Police Forensic Services Group Laboratory Safety  
Manual 4.1 dated October 22, 2007.

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Promulgated By:





# Department of State Police

## General Order

Effective Date	Number
<b>November 5, 2008</b>	<b>GEN-06</b>

Subject
<b>Drug Testing</b>

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**Policy** In order to ensure public safety and promote public trust, it is the policy of the Department to maintain a drug-free work environment.

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**Justification** These compelling reasons justify the use of drug testing:

- **Public Trust:** Members sworn to enforce the law cannot be above it;
- **Public Safety:** The public expects members to have both the physical stamina and psychological stability to properly assume and perform required duties at all times;
- **Potential for Corruption:** Contact with controlled substances and people associated with them exposes members to increased opportunities for corruption;
- **Presentation of Credible Testimony:** A member who illegally uses or abuses drugs would be subject to impeachment through proof or an admission that they violate the law;
- **Morale and Safety in the Workplace:** Every member has the right to be secure in the knowledge that all members are capable of acting in a safe and effective manner; and
- **Loss of Productivity:** The use of controlled substances, and other forms of drug abuse, seriously impair physical and mental health and result in reduced job performance.

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**Scope** This Drug Testing policy applies to all sworn members of the Department.

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**Medication Notification** Members shall notify their immediate supervisor when required to use medication that has the potential to impair their job performance.

- The member shall inform their supervisor of the known side effects of such medication and the prescribed period of use;
- The supervisor shall document this information through the use of an internal memorandum to the appropriate Division Commander and shall send a copy to the Occupational Health Unit for review by the State Police Surgeon; and
- The member may be temporarily reassigned other duties, if appropriate.

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Subject <b>Drug Testing</b>	Number <b>GEN-06</b>
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**Prohibited Activity**

Members are prohibited from:

- Illegally possessing any controlled substance;
- Ingesting any unlawful/dangerous drug; and
- Ingesting any controlled substance, unless prescribed by a licensed medical practitioner.

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**Sanctions**

Discipline for members found to be in violation of this Drug Testing policy shall be in accordance with Article 37 of the State Police Association of Massachusetts (SPAM) Collective Bargaining Agreement, the Rules and Regulations for the governance of the State Police, and MGL c. 22C.

Members who refuse to be tested when so ordered, or refuse to enter an Employee Assistance Program or Rehabilitation Program after a positive test, are subject to termination.

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**Drug Testing Program**

Consistent with this policy, the Department has implemented a drug testing program consisting of:

- Drug testing based on reasonable suspicion;
- Random drug testing;
- Post incident drug testing; and
- Annual/biennial physical drug testing.

Employees on extended leave may be subject to drug testing upon their return to service as determined by the Colonel/Superintendent.

Note: The terms “reasonable,” “random,” and “post incident” are defined consistent with Article 37 of the SPAM Collective Bargaining Agreement and all drug testing procedures shall be conducted in accordance with this article.

All drug testing methodologies shall be performed under the Department of Health and Human Services Mandatory Guidelines for federal workplace testing.

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**References**

MGL c.22C  
Article 37 SPAM Collective Bargaining Agreement  
Rules & Regulations 5.10.2  
ADM-11E Extended Leaves

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>GEN-07</b>
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Subject <b>Automatic External Defibrillators</b>
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**Policy** The Department maintains Automatic External Defibrillators (AED) to help save lives. Only Department members trained in the use of AED's may operate them.

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**Definitions** *Automatic External Defibrillator (AED):* An electronic device that when used may:

- Radically reduce the occurrence of disability and death associated with cardiac emergencies through:
  1. An analysis of a victim for bio-electrical activity; and
  2. If needed, administration of an electrical shock.

The supervisor of the Health Unit shall have oversight of AED training, maintenance, and the creation of a standard operating procedure.

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**Care and Maintenance** Members shall:

- Follow AED procedures prescribed by the Health Unit; and
- Ensure AEDs are not stored in unattended vehicles for any duration, where extreme temperature fluctuations may damage internal components.

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**Responsibilities for Stations/Sections with AED** AEDs are considered permanently assigned equipment to the Station/Section. Commanding Officers shall:

- Ensure annually that each device is accounted for according to ADM-30 Asset Management;
- Assign devices according to the Health Unit's standard operating procedure (SOP); and
- Contact the Health Unit for repairs, parts, batteries, or other AED associated supplies as needed.

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**AED  
Utilization**

AEDs shall only be utilized by members who are trained. Members who possess AED's shall have a copy of the Health Unit's SOP regarding use, maintenance, and reporting procedures.

**Each time an AED is utilized to monitor and/or shock an apparent victim of a cardiac arrest the following procedures shall be adhered to:**

<b>Position</b>	<b>Duties</b>
The Utilizing Member	<ul style="list-style-type: none"> <li>• Advise the Desk Officer of AED utilization; and</li> <li>• Before securing from their shift, complete and forward the SP 600 AED Utilization Reporting Form to the Health Unit.</li> </ul>
Station Desk Officer	<ul style="list-style-type: none"> <li>• Document the AED utilization as a Medical Assist into the Daily Administrative Journal;</li> <li>• Do not include the patient name or other identifiers within the entry; and</li> <li>• Provide the incident number to the member who utilized the AED.</li> </ul>
Supervisor of the Health Unit	<ul style="list-style-type: none"> <li>• Ensure AED protocols were followed;</li> <li>• Ensure information received conforms to the SOP; and</li> <li>• Submit the data to the Medical Control Physician for review.</li> </ul>

**References**

MGL c.111, s.201  
MGL c.112, s.12V ½  
105 CMR 171.180  
105 CMR 171.225  
ADM-30 Asset Management

Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>GEN-08</b>
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Subject <b>Ride-Along/Observer</b>
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**Policy** The Department may allow approved ride-along/observers to accompany on-duty members for educational purposes.

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**Requesting Permission to Observe** Requests for an observer(s) to accompany an on-duty member shall be made in writing to the Troop/Section/Unit Commander and detail each observer's:

- Full name;
- Date of birth;
- Address;
- Social Security Number;
- Organization affiliation (if any);
- Date(s) of observation requested;
- Troop/Section/Unit to be observed; and
- Any special considerations (e.g. request to record, request to carry firearm).

The above information shall be forwarded via a SP 629 Observers Release form to the appropriate Division Commander. All requests for ride-along/observers and accompanying forms shall be maintained by the Division Commander's Office.

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**Media Requests** Requests for a ride-along for media representatives shall be referred to and approved by Commanding Officer of Media Relations.

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**Responsibilities**

<b>Position</b>	<b>Duties</b>
<b>Troop/Section/Unit Commander</b>	<ul style="list-style-type: none"> <li>• Ensure a background check (including CORI) is conducted on any observer before approving any ride-along/observation;</li> <li>• Approve or deny the request;</li> <li>• Forward any SP 629 to their Division Commander;</li> <li>• Consult with Media Relations, if appropriate;</li> <li>• If approval has been granted, then assign a member to handle the ride-along/observation duty;</li> <li>• Ensure appropriate safety precautions are taken to minimize risk and to ensure the well being of the observer (e.g. require ballistic vest to be worn); and</li> <li>• Detail any conditions the observer and/or assigned member shall follow.</li> </ul>
<b>Supervisor</b>	<ul style="list-style-type: none"> <li>• Ensure adequate scheduled staffing is available;</li> <li>• Ensure appropriate safety precautions are taken to minimize risk and ensure well being of the observer;</li> <li>• Ensure any directives by the Troop/Section/Unit Commander are adhered to;</li> <li>• Investigate any issues that may arise from an observation assignment per Department policies; and</li> <li>• Provide a summary of the concluded assignment to the Troop/Section/Unit Commander.</li> </ul>
<b>Member</b>	<ul style="list-style-type: none"> <li>• Shall conduct themselves in a professional manner;</li> <li>• Carefully monitor the assigned observer(s);</li> <li>• Immediately report to their supervisor any injuries or issues regarding the observer(s);</li> <li>• Comply with directives issued by the Troop/Section/Unit Commander; and</li> <li>• Provide a summary of the concluded assignment to their supervisor.</li> </ul>

Continued next page.

**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
<b>Observer</b>	<ul style="list-style-type: none"> <li>• Sign appropriate forms as required by the Department's Legal Section;</li> <li>• Obey all commands and safety directives issued by the escorting member;</li> <li>• Shall wear seatbelts while traveling in state owned vehicles; and</li> <li>• Agree to not electronically record the observation unless prior written approval is granted by the Troop/Section/Unit Commander and Media Relations.</li> </ul> <p><u>Note:</u> Firearms shall not be carried, unless they are a law enforcement officer and the Troop/Section/Unit Commander has specifically approved this request.</p>

**References**

Executive Order No. 241 Use Of Seat Belts By State Employees  
SP 629 Observers Release Form

Promulgated By:



# Department of State Police General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>INV-01</b>
Subject	
<b>Criminal Investigations</b>	

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**Policy** Investigations shall be conducted on all matters of a criminal nature that fall within the jurisdiction of the Department.

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**Criminal Investigation** All members assigned to investigate a crime and/or criminal activity shall:

- Be responsible for the thorough and methodical investigation of assigned cases; and
- Continue the investigation until the case is:
  1. Solved or otherwise closed, or
  2. Until it appears that further investigation would be of no significant value.

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**Division of Investigative Services** The Division of Investigative Services (DIS) shall investigate crime and/or criminal activity as determined by the Colonel/Superintendent, District Attorney or Attorney General. DIS is comprised of the following:

- State Police Detective Units (SPDUs);
- Statewide Investigative Units;
- Forensic Services; and
- The Commonwealth Fusion Center.

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**Investigative Powers** DIS members shall conduct investigations in accordance with their section/unit standard operating procedure (SOP).

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**Cases Involving Human Death** The District Attorney, upon notification of a death shall:

- Have their law enforcement representative direct and control the criminal investigation, in conjunction with the law enforcement agency of jurisdiction. (Massachusetts General Laws c.38 s.4)

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**Criminal Investigations Field Services Members** Members assigned to the Division of Field Services may initiate criminal investigations, if warranted, in situations where criminal activity is occurring.

Members or their supervisors shall immediately notify, through channels, the appropriate DIS section/unit when:

- Circumstances and demands clearly exceed the scope of their investigative abilities or require specialized investigative techniques.

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**Preliminary Investigations for Field Services**

In cases where members encounter a situation that necessitate some form of investigation, members may conduct a preliminary investigation concerning those offenses referred to or within the jurisdiction of the Department.

Preliminary investigations may include:

- Determining if a crime has been committed;
- Interviewing the complainant and witnesses;
- Arresting a suspect;
- Protecting the crime scene; and
- Performing other duties necessary to build a solid foundation for follow-up investigators.

**Investigations**

The first member arriving at a crime scene shall:

- Initiate medical services if needed;
- Secure and preserve the integrity of the crime scene;
- Conduct a preliminary investigation:
  1. Ensuring that evidence is not lost, destroyed, or altered in such a manner as to eliminate its probative value pending the arrival of crime scene/evidence technicians;
  2. Do not move or touch physical evidence unless absolutely necessary, to assure its preservation; and
  3. If physical evidence is moved a notation shall be made of its exact location and position at the scene.
- Relinquish their responsibility only when directed by a supervisor or to the designated DIS investigator assigned to conduct the criminal investigation.

Every effort shall be made to locate, identify and interview reliable witnesses.

Witnesses shall be interviewed:

- As soon as possible and in a quiet environment; and
- Separately to ensure independent statements.

If the perpetrator/suspect(s) has left the scene, pertinent information shall be broadcast, as soon as is practicable, utilizing all means necessary.

The member(s) conducting the preliminary investigation should not rely solely on their memory, but should make field notes of all pertinent information.

These notes may be subject to discovery by the defense.

The following shall be recorded:

- Date and time of arrival at scene;
- Weather conditions and visibility;
- Exact location, using addresses or distance measurements;
- Approximate time of the commission of the crime, when it was discovered, and by whom;

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Continued next page.

**Investigations  
(Continued)**

- Identity, if possible, or obtain the best available description of the criminal suspect(s);
- Description of any vehicle used by suspect(s);
- Information concerning any physical evidence discovered;
- Name, address of complainant, victim and/or witnesses;
- Identity of other law enforcement officers or civilians present;
- Results of any interviews conducted and statements taken from complainant, victim and/or witnesses; and
- Any other information which may be useful in the apprehension of the perpetrator(s) and subsequent prosecution.

The member conducting the investigation shall complete a written report of the incident.

**Reports and  
Field Notes**

All investigative activities, including actions taken, as well as information obtained as a result of said actions, shall be documented in an investigative report.

Investigating members are strongly encouraged to create field notes during the course of an investigation. All relevant facts and information in an investigator's field notes shall be included in the investigative report.

All field notes shall be preserved by the individual member and shall be made available upon request of a supervisor.

**Reference**

Massachusetts General Laws c.38 s.4

Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	INV-01A
Subject			
Case Management			

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**Policy**

Case management is an ongoing process involving all members of the Department. Proper case management facilitates the scope and direction of the investigation, in addition to providing documentation for court proceedings.

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**Complaint/  
Information**

All criminal information that is reported to the Department shall be evaluated for appropriate action. Minimum information required from the original source shall include:

- Name;
- Address;
- Telephone number(s);
- Date of birth; and
- Nature of the complaint.

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**Criminal  
Investigations  
DFS Members**

Criminal investigations may be initiated by members assigned to the Division of Field Services pursuant to their inherent authority to take immediate, positive, enforcement action in each situation which comes to their attention where laws relating to criminal activity are being violated.

However, the member or first line supervisor shall immediately notify the appropriate investigative section/unit when:

- Circumstances existing at the scene of the incident/offense require the application of specialized investigative techniques; or
- When the demands placed upon the responding member clearly exceed the scope of their investigative authority or abilities.

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**Case  
Management**

Case management is an ongoing process involving all members, and is used to determine:

- The direction and depth of the investigative process; and
  - The necessary resources allocated to a particular investigation.
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Subject <b>Case Management</b>	Number <b>INV-01A</b>
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**Minimum Complaint Information**

Every case assigned or initiated shall be entered into the Daily Administrative Journal (DAJ) to be maintained by all Stations/Sections/Units. Minimum complaint information to be entered shall include:

- Complaint number;
- Date of entry;
- Case received by;
- Complainant's name and address;
- Nature of complaint;
- Investigating member;
- Date of case assignment;
- Date report forwarded; and
- Report number.

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**Case Number**

For Division of Field Services, all case numbers shall be generated by RAMS.

All other cases shall be assigned:

- A number beginning with the year in which the case was initiated;
- A second sequence of numbers reflecting the section/unit's assigned code;
- A third sequence of numbers reflecting National Crime Information Center (NCIC) offense code; and
- A fourth sequence of numbers representing the consecutively assigned case number given in the order that the case is received.

Example: Case number: 08-112-0903-0123:

- 08- Year (2008);
- 112- SPDU code;
- 0903- NCIC code; and
- 0123- Case number.

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**Case Responsibility**

Assignment of a case shall be to a single member who shall:

- Be responsible for the reports on the case;
- Account for evidence; and
- Coordinate the investigative activity and information.

This does not preclude the assignment of additional personnel, nor does it impair the ability of the supervisor(s) to direct investigative efforts or reporting.

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**Case File**

Department Stations/Section/Units shall:

- Maintain a case file system utilizing the case number as the primary filing method; and
  - Index case numbers through the DAJ.
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Subject <b>Case Management</b>	Number <b>INV-01A</b>
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**Review/  
Approval  
Process**

Reports shall be:

- Reviewed by the reporting member for completeness and accuracy prior to submission;
- Reviewed by a supervisor after submission for completeness and accuracy; and
- Sent back for further investigation if necessary.

Upon approval within the Division of Investigative Services, a supervisor shall:

- Affix an inked stamp on the first page, bottom right of report bearing the logo "Division of Investigative Services, Mass. State Police.";
- Ensure the case number is written in and a sequential serial number recorded; and
- Enter the date and their initials on the stamp.

**Case  
Suspension**

Station/Section/Unit Commanders shall:

- Approve a request to suspend a case by recommendation of the case member when:
  1. Every reasonable avenue of investigation has been pursued and exhausted;
  2. There is a lack of further leads or solvability factors;
  3. Investigative resources are unavailable due to current workload; and
  4. The seriousness of the crime is insufficient to justify continued investigative efforts.
- Ensure that the suspension does not preclude the case from being reopened for any reason.

Note: Certain cases, due to their serious nature, are not eligible for suspended status (e.g., murder, rape, armed robbery).

**Case  
Termination**

Only the Station/Section/Unit Commander shall approve requests to close a case and should consider, at the minimum, the following criteria in determining if a case merits termination:

- Seriousness of criminal offense;
- Availability of investigative resources;
- Unfounded complaint;
- Complainant's refusal to cooperate;
- Referral to another agency;
- Declination by prosecutor;
- Adjudication completed; and
- Administrative closing.

Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-02</b>
Subject <b>Confidential Informants</b>	

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**Policy**

The Department shall develop and use confidential informants, as well as other sources of information, as a means to detect, investigate, and prosecute violators of state and federal law.

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**Definition**

*Confidential Informant (CI):* A person who provides information to a Department investigator on a continuing or regular basis, and wishes their identity to remain confidential.

This does not include "concerned citizens" who provide information on an informal or casual basis.

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**Special  
Circumstances**

Certain persons should not be used as informants, except in special circumstances with the approval of the Unit Commander. Such persons include:

- Juveniles (a child who has not yet attained their seventeenth (17) birthday), without parental or guardian approval;
- Persons wanted on warrants;
- Persons with a criminal record for perjury; or
- Persons with a history of serious mental disorder or defect.

Precautions shall be taken to protect the reputations and safety of informants and investigators. Some informants may require additional precautions:

- Addicts- should be carefully supervised and controlled;
- Parolees- should be avoided whenever possible. Parolees are prohibited from associating with felons and approval from the informant's parole officer is required.

Note: When meeting with informants of an opposite sex or sexual preference members shall ensure that at least two (2) members are present.

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**Registration of Informants**

When a person indicates a willingness to cooperate and provide information, the Unit Commander or designee shall:

- Interview the person as soon as practical;
- Investigate the background and suitability of the potential informant; and
- Forward the name and biographical data to the appropriate Detective Captain for entry into the Confidential Informant Database.

The Detective Captain shall:

- Check the CI's name against the Undesirable Informant List; and
- Notify the Unit Commander if the CI is currently cooperating and/or assigned to another section/unit.

The recruiting investigator shall:

- Prepare an SP 405 Informant Information Report when the person is approved to be a CI;
- Keep a copy of the SP 405 within the Unit; and
- Debrief the CI regarding their knowledge of other crimes.

**Protecting Informant's Identity**

The law recognizes the government's privilege not to reveal the identity of a confidential informant. Protecting the identity of all informants from disclosure is an important factor for two reasons:

1. The informant's safety from retaliation on part of the criminals they helped implicate; and
2. Disclosure of their identity would prevent the informant from assisting on future investigations.

However, the privilege is not absolute, and should be respected as far as reasonably possible consistent with fairness to a defendant.

**Informant Management**

Units using informants shall maintain a file for each CI, in a locked and secure location accessible only to the Unit Commander or designee. This file shall include:

- Code Name and Code Number designations;
- Biographical and background information;
- Criminal history records;
- SP 404 Standard Agreement Statement; and
- Other information deemed necessary by the Unit Commander.

Continued next page.

**Informant  
Management  
(Continued)**

Unit Commanders shall:

- Periodically review and evaluate all informants work performance, usefulness, reliability, desirability and records of payment;
- Meet on a semi-annual basis with all registered informants, both confidential and named, and their controlling officers;
- Submit a determination of the status of the informant in writing to the Division of Investigative Services (DIS) Commander by January 15<sup>th</sup> and June 15<sup>th</sup> of every year; and
- Submit in writing to the DIS Commander the reasons, if any, when an informant is closed out.

**Expenditures**

Unit Commanders shall ensure expenditures related to a CI be recorded:

- On a SP 406 Confidential Expenditure Fund Voucher; and
- On a SP 407 Confidential Expenditure Fund Log as outlined in INV-02A Confidential Funds.

Unit Commanders shall:

- Not be required to maintain a SP 407 Confidential Expenditure Fund Log when assigned to the Office of the Attorney General, a District Attorneys Office, or a federal task force where there is an internal mechanism for tracking such Confidential Funds.

**Undesirable  
Informants**

The primary handler shall submit a report detailing the CI's undesirable conduct to their Unit Commander whenever a CI:

- Endangers officer's safety;
- Deliberately gives false or misleading information; or
- Is otherwise determined to be undesirable for use as an informant.

The Unit Commander shall submit to the appropriate Detective Captain:

- Documentation when a CI is terminated for being undesirable;
- A copy of the applicable SP 405; and
- A copy of the primary handler's report.

The Detective Captain shall:

- Place the CI on the Undesirable Informant List maintained by the DIS.



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**Promises to Informants**

Members may:

- Inform the District Attorney or other agencies of the information provided by the CI and the investigation results;
- Make recommendations to a District Attorney's Office, probation officer, or other criminal justice agency for a disposition on behalf of the CI; and
- Not make any promises to a CI concerning the outcome of a pending court case.

Note: The disposition of court cases is in the province of the District Attorney's Office and the Judiciary.

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**Precautions**

Interactions with CIs should be kept to the minimum necessary for effective investigation purposes. Whenever possible and practical, meetings with CIs shall be:

- Attended by two (2) members; and
- With prior notification of the Unit Commander or a supervisor, or as soon as practical after the meet.

A member who interacts with an known informant, when not on duty or not during the course of an investigation shall:

- Notify their supervisor as soon as practical; and
- Document the reason for such interaction in the CI's file with a SP 73 Field Interview and Observation Report.

Whenever practical, a CI should not report to the Unit's office in order to protect their identity and the identity of other undercover members. CIs shall not:

- Be introduced to more than a minimum number of undercover members, to ensure that informants gain as little information as possible concerning undercover operations and unit activity.

Any member who uncovers information that an informant has engaged in unauthorized criminal activity shall immediately notify their Unit Commander or designee.

The Unit Commander or designee shall:

- Conduct an immediate evaluation of the information and take such action as they deem necessary; and
  - Make every effort to prosecute the CI involved in any unauthorized criminal activity.
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Subject	<b>Confidential Informants</b>	Number	<b>INV-02</b>
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**Search Warrants**

Search warrant applications and their accompanying affidavits containing information from a CI, shall be reviewed and approved by a supervisor before filing the application with the court of jurisdiction.

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**Division of Field Services**

Members assigned to Field Services who are seeking to use an individual as a CI shall advise their Station Commander.

The Station Commander shall:

- Contact their Division Commander through channels for authorization to manage and register the CI; or
  - Contact the appropriate DIS Unit Commander.
- 

**References**

Commonwealth v. Douzani 384 Mass. 434,441 (1981)  
Commonwealth v. Nelson, 26 Mass. App. Ct. 794 (1989)  
Commonwealth v. Lewin 405 Mass. 566 (1989)  
Commonwealth v. Brezinski, 405 Mass. 401 (1990)  
MGL c.268, s.32  
SP 404 Standard Informant Agreement Statement  
SP 405 Informant Information Report  
SP 406 Confidential Expenditure Fund Voucher  
SP 407 Confidential Expenditure Fund Log  
INV-2A Confidential Funds  
Rules and Regulations

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-02A</b>
Subject <b>Confidential Funds</b>	

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**Policy**

Confidential funds may be used to further investigations, and shall be carefully monitored and supervised.

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**Expenditure of Confidential Funds**

Confidential funds may be derived from the funding mechanisms of the Department, the Office of the Attorney General, and the respective District Attorneys' Offices. Grant monies, forfeiture funds, and funds from state and federal government agencies can be used as payment, if such use is not prohibited by state or federal law.

A Unit Commander may maintain a Confidential Expenditure Fund Account. Access to this account shall be restricted to the Unit Commander and/or supervisors.

The Unit Commander may expend monies from a Confidential Expenditure Fund Account for the following investigative purposes:

- The procurement of evidence;
- Payment to a registered confidential informant;
- Investigative expenses; and,
- The purchase of consumable supplies and other equipment in furtherance of an investigation.

Members shall record expenditures from confidential fund accounts on a SP 406 Confidential Expenditure Fund Voucher and shall include the following information:

- Date of expenditure;
- Amount expended; and
- Supervisor's signature.

Members shall ensure the following information is also recorded on the SP 406 where applicable:

- Signature of the member, a witnessing member and the CI confirming receipt of funds.

Note: CI may use real or assumed name when signing receipt.

Unit Commanders shall maintain a SP 407 Confidential Expenditure Fund Log reflecting:

- The transaction number (expenditures only, from the SP 406);
  - The amount of expenditure or deposit; and
  - The balance of the account.
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Subject <b>Confidential Funds</b>	Number <b>INV-02A</b>
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**Accounting and Audits**

Prior to the transfer of a Unit Commander, there shall be reconciliation of the accounting records and of the monies on hand with the incoming Unit Commander.

Each quarter, Unit Commanders shall review, evaluate, and analyze all records of expenditures to ensure funds are being used in a cost-effective manner.

An internal audit of all accounting records and accounting practices shall be conducted annually by the appropriate Division Commander.

An audit of Confidential Funds files may be conducted as directed by the appropriate Division Commander or as directed by the Colonel/ Superintendent.

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**Exceptions**

Unit Commanders shall not be required to maintain a SP 407 Confidential Expenditure Fund Log under the following conditions:

- Members who are assigned to the Office of the Attorney General, a District Attorneys' Office, or a federal task force; and
- An internal mechanism exists for tracking Confidential Funds.

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**References**

SP 406 Confidential Expenditure Fund Voucher  
SP 407 Confidential Expenditure Fund Log

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Promulgated By:



# Department of State Police

## General Order

Effective Date	June 17, 2013	Number	INV-03
Subject	Prescription Monitoring Program		

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### Purpose

The purpose of the Prescription Monitoring Program is to assist health care providers and investigative agencies in addressing drug diversion and the misuse and abuse of pharmaceutical controlled substances.

The Prescription Monitoring Program is a computer-based system that collects prescription data submitted by pharmacies on all prescriptions for controlled substances in Schedules II through V.

Massachusetts General Laws (MGL) c. 94C s.24A established the Prescription Monitoring Program within the Department of Public Health (DPH) effective January 1, 2011. Section 24A provides that access to the Prescription Monitoring Program shall be available to local, state and federal law enforcement or prosecutorial officials working with the Executive Office of Public Safety and Security. The administration, investigation or enforcement of the laws governing prescription drugs and the data request is in connection with a bona fide specific controlled substance or additional drug related investigation.

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### Policy

The Department shall authorize only designated members who may access or use information contained within the Prescription Monitoring Program, and that these individuals who utilize the program and the information may do so only pursuant to a bona fide specific controlled substance or additional drug related criminal investigation.

Any member, who violates this policy, or state regulations related to the Prescription Monitoring Program, may face disciplinary action, as well as, loss of access to the Prescription Monitoring Program.

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**Access to the Prescription Monitoring Program**

The Department shall:

- Authorize sworn members assigned to the Division of Investigative Services access and use of information obtained by utilizing the Prescription Monitoring Program, according to state regulations.

According to state regulations, any member granted access to the Prescription Monitoring Program shall:

- Successfully complete any and all required training; and
  - Not share their passwords or codes with any other person.
- 

**Use Of Data From The Prescription Monitoring Program**

Data ascertained from the Prescription Monitoring Program:

- May be used for the furtherance of an official Department investigation;
- May be shared with authorized personnel from other law enforcement agencies or with state and federal prosecutors; and
- Shall not be disseminated to others, except as the investigation requires.

Designated members are:

- Allowed to use the Prescription Monitoring Program and the associated data in connection with a bona fide specific controlled substance or additional drug related criminal investigation.

Members shall not use the data or information from Prescription Monitoring Program:

- For the furtherance of any illegal act, including violation of any criminal or civil laws or regulations;
- For any political or commercial purpose; or
- To libel or otherwise defame any person(s).

Prior to accessing the Prescription Monitoring Program, the member shall:

- Notify their supervisor;
  - Open an investigation;
  - Obtain a Department Case Number; and
  - Write a short narrative that includes information leading to the belief that prescription drugs are being diverted for illegal purposes.
-

Subject

# Prescription Monitoring Program

Number

# INV-03

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## Supervisor Responsibilities

Responsibilities of the Division of Investigative Services (DIS) Supervisors shall include:

- To ensure for that members under their command comply with the provisions of this policy and MGL c.94C s.24A;
- To monitor members use in order to ensure compliance; and
- To notify the Prescription Monitoring Program Administrator when a designated member transfers from the unit.

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## References

Massachusetts General Laws c. 94C s.24A

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-05</b>
Subject <b>Juvenile Operations</b>	

**Policy**

The Department shall ensure compliance with Federal and Massachusetts law for the protection and care of children and juveniles that it has contact with.

**Definitions**

*Juvenile:* A child who has attained the age of seven (7) years and who has not yet attained their seventeenth (17) birthday.

<b>If the age is...</b>	<b>Then criminal charges...</b>
1; 2; 3; 4; 5; or 6 years of age.	Cannot be filed in any court, (child is deemed incompetent).
7; 8; 9; 10; 11; 12; or 13 years of age.	Can be filed in Juvenile Court only (no indictments are allowed by statute).
14; 15; or 16 years of age.	Are generally filed in Juvenile Court (consultation with the District Attorney's Office is recommended).

*Status Offender:* When a juvenile engages in an unlawful activity which would be classified as non-criminal if they were an adult. Examples of juvenile status offenders are:

- A Child In Need of Services (CHINS) warrant;
- Minor Transporting Alcohol under MGL c.138, s. 34C;
- A runaway child per MGL c.119, s.39H;
- Youth curfew violators (where applicable);
- Habitual school offenders;
- Stubborn child; or
- Child in protective custody.

*Delinquent Offender:* A juvenile who violates any city ordinance or town by-law or who commits any offense against the Commonwealth.

*Interested Adult:* An adult in a position, where he or she are an advocate or have the best interest at heart for the juvenile. The adult shall be eighteen (18) years of age or older and preferably be a parent or legal guardian, or an adult sibling, relative, friend, or attorney.



Subject	Number
<b>Juvenile Operations</b>	<b>INV-05</b>

**Station  
Juvenile  
Officers**

Station Commanders shall:

- Designate a station court officer as the Juvenile Officer;
- Ensure that Juvenile Officers attend specialized training if required;
- Ensure that MGL c.119, s.67 and s.39H are followed; and
- Ensure that the juvenile probation officers contact list is updated.

**Arrest of  
Juveniles**

Step	Actions
1	Members dealing with juveniles should consider the use of alternatives to arrest. (i.e. criminal summons or notification of parents). However, this consideration does not preclude properly enforcing the law by arrest.
2	The arresting member and their supervisor shall immediately review the most current version of MGL c.119, s.67 and s.39H, and ensure proper legal treatment of the juvenile.
3	The supervisor or the Desk Officer shall immediately notify the appropriate juvenile probation officer of the arrest, and at least one (1) of the child's parents or guardians. The juvenile may be detained pending such notice and inquiry.
4	The juvenile may be released: <ul style="list-style-type: none"> <li>• If the supervisor or the Desk Officer accepts the written promise of a parent, guardian, or other reputable person to be responsible for the appearance of the juvenile in court at the proper time;</li> <li>• To the juvenile probation officer if requested; or</li> <li>• On bail.</li> </ul>
5	A juvenile fourteen (14) years of age or older shall not be released if: <ul style="list-style-type: none"> <li>• The juvenile probation officer requests detention of the juvenile;</li> <li style="text-align: center;"><u>or</u></li> <li>• The arresting member requests the juvenile's detention in writing to the court; and then</li> <li>• The court issues a warrant directing the detention of the juvenile.</li> </ul> <p><u>Note:</u> If the juvenile is to be held for over six (6) hours, arrangements shall be made for secure detention.</p>
6	Juveniles may be: <ul style="list-style-type: none"> <li>• Transported to court in marked or unmarked vehicles.</li> </ul> <p>Juveniles shall not be:</p> <ul style="list-style-type: none"> <li>• Transported to court or any other institution in patrol wagons MGL c. 119, s.34.</li> </ul>

**Juveniles and Miranda**

The duration of questioning and the number of members present should both be as minimal as possible to prevent a coercive atmosphere and to protect the juvenile's rights.

Before proceeding with a custodial interrogation of a juvenile, Miranda warnings shall be given in accordance with the following table, and in the presence of the juvenile, their parent, guardian, or other interested adult. The juvenile shall then be allowed to have a meaningful consultation with the adult. Written waivers are preferred.

If the Juvenile's Age is...	Then...
Under seven (7) years of age e.g., 1; 2; 3; 4; 5; or 6 years.	No criminal charges can be filed. They shall not be questioned unless a parent or interested adult is present.
Seven (7) years of age and under fourteen (14) years of age e.g., 7; 8; 9; 10; 11; 12; or 13 years.	They shall not be questioned unless a parent or interested adult is present. Questioning can only commence when the juvenile and the adult have had an opportunity to have a meaningful consultation and indicate that they understand the rights and the juvenile expressly waives them.
Fourteen (14) years of age, but not yet seventeen (17) years of age e.g., 14; 15; or 16 years; and a parent or interested adult is not available after reasonable efforts are made to contact them.	A statement may be taken if the juvenile is sufficiently intelligent, experienced, knowledgeable, and highly sophisticated to understand the Miranda warnings, and the consequences of waiving them.

**Detention of Juveniles**

Juveniles charged with a delinquent/criminal offense may only be held:

- In a detention area which has been approved in writing from the Department of Youth Services (DYS).

Juvenile prisoners shall be separated by sight and sound from any adult prisoners. Sound separation means that conversations are not possible.

If a juvenile is to be detained, the use of the Regional Juvenile Lockup Removal Programs is encouraged. Juveniles may be transferred to such a program if:

- A station does not have access to juvenile detention facilities, or
- If the situation requires that the juvenile be held for over six (6) hours.

An arrested juvenile may be bailed pursuant to the bail statute(s), MGL c.276, s.57-58. Both the arrested juvenile and parent/guardian must sign the recognizance sheet as prepared by the bail commissioner/clerk of court.

**Non-Secure  
Detention**

Juveniles under fourteen (14) years of age, status offenders, or juveniles in Protective Custody under MGL c. 111B, s.8, shall be held in accordance to the requirements specified for non-secure detention for status offenders which are:

1. The area where the juvenile is held is in an unlocked, multipurpose section such as a report writing room or office;
2. The space is in no way designed for residential use;
3. The juvenile is held long enough to complete identification, investigation, and processing and then shall be released to parents, guardians, other responsible adults, or transferred to an alternative juvenile facility or court;
4. The juvenile is under continuous visual supervision until released; and
5. At no time is the juvenile to be handcuffed to any stationary object.

Note: A status offender may be handcuffed, but not to a stationary object, and shall not be considered in “secure custody”.

**Juveniles under 14 years of age, status offenders, or juveniles in protective custody shall not be placed in a cell.**

**Secure  
Detention**

Juveniles fourteen (14) years of age, but who have not yet attained their seventeenth (17) birthday, may be held in a secure lockup for acts of delinquency, (i.e., acts which would be crimes if committed by an adult).

Secure lockup is defined as being placed in a cell, locked room/area, or cuffed to a stationary object such as a cuffing rail. The following conditions shall be met prior to placing a juvenile in a secure lockup (cell):

- Juveniles shall be separated by sight and sound from adults (no communication) during all activities, including housing, eating, visiting, and booking;
- Detention facilities shall receive approval in writing from the Department of Youth Services;
- Physically check juveniles every fifteen (15) minutes;
- Document using the electronic monitoring device (Watchman); and
- Lockup of juveniles cannot exceed six (6) hours.

Note: Lockup allows time for identification, investigation, processing, release to parents, or transfer (the clock starts when the juvenile is detained in a cell or handcuffed to a stationary object).

**Filing**

Station/Section Commanders shall maintain a separate, secure file with all of the identifying data of each juvenile arrest, and any related reports.

Records involving criminal charges against juveniles shall be maintained separately from other records.

Subject <h1 style="margin: 0;">Juvenile Operations</h1>	Number <h1 style="margin: 0;">INV-05</h1>
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**Administrative  
Journal  
Records**

The Arrest Journal shall contain all required information except the juvenile's name, address, date of birth (DOB), and any other identifying data.

- Under the "name" section the word "JUVENILE" shall appear, followed by a sequential number starting with "#1" for the first juvenile arrested that year.

A separate record shall be maintained which links juvenile Arrest Journal numbers and juvenile identifying information. This record shall not be released to the public or press.

The Daily Administrative Journal (DAJ) shall contain only the juvenile number and no other personal data.

**Reporting  
Juvenile  
Detentions**

Stations that have cells approved for juvenile use are administratively required by the Executive Office of Public Safety & Security (EOPSS) to submit a monthly lockup docket, as directed within CJIS.

EOPSS may contact a station that has arrested a status or juvenile offender, to ensure compliance with the applicable holding laws. EOPSS utilizes the information to monitor the Commonwealth's compliance with state law and the Federal Juvenile Justice and Delinquency Prevention Act of 1974. All members shall assist EOPSS as requested.

**Special  
Considerations**

Members may have to take extra steps to ensure that juveniles understand their rights. This may include explaining or repeating the Miranda rights, or explaining Department procedures or juvenile court procedures to the juvenile.

Other factors to consider are the juvenile's level of schooling, maturity, history of interaction with the juvenile justice system, and any mental or emotional conditions.

**References**

MGL c.119, s.1, s.21, s.31, s.34, s.39, s.39H, s.61, s.67  
 MGL c.276, s.57-58  
 MGL c.138, s.34C  
 Juvenile Justice & Delinquency Prevention Act of 1974 (42 USC 5601)  
 Criminal Justice Information System (CJIS)

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>INV-07</b>

Subject
<b>Non-Published Telephone Numbers</b>

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**Policy** Telephone company records shall only be obtained when necessary for the furtherance of a criminal investigation or in an emergency.

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**Statutes** *Administrative Subpoena:* Issued in the form of a demand letter for telephone company records and may only be authorized by the Attorney General or District Attorney of jurisdiction. Massachusetts General Laws (MGL) c.271, s.17B.

*Electronics Communications Privacy Act:* Limits access to certain records maintained and stored by a common carrier such as a telephone company. The act sets forth the requirements needed to obtain such records. (18 USC, s.2703)

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**Authority For Obtaining Records** In order to obtain telephone records, authority may only be granted by:

- Administrative subpoena authorized by the Attorney General or District Attorney of jurisdiction;
- State or federal grand jury or trial subpoena;
- State or federal warrant;
- State or federal court order; or
- Consent of the customer or subscriber to such disclosure.

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**Records Available** When a member has reasonable suspicion to believe that the service of a common carrier is being or may be used for an unlawful purpose, they may request, through the Attorney General's Office or the District Attorney's Office of jurisdiction, an administrative subpoena, for release of records from the common carrier to include, but not limited to:

- Listing of a non-published telephone number;
- Listing of all optional services;
- Telephone toll records and optional services;
- Telephone services, including non-published number; and
- A copy of the contract, listing, and monthly bills for cellular phone and electronic paging.

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**Procedure**

Members shall submit a request through channels to the Attorney General or District Attorney requesting a subpoena for the required information.

The request shall:

- Detail the grounds for the member's belief that the telephone is being used for an unlawful purpose; and
- Include the case number and the signature of the member's Commanding Officer.

Members shall also follow any written directives promulgated by the Attorney General's or District Attorney's Office of jurisdiction to request telephone records.

Members not assigned to the Office of the Attorney General or a District Attorney's Office shall contact, through channels, the appropriate State Police Detective Unit Commanding Officer for assistance in determining the policy of the respective jurisdiction.

**Emergencies**

Troop Duty Officers or Unit Commanders may authorize members to contact the Directory Assistance Operator in emergency situations, such as a serious motor vehicle accident or threat of imminent harm. The member shall:

- Request the operator contact the non-published customer; and
- Inform the customer to call back the member.

This alternative shall not be used to facilitate investigative inquiries, such as attempting to locate a witness.

**Reports**

Non-published numbers obtained pursuant to a criminal investigation shall be properly documented in the record of investigation in order to:

- Provide the information to the Criminal Information Section; and
- Eliminate duplicate requests to the common carrier, when possible;

When a non-published number is included in a report it shall be clearly noted as such, so that it is not released to the public via the record of investigation.

**References**

MGL c.271, s.17B  
18 USC, s.2703

Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-08</b>
Subject <b>Criminal Intelligence</b>	

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**Policy**

The Department shall share criminal intelligence among the criminal justice community in an effort to prevent and control crime, while protecting the privacy and constitutional rights of individuals.

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**Definitions**

*Criminal Information:* Raw data, gathered by law enforcement agencies in the normal course of performing their duties, which is maintained as directed by statute or policy.

*Criminal Intelligence Information:* Information that has been evaluated and determined to be of value to criminal investigations.

*Criminal Intelligence System:* The equipment, facilities, and procedures used for the receipt, storage, exchange, dissemination, and analysis of criminal intelligence information.

*Content Validity:* Refers to the accuracy or truth of the information.

*Need-to-Know:* The necessity to obtain or receive criminal intelligence information in the performance of official responsibilities as a law enforcement authority.

*Right-to-Know:* The legal authority to obtain or receive criminal intelligence information pursuant to a court order, statute, or case law.

*Reasonable Suspicion:* When information exists that provides sufficient facts to believe that there is a reasonable possibility an individual or organization is involved in a definable criminal activity or enterprise.

*Source Reliability:* Refers to the reliability of the source of the information.

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**Security**

Criminal intelligence information shall be stored in a criminal intelligence database that prevents unauthorized access.

The criminal intelligence database shall provide an audit trail that tracks:

- What intelligence was accessed;
- Who accessed the intelligence; and
- The date and time when the intelligence was accessed.

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**Collection**

Criminal intelligence information shall only be collected and maintained if there is reasonable suspicion to believe that an individual or group is involved in criminal activity and the information is relevant to criminal conduct or activity.

Electronic surveillance shall only be conducted in accordance with all applicable state and federal regulations.

Photographic surveillance shall only be conducted in an effort to identify individuals or groups who are believed:

- To have participated in criminal activity;
- To be planning criminal activity; or
- Are currently engaged in criminal activity.

Each criminal intelligence submission shall be attributable to a credible source. All criminal intelligence information shall be forwarded to the Criminal Information Section (CIS), as soon as possible, using one of the following methods:

- Direct Entry: Information entered by an authorized member into the criminal intelligence database directly from an authorized Department computer; and
- Indirect Entry: Information entered by CIS on behalf of a member who does not have authorized access to the criminal intelligence database.  
Note: CIS may be contacted for guidance, clarification, and additional support to facilitate criminal intelligence submissions.

Members who submit information for entry into the criminal intelligence database shall classify the source(s) as:

- Completely Reliable: The source is unquestioned or has been tested successfully in the past; or
- Usually Reliable: The source can usually be relied upon. The majority of information provided in the past has proved to be reliable; or
- Unreliable: The source has been determined to be unreliable in the past; or
- Reliability Unknown: The source cannot be judged. Its authenticity or trustworthiness has not yet been determined by either experience or investigative corroboration.

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Continued next page.



**Collection  
(Continued)**

Members who submit information for entry into the criminal intelligence database shall classify the validity of the information as:

- Confirmed: Has been corroborated by an investigator or another reliable independent source; or
- Probable: Is consistent with past accounts; or
- Doubtful: Is inconsistent with past accounts; or
- Cannot Be Judged: Validity of the information cannot be judged, or its authenticity has not yet been determined.

Note: A source classified as “Reliability Unknown” combined with a content validity rating of “Cannot Be Judged” would not meet the burden of reasonable suspicion for inclusion into the criminal intelligence database.

Information concerning individuals or organizations not reasonably suspected of criminal activity that is entered into the criminal intelligence database, shall be marked as “non-criminal identifying information.”

**Restrictions**

Information and criminal intelligence shall not be collected or developed solely on the basis of an individual or group’s:

- Support of a particular cause;
- Race;
- Color;
- Religion;
- Gender;
- National origin or ancestry; or
- Political affiliation.

Information pertaining to the above listed factors shall only be collected and maintained if the information directly relates to criminal conduct, and there is reasonable suspicion that the subject is or may be involved in criminal activity.

**Dissemination**

Submitting Department entities are responsible for the review and evaluation of data entered into the criminal intelligence database and establishing dissemination levels. Criminal intelligence information shall only be disseminated:

- In the furtherance of an authorized law enforcement activity;
- To authorized law enforcement or criminal justice personnel; and
- On a “need-to-know” and “right-to-know” basis.

**Review/Purge**

Intelligence information held within the criminal intelligence database shall be:

- Reviewed on a continual basis;
- Purged when found to be obsolete or inaccurate; and
- Purged when information has not been updated or verified for five (5) years from date of entry.

The Commanding Officer of CIS, when determining to purge intelligence records contained within the criminal intelligence database shall:

- Contact the member or agency which contributed the intelligence information to determine if any additional intelligence may be added to update the record;
- Purge the record from the system if there is no additional intelligence;
- Ensure only an administrative record of the purge is maintained; and
- Ensure there is no record of the original criminal intelligence information maintained within the system.

**References**

MGL c.22C, s.38  
28 CFR Part 23  
MGL c.272, s.99

Promulgated By:



# Department of State Police General Order

Effective Date	<b>April 23, 2009</b>	Number	<b>INV-09</b>
Subject	<b>Polygraph Examinations</b>		

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**Policy** The polygraph is a reliable investigative aid when used by a professional examiner. The Department shall use the polygraph with great selectivity, and then, only as an investigative tool.

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**Polygraph Examiners** Department Polygraph Examiners shall be designated by the Colonel/ Superintendent.

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**Restrictions on Polygraphs** In general, an employer cannot request or subject an employee or job applicant to take a polygraph within or outside the Commonwealth. (Massachusetts General Laws (MGL) c.149, s.19B)

Polygraph examinations may not be used for any person applying for employment. Department recruit applications shall contain the following notice:

“It is unlawful in Massachusetts to require or administer a lie detector test as a condition of employment or continued employment.” MGL c.149, s.19B(2)(b).”

At present, polygraph evidence is inadmissible in criminal trials and may not be used in a criminal trial for any purpose. (Commonwealth V. Mendes).

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Subject	<b>Polygraph Examinations</b>	Number	<b>INV-09</b>
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**Administering an Examination**

Under MGL c. 149, s.19B law enforcement agencies are permitted to administer a polygraph examination when the polygraph is requested as part of a criminal investigation.

Submission to the polygraph examination must be a voluntary act on the part of the examinee, and this exemption does not invalidate the constitutional rights of the examinee.

Prior to an examination, the examinee shall sign:

- A statement of voluntariness; and
- A witnessed waiver of any rights against the Polygraph Examiner and the Department.

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**Requesting an Examination**

To request an examination, Department members shall contact the Polygraph Unit through channels.

Any requests from local, state or federal agencies shall be referred to the Polygraph Unit. The Polygraph Unit may decline to conduct an examination.

It is the responsibility of the requesting agency to provide the background of the case and transportation of the examinee to and from the place of examination.

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**Preparing for an Examination**

The member requesting the examination is responsible for providing the Polygraph Examiner with pertinent information concerning the case including:

- Information that supports and justifies the use of the polygraph;
- Investigative reports;
- Evidence available and withheld from the subject;
- Background information on the subject;
- Statements made by the subject, complainants, and witnesses including alibis; and
- Newspaper articles or other general information concerning the case.

Members shall not:

- Interrogate a subject immediately before they are to take a polygraph; or
  - Attempt to explain procedures that shall be used in the examination.
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Subject <b>Polygraph Examinations</b>	Number <b>INV-09</b>
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**Internal Investigations**

No member of the Department shall be subjected to a polygraph examination for a violation of written directives, except in cases of alleged criminal conduct.

Department Polygraph Examiners shall not be required to conduct examinations on members of the Department.

The Commander of the Polygraph Unit shall establish reciprocal agreements with other State Police agencies for examinations, when warranted, and as approved by the Colonel/Superintendent.

Department members may assist other state and local law enforcement agencies with internal investigations that involve allegations of criminal wrongdoing. Requests for examinations shall:

- Be in writing; and
- Contain a statement that the polygraph is for a criminal investigation.

**References**

MGL c.149, s.19B  
Furtado v. Plymouth 69 Mass. App. Ct. 319 (2007), and SJC-10049 (2008)  
Baglioni v. Chief of Police Of Salem, 421 Mass. 229 (1995)  
Commonwealth v. Mendes, 406 Mass.201, 212 (1989)  
Patch v. Mayor of Revere, 397 Mass. 454 (1986)  
Baker v. Lawrence, 379 Mass. 322 (1979)  
International Brotherhood of Police Officers v. Labor Relations Commission 391 Mass. 429 (1984)  
Carney v. the City of Springfield 403 Mass. 604 (1988)

Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-10</b>
Subject <b>Evidence Collection and Preservation</b>	

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**Policy** The Department shall ensure that evidence is properly recognized, documented, collected, packaged, and stored; and that a chain-of-custody is established for evidence recovered at every crime scene.

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**Definitions** *Chain-of-Custody:* The record documenting the location and person in control of evidence from the time of its collection to final disposition.

*Evidence Room:* Facilities used by the Department to store evidence.

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**Forensic Services** **The Forensic Services Groups** within the Division of Investigative Services are a valuable resource at crime scenes. On-call employees within this group are highly trained and equipped to collect many types of evidence.

**Crime Lab Response Team (Chemists):** This team assists with the recognition, collection and preservation of biological (DNA) evidence including blood, semen and saliva; and can also assist with the recognition, collection, and preservation of gunshot residue and trace evidence such as hairs and fibers.

**Crime Scene Services Section (CSSS):** This section assists with the recognition, collection, processing, preservation and documentation of many types of physical evidence. Services also include:

- The documentation of crime scenes through photographs, videos, diagrams and sketches;
- The collection and processing for footwear and tire track impression evidence, latent print evidence, and bloodstain pattern analysis; and
- The collection and preservation of many other types of physical evidence.

**Digital Evidence and Multimedia Section (DEMS):** This section assists with the recognition, collection, preservation, and examination of computers and other digital evidence devices, (e.g., cell phones, cameras, and digital storage media). This section can provide field assistance with drafting of search warrants for digital evidence crime scenes and digital evidence seizures.

**Firearms Identification Section (FIS):** This section assists with the collection, preservation and documentation of firearms, firearms related evidence, and tool mark evidence.

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**Arriving at a  
Crime Scene**

Evidence of a criminal nature may potentially be encountered at any incident or call. When arriving at a scene, members should consider the nature of the incident or crime, the jurisdiction, and their investigative authority in the context of recovering evidence of a crime.

Members arriving at a scene shall:

- Attempt to identify and control any dangerous situations or persons bearing in mind the safety of the public and the officer;
- Ensure that medical attention is provided to injured parties;
- Take care when removing the injured or rendering the scene safe and secure; and
- Be mindful that any action taken may affect or alter a potential crime scene and should be documented.

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**Crime Scene  
Evaluation**

When a scene requires specialized investigative and forensic units, responding members shall:

- Secure the scene and treat the area as a potential crime scene;
- Evaluate the nature of the event or crime and the resources required to effectively respond to the situation; and
- Preserve the scene with minimal contamination and disturbance of potential evidence.

Members shall:

- Notify the Desk Officer or appropriate supervisor of all actual or potential crime scenes;
- Request assistance from other patrols, supervisor(s), investigative, or forensic units as necessary; and
- Document and relay to appropriate supervisory, investigative, or specialized personnel relevant activities and observations made.

Desk Officers shall:

- Notify the Troop Duty Officer of complex crime scenes that require specialized assistance.

Troop Duty Officers shall:

- Request the assistance of specialized units when the scene requires skills or equipment beyond those of the initial responding member(s).

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**Crime Scene  
Command and  
Control**

Responding members shall:

- Remain in charge of the scene until command is transferred to a supervisor or to the responding specialized unit(s);
  - Continue to provide assistance until released; and
  - Document activities while at the scene.
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**Crime Scene  
Perimeter and  
Control**

Members responding to a crime scene shall:

- Establish a crime scene perimeter;
  - Establish boundaries beyond the initial scope of the crime scene perimeter with the understanding that boundaries can be reduced, but cannot be easily expanded;
  - Control access to the scene to authorized personnel only; and
  - Document the names of all persons who accessed the scene.
- 

**Recovery of  
Evidence**

Crime scenes shall be documented prior to processing and searching.

Documentation may include:

- Written description;
- Photographs and videos; and
- Sketches and diagrams.

Members may collect any evidence that does not require assistance from specialized units. Members shall take steps to minimize the handling of evidence. Members shall:

- Wear gloves during evidence collection;
- Understand that when gloved, the handling of evidence may destroy or damage latent fingerprint and DNA evidence; and
- Package evidence in a manner to preserve and prevent spoilage or contamination.

All evidence shall be uniquely identified. The identifiers shall be recorded on the outside of each packaged item and include:

- The case identifier/number;
- Seizing member's name and identification (ID) number; and
- The date, location of seizure, and description of the item(s).

When multiple items are recovered from a single location, members shall sequentially number items for identification purposes.

When personnel from specialized units collect evidence, they shall adhere to their respective policies and directives.

Members shall take appropriate precautions when collecting or storing biological matter or chemical substances, that may pose serious health risks if handled improperly or unprotected.

The Department's Forensic Services Group provides evidentiary guidelines on the proper methods to collect and package different types of evidence. Members may contact the Forensic Services Group for guidance on proper evidence packaging.

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**Evidence**

Station/Section/Unit Commanders shall be responsible for receiving, storing, maintaining, releasing, and accounting of all evidence. Commanders shall ensure that:

- Evidence is placed into the evidence room or other authorized secure location in accordance with Department policy; or
- If analysis is required, evidence is promptly submitted to the appropriate facility.

Any member who recovers or receives evidence to be placed in the evidence room shall have evidence documented at the appropriate station using appropriate Department forms. The inventory shall be witnessed and shall include the following information for all items of evidence:

- Description of the item (including make, model number, and serial number, if any);
- Source (from whom or location obtained); and
- Name of person primarily responsible for collecting the item or items.

**References**

INV-11 Controlled Substances – Storage and Handling  
INV-11A Contraband – Storage and Handling  
INV-14 Seized Currency

Promulgated By:



# Department of State Police General Order

Effective Date <b>May 10, 2012</b>	Number <b>INV-11</b>
Subject <b>Controlled Substance -Storage &amp; Handling</b>	

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## Policy

The Department shall establish rigid controls for all controlled substances held within its custody to preserve the integrity of the Department and its personnel.

Through the assignment of responsibilities, processing procedures, storage requirements and continuous inspections, all levels of command shall ensure strict compliance with established controls and this policy.

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## Definition

*Controlled Substances:* All narcotics, drugs, and substances listed in Massachusetts General Laws (MGL) Chapter 94C.

*Narcotics Inspection Unit (NIU):* The unit shall exercise administrative control and supervision of procedures concerning the marking, recording, storage, handling, disposal, and destruction of all controlled substances obtained or seized by members of the Department.

*NIU Bunker:* Narcotics Locker located at the State Police General Headquarters used to store controlled substances that have been transported from a Station/Section/Unit or Central Evidence Locker and are awaiting trial, destruction, or disposal.

*Narcotics Central Evidence Locker (CEL):* A secure location located within the State Police Troop of Jurisdiction. Each CEL is staffed by NIU personnel. Each CEL shall have direct control and responsibility for the handling, storage, and security of controlled substances seized by members located within their Troop Jurisdiction.

*Department Evidence Officer:* A member appointed by the Colonel/Superintendent to act as custodian of all controlled substances seized in the course of any arrest or investigation by the Department.

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Subject	Number
<b>Controlled Substance</b>	<b>INV-11</b>

**Responsibilities**

Position	Duties
<b>Narcotics Inspection Unit Commander</b>	<ul style="list-style-type: none"> <li>• Assume responsibility and duties specified in MGL c.94C, s.47A, as the “<u>Evidence Officer</u>” for the Department; and</li> <li>• Shall have command and control of the Narcotics Locker (NIU Bunker) located at General Headquarters.</li> </ul>
<b>Troop/Section Commanders</b>	<ul style="list-style-type: none"> <li>• Ensure the security and safeguarding of all controlled substances held in all Stations/Sections/Units under their command.</li> </ul>
<b>Station/Section/Unit Commander</b>	<ul style="list-style-type: none"> <li>• Has the responsibility as the “<u>Evidence Officer</u>” of their Station/Section/Unit;</li> <li>• Has direct control and responsibility for the handling, storage, and security of controlled substances seized by members under their command;</li> <li>• Retain responsibility of all controlled substances and ensure adherence to Department Policy and Procedures; and</li> <li>• Ensure that members under their command are trained and familiar with the appropriate handling and storage of controlled substances.</li> </ul> <p>In addition, Station/Section/Unit Commander may:</p> <ul style="list-style-type: none"> <li>• Delegate the duties of the Evidence Officer to any member under their command; and</li> <li>• Designate that member to serve as the “<u>Assistant Evidence Officer</u>” for that Station/Section/Unit.</li> </ul>
<b>Investigating Officer of Controlled Substance(s)</b>	<p>Upon arrival at the Station/Section/Unit the Investigating Officer shall:</p> <ul style="list-style-type: none"> <li>• Log in the controlled substance(s) into the Station/Section/Unit Daily Administrative Journal and in the Temporary Narcotics Evidence Locker Journal;</li> </ul>

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Subject	Number
<b>Controlled Substance</b>	<b>INV-11</b>

**Responsibilities  
(Continued)**

Position	Duties
<b>Investigating Officer of Controlled Substance(s)</b>	<ul style="list-style-type: none"> <li>• Prior to the end of their shift tag each item or place each item in a Department Evidence bag with the information listed below.               <ol style="list-style-type: none"> <li>1. Defendant's name(s).</li> <li>2. Defendant's DOB.</li> <li>3. Case number.</li> <li>4. Date seized.</li> <li>5. Location where seized.</li> <li>6. A brief description of the item, listing the quantities on the evidence packaging and chain of custody form.</li> </ol> </li> <li>• Indicate whether the controlled substance(s) have been transferred:               <ol style="list-style-type: none"> <li>1. Directly to the Evidence Officer; or</li> <li>2. The controlled substance(s) have been placed in the Temporary Contraband/Controlled Substance Locker with entries made into the Temporary Narcotics Evidence Locker Journal.</li> </ol> </li> <li>• Ensure that the SP 295 Narcotics Custody Form is completed.</li> </ul> <p><u>Note:</u> See Controlled Substance Storage Area within this policy for controlled substances that are too large to fit into the Temporary Contraband/Controlled Substances Locker.</p>

**Station/Section/  
Unit Evidence  
Officer**

- The Station/Section/Unit Commander or Evidence Officer shall:
- Maintain the Temporary Narcotics Evidence Locker Journal issued by the Narcotics Inspection Unit;
  - Ensure the Temporary Narcotics Evidence Locker Journal is kept near the Temporary Contraband/Controlled Substance Locker;
  - Check the Temporary Narcotics Evidence Locker Journal and Temporary Contraband/Controlled Substance Locker during their shift for items that may have been deposited;
  - Contact NIU and/or the CEL when controlled substances have been seized and are in the Temporary Controlled Substance Locker; and
  - Ensure that the controlled substances are properly labeled and packaged by the Investigating Officer and that they have completed the SP 295.

Note: Assistant Evidence Officers shall perform duties as directed by the Station/Section/Unit Commander.

Subject	Number
<b>Controlled Substance</b>	<b>INV-11</b>

**Controlled Substance Storage Area**

**Permanent Storage**

Permanent Storage of controlled substances shall:

- Be stored at the CEL of jurisdiction and the NIU Bunker; and
- Not be stored in vehicles or personal storage areas.

Note: For training purposes, controlled substances may be stored at the Troop Headquarters K-9 Aid Storage Lockers with prior approval from the Troop Commander.

**Temporary Storage**

Each Station/Section/Unit shall:

- Be provided with a Temporary Contraband/Controlled Substance Locker with twenty-four (24) hour access to all authorized personnel;
- Allow for the temporary secure storage of controlled substances; and
- Have available a Temporary Narcotics Evidence Locker Journal to enter all pertinent information.

The Evidence Officer shall:

- Ensure that the Temporary Contraband/Controlled Substance Evidence Locker remains securely locked at all times; and
- Prevent access to unauthorized personnel.

**Unusual Value or Size**

The CEL of jurisdiction and/or the NIU Commander shall be called immediately for instructions and assistance when:

- Seized narcotics evidence is too large to fit in the temporary Contraband/Controlled Substance Evidence Locker; and
- When any amount of marijuana plants are seized.

The Evidence Officer shall:

Make arrangements with the NIU and/or the CEL of jurisdiction for the storage of items of extreme value or unusual size that meet the following criteria:

Narcotics	Quantity
Marijuana	50 pounds or more
Cocaine	10 ounces/280 grams or more
Heroin	28 grams or more
Tablets/Pills	1000 or more of Class A, B or C

Controlled substances meeting the above criteria shall:

- Not be held for more than seventy-two (72) hours at any Temporary Contraband/Controlled Substance evidence locker or CEL unless:
  1. Authorization is granted by the NIU Commander.
- Be stored at the NIU Bunker in Framingham. If possible, the controlled substance should be submitted to the Crime Laboratory for analysis prior to being secured at the NIU Bunker.

Continued next page.

Subject	<b>Controlled Substance</b>	Number	<b>INV-11</b>
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**Controlled Substance Storage Area (Continued)**

The Evidence Officer or Investigating Officer shall:

- Notify the NIU or CEL forthwith to make arrangements for the transportation of the controlled substances according to NIU procedures.

**Chain of Custody**

**Change In the Chain of Custody**

The Investigating Officer shall:

- Complete the SP 295 Narcotics Custody Form; and
- Ensure the SP 295 is attached to controlled substances involved in a temporary change of possession outside the custody of the Station/Section/Unit Evidence Officer.

Change in the chain of custody controlled substances shall:

- Be considered when controlled substances are required at judicial proceedings and are transferred to the Investigating Officer from the Station/Section/Unit Evidence Officer, CEL or NIU;
- Have entries made on the SP 295 and in the Temporary Narcotics Evidence Locker Journal (if applicable). In the event that additional space is required to accommodate entries on the SP 295, additional SP 295's shall be used and recorded as "Page 1 of 2, Page 2 of 2 etc"; and
- Require copies of the SP 295 be retained and distributed as indicated on the form.

**Handling or Transport Controlled Substances**

Each time controlled substances are handled or transported, members shall:

- Ensure the presence and condition of the controlled substance by examining the material without opening closed containers or breaking any seals;
- Obtain the signature of the receiving party; and
- Document the date and location on the SP 295.

**Inspection of Control Substance Packaging**

All members involved in the movement of controlled substances at either the Station/Section/Unit, CEL or, NIU level shall:

- Inspect the packaging for signs of tampering; and
- Immediately notify the Station/Section/Unit Commander and the NIU Commander if the packaging appears to have been tampered with.

The Station/Section/Unit Commander shall:

- Notify through channels to the Division of Standards and Training and request that an investigation be conducted.

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Continued next page.

Subject	Number
<b>Controlled Substance</b>	<b>INV-11</b>

**Chain of Custody  
(Continued)**

**Control Substance Packaging Opened**

When any controlled substance evidence is opened during a court proceeding:

- A SP 655 Court Order to Open Secured and Closed Narcotic Evidence form shall be generated and kept with the opened evidence;
- The SP 655 shall include the name of the judge who requested it to be opened; and
- The SP 655 shall be signed by the Presiding Judge that ordered the evidence opened, or by either the Assistant District Attorney (ADA), or the Clerk Magistrate of the Court.

Note: The Evidence Officer may complete the SP 655, however it shall only be signed by a judge, ADA, or clerk magistrate.

**Inspections**

Troop/Section Commanders shall:

- Conduct monthly line inspections of all Temporary Contraband/Controlled Substance Storage areas under their control to ensure compliance.

The NIU shall:

- Annually, or as directed by the Office of the Colonel/Superintendent, conduct official, unannounced, and random inspections of all Department Permanent Controlled Substance Storage Lockers to ensure compliance

The NIU shall:

- Issue a written report with its findings and observations regarding the inspection conducted;
- A copy of this report shall be sent to:
  1. The Troop/Station/Section/Unit Commander (if applicable),
  2. The supervisor of the CEL inspected; and
  3. The NIU Commander

The Staff Inspections may:

- Conduct periodic checks of all Department Controlled Substance Lockers to ensure integrity of the system.

**Training**

Station/Section/Unit Evidence Officers, CEL and NIU personnel may:

- Be required to attend specified training conducted by the NIU Commander; and
- Include classroom and/or online academy training.

Subject	<b>Controlled Substance</b>	Number	<b>INV-11</b>
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**Inventories**

When practicable as deemed by the Troop/Section Commander or designee, an inventory of all controlled substances may be conducted whenever a new Evidence Officer or Assistant Evidence Officer is designated.

In such instances, the outgoing and incoming Evidence Officers/Assistant Evidence Officers shall:

- Conduct an inventory jointly to verify controlled substances physically stored within that jurisdiction; and
- Document results within the Daily Administrative Journal.

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**References**

MGL c.94C, s.47A  
MGL c.22C, s.45, s.46  
SP 295 Narcotics Custody Form  
SP 655 Court Order to Open Secured and Closed Narcotic Evidence

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Promulgated By:

**Colonel Marian J. McGovern**





# Department of State Police General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>INV-11A</b>
Subject	<b>Property and Contraband</b>		

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## Policy

The Department shall establish procedures for all found, unclaimed, or abandoned property including contraband held within its custody to preserve the integrity of the Department and its personnel.

All levels of supervision shall ensure strict compliance with established procedures within this policy regarding processing, storage requirements, and inspection.

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## Definition

*Found Property:* Any property discovered or found by the general public and turned over to the Department or to any police officer.

*Unclaimed/Abandoned Property:* Any property that comes into the possession of the Department by means of any police officer with no known owner.

*Contraband (excluding controlled substances):*

- May be property that is not in and of itself unlawful for a person to acquire or possess; however
- May have been acquired by the Department because of its use in an unlawful activity or manner, of its nature, or due to circumstances surrounding the person who acquired or possessed it.

Note: Contraband in these instances shall be evidentiary and documented when applicable according to Policy and Procedure *INV-10 Evidence Collection and Preservation*.

*Property Custodian:* The Commanding Officer of each Station/Section/Unit shall be responsible for receiving, storing, maintaining, releasing, and accounting of all found, unclaimed, abandoned property and contraband under their command.

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**Responsibilities**

<b>Position</b>	<b>Duties</b>
<b>Troop/Section Commanders</b>	<ul style="list-style-type: none"> <li>• Ensure the security and safeguarding of all found, unclaimed, abandoned property and contraband, held in all Stations/Sections/Units under their command.</li> </ul>
<b>Station/Section/Unit Commander</b>	<ul style="list-style-type: none"> <li>• Shall be designated as the “<u>Property Custodian</u>” of their Station/Section/Unit;</li> <li>• Shall be responsible for receiving, storing, maintaining, releasing, and accounting of all found, unclaimed, abandoned property and contraband in accordance with this policy;</li> <li>• May delegate the duties of the Property Custodian to any member under their command and designate that member to serve as the “<u>Assistant Property Custodian</u>” for that Station/Section/Unit;</li> <li>• When applicable to do so, make arrangements to the appropriate facility for: <ol style="list-style-type: none"> <li>1. Property and contraband to be tested or analyzed; and</li> <li>2. Firearms to be tested by the Department’s Firearms Identification Section.</li> </ol> </li> <li>• Shall transport or designate the Assistant Property Custodian to transport any item requiring analysis or testing; and</li> <li>• Ensure that members under their command are trained and familiar with the appropriate handling and storage of all found, unclaimed, abandoned property and contraband.</li> </ul>

Continued next page.

**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
<b>Investigating Officer</b>	<p>The Investigating Officer who has found, unclaimed, abandoned property or contraband shall prior to the end of their shift:</p> <ul style="list-style-type: none"> <li>• Tag each item and/or place each item in a Department Evidence bag with the required information;</li> <li>• Secure any contraband in the Temporary Contraband/Controlled Substances Locker;</li> <li>• Log the contraband in the Temporary Contraband/Controlled Substances Journal;</li> <li>• Ensure a complaint or case number be assigned for found, unclaimed or abandoned property;</li> <li>• Provide a copy of the investigative report to the Property Custodian or Assistant Property Custodian to be placed with the found, unclaimed, abandoned property or contraband;</li> <li>• Provide the Desk Officer with a complete inventory of any found, unclaimed, abandoned property or contraband to be logged into the Daily Administrative Journal (DAJ);</li> </ul> <p><u>Note:</u> Found, unclaimed, abandoned property, or contraband may be given directly to the Property Custodian or Assistant Property Custodian to be secured accordingly.</p> <p>Whenever <b><u>evidence and/or currency</u></b> are seized, members shall adhere to Policy and Procedure:</p> <ul style="list-style-type: none"> <li>• INV-10 Evidence Collection and Preservation; and</li> <li>• INV-14 Seized Currency.</li> </ul>

**Storage Area Provisions****Station/Section/Units Permanent Storage**

The Contraband Storage Locker shall be:

- Located and alarmed to allow for proper monitoring and security thus preventing unauthorized entry; and
- Maintained to prevent damage to property, contraband or other evidence that may occur due to moisture or extreme room temperature fluctuations.

Contraband/evidence shall:

- Be stored within a secure area within the State Police facility of jurisdiction;
- Not be stored in vehicles or personal storage areas; and
- Secure perishable items requiring refrigeration within the facility's identified refrigerator.

**Troop/Section Storage Area**

Troop/Section Commanders shall:

- Maintain a contraband storage area within their Troop/Section Headquarters;
- The Troop/Section storage area shall be under the control of the Cases and Reports Supervisor; and
- The storage area shall be used to store contraband/property that has been forwarded and awaiting destruction or disposal.

**Temporary Locker****Temporary Storage**

Each Station/Section/Unit shall:

- Be provided with a Temporary Contraband/Controlled Substance Evidence Locker with twenty-four (24) hour access to all authorized personnel;
- Allow for the temporary secure storage of contraband;
- Have available a Temporary Contraband/Controlled Substances Evidence Journal to enter all pertinent information; and
- In the event that an item is too large to fit into the Temporary Contraband/Controlled Substances Evidence Locker, the Investigating Officer shall:
  1. Consult with the Property Custodian, Assistant Property Custodian or their Supervisor in locating another secure location.

Continued next page.

Subject	Number
<b>Property and Contraband</b>	<b>INV-11A</b>

**Temporary Locker (Continued)**

Items secured in the Temporary Contraband/Controlled Substances Evidence Locker shall have an entry made into the Temporary Contraband/Controlled Substances Evidence Journal listing:

1. Investigating Officer's name;
2. Investigating Officer's ID#;
3. Defendant's name(s);
4. Defendant's DOB;
5. Case number;
6. Date seized;
7. Location where seized; and
8. A description of the item(s) including the number of items.

**Chain of Custody**

**Change In the Chain of Custody**  
 When the Property Custodian or Assistant Property Custodian transfers evidence, contraband or property to an Investigating Officer for judicial proceedings it shall be considered a change of possession within the chain of custody. Both the Property Custodian/Assistant Property Custodian and Investigating Officer shall:

- Ensure appropriate entries are made within the Contraband Ledger and the DAJ; and
- Ensure all of the appropriate Department forms are completed indicating the change in possession.

**Documentation of Chain of Custody**  
 The Investigating Officer shall:

- Ensure the appropriate chain of custody forms are completed for evidence involving alcohol analysis or the examination of physical evidence;
- Ensure the appropriate chain of custody form(s) accompanies evidence or contraband whenever it is involved in a temporary change of possession outside of the custody of either the Property Custodian or Assistant Property Custodian and/or the Investigating Officer;
- Ensure that a record is made into the Station/Section/Unit's Contraband Ledger and DAJ identifying the new custodian; and
- Ensure the record identifies the evidence or contraband accordingly.

**Inspection Evidence or Contraband**  
 All members involved in the movement of evidence or contraband at the Station/Section/Unit, shall:

- Inspect the packaging for signs of tampering;
- Immediately notify the Station/Section/Unit Commander if the packaging appears to have been tampered with.

Continued next page.

Subject <b>Property and Contraband</b>	Number <b>INV-11A</b>
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**Chain of Custody (Continued)**

**Chain of Custody Forms**

- *SP 145 Chain of Custody: Contraband /Evidence/Property Form:* Used for all evidence (excluding controlled substances), contraband, found/unclaimed or recovered property to show the chain of custody of the item/property.
- ***Forensic Services Group Forms***  
The following forms shall be used when necessary, retained and copies distributed as indicated:
  - *Alcohol Analysis Form:* Evidence requiring the analysis of alcohol content;
  - *Evidence Submission Form:* Evidence or contraband requiring analysis; and
  - *SP 295 Drug Submission Form:* Controlled Substances requiring analysis.

**Troop/Section Supervisor of Cases and Reports**

- The Troop/Section Cases and Reports Supervisor shall:
- Sign and date the Station/Section/Unit Contraband Ledger as the final receiver of the property;
  - Ensure a red line be drawn diagonally through the ledger entry to indicate final disposition and case closed;
  - Destroy contraband in an appropriate and acceptable manner in the presence of another commissioned officer; and
  - Submit a written report, through channels, to the appropriate Troop/Section Commanding Officer or designee, listing the final disposition of all contraband.

**Property to be Auctioned**

- Per Massachusetts General Law (MGL) 22c. s. 45-46, the Department may:
- Sell held properties at a public auction; and
  - Only sell after six (6) months when there is no proven ownership of the property.
- The Department may select a vendor to hold the public auctions in accordance with establish procedures. Information and instructions regarding the auction vendor and procedures shall be posted on DocuShare under *Bulletins-Public Auction Vendor*.
- Prior to the auction, Media Relations shall promulgate a notice per (MGL) 22c. s. 45, to the necessary media news outlets and newspapers that contain the following information :
- The time and place of the auction; and
  - Description of the property to be auctioned.

Subject	Number
<b>Property and Contraband</b>	<b>INV-11A</b>

**Returning Property to Owner**      When property is disposed or returned to an owner specific information shall be recorded on the SP 145 and shall be:

- Attached (original) to the report and retained at the Station/Section/Unit;
- Forwarded (copy) to the Property Custodian or Assistant Property Custodian for filing;
- Forwarded (copy) to the Troop/Section Supervisor of Cases and Reports and retained on file.

**Staff Inspection Unit**      The Staff Inspection Unit shall conduct periodic audits of all Department Contraband Storage Lockers to ensure the integrity of the system.

**Inspections**      Troop/Section Commanders or designee shall:

- Conduct biannual line inspections of all contraband storage areas under their control to ensure compliance.

The Office of the Colonel/Superintendent, may direct:

- The unannounced random inspections of all Department contraband lockers to ensure compliance.

**References**      MGL c.94C, s.47A  
MGL c.22C, s.45, s.46  
Alcohol Analysis Form  
Evidence Submission Form  
SP 295 Drug Submission Form  
SP 145 Chain of Custody: Contraband/Evidence/Property Form

Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	INV-13
Subject			
Asset Forfeiture			

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**Policy** The Department shall adhere to state and federal forfeiture laws involving illegal activities.

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**Troop/Section** The Asset Forfeiture Officer (AFO) shall:

**Asset Forfeiture Officer**

- Provide assistance to members regarding investigations when authorized by the Troop Duty Officer;
- Oversee forfeiture proceedings and manage seized assets until forfeited;
- Maintain a database and files of all seizures and forfeitures; and
- Act as a liaison with the Financial Evidence Officer (per INV-14 Seized Currency), and the Offices of the District Attorney, Attorney General, or U.S. Attorney.

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**Non-Field Services Sections/Units** This policy is applicable to all Department entities, except those assigned to the Offices of the District Attorney, Attorney General, U.S. Attorney, or a federal task force, and there is an internal mechanism for tracking such seized currency. Members shall follow the policy as set forth by that office or task force.

Troop/Section/Unit Commanders requesting to deviate from this policy shall forward written requests through channels to the Deputy Superintendent for approval.

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**Factors of Consideration** In some situations one factor alone may be insufficient to justify a seizure and may require a combination of additional factors. Some factors are:

- Suspect is evasive, or gives implausible or false answers;
- Suspect has record of narcotics charges;
- Suspect is carrying a large or unusual amount of currency;
- Suspect cannot explain where the currency came from, or what it is for;
- Suspect has a large sum of currency or an expensive vehicle and no means of income;
- Suspect denies ownership of currency;
- Currency is concealed in an unusual location; or
- A narcotics canine alerts on the currency, vehicle, or property.

Note: A canine alert alone is not enough to establish probable cause for the seizure of currency.

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Subject	Number
<b>Asset Forfeiture</b>	<b>INV-13</b>

**Making a Seizure**

Seizures may be made when there is probable cause to believe that the vehicle, currency, or other property is connected to the sale or distribution of narcotics. This authority is allowed by Massachusetts General Laws (MGL) c.94C, s.47.

Members may seize currency when there is probable cause to believe that the currency is:

- Being used or was intended for use in the procurement, processing, delivery, or distribution of drugs;
- The proceeds of sales of drugs; or
- Involved in the furtherance of criminal enterprise.

Note: Currency seized shall be processed in accordance with INV-14.

**Seizing a Vehicle**

The Fleet Administrator has the authority to accept or reject vehicles on behalf of the Department. Any vehicle accepted by the Department, shall be delivered to the Fleet Section for inspection according to ADM-19.

A vehicle may be seized when...	A vehicle should not be seized if...
<p>1. An operator, owner, or occupant of the vehicle is arrested for possession with intent to distribute or trafficking:</p> <ul style="list-style-type: none"> <li>• Ten (10) pounds or more of marijuana;</li> <li>• Any amount of heroin;</li> <li>• Any amount of cocaine; or</li> <li>• Other controlled substances, as outlined in M.G.L. c.94C, s. 32A-G or 32I.</li> </ul> <p>2. The owner knew or should have known that it was being used for such purposes.</p>	<ul style="list-style-type: none"> <li>• It is rented or leased (unless seized for evidentiary purposes); or</li> <li>• The owner had no knowledge that it was being used for illegal purposes.</li> </ul> <p><u>Note:</u> The Troop AFO shall consult with the District Attorney's Office of jurisdiction and determine if there is a lien on the vehicle that an entity is willing to assume.</p>

**Use of Seized Assets**

The Colonel/Superintendent may expend funds and proceeds from the Special Law Enforcement Trust Fund to:

- Defray the costs of extended investigations;
- Provide matching funds for grants; and
- Accomplish other law enforcement purpose(s).

Funds shall not be considered a source of revenue to meet operational expenses.

Subject	<b>Asset Forfeiture</b>	Number	<b>INV-13</b>
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**Troop Asset Forfeiture Process**

Step	Action
1	The determination is made to seize the assets e.g., vehicle, currency, or other property.
2	All seized assets are to be secured according to Department policy.
3	The seizing member shall notify the Troop AFO. <u>Note:</u> The Troop Duty Officer shall be notified of all seizures and may authorize call outs of the AFO after business hours.
4	The Troop Duty Officer shall notify the Financial Evidence Officer of all currency seizures.
5	The seizing member shall prepare the necessary reports and forms.
6	The Troop AFO shall: <ul style="list-style-type: none"> <li>• Confirm assets are secured with the investigating member;</li> <li>• Conduct an investigation to determine ownership and liens of the assets; and</li> <li>• Assist the Financial Evidence Officer.</li> </ul>
7	If it is determined that the asset forfeiture proceedings shall not continue, the assets shall be returned, as soon as possible, to the lawful owner.
8	Motor vehicles seized shall be secured as directed by the Troop/Section Commander.

**References**

MGL c.94C  
MGL c.135, s. 7, 8, 10, 11  
ADM-19 Vehicle Management  
INV-10 Evidence Collection/Preservation  
INV-11 Contraband Substances-Storage/Handling  
INV-14 Seized Currency  
TRF-09 Towing  
TRF-10 Vehicle Inventory  
A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement, March 1994, US DOJ

Promulgated By:
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# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-14</b>
Subject <b>Seized Currency</b>	

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**Policy**

The Department shall establish rigid controls and strict accountability for all seized currency coming into its custody. A non-interest bearing cashless system shall be utilized to ensure that all seized currency is properly secured, stored, and readily retrievable. Any changes in the custody of any seized currency shall be properly documented.

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**Applicability**

This policy is applicable to all Department entities, except for the following conditions:

- Members assigned to Offices of the District Attorney, Attorney General, U.S. Attorney or federal task force; and
- An internal mechanism exists for tracking seized currency.

Troop/Section/Unit Commanders requesting to deviate from this policy shall forward written requests through channels to the Deputy Superintendent for approval.

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**Seized  
Currency**

Members shall not seize less than three-hundred (\$300.00) dollars from a defendant, unless the currency is seized as evidence.

Seized currency shall not include:

- Non-evidentiary currency received during custodial processing;
- Currency used for controlled purchases of contraband; or
- Currency that has independent forensic value. (i.e., currency stained with blood, bodily fluids, or other evidentiary material)

Seized currency shall be processed at the appropriate sub-station in the troop of jurisdiction.

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Subject	<b>Seized Currency</b>	Number	<b>INV-14</b>
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**Responsibilities**

Position	Duties
Desk Officer	<ul style="list-style-type: none"> <li>• Visually observe currency drop safe at start of shift for general condition and make entry into Daily Administrative Journal (DAJ) system;</li> <li>• Make appropriate entries into DAJ system upon seizure and retrieval; and</li> <li>• Notify Troop Duty Officer of seizure and provide the RAMS case number and investigating member's name.</li> </ul>
Investigating Member	<ul style="list-style-type: none"> <li>• Count currency by denomination and verify amount with a witnessing member present;</li> <li>• Photograph or photocopy currency for evidentiary purposes, if necessary;</li> <li>• Package and seal currency in a Department evidence bag (evidence bags shall be labeled 1 of 1, 1 of 2, 2 of 2, accordingly), initial the seal, ensure both members sign bag with ID numbers, include corresponding RAMS case number;</li> <li>• Deposit Department evidence bag with attached SP 417 Currency Custody Form and SP 418 Seized Currency Receipt into currency drop safe with witnessing member present; and</li> <li>• File copy of SP 417 and SP 418 with the Station Commander.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Notify the Financial Evidence Officer by email of the seizure; and</li> <li>• Make appropriate DAJ entries.</li> </ul>
Financial Evidence Officer	<ul style="list-style-type: none"> <li>• Retrieve seized currency from the currency drop safe with a witness present, not later than next banking business day or as otherwise authorized by the Troop Commander;</li> <li>• Document any change in custody on SP 417;</li> <li>• Ensure appropriate DAJ entries are made;</li> <li>• Transport sealed Department evidence bag(s) to Troop HQ to verify currency amount in presence of another commissioned officer;</li> <li>• Report discrepancies to the Troop Commander and Station Commander and reconcile prior to deposit;</li> <li>• Deposit currency into cashless system on the same banking business day as retrieved;</li> <li>• Enter the amount of the seizure into the approved accounting program;</li> </ul>

Continued next page.

Subject	Number
<b>Seized Currency</b>	<b>INV-14</b>

**Responsibilities  
(Continued)**

Position	Duties
Financial Evidence Officer	<ul style="list-style-type: none"> <li>• Immediately fax a copy of the SP 12 Incident Report to the Chief Financial Officer (CFO) of the District Attorney’s Office of jurisdiction;</li> <li>• Maintain copies of SP 12’s, SP 417’s and SP 418’s in a dedicated folder filed alphabetically and by year;</li> <li>• File open and closed cases separately; and</li> <li>• Retain initialed sealed Department evidence bag(s) if there are discrepancies until reconciled.</li> </ul>
Station Commander	<ul style="list-style-type: none"> <li>• Notify the investigating member(s) of any discrepancy; and</li> <li>• Maintain copies of SP 417 and SP 418 for inspections.</li> </ul>
Troop Commander	<ul style="list-style-type: none"> <li>• Maintain a non-interest bearing account at a local banking institution;</li> <li>• Assign a Commissioned Officer as the Financial Evidence Officer;</li> <li>• Maintain historical records of members provided with combination access;</li> <li>• Change access combinations as required;</li> <li>• Conduct quarterly audits;</li> <li>• Conduct investigations as appropriate; and</li> <li>• Notify the Division Commander of any discrepancies.</li> </ul>

**Discrepancies**

Seized currency shall not be deposited into the cashless system until discrepancies are identified and reconciled. All currency shall be documented by amount and denominations. The final official amount shall be determined by the financial institution of deposit.

Troop/Section Commanders shall investigate any currency discrepancies that cannot be reconciled and report findings to the Division Commander.

**Return of  
Seized Funds**

Any person requesting the return of seized currency shall:

- Request the return in writing to the Troop Financial Evidence Officer;
  - Provide a copy of the court order, if applicable; and
  - Receive a check in person upon presentation of positive identification.
- Note: the check shall indicate subject’s name, case number, and troop of jurisdiction.

Seized funds shall only be returned during regular business hours Monday through Friday.

Subject <b>Seized Currency</b>	Number <b>INV-14</b>
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**Disposition of Currency**

If no person makes a valid claim to found, unclaimed, or abandoned currency within six (6) months from the date the currency was turned into the Department, the funds shall be forwarded to the State Treasurer through channels via the Department's Fiscal Section.

Prior to forwarding the funds to the State Treasurer, the Department may deduct all reasonable charges and expenses incurred in connection with the deposit and accounting of the currency. Such deductions shall be made by the Department's Fiscal Director and documented accordingly. Any claim for return of found, unclaimed or abandoned currency after the funds have been forwarded to the State Treasurer, shall be made to the State Treasurer's Office.

All seized currency ordered forfeited through legal proceedings shall be forwarded to the Office of the Superintendent for the Special Law Enforcement Trust fund within sixty (60) days of adjudication.

**Accounting and Audits**

The Financial Evidence Officer shall maintain:

- Bank statements;
- An approved software accounting system;
- SP 12's, SP 417's, and SP 418's for currency received; and
- Records, documentation, or invoices of currency disbursements.

Prior to any change of command of the Troop/Section/Unit Commander, Executive Officer, or Financial Evidence Officer, there shall be a reconciliation of the accounting records and current balances with the incoming member(s).

An internal audit of all seized currency accounting records and practices shall be conducted annually by the appropriate Division Commander.

An audit of seized currency may be conducted as directed by the appropriate Division Commander or the Colonel/Superintendent.

**Reports**

Troop/Section/Unit Commanders shall:

- Submit a quarterly report, from the approved accounting program, to their Division Commander (due January 10, April 10, July 10, and October 10); and
- Submit a copy of the quarterly report to the Chief Financial Officer (CFO) of the District Attorney's Office of jurisdiction.

Subject <b>Seized Currency</b>	Number <b>INV-14</b>
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**Currency Drop Safe** Currency drop safes shall be located and maintained at each sub-station as determined by the Division Commander. Only the Troop Commander, Executive Officer, and Financial Evidence Officer shall have authorized access to the currency drop safe and combinations. Whenever the currency drop safe is opened:

- Two (2) members shall be present at all times; and
- Access and retrieval information shall be entered into the station DAJ.

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**Drop Safe Combinations** Troop Commanders shall be responsible for the change of safe combinations under their command.

Whenever there is a change of command, transfer or departure of a Troop Commander, Executive Officer, or Financial Evidence Officer, the access combination shall be changed.

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**References** INV-13 Asset Forfeiture  
SP 12 Incident Report  
SP 417 Currency Custody Form  
SP 418 Seized Currency Receipt

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-15</b>
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Subject <b>Field Interview and Observation Reports</b>
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**Policy** Members shall follow the established guidelines for the collection, security, and dissemination of information gathered through field interviews and observations.

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**Definitions** *SP 73 Field Interview and Observation Report (FIO):* An internal, Department report that documents information about a person, place, vehicle, event, occurrence, or any other known activity, observed by a Department member, that may be linked to suspicious or criminal activity or may be of interest to the law enforcement community.

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**Collection of Information** Information may be recorded on a SP 73 or any other format that is approved by the Criminal Information Section (CIS).

FIO reports are an important crime prevention and information gathering resource. Analysis of these reports is a valuable aid to investigators in uncovering leads that may result in the solving of crimes and the apprehension of criminal suspects.

The collection of information for FIO reports shall not be based solely on an individual's or group's:

- Support of a particular cause;
- Race;
- Color;
- Religion;
- Gender;
- National origin or ancestry; or
- Political affiliation.

Members collecting information for FIO reports shall not:

- Conduct random stops of persons or vehicles to gather information; or
  - Employ or direct an individual to engage in any illegal activities.
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**Public Contact**

Members are encouraged to:

- Collect as much information based upon their own observations; and
- Gather as much information provided to them on a voluntary basis.

Members may:

- Detain a person or vehicle briefly when there is reasonable suspicion of criminal activity; or
- Stop and frisk a subject's outer garments for weapons when articulable facts or circumstances warrant such action, for the safety of the public and the member.

A person stopped by a member, who refuses to cooperate or answer questions, shall not be further detained without reasonable suspicion or probable cause.

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**SP 73 Field Interview and Observation Reports**

FIO Reports should be carried by every member while on duty. Additionally:

- Members should complete a report whenever a known criminal is observed or a person, place, vehicle, event, occurrence, or any other activity is observed that would indicate criminal activity or potential criminal activity;
- A separate FIO Report shall be completed for each member of a group and for each observation made; and
- Information shall be typed or printed in black ink and its content should be as complete as possible.

Procedures for completed FIO Reports:

- Provide a copy of the FIO to the Troop/Section/Unit of jurisdiction;
  - Forward the original hard copy of the FIO Report to CIS; and
  - If the information within the FIO Report is related to terrorism or homeland security contact:
    1. CIS during normal business hours; or
    2. The Communications Section OIC other than normal business hours.
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**Security and Retention**

FIO Reports shall be secured at all times by CIS. A dissemination log shall be maintained for all requests for review and dissemination of information.

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**Dissemination**

Requests for information from the FIO database shall be made to the Commanding Officer of the CIS.

CIS shall only disseminate FIO information:

- In the furtherance of an authorized law enforcement activity;
- To authorized law enforcement or criminal justice personnel; and
- On a “need-to-know” and “right-to-know” basis per INV-08 Criminal Intelligence.

After review by either CIS, or the Communications Section OIC, information contained within an FIO Report determined to be critical, time-sensitive, or pertaining to public or officer safety shall be disseminated to law enforcement agencies, as appropriate. -

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**Responsibilities**

Requests for dissemination shall include the:

- Date and time of the request;
- Requesting Officer's name, rank, identification (ID) number and agency;
- Case number or reason for the request; and
- Name of the person(s) or incident(s) and information sought.

The Criminal Information Section (CIS) shall:

- Respond to requests for information from FIO Reports; and
- Document requests and dissemination of information.

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**References**

INV-08 Criminal Intelligence

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>INV-16</b>
Subject <b>Electronic Recording of Interrogations</b>	

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**Policy** Members shall, whenever it is practical, electronically record all custodial interrogations of suspects or interrogations of suspects conducted in places of detention.

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**Case Law** In *Commonwealth v. DiGiambattista*, 442 Mass. 423 (2004), the Supreme Judicial Court held that if the prosecution introduces a confession or statement that the police obtained during an interrogation of a defendant, who was either in custody or at a place of detention, and the police did not electronically record the statement, the defendant is entitled to a cautionary jury instruction.

Upon the defendant's request, the judge must instruct the jury that the State's highest court has expressed "a preference that such interrogations be recorded whenever practicable and . . . that, in light of the absence of any recording of the interrogation in the case before them, they should weigh evidence of the defendant's alleged statement with great caution and care." This jury instruction is required regardless of the reason that the police did not record the interrogation.

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**Definitions** *Custody*: Circumstances in which a reasonable person would believe that their freedom of action has been curtailed such that they are not free to leave.

*Electronic Recording*: Preservation of an interview through the use of audio or audio/video recording equipment.

*Interrogation*: Occurs when an officer's questions, actions or words (other than those normally attendant to arrest and custody), are reasonably likely to elicit an incriminating response from a suspect.

*Place of Detention*: A secure facility where persons may be held in detention in relation to a criminal charge(s) (e.g., a state police barracks, prison, jail, a department of youth services secure facility).

*Suspect*: A person who has either been charged with a crime or a person for whom there is a reasonable basis to believe that may in the future be charged with a crime. Witnesses, victims, and other persons who provide information to a member are not considered suspects, unless and until, there is reasonable basis to change their status.

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**Applicability**

These guidelines require members to record, whenever it is practical, two (2) types of interrogations:

1. Custodial interrogations of suspects; and
2. Interrogations of suspects occurring at places of detention.

**Wiretap Violations**

The Massachusetts wiretap statute, Massachusetts General Laws (MGL) c. 272, s. 99, generally prohibits anyone from secretly recording another person's oral statements. Accordingly, unless one of the narrow exceptions in the wiretap statute applies, a member who electronically records a suspect's interrogation shall do either of the following:

- Notify a suspect that their statements are being recorded; or
- Conduct the interrogation in such a way that it is obvious to the suspect that their statements are being recorded.

When the suspect knows, or reasonably should know, that they are being recorded, the member may record the interrogation without explicit consent to do so.

**Creating a Clear and Complete Record**

To the extent it is practical members should electronically record the entire interrogation of a suspect. To assist in the creation of the record, members shall do the following:

- Ensure that the recording device is functioning properly;
- Start the recording device;
- Inform the suspect that they are being recorded unless it is otherwise obvious;
- State the date, time, location, and names of persons present. If a video recording device is used which imprints the time on the tape or disk, verify that the correct time is displayed;
- State the full name of the suspect;
- Execute appropriate Department forms including Miranda warning and waiver, and waiver of prompt arraignment (if applicable); and
- If the member must suspend the recording for any reason, they shall make a record of:
  1. The reasons for stopping (i.e., taking a break or a malfunction);
  2. The time the recording device is turned off;
  3. The time it is turned back on; and
  4. What transpired while the recording device was turned off.

Continued next page.

**Creating a  
Clear and  
Complete  
Record  
(Continued)**

- If the member uses or refers to documents or other items during the interrogation, the member shall describe those documents or items on the record and mark them with a unique number (similar to an exhibit number at trial) and the member's initials. If the member is unable to write on the actual document or item, the member may write on a bag, envelope, or case in which the document or item is placed, or on a piece of tape which can be attached to the document or item; and
- Conclude the recording by stating the date and the time the interrogation is completed.

**Suspect Refuses  
to be Recorded**Refusal Given Before the Recording Device is Activated:

- If it is practical, turn on the recording device to record the refusal;
- Identify the lead member and the suspect then state the date, time, and location, inform the suspect of any applicable rights and inform the suspect of the benefit to recording, including the fact that a recording will create a clear and complete record of what was said to the suspect, and what the suspect said during the interrogation;
- Ask the suspect on the record if they are willing to make an electronically recorded statement;
- Advise the suspect if, at any time, they change their mind and decide that they do want the interview to be recorded, they should let the member know and the member shall turn on the recording device; and
- If the suspect still refuses, turn off the device, execute a signed refusal form SP 609 Refusal Form, and proceed with the interview.

Suspect Refuses to Have Their Refusal Recorded

- Advise the suspect of the benefits of electronically recording any communications;
- If the suspect objects to having their refusal electronically recorded the member shall execute a SP 609; and
- The member may proceed without recording the refusal or the interrogation.

Suspect Refuses After the Recording Device is Activated

- If, during the course of a recorded interrogation, a suspect decides that they no longer want to answer questions unless the recording device is turned off, the member shall again advise the suspect of the benefits of recording the interrogation; and
- If the suspect still refuses, the member shall turn off the recording device execute a SP 609 and proceed with the interview.

**Discretionary  
Decision Not to  
Record**

A member may decide not to record an interrogation, even where it is practical to do so, if that member believes that:

- Recording the interrogation will jeopardize the safety of a member, the suspect, or any other person; or
- It is ill-advised under the circumstances to record the interrogation.

If a member decides that it is unsafe or ill-advised under the circumstances to record the interrogation, the member should:

- Advise the suspect of the potential benefits of recording the interrogation, if warranted;
- Document in the interview, or case report, the reason(s) why the interrogation was not recorded, and if the suspect was advised regarding the potential benefits of recording the interrogation.

**Recording  
Devices**

The member should choose a recording device that has removable media (e.g., tape, disk, memory card, etc.) which can be easily duplicated.

**Recording  
Device  
Malfunctions**

If the recording device malfunctions, the member conducting the interrogation shall make a decision whether and how to continue the interrogation, and shall document what occurred.

If the recording device can be restarted or replaced immediately:

- State on the record that the device malfunctioned;
- State how long the device was not working, and
- Whether or not the suspect made any statements that were not recorded.

If the recording device cannot be restarted or replaced immediately:

- Include in the interview or case report the fact that the device malfunctioned;
- Ask the suspect whether they wish to continue the interrogation without a recording device, or whether they wish to suspend the interrogation until an operable recording device is available;
- If the suspect consents to continuing the interrogation without a recording device, document the consent and the interrogation in some manner, such as in a signed written statement by the suspect or in the member's interview or case report; and
- Note whether or not the suspect made any statements that were not recorded.

**Inoperable or Unavailable Recording Device**

If there is no recording device available or the recording device is inoperable, the member should:

- Ask the suspect whether they wish to continue the interrogation without a recording device, or suspend the interrogation until an operable recording device is available.

If it is impractical to defer the interrogation, and the suspect consents to continuing the interrogation without a recording device then:

- Include in the interview or case report the fact that no recording device was available; and
- Document the consent and the interrogation in some manner, such as in a signed written statement by the suspect, or in the member's interview, or case report.

If, under the circumstances, it is impractical to seek or obtain the suspect's consent to continuing the interrogation without a recording device, the ultimate decision to continue shall be made by the member on a case-by-case basis.

**Preservation and Copying of Original Recordings**

The member who conducted the interrogation shall preserve the original recording. Preservation steps include:

- Remove the storage medium from the recording device;
- Clearly label and appropriately store recordings and copies;
- If the interrogation is recorded digitally, the member shall preserve at least one (1) whole copy of the original recording file;
- As soon as it is practical, create at least one (1) exact copy of the original recording;
- Clearly label copies as such;
- Use copies, not original recordings, to make additional copies; and
- Copies, not the original, shall be used to prepare a written transcript, to comply with discovery obligations, and for all other purposes.

To the extent it is practical, statements from multiple suspects should not be recorded on the same tape or disk.

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**Storage**

The member shall preserve all written forms, notes, or records of all statements by a suspect that were not electronically recorded in the original case file.

All electronically recorded interrogations shall:

- Be preserved according to the state records retention law and Department policy as criminal evidence; and
- Be stored in such a manner so as to easily differentiate between original recordings and copies.

Each original and copy shall be authenticated by the interrogator with the following information:

- Date and time of recording;
- Location of the interrogation;
- Name of person interrogated;
- Name of person(s) conducting the interrogation; and
- Departmental assigned case number or incident report number.

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**References**

Commonwealth v. DiGiambattista, 442 Mass. 423 (2004)  
SP 609 Refusal Form

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Promulgated By:





# Department of State Police General Order

Effective Date <b>September 20, 2010</b>	Number <b>INV-16A</b>
Subject <b>Eyewitness Identification</b>	

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## Policy

Eyewitness identification frequently plays an important role within Department investigations and it is absolutely critical that eyewitness evidence be accurate and reliable, in order to ensure that the highest possible quality of evidence is obtained.

The Department recognizes the importance of conducting and documenting eyewitness identification information in accordance with established guidelines, while recognizing that members are free to exercise discretion in adapting these guidelines to fit the unique circumstances of each case.

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## Definitions

*Simultaneous Identification Procedure:* Simultaneous identification is a procedure that displays a group of individuals or group of photographs to a witness at the same time. This allows the witness to compare all individuals or photographs before making a decision.

*Sequential Identification Procedures:* Sequential identification is a procedure where an eyewitness views only one member of a lineup or one photograph at a time. The witness must make a decision on each lineup member or photo before the viewing the next lineup member or photo.

*Relative Judgments:* Relative judgments occur when witnesses encounter a lineup in which the actual perpetrator is not in the lineup (i.e., the suspect is not the actual perpetrator). Research has shown that eyewitnesses tend to select the person who looks most like the perpetrator relative to other lineup members because they presume that the actual perpetrator will be in the lineup.

*Blind Administration Procedure:* A blind administration procedure where the officer/investigator who conducts the lineup has no knowledge of who the suspect is, which reduces unintentional influences. Whenever practical, this method should be used.

*Field Identification (Show-Up):* An eyewitness identification procedure in which a single suspect is viewed by an eyewitness shortly after the commission of a crime for the purpose of identifying or eliminating a suspect in a criminal offense.

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**Definitions  
(Continued)**

*Live Lineup:* An eyewitness identification procedure in which the witness to a criminal offense is asked to identify one suspect from a group of persons.

*Photo Lineup/Photo Array:* An eyewitness identification procedure in which the witness to a criminal offense is asked to identify one suspect from a group of photographs.

*Filler:* A person or photograph used in an eyewitness identification procedure not suspected of the offense and generally meets the description of the suspect.

**Guidelines**

Department Eyewitness Identification Guidelines may be found in DocuShare/Bulletins regarding:

- Field Identification (Showup);
- Live Lineup; and
- Photo Lineup/Array.

Department members shall adhere to established guidelines and utilize the appropriate Department forms (see References) when conducting any photo lineup, live lineup, or a field identification show-up; except for the following conditions:

- The member assigned to Offices of the District Attorney, Attorney General, U.S. Attorney or federal task force; and
- An internal mechanism exists for conducting eyewitness identification procedure.

**Eyewitness  
Advisement**

Before any eyewitness identification procedure is conducted, members shall administer a SP 645 Eyewitness Advisement. The advisement provides clear, consistent, and forceful instructions to avoid relative judgment or any prejudicial action that may influence the witness.

The Massachusetts Supreme Court *Commonwealth v. Silva-Santiago*, 453 Mass. 782 (2009) held that a photo array procedure was not per se suggestive where the police failed to use the standard advisements, sequential presentation, or a blind presenter. However the court stated that it expects such procedures, especially the standard advisements, to be used in all future identification procedures.

Subject <b>Eyewitness Identification</b>	Number <b>INV-16A</b>
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**References**

U.S. Department of Justice, (1999) *Eyewitness Evidence, A Guide for Law Enforcement*;  
The Massachusetts District Attorneys Association (September 2006), *Recommendations to Improve the Investigation and Prosecution of Cases in the Criminal Justice System*.  
Commonwealth v. Silva-Santiago, 453 Mass. 782 (2009)  
SP 644 Eyewitness Identification Form  
SP 645 Eyewitness Advisement  
SP 646 Show-Up Identification Procedure

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Promulgated By:



# Department of State Police

## General Order

Effective Date

**January 27, 2010**

Number

**INV-17**

Subject

**Travel/ Immigration Status Inquiries and Investigations**

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### Policy

Enforcing federal immigration law is not a mission of the Massachusetts State Police. Accordingly, it is not appropriate for a member of the State Police to inquire about, or investigate a non-citizen's immigration or travel status if the sole purpose is to determine an individual's immigration status or whether the person is in the country lawfully, or to facilitate a person's detention or deportation by the U.S. Immigration & Customs Enforcement (ICE).

A member of the State Police may investigate a person's immigration or travel status if the inquiry or investigation is part of, and reasonably likely to facilitate, the investigation of a violation of state criminal or motor vehicle laws, federal criminal law (excluding federal immigration law), or conduct independent of immigration status that poses a threat to public safety or order.

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### Definitions

*U.S. Immigration and Customs Enforcement (ICE):* An agency within the Department of Homeland Security, its mission is to enforce the nation's immigration and customs laws.

*Criminal Justice Information System (CJIS):* A computerized system of criminal justice information, available twenty-four (24) hours a day and managed by the Commonwealth's Criminal History Systems Board.

*Seizure:* To take possession of under compulsion of legal authority; to confiscate.

*Documents:* An article/credential that is, or purports to be, issued by a government entity, that is relied upon to record or prove something.

Examples may include:

- A driver's license from any state or country;
  - ICE issued identity/status cards;
  - Documents issued by the Massachusetts Registry of Motor Vehicles (RMV), or other official governmental motor vehicle organizations; and
  - Passports issued by the U.S. State Department or any other sovereign nation.
-

**Seizing Documents**

An operator/passenger's documents may be seized if they are:

- Contraband;
- The fruits or instrumentalities of a Massachusetts crime;
- Evidence of a Massachusetts crime; or
- Illegally possessed

Examples may include:

- When the operator provides the member with a forged or altered license regardless of the state or country of origin, they may be charged with Massachusetts General Law (MGL) Ch. 90, S. 24B or Ch. 267, S. 1.

The seized documents shall be initially processed as required under INV-10 Evidence Collection and Preservation. Once the case is adjudicated, seized documents shall be promptly disposed of according to Department Policy and Procedure INV-11A Contraband-Storage and Handling.

**State Residency**

Foreign operators may drive in Massachusetts for up to one (1) year with their foreign license if they are a visitor. An out-of-state operator may drive in Massachusetts at any time provided they do not establish residency within the Commonwealth. However, pursuant to MGL Ch. 90, S.8, once a foreign operator or an out-of-state operator becomes a resident of Massachusetts, they must immediately obtain a Massachusetts driver's license.

MGL Ch 90, S. 3 1/2 details how residency is determined in Massachusetts. The factors that indicate that a person is a Massachusetts resident are listed below:

- Filed a Massachusetts resident income tax return;
- Obtained a tax rental deduction for a dwelling;
- Obtained a home mortgage for a primary residence in Massachusetts;
- Obtained homeowner's liability insurance for a home in Massachusetts;
- Filed a certificate of residency in Massachusetts as a prerequisite for employment;
- Paid in-state tuition at a state sponsored college or university for themselves or a dependent;
- Applied for and received public assistance from the Commonwealth;
- Has a child or dependent enrolled in a Massachusetts public school;
- Votes in Massachusetts; or
- Obtained any benefit by claiming Massachusetts as a principal residence.

A member may question an operator about their employment, current residence, and/or tax status, when the member possesses a reasonable suspicion that a person operating on a foreign or out-of-state license has established residency in Massachusetts and the member requires the information to aid in determining if the operator is in compliance with Massachusetts law.

**Out-of-State Licenses**

An out-of-state license should not be seized by a member unless this document is:

- Contraband;
- The fruit or instrumentality of a crime;
- Evidence of a crime; or
- Illegally possessed.

A member who has reasonable suspicion to believe that an operator is using an out-of-state U.S. driver's license and may be a resident of Massachusetts may inquire about:

- The person's employment;
- Current residency; and
- The length of time they have lived in Massachusetts.

Seized licenses shall be processed in accordance with INV-10 & INV-11A.

**Determining License Status**

To determine if the operator has been living in Massachusetts for longer than one year, the following checks may be performed to aid in determining an operator's current status:

- A motor vehicle violations history check (KQ);
- A criminal history check (BOP);
- A RMV check to determine if the operator has any license status within Commonwealth; or
- The issuance a RMV "A" or "X" number.

Note: Massachusetts RMV issues an "A" number to individuals who are unlicensed within the Commonwealth, but have received a Massachusetts motor vehicle citation; an "X" number is issued to individuals who are unlicensed within Massachusetts, but own a Massachusetts registered motor vehicle.

**Foreign Licensed Operators**

A valid foreign license may be used to operate a motor vehicle in Massachusetts provided the operator is a visitor and has been in the U.S. for less than one (1) year. Once the operator establishes residency, they must obtain a Massachusetts Driver's License immediately.

Massachusetts shall only honor valid licenses from countries identified within Appendix "A" of the current Massachusetts Driver's Manual. This list is available to all members via the web site at:

- <http://www.mass.gov/rmv/dmanual/appendixA.pdf>.

Continued next page.

**Foreign  
Licensed  
Operators  
(Continued)**

If a member possesses a reasonable suspicion that an operator is unlawfully operating on a foreign driver's license, the member may:

- Seek to determine how long the operator has been in the U.S.;
- Inquire about residency and/or employment for the sole purpose of determining if the foreign license may be used to operate within the Commonwealth;
- Utilize the CJIS screen titled "INS" to learn when the operator entered the U.S.;
- Run a KQ and/or BOP check; and
- Check with the RMV to determine if the operator has been issued an "A" or "X" number.

Seized documents shall be processed in accordance with INV-10 & 11A.

**Foreign License  
Validation**

Members, through channels, may write to the embassy of the involved country and request verification of the status of the foreign license. Internet and mailing addresses of all foreign embassies in the U.S. can be found on the U.S. State Department's website at: <http://www.usembassy.state.gov/>.

Members may also reference the I.D. Checking Guide from Driver's License Guide Company, P.O. Box 5305, Redwood City, CA 94063-2607 or call at 1-800-227-8827. This is a comprehensive guide to all U.S. and foreign licenses and includes photos of sample licenses.

**Passport  
Seizure**

Passports may only be seized if they are:

- Contraband;
- The fruits or instrumentalities of a crime;
- Evidence of a violation of federal or state criminal law; or
- Illegally possessed.

Passports seized for these purposes should be processed like any evidence according to INV-10 & 11A. Once the case is adjudicated, the passport should be forwarded to the originally intended owner, or the U.S. Department of State, Passport Services, Consular Lost/Stolen Passport Section 1111 19th St. NW, Room 500, Washington, DC 20036.

**International  
Driver's  
License/  
Permit**

An international driver's license/permit is simply a translation of an operator's foreign driver's license into English. This document is not required to operate a motor vehicle in Massachusetts.

The international license/permit is not a substitute for a person's actual driver's license issued by their country of origin. An operator who is licensed in another country is required to carry only their valid foreign driver's license.

**Passengers**

During a motor vehicle stop for civil infractions, with no other factors present, a member should not make inquiries of any of the passengers in the motor vehicle, unless the member has a reasonable suspicion of unlawful conduct.

Inquiries may include:

- Asking to see documents when the inquiry is narrowly focused on furthering the investigation of a suspected violation of federal (excluding federal immigration law) or state criminal law or state motor vehicle law.

Note: Comm. v Pacheco, 51 Mass App. Ct. 736 (2001).

**Non-Motor Vehicle Encounters**

During the course of an investigation, a member may make inquiries of individuals, including asking to see documents, when the member has a reasonable suspicion of unlawful conduct.

It is only appropriate to inquire about, or to investigate immigration status, including contacting ICE, if the inquiry or investigation is part of, and reasonably likely to facilitate:

- The investigation of a violation of federal (excluding federal immigration law) or state criminal law or state motor vehicle law; or
- The investigation of conduct independent of immigration status that poses a threat to public safety or order.

**Mandated Reporting**

Agreements with certain countries mandate that they be notified when their nationals are confined or detained regardless of the national's request.

When foreign nationals are involved in an incident, members shall consult "Consular Notification and Access" provided by the U. S. State Department, and are available to all members via the web site at:

- [http://travel.state.gov/consul\\_notify.html](http://travel.state.gov/consul_notify.html).

**Notifying ICE**

When members have questions or concerns that involve a Department of State Police investigation and wish to contact an agent from ICE, they shall:

- Contact their Commanding Officer or the Troop Duty Officer and request permission; and
- Approval must be received prior to contacting agents from ICE.



**Seizure  
Procedures**

<b>If this occurs...</b>	<b>Then you may...</b>
The operator is arrested for operating under the influence (OUI) of alcohol and fails a breath test, or refuses a breath test.	<ul style="list-style-type: none"> <li>• Process as specified by MGL;</li> <li>• Seize Massachusetts licenses if appropriate; and</li> <li>• If the operator is from out-of-state and possesses an out-of-state license, it should <u>not</u> be seized.</li> </ul>
The operator has a suspended or revoked Massachusetts Drivers License.	<ul style="list-style-type: none"> <li>• Seize the driver's license;</li> <li>• Complete a RMV Form 2188 then forward both (license and Form 2188) to the RMV;</li> <li>• If the suspended or revoked operator is operating a vehicle registered to them, seize the registration plates and forward the plates to the RMV with Form 2188.</li> </ul>
The operator possesses/uses a forged/altered license or any official document from the Massachusetts RMV or from another country or state's department of motor vehicles.	<ul style="list-style-type: none"> <li>• Seize the forged or altered documents;</li> <li>• Notify the State Police Compliance Unit of this violation by utilizing Affidavit of Person Obtaining License - RMV Form #T21193; and</li> <li>• Seized documents shall be processed in accordance with INV-10 &amp; 11A. <u>Note:</u> The operator may be charged with MGL Ch. 90, S. 24B, Ch. 90, S. 28, or Ch. 267, S. 1- Forgery Statute.</li> </ul>
A license or official document is illegally possessed from any state within the U.S.	<ul style="list-style-type: none"> <li>• Seize the document as evidence, and process the license according to INV-10 &amp; 11A;</li> <li>• Charge the operator with the appropriate offense;</li> <li>• Notify the State Police Compliance Unit of this violation by utilizing Affidavit of Person Obtaining License - RMV Form #T21193; and</li> <li>• Once the case is adjudicated, the document should be returned to the originating authority or the lawful owner.</li> </ul>
An operator presents a license from a foreign country.	See "Foreign Licensed Operators" Section

Continued next page.

**Seizure  
Procedures  
(Continued)**

If this occurs...	Then you may...
A <u>passenger</u> in a vehicle presents a suspended or revoked Massachusetts license for identification purposes only.	<ul style="list-style-type: none"> <li>• If used for identification purposes only the suspended/revoked license <u>should not</u> be seized; however</li> <li>• If the suspension/revocation is for OUI alcohol, then seize the license and forward it to the RMV or destroy it.</li> </ul>
The operator presents an out-of-state license, which is suspended, revoked, or expired in the operator's home state.	<ul style="list-style-type: none"> <li>• Do not seize the license;</li> <li>• The operator may be charged with MGL Ch. 90, S. 10, unlicensed operation of a motor vehicle;</li> <li>• Obtain the CJIS printout from the operator's home state to verify the suspension or revocation for court purposes.</li> </ul>

**References**

INV-10 - Evidence Collection and Preservation  
 INV-11A - Contraband-Storage and Handling  
 Comm. v Pacheco, 51 Mass App. Ct. 736 (2001).

Promulgated By:

# **Massachusetts State Police**



## **Employee Evaluation System**

Revised January 1, 2003

**Massachusetts State Police**  
Employee Evaluation System - January 2003

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**Section 1**  
**FREQUENCY OF RATINGS**  
**REQUIRED MEETINGS**  
**WORK IMPROVEMENT PLAN**

The EES rating period is based upon a calendar year. Each member who is designated for evaluation as provided for under this manual, shall be rated by his/her commanding officer, or a rater assigned by the appropriate Division Commander. Whenever possible, the rater shall be of a higher rank than the member being rated.

During the evaluation period, there are four distinct stages that comprise the evaluation process. They are:

- **Pre-Evaluation Meeting - Stage 1:** A pre-evaluation meeting shall be held at the beginning of every annual employee evaluation period between the rater and the member being rated.
- **Progress Review Meeting - Stage 2:** A meeting between the rater and the member being rated shall be held approximately midway (182 days) through the annual employee evaluation period.
- **Reviewer/Rater Meeting - Stage 3:** Immediately upon the close of the annual employee evaluation period, the reviewer and rater shall meet to discuss the rating for each member under the rater's authority.
- **Final Rating Review Meeting - Stage 4:** A meeting between the rater and the employee being rated, shall be held within twenty-one (21) days of the end of the current annual employee evaluation period.

**A. PRE-EVALUATION MEETING - STAGE 1**

1. At the beginning of the annual employee evaluation period, each rater shall meet with the employee being rated, review the current position description and the associated performance factors which comprise the rating. The rater shall accurately describe the levels of competency expected, and explain the four levels of possible rating for each category.

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The Massachusetts State Police takes great pride in the ability of its members to perform their respective duties in a competent and professional manner. The Massachusetts State Police further believes that in order to maintain its high level of service, it must constantly review and evaluate the performance of its members. For that reason, it has implemented the Employee Evaluation System (hereafter referred to as EES.)

The principal purpose of the (EES) is to measure the performance of each employee and evaluate the competence of employees in the ranks of Trooper through Captain, based upon pre-determined standards of performance. The system is not intended to compare one member to another member, but rather to evaluate all members on an individual basis. The EES is designed to provide each member with a reliable and objective assessment of his/her performance.

The Department recognizes that some members may exceed the acceptable level of competence, while other members may fail to meet an acceptable level of competence.

The principal objectives of the EES are:

1. To set performance expectations for members of the Department;
2. To identify strengths and weaknesses as a basis for planning assignments and for determining the need for training;
3. To ensure that performance, either positive or negative, is properly documented;
4. To provide for timely correction of poor performance through proper leadership and instruction; and
5. To provide for the continuing enhancement of employee performance through proactive supervision.

In order to properly evaluate performance, a member's performance shall be based on observable accomplishments, or lack thereof.

**Massachusetts State Police****Employee Evaluation System - January 2003**

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2. The intent of this meeting is to ensure that the employee fully understands the supervisor's performance expectations and rating methodology.
3. At the conclusion of the pre-evaluation stage, both the rater and the member shall initial and date the performance evaluation form indicating that the pre-evaluation stage was completed and levels of performance were explained.

**B. PROGRESS REVIEW MEETING - STAGE 2**

1. Approximately midway (182 days) into the annual employee review period, the rater shall meet with the member being rated and review his/her progress towards attaining the acceptable levels of competency for all factors.
2. At the completion of the Progress Review Meeting, both the rater and the member being rated shall initial and date the performance evaluation form indicating that the rater discussed the member's current progress for all factors.
  - If the member being rated refuses to initial the form, the rater shall indicate in the appropriate location "refused to initial."

**C. REVIEWER \ RATER MEETING - STAGE 3**

1. The rater and reviewer shall meet as soon as possible after the annual employee evaluation period, but prior to the Final Rating Review Stage, to discuss the evaluations given to each member.
  - There must be joint agreement between the reviewer and the rater regarding the final rating level for each member being reviewed.
  - If the reviewer and the rater cannot agree on a rating, then both the rater and the reviewing officer shall meet with the reviewer's supervisor who shall, after consultation with the rater and reviewer, attempt to reach a compromise rating. If this cannot be accomplished, the reviewer's supervisor shall make the final rating.
2. The reviewer shall sign and date the member's evaluation form at the end of the Reviewer\Rater Stage.

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**D. LEVELS OF RATING**

- **Outstanding**      This rating is issued when results are achieved on a consistent basis and significantly surpass acceptable levels of competency. An outstanding rating may be issued for one or more factor(s).  
  
(1) Whenever this rating is given, the rater must include, for each outstanding received, a supporting statement explaining why the ratee has been given the Outstanding rating. This statement may be typed on the rear of the evaluation review form or attached in To\From format.
  
- **Acceptable**      This rating is issued when the member meets the acceptable levels of competency. An acceptable rating may be issued for one or more factor(s). It is anticipated that the majority of ratings will be in this category.
  
- **Needs Improvement**      This rating is issued if the member occasionally falls below the acceptable level of competency. Needs Improvement may be issued for one or more factor(s).  
  
(1) Whenever this rating is given, the rater must include, for each needs improvement received, a supporting statement explaining why the ratee has been given the Needs Improvement rating. This statement may be typed on the rear of the evaluation review form or attached in To\From format.
  
- **Unacceptable**      This rating is issued if the member's performance fails to meet the acceptable level of competency, and if, after counseling, the member has failed to improve his/her performance for one or more factors.  
  
(1) Whenever this rating is given, the rater must include, for each unacceptable received, a supporting statement explaining why the ratee has been given the Unacceptable rating. This statement may be typed on the rear of the evaluation review form or attached in To\From format.

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**E. FINAL RATING REVIEW MEETING - STAGE 4**

1. The rater shall meet with the member being rated within twenty-one (21) calendar days of the end of the annual employee evaluation period to discuss the member's annual rating for each factor.
  - The member being rated shall be notified, either orally or in writing, at least two (2) calendar days in advance of the meeting.
2. The member shall be provided with a copy of the annual evaluation review form at the time of the meeting.
3. During the final review meeting, the rater shall discuss with the member the overall evaluations given for each performance factor.
  - The member shall be allowed to present information (oral and written) relative to his/her opinions of the ratings provided.
  - At the conclusion of the meeting, the rater and the member shall sign and date the form.
  - If the member refuses to sign the form, the rater shall print in the member's signature block "Refused to Sign."
4. The completed rating form shall be submitted to the EES Coordinator no later than thirty (30) days following the annual evaluation period.

**F. PROBATIONARY EMPLOYEES**

1. There will be three evaluation phases for members during their first year of employment:
  - a.) At the conclusion of formal training (State Police Academy), an evaluation shall be completed by staff personnel and reviewed by the Academy Commandant or designee.
    - A copy shall be placed in the Trooper's Transit File.
    - The original shall be forwarded to the Department EES Coordinator.
  - b.) During the member's break-in period, the Field Training Observation (FTO) evaluation form shall be used.
  - c.) Thirty (30) days prior to the end of the probationary year the probationary employee's Division Commander shall make a final recommendation to the Superintendent as follows:



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Employee Evaluation System - January 2003

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- retain the employee;
  - continue employment for the purpose of further training; or,
  - terminate the employee.
2. The Superintendent shall make the determination to retain, terminate or continue employment for the purpose of additional training. A copy of all decisions involving probationary employees shall be forwarded to the Department EES Coordinator.

### **G. TRANSFERS**

1. In the event that a member is permanently or temporarily transferred to a new assignment, his/her Fact File shall be administratively forwarded to his/her new assignment.
- If the new position involves the same, and/or substantially the same duties, the existing review form shall continue to be used. The rater shall conduct a Pre-Evaluation Meeting to advise the member being rated of the current position description and the associated performance factors which shall be used to comprise the rating.
  - If the new position involves substantially different duties, a new review form shall be prepared by the member's new rater within seven (7) days of the transfer. The rater shall conduct a Pre-Evaluation Meeting to advise the member being rated of the current position description and the associated performance factors which shall be used to comprise the rating.

### **H. PROMOTIONS**

1. In the event that a member is promoted, the current rating material shall be administratively forwarded to the member's new commanding officer and shall be maintained as a portion of the member's file. A new review form for the applicable position shall be prepared by the member's commanding officer within seven (7) days of the promotion.
2. The rater shall conduct a Pre-Evaluation Review to advise the member being rated of the current position description and the associated performance factors which shall be used to comprise the rating.

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## **I. WORK IMPROVEMENT PLAN**

1. A member who is performing at an unacceptable level may be subject to a Work Improvement Plan.
  - The Work Improvement Plan shall be developed by the rater in conjunction with the reviewer and shall set forth specific performance expectations for the categories in which the member is performing at an unacceptable level.
  - The Work Improvement Plan must be approved by the appropriate Division Commander.
  
2. The Work Improvement Plan shall include the following:
  - Specific explanation(s) of the performance which fails to meet acceptable levels of competency;
  - An explanation of what the member must do in order to achieve performance expectations;
  - Any training required (formal or on-the-job) to assist the member to meet or exceed the acceptable level of competency for the performance factor(s) in question;
  - The time period the member has to improve his/her performance (90 days);
  - A statement that failure to meet acceptable levels of competency shall result in a final rating of Unacceptable;
  - A statement that unacceptable work performance is cause for corrective or disciplinary action, which could include reassignment, transfer, removal from special duties, charges or demotion, and
  - The Work Improvement Plan shall be developed and initiated, even if the member is appealing his/her evaluation.
  
3. The rater, reviewer and member shall all be given a copy of the Work Improvement Plan.
  - The rater, reviewer and member must sign the Work Improvement Plan prior to implementation.
    - (a) If the member refuses to sign the Work Improvement Plan, the rater shall indicate in the member's signature block that the member refused to sign.
    - (b) The refusal of a member to sign the Work Improvement Plan shall not impede or delay the implementation of said plan.

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4. The re-evaluation period for the Work Improvement Plan shall be a ninety (90) day period.
  - If the member is absent for more than fourteen (14) cumulative days during the re-evaluation period, the length of the re-evaluation shall be extended by the total number of days absent.
5. A copy of the Work Improvement Plan shall be forwarded to the EES Coordinator for inclusion into the member's file.

**J. DISTRIBUTION OF FINAL EVALUATION**

- A. Upon completion of the annual evaluation, the original form shall be forwarded within 30 days, through channels, to the Departmental EES - Coordinator and filed in the member's EES folder.
- B. One copy of the form shall be maintained in the member's Fact File.
- C. One copy shall be given to the member.

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**Section 2**  
**REMEDIAL ACTION**

In the event that the performance level of a member being rated in any one specific factor requires that s/he be counseled three or more times during the annual employee evaluation period, the rater and the member being rated shall appear before the rater's immediate supervisor for the purpose of additional counseling.

In the event that the performance level of a member being rated in any one specific performance factor during the annual employee evaluation period does not improve after being counseled by the rater's supervisor, the member being rated shall be notified in writing to appear before the appropriate Division Commander for the purpose of remediation or action. The remedial action may include any action deemed appropriate by the Division Commander in accordance with the Rules and Regulations or Policies and Procedures of the Department. A copy of the written order to appear and instructions for remedial action (if any) shall be forwarded to the Department EES - Coordinator for inclusion in the member's EES file.

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**Section 3**  
**APPEAL PROCESS**

**A. APPEAL TO THE REVIEWING OFFICER**

- (1) If a member is aggrieved by a rating in one or more categories, the member may, within ten (10) days of the Final Rating Review Meeting, request in writing to meet with the reviewer to discuss the ratings issued by the rater.
  
- (2) Within twenty-one (21) days of the written request to meet with the reviewer, the reviewer shall meet with the rater and member to discuss the ratings given for any performance factor in question.
  - A decision on any possible changes in the review shall be made at the time of the appeal.
  - If, after the appeal, the reviewer chooses to change a rating for any performance factor, both the reviewer, rater and the member shall initial the changes made.
  - The member shall have the right to include written comments which shall be included with his/her rating.

**B. APPEAL TO THE COLONEL/SUPERINTENDENT**

If a member is aggrieved by the decision of the reviewer, the member may file an appeal, in writing, to the Colonel/Superintendent within ten (10) days of the decision rendered at the appeal to the Reviewing Officer.

- (1) Within twenty-one (21) days of receipt of the appeal, the Colonel/Superintendent shall establish a three member board consisting of staff/commissioned officers.
  
- (2) The Board shall review all written documentation and shall consult with the member who filed the appeal, the rater and the reviewer.
  - Within twenty-one (21) days of receipt of the appeal, the Board shall submit a written recommendation to the Superintendent.

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(3) The Superintendent shall review the Board's recommendations and take appropriate action.

A copy of the Superintendent's decision shall be forwarded to:

- The member who filed the appeal;
- The rater;
- The reviewer;
- The member's Station/Section/Unit Commander; and
- The appropriate Division Commander.

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**Section 4**  
**MEMBER / RATER / REVIEWER DEFINITIONS**  
**RESPONSIBILITIES**

**DEFINITIONS**

**Member**

A sworn member of the Department who is rated by supervisory personnel assigned by a Division/Troop Commander.

**Rater**

An employee/member of the Department who evaluates the performance of subordinate personnel. The rater is assigned by the Division/Troop Commander.

**Reviewer**

The rater's immediate supervisor (or other person designated by the Division Commander).

**Reviewer's Supervisor**

The reviewer's supervisor, or other person designated by the Division Commander.

**EES Coordinator**

Member appointed by the Colonel/Superintendent.

**RESPONSIBILITIES**

**Rater**

Pursuant to Section 1 of this manual, it is the responsibility of the rater to:

1. Conduct a Pre-Evaluation Meeting with all members they have been assigned to rate;
2. Conduct a Progress Review Meeting with all members they have been assigned to rate;
3. Meet with the reviewer to discuss the final ratings;
4. Conduct a Final Rating Review Meeting with all members they have been assigned to rate;
5. Fairly and objectively evaluate the performance of all members they have been assigned to rate; and

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6. Document by means of a "Supervisory Observation Report" all activities of members which exceed or fall below standard levels of competency established in this manual.

**Reviewer**

Pursuant to Section 1 of this manual, it is the responsibility of the reviewer:

1. To conduct a Reviewer/Rater Meeting to review the final ratings proposed by the rater for all employees the rater has been assigned to evaluate.
2. To fairly and objectively consider the ratings proposed by the rater for all employees the rater has been assigned to evaluate.

**Reviewer's Supervisor**

Pursuant to Section 1 of this manual, it is the responsibility of the reviewer's supervisor to:

1. Arbitrate, after consultation with the rater and the reviewer, any disagreements in the level(s) of ratings for any member that the rater and reviewer cannot agree.
2. Make a final rating decision on a member if the rater and the reviewer, after consulting with the reviewer's supervisor, cannot agree on a rating for a member.

**Department EES Coordinator**

It is the responsibility of the EES Coordinator to maintain all permanent records of all EES reviews.



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**Section 5**  
**OBSERVATION OF PERFORMANCE**  
**(Fact File)**

1. Valid performance evaluations require a systematic observation and recording of an employees work behavior. In order to properly evaluate a member's performance, observations of a member's work should occur on a daily basis, or as frequently as possible. The observations shall include, but not be limited to the performance factors listed below under:
  - Section 6 (Basic Performance Factors);
  - Section 7 (Specific Performance Factors):
    - Police Managers
    - Police Supervisors
    - Troopers
  - Section 8 (Specialized Personnel)
    - Technical Support Personnel
    - Support Personnel
    - Supplemental Personnel

To achieve a proper evaluation, each supervisor shall spend an appropriate amount of time with each member he/she rates during the evaluation period to observe the member's performance.

2. To this end, all raters must keep a "Fact File" for all members whom they directly supervise. The Fact File should contain brief notations, performance notices (Supervisory Observation Report) and other documentation such as reports and correspondence that note specific examples of an employee's work performance. Material contained in the Fact File shall be directly related to the factors listed on the member's Performance Report form.
3. Whenever a supervisor makes a notation or Supervisory Observation Report for submission into a member's Fact File, said supervisor shall discuss the entry with the affected member.
  - The Supervisory Observation Report should be used to note either commendable performance\behavior, or performance\behavior which requires improvement.
  - Employees should be made aware of the observations when they are being documented or as close to that time as possible.

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- Notification of negative observations should be made to the employee contemporaneously (or without unnecessary delay) to the incident.
  - Pertinent discussions related to work performance shall be documented in writing, utilizing the Supervisory Observation Report, and a copy shall be given to the member.
4. The Fact File shall also contain a copy of all prior official evaluations.
5. Informal observations for the current evaluation period shall be maintained in the Fact File. Unless there is an ongoing appeal to a final evaluation, all informal observations shall be purged from the Fact File within 30 days of the close of the previous evaluation period.
6. Fact Files shall be confidential and secured at all times, and shall be kept:
- At the member's Division\Troop\Station\Section\Unit;
  - Separate from all other files;
  - Accessible to all supervisors assigned to that particular Division\Troop\Station\Section\Unit;
  - Accessible to Staff Inspectors;
  - Accessible to the member by request through his\her supervisor(s).
- (a) The member may only view the file in the presence of a supervisor.
7. Upon transfer or promotion, the Fact File shall be administratively transferred to the member's new duty assignment.

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## Section 6

### BASIC PERFORMANCE FACTORS

The basic performance factors for the EES are established as a method of evaluating a member's overall general skills. The five factors listed below are areas of performance which every member of the Department utilizes on a regular basis.

#### Knowledge/Compliance/Application of Policy & Procedures, Rules & Regulations Statute Law, Orders and Directives

The member must clearly demonstrate an ability to understand and conform to all Departmental Rules and Regulations, Policies and Procedures, Orders and Directives. It is the member's responsibility to ensure that all manuals relating to said Rules and Regulations, Policies and Procedures, and Orders and Directives are current and complete. The member must also possess a knowledge and understanding of the laws of the Commonwealth and, must enforce them in a fair and impartial manner.

#### Follows Oral and Written Direction of Supervisors

The member must demonstrate an ability to receive, interpret and understand oral and written instructions. The member must display a capability to comply with all directions and complete all assigned tasks within established time constraints. The member should demonstrate an ability to seek to resolve any ambiguity or confusion which may exist about an order or direction given by a supervisor.

#### Oral / Written Communication Skills

This factor deals with the member's ability to exchange information with others clearly and concisely, and to provide information to others in a timely manner both within and outside the organization. The member must possess and demonstrate an ability to communicate with others in both oral and written form. Written reports must be prepared utilizing approved Department format and must be neat, grammatically correct and contain no spelling errors.

#### Initiative and Dependability

This factor deals with a member's demonstrated ability to initiate work without specific instructions from a supervisor, and to be self-motivated. It also relates to the reliability of the member to be conscientious and responsible in the normal performance of duties. The member should be adaptable and self-reliant when confronted with unique situations. The member should

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require minimum supervision.

**Cooperation / Interpersonal Skills**

The member should exhibit an ability to interact with others. The member should recognize and understand the importance of the opinions of others. The member should seek to make the best possible impression in all applicable situations. The member should attempt to work harmoniously and effectively with others to achieve common goals.

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**Section 7**  
**SPECIFIC PERFORMANCE FACTORS**

The specific performance factors for the EES Program are established as a method of evaluating a member's skills in areas that are particular to that member's rank or assignment within the Department.

**Police Managers**  
**(Captain - Detective Lieutenant - Lieutenant)**

**Management Ability**

This factor deals with the manager's ability to plan, assign and direct the functions of officers and civilian employees within the manager's span of control. The manager must demonstrate an ability to monitor the work of subordinates to ensure that their assigned tasks are completed in an accurate and timely manner. The manager must demonstrate an ability to delegate responsibility to subordinate supervisors for the purpose of promoting, evaluating and developing their leadership skills and capabilities. The manager must also demonstrate an ability to effectively evaluate the work performance of subordinates through the use of the Employee Evaluation System.

**Analytical Ability**

This factor deals with the manager's ability to identify issues which may affect the personnel s/he commands, or the community they serve, conduct an effective analysis, evaluate possible options, identify the most effective choices and prepare plans for implementation. The manager, when reviewing proposals from subordinates, must display an ability to evaluate the validity of the issues, establish identifiable criteria and assess potential consequences prior to authorizing application.

**Contribution to the Goals and Objectives of the Department / Division**

This factor deals with the manager's ability to understand the goals and objectives of the Department and/or Division, and to ensure that all personnel under his/her command seek to attain those goals. The manager should establish Section/Unit goals which are consistent with and compliment the Department's or Division's goals and objectives. Individual Section/Unit goals should be clearly defined and realistically attainable. The manager should demonstrate an ability to be adaptable to changing priorities.



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**Human Relationship Skills**

This factor deals with the manager's skills and abilities to effectively relate to individuals both on a professional and personal basis. The manager should display an ability to be alert to individual and group behavior which may be symptomatic of a developing problem and take appropriate action to remedy the problem before it becomes a serious issue. The manager should display an ability to relate to subordinates on both a formal and informal basis. The manager should encourage open and honest communication.

**Administrative Abilities**

This factor deals with the manager's ability to effectively and efficiently conduct the administrative functions of his/her Departmental entity. The manager should display an ability to effectively manage time. The manager should demonstrate the capability to analyze tasks, and in the absence of specific instructions, to prioritize and delegate workload. The manager should demonstrate the ability to monitor on-going and time sensitive matters to ensure proper completion.

**Police Supervisors**  
(Sergeants)

**Supervisory Skills**

This performance factor deals with a sergeant's ability to maintain order in their command and maintain a disciplined work unit which achieves its goals and objectives. This factor also deals with the sergeant's ability, in the absence of higher command, to perform the duties of a shift supervisor by conducting roll calls, assigning patrol routes or delegating case investigations. This factor also deals with the sergeant's ability to monitor and supervise subordinate personnel while performing their respective duties.

**Motivational Skills**

This performance factor deals with a sergeant's demonstrated ability to motivate subordinate personnel by assessing individual member's skills, make appropriate recommendations for improvement, and encourage individual and group initiative in order to improve the quality and methods of work. This factor also deals with the sergeant's ability to effectively set ambitious but attainable goals.

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**Leadership Qualities**

This performance factor deals with a sergeant's demonstrated ability to effectively evaluate the performance of subordinate personnel. The sergeant must demonstrate an ability to effectively exercise authority. The sergeant must also demonstrate an ability to delegate tasks and authority as required. This factor also deals with the sergeant's ability to effectively lead his/her personnel, and take appropriate corrective action when required.

**Time Management Skills**

This function deals with a sergeant's demonstrated ability to effectively manage his/her time to ensure that all delegated tasks and assignments are completed within prescribed time limits. The sergeant must be able to prioritize tasks and be capable of delegating workloads to subordinate personnel when required. This factor also deals with a sergeant's ability to understand Department Rules and Regulations, Policies and Procedures, and implement strategies to ensure that all mandated reports and investigations are completed within prescribed time limits. The sergeant must also be able to allot significant time to monitor the work of subordinate personnel.

**Acceptance of Responsibility**

This factor deals with a sergeant's willingness to accept responsibility and to be accountable for the performance of subordinates under his/her command. It also deals with the sergeant's knowledge of the duties performed by commanding officers within his/her Troop/Section/Unit, and a willingness to perform those duties in the absence of said commanding officer.

## **Troopers**

**Patrol / Investigative Ability**

This factor deals with the trooper's ability to perform a comprehensive and effective patrol of a sector as assigned by supervisory authority. The member must display a knowledge of the roadways and significant business establishments (banks, hospitals, utilities, water resources, etc.) within the assigned sector. When assigned to conduct investigations, both criminal or motor vehicle, the member must display a knowledge of proper investigative and evidence processing procedures. The member must also possess the necessary skills to provide necessary medical assistance as required.



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**Investigative Case Management:**

This factor deals with the trooper's ability to accurately and thoroughly investigate assigned cases to a successful conclusion. It also deals with the trooper's ability to recognize and document all of the elements of an offense properly. The trooper should effectively utilize time and available resources. The trooper should also plan and organize his/her work load effectively.

**Administrative Ability**

This performance factor deals with the trooper's ability to properly conform to all administrative requirements of the Department. The member must accurately and entirely complete all required reports within time limits established by the Rules and Regulations, Policies and Procedures or other proper authority. The member's work must be properly organized and correctly forwarded or filed.

**Court Presentation**

This performance factor deals with the trooper's ability to properly prepare case material and related documents for use in court testimony. The trooper should appear at the appropriate court on time, and work in conjunction with the Department Court Officer and/or Assistant District Attorney. This factor also deals with the trooper's ability to effectively present evidence in court.

**Police/Community Relations**

This performance factor deals with the trooper's demonstrated ability to successfully interact with other law enforcement agencies on a local, state and federal level to achieve mutually desired goals. It also deals with the member's ability to work with individuals and community groups to address issues of concern which are brought to the Department's attention. This may be accomplished by targeting areas of disorder or by visiting businesses to furnish information about crime prevention. This factor also deals with the members ability to process relevant information in seeking to solve problems while working towards the attainment of Departmental goals and objectives.

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**Section 8**  
**SPECIALIZED PERSONNEL**  
**Technical Support Personnel**

Commanding Officers of those members of the Department who are assigned to Sections\Units that fall under the Technical Support category (refer to list on page 28) are required to prepare the criteria for the five Specific Performance Factors for the personnel under their command. Said Specific Performance Factors must be approved by the appropriate Division Commander.

**Support Personnel**

Commanding Officers of those members of the Department who are assigned to Sections\Units that fall under the Support category (refer to list on page 27) are required to prepare the criteria for the five Specific Performance Factors for the personnel under their command. Said Specific Performance Factors must be approved by the appropriate Division Commander.

**Supplemental Personnel**

Commanding Officers of those members of the Department who are assigned to Sections\Units that fall under the Supplemental category (refer to list on pages 27) are required to prepare the criteria for the five Specific Performance Factors for the personnel under their command. Said Specific Performance Factors must be approved by the appropriate Division Commander.

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**Section 9**  
**OBSERVATIONS SUBMITTED FOR**  
**AWARDS NOMINATION**

1. Any supervisor of the Department may nominate a member for awards recognition under the Employee Evaluation System by following the procedures outlined in General Orders, ADM-10 (*Procedures for Awards Nomination*).
2. At the end of a rating period, a rater may nominate a ratee for awards recognition by completing the EES form and checking the block ( *forwarded for awards consideration*  ) at the bottom of the evaluation form. Sufficient documentation to support the nomination should accompany or be included on the evaluation form.

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**Section 10**  
**DEFINITIONS**

**Fact File**

- A file which contains performance and activity reports, supervisory observation reports, notes, letters, etc. relating to an employee's performance.

**Informal Observation**

- Notes or written comments by supervisory personnel that do not rise to the level of a Supervisory Observation Report.

**Performance Factor**

- Statements that describe the level of competency which members are expected to achieve.

**Rater**

- The member's immediate supervisor, or employee designated by the Division Commander to monitor and evaluate a member's job performance.

**Reviewer**

- The rater's immediate supervisor, or a person designated by the Division Commander who reviews a member's annual evaluation, and arbitrates conflicts between the rater and the member, specifically related to annual evaluation.

**Performance Period**

- A calendar year, (365 day) evaluation period.

**Progress Review**

- A formal or informal meeting where the rater and member being rated discuss the member's progress towards meeting his/her level of competency for all factors. This meeting occurs approximately  $\frac{1}{2}$  way (182 days) into the current annual employee review period.

**Performance Evaluation**

- The official determination of an employee's level of competency.

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**Supervisory Observation Report**

- A standardized form that appraises a member of his/her performance, given at the time it occurs (or as close as practical to the time of occurrence.) A copy is given to the employee and the original is entered into the member's Fact File.

**Performance Report Document**

- A To-From, written in lieu of a Supervisory Observation Report, that documents in an informal manner, incidents that a supervisor believes should be included in a member's performance file.

**Transit File**

- The Fact File which initiates at the State Police Academy while the member being rated is a trainee. It shall be administratively transferred to the trainee's first assignment upon graduation from the Academy, and used throughout his/her probationary period.

**Work Improvement Plan**

- A written document developed by the rater in conjunction with the reviewer which sets forth specific performance expectations for the categories in which a member is performing at an unacceptable level.

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**Section 11**  
**POSITIONS & TITLES FOR**  
**SPECIFIC PERFORMANCE FACTORS**

**Police Manager**

- Captain
- Detective Lieutenant
- Lieutenant

**Police Supervisor**

- Sergeant

**Troopers**

- Asset Forfeiture Unit
- Attorney General's Office
- Behavioral Science Unit
- Cold Case Unit
- Disabled Person's Protection Unit
- District Attorney's Detectives
- Division of Field Services
- Financial Crimes Unit
- Fire Marshal's Office
- Gang Unit
- Governor's Auto Theft Strike Force
- Narcotics Section
- Racing Commission
- Special Services Section
- State Office of Investigations
- Violent Fugitive Apprehension Squad

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**Supplemental Personnel**

- Affirmative Action Section
- Armorer
- Audit Unit
- Certification Unit (\* all personnel)
- Community Services Unit
- Court Officer
- DARE
- Detail Officer
- Domestic Violence Unit
- Employment & Recruitment Unit
- Fleet Section
- Harassment Investigation Unit (\* all personnel)
- Internal Affairs Section (\* all personnel)
- Legal Section
- Publications Unit
- Public Information Section
- Special Assignment Unit
- Staff Inspections Section (\* all personnel)
- Troop Clerk

**Support Personnel**

- Affirmative Action Section
- Air Wing
- Criminal Information Section
- Emergency Management Section
- Facilities Management Section
- Marine Section
- Mounted Unit
- MSBI - AFIS
- Research & Development Section (\* all personnel)
- State Police Academy
- Traffic Programs Section

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**Technical Support Personnel**

- Ballistics Section
- Commercial Driver Licensing Section
- Commercial Vehicle Enforcement Section
- Compliance Unit
- Crime Scene Services
- Equipment Training & Maintenance Unit
- Polygraph Unit (\* all personnel)
- Salvage Title Section
- Vehicle Services Section



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**Section 12**  
**AUTHORITY & INTERPRETATION**

1. The *Commanding Officer* of the Division of Standards & Training is responsible for the official interpretation of the Employee Evaluation System.
2. Questions regarding the application of this system, or the feasibility of rating members on specialized assignments, extended sick leave, injured leave, or other leaves, should be directed to the Departmental EES - Coordinator.





# MASSACHUSETTS STATE POLICE

Name:	Cycle Period: From _____ To _____	O U T S T A N D I N G A C C E P T A B L E N E E D S I M P R O V E M E N T U N A C C E P T A B L E
ID #:	Date Evaluation Meeting Completed:	
Title: <b>POLICE MANAGER</b>	Employee's Initials:	
Assignment:	Supervisor's Initials:	
Division / Troop:	Date Progress Review Meeting Held:	
Time with Present Assignment:	Employee's Initials:	
	Supervisor's Initials:	

### BASIC PERFORMANCE FACTORS

1. Knowledge\Compliance\Application of Policy & Procedures, Rules & Regulations, Statute Law, Orders and Directives			
2. Follows Oral and Written Direction of Supervisors			
3. Oral / Written Communication Skills			
4. Initiative and Dependability			
5. Cooperation / Interpersonal Skills			

### SPECIFIC PERFORMANCE FACTORS

1. Management Ability Skills			
2. Analytical Ability			
3. Contribution to the Goals and Objectives of the Department / Division			
4. Human Relationship Skills			
5. Administrative Abilities			

(1.) Factors are abbreviated, please refer to your booklet. (2.) For rating definitions please refer to your booklet.

Comments:

Request to consult with reviewer       Request to appeal       Forwarded for awards consideration

Ratee's Signature: _____	Date: _____
Rater's Signature: _____	Date: _____
Reviewer's Signature: _____	Date: _____

Copies to: (a.) Employee (b.) Supervisor (c.) EES Coordinator

FILE NAME:POLMAN.FRM





# MASSACHUSETTS STATE POLICE

Name:	Cycle Period: From _____ To _____	O U T S T A N D I N G A C C E P T A B L E N E E D S I M P R O V E M E N T U N A C C E P T A B L E
ID #:	Date Evaluation Meeting Completed:	
Title: <b>POLICE SUPERVISOR</b>	Employee's Initials:	
Assignment:	Supervisor's Initials:	
Division / Troop:	Date Progress Review Meeting Held:	
Time with Present Assignment:	Employee's Initials:	
	Supervisor's Initials:	

## BASIC PERFORMANCE FACTORS

1. Knowledge/Compliance/Application of Policy & Procedures, Rules & Regulations, Statute Law, Orders and Directives			
2. Follows Oral and Written Direction of Supervisors			
3. Oral / Written Communication Skills			
4. Initiative and Dependability			
5. Cooperation / Interpersonal Skills			

## SPECIFIC PERFORMANCE FACTORS

1. Supervisory Skills			
2. Motivational Skills			
3. Leadership Qualities			
4. Time Management Skills			
5. Acceptance of Responsibility			

(1.) Factors are abbreviated, please refer to your booklet. (2.) For rating definitions please refer to your booklet.

Comments:

Request to consult with reviewer  Request to appeal  Forwarded for awards consideration

Ratee's Signature:	Date:
Rater's Signature:	Date:
Reviewer's Signature:	Date:

Copies to: (a.) Employee (b.) Supervisor (c.) EES Coordinator

FILE NAME: SUPERVISOR.FRM



# MASSACHUSETTS STATE POLICE

Name:	Cycle Period: From _____ To _____	O U T S T A N D I N G	A C C E P T A B L E	N E E D S	I M P R O V E M E N T	U N A C C E P T A B L E
ID #:	Date Evaluation Meeting Completed:					
Title: <b>TROOPER</b>	Employee's Initials:					
Assignment:	Supervisor's Initials:					
Division / Troop:	Date Progress Review Meeting Held:					
Time with Present Assignment:	Employee's Initials:					
	Supervisor's Initials:					

### BASIC PERFORMANCE FACTORS

1. Knowledge/Compliance/Application of Policy & Procedures, Rules & Regulations, Statute Law, Orders and Directives				
2. Follows Oral and Written Direction of Supervisors				
3. Oral / Written Communication Skills				
4. Initiative and Dependability				
5. Cooperation / Interpersonal Skills				

### SPECIFIC PERFORMANCE FACTORS

1. Patrol / Investigative Ability				
2. Investigative Case Management				
3. Administrative Ability				
4. Court Presentation				
5. Police / Community Relations				

(1.) Factors are abbreviated, please refer to your booklet. (2.) For rating definitions please refer to your booklet.

Comments:

Request to consult with reviewer  Request to appeal  Forwarded for awards consideration

Ratee's Signature:	Date:
Rater's Signature:	Date:
Reviewer's Signature:	Date:

Copies to: (a.) Employee (b.) Supervisor (c.) EES Coordinator

FILE NAME:TROOPER.FRM



# MASSACHUSETTS STATE POLICE

Name:	Cycle Period: From _____ To _____	OUTSTANDING ACCEPTABLE NEEDS IMPROVEMENT UNACCEPTABLE
ID #:	Date Evaluation Meeting Completed:	
Title: <b>SUPPLEMENTAL PERSONNEL</b>	Employee's Initials:	
Assignment:	Supervisor's Initials:	
Division / Troop:	Date Progress Review Meeting Held:	
Time with Present Assignment:	Employee's Initials:	
	Supervisor's Initials:	

## BASIC PERFORMANCE FACTORS

1. Knowledge\Compliance\Application of Policy & Procedures, Rules & Regulations, Statute Law, Orders and Directives				
2. Follows Oral and Written Direction of Supervisors				
3. Oral / Written Communication Skills				
4. Initiative and Dependability				
5. Cooperation / Interpersonal Skills				

## SPECIFIC PERFORMANCE FACTORS

1.				
2.				
3.				
4.				
5.				

(1.) Factors are abbreviated, please refer to your booklet. (2.) For rating definitions please refer to your booklet.

Comments:

Request to consult with reviewer  Request to appeal  Forwarded for awards consideration

Ratee's Signature:	Date:
Rater's Signature:	Date:
Reviewer's Signature:	Date:

Copies to: (a.) Employee (b.) Supervisor (c.) EES Coordinator

FILE NAME: SUPPLEMENTAL.FRM



# MASSACHUSETTS STATE POLICE

Name:	Cycle Period: From _____ To _____	OUTSTANDING ACCEPTABLE NEEDS IMPROVEMENT UNACCEPTABLE
ID #:	Date Evaluation Meeting Completed:	
Title: <b>SUPPORT PERSONNEL</b>	Employee's Initials:	
Assignment:	Supervisor's Initials:	
Division / Troop:	Date Progress Review Meeting Held:	
Time with Present Assignment:	Employee's Initials:	
	Supervisor's Initials:	

## BASIC PERFORMANCE FACTORS

1. Knowledge/Compliance/Application of Policy & Procedures, Rules & Regulations, Statute Law, Orders and Directives			
2. Follows Oral and Written Direction of Supervisors			
3. Oral / Written Communication Skills			
4. Initiative and Dependability			
5. Cooperation / Interpersonal Skills			

## SPECIFIC PERFORMANCE FACTORS

1.			
2.			
3.			
4.			
5.			

(1.) Factors are abbreviated, please refer to your booklet. (2.) For rating definitions please refer to your booklet.

Comments:

Request to consult with reviewer  Request to appeal  Forwarded for awards consideration

Ratee's Signature:	Date:
Rater's Signature:	Date:
Reviewer's Signature:	Date:

Copies to: (a.) Employee (b.) Supervisor (c.) EES Coordinator

FILE NAME: SUPPORT.FRM





# MASSACHUSETTS STATE POLICE

Name:	Cycle Period: From _____ To _____	OUTSTANDING ACCEPTABLE NEEDS IMPROVEMENT UNACCEPTABLE
ID #:	Date Evaluation Meeting Completed:	
Title: <b>TECHNICAL SUPPORT</b>	Employee's Initials:	
Assignment:	Supervisor's Initials:	
Division / Troop:	Date Progress Review Meeting Held:	
Time with Present Assignment:	Employee's Initials:	
	Supervisor's Initials:	

### BASIC PERFORMANCE FACTORS

1. Knowledge/Compliance/Application of Policy & Procedures, Rules & Regulations, Statute Law, Orders and Directives			
2. Follows Oral and Written Direction of Supervisors			
3. Oral / Written Communication Skills			
4. Initiative and Dependability			
5. Cooperation / Interpersonal Skills			

### SPECIFIC PERFORMANCE FACTORS

1.			
2.			
3.			
4.			
5.			

(1.) Factors are abbreviated, please refer to your booklet. (2.) For rating definitions please refer to your booklet.

Comments:

Request to consult with reviewer  Request to appeal  Forwarded for awards consideration

Ratee's Signature:	Date:
Rater's Signature:	Date:
Reviewer's Signature:	Date:

Copies to: (a.) Employee (b.) Supervisor (c.) EES Coordinator

FILE NAME: TECHNICAL.FRM





# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>PRI-01</b>
Subject <b>Warrant Management</b>	

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**Policy** Department members shall utilize established warrant management systems in accordance with the guidelines established by this policy as well as state and federal laws.

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**Definitions** *Commonwealth's Criminal History Systems Board (CHSB):* The state agency responsible for maintaining law enforcement data communications network and systems.

*Criminal Justice Information System (CJIS):* A computerized system of criminal justice information, available twenty-four (24) hours a day and managed by the CHSB.

*Interstate Identification Index (III):* Triple III is an interstate exchange of criminal history record information maintained by the FBI.

*National Crime Information Center (NCIC):* Nationwide computerized system of criminal justice information managed by the FBI.

*Warrant Management System (WMS):* Centralized database operated by the Trial Court of the Commonwealth that provides CJIS users with access to court issued arrest warrants.

*Locate:* A computer entry that indicates that the wanted person or item has been apprehended or found.

*Wanting Police Department (WPD):* Primary police agency or Department Station entering a NCIC warrant.

*Criminal Offender Record Information (CORI):* A database of criminal record information where the release is regulated by state and federal laws.

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**CJIS Information** CJIS information shall only be used by law enforcement and criminal justice personnel in the performance of their duties.

Inquiries of a curiosity nature or other types of transactions performed for non-official purposes are strictly prohibited.

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Continued next page.

**CJIS  
Information  
(Continued)**

Members in the lawful performance of their duties may rely in good faith upon the information received from CJIS and the WMS, and are not liable in any criminal prosecution or civil action.

Much of the information in the CJIS computer is codified as CORI, and its dissemination is strictly regulated by law. Employees shall not release information in violation of the CORI laws.

**CJIS  
Representative**

Commanding Officers of each Station/Section/Unit containing a CJIS terminal shall:

- Assign a member as the CJIS Representative; and
- Assign a member as the Backup CJIS Representative.

The CJIS Representative shall:

- Act as the liaison to CHSB regarding CJIS training, validation of warrant information, and password oversight;
- Assist other members in the use of the CJIS System;
- Direct members to the CJIS extranet for additional assistance; and
- Ensure all members are informed of updates, publications, or modifications to the CJIS network.

**Warrant  
Databases**

CJIS warrant information may be found in:

- WMS which contains most of the statewide warrants entered after 1995;
- CJIS/NCIC which contains information on federal, state, and nationwide warrants entered prior to 1995, including in-state parole warrants; and
- The Board of Probation (BOP) record query of an individual that may indicate a default from a court appearance.

A warrant on the WMS shall constitute notice and the printout of the warrant represents a true copy.

**CJIS Inquiries**

The Desk Officer or Dispatcher shall be aware that a WMS inquiry which yields a hit shall be considered probable cause to arrest when the warrant does not indicate recall or locate.

The Desk Officer or Dispatcher shall:

- Verify the warrant hit in CJIS/WMS; and
- Contact the court of issue if the warrant cannot be located.

Continued next page.

Subject <b>Warrant Management</b>	Number <b>PRI-01</b>
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**CJIS Inquiries  
(Continued)**

The Desk Officer or Dispatcher when notified that a person has been arrested on a WMS warrant, shall:

- Place a locate against all CJIS wanted records to indicate that the wanted person has been apprehended; and
- Print a copy of the warrant.

The arresting member shall:

- Give a true copy of the warrant to a prisoner who requests a copy within six (6) hours.

**Court  
Information for  
WMS**

Members making a request for a WMS warrant shall provide a completed warrant application to the court of jurisdiction.

The clerk from the court of jurisdiction is responsible for the entering, recall, and removal of WMS warrants from the system.

**NCIC  
Warrants**

WMS warrants do not automatically enter into NCIC. The Department shall enter NCIC warrants in order to provide out of state access or rendition even when the warrant is located within WMS.

Any felony or serious misdemeanor warrant may be entered when:

- The District Attorney has authorized rendition; or
- For officer safety, licensing, or employment, providing the opening notation in the remarks field is no extradition/rendition (NOEX).

All warrants entered into NCIC shall be in conformance with CJIS/NCIC and Department policy.

NCIC/NOEX warrants entered and maintained by Department entities shall be checked by designated personnel:

- Weekly for recall notices from the courts; and
- Quarterly during the months of January, April, July and October for accuracy and compliance.

NCIC/NOEX warrant file folders shall be kept and maintained by Troop Headquarters or the station of entry as the WPD, and shall contain:

- A copy of the WMS warrant;
- Driver's license information, missing and wanted checks;
- A copy of BOP and Triple III records; and
- Any other pertinent information.

Subject	<b>Warrant Management</b>	Number	<b>PRI-01</b>
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**CJIS or NCIC  
Warrant  
Confirmation**

A CJIS (non-WMS) or NCIC warrant that yields a hit shall not be probable cause to arrest. However, once the warrant is confirmed as active with the entering agency there may be probable cause to arrest.

When the Department receives a hit from CJIS and/or NCIC, an immediate confirmation with the agency that originated the record in the system shall be made before an arrest or seizure is made.

The Desk Officer/Dispatcher shall:

- Contact the agency that originated the record in the system by telephone to confirm the warrant; and
- Confirm the warrant following CJIS procedures.

When a request for confirmation is made for CJIS/NCIC warrants held by the Department, the Desk Officer/Dispatcher shall:

- Locate the original warrant and confirm the information following CJIS procedures ensuring the response back to the requesting agency is performed within:
  1. Ten (10) minutes for an urgent request; or
  2. One (1) hour for a routine request; or
- Cancel the warrant.

**CJIS  
Responsibilities**

Members who use the CJIS network are responsible for:

- Familiarizing themselves with the CJIS and NCIC operating manuals; and
- Maintaining bi-annual CJIS certification.

The name and Department identification (ID) number of the person requesting a BOP or Triple III shall be indicated in the "Requested by" or "Attention" fields.

**Justification for  
BOP / Triple  
III Checks**

Members shall only conduct BOP checks for:

- A history of violence and weapons charges to be disseminated immediately for officer safety;
- An investigation;
- Subjects under arrest; and/or
- Background checks for a legitimate law enforcement purpose.

Members shall only conduct Triple III checks for:

- Legitimate law enforcement purpose;
- Background check for a person applying for employment; and/or
- Background check of a person applying for a Firearms Identification card, or a License to Carry Firearms Permit.

Subject

# Warrant Management

Number

## PRI-01

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### References

MGL c.276, s.11-20, s.23A, s.29  
MGL c.248, s.26  
MGL c.22C, s.10  
MGL c.6, s.167-178

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Promulgated By:



# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>PRI-01A</b>
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Subject	<b>Warrants, Summons, or Subpoenas</b>
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**Policy**

In furtherance of a legitimate law enforcement purpose, members shall serve warrants, summons, or subpoenas once they become aware of their existence, or as otherwise ordered.

**Default Warrants and Bail**

Type of Default Warrant	Bail
Felony or misdemeanor punishable by imprisonment for more than one-hundred (100) days.	Only by a judge of the court that issued the warrant or the court of jurisdiction holding the warrant.
Misdemeanors punishable by imprisonment for one-hundred (100) days or less.	By any person authorized to admit bail.

A subject arrested on a default warrant, who is not released on bail, shall be:

- Transported to the court of jurisdiction where the arrest was made; or
- Transported to the court that issued the warrant.

**Governor's Warrants**

Whenever the Department receives notification that a person wanted by the Department has been arrested in another state as a fugitive from justice:

Step	Action
1.	The Desk Officer receiving such information shall contact the Troop Duty Officer who shall contact the Detective Unit of jurisdiction.
2.	If the District Attorney authorizes the rendition of the subject named in the warrant, the Commanding Officer of the Detective Unit of jurisdiction shall: <ul style="list-style-type: none"> <li>• Notify the arresting out-of-state agency of the decision by telephone and teletype as soon as possible.</li> </ul>

Continued next page.



Subject <b>Warrants, Summons, or Subpoenas</b>	Number <b>PRI-01A</b>
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**Governor's Warrants (Continued)**

Whenever the Department receives a Governor's Warrant from another state, it shall be forwarded to the Commander of the Detective Unit of jurisdiction.

The Detective Unit Commander shall:

- Execute the warrant by proper means; and
- Ensure all legal requirements are adhered to.

**Service of Summons/ Subpoena**

The service of a summons or subpoena shall be logged by the Desk Officer in the Daily Administrative Journal and shall include:

- BOP check for member's safety;
- Date and time service was executed or attempted;
- Name of member executing or attempting service;
- Name and address of person on whom legal process was served or executed; and
- Method of service or reason for non-service.

Whenever possible, the summons/subpoena shall be served by giving a copy, in hand, to the party named.

If the party is not home when the service is attempted, the summons/subpoena:

- May be left with another responsible person residing at the residence; or
- May be left at the last place of abode of the person named.

If the person lives outside the area where service can be made and there is sufficient time, the summons/subpoena may be mailed to the last known address.

If the summons/subpoena is for a juvenile, service may be made in hand to the parent or guardian of the juvenile.

If the service of the summons/subpoena is not possible, it shall be returned to the court of issuance, with a reasonable explanation for non-service.

**References**

MGL c.276, s.11-20, s.23A, s.29  
MGL c.248, s.26  
MGL c.22C, s.10  
MGL c.6, s.167-178

Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>PRI-02</b>
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Subject <b>Custodial Inventory</b>
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**Purpose** To protect members and subjects from harmful items or substances that may have been concealed by the subject.  
To protect members from claims of lost, stolen, or damaged property.  
To establish and define the processing of subjects who come under the care and custody of the Department.

**Policy** Any person (subject) who comes into the custody of the Department shall be searched.

**Inventory Protocol** **Members are authorized to:**

- Search a subject and remove any property from their clothing or person; and
- Search the contents of any outer garments, bags or accessories.

**Member searching a subject shall then:**

- Inventory any documents, money, jewelry, or valuable items found, carried or concealed by the subject;
- Record inventory on a SP 2 Custodial Property Inventory;
- If possible, inventory items in the presence of the subject;
- Have the arresting member, booking member, and the subject sign the SP 2. (If the subject refuses to sign, note the refusal and the reason, if any); and
- Properly secure the subject's property.

**Member conducting the booking shall:**

1. Have the subject remove:
  - Shoes, belts, ties;
  - Loose or extraneous clothing;
  - Jewelry, necklaces, neck chains;
  - Any other article that the subject may use to escape or cause harm.
2. Before placing the subject in a cell:
  - Scan the subject with a hand-held metal detector.

The following items may be retained by a subject in the cell, unless a member believes it would create a hazard:

- Wedding ring;
- Currency; and
- Eye glasses, hearing aids, and prosthesis.

**Return of Property**

When the subject is released from custody their property (except seized property) shall be returned to the subject.

- The subject shall sign the SP 2 acknowledging the return; and
- If the subject refuses to sign the form the refusal and the reason, if any, shall be noted.

If the subject is to be transported or transferred to another facility, the transporting/ transferring member shall ensure that:

- A copy of the SP 2 has been provided to the facility and/or the personnel taking custody of the subject;
- The name of the person taking custody is recorded on the original SP 2;
- The person taking custody has signed the SP 2; and
- The original SP 2 is returned to the Department facility where the subject's inventory search was conducted.

**Container Protocols**

Any closed unlocked container shall be opened and each article inventoried individually.

If a container is locked and secured, or if a container cannot be opened without damaging it, the member shall ask the subject for consent to open it.

If consent is not given, the member shall not open the container unless:

- Probable cause exists to believe that the locked container shall put the member or others in immediate risk of injury or loss of life.

If the container is not opened it shall be inventoried as a single unit.

A member shall apply for a search warrant to open a locked container if they have probable cause to believe the container has inside it:

- Fruits or instrumentalities of a crime; or
- Evidence, contraband or weapons.

**Strip Search Protocols**

A "strip search" entails:

- The removal of the last layer of a subject's clothing; so
- A visual inspection can be made of all areas of the subject's body where weapons, dangerous instrumentalities, evidence, or contraband may be concealed.

The need for a strip search is based upon:

- An individual basis by the particular circumstances surrounding the arrest and probable cause to believe that the subject has contraband or weapons that may jeopardize the health and safety of the subject and/or those who may come in contact with the arrested person. The reasons for the search shall be documented in the arrest report.

Continued next page.

**Strip Search  
Protocols  
(Continued)**

Strip searches shall only be conducted:

- With the approval of a supervisor (unless exigent circumstances exist);
- By two (2) members of the same gender as the subject;
- In an area that affords complete privacy (strip searches shall not be conducted outside of a Department facility unless exigent circumstances exist);
- Out of the public view (including video cameras, windows, et cetera);
- Without any touching of the subject (although the subject may be asked to bend at the waist and spread their buttocks);
- In a reasonable, non-abusive, and professional manner; and
- Only for the duration necessary to complete the search.

**Body Cavity  
Search  
Protocols**

Members shall not perform physical intrusions into body cavities.

A body cavity search is:

- A search conducted pursuant to a warrant, issued by a judge, that is based on a high degree of probable cause; that
- Authorizes a medical professional to conduct an internal manual inspection of any human body cavity.

An member or supervisor seeking such a warrant must:

- Show a **high degree of probable cause** that the subject has contraband or weapons hidden in a body cavity that may jeopardize the health and safety of the subject and/or anyone that s/he may come in contact with.

Body cavity searches shall only be performed:

- By a medical practitioner in appropriate medical surroundings; and
- Pursuant to a search warrant issued by a judge that authorizes a body cavity search.

The warrant requirement shall apply:

- Where an item may be viewed partially protruding from a body cavity.

No warrant is required when:

- A subject voluntarily and personally extracts any item from their own body cavity; and
- Cases involving exigent circumstances where medical personnel perform an operation, necessitated solely by good medical practice for medical reasons, which incidentally results in the recovery of evidence for police use.

**References**

SP 2 Custodial Inventory Form  
Commonwealth v. Thomas, 492 Mass. 403 (1999)  
Rodrigues v. Furtado, 410 Mass. 878 (1991)

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>PRI-03</b>

Subject
<b>Prisoner Transportation</b>

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### Policy

Safety is the paramount concern when transporting prisoners. Members shall always keep in mind:

- The safety and well-being of themselves and others;
- The proper restraint of the prisoner to prevent escape or injuries; and
- The prisoner's safety and rights.

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### Prisoner Search Protocols

Cruisers shall be searched before and after transporting prisoners for contraband, weapons, fruits or instrumentalities of a crime, and/or evidence. A search is also part of the routine cruiser inspection at the beginning of the shift.

All individuals in custody shall be searched for weapons and contraband prior to being placed in a cruiser or otherwise transported. Never assume that someone else has searched a prisoner.

Under exigent circumstances, it may be necessary for a member to search a member of the opposite gender. Such a search shall be conducted professionally and be limited to the minimal invasion of privacy necessary. In other situations it may be more prudent to request assistance by an officer of the same gender as the prisoner, or conduct the search in the presence of others.

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### Cruisers

Cruisers which are routinely used to transport prisoners shall have:

- Safety barriers (prisoner cages);
- The rear passenger compartment window and locks disabled;
- Rear passenger seat belts; and
- Rear passenger door locks that cannot be unlocked from the rear passenger compartment.

When transporting a prisoner, members should not respond to calls for service unless:

- The situation clearly poses a serious risk to others; and
  - The risk to prisoner is minimal.
-

**Prisoner  
Restraint  
Protocols**

Unless extenuating circumstances dictate otherwise, members transporting prisoners shall ensure:

- Prisoners are handcuffed with their hands behind their back;
- Use alternate devices or methods when it is physically unable to handcuff someone behind their back;
- Double locked handcuffs to prevent inadvertent tightening or to avoid causing or aggravating any injuries.

If prisoners are to be transported for an extended period, members may handcuff them in front, and use a waist chain or other device to secure the hands to the waist.

Prisoner's legs may be restrained if their actions indicate that they may be a threat.

Prisoners shall not have their legs bound to their hands, except for extreme circumstances.

Prisoners should not be handcuffed or restrained to any part of the vehicle (except for use of the seat belt).

**Seating  
Positions**

Members shall:

- Ensure that prisoners being transported are visually observable at all times;
- Secure prisoners with a seat belt;
- Not transport more than two (2) prisoners at a time, unless authorized by a supervisor;
- Not transport two (2) prisoners in a cruiser without a safety barrier, unless another member is present;
- Whenever practical, transport prisoners of the opposite gender in separate vehicles; and
- Ensure prisoners of opposite gender are not transported to court in the same vehicle Massachusetts General Laws (MGL) c.276, s.53.

<b>IF the cruiser has...</b>	<b>Then, unless circumstances dictate otherwise, prisoner(s) should be placed...</b>
A safety barrier.	In the rear compartment, using the right seat first.
One (1) officer, one (1) prisoner, no safety barrier.	In the right front seat.
Two (2) members, one (1) prisoner, no safety barrier.	In the right front seat with the other member behind them.
Two (2) members, two (2) prisoners, no safety barrier.	One in the right front, one in the right rear seats, with the other member seated behind the driver.

**Transportation of Juveniles**

Juveniles shall not be transported:

- With adult prisoners; or
- To court or other institutions in a “patrol wagon” as stipulated in MGL c.119, s.34.

**Transporting Opposite Gender Prisoners**

Members transporting prisoners of the opposite gender shall radio their Station/Unit Desk Officer, and have a Daily Administrative Journal (DAJ) entry made of the:

- Location;
- The number and gender of their prisoner(s);
- Preliminary charges against the prisoner(s);
- Intended destination;
- Beginning odometer mileage, and upon arrival, the ending mileage; and
- Request for back-up, if necessary.

**Communication**

Conversations with prisoners shall be professional and kept to a minimum.

- Conversations between prisoners shall be limited by the transporting officer for safety reasons.

Members shall not allow prisoners to use communications equipment while in transport, nor stop to allow a prisoner access to communication equipment.

**Protocols for Transferring Prisoners**

When transporting a prisoner to or from another agency or a court detention facility, members shall:

- Secure firearms if required by that facility’s protocol;
- Remove restraining devices in the designated area;
- Positively identify the prisoner by ID, photographs or fingerprints;
- Deliver or receive the necessary documentation, paperwork, and/or information; and
- Adhere to procedures within PRI-02 Custodial Inventory regarding subject’s property.

If the prisoner is a security hazard, suicide risk, or has a condition that the receiving agency or court should be aware of, the receiving agency shall be advised in writing of that condition.

Subject	Number
<b>Prisoner Transportation</b>	<b>PRI-03</b>

**Medical Considerations**

If, while in transit a prisoner notifies the transporting member of an illness or injury, and if in the member’s opinion an illness or injury exists and requires immediate attention, the member shall transport the prisoner to the nearest medical facility for an examination.

- The transporting member shall notify the Desk Officer; and
- Desk Officer shall notify the medical facility of the particulars prior to the prisoner’s arrival.

If a prisoner is admitted to a medical facility, the Department shall provide or ensure proper security arrangements, if necessary, or arrange for the prisoner to be bailed.

If released by the medical facility, the prisoner shall be transported to the nearest station or facility, as appropriate.

When transporting a physically or mentally challenged prisoner, special care and attention may be required. The transporting member shall use discretion as to the type of restraints to be used and the Troop Duty Officer shall be notified.

**Prisoner Escape Protocols**

Position	Duties
Transporting Member	<ol style="list-style-type: none"> <li>1. Immediately notify the appropriate Desk Officer of: <ul style="list-style-type: none"> <li>• Cruiser number, member’s name, rank;</li> <li>• Exact location;</li> <li>• Prisoner method of escape, escape route, and means of transportation;</li> <li>• Name and aliases of escapee, and a physical description including clothing; and</li> <li>• Criminal history and safety risk of the escapee, and the pending charges.</li> </ul> </li> <li>2. Immediately make every attempt to recapture the escapee, and if unable to do so, preserve the scene for tracking dogs and investigators.</li> </ol>
Desk Officer	<ol style="list-style-type: none"> <li>1. Immediately notify the Troop Duty Officer of jurisdiction;</li> <li>2. Notify all patrols and local departments of the escape; and</li> <li>3. Make the appropriate DAJ entries.</li> </ol>

Continued next page.



**Prisoner Escape  
Protocols  
(Continued)**

<b>Position</b>	<b>Duties</b>
Troop Duty Officer	<ol style="list-style-type: none"> <li>1. Dispatch a supervisor to the scene to: <ul style="list-style-type: none"> <li>• Assume control of the recapture operation;</li> <li>• Investigate the circumstances of the escape; and</li> <li>• Prepare a report with findings and recommendations.</li> </ul> </li> <li>2. Notify: <ul style="list-style-type: none"> <li>• Department Detectives Unit of jurisdiction; and</li> <li>• The Troop Commander.</li> </ul> </li> </ol>
Troop Commander	<ol style="list-style-type: none"> <li>1. Notify Division Commander;</li> <li>2. Administratively review report(s) for further action; and</li> <li>3. Take actions to prevent reoccurrences.</li> </ol>

**Special  
Situations**

No prisoner or individual in custody shall be allowed to participate in any operation and/or function without the specific written approval of the Division Commander.

Section/Units that conduct such operations or functions on a regular basis may request blanket authorization from their Division Commander. If such authorization is granted:

- Sufficient security shall be deployed to maintain control of the prisoner or individual;
- The intended destination shall be checked out in advance by a member;
- Control of the perimeter shall be maintained;
- There shall be minimal contact between the prisoner and others; and
- Any other measures deemed necessary by the officer-in-charge (OIC) shall be taken.

**Commercial  
Air  
Transportation  
and Armed  
Members**

Members shall be certified and follow the federal Transportation Security Administration (TSA) guidelines and Code of Federal Regulations (CFR) Title 49 Carriage of Weapons by Law Enforcement Officers.

Troop/Section Commanders shall ensure the following protocols are followed when members, under their command, fly on commercial airlines while armed.

1. An administrative message shall be sent to the Transportation Security Administration (TSA) by the GHQ Communications Section via the National Law Enforcement Telecommunications System (NLETS), requesting a unique alphanumeric identifier receipt for the member who will be flying armed.

Continued next page.

**Commercial  
Air  
Transportation  
and Armed  
Members  
(Continued)**

2. The member shall carry the receipt containing all the pertinent information required by TSA to be verified at the airport on the day(s) of travel.
3. The member shall also carry the appropriate number of signed original Letters of Authority from their Troop/Section Commander and surrender a letter to the airline carrier(s) when requested.
4. The Letters of Authority shall be on Department letterhead and shall include:
  - The name(s) of the member(s);
  - The dates and itinerary for flights;
  - Certification that the member(s) have completed the TSA's Law Enforcement Officers Flying Armed Program;
  - The circumstances for the need to carry a firearm; and
  - The original signature of their Troop/Section Commander and a contact number for verification.

Note: Failure to provide the unique alphanumeric identifier may result in delays due to the additional verification requirements. The airline and the pilot have the discretion to refuse armed members on any flight.

**Procedure  
Transporting  
Prisoners by  
Commercial  
Airlines**

When transporting a prisoner on an commercial airline flight, members shall:

- Notify TSA and the airline of the name(s) of the prisoner(s) and the accompanying member(s) at least one (1) hour before the flight;
- Notify TSA and the airline if the prisoner is considered a "high risk" at least twenty-four (24) hours, or as soon as possible, before the scheduled departure. If so, at least two (2) members shall escort the prisoner and arrive at the check-in counter at least one (1) hour before the flight. Only one dangerous prisoner is allowed on the same flight;
- Ask to board the plane first, and deplane last;
- Sit in the rear of the plane, maintaining one (1) member between the prisoner and the aisle;
- Ensure that no food, utensils, or items be given directly to the prisoner without checking the items first; and
- Not consume, nor allow the prisoner to consume, alcoholic beverages.

Note: There shall always be at least one (1) member per prisoner. At least one (1) member shall be the same gender as the prisoner.

Members shall carry:

- Department issued badge and identification card;
- A secondary valid government issued ID;
- Necessary boarding paperwork;
- Letters of Authority to travel while armed on commercial flight; and
- Adequate restraining devices.

Subject <b>Prisoner Transportation</b>	Number <b>PRI-03</b>
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**References**

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PRI-02 Custodial Inventory  
MGL c.276, s.53  
MGL c.119, s.34  
Code of Federal Regulations (CFR) Title 49 Transportation  
Transportation Security Administration (TSA) "Law Enforcement Officers  
Flying Armed" Program

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Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>PRI-04</b>
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Subject <b>Holding Facility Design and Inspection</b>
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**Policy** The Department shall maintain holding facilities that comply with applicable laws and regulations, in order to provide a safe environment for members and prisoners.

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**Definitions** *Holding Facility:* A temporary confinement cell or lock-up where prisoners are generally held for less than seventy-two (72) hours.

*Prisoner:* A person who has been arrested or is in the custody of the Department.

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**Design of Holding Facilities** Department holding facilities shall comply with Department of Public Health regulations and, at a minimum be equipped with:

- Adequate lighting and air circulation;
- Access to a toilet and drinking water;
- Access to a wash basin, and a bed with sanitary/fire-retardant bedding for each prisoner held in excess of eight (8) hours;
- A first-aid kit, automatic fire alarms, smoke detectors, and adequate fire suppression systems;
- Audio and electronic (Watchman) monitoring system; and
- Posted signage for prisoner's rights, obtaining medical services, and emergency evacuation.

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**Sanitation** Holding facilities shall be kept clean and sanitary, and shall be inspected:

- Before use by a prisoner;
- Upon release of a prisoner, and
- As necessary to prevent the spread of communicable diseases, as outlined in GEN-05 Communicable Diseases.

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**Cells and Keys** Cells that are:

- Ready for use shall be kept open and unlocked; or
- Not usable shall be kept closed, locked, and posted.

Keys for the cells, and duplicates, shall be kept readily available at the station desk area.

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- Fire Prevention**
- No matches, lighters, or smoking materials are allowed in any Department holding facility;
  - Fire/smoke detection and suppression systems shall have written approval of fire officials;
  - An emergency evacuation plan shall be written and posted; and
  - At least one (1), preferably two (2), emergency exits shall be marked with a sign.
- 

- Electronic Monitoring**
- In addition to audio monitoring devices required by law, each holding facility shall have:
- A means of communication with the Station Desk Officer, or a panic alarm; and
  - A video monitoring system so that each cell can be observed from the desk.
- 

- Guidebook**
- Troop Commanders shall ensure that a guidebook is kept at the desk or in the holding area of each facility, to assist the Station Desk Officer.

The guidebook shall contain information on:

- Holding facility operations;
  - Procedures for escapes, fires, or suicide attempts;
  - Available alternative lock-up facilities for juvenile offenders; and
  - The names and contact means for persons or organizations who will respond in the event of an attempted or threatened suicide.
- 

- Training**
- Members at a location where there are holding facilities shall receive training in:
- Suicide detection, intervention, and prevention;
  - Department policies regarding holding facilities, equipment and operations;
  - Use of physical restraints; and
  - Operation of fire suppression equipment.
- 

- Access**
- Non-essential persons shall not have access to the cell area, unless:
- Visiting a prisoner, as outlined in PRI-06 Prisoner Monitoring; or
  - No prisoners are present, and the person(s) is accompanied at all times by a member.

Maintenance, sanitation, repair, or other outside personnel may have access to cells as necessary. Afterwards, the cell area shall be inspected for tools or other items that may have been left behind.

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**Inspections**

An inspection of each cell for weapons or contraband shall be made immediately prior to use.

Station Commanders are responsible for ensuring:

<b>Frequency</b>	<b>Item of Inspection</b>
Daily	<ul style="list-style-type: none"> <li>• Fire detection and suppression equipment (visual inspection);</li> <li>• Cell bars, doors, locks, windows, ventilation, lights, monitors, security devices, and first-aid kits;</li> <li>• Tampering or damage to facilities;</li> <li>• Search for weapons or contraband, and</li> <li>• Sanitation, including vermin and pest inspection.</li> </ul>
Weekly	<ul style="list-style-type: none"> <li>• Inspect the cell electronic monitoring device (Watchman) to ensure it is properly functioning;</li> <li>• Run a printout of the previous week's cell checks;</li> <li>• Examine the printout for compliance and discrepancies; and</li> <li>• Retain the weekly printouts for one (1) year.</li> </ul>
Monthly	<ul style="list-style-type: none"> <li>• Automatic Fire Alarm system test.</li> </ul>
Semi-Annually	<ul style="list-style-type: none"> <li>• Fire suppression equipment test; and</li> <li>• The review of the guidebook for accuracy.</li> </ul>

Inspection records shall be maintained at the sub-station for line and staff inspections.

Station Commanders shall ensure cooperation with state and local health and fire inspectors.

To prevent inadvertent use, individual cells that do not pass inspection shall be kept closed, locked, and posted with an explanation of the problem.

**Incidents**

Prisoners who cause damage to the cells may be subject to prosecution under MGL c.266, s.96, Defacement or Injury to a State Building.

Station Commanders shall make written reports to their Troop Commander, of all incidents or conditions that threaten the holding facility or prisoners, or the ability of the sub-station to safely hold prisoners.

Troop Commanders shall immediately notify through channels, the Division Commander of Administrative Services, of all such incidents or conditions. The Division Commander of Administrative Services shall notify the Department of Public Health as required.

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**Temporary  
Holding Areas**

Troop Commanders may authorize such temporary holding areas for the purpose of booking and bailing prisoners, which shall provide for:

- Constant supervision of all prisoners held in temporary holding areas;
- Immovable objects that are intended for use as a restraining device;
- Access to water and restrooms;
- Separation of male, female, and juvenile prisoners;
- Fire prevention, evacuation, and suppression procedures; and
- Adherence to any applicable security procedures as outlined in Policy and Procedure.

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**References**

GEN-05 Communicable Diseases  
PRI-06 Prisoner Monitoring  
105 CMR 470  
MGL c.40, s.36B  
MGL c.111, s.21 and s.22  
MGL c.266, s.96

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Promulgated By:



# Department of State Police General Order

Effective Date	April 23, 2009	Number	PRI-06
Subject	Prisoner Monitoring		

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**Policy**

Continuous supervision is essential for maintaining and assuring the safety and welfare of prisoners while in custody. Whenever a prisoner is placed in a Department cell, the Desk Officer shall activate the cell audio and video monitoring system.

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**Monitoring**

- The Desk Officer shall physically check all prisoners every hour, and shall use the electronic monitoring (Watchman) device during the check;
  - The audio and video systems shall also be used to continuously monitor the prisoner's condition, and as a means of two-way communication with prisoners and other members in the cell area.  
Note: The system shall not be used to unnecessarily violate the personal privacy of the prisoner(s);
  - Prisoners held over four (4) hours shall have meals provided at regular meal times, three (3) meals a day;
  - Meals may be provided from a correctional facility, prisoner meal fund, from the prisoner's funds with their consent, or other appropriate source;
  - The Desk Officer shall document within the Daily Administrative Journal (DAJ) the number, cost (if applicable), and type of meals served;
  - Dishes, cups, and all utensils shall be used only once and then disposed of;
  - Common cups and towels are not allowed; and
  - Prisoners held for over eight (8) hours shall be given access to a wash basin.
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**Entering a Cell Area**

Firearms shall be secured before entering an occupied cell area, except when all prisoners are secured in the cells and the hourly check is being made.

Members entering the cell area alone should maintain a means of communication by:

- Verbal communication with another member;
  - Portable radio; or
  - Alarm or other means.
- 

**Entering an Individual Cell**

Members shall only open or enter an occupied cell when:

- At least one (1) other member is present;
  - When releasing a prisoner from custody; or
  - In the event of an emergency.
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**Conduct**

Members should not engage in speech or behavior that could be construed as inappropriate.

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**Visitors**

Requests for visits that do not interfere with station operations may be allowed by the station OIC. A member shall remain physically present during the visit and all visitors shall:

- Show positive identification;
- Be checked for outstanding warrants;
- Submit to a search for weapons or contraband, which shall include an inspection of their belongings before and after the visit;
- Have their name, address, and relationship documented in the DAJ;
- Only be allowed to visit the prisoner one at a time;
- Not have any physical contact with prisoners; and
- Not violate the privacy of other prisoners.

Visitation with counsel may be permitted at the discretion of the station OIC and reasonable efforts should be made to ensure privacy during these visits.

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**Mail/Packages**

Prisoners may only receive funds, food, prescription medications, or clean clothing. All items shall be:

- Inspected for contraband and placed with the prisoner's property, or given to the prisoner as appropriate;
  - Documented on a SP 2 Prisoner Inventory Form; and
  - Noted in the DAJ.
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**Shift Change**      The on-duty desk officer shall inform the incoming desk officer about the count and condition of the prisoners. Incoming desk officers shall physically verify the count and condition of prisoners prior to assuming desk duty.

**Suicide Threats or Attempts**      Information received from any source pertaining to a prisoner’s risk of harming themselves shall be considered valid.

If the prisoner...	Then...
<ul style="list-style-type: none"> <li>• Makes a suicide threat or attempt;</li> <li>• Has an entry in the Q5 Query;</li> <li>• Indicates current suicidal tendencies on the Suicide Prevention Checklist; or</li> <li>• Clearly exhibits signs or symptoms of suicidal behavior.</li> </ul>	<ul style="list-style-type: none"> <li>• A member shall be assigned to <b>physically watch</b> the prisoner at all times; or</li> <li>• The prisoner shall be transported to a medical facility for evaluation.</li> </ul>

If a person in custody attempts or threatens suicide at a lockup facility, as outlined in Massachusetts General Laws (MGL) c.40, s.36A, the following additional responsibilities apply:

Position	Duties
Desk Officer	<ul style="list-style-type: none"> <li>• Provide medical attention as necessary;</li> <li>• Notify the Troop Duty Officer and Station Commander;</li> <li>• Consult the guidebook;</li> <li>• Document the incident in the DAJ; and</li> <li>• Enter the incident into the Q5 suicide menu of the CJIS computer prior to the end of the shift.</li> </ul>
Station OIC	<ul style="list-style-type: none"> <li>• Notify, in writing, any lockup facility that the prisoner is transferred to.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• If needed, send a supervisor to the station to assist;</li> <li>• If appropriate, assign a member to guard the prisoner at the facility;</li> <li>• Make the appropriate DAJ entries; and</li> <li>• Ensure that proper procedures and MGL c.40, s.36A are followed.</li> </ul>

**Escape or Wrongful Release**

If a prisoner escapes or is inadvertently released, the following actions shall be taken:

Position	Duties
Desk Officer	<ul style="list-style-type: none"> <li>• Immediately notify the Troop Duty Office and Station Commander;</li> <li>• Notify area patrols and local departments of the escape; and</li> <li>• Make the appropriate DAJ entries.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Dispatch a supervisor to the scene;</li> <li>• Notify the Troop Commander;</li> <li>• Notify GHQ Communications;</li> <li>• Notify the appropriate State Police Detective Unit (SPDU) of jurisdiction; and</li> <li>• Make the appropriate DAJ entries.</li> </ul>
GHQ Communications	<ul style="list-style-type: none"> <li>• Notify the Division Commander.</li> </ul>
Troop Commander	<ul style="list-style-type: none"> <li>• Ensure the Division Commander was notified; and</li> <li>• Review reports and take actions to prevent reoccurrences.</li> </ul>
Division Commander	<ul style="list-style-type: none"> <li>• Review reports and take actions to prevent reoccurrences.</li> </ul>

**Medical Care**

Sick or injured prisoners should not be transported by the Department, unless two (2) or more members are available for the transport. It may be more prudent to await the arrival of an ambulance.

- Upon arrival of an ambulance, members shall defer medical care to the EMT's but shall retain custody and security; and
- The Troop Duty Officer shall be informed of any such incidents.

When a member observes or is informed by a prisoner that they have a medical problem that requires immediate medical treatment, the station OIC or supervisor should request an ambulance. If unsure as to whether or not a prisoner requires immediate medical treatment, members shall request assistance from trained medical personnel.

If it is an emergency or appears serious, members shall provide basic First Aid.

The procedures for requesting emergency health care shall be posted in a conspicuous place in English and any other language(s) prevalent within the station area.

**Prisoner Death  
Protocols**

If a prisoner dies while in a Department facility, the following actions shall be taken:

<b>Position</b>	<b>Duties</b>
Desk Officer	<ul style="list-style-type: none"> <li>• Immediately notify the Troop Duty Officer and the Station Commander.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Immediately notify the Troop Commander;</li> <li>• Immediately notify the SPDU of jurisdiction;</li> <li>• Notify the Medical Examiner's Office, as requested by SPDU;</li> <li>• Ensure that the appropriate DAJ entries are made; and</li> <li>• Ensure that proper procedures and MGL c.40, s.36A are followed.</li> </ul>
State Police Detective Unit	<ul style="list-style-type: none"> <li>• Respond to the scene and take command of the investigation.</li> </ul>
Station Commander	<ul style="list-style-type: none"> <li>• Submit, within four (4) days, a report of the incident to the Troop Commander, along with all other related reports.</li> </ul>
Troop Commander	<ul style="list-style-type: none"> <li>• Immediately notify the Division Commander;</li> <li>• Assign a Commissioned Officer to immediately assist the SPDU investigation and to conduct an Administrative Review of the incident;</li> <li>• Forward copies of the reports to the Medical Examiner within seven (7) days; and</li> <li>• Review and submit reports and recommendations to the Division Commander.</li> </ul>
Reviewing Commissioned Officer	<ul style="list-style-type: none"> <li>• Assist the SPDU;</li> <li>• Conduct an Administrative Review of the incident; and</li> <li>• Prepare a report for the Troop Commander within four (4) days.</li> </ul> <p><u>Note:</u> The Administrative Review is to ensure that members followed Department procedures during the incident.</p>
Field Services Division Commander	<ul style="list-style-type: none"> <li>• Review reports and take actions to prevent reoccurrences;</li> <li>• Submit reports to the Deputy Superintendent for review and action; and</li> <li>• Maintain a file on prisoner deaths.</li> </ul>

Subject <b>Prisoner Monitoring</b>	Number <b>PRI-06</b>
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**References**

ADM-14 Personnel Investigation  
SP 2 Prisoner Inventory Form  
MGL c.111, s.8 Use Common Drinking Cup  
MGL c.40, s.36A Report of Death/Suicide Records  
SPAM Collective Bargaining Agreement Article 27  
Criminal Justice Information System (CJIS)

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Promulgated By:



# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>SOC-01</b>
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Subject	<b>Hazardous Materials</b>
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**Policy** Department personnel shall communicate information regarding hazardous materials to the appropriate agencies in order to facilitate expert response.

Department personnel, unless properly equipped and trained, shall not be deployed into areas that have been contaminated, or face an immediate and substantial threat of contamination with a hazardous material.

**Definition** *Hazardous Materials:* Chemicals, biological agents or organisms, or radiological substances that are damaging to health or property.

**Responding Members**

If...	Then members shall...
There is no known or potential presence of a hazardous material on scene; or  There is a hazardous material on scene, but it is properly secured and poses no threat of release:	<ul style="list-style-type: none"> <li>• Respond with due caution; and</li> <li>• Ensure that the Emergency Response Guidebook is accessible.</li> </ul>
It is possible to ascertain the identity of a substance or cargo via use of placards or other identification from a safe distance:	<ul style="list-style-type: none"> <li>• Relay information to the Desk Officer; and</li> <li>• Consult the Emergency Response Guidebook.</li> </ul>
There is an immediate and substantial threat of the release of a hazardous material on scene:	<ul style="list-style-type: none"> <li>• Follow guidance as to maintaining a safe distance from the area of possible contamination;</li> <li>• Consult the Emergency Response Guidebook; and</li> <li>• Follow any expertise relayed via radio or on the scene.</li> </ul>
Dangerous conditions are observed:	<ul style="list-style-type: none"> <li>• Take immediate action to ensure their safety and the safety of other responding officers or personnel; and</li> <li>• Communicate the nature of the threat to the Desk Officer.</li> </ul>

Subject	<b>Hazardous Materials</b>	Number	<b>SOC-01</b>
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**Desk Officer**

Upon receiving a report of an incident that may involve a hazardous material, the Desk Officer shall make every reasonable effort to obtain available information from the scene and official expertise regarding the appropriate response.

The following information shall be obtained and relayed to responding members and the Troop Duty Officer:

- The type of container/vehicle;
- Whether the container/vehicle is leaking;
- Department of Transportation (DOT) placards, labels or numbers;
- Carrier name and any information found in shipping papers; and
- Local area road and weather conditions.

Upon receiving a report of an incident that may involve a hazardous material, the Desk Officer shall notify:

- Assigned patrol and other members in the area;
- Troop Duty Officer; and
- The local police and fire department.

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**Desk Officer-  
Actual  
Release**

On receiving a report of an incident involving the actual release of a hazardous material, the Desk Officer shall:

- Immediately notify the Troop Duty Officer;
- Obtain expertise regarding the scope of contamination prior to deploying Department personnel;
- Obtain expertise regarding the minimum safe evacuation zone for unprotected individuals;
- Notify the Massachusetts Department of Environmental Protection at (888) 304-1133 and provide the following information:
  1. Location;
  2. Type and quantity of material released;
  3. Suspected impacts if known (catch basin, wetlands);
  4. Name, address, and phone number of carrier (if known);
  5. Special conditions which responders should be aware of to facilitate the safe mitigation of the release; and
  6. Any other information which may be helpful.

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**Troop Duty  
Officer**

The Troop Duty Officer shall:

- Dispatch a supervisor to the scene;
  - Notify the Troop Commander;
  - Notify GHQ Communications at (508) 820-2121; and
  - Notify the Commercial Vehicle Enforcement Section at (978) 369-1004, or if after hours, GHQ Communications at (508) 820-2121.
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Subject <b>Hazardous Materials</b>	Number <b>SOC-01</b>
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**Patrol  
Supervisor's  
Responsibilities**

Supervisors shall establish an outer perimeter, referencing the Emergency Response Guidebook and available expertise to determine an appropriate distance from the incident.

Supervisors shall:

- Ensure that Department personnel are not deployed contrary to the provisions of this policy;
- Establish a command post upwind and at a sufficient distance from the hazard; and
- Follow incident command procedures.

**GHQ  
Communications**

The GHQ Communications Section OIC shall notify:

- The National Response Center (NRC) at (800) 424-8802, if no determination has been made as to who spilled the hazardous material.

Note: If radioactive material is involved, GHQ Communications shall also notify the Nuclear Incident Advisory Team (NIAT) at (617) 727-9710 or (617) 727-6214.

**Hazardous  
Materials  
Team**

The chief of the local fire department shall activate the Department of Fire Services-Regional Hazardous Materials Team.

**Available  
Official  
Expertise**

Information on hazardous materials may be obtained by:

- Contacting CHEMTREC at (800) 424-9300;
- Querying MQ in the task field of the CJIS computer, and entering the placard information; or
- Consulting the Emergency Response Guidebook.

The National Response Center at (800) 424-8802 provides emergency chemical/biological assistance twenty-four (24) hours a day.

**References**

29 CFR 1910.120  
 40 CFR 311.1  
 527 CMR Section 1.03 (8)  
 U.S. Department of Transportation Emergency Response Guidebook  
 Criminal Justice Information System (CJIS)

Promulgated By:





# Department of State Police

## General Order

Effective Date	Number
<b>November 5, 2008</b>	<b>SOC-02</b>

Subject
<b>Bomb Threats/Explosive Incidents</b>

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**Purpose**

To establish and define the role of the Bomb Squad within the Division of Investigative Services- Fire and Explosion Investigation Section, and to establish guidelines for utilization and activation of their members.

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**Policy**

The Bomb Squad is tasked with responding to and rendering safe any explosive or military ordinance encountered within the Commonwealth of Massachusetts. The Fire and Explosion Section Commander or designee is responsible for determining a response to any bomb threat.

The Department shall:

- Maintain and support a Bomb Squad comprised of members with specialized training, expertise, and equipment.

The Bomb Squad shall:

- When assigned, assist officers from the Department and from other local, state, and federal agencies to deal with potential life threatening explosive related incidents;
- Train first responders in explosives and Improvised Explosive Device (IED) recognition; and
- Develop, under the direction of the Section Commander, a unit specific Standard Operating Procedure (SOP) which shall be maintained and updated as necessary.

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**Response Guidelines**

Since the validity of a bomb threat cannot be determined initially, the decision to evacuate or to re-occupy the threatened premises is the responsibility of the owner or manager of the premises.

Department members shall not order an evacuation based only on a threat. If advice is sought from the Department, the recommendation should be to err on the side of caution, and recommend evacuation.

If a suspected explosive device or suspicious package has been located, the local Fire Chief has the authority to order an evacuation under MGL c.148.

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Subject <h2 style="text-align: center;">Bomb Threats/Explosive Incidents</h2>	Number <h2 style="text-align: center;">SOC-02</h2>
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**Utilization of Bomb Squad**

Bomb Squad Team members are available twenty-four (24) hours a day for:

- Rendering safe any explosive (IED, military or commercial explosives);
- Security sweeps for high profile events and visiting dignitaries;
- Response and technical assistance/advice for credible bomb threats;
- Weapons searches with Explosive Canine Handler;
- Homeland Security assignments;
- Disposal of seized fireworks; and
- Other special events/incidents as assigned.

**Emergency Activation Protocol**

Requests for the Bomb Squad shall be made to the Troop Duty Officer and shall include:

- The name, rank, and agency name of the requesting officer;
- The name of the primary point of contact and a direct call-back number;
- The nature of the request; and
- The exact location of the incident and any designated staging areas.

The Troop Duty Officer shall make appropriate Daily Administrative Journal entries and forward any request for a Bomb Squad response to the GHQ Communications Section.

**Activation/Contact Numbers**

Type of Request	Contact Number
Emergency	<ul style="list-style-type: none"> <li>• GHQ Communications Section (508) 820-2121</li> </ul>
Non-emergency	<ul style="list-style-type: none"> <li>• Consult MSP Telephone Directory (available on DocuShare)</li> </ul>

**Authority**

Any officer who encounters or seizes any bomb or other high explosive is required under MGL Chapter 148, Section 37 to make immediate notification to the Office of the State Fire Marshal. Bomb Squad members shall assume complete control and authority of any explosives render safe procedure under Incident Command System (ICS) protocols.

While at an active scene, Bomb Squad members shall only take direct orders from:

- Bomb Squad Commander;
- Fire and Explosion Section Commander;
- Unified Commanders on scene (ICS);
- Division of Investigative Services Commander; or
- Superintendent/Deputy Superintendent.

Subject <b>Bomb Threats/Explosive Incidents</b>	Number <b>SOC-02</b>
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**Response  
Protocols**

All Department members shall take appropriate measures to ensure the safety of people and property while awaiting the arrival of the Bomb Squad.

The first on-scene or investigating member shall assess the situation and determine the need for additional resources including, but not limited to:

- Evacuation Procedures – the property owner has authority for the ordering of an evacuation;
- Time/Distance/Shielding countermeasures;
- Local Fire Department(s);
- Department of Fire Services Hazardous Materials Team;
- EMS; and
- Traffic control.

To reduce the risk of detonation, members responding to a threat or explosives incident should NOT:

- TOUCH OR MOVE any suspicious objects or packages;
- Allow anyone within three-hundred (300) feet of a suspicious device;
- Allow anyone to be in the path of possible shrapnel or flying glass;
- Use any radios within five-hundred (500) feet;
- Touch any electrical devices or appliances; or
- Direct flashlight beams onto a possible device or use a camera flash (in order to prevent activation by photoelectric cell).

**Never rule out the possibility of a secondary device.**

Responding members shall remain on the scene until properly relieved.

**Evidence  
Considerations**

Evidence and materials collection shall be coordinated by Fire and Explosion Section members. Evidence custody shall remain with the lead State Police case officer.

**After Action  
Reporting**

Following the completion of any critical incident, Bomb Squad members may be debriefed.

The Bomb Squad Commander or designee is responsible for the completion of any after action reports or Bomb Squad reporting as applicable. After Action Reports shall be forwarded to the Division of Investigative Services Commander for review.

Promulgated By:
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# Department of State Police

## General Order

Policy Date: <h3 style="text-align: center;">December 10, 2007</h3>	Number: <h3 style="text-align: center;">SOC-03</h3>
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Subject: <h2 style="text-align: center;">Emergency Planning</h2>
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**Purpose** To maintain and ensure the Department's compliance with Homeland Security Presidential Directive 8 (HSPD-8) with regards to emergency planning.

**Policy** The Department shall develop and implement an emergency operational response strategy to address potential public safety threat(s) or the actual occurrence(s) as identified in HSPD-8.

**Responsibilities**

Position	Duties
Colonel/ Superintendent	Shall: <ul style="list-style-type: none"> <li>• Designate a Commissioned Officer as the Emergency Planning Officer;</li> <li>• Review and approve Emergency Operation Plans (EOPs) and Incident Action Plans (IAPs) submitted by the Emergency Planning Officer; and</li> <li>• Ensure that all EOPs written after October 2005 are National Incident Management System (NIMS) compliant.</li> </ul>
Emergency Planning Officer (EPO)	Shall: <ul style="list-style-type: none"> <li>• Prepare and submit to the Colonel/Superintendent, EOPs and IAPs;</li> <li>• Coordinate the creation of EOPs and IAPs with Division Emergency Planning Coordinators;</li> <li>• Annually review and update the EOPs and IAPs; and</li> <li>• Ensure that all EOPs written after October 2005 are NIMS compliant.</li> </ul>
Division Commanders	Shall: <ul style="list-style-type: none"> <li>• Designate a Commissioned Officer as the Division Emergency Planning Coordinator;</li> <li>• Evaluate EOPs and IAPs through simulation exercises prepared by the Emergency Planning Officer;</li> <li>• Report deficiencies in EOPs and IAPs to the Emergency Planning Officer; and</li> <li>• Ensure that all EOPs written after October 2005 are NIMS compliant.</li> </ul>

*Continued on next page*

**Responsibilities  
(continued)**

Division Emergency Planning Coordinators	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Coordinate the creation of EOPs and IAPs with all Troop/Station/Section/Unit Commanders;</li> <li>• Prepare and distribute to each Troop/Section Commander a Division Emergency Planning Manual;</li> <li>• Act as the liaison with the Emergency Planning Officer;</li> <li>• Ensure that all troop/station/section/unit emergency equipment is operational and inspected at least monthly; and</li> <li>• Report deficiencies in EOPs and IAPs through channels to the Emergency Planning Officer.</li> </ul>
Troop/Section Commanders	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Designate a commissioned or non-commissioned officer as the Troop/Section Emergency Planning Coordinator;</li> <li>• Evaluate EOPs and IAPs through simulation exercises prepared by the Emergency Planning Officer; and</li> <li>• Report deficiencies through channels in EOPs and IAPs to the Emergency Planning Officer.</li> </ul>
Troop/Section Emergency Planning Coordinator	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Assist the Division Emergency Planning Coordinator with the establishment of EOPs and IAPs;</li> <li>• Prepare and annually update, the troop/station/section/unit Emergency Planning Manual, EOPs and IAPs; and</li> <li>• Act as the liaison with the Division Emergency Planning Coordinator.</li> </ul>

**Emergency  
Planning  
Manual**

The Department shall maintain and annually update an Emergency Planning Manual for the purpose of responding to and controlling hazardous situations through the prudent use of Departmental and external resources.

The Emergency Planning Manual shall be located at every State Police facility. It shall be updated annually, or as required.

The Manual shall include all current EOPs, IAPs, operational guidelines, on-site operational instructions, personnel and equipment resource inventories and other necessary information, including but not limited to:

- Personnel and skills;
- State Police property and buildings;
- Supplies (food, fuel, clothing);
- Vehicles;
- Arrest/confinement procedures;

*Continued on next page*

Subject <b>Emergency Planning</b>	Number <b>SOC-03</b>
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**Emergency  
Planning  
Manual  
(continued)**

- Topographical maps;
- Support equipment;
- Incident Command Posts;
- Field Command Posts;
- Communications;
- Miscellaneous Equipment (generators, boats, etc.);
- Fleet vehicles;
- After action reporting;
- ICS Form 205;
- ICS Form 205A-OS;
- ICS Form 206; and
- Identified Staging Areas.

**References**

ICS Form 205 – Incident Radio Communications Plan  
ICS Form 205A-OS – Communications List  
ICS Form 206 – Medical Plan

Promulgated By:



# Department of State Police General Order

Policy Date:

**December 10, 2007**

Number:

**SOC-03A**

Subject:

## **Emergency Operations Center (EOC)**

### **Purpose**

To provide guidance to personnel regarding the activation and operation of the Department's Emergency Operations Center (EOC).

### **Policy**

The Department realizes the necessity of an effective response to public safety emergencies as a result of severe weather, terrorist activity, violent protest, natural and/or man-made disasters, through the prudent use of available resources.

### **State Police Emergency Operations Center**

The Superintendent/Deputy Superintendent shall activate the EOC when deemed necessary. The EOC shall:

- Coordinate the deployment of departmental resources in response to an emergency or incident;
- Coordinate the deployment of responding officers to an incident or an incident staging area;
- Direct the security level of response to a potential/actual threat; and
- Operate in conformance with established EOC Guidelines.

### **State of Emergency**

Upon the declaration of a "State of Emergency" by the Governor, the Superintendent/Deputy Superintendent has the authority (within prescribed limits) to commit resources of the Department, or request resources from outside the Department, as deemed necessary to mitigate the effects of the emergency and to minimize the disruption to public safety.

The Superintendent/Deputy Superintendent shall activate the EOC and shall establish the appropriate security level when necessary.

Upon the declaration of a "State of Emergency" after normal business hours the Communications Section OIC shall immediately notify:

- Superintendent/Deputy Superintendent;
- The EOC on-call personnel;
- Division Commanders;
- Emergency Planning Officer; and
- Division of Field Services Emergency Management Section.

### **Security Level Guidelines**

Upon authorization by the Superintendent/Deputy Superintendent, the EOC shall establish the appropriate security level when necessary. The EOC Director may add, delete, or modify the listed security level procedures in accordance with prevailing circumstances. Security levels and the corresponding response(s) within each level shall be determined by the specific credible information available at that time.

**Security Level Procedures**

Level	Tasks
<b>I</b>	<ul style="list-style-type: none"> <li>• ID Check enforced at State Police facilities and identified sites;</li> <li>• Note and report suspicious circumstances, packages and activities;</li> <li>• Ensure building integrity and security; and</li> <li>• Exercise heightened caution when responding to calls for service.</li> </ul>
<b>II</b>	<p style="text-align: center;"><i>Includes Tasks Assigned At Level I and:</i></p> <ul style="list-style-type: none"> <li>• Implement physical security measures and post security personnel as appropriate;</li> <li>• Identify all vehicles within operational and support areas;</li> <li>• Conduct cursory checks for suspicious items, persons and vehicles as necessary;</li> <li>• Verify and inspect all inbound deliveries and services;</li> <li>• Check delivery and service persons for authenticity with their respective companies;</li> <li>• Exercise extreme caution when responding to suspicious calls for service;</li> <li>• Monitor potential target areas;</li> <li>• All personnel shall wear ID cards in State Police facilities unless in duty uniform; and</li> <li>• Escort all visitors (non-MSP) in State Police facilities.</li> </ul>
<b>III</b>	<p style="text-align: center;"><i>Includes Tasks Assigned At Levels I, II, and:</i></p> <ul style="list-style-type: none"> <li>• Erect barriers and obstacles (e.g. Jersey Barriers) to control traffic;</li> <li>• Suspend all non-essential contract work or deliveries;</li> <li>• Conduct detailed searches of all operational areas and vehicles; and</li> <li>• Limit or restrict parking around sensitive areas and buildings.</li> </ul>
<b>IV</b>	<p style="text-align: center;"><i>Includes Tasks Assigned At All Levels and:</i></p> <ul style="list-style-type: none"> <li>• Verify the identities of all personnel and need for access;</li> <li>• Deny access to all personnel not associated with local, state or federal agencies; and</li> <li>• Restrict/deny parking in controlled areas.</li> </ul>



**Responsibilities**

<b>Position</b>	<b>Duties</b>
Superintendent/ Deputy Superintendent	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Review available information provided by the EOC;</li> <li>• Ensure that the Department is operating at the appropriate security level;</li> <li>• Notify the EOC in the event that conditions warrant a change to the existing security level;</li> <li>• Assign the EOC Director; and</li> <li>• Authorize the EOC Director to disseminate security level changes throughout the Department.</li> </ul>
Emergency Operation Center Director	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Collect and analyze information regarding Department security levels during personnel redeployment;</li> <li>• Forward recommendations that warrant a change to the Security Level or procedures to the Superintendent/Deputy Superintendent;</li> <li>• Immediately notify the Division Commanders, Communications Section OIC, and the Emergency Planning Officer of any changes to the security level; and</li> <li>• Disseminate security level changes to each division/troop/station/section/unit via radio, teletype, telephone, internet, fax or any other means as necessary.</li> </ul>
Division Commanders	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Ensure compliance with the appropriate security level and the established procedures; and</li> <li>• Ensure officers under their command are informed of changes to the security level.</li> </ul>
Troop/Station/ Section/ Unit Commanders	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Notify members who are reporting for duty or members who are re-deployed of the current security level and the established procedure(s) in place.</li> </ul>
Sworn/Essential/ Non-essential Personnel	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Familiarize themselves with the current security level and established procedures.</li> </ul>

Promulgated By:



# Department of State Police

## General Order

Effective Date <h3 style="text-align: center;">December 10, 2007</h3>	Number <h3 style="text-align: center;">SOC-03B</h3>
Subject <h2 style="margin: 0;">Response to Emergency Situations</h2>	

- Purpose** To provide guidance for the Department’s response efforts to public safety emergencies.
- 
- Policy** The Department realizes the necessity to effectively respond to public safety emergencies as a result of severe weather, terrorist activity, violent protest, natural and/or man-made disasters, through the prudent use of available resources.
- 
- Emergency Operations Center (EOC)** The Superintendent/Deputy Superintendent shall activate the Emergency Operation Center (EOC) when deemed necessary. The EOC shall:
- Coordinate logistics for troop/station/section/unit personnel redeployment; and
  - Operate under established EOC Command Coordination guidelines.
- 
- Stages of Personnel Redeployment** The Superintendent/Deputy Superintendent shall authorize the EOC to initiate the following action during the potential threat or occurrence of an emergency/incident.

	If...	Then...
<b>Stage I</b>  Redeployment of Personnel	A threat or occurrence of an emergency or incident raises the potential for a shift to be held over or the redeployment of sworn personnel...	<ul style="list-style-type: none"> <li>• Alert personnel of potential shift hold over and/or prepare for deployment;</li> <li>• Temporarily re-deploy an appropriate number of sworn personnel within the affected troop(s) and division; and</li> <li>• Hold over an appropriate number of on-duty sworn personnel.</li> </ul>
<b>Stage II</b>  Redeployment of On-Duty Personnel	A threat or occurrence of an emergency or incident creates a situation that is expected to require additional sworn personnel deployment beyond Stage I deployment ...	<ul style="list-style-type: none"> <li>• Re-deploy sworn on duty personnel as appropriate from the:               <ol style="list-style-type: none"> <li>1. Division of Field Services;</li> <li>2. Division of Investigative Services;</li> <li>3. Division of Standards and Training; and</li> <li>4. Division of Administrative Services.</li> </ol> </li> </ul>

*Continued on next page*

Subject	Number
<b>Response to Emergency Situations</b>	<b>SOC-03B</b>

<b>Stages of Personnel Redeployment (continued)</b>	<b>Stage III</b> Redeployment of All Sworn and Essential Personnel	A threat or occurrence of an emergency or incident requires a full deployment of sworn and essential personnel ...	<ul style="list-style-type: none"> <li>• Deploy all available sworn and essential personnel as necessary; and</li> <li>• The Superintendent/Colonel may initiate the cancellation of time-off and establish extended work hours as appropriate.</li> </ul>
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**Declaration of State of Emergency**

Upon the declaration of a “State of Emergency” by the Governor, sworn and essential civilian personnel (excluding personnel on suspension, injury, or other approved leaves) shall immediately:

- Contact their duty assignment supervisor or other supervising officer within the chain-of-command for specific instructions.

The Superintendent/Colonel may initiate the cancellation of time-off and establish extended work hours as appropriate pursuant to Collective Bargaining Agreement Article 8 Section 1D.

**Security Level Guidelines**

Upon the authorization by the Superintendent/Deputy Superintendent, the EOC may establish a specific security level in conjunction with personnel redeployment or when circumstances dictate. The EOC Director may add, delete or modify security level procedures when necessary. Refer to SOC-03A for security level guidelines.

<b>Responsibilities</b>	Division Commander	Shall: <ul style="list-style-type: none"> <li>• Ensure compliance with the appropriate security level procedures; and</li> <li>• Ensure officers under their command are informed of changes to the security level.</li> </ul>
	Troop/Station/Section/Unit Commander	Shall: <ul style="list-style-type: none"> <li>• Notify members who are reporting for duty or members who are re-deployed of the current security level and the established procedures in place.</li> </ul>
	Sworn/Essential/Non-essential Personnel	Shall: <ul style="list-style-type: none"> <li>• Familiarize themselves with the current Security Level and established procedures.</li> </ul>

**References**

SOC-03A – Emergency Operation Center (EOC)

Promulgated By:



# Department of State Police General Order

Effective Date <b>December 10, 2007</b>	Number <b>SOC-03C</b>
Subject <b>Response to Civil Disturbances</b>	

<b>Purpose</b>	To provide guidance for the Department's response to civil disturbances.
<b>Policy</b>	The Department realizes the necessity of an effective response to any civil disturbance through the prudent deployment of available Departmental resources.
<b>Definition</b>	<p>Massachusetts General Laws c.269 s.1:</p> <ul style="list-style-type: none"> <li>• An unlawful assembly exists when five or more persons, being armed with clubs or other dangerous weapons, or ten or more persons, whether armed or not, are unlawfully, riotously, or tumultuously assembled.</li> <li>• An "Order to Disperse" shall be given to persons unlawfully assembled before any action can be taken against them.</li> </ul>
<b>Civil Disturbances Initial Inquiries</b>	<p>Whenever any law enforcement agency requests the assistance of the Massachusetts State Police for civil disorders, riots, etc., a request to such effect shall be made through channels to the Office of the Superintendent/Deputy Superintendent. The following minimum information is required:</p> <ul style="list-style-type: none"> <li>• Requesting department, rank and name of the caller;</li> <li>• Name of authorizing official and a call-back number;</li> <li>• Specific facts surrounding the incident;             <ol style="list-style-type: none"> <li>1. Location;</li> <li>2. Number of officers on-scene/enroute;</li> <li>3. The reason or purpose for the disturbance; and</li> <li>4. Number of people causing the disturbance and whether armed, violent, or hostile.</li> </ol> </li> </ul>
<b>Civil Disturbances Response</b>	<p>The "Order to Disperse" shall be given by the officer-in-charge at the scene. The restoration of public peace should be accomplished first through persuasion. If necessary, force may be employed.</p> <p>Crowd control objectives are to:</p> <ul style="list-style-type: none"> <li>• Protect life and property;</li> <li>• Contain and isolate the disturbance;</li> <li>• Disperse as expeditiously as possible;</li> <li>• Prevent re-grouping or re-entry; and</li> <li>• Identify and take action against law violators.</li> </ul> <p>Officers shall keep in mind the limitations imposed upon the Department in private business sector strikes.</p>

	<b>Position</b>	<b>Duties</b>
<b>Responsibilities</b>	Responding Officer	Shall: <ul style="list-style-type: none"> <li>• Report with the current duty uniform and riot gear;</li> <li>• Report to the Incident Commander on-scene for instructions when responding in plainclothes;</li> <li>• Be issued additional restraining devices, as necessary, by the Supply Section;</li> <li>• Field search prisoners prior to entering an established Field Processing Area; and</li> <li>• Submit all appropriate reports using the incident case number as issued by the Incident Commander.</li> </ul>
	On-scene Department Incident Commander	Shall: <ul style="list-style-type: none"> <li>• Order or verify an "Order to Disperse" was issued to all persons to immediately and peaceably disperse;</li> <li>• Take necessary action if the crowd fails to disperse after being ordered to do so;</li> <li>• Request additional personnel and support through the Division Commander of Field Services;</li> <li>• At no time attempt to accomplish a police objective, unless, sufficient forces are present to support such objective;</li> <li>• Establish a Field Processing Area when necessary;</li> <li>• Assign officers (e.g., security, intake, booking, evidence control, photo/ fingerprint, court officer, clean-up, etc.) as needed, to maintain a Field Processing Area; and</li> <li>• Prepare and submit an "After Action Report" within 24 hours after termination of all Departmental activities.</li> </ul>
	Division Commander of Field Services	Shall: <ul style="list-style-type: none"> <li>• Ensure adequate uniformed personnel and tactical support remain in the affected area during and after order is restored for such period of time as deemed necessary by the Colonel/Superintendent; and</li> <li>• Ensure any further disruptions are handled as expeditiously as possible.</li> </ul>

**Mass Arrests Logistics**

The following procedures shall be adhered to when a situation requires the arrest of multiple offenders:

- Normal arrest procedures shall be used for all arrested individuals;
- All arrested individuals shall be subject to the appropriate bail procedures;
- Arrested individuals shall be expeditiously taken to a Field Processing Area;
- For record keeping purposes and whenever feasible, the arresting officer's name shall be written on the photograph of each individual they have arrested;
- As soon as possible, arrested individuals shall be transported to an appropriate place of temporary confinement or released after booking as directed by judicial authorities;

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**Mass Arrests  
Logistics  
(continued)**

- Food, water, medical and sanitation needs shall be tended to as soon as reasonably possible;
- The face sheet/arrest report and Prisoner Property Inventory Form shall be sent with the transporting officer to the place of confinement or release;
- The court of jurisdiction and the appropriate District Attorney's office shall be apprised of the situation; and
- Contraband or evidence shall remain with an assigned Evidence Control Officer.

**After Action  
Report**

An After Action Report shall be prepared by the Incident Commander assigned to the scene. It shall begin with a numerical, chronological listing of all arrested individuals and shall contain, at a minimum:

- Number and source of complaints;
- Verbatim instructions given to the crowd and the name of the officer giving them;
- Department personnel on scene and their respective duties;
- Names of arresting officers and individuals arrested;
- Contraband and evidence seized;
- Damage to private/public property;
- Injuries to police/public; and
- Private/public agencies/personnel involved.

Promulgated By:



# Department of State Police General Order

Effective Date <b>July 11, 2011</b>	Number <b>SOC-04</b>
Subject <b>Lost/Missing Person Searches</b>	

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## **Policy**

Every incident involving a lost and/or missing person shall be treated as a potential emergency event that may require a rapid and coordinated response of specialized personnel and equipment.

Members should understand that every lost and/or missing person incident has the potential of being or becoming a criminal investigation; members shall treat the scene of each incident as a potential crime scene.

If the missing person is identified as a child age seventeen (17) or younger and there is evidence of abduction, the Amber Alert Coordinator shall be notified.

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## **Stage One Response Protocol**

Upon receiving a report of a lost/missing person and/or receiving a request for Department assistance in locating a lost/missing person, the Desk Officer shall immediately gather as much information as possible, including, but not limited to:

- Name, age, and address of the missing person;
- Description of appearance/clothing;
- Activity at time of disappearance;
- Place Last Seen (PLS);
- Reporting person's information;
- Physical or general health condition;
- Any mental or cognitive deficiencies e.g., Alzheimer disease, dementia, or autism;
- Does the missing person have an electronic tracking transmitter;
- Involvement of any weapon;
- Requesting agency point of contact including their call back telephone number; and
- Action taken so far.

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**Stage One  
Response  
Protocol  
(Continued)**

<b>Position</b>	<b>Duties</b>
Desk Officer	<ul style="list-style-type: none"> <li>• Dispatch the appropriate patrols;</li> <li>• Notify the Troop Duty Officer of all requests;</li> <li>• Broadcast all pertinent information over the radio; and</li> <li>• Make appropriate Daily Administrative Journal (DAJ) entries.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Dispatch a supervisor to the scene;</li> <li>• Dispatch K-9 to the scene;</li> <li>• Make appropriate DAJ entries;</li> <li>• Check on the availability of Air Wing;</li> <li>• Dispatch Department members trained and equipped with electronic tracking receivers, when it is determined the missing person is equipped with an electronic tracking transmitter;</li> <li>• Dispatch other resources as needed;</li> <li>• Conduct an assessment of the “search urgency” by reviewing the current information. The following conditions may indicate a high search urgency:               <ol style="list-style-type: none"> <li>1. Child under twelve (12) years of age;</li> <li>2. Adult over seventy (70) years of age;</li> <li>3. Mentally challenged individuals;</li> <li>4. Physical conditions or health issues;</li> <li>5. Extreme or deteriorating weather conditions;</li> <li>6. Time of day;</li> <li>7. Persons determined to be at risk to themselves; and</li> <li>8. Other pertinent factors.</li> </ol> </li> <li>• Ensure that a SP 622 Lost/Missing Person Questionnaire is completed by on-scene personnel.</li> </ul>



**Stage Two  
Response  
Protocol**

Upon the need for a more comprehensive response as determined by:

- The requesting agency;
- The responding members; or
- Based upon a search urgency analysis.

The Troop Duty Officer shall request, through the GHQ Communications Section, that the Tactical Operations Commander or designee be contacted for a Stage Two Response.

The Tactical Operations Commander or their designee shall approve all Stage Two requests prior to any Stage Two Response activation orders.

When authorized, the Tactical Operations Commander or designee shall activate:

- Additional resources from within Tactical Operations (SERT, IMAT, Air Wing, Canine, Mounted, etc.) or
- Outside resources (Environmental Police, Department of Conservation and Recreation, Civilian Volunteers, etc.); or
- Other resources as needed.

**Reference**

SOC-04A Amber Alert Activations  
TOP-01 tactical Operations Command and Control  
TOP-09 Incident Management Assistance Team  
SP 622 Lost/Missing Person Questionnaire

Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>SOC-04A</b>
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Subject	<b>AMBER Alert Activation</b>
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**Policy**

The Department shall initiate an AMBER Alert for cases of child abduction, where the child’s life is in imminent danger of serious bodily harm or death, and specific criteria supporting the AMBER Alert Activation have been met.

**Amber Alert Criteria**

America’s Missing Broadcast Emergency Response (AMBER) Alerts shall only be activated when:

- A child, seventeen (17) years of age or younger has been abducted;
- The child is in danger of serious bodily harm or death; and
- There is enough descriptive information to believe an AMBER Alert will help locate the child.

**Note: AMBER Alerts are not intended for missing child incidents, runaways, or child custody situations.**

**Activation Procedures  
Duties /  
Responsibilities**

Position	Responsibilities
First Responding Officer	<ul style="list-style-type: none"> <li>• Conduct an initial scene assessment to determine if the AMBER Alert Criteria has been met;</li> <li>• Verify witness(s) observations to the abduction;</li> <li>• Notify the Desk Officer with specific information and request an immediate AMBER Alert Activation; and</li> <li>• Remain at the scene until relieved by a supervisor.</li> </ul>
Desk Officer	<ul style="list-style-type: none"> <li>• Dispatch the appropriate patrols;</li> <li>• Notify the Troop Duty Officer of jurisdiction with the specific information for an AMBER Alert Activation;</li> <li>• Broadcast pertinent information via the radio; and</li> <li>• Enter the AMBER Alert Activation request into the Daily Administrative Journal (DAJ).</li> </ul>

Continued next page.

Subject <b>AMBER Alert Activation</b>	Number <b>SOC-04A</b>
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**Activation Procedures Duties / Responsibilities (Continued)**

Position	Responsibilities
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Complete the AMBER Alert Activation Form and fax to GHQ Communications Section OIC;</li> <li>• Follow up fax with a call to GHQ Communications to ensure the fax has been received; and</li> <li>• Assign a supervisor to respond to the scene, who shall act as a liaison with the AMBER Alert Activator and/or Coordinator.</li> </ul>
GHQ Communications Section OIC	<ul style="list-style-type: none"> <li>• Notify the AMBER Alert Activator and AMBER Alert Coordinator with the specific information received from the AMBER Alert Activation Form;</li> <li>• Notify the Media Relations officer-on-call when an AMBER Alert Activation Request is received;</li> <li>• Notify the Division Commanders of Field Services and Investigative Services when an AMBER Alert Activation has been authorized;</li> <li>• Initiate the AMBER Alert Activation procedures when authorized; and</li> <li>• Enter the information into NCIC if the Department is the initiating agency.</li> </ul>
AMBER Alert Activator	<ul style="list-style-type: none"> <li>• Review the Massachusetts Child AMBER Alert Activation Form information;</li> <li>• Contact the Troop Duty Officer or requesting police department if further information is needed to support an activation;</li> <li>• Authorize the AMBER Alert Activation when specific criteria warrant such activation;</li> <li>• Notify the submitting Troop or local department when the AMBER Alert Activation is authorized or denied; and</li> <li>• Complete an after action report on all activations and forward:               <ol style="list-style-type: none"> <li>1. The original to the Division Commander of Investigative Services.</li> </ol> </li> </ul>

Continued next page.

Subject <b>AMBER Alert Activation</b>	Number <b>SOC-04A</b>
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**Activation Procedures  
Duties /  
Responsibilities  
(Continued)**

Position	Responsibilities
AMBER Alert Coordinator	<ul style="list-style-type: none"> <li>• Oversee the AMBER Alert Activation Process within the Department;</li> <li>• Select the Massachusetts Child AMBER Alert Committee;</li> <li>• Act as a backup AMBER Alert Activation Officer;</li> <li>• Maintain a database on all requests;</li> <li>• Notify Division Commander of Investigative Services of all activations;</li> <li>• Review all requests for AMBER Alert Activations;</li> <li>• Complete an after action report on all activations; and</li> <li>• Submit findings through channels to the Office of the Superintendent.</li> </ul>
Superintendent	<ul style="list-style-type: none"> <li>• Assign a member as the AMBER Alert Coordinator; and</li> <li>• Assign Commissioned Officers from the Division of Investigative Services as the AMBER Alert Activator.</li> </ul>

**References**

SOC-04 Lost/Missing Person Searches  
National Center for Missing and Exploited Children (NCMEC)

Promulgated By:
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# Department of State Police

## General Order

Effective Date	<b>April 23, 2009</b>	Number	<b>SOC-05</b>
Subject	<b>Special Considerations</b>		

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**Policy**

In accordance with international, federal, and state laws, the following are entitled to special considerations and/or immunities:

- Diplomatic and consular officers;
- Foreign Nationals;
- Individuals requesting political asylum;
- Military personnel; and
- Elected officials.

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**Diplomatic and Consular Officers**

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**Diplomatic Immunity**

Diplomatic Immunity is a principle of international law accorded to duly-accredited diplomatic officers, their families, and their servants, that afford them qualified exemptions from local jurisdictional prosecution.

Federal law grants members of foreign diplomatic missions and consular posts privileges and immunities in their offices, private residences, as well as in their papers and correspondence.

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**Identification**

Foreign nationals who enjoy privileges and immunities possess a valid diplomatic passport issued by their country with a diplomatic "A" or "G" visa.

Other formal documents of identity issued by the U.S. State Department includes a (3¾" x 2½") card with photo which depicts:

- Blue border - Diplomatic officers and their families;
- Green border - Embassy administrative and technical staff and their families; or
- Red border - Consular officers, employees and their families.

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**Vehicle Registration**

The State Department, as of April 2007, has issued newly designed diplomatic and consular license plates. These plates may or may not designate consular or diplomatic codes to correspond to the owner's privileges and immunities. Member may consult the State Department web site for more information.

Members shall not tow or boot any vehicle bearing a diplomatic or consular license plate; however, the vehicle may be moved to the nearest safe location for reasons of public safety.

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**Diplomatic  
Immunity  
Incidents**

The following individuals shall not be detained, handcuffed, or arrested:

- Diplomatic agents or their administrative and technical staff;
- Diplomatic level staff of the United Nations; or
- Family members of any of the above.

Exception: Reasonable restraints may be applied in emergency circumstances involving self defense, public safety, or the prevention of serious criminal acts.

Incidents involving foreign diplomatic and consular personnel shall be fully documented to assist the State Department in subsequent prosecution or expulsion.

**Civil  
Infractions**

No person is exempt from being issued a citation for a civil motor vehicle violation.

**Diplomatic  
Immunity and  
OUI**

<b>If...</b>	<b>Then...</b>
Operating Under the Influence and has a diplomatic "A" or "G" visa.	Sobriety tests may be offered but not compelled.  Do not allow the person to drive, however, a member may: <ul style="list-style-type: none"> <li>• Transport operator to a police station to arrange for safe transport; or</li> <li>• Contact a taxi, friend, or relative of the individual to drive, or assist in making arrangements.</li> </ul>

**Notifications**

The Troop Commander shall immediately notify their Division Commander, as well as the State Department (202) 663-0812 or (202) 647-1074, when any foreign diplomatic official, members of their family, or staff are involved in any State Police action.

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**Foreign Nationals**

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**Introductions**

The State Department requires assistance from state and local police in carrying out certain international obligations arising from the arrest, detention, or death of foreign nationals (citizens of other countries).

For the purposes of consular notification, foreign nationals include lawful permanent resident aliens of the United States who have a resident alien registration card (commonly known as a "green card").

When foreign nationals are involved in an incident, members shall consult "Consular Notification and Access" provided by the State Department, and are available to all stations via the web site at:

- [http://travel.state.gov/consul\\_notify.html](http://travel.state.gov/consul_notify.html).

**International Drivers Licenses**

Some foreign nationals, while in the United States, may legally drive using their country's license for up to one (1) year from the person's date of entry into the country, unless they establish permanent residency or employment in this country. Massachusetts will only honor valid licenses from countries identified in Appendix "A" of the current Massachusetts Driver's Manual. This list can be found online at:

- <http://www.mass.gov/rmv/dmanual/appendixA.pdf>.

This also applies to private vehicle registrations, when accompanied by a plaque indicating the country of origin.

An operator with a valid driver's license from Germany or Switzerland shall be considered to be duly licensed to operate in Massachusetts.

**Foreign Nationals Arrest or Detention**

Position	Duties
Member	<ul style="list-style-type: none"> <li>• The arrest or detentions of a foreign national immediately notify a supervisor.</li> </ul>
Supervisor	<ul style="list-style-type: none"> <li>• Inform the detainee of their right to have their government notified;</li> <li>• Notify the Troop Duty Officer of the detention and of the notification of the detainee's rights; and</li> <li>• Subject to laws and Department procedures, allow consular officers to visit and converse with the detainee.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Notify the Troop Commander; and</li> <li>• If the detainee requests, or if it is mandated, notify the appropriate consulate or embassy without delay, and document the notification.</li> </ul>

Subject <b>Special Considerations</b>	Number <b>SOC-05</b>
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**Mandated Reporting**

Agreements with certain countries mandate that they be notified when their nationals are confined or detained regardless of the national's request. These countries are listed in "Consular Notification and Access" provided by the State Department, and are available to all stations via the web site at:

- [http://travel.state.gov/consul\\_notify.html](http://travel.state.gov/consul_notify.html).

Contact numbers for consulates and embassies can be found at:

- [http://travel.state.gov/law/consular/consular\\_745.html](http://travel.state.gov/law/consular/consular_745.html)

Station Commanders shall ensure that the Consular Notification and Access List is updated and available in the guidebook.

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**Legal Questions**

Members who have legal questions may contact the State Department, Office of the Assistant Legal Advisor for Consular Affairs, at (202) 647-4415. Urgent telephone inquiries after regular business hours may be directed to the State Department Operations Center at (202) 647-1512.

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**Ship and Aircraft Incidents**

If a ship or aircraft registered in a foreign country crashes within the United States, the nearest consular offices of that country shall be notified immediately.

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**Deaths of Foreign Nationals**

Article 37 of the Vienna Convention on Consular Relations requires that if federal, state or local government officials become aware of the death of a foreign national in the United States, they must ensure that the nearest consulate of that national's country is notified of the death. Members who become aware of such incidents in the course of their duties shall make appropriate notification in a timely manner.

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**Requests for Political Asylum**

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**Asylum**

Protection and immunity from extradition granted by the United States to a foreign national who is unable or unwilling to return to their country of nationality because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

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Subject <b>Special Considerations</b>	Number <b>SOC-05</b>
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**Request for Asylum**

If approached by a foreign national seeking asylum:

Step	Action
1	Prevent attempts at forced repatriation, and try to make the person feel comfortable and safe: <ul style="list-style-type: none"> <li>• Offer protection; and/or</li> <li>• Invite the person to the nearest Department station or facility.</li> </ul>
2	Obtain personal data/history: <ul style="list-style-type: none"> <li>• Name, nationality, date and place of birth, and any documents;</li> <li>• Whether person is alone or with a group; and</li> <li>• Whether person has family, friends, or relatives nearby.</li> </ul>
3	Notify a supervisor and the Troop/Section/Unit Commander of the situation.
4	Notify U.S. Immigration and Customs Enforcement (ICE) Boston office (617) 565-3100/3104 to transfer the case.

**Elected Officials**

**National Senators and Congressional Representatives**

U.S. Senators and Representatives shall in all cases, except treason, felony, and breach of peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place. (U.S. Constitution Article 1, section 6, clause 1.)

**Massachusetts State Senators and State Representatives**

No member of the House of Representatives or Senate shall be arrested, or held to bail while going to, returning from, or attending the General Assembly. (Massachusetts Constitution Part 2 C.1 §3 Articles 10 & 11.)

If...	Then
A Senator or Representative, as outlined above, is en route to an official function associated within the scope of their duties:	<ul style="list-style-type: none"> <li>• Release forthwith; and</li> <li>• Take action at a later date.</li> </ul>
OUI or endangering public safety:	<ul style="list-style-type: none"> <li>• Normal arrest process.</li> </ul>

**Notification**

The Troop Commander shall immediately notify the Division Commander and the Office of the Superintendent when any elected or appointed official is arrested or detained for a crime.

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**Military Personnel**

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**Exceptions To  
License  
Requirements**

Members shall be aware that Massachusetts General Laws (MGL) c.90, s.5B, s.9B, and s.10 allow several exceptions to license and registration requirements for members of the Armed Forces and their spouses.

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**References**

MA Constitution - Pt. 2 C.1 §3 Articles 10 & 11

MGL c.85, s.2C

MGL c.40, s.22D

U.S. Constitution Article 1, section 6, clause 1

22 USC 254 Diplomatic Relations Act

U.S. State Department publication; "Consular Notification and Access"

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>SOC-07</b>
Subject <b>Domestic Abuse</b>	

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**Policy** The Department shall adhere to the Massachusetts Domestic Violence Law Enforcement Guidelines 2001.

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**Definitions** *Abuse:* For the purposes of this policy, abuse is defined by Massachusetts General Laws (MGL) c.209A, s.1 as the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm; or
- Causing another to engage involuntarily in sexual relations by force, threat, or duress.

*Family or Household Members:* Persons who:

- Are or were married to one another;
  - Are or were residing together in the same household;
  - Are or were related by blood or marriage;
  - Have a child in common regardless of whether they have ever married or lived together; or
  - Are or have been in a substantive dating or engagement relationship, including same sex relationships.
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**Response** Domestic abuse situations are considered a high priority and require that members immediately respond to the scene. Notifications shall be made to the department of jurisdiction as appropriate with an offer made of Department assistance.

The State Police Detective Unit (SPDU) of jurisdiction shall be notified of all domestic abuse cases involving serious bodily injury or injury which results in a death.

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Continued next page.

**Response  
(Continued)**

Position	Duties
Desk Officer /Dispatcher	<ul style="list-style-type: none"> <li>• Whenever possible, two (2) members should be dispatched to the scene;</li> <li>• Provide available information as requested:               <ol style="list-style-type: none"> <li>1. Existence of any warrants or protective orders, or record of criminal history;</li> <li>2. Any other relevant information of prior incidents or likelihood of firearms being present; and</li> <li>3. Record of Firearms Identification Cards and/or Licenses To Carry Firearms issued to resident(s); and</li> </ol> </li> <li>• Notify the Troop Duty Officer.</li> </ul> <p><u>Note:</u> A response shall not be terminated based on a follow-up call from the complainant.</p>
Responding Member(s)	<p>Whenever there is reason to believe that a family or household member has been abused, or is in danger of being abused, members shall:</p> <ul style="list-style-type: none"> <li>• Arrest the abuser where probable cause exists;</li> <li>• Request medical treatment if appropriate;</li> <li>• Activate the Emergency Judicial Response System (EJR);</li> <li>• Remain on the scene;</li> <li>• Immediately provide the abuse victim with copy of a SP 500 Abused Persons Notice of Rights;</li> <li>• Assist victim and dependent children to a safe place;</li> <li>• Provide referral information for programs, shelters, and counseling to victims; and</li> <li>• Inform victim that abuser may be eligible for bail.</li> </ul>

**Supervisor  
Responsibilities**

Supervisors shall ensure the provisions of MGL c.209A, as well as these guidelines, are adhered to:

- That an incident report has been filed, even in cases where no arrest was made; and
- That calls which are received as allegations of domestic abuse or a domestic disturbance are not reclassified because no probable cause to arrest existed. Incident reports shall be filed in those cases as well.

If upon review of an incident report, it is believed that probable cause exists, the supervisor shall:

- If required, ensure that a follow-up investigation is conducted;
- Ascertain that appropriate referrals are provided to the victim; and
- Ensure that criminal charges are initiated according to MGL c.209A.

Subject <b>Domestic Abuse</b>	Number <b>SOC-07</b>
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**Notice of Rights** The investigating member shall immediately provide abuse victims with adequate notice of rights. The notice shall consist of:

- Handing the victim a copy of SP 500; and
- Reading the victim their rights.

When the victim's native language is not English, every attempt shall be made to provide the statement in their native language.

**Confidentiality** A plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant unless the plaintiff specifically requests that this information be withheld from the order.

Members assisting in emergency abuse prevention orders shall be cognizant of victims' confidentiality rights and requests.

**Service of Orders** Service of orders shall be made in hand, unless otherwise ordered by the court. Orders shall be:

- Served promptly upon receipt. If service is initially unsuccessful, the Department shall continue to attempt service until it is completed. Service of orders shall not be delayed in order to be served by a specialized officer or unit; and
- Returned to the court promptly.

The victim's safety shall be considered in the timing of the service of the order. Members should encourage the victim to contact an advocate (either through the District Attorney's (DA) Office of jurisdiction, SAFEPLAN, or the local battered women's program) in order to develop a safety plan around the service of the order.

Troop/Station/Section/Unit Commanders shall maintain a record of all attempts at service.

**Out of State Orders** Persons who violate out of state abuse orders, or violate Massachusetts abuse orders in another state, may be charged criminally for contempt in the Commonwealth of Massachusetts.

- In assessing probable cause, a member may presume the validity of the protection order issued by another jurisdiction when the member has been provided with:
  1. A copy of the order by any source; and
  2. A statement by the victim that such order remains in effect.

A protective order issued in another jurisdiction (as defined in MGL c.209A, s.1) shall be given full faith and credit in the Commonwealth. Therefore, members shall make a warrantless arrest of any person, when the member has probable cause to believe there is a violation of an emergency, temporary or permanent vacate, refrain from abuse, stay away or no-contact order, or judgment issued by another jurisdiction.

Subject <b>Domestic Abuse</b>	Number <b>SOC-07</b>
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**Firearms**

In domestic abuse incidents, members shall seize all firearms in accordance with SOC-07A Domestic Abuse Arrest/Investigations.

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**Vacate Orders and Court Orders to Retrieve Belongings**

Once a vacate, no contact, stay away, or refrain from abuse order is issued, members shall not accompany any party to the property without specific judicial authorization. A vacate order may include the following requirement:

- The defendant shall not damage any of the plaintiff's belongings, or those of another occupant, and shall not interfere with any utilities or mail delivery to the plaintiff.

The defendant in the vacate order may be allowed to retrieve their belongings under the following conditions and shall:

- Have a court order allowing for the retrieval; and
- Not be allowed to use this as a means of harassing the victim.

The victim/defendant shall have prior notice by the Department, and shall agree to the timing of the retrieval.

Note: Members need to keep in mind that certain behaviors by the victim or the defendant, while at the residence, may constitute a violation of the protective order. Repeated visits may also constitute a violation. The purpose of the restraining order is to keep the defendant away from the plaintiff. If the defendant repeatedly returns to collect their belongings, it is defeating the purpose of the protective order.

In cases where one party has a court order that allows them to return to a residence in order to retrieve their belongings, members shall:

- Accompany the victim to ensure the order is executed; and
  - Ensure the victim is free from harassment or abuse by the defendant.
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**Referral Information**

Troop/Station/Section/Unit Commanders shall ensure that referral information for programs, shelters, and counseling for victims are identified within their respective jurisdictions and available within the guidebook.

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**Confidential  
Programs  
Locations**

A domestic abuse program is defined as any refuge, shelter, office, safe home, institution, or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal, or support counseling.

The location and street address of all domestic abuse programs are absolutely confidential and shall not be revealed in any criminal or civil proceeding.

Under no circumstances shall law enforcement officers release information to anyone, other than another law enforcement officer or a victim, regarding the location of a domestic abuse program.

**References**

SOC-07A Domestic Abuse Arrest/Investigations  
SP 500 Abused Person's Notice of Rights  
Massachusetts Domestic Violence Law Enforcement Guidelines 2001  
(Revised)  
Chapter 164 of the Acts of 2000: An Act Relative to the Crime of Criminal Harassment  
MGL c.209A, s.8, as amended by c.236 s.24 of the Acts of 2000.  
MGL c.209A  
MGL c.233, s.20K  
MGL c.233, s.20L  
MGL c.265, s.43 Stalking  
MGL c.277, s.62B Stalking; jurisdiction

Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	SOC-07A
Subject	Domestic Abuse Arrest/Investigations		

### Policy

The Department shall respond and investigate allegations of domestic abuse while ensuring the rights and safety of all those involved.

### Arrest Guidelines

The safety of the victim and any children shall be paramount in any decision to arrest, and in the timing of the arrest. The decision to arrest shall be based on whether or not probable cause exists that the crime occurred, not on whether or not the victim wishes to seek complaints or wishes to testify at a future date.

**Mandatory Arrest:** Members shall make a warrantless arrest of any person the member witnesses or has probable cause to believe has violated an emergency, temporary or permanent vacate, refrain from abuse, stay away or no-contact order, or a judgment, suspension, surrender and/or a protection order issued by any jurisdiction.

**Arrest Preferred:** When there are no refrain from abuse, vacate, stay-away, or no-contact orders or judgments in effect, arrest shall be the preferred response whenever a member witnesses or has probable cause to believe that a person has committed:

- A felony;
- An assault and battery of a family or household member in violation of Massachusetts General Laws (MGL) c.265, s.13A;
- A misdemeanor involving abuse, as defined in MGL c.209A;
- An assault and battery or permits another to commit an assault and battery upon an elder or a person with a disability in violation of MGL c.265, s.13K;
- An assault and battery with or without a dangerous weapon on an individual under the protection of an abuse prevention order, as defined in MGL c.265 s.13A(b)(iii) and 15A(c)(iii); or
- An assault on an individual who is known to be pregnant, or there is reason to know is pregnant.

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**Arrest  
Guidelines  
(Continued)**

When probable cause to arrest exists and the suspect has fled the scene, the member shall:

- Have the Desk Officer/Dispatcher advise area patrols and all local police departments as appropriate;
- Attempt to make a warrantless arrest; and
- Seek an arrest warrant from the appropriate court, as soon as possible.

A statement from a police department that probable cause to arrest exists shall be honored by another police department. When probable cause exists to believe a crime involving abuse occurred, members shall not advise the victim to seek complaint applications on their own.

**Investigations**

Members responding to domestic abuse calls shall follow the guidelines established in SOC-07 Domestic Abuse and ensure an investigation includes:

- Information about the suspect's ownership, access to, or presence of any firearms, and their location;
- Relationships of all parties at the scene, including names and DOB of children present, or those in the household;
- The phone number of the victim's residence and include the number within the incident report so the bail bondsman or court personnel may inform the victim of the defendant's release on bail; and
- Informing the victim that if they intend to leave the residence, and desire to be informed of the abuser's release on bail, they must provide a contact number.

Members shall be aware that thorough documentation of the crime scene condition is critical to the prosecution.

**Defendant  
Information**

Members shall provide information regarding a defendant's dangerousness to the Prosecutor for use at arraignment such as:

- Criminal history;
- Restraining, no-contact or other protective orders currently in effect against the suspect;
- Possession of, or past use of weapons;
- Threats of serious physical harm against the victim, other family members, or pets; or
- Attempts or threats to commit suicide.

**Arrest of a  
Caretaker**

In cases involving abuse of a child, a person with a disability, or an elder, members shall:

- Address the issue of whether or not the victim can be left alone safely, if the abuser is arrested; and
- Contact the respective protective agency in order to arrange for temporary care, if the child, person with a disability, or the elder cannot be left alone.

In situations involving allegations of abuse of children, the disabled, or the elderly refer to SOC-07C Abuse of Children/Disabled/Elderly.

**Substantive  
Dating  
Relationship**

Members shall gather enough information to determine whether or not a substantive dating relationship exists and examine the following factors when making this determination:

- The length of time of the relationship;
- The type of relationship;
- The frequency of interaction between the parties; and
- If the relationship has been terminated by either person, the length of time that has elapsed since the termination of the relationship.

If it is determined that a substantive dating relationship exists or did exist, then the member shall:

- Take proper action, including arrest when appropriate, regardless of whether the victim seeks a restraining order.

In cases where there is no substantive dating relationship, another crime such as stalking or criminal harassment, may have been committed.

**Dual Arrests**

Dual arrests, like the issuance of mutual restraining orders, are strongly discouraged because they trivialize the seriousness of domestic abuse and increase the danger to victims. In the majority of cases, an effective investigation will reveal the dominant aggressor. Members shall:

- Attempt to identify the dominant aggressor bearing in mind the difference between offensive and self-defense injuries; and
- Take action based on that determination.

A member arresting both parties is required by law to submit separate and detailed arrest reports indicating the basis for the dual arrest.

Members investigating an incident of domestic violence shall not discourage requests for law enforcement intervention by threatening, or otherwise indicating all parties will be arrested.

**Incident  
Reports**

Incident reports shall be made whether or not an arrest results. Upon request to the Department, reports shall be made available to the victim at no cost. Prosecution and subsequent legal action can be greatly aided by documentation and description of:

- Physical injuries; and
- Photographs of the injuries.

Members shall note the presence of children in the household and other information gained through the investigation.

- Confidentiality** The Department shall ensure the confidentiality of domestic abuse victims by safe guarding certain information including, but not limited to:
- Information regarding the identity of a victim or children;
  - Any medical information;
  - Statement by witnesses; or
  - Keeping a separate record of the victim's address and phone number, if the victim will be seeking to hide from the abuser.

Victims of domestic abuse have a strong privacy interest in this type of information whether contained in the initial incident report or supplemental reports. Domestic abuse reports shall only be released to the victim and the District Attorney's Office of jurisdiction. Any other requests for a domestic abuse report shall be forwarded to the Department's Legal Section.

**Firearms**

Firearms at the scene of a domestic abuse incident.

If...	Then...
The responding members are informed that a firearm or weapon has been involved in the dispute	<ul style="list-style-type: none"> <li>• Seize the weapon as evidence of the crime.</li> </ul>
The weapon is not reported to have been involved in the dispute	<ul style="list-style-type: none"> <li>• Request that the firearm or weapon be placed in the Department's custody temporarily.</li> </ul>

A consent search is permitted by law in all jointly controlled or accessible areas. Members shall:

- Take temporary custody of the firearm or weapon to alleviate the threat of serious violence; and
- Ascertain whether a firearm is lawfully possessed.

If the member determines that the weapon cannot be seized, then:

- A judge can order the defendant to surrender all firearms, and their Licenses To Carry (LTC) Firearms including their Firearms Identification Card (FID); or
- The issuing authority may revoke or suspend the LTC or FID, which would then allow for the seizure of the firearms.

In all domestic abuse cases, the investigating member shall advise the licensing authority that the subject of the license is suspected of abuse. Notice may be made by mailing or faxing a copy of the incident report to the local licensing authority after authorization from the Department's Legal Section.

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**Firearms  
(Continued)****Abuse Prevention Orders**

Upon issuance of any order under MGL c.209A Abuse Prevention Orders, members shall:

- Immediately take possession of all firearms, rifles, shotguns, machine guns, and ammunition, including any LTC and FID, owned or controlled by the subject of the order; and
- Ensure that the order has been completely vacated prior to returning weapons and permits.

**Violations of Orders**

In the interest of immediacy and the statutory mandate to arrest, members shall:

- Make a warrantless arrest of any person the member witnesses or has probable cause to believe has violated an order, including a violation which stems from the possession of weapons.

**Seizure and Storage of Firearms**

Every department within the Commonwealth shall honor another department's request for assistance in seizing the above listed items regardless of which department is named within the order. The department named within the order shall be responsible for the storage of the seized items or the delegation of storage to an authorized facility.

**Orders Against Law Enforcement Officers**

In cases involving police officers that are defendants in Abuse Prevention Orders, the defendant must relinquish all firearms, including departmental weapons, to the department serving the order.

**Federal  
Firearms  
Provisions**

The Colonel/Superintendent shall be notified whenever a member identifies a case involving certain circumstances of which federal action can be taken. Members shall be cognizant of the following federal provisions:

**Persons Named in Protective Orders**

Under the Federal Crime Control and Law Enforcement Act of 1994, it is unlawful for an individual subject to a permanent restraining order involving intimate partners to receive, ship, transport, or possess guns (including handguns, rifles, and shotguns) or ammunition, that traveled through interstate commerce.

**Misdemeanors Involving Domestic Violence**

Under 18 USC s.922(g)(9), it is unlawful for any person convicted of certain misdemeanor crimes involving domestic violence to ship, transport, possess, sell, or otherwise dispose of, or receive firearms or ammunition.

**Federal Felon in Possession Of A Firearm**

Under 18 USC s.922(g)(1), "Felon in possession of a firearm," it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess any gun or ammunition.

**Property**

The relationship of the parties and their property interests complicate domestic abuse situations. When a party to a domestic dispute is accused of removing, or attempting to remove property from the dwelling, or is accused of damaging or destroying property, the member shall:

- Conduct an investigation to determine the civil or criminal consequences; and
- Take appropriate action if criminal (e.g. malicious destruction of property).

**Police Officers from Other Jurisdictions**

In cases involving police officers from other jurisdictions, the investigation shall follow the guidelines established within this policy and SOC-07. The supervisor shall:

- Immediately notify the OIC of the employing department;
- Ensure information is entered into the RAMS system, the Daily Administrative Journal and other appropriate reports;
- Secure the local weapon until returned to the involved Department; and
- Forward a copy of the report to the Chief of Police of the involved officer, through the Department's Legal Section

**References**

SOC-07 Domestic Abuse  
 SOC-07B Domestic Abuse Involving MSP Members  
 SOC-07C Abuse of Children/Disabled/Elderly  
 MGL c.209A, s.6(7).  
 MGL c.265, s.13A  
 MGL c.265, s.13K  
 MGL c.265, s.15A

Promulgated By:



# Department of State Police General Order

Effective Date	Number
<b>June 17, 2013</b>	<b>SOC-07B</b>
Subject	
<b>Domestic Abuse Involving Members</b>	

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**Policy**

The Department shall ensure that all reports of alleged domestic abuse by members are thoroughly investigated.

The Department shall respond and investigate allegations of domestic abuse while ensuring the rights and safety of all those involved.

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**Involved Member**

Any member, upon being notified that they are a defendant in any protective order or modification thereof, or upon becoming aware that they have been accused of abuse, shall:

- Immediately notify their duty assignment supervisor (pursuant to Rules and Regulations), naming the investigating department, if any;
  - Surrender Department issued License To Carry (LTC) Firearms and/or weapons and any other state or federal firearms licenses to the responding supervisor; and
  - Within twenty-four (24) hours, make written notification, through channels, to their Division Commander. A copy of the protective order or modification shall also be attached to the documentation.
- 

**Responding Member**

All members responding to incidents of alleged domestic abuse involving members of the Department shall:

- Take immediate action to ensure the safety of the victim;
  - Call a supervisor of higher rank than the involved member to the scene;
  - Remain on the scene until relieved by the responding supervisor;
  - Ensure that all provisions of Massachusetts General Laws (MGL) 209A are followed, including arrest, when necessary; and
  - Submit a detailed report of observations and statements made, prior to the end of their shift.
-

**Responding  
Supervisor**

Whenever a member is alleged to have committed abuse, a supervisor of higher rank than the accused member shall be assigned to conduct a criminal investigation. When a protective order is issued, or when the supervisor has reason to believe that the member committed abuse, the supervisor shall immediately:

- Relieve the accused member from duty;
- Seize all Department issued use of force weapons, pursuant to Departmental Rules and Regulations;
- Seize all other firearms and/or weapons at the scene;
- Seize member's LTC, and any other state or federal firearms licenses;
- Notify the member's Troop/Section Commander;
- Seize Department issued vehicle and conduct a vehicle inventory;
- Identify outstanding protective orders against the accused member;
- Ensure that all provisions of MGL 209A are followed, including arrest and further investigation, when appropriate;
- Forward LTC and any other state or federal firearms licenses to the Administrative Investigator;
- Complete an incident report prior to the end of their shift and forward to the Troop/Section Commander; and
- Ensure the complaint has been documented in a To/From format and fax to the Division of Standards and Training (DST) prior to the end of their shift.

**Division  
Commander's  
Responsibilities**

When an abuse prevention order is issued, or when there is reason to believe that the member committed abuse, the Division Commander shall:

- Assign a Commissioned/Staff Officer to conduct an administrative investigation;
- Immediately ensure that the accused member is or has been relieved from duty pursuant to Departmental Rules and Regulations;
- Convene a Duty Status Hearing, pursuant to Department Rules and Regulations; and
- Review reports and initiate additional investigations as necessary.

Subject <b>Domestic Abuse Involving Members</b>	Number <b>SOC-07B</b>
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**Administrative Investigation**

In all incidents where a member has been accused of abuse, a thorough administrative investigation shall be conducted by a Commissioned/Staff Officer, preferably of higher rank than that of the accused member. The investigation shall include, but not be limited to the following:

- Identify all outstanding and expired protective orders against the accused member;
- Collect and review all reports, affidavits, and records pertaining to the allegations of abuse; and
- Interview the victim and other witnesses.

Other duties of the Administrative Investigator include:

- Working with the criminal investigator (if any) to ensure that the provisions of MGL 209A are adhered to, including criminal action or arrest when appropriate;
- Ensuring appropriate referral information has been given to the victim regarding battered women's programs, emergency shelter, counseling services, and court based advocacy services;
- Forwarding all available documents to the Duty Status Board;
- Attending all court proceedings and maintaining contact with any assigned prosecutor or probation officer; and
- Forwarding copies of all reports to the Internal Affairs Section upon completion of the investigation.

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**Division of Standards and Training**

In domestic abuse cases involving Staff Officers, the DST Commander shall notify the Colonel/ Superintendent.

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Subject <b>Domestic Abuse Involving Members</b>	Number <b>SOC-07B</b>
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**Complaint  
Notification to  
DST**

In addition to any other required reports, all complaints of domestic abuse involving members shall be documented and submitted to the Division of Standards and Training (DST).

Member	Action
Member Receiving Complaint	<p><b>Internal Complaints</b> Internal personnel complaints originating <u>within</u> the Department, shall:</p> <ul style="list-style-type: none"> <li>• Be documented in a To/From format;</li> <li>• Faxed to the Division of Standards and Training within twenty-four (24) hours from the date of the To/From;</li> <li>• Submit a copy through channels to the appropriate Troop/Section/Unit Commander; and</li> <li>• Forward the original copy to the Division of Standards and Training.</li> </ul>
Administrative Investigation	<p>The Commissioned/Staff Officer conducting the administrative investigation shall:</p> <ul style="list-style-type: none"> <li>• Document the complaint in a To/From:</li> <li>• Fax to DST at 508-820-2149 within 24 hours of receipt;</li> <li>• Forward a copy through channels to the appropriate Troop/Section/Unit Commander; and</li> <li>• Forward the original to DST.</li> </ul>

**References**

ADM-14 Personnel Investigation  
SOC-07 Domestic Abuse  
SOC-07A Domestic Abuse Arrest/Investigations  
SOC-07C Abuse of Children/Disabled/Elderly  
Rules and Regulations  
SPAM Collective Bargaining Agreement Article 27

Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	SOC-07C
Subject	Abuse of Children/Disabled/Elderly		

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**Policy**

The Department shall investigate all allegations regarding the abuse of children, the disabled, and the elderly, to ensure the safety and rights of all those involved.

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**Mandated Reporting**

Investigating members shall make mandated reports by immediately contacting the designated agency with an immediate verbal notification, and shall report in writing within forty-eight (48) hours after the initial report. Members shall contact:

- Department of Social Services (DSS) whenever they have reasonable cause to believe that a child under the age of eighteen (18) has been abused or neglected. During business hours contact the local DSS office, or outside normal business hours call (800) 792-5200.
  - Disabled Persons Protection Commission whenever they have reasonable cause to believe that a caretaker has abused/neglected a disabled person, between the ages of eighteen (18) and fifty-nine (59). At any time call (800) 426-9009.
  - Executive Office of Elder Affairs whenever they have reasonable cause to believe that someone age sixty (60) or older has been abused/neglected. At any time call (800) 922-2275.
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**Notifications**

Troop Duty Officers shall notify the State Police Detective Unit of jurisdiction in cases where abuse of children, the disabled, and/or the elderly involve serious bodily injury or results in death.

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**Arrest of a Caretaker**

In cases involving abuse of a child, a disabled person, or an elderly person, members shall:

- Address the issue of whether or not the victim can be left alone safely, if the abuser is arrested; and
  - Contact the respective protective agency in order to arrange for temporary care, if the child, the disabled person, or the elderly person cannot be left alone.
-

Subject

**Abuse of Children/Disabled/Elderly**

Number

**SOC-07C**

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**References**

SOC-07 Domestic Abuse  
SOC-07A Domestic Abuse Arrest/Investigations  
SOC-07B Domestic Abuse Involving MSP Members  
MGL c.119, s.51A  
MGL c.19C, s.10.  
MGL c.19A, s.14-26.

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Promulgated By:



# Department of State Police

## General Order

Effective Date <b style="font-size: 1.2em;">April 23, 2009</b>	Number <b style="font-size: 1.2em;">SOC-09</b>
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Subject <b style="font-size: 1.2em; text-align: center;">Terrorism /WMD Incidents</b>
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**Policy**                      The preservation of life and the prevention of injury shall be recognized as high priorities in responding to terrorist incidents, including those involving Weapons of Mass Destruction.

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**Terrorism**                Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

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**WMD**                        Weapons of Mass Destruction (WMD) can be chemical, biological, radiological, nuclear explosive (CBRNE) weapons that have potential for creating mass casualty incidents.

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**SP 2810 Form**            All Members shall keep a copy of the SP 2810 Crime Scene Threat Assessment Worksheet folded inside the Emergency Response Guidebook in their cruiser. Copies of SP 2810 shall be maintained at each Department facility or within the Emergency Response Guidebook, so as to be accessible to Desk Officers and Troop Duty Officers.

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**Duties of Responding Members**

<b>When...</b>	<b>Then...</b>
Responding to routine calls for service:	<ul style="list-style-type: none"> <li>• Respond with due caution; callers may lack a complete understanding of the situation and may not convey the existence of on scene hazards.</li> </ul>
There is the potential that a terrorist or WMD event is occurring:	<ul style="list-style-type: none"> <li>• Ensure the safety of all responders and the public; and</li> <li>• When possible, review SP 2810 and relay pertinent information to the Desk Officer.</li> </ul>
Relaying information from the SP 2810:	<ul style="list-style-type: none"> <li>• Utilize the most secure channel of communication at your immediate disposal; and</li> <li>• If it is necessary to relay information via radio, request a Code 1.</li> </ul>

Continued next page.

Subject <b>Terrorism / WMD Incidents</b>	Number <b>SOC-09</b>
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**Duties of Responding Members (Continued)**

<b>When...</b>	<b>Then...</b>
On-scene hazards threaten life or health:	<ul style="list-style-type: none"> <li>• The preservation of life and the prevention of injury shall be of the highest priority.</li> </ul>
Members inadvertently encounter a potentially contaminated area:	<ul style="list-style-type: none"> <li>• Avoid contact;</li> <li>• Minimize exposure;</li> <li>• Never purposefully touch, taste or smell any object, package, or container, etc;</li> <li>• Warn others;</li> <li>• If possible, isolate area; and</li> <li>• Stay upwind and up hill.</li> </ul>
Issues arise concerning the crime scene or the securing of evidence:	<ul style="list-style-type: none"> <li>• Contact the Troop Duty Officer for guidance.</li> </ul>

**Desk Officer Duties**

<b>If...</b>	<b>Then...</b>
A report is received involving a potential terrorist or WMD event:	<ul style="list-style-type: none"> <li>• The most detailed information possible shall be transmitted to all responding members; and</li> <li>• All available information from the scene shall be relayed to the Troop Duty Officer, assigned patrols, local police, and fire departments.</li> </ul>

**Troop Duty Officer Responsibilities**

<b>If...</b>	<b>Then...</b>
A report is received involving a potential terrorist or WMD event:	<ul style="list-style-type: none"> <li>• All available information from the scene shall be relayed to the GHQ Communications and the Troop Commander (who shall contact the Division Commander);</li> <li>• Contact the local fire department re: activating a Hazmat Team;</li> <li>• Contact the Department State Police Detective Unit (SPDU) of jurisdiction; and</li> <li>• Ensure that the area hospitals are advised.</li> </ul>
The incident involves a suspected explosive device or a suspicious package:	<ul style="list-style-type: none"> <li>• Refer to SOC-02 Bomb Threat/Explosives Incidents.</li> </ul>
The incident involves a hazardous material:	<ul style="list-style-type: none"> <li>• Refer to SOC-01 Hazardous Materials.</li> </ul>

Continued next page.

Subject <b>Terrorism / WMD Incidents</b>	Number <b>SOC-09</b>
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**Troop Duty Officer Responsibilities (Continued)**

<b>If...</b>	<b>Then...</b>
Issues arise concerning the crime scene or the securing of evidence:	<ul style="list-style-type: none"> <li>• Contact the SPDU of jurisdiction; and</li> <li>• The Division of Investigative Services (DIS) representative shall be designated the officer-in-charge.</li> </ul>

**GHQ Communications Section Responsibilities**

<b>If...</b>	<b>Then...</b>
A report is received involving a potential terrorist or WMD event:	In addition to duties required by other written directives, the GHQ Communications Section shall notify: <ul style="list-style-type: none"> <li>• The Office of the Superintendent;</li> <li>• The Division of Investigative Services and Field Services Commanders;</li> <li>• Media Relations;</li> <li>• The Commonwealth Fusion Center;</li> <li>• Massachusetts Emergency Management Agency (MEMA); and</li> <li>• The National Guard Civil Support Team, if needed.</li> </ul>
The incident involves a suspected explosive device or a suspicious package:	<ul style="list-style-type: none"> <li>• Refer to SOC-02 Bomb Threat/ Explosives Incidents.</li> </ul>
The incident involves a hazardous material:	<ul style="list-style-type: none"> <li>• Refer to SOC-01 Hazardous Materials.</li> </ul>

**DIS Responsibilities**

<b>If...</b>	<b>Then...</b>
A preliminary investigation into a reported potential terrorist or WMD event reveals a hoax or an unsubstantiated incident:	<ul style="list-style-type: none"> <li>• The Division of Investigative Services shall prepare an after action report within forty-eight (48) hours in order to make use of "lessons learned."</li> </ul>

**References**

SOC-01 Hazardous Materials  
 SOC-02 Bomb Threat/ Explosives Incidents  
 SP 2810 Crime Scene Threat Assessment Worksheet  
 U.S. Department of Transportation Emergency Response Guidebook

Promulgated By:
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# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>SOC-10</b>
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Subject <b>Clandestine Drug Laboratory Response</b>
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**Purpose** To define the role of the Clandestine Laboratory Enforcement Team (CLET) and establish guidelines for the utilization and activation of team members.

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**Policy** The Department recognizes the inherent dangers of clandestine drug laboratories and sets forth the following procedures to be followed by all Department members. These procedures are in compliance with Federal Occupational Safety and Health Administration (OSHA) Standards and are designed to limit dangers to Department members and the public.

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**Definitions**

*Clandestine Lab (Clan Lab):* The operation at any location consisting of chemicals, mixtures, or processes designed or intended to extract or create illegal or controlled substances to include but not be limited to:

- Methamphetamine, GHB, Ecstasy, LSD and other illegal drugs.

*Clandestine Laboratory Enforcement Team (CLET):* A multi-agency team of law enforcement officers and certified chemists who have completed the Drug Enforcement Agency (DEA) Basic Clandestine Laboratory Certification School.

*Site Safety Officer:* A CLET member who has completed the DEA Advanced Site Safety School. The Site Safety Officer is responsible for the safe operation and adherence to DEA procedures at clan lab sites.

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**Utilization of CLET** CLET is available when requested, to assist members from the Department and those from other local, state, and federal agencies for:

- Known or suspected clan labs or their investigations;
- Execution of search warrants at clan lab locations;
- Training personnel relative to clan labs; and
- Other special events as assigned by the Commander of the Division of Investigative Services or designee.

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**CLET  
Activation  
Protocol**

Requests for CLET services shall be made by the Troop Duty Officer through the GHQ Communications Section and shall include:

- The name, rank, and agency name of the requesting officer;
- The name of the primary point of contact and a call-back number;
- The nature of the request; and
- The exact location of the incident and any designated staging areas.

**Activation or  
Contact  
Number**

- GHQ Communications Section- (508) 820-2121

**Authority**

No member of the Department shall enter a known/suspected clan lab site unless:

- Authorized by a CLET Site Safety Officer; or
- Imminent or immediate danger exists to others.

CLET members shall assume complete control and authority of all identified clan lab sites.

While engaged in clan lab operations CLET members shall only take direct orders from the:

- CLET Leader;
- Site Safety Officer;
- DEA Clan Lab Coordinator;
- Division of Investigative Services Commander or designee; or
- Colonel/Superintendent.

**Operational  
Protocols**

The investigating or first Department member on the scene shall assess the situation and determine the need for additional resources including, but not limited to:

- Local Fire Department(s);
- Department of Fire Services Hazardous Materials Team;
- Emergency Medical Services (EMS); and
- Traffic mitigation and controls.

Note: Responding members shall remain on the scene until properly relieved.

Continued next page.



**Operational  
Protocols  
(Continued)**

CLET members shall:

- Assist and advise on-scene Incident Commanders by recommending actions, coordinating resources, and/or providing appropriate documentation related to an on-going incident; and
- Provide assistance by coordinating internal or external agency resources that can be utilized to respond, mitigate, and/or recover from an incident in accordance with Incident Command System (ICS) protocols.

The Site Safety Officer shall coordinate and work with Department and CLET members from other agencies to respond to, mitigate, and recover Clandestine Drug Laboratory scenes in accordance with CLET Standard Operating Procedure (SOP).

**Evidence  
Considerations**

The collection of evidence, contraband and materials shall be coordinated by CLET members.

The State Police member who is the case officer shall ensure evidence preservation and custody.

**After Action  
Reporting**

Following the completion of any critical incident CLET members may be debriefed.

The CLET Leader, the Site Safety Officer, or designee is responsible for the completion of any after action reports or CLET reporting as applicable. After Action Reports shall be forwarded to the Division of Investigative Services Commander or designee for review.

**References**

29 CFR 1910.120 Occupational Safety and Health Administration Standard

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>SUP-01</b>

Subject
<b>Jurisdiction/Mutual Aid</b>

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**Policy** The Department shall ensure that its members are informed of the limits of their police authority and shall work in cooperation with other law enforcement agencies.

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**Jurisdiction** The Department has sole and/or concurrent jurisdiction within the territorial boundaries of the Commonwealth.

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**Limits on Jurisdiction** No member may be used or called upon for service at any industrial dispute unless actual violence has occurred therein, and then only by written order of the Governor.

Members shall not exercise police powers on a reservation or other property of the United States of America unless requested by the person in charge of the reservation or property.

Members have no police powers in any Massachusetts Correctional Institution (MCI) facility, except by direction of the principal officer.

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**New England State Police Administrators Compact** The Commonwealth of Massachusetts has entered into a mutual aid agreement with State Police agencies in adjoining states. The agreement, known as the New England State Police Administrators Compact (NESPAC), provides for:

- Cooperation and assistance in detecting and apprehending those engaged in criminal activity;
  - Establishing and maintaining an information sharing system to be accessed by participatory agencies;
  - Mutual aid and assistance in the event of police emergencies; and
  - The granting of powers, duties, rights, privileges, and immunities of police personnel when rendering such aid.
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**Requests for Mutual Aid** When approved by the Colonel/Superintendent, Department personnel or other resources may be provided at no cost to other law enforcement agencies.

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Continued next page.

Subject <b>Jurisdiction/Mutual Aid</b>	Number <b>SUP-01</b>
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**Requests for Mutual Aid (Continued)**

When any other law enforcement agency requests mutual aid from the Department, the initial request should contain:

- Nature and duration of the request;
- Contact information for requesting department's officer-in-charge (OIC); and
- Expenditures, if any, which shall be borne by the requesting agency.

The Troop/Section/Unit Commander or designee shall be responsible for determining which personnel shall be dispatched to the incident while maintaining adequate Department services within their command.

**Requests by the Department**

In the event of an unusual, natural, or man-made emergency situation, the Colonel/Superintendent shall request authorization from the Executive Office of Public Safety and Security:

- To seek assistance from any appropriate state agency;
- To seek assistance from the Massachusetts National Guard; and
- To grant personnel from outside the Department powers as a State Police Officer.

**State of Emergency**

Upon declaration of a "State of Emergency" by the Governor, all members (excluding personnel on suspension, injury, or other approved leaves) shall immediately contact their duty assignment supervisor, or other supervising officer within their chain-of-command, for specific instructions.

**After Action Reporting**

The Commanding Officer/OIC rendering assistance shall make a complete and accurate accounting which shall include, at a minimum:

- Number/names of members assigned, and time expended;
- Specific action taken; and
- Equipment utilized.

The Colonel/Superintendent may require a Division Commander or a Troop Commander to complete an After Action Report on significant incidents to determine if:

- Established Rules & Regulations, Policies & Procedures, orders and directives were followed;
- Available resources (personnel, equipment, etc.) were utilized in the most effective and efficient manner possible;
- Whether there is any deficiency or inadequacy in training, supervision, or policy which needs correction, enhancement, or adoption; and
- Conclusion(s), opinion(s), and recommendation(s).

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>SUP-03</b>

Subject
<b>Media Relations</b>

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**Policy** The Department shall provide the media and the public with information on Department operations and administration, ensuring that individual rights are protected.

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**Dissemination of Information** Employees shall treat official business of the Department as confidential. Information shall only be disseminated according to established procedures. Employees shall not:

- Disseminate information in violation of Rules and Regulations; or
- Disseminate information prohibited by this policy.

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**Driver's Privacy Act** The release of information obtained through any state motor vehicle database shall not be released to non-law enforcement personnel.

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**Significant News or Events** The Office of the Colonel/Superintendent or Media Relations shall be the authorized source for the dissemination of all press releases.

When a member is involved in an incident or significant event that may be considered of interest to the public, the member or the Desk Officer shall contact Media Relations to provide the necessary information.

Examples of such incidents or events may include, but are not necessarily limited to:

- A significant arrest or investigation;
- Search or rescue;
- Motor vehicle crash with fatal or life-threatening injuries; or
- Large scale law enforcement operation.

Any inquiries from the media about such types of incidents shall be referred to Media Relations.

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**Media Relations** Troop/Section/Unit Commanders shall assist Media Relations with:

- Coordinating news conferences;
- Preparing and conducting news releases in the absence of a Media Relations member; and
- Positive news stories involving the Department.

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**Information for Dissemination**

Information generally appropriate for members to disclose to the media and the public includes:

- Typical crash information:
  1. Names of the occupants involved, if over eighteen (18) years of age;
  2. Cause of crash if known; and
  3. Degree of injuries- minor, serious, or no injuries occurred.

Note: Do not give out specific injuries of any occupant due to privacy rights.
- Road and weather information;
- Information from the public log (except for prohibited information as outlined within this policy);
- The time and place of arrest;
- An arrested adult's name, age, town, charges and bail status; and
- The name and rank of the investigating and arresting members (except for undercover officers), assisting agencies and the length of the investigation.

Division/Troop/Section Commanders shall:

- Approve, coordinate and/or release information concerning confidential investigations, operations, and emergency/crisis situations to Media Relations.

It is preferred that the Office of the Attorney General (AG), District Attorney (DA) Offices, the Office of the State Fire Marshal (OSFM), or other outside agencies generate news releases regarding a crime or arrest of concern to that specific office, in coordination with Media Relations, when members of the Department are involved.

Members assigned to the AG, DA, OSFM, or other agencies shall:

- Not become unilaterally involved in media relations efforts unless approved by the Office of the Colonel/Superintendent or Media Relations.

If the AG, DA, OSFM, or other agencies choose not to make a news release, Media Relations may do so when authorized by the Office of the Superintendent.

**Media Interviews**

Media interviews shall be conducted by the highest ranking or most experienced member on-duty in the order of:

- Media Relations;
- Troop/Section/Unit Commander;
- Troop/Section/Unit Duty Officer; or
- A Supervisor, with training or experience in giving interviews.

Note: Troopers shall not be compelled to do television or radio interviews against their wishes.

Continued next page.

Subject  <b>Media Relations</b>	Number  <b>SUP-03</b>
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**Media Interview (Continued)**

After consultation with Media Relations personnel, members may give limited interviews:

- To accredited news personnel at the scene of a vehicle crash or criminal incident, if there is no interference to the ongoing investigation; or
- Concerning information regarding road and weather conditions.

Members shall wear the uniform of the day, including the appropriate cover. Members working in a plain clothes assignment shall be appropriately dressed.

All other interviews shall be approved/coordinated through Media Relations.

**Prohibited Information For Release**

Employees **shall not** release or give out information on:

- The prior criminal records or driver's history of a person, or the existence or nonexistence of a prior criminal record except:
  1. To other federal, state, or municipal law enforcement agencies as authorized by the Criminal Offender Record Information (CORI) laws; or
  2. To warn the public of imminent danger from such a person; or
  3. In connection with serious or violent offenses, to expedite the location and apprehension of such a person.
- The identity of a deceased victim before confirmation has been received that the next of kin has been notified according to ADM-13 Notification of Medical Examiner and/or Next of Kin;
- The name or address of a juvenile (refer to INV-05 Juvenile Operations for definition) who is a suspect, defendant, complainant, or victim;
- The name or biographical information of the victim of a sexual crime;
- The name or photograph of an undercover officer;
- The existence or contents of any confession, admission, or statement given by a suspect, however, it may be stated that the defendant denies the charges. Note: This does not apply to statements made by the defendant to representatives of the news media or general public;
- Opinions about the guilt, innocence, character, or reputation of a suspect;
- Statements predicting or influencing the outcome of the trial;
- The results, refusal, or failure to submit to any examinations or tests;
- Statements or opinions concerning the credibility or testimony of prospective witnesses;
- Information that may adversely affect an investigation or prosecution of a case;
- Information about ongoing litigation;
- Any medical information;
- Causes of death until officially determined by the Medical Examiner;
- Handicapped individuals per MGL c.41 s.98F; or
- Other information as outlined in the Rules and Regulations.

Subject <b>Media Relations</b>	Number <b>SUP-03</b>
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**Photographs**

The news media may photograph a person in custody. However, members shall not:

- Pose prisoners for news photographs;
- Allow prisoners to be photographed in Department facilities; or
- Allow prisoners to be photographed in other facilities against the wishes of the owner.

Members should not interfere with photographing or televising of a defendant in a public area, unless such activities:

- Interferes with their official duties; or
- Violate a court order.

Media Relations shall be contacted:

- Before the release of any photograph of Department employees; and
- Before the release of any photograph of a suspect or defendant.

Note: Members shall be mindful that booking photos are considered part of a subject's CORI record and the release of these photos is restricted.

The release of photographs of Department undercover officers shall only be approved by the Colonel/Superintendent or the Deputy Superintendent.

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**Access to  
Crime And  
Crash Scenes**

Representatives of the news media shall not be permitted to interfere with investigations or the efficient flow of traffic. However, news media representatives may be:

- Granted access to crime or emergency scenes; and
- Allowed to locate their vehicles and equipment at points nearer to a scene than permitted by normal traffic.

Permission for media access to a scene occurring in a private dwelling or other area generally not open to the public shall:

- Be obtained from lawful authority over the premises including government entities, such as the Turnpike or Port Authority; and
- Be controlled by a supervisor in command of the scene ensuring the particular needs of the investigation take precedence.

Note: Most accredited news reporters and photographers have identification cards that are issued by their respective employer.

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**References**

ADM-13 Notification of Medical Examiner and/or Next of Kin  
MGL c.6, s.167-178 (CORI Law)  
MGL c.41, s.98F Daily Logs; Public Records  
18 USC 2722 Driver's Privacy Protection Act

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Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>July 11, 2011</b>	<b>SUP-04</b>

Subject
<b>Employee Assistance Unit</b>

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**Policy**

The Department has a responsibility to ensure the safety of our employees and to contribute to their psychological and physical well-being. The Department shall offer to employees and their families, professional assistance, training, peer counseling, and professional referrals.

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**Availability**

The Employee Assistance Unit (EAU) is available to all Department employees and family members, twenty-four (24) hours a day by calling (978) 975-0794 or the GHQ Communications Section at (508) 820-2121.

Members of the EAU are available:

- To meet employees who request assistance at a mutually acceptable location;
- Provides training to recruit training classes; and
- To provide specialized training upon request.

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**Responsibility**

Employee Assistance Unit members shall:

- Not represent themselves to any third party as the Department's agent for purposes of adjudication, placement or disposition; and
- Not be held responsible for decisions made by any employee receiving EAU services that prove to be in violation of Department rules, regulations, policies, or procedures.

In no event shall a member's involvement with the Employee Assistance Program abrogate their responsibility to conform or comply with rules, regulations, policies and procedures.

Accordingly, and in furtherance of EAU's commitment to recovery and good health, EAU members shall:

- Remind anyone receiving such services that compliance with rules, regulations, policies, and procedures must remain a primary factor in all personal decisions.
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**Confidentiality** It is critical for the success of the Employee Assistance program that confidentiality of case information be maintained. The EAU shall ensure that information obtained from an employee remains confidential, **unless failure to disclose such information could cause a clear and present danger to the safety or security of an individual, the public, or the Department.**

Members of the EAU have the same confidentiality privileges and prohibition on disclosures of information as licensed social workers.

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**Reports** Written and oral reports shall contain only that information that is pertinent to an ongoing evaluation.

Every effort shall be made to avoid any undue invasion of privacy.

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**Procedure** Supervisors should remain alert for signs of unhealthy stress in their employees, particularly when involved in a high trauma incident. Reactions to stress may appear immediately after an incident; however, they may not appear for hours, days, or even weeks later.

Supervisors should notify the EAU as soon as possible, but no later than eighteen (18) hours following occurrences of:

- Critical incidents that may evoke extraordinary emotion;
- On or off duty death, serious injury, or serious illness of an employee;
- Unusual death or violence to a child, or a victim known by an employee;
- Use of force incidents involving death or serious injury;
- Fatal accidents involving Department vehicles, or pursuits;
- A prolonged rescue situation that ends in failure; or
- When an employee's work performance appears to be affected by stress.

In any high trauma incident where an employee is affected, or is likely to be affected, supervisors should:

- Assign a support employee, preferably a friend, to the employee for close contact;
- Isolate and remove the employee from the scene of the incident, if possible;
- Ensure against unnecessary repetition of statements and accounts of the incident by the affected employee;
- Assist the employee in preparing the official report; and
- Monitor the employee's condition closely over the following weeks and months for signs of unhealthy stress.

Employees may be referred to the EAU when they may not be aware of the adverse impact, or suppress the need for psychological care.

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Subject <b>Employee Assistance Unit</b>	Number <b>SUP-04</b>
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**Administrative  
Leave/  
Temporary  
Modified Duty**

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Any employee directly involved in a high risk situation that may adversely affect personal or professional conduct may be placed on Administrative Leave or Administrative Duty by the Colonel/Superintendent.

The EAU may recommend members for placement on Temporary Modified Duty as approved by the Colonel/Superintendent. This is a management action used to deal with stress for the individual and the organization, and allows the member to refocus and cope with the situation in a healthy and positive manner.

Commanding Officers shall consult with the EAU prior to the employee resuming regular duties.

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**References**

MGL c.112, s.134, s.135, s.135A, s.135B  
Bernard v. Commonwealth, 424 Mass. 32 (1996)  
ADM-18 Anti-Harassment/Sexual Harassment and Discrimination

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Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>SUP-06</b>
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Subject	<b>Binding Written Agreements</b>
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**Policy**

All Memorandum of Understandings, Mutual Aid Agreements, or any other type of binding written agreements (collectively referred to as "MOUs") between the Department and outside organizations, including any state or federal agency, shall only be authorized and signed by the Colonel/Superintendent.

**MOU Process**

Position	Responsibilities
Troop/Section/Unit Commander	<ul style="list-style-type: none"> <li>• Carefully review the MOU; and</li> <li>• If approved, forward to their Division Commander.</li> </ul>
Division Commander	<ul style="list-style-type: none"> <li>• Review the forwarded MOU;</li> <li>• Either approve the MOU or recommend changes to the language or terms;</li> <li>• Forward the approved MOU to the Chief Administrative Officer; and</li> <li>• Be responsible for the MOU oversight and renewal.</li> </ul>
Chief Administrative Officer	<ul style="list-style-type: none"> <li>• Review the forwarded MOU;</li> <li>• If need be, return the MOU and supporting documentation to the Division Commander with any recommendations;</li> <li>• Forward a copy of any MOU that pertains to a grant program to the Fiscal Grants Manager and the Strategic Planning Section; and</li> <li>• Forward the approved MOU to the Chief Legal Counsel.</li> </ul>

Continued next page.

**MOU Process  
(Continued)**

<b>Position</b>	<b>Responsibilities</b>
Chief Legal Counsel	<ul style="list-style-type: none"> <li>• Review the forwarded MOU;</li> <li>• Submit the reviewed MOU with any recommendations to the Colonel/ Superintendent;</li> <li>• If approved by the Colonel/ Superintendent forward the MOU to the outside agency for signature;</li> <li>• Return a copy of the approved and signed MOU package to the Division Commander and Chief Administrative Officer; and</li> <li>• Retain all signed original MOU documentation for archives.</li> </ul>
Colonel/ Superintendent	<ul style="list-style-type: none"> <li>• Approve all MOUs involving the Department; and</li> <li>• Return signed MOUs to the Chief Legal Counsel.</li> </ul>

**Written  
Agreement  
Sign-Off Sheet**

The SP 480 Written Agreement Sign-Off Sheet shall be:

- Attached to all MOU's;
- Submitted through channels; and
- Signed off by all appropriate employees prior to signature by the Colonel/Superintendent.

**Property  
Inventory**

Commanding Officers shall ensure that any property acquired as the result of an MOU shall be inventoried and treated in accordance with ADM-30 Asset Management.

**Control and  
Authority**

All MOUs for Department law enforcement services shall clearly identify the nature and extent of services to be provided and shall stipulate that the Colonel/Superintendent maintains control and authority over all Department personnel including, but not limited to:

- Hiring;
- Discipline;
- Transfers;
- Promotions;
- Assignments;
- Training; and
- Dismissal.

**Services  
Provided**

All MOUs shall include provisions for services provided, but not limited to:

- Training;
- Equipment;
- Facilities;
- Functions and activities to be performed; and
- Duties and responsibilities.

**Financing and  
Budget**

Fiscal accounting shall be clearly articulated to avoid confusion and misunderstandings and shall include, but not be limited to the following:

- Salaries, indirect costs, and fringe benefits;
- Training and equipment costs;
- Maintenance of cost accounting records;
- Issuance of fiscal reports;
- Time and manner of payment for services; and
- Procedures for the disposition of revenues generated by Department law enforcement activity.

**Records**

MOUs shall specify the types of records required, the frequency of reporting, and the means for maintaining them.

**Duration**

All MOUs shall include:

- Effective beginning and termination dates or conditions;
- Procedures for modification or amendment; and
- Procedures for termination, if necessary.

**Employee  
Rights**

Participation in any MOU shall not penalize the rights of any Department employee.

**References**

ADM-30 Asset Management  
ADM-47 Grant Approval Process  
SP 480 Written Agreement Sign-Off Sheet

Promulgated By:



# Department of State Police

## General Order

Effective Date	July 11, 2011	Number	SUP-12
Subject	Office of the Ombudsman		

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### Policy

The Ombudsman Program provides a confidential, neutral, and informal process to help resolve work-related issues. It is a dispute resolution system that offers employees formal and informal options for addressing work-related problems and concerns. Although the program is an alternative channel of communication, it is designed to complement, not replace or circumvent the Department's formal resolution options.

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### Definitions

*Confidential Communications:* Communications, or a source of communication, which are intended to be held in secret.

*Privileged Communications:* Communications that occur in a context of legal or other recognized professional confidentiality.

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### Office of the Ombudsman

The Office of the Ombudsman reports to the Colonel/Superintendent. The primary role of an Ombudsman is to act as a designated neutral in order to facilitate fair and equitable resolutions regarding work-related problems and concerns.

An Ombudsman shall:

- Attempt to provide informal conciliation, when appropriate;
- Not use the names of individuals without their permission;
- Exercise discretion on whether to act upon a concern of an employee;
- Maintain objectivity and impartiality; and
- Keep professionally current and competent in areas that relate to the role of an Ombudsman and the practices of the Department.

The Ombudsman shall attempt to identify options within the Department to resolve issues brought forth. This includes creating innovative solutions, when possible, or referring individuals to other available Department processes.

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### Availability

An employee may contact an Ombudsman and leave a confidential voice message at 508-988-7025.

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**Responsibility**

An Ombudsman shall:

- Not represent themselves to any third party as the Department's agent for purposes of adjudication, placement or disposition; and
- Not be held responsible for decisions made by any employee receiving Ombudsman services that prove to be in violation of Department rules, regulations, policies, or procedures.

In no event shall a member's involvement with an Ombudsman abrogate their responsibility to conform or comply with rules, regulations, policies and procedures.

Accordingly, and in furtherance of an Ombudsman commitment to recovery and good health, Ombudsman shall:

- Remind anyone receiving such services that compliance with rules, regulations, policies, and procedures must remain a primary factor in all personal decisions.

**Confidentiality**

Communications with the Office of the Ombudsman are considered privileged. That privilege cannot be waived, **unless failure to disclose information that was obtained from an employee could cause a clear and present danger to the safety or security of any individual, the public, or the Department.**

**Complaints and  
Department  
Investigations**

The Ombudsman has the responsibility to consider the concerns and rights to privacy of all parties potentially involved in a dispute. The Ombudsman does not take action on calls, letters, or other communications that are anonymous. However, the Department shall be notified of any alleged criminal conduct committed by an employee.

No acts of reprisal or retaliation shall be tolerated against any employee of the Department as a result of contact with the Office of the Ombudsman.

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**Records**

The Office of the Ombudsman does not keep case records for the Department and maintains only those notes necessary to manage an ongoing case. The Office of the Ombudsman adheres to the Standards of Practice and the Code of Ethics of The Ombudsman Association (TOA).

To protect the principle of privileged communications, the Department shall **vigorously resist** any effort to compel testimony or obtain notes or other records from an Ombudsman. To ensure maximum legal protection, the Ombudsman shall immediately contact the Legal Section upon knowledge or receipt of any document indicating efforts to compel testimony or obtain documentation.

The Office of the Ombudsman shall:

- Prepare a quarterly and annual statistical report for the Office of the Superintendent; and
- Protect the confidentiality and anonymity of the involved parties within submitted reports.

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**Supervisors**

Supervisors shall:

- Ensure that employees under their supervision are aware of the Office of Ombudsman's confidential services in assisting with work-related problems;
- Provide support and commitment to the role and function of the Department's Ombudsman; and
- Be accessible to the Ombudsman to help in the resolution of work-related problems, as necessary.

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**Employees**

Contacts with the Office of the Ombudsman need not be reported to a supervisor, as the program is accessible outside of the chain of command. An employee may contact the Office of the Ombudsman when seeking:

- Accurate information about Department policies, procedures, practices, or other issues;
- Informal advice on matters that they prefer to discuss without being "on the record"; and
- Assistance with work-related problems.

An employee who seeks the assistance of an Ombudsman may withdraw from the process at any time.

Contacts with an Ombudsman are voluntary and shall not jeopardize the employee's job security or promotional opportunities.

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**References**

Bernard v. Commonwealth 424 Mass. 32 (1996)  
The Administrative Dispute Resolution Act of 1995  
MGL c.112, s.134, s.135, s.135A, s.135B  
ADM-18-Anti-Harassment/Sexual Harassment and Discrimination

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-01</b>
Subject	<b>Special Operations Command and Control</b>		

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**Purpose**

To define the command and control of Special Operations and to provide guidance to Department members, who are involved in any incident that involves (or may involve) the utilization of any Special Operations resource.

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**Policy**

Special Operations may be comprised of the following Sections/Units/Teams:

- Special Tactical Operations Team;
- Crisis Negotiations Team;
- Mounted Unit;
- Canine Unit;
- Underwater Recovery Team;
- Air Wing;
- Marine Unit;
- Special Emergency Response Team;
- Emergency Management Unit;
- Motorcycle Unit;
- Commercial Vehicle Enforcement Section;
- Collision Analysis and Reconstruction Section;
- Traffic Programs Section; and
- Motor Vehicle Regulatory Section.

The Colonel/Superintendent reserves the right to modify the Special Operations' Sections/Units/Teams.

For the purpose of command and control, members of Special Operations Sections/Units/Teams shall be accountable to one chain of command while performing Special Operations functions or assignments.

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Continued next page.

**Policy  
(Continued)**

All Department personnel must be cognizant of the fact that tactical operations:

- Are inherently hazardous and require specific understanding of the risks, risk management, and the various capabilities and limitations of Department resources;
- Section/Unit/Team Commanders and their members are specially trained and equipped to meet specific standards applicable to their assigned positions within the various disciplines.

**Activation  
Protocol and  
Response  
Procedures**

Any emergency request for Special Operations resource shall include:

- The requesting agency's name, the name and rank of the requesting party;
- The name of the primary point of contact and a direct call-back number;
- The nature of the request; and
- The exact location of the incident and any designated staging areas.

<b>Position</b>	<b>Responsibilities</b>
Responding Member(s)	<ul style="list-style-type: none"> <li>• Assess the situation, taking any actions necessary to eliminate immediate danger to others;</li> <li>• Contain and isolate the suspect(s) in the immediate area;</li> <li>• Advise the Desk Officer and request resources as necessary;</li> <li>• Gather and report as much tactical information as possible; and</li> <li>• If applicable, assume command and control until relieved by proper authority.</li> </ul>

Continued on next page.

**Activation Protocol and Response Procedures (Continued)**

Station Desk Officer	<ul style="list-style-type: none"> <li>• Advise Troop Duty Officer of request; and</li> <li>• Log entries into Daily Administrative Journal.</li> </ul>
Patrol Supervisor	<ul style="list-style-type: none"> <li>• Establish and secure perimeter as soon as possible;</li> <li>• Order evacuations, if necessary;</li> <li>• Establish liaison with local agency at scene;</li> <li>• Ensure that only a single chain of command has control of the inner perimeter or scene;</li> </ul>
Patrol Supervisor	<p><b>Additionally for significant events:</b></p> <ul style="list-style-type: none"> <li>• Coordinate activities with outside jurisdictions (federal, state, municipal);</li> <li>• Establish a Command Post away from bystanders and the news media;</li> <li>• Assign a member as the media liaison until members from the Media Relations Section arrive;</li> <li>• Communicate accurate and current information on a regular basis to Troop Duty Officer; and</li> <li>• Upon conclusion of the incident, preserve the crime scene.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Notify GHQ Communications Section;</li> <li>• Dispatch Patrol Supervisor if necessary;</li> <li>• Log request in Daily Administrative Journal; and</li> <li>• Notify Troop Commander.</li> <li>• Notify appropriate Special Operations Section/Unit/Team Commander or designee of the request;</li> <li>• Activate/notify Special Operations Section/Unit/Team members and others as requested by Section/Unit/Team Commander or designee.</li> </ul>
Special Operations Section/Unit/Team Commander or designee	<ul style="list-style-type: none"> <li>• Contact initial requesting party to determine appropriate response; and</li> <li>• Brief the Special Operations Commander /designee to obtain operational approval.</li> </ul>

Continued on next page.

Subject <b>Special Operations Command &amp; Control</b>	Number <b>TOP-01</b>
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**Activation Protocol and Response Procedures (Continued)**

Special Operations Commander/ designee	<ul style="list-style-type: none"> <li>• Approve/deny activations/deployments; and</li> <li>• Contact Division of Field Services Commander.</li> </ul>
Division of Field Services Commander	<ul style="list-style-type: none"> <li>• Notify the Office of the Superintendent when appropriate; and</li> <li>• Activate other resources as needed.</li> </ul>

**Risk Management**

Special Operations missions involve the likelihood of encountering potentially life-threatening hazards. All Special Operations Section/Unit/Team members shall exercise the best possible operational risk management strategies to:

1. Identify and assess hazards;
2. Develop controls to reduce hazards or risks; and
3. Use strategies to mitigate risk exposure and to safeguard the public and public safety personnel.

**Removal from Assignment**

Any member assigned to a non-biddable position with a Special Operations Section/Unit/Team may be removed at the discretion of the Colonel/Superintendent or designee.

**Public Relations Requests**

Requests for Special Operation resources for ceremonial, static or operational demonstrations, public relations displays, or other events shall be made in writing and approved by the Commander of the Division of Field Services.

**After Action Reporting**

When so directed, Special Operations Section/Unit/Team Commanders are required to submit mission/incident specific After Action Reports to the Special Operations Commander/designee for review.

All After Action Reports shall be in a format approved by the Special Operations Commander.

Promulgated By:
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# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-02</b>
Subject	<b>Special Tactical Operations Team</b>		

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**Purpose**

To establish and define the role of the Special Tactical Operations Team within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Special Tactical Operations (STOP) Team shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Team Commanding Officer, team specific Standard Operating Procedure (SOP) that shall be created, maintained, and updated as directed by the Special Operations Commander.
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**Definitions**

*Incident Command Post:* A location where members may safely and effectively manage a scene, ideally equipped with a telephone, parking area, rest room, and effective radio communications for tactical team members.

*Inner Perimeter:* The immediate area of operations where violence or hostile actions are most likely to occur.

*Outer Perimeter:* A designated area outside the immediate area of operations which limits access and prevents harm to others.

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**Utilization of Resources**

The STOP Team is available for:

- Emergency or critical incidents that may require a specialized response.
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**Operational  
Protocols**

The designated Incident Commander (IC) shall:

- Attempt to isolate and contain the incident by establishing the initial inner and outer perimeter; and
- Continually assess the situation in conjunction with the STOP Team Commander or designee to determine the need for additional resources and to adjust tactics as required to resolve the incident.

**The Inner Perimeter:**

- First responding members in the inner perimeter shall normally be replaced by STOP Team members once they arrive at the scene; and
- The Special Operations Commander or designee and STOP Team Commander or designee shall determine what personnel are required to safely manage the outer perimeter and scene.

**The Outer Perimeter:**

- No Department member on the outer perimeter shall discharge their weapon once the STOP Team has assumed control and authority of the Inner Perimeter unless:
  1. Ordered by the STOP Team Commander or designee; or
  2. When necessary upon the threat of death or serious bodily harm.

**Building Entry:**

When the STOP Team has made entry into a building, all other responding Department members shall:

- Not aim, fire, or discharge a firearm into the building; and
- Take a position of cover.

The STOP Team Commander or designee shall:

- Have the primary responsibility to determine the type of equipment (including weapons) used by the STOP Team members.

**Command and  
Control**

When engaged in STOP Team operations, missions, and/or training the command and control concerning deployment and operational tactics utilized shall be:

- Determined by the STOP Team Commander or designee; or
- Special Operations Commander or designee.

Subject <b>Special Tactical Operations Team</b>	Number <b>TOP-02</b>
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**Evacuations/  
Witnesses**

In some instances, it may be necessary to evacuate nearby civilians. Witnesses or those who may provide situational awareness and/or intelligence may be requested to remain at or near the Command Post.

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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:





# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-03</b>
Subject	<b>Crisis Negotiation Team</b>		

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### **Purpose**

To establish and define the role of the Crisis Negotiation Team within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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### **Policy**

The Crisis Negotiation Team shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
- Develop, under the direction of the Team Commanding Officer, team specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.

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### **Definitions**

*Incident Command Post:* A location where members may safely and effectively manage a scene, ideally equipped with a telephone, parking area, rest room, and effective radio communication for team members.

*Negotiator:* A specially trained member of the Crisis Negotiation Team who utilizes crisis management techniques in an effort to stabilize extremely dangerous and volatile circumstances.

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### **Utilization of Resources**

The Crisis Negotiations Team is available for:

- Crisis, hostage, or barricaded incidents that can potentially be resolved through dialogue; and
  - Other special events/incident as assigned by Special Operations Commander or designee.
-

**Operational Protocols**

Crisis Negotiations Team shall:

- Utilize a philosophy of containment and negotiation;
- Assume control of the negotiations process once they arrive on-scene;
- Manage any personnel or individuals involved in the negotiations process; and
- Report to and remain operationally accountable to the Incident Commander.

Useful information related to the operational area include:

- The layout of the building;
- Size and Number of rooms/spaces;
- Ventilation, food, and water supplies; and
- Observation points, approach, and escape routes.

Useful information related to perpetrator(s) and/or hostage(s) include:

- Names, number, age, gender, size, and physical condition;
- Behavior and emotional state (rational, tolerant, aggressive, ambivalent, etc.);
- Criminal record/weapons access/ownership;
- Purpose of act (terrorist, criminal, mentally disturbed); and
- Any stated plans, demands, or motivation.

**Additional Response Guidelines**

In addition to the response protocols outlined in TOP-01 Special Operations Command and Control, members shall follow these additional guidelines.

Position	Duties
Responding Member(s)	<ul style="list-style-type: none"> <li>• Assess the situation, taking no aggressive action unless there is an immediate danger to others;</li> <li>• Contain and isolate the suspect(s) in the immediate area;</li> <li>• Attempt to slow the pace of events, and open and establish communication with suspect(s); and</li> <li>• Gather and report as much tactical information as possible.</li> </ul>

Continued on next page.

**Additional Response Guidelines (Continued)**

Position	Duties
Patrol Supervisor	<ul style="list-style-type: none"> <li>• Request through the Troop Duty Officer the Crisis Negotiation Team; and</li> <li>• Designate a member to research utility shut-offs, if necessary;</li> </ul>
Incident Commander	<ul style="list-style-type: none"> <li>• Work with the Crisis Negotiation Team,</li> <li>• Attempt to maintain as much control as possible over the movements and behavior of the suspect(s); and</li> <li>• Attempt to defuse the situation while affecting the safe release of any hostages.</li> </ul>

**Evacuations/ Witnesses**

In some instances, it may be necessary to evacuate nearby civilians. Witnesses or those who may provide situational awareness and/or intelligence may be requested to remain at or near the Command Post.

**References**

Policy and Procedure TOP-01 Command and Control

Promulgated By:
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# Department of State Police General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-04</b>
Subject	<b>Mounted Unit</b>		

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**Purpose**

To establish the role of the Mounted Unit within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Mounted Unit shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Unit Commanding Officer, unit specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.
- 

**Utilization of Resources**

The Mounted Unit is available for:

- Patrol and law enforcement services;
  - Search and rescue;
  - Crowd Control; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
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**Operational Protocols**

The Mounted Unit Commander or designee shall:

- Determine the use of animals and equipment during inclement weather; and
  - Consult with the Incident Commander regarding search patterns and/or other Special considerations.
- 

**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police General Order

Effective Date <b>June 17, 2013</b>	Number <b>TOP-05</b>
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Subject <b>Canine Unit</b>
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**Purpose**

To establish and define the role of the Canine Unit within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Canine Unit shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
- Develop, under the direction of the Unit Commanding Officer, unit specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.

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**Utilization of Resources**

The Canine Unit is available for:

- Conducting building searches for hidden offenders;
  - Assisting in the arrest of dangerous or violent offenders;
  - Tracking/locating suspect(s), lost and/or missing person(s);
  - Locating criminal evidence or hidden instrumentalities;
  - Locating cadavers;
  - Detecting the presence of concealed narcotics, explosives, or arson related accelerants;
  - Crowd control;
  - Homeland Security related missions; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
-

**General  
Protocols**

- Only that amount of force that reasonably appears necessary to apprehend or secure a suspect shall be used. Handlers and their dogs are required to adhere to procedures that properly control their potential use of force and channel their specialized capabilities into legally reasonable crime prevention and control activities;
- Canine handlers are responsible for determining whether a situation justifies canine use and the appropriate Special measures that should be taken;
- Employees shall not pet a canine except with the permission of the canine handler;
- No employee is to tease or agitate any canine unless performed as part of a training exercise;
- The canine shall not enter any State Police facility except for a specific police purpose;
- Whenever a canine is used in a special situation, Incident Commanders shall confer with canine handlers and members shall heed the directions of the canine handler;
- Canines shall not be handled by anyone other than their assigned handler, except in emergency situations;
- **No** commands shall be given to a canine by anyone other than the canine handler except in emergency situations; and
- **No** employee shall enter a canine cruiser while a canine is present, except at the direction and in the presence of the canine handler.

**Building Search  
Protocols**

Canines may be utilized for locating suspects in buildings or other structures. To optimize building searches, and if possible, the:

- Perimeter should be secured by the requesting patrol personnel;
- Owner should be contacted to ascertain the layout;
- Tenants, workers, or unnecessary personnel should be removed;
- Heating, air-conditioning, or other blowing units should be shut off so as not to interfere with the canine's scent;
- Entrances and exits should be monitored, and communications limited once entry is made by the search team; and
- Canine handler shall ensure notification has been made to all personnel prior to deploying a canine into any building or structure.

**Tracking  
Protocols**

Canines may be utilized for tracking. To facilitate tracking:

- Identify and mark the location where the subject was last seen;
- Avoid foot or vehicular movement in the immediate area;
- Set-up an initial perimeter to be searched; and
- Protect all items of clothing that shall be used for scent acquisition purposes.

Subject	<b>Canine Unit</b>	Number	<b>TOP-05</b>
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**Drug Detection  
Protocols**

Public Facilities: Random exploratory sniffing of luggage, packages, or other inanimate objects may be conducted in public facilities such as:

- Airports/Transportation terminals (bus, train, marine);
- Commercial vehicle weigh stations; and/or
- Government buildings.

Public Schools: The use of drug detection canines in public schools is permitted only when authorized by the Division of Field Services Commander or designee, and if:

- The school administrator and the local police chief, if applicable, request and approve such use; and
- A search is limited to inanimate objects in public areas and the exterior of student lockers, unless reasonable suspicion exists to gain admission to an area.

Motor Vehicles: Drug sniffing canines may be used to sniff motor vehicles during:

- A commercial vehicle inspection; and/or
- A valid motor vehicle stop when reasonable suspicion exists to believe that the operator or passengers are in possession of illegal narcotics.

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**Canine Bites  
and Injuries**

In the event that a Department canine bites or injures any party, the canine handler shall contact the Troop Duty Officer, who shall immediately dispatch a supervisor and Crime Scene Services to the scene to conduct an investigation and take color photographs.

The supervisor shall forward appropriate information including the SP 376 Use of Force Report to the Division of Field Services Commander and Canine Unit Commander prior to end of their shift.

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**Reference**

SP 376 Use of Force Report  
Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-06</b>
Subject	<b>Underwater Recovery Team</b>		

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**Purpose**

To define the role of the Underwater Recovery (Dive) Team within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Dive Team shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Team Commanding Officer, team specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.
- 

**Utilization of Resources**

The Dive Team is available for:

- Underwater sweeps for hazardous or improvised explosive devices;
  - Active search and rescue;
  - Water-safety and survival instruction;
  - Evidence location and recovery;
  - Body location and extrication;
  - Vehicle/vessel location and recovery;
  - Underwater survey for security purposes;
  - Underwater obstruction identification and removal;
  - Homeland Security related missions; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
- 

**Operational Protocols**

Because of the inherent risks involved in diving operations:

- No dive shall be undertaken until a diving supervisor and at least two (2) divers are present and prepared to dive; and
  - The Dive Team Commander or designee at the scene shall make the final determination as to whether a mission shall be undertaken or terminated due to changing conditions.
-



Subject

# Underwater Recovery Team

Number

# TOP-06

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**Witnesses**

In some instances, it may be necessary to evacuate nearby civilians. Witnesses or those who may provide situational awareness and/or intelligence may be requested to remain at or near the Command Post.

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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-07</b>
Subject	<b>Air Wing</b>		

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**Purpose**

To define the role of the Air Wing within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Air Wing shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Air Wing Commanding Officer, unit specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.
- 

**Utilization of Resources**

The Air Wing is available for:

- Search and rescue for lost, missing, or endangered persons;
  - Photographic and video missions, documentation and video downlink;
  - Motor vehicle enforcement and patrol;
  - Incident Command Situations;
  - Drug eradication efforts, including surveillance;
  - Transportation of specialized equipment and personnel;
  - Transportation of government officials;
  - Criminal investigations;
  - Dignitary Protection;
  - Fire Services Support;
  - Homeland Security related missions; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
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Subject <b>Air Wing</b>	Number <b>TOP-07</b>
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**Operational  
Protocols**

The Colonel/Superintendent, or designee, shall authorize all requests for out-of-state travel in department aircraft.

In accordance with Federal Aviation Regulations, the Air Wing Commander or flight crew members may decline, cancel, or terminate any request or mission due to:

- Safety, Weather, Distance;
- Type of request beyond aircraft or members capability;
- Availability;
- Mechanical maintenance of the aircraft; or
- Determination that use of aircraft is not the appropriate resource after operational risk management assessment is completed.

This policy shall not preclude the use of the aircraft in any other circumstances at the direction of the Air Wing Commander consistent with the Executive Protection Unit SOP.

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**Command and  
Control**

When engaged in Air Wing operations, missions, and/or training the command and control concerning deployment and operational tactics utilized shall be:

- Determined by the Air Wing Commander or designee; or
  - Special Operations Commander or designee.
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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-08</b>
Subject	<b>Marine Unit</b>		

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**Purpose**

To define the role of the Marine Unit within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Marine Unit shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Unit Commanding Officer, unit specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.
- 

**Utilization of Resources**

The Marine Unit is available for:

- Patrol and law enforcement services;
  - Search and rescue;
  - Waterborne surveillance/undercover operations;
  - Underwater Recovery (Dive) operations support;
  - Homeland Security related missions; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
- 

**Operational Protocols**

The Marine Unit Commander, shall assign authorized Marine Unit members who are designated and trained to:

- Operate State Police vessels and their associated motors, trailers, and equipment.

For all Marine Unit missions a member shall be designated as Boat Captain per the Unit's SOP. The Boat Captain shall:

- Be responsible for the safety of the vessel and all on-board.

The Marine Unit and the designated Boat Captain(s) shall:

- Collaborate with the Underwater Recovery Team Commander or designee to ensure a safe and efficient environment for all dive operations.
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Subject <b>Marine Unit</b>	Number <b>TOP-08</b>
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**Command and Control**

When engaged in Marine Unit operations, missions, and/or training the command and control concerning deployment and operational tactics utilized shall be:

- Determined by the Marine Unit Commander or designee; or
- Special Operations Commander or designee.

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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-10</b>
Subject	<b>Special Emergency Response Team</b>		

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**Purpose**

To establish and define the role of the Special Emergency Response Team within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Special Emergency Response Team (SERT) shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Team Commanding Officer, team specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.
- 

**Utilization of Resources**

SERT is available for:

- Search and rescue efforts;
  - Special event crowd control;
  - Area security operations;
  - Fugitive searches;
  - Prison and civil disturbances;
  - Extended recovery operations support;
  - Wilderness searches requiring advanced land navigation techniques;
  - Homeland Security related missions; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
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Subject <b>Special Emergency Response Team</b>	Number <b>TOP-10</b>
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**Operational Protocol**

Search patterns and/or other tactical considerations shall be:

- Determined by the Incident Commander; after
- Consultation with the SERT Commander or designee.

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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-11</b>
Subject	<b>Emergency Management Unit</b>		

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**Purpose**

To establish and define the role of the Emergency Management Unit within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

---

**Policy**

The Emergency Management Unit shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
- Develop, under the direction of the Commanding Officer, unit specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.

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**Utilization of Resources**

The Emergency Management Unit is available for:

- Multi-agency resource management and coordination;
  - Assistance and/or support with exercise planning and evaluation;
  - Major event coordination support;
  - Natural disaster response, recovery and mitigation coordination;
  - Emergency evacuation coordination support;
  - Advanced incident management training;
  - Homeland Security related missions; and
  - Other special events and/or incidents as assigned by the Special Operations Commander or designee.
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Subject <b>Emergency Management Unit</b>	Number <b>TOP-11</b>
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**Operational  
Protocols**

- The Emergency Management Unit shall:
- Serve in a liaison capacity between the Department and the Massachusetts Emergency Management Agency (MEMA) and other local, state, federal, private emergency management partners;
  - Ensure the liaison position is staffed when requested by the Director of MEMA during the activation of the State Emergency Operations Center; and
  - Reports through channels to the Colonel/Superintendent.

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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>June 17, 2013</b>	Number	<b>TOP-12</b>
Subject	<b>Motorcycle Unit</b>		

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**Purpose**

To establish and define the role of the Motorcycle Unit within the Division of Field Services-Special Operations and establish guidelines for activation and utilization of their resources.

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**Policy**

The Motorcycle Unit shall:

- When requested and approved, assist members from the Department and those from other local, state, and federal agencies; and
  - Develop, under the direction of the Unit Commanding Officer, unit specific Standard Operating Procedure (SOP) that shall be created, maintained and updated as directed by the Special Operations Commander.
- 

**Utilization of Resources**

The Motorcycle Unit is available for:

- Escorts;
  - Patrol and law enforcement services;
  - Crowd control;
  - Traffic control;
  - Homeland Security related missions; and
  - Other special events/incidents as assigned by the Special Operations Commander or designee.
- 

**Operational Protocols**

The Motorcycle Unit Commander or designee may decline, cancel, or terminate any request or mission due to:

- Safety, Weather, Distance;
  - Type of request beyond motorcycle or personnel capability;
  - Availability; or
  - Determination that the use of motorcycles is not the appropriate resource after operational risk management assessment is completed.
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Subject <b>Motorcycle Unit</b>	Number <b>TOP-12</b>
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**References**

Policy and Procedure TOP-01 Command and Control

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Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>November 5, 2008</b>	<b>TRF-01</b>

Subject
<b>Mission, Goals, and Objectives</b>

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**Policy** All members are responsible for facilitating the safe and expeditious flow of traffic.

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**Mission** To develop and implement data-driven, multidisciplinary strategies to maximize the safety of the users of the roadway system.

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**Traffic Law Enforcement**

**Goal**

- Minimize the incidence of offenses committed on the roadways and to promote voluntary compliance with traffic laws.

**Objectives**

- Minimize the number of crashes and the resulting fatalities, injuries, and property damage through uniform, consistent, and active enforcement;
- Maximize training, selective enforcement, and criminal operations to reduce the number of driver errors, traffic violations, and the overall crime rate; and
- Maximize the utilization of traffic data, crash reports, and citation information as key identifiers for personnel deployment and selective traffic enforcement.

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**Traffic Crash Management**

**Goal**

- Minimize the incidence of loss of life, personal injury, and property damage resulting from crashes.

**Objectives**

- Maximize planning and coordinate programs by systematically obtaining data about collisions, roadways, drivers, and other required information;
- Minimize the severity of personal injuries and safeguard the lives and well-being of persons involved in collisions by providing basic medical and other emergency services;
- Minimize the number of driver errors and traffic violations by determining the cause(s) of collisions and taking appropriate enforcement action; and
- Minimize secondary crashes and/or delays by clearing crash scenes as rapidly as possible.

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**Traffic  
Direction and  
Control****Goal**

- Minimize delays to highway users resulting from crashes, construction, or other impediments.

**Objectives**

- Maximize the presence of personnel and equipment at locations and times conducive to enhancing traffic safety and flow;
- Maximize the expeditious flow of traffic by maintaining a high degree of officer and cruiser visibility while on patrol or specific assignment;
- Minimize and prevent collisions by eliciting the assistance of transportation officials and other law enforcement agencies to resolve problems as quickly and efficiently as possible;
- Maximize the direction of traffic through the use of signs, signals, and mechanical devices to regulate, coordinate, and detour traffic; and
- Maximize inter-agency relationships by sharing knowledge and information with other law enforcement, transportation, and academic officials involved in the transportation system so as to be better able to identify opportunities and resolve problems as quickly and efficiently as possible.

**Traffic Safety  
Education****Goal**

- Maximize the knowledge of highway users through Department announcements and provide information on risks, losses, and hardships associated with unsafe driving practices.

**Objectives**

- Maximize the awareness among the general public of the risk of damage, economic losses, and hardships associated with crashes and/or arrests resulting from unsafe driving;
- Minimize crashes and traffic violations committed by the general public through comprehensive training and education programs in unison with media informational efforts; and
- Maximize the public's safety by providing education on the importance of safety precautions, and promoting good driving practices such as wearing safety belts.

**Traffic  
Ancillary  
Services****Goal**

- Maximize service to highway users in need of aid or information in a timely manner.

**Objectives**

- Maximize public safety by diligently patrolling assigned areas and rendering assistance when needed;
- Minimize the dangers to a stranded motorist by obtaining appropriate and timely assistance;
- Maximize public acceptance and respect by courteously providing information; and
- Maximize public awareness of traffic safety information through Department Public Service Announcements (PSA's) and community relations efforts.

**References**

Massachusetts Strategic Highway Safety Plan

Promulgated By:



# Department of State Police

## General Order

Effective Date	<b>April 23, 2009</b>	Number	<b>TRF-02</b>
Subject	<b>Patrol</b>		

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**Policy**

The Department shall provide twenty-four (24) hour a day patrol coverage of state and interstate highways, as well as other areas of primary jurisdiction. The Department shall also be available to assist other agencies when required.

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**Patrol Function**

The purpose of the patrol function is to:

- Protect life and property;
- Respond to emergencies and other calls for service;
- Investigate crimes;
- Ensure the safety of motorists and pedestrians; and
- Assist other members, police departments, and government agencies.

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**Deployment**

Members may be deployed based upon the documented need for services. Criteria to be used for the assignment of personnel are:

- Crime: Number of crimes, type, and severity;
- Calls For Service: Number of specific incidents, time, and type;
- Jurisdiction: Geography and demographics of the area;
- Crash Data: Number of crashes, type and severity;
- Roads: Type and miles of roadways; and
- Coverage: Sufficient patrols are available to ensure officer safety.

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**Roll Call**

Supervisors or Station Desk Officers should conduct a roll call with shift members, preferably at the start of each shift. Roll call information may include items such as:

- Review of Department written orders and directives;
  - Administrative or teletype messages;
  - Legal updates;
  - Patrol information; and
  - Investigative bulletins.
-

**Patrol  
Responsibilities**

The safety of members and the public are a paramount concern at all times.

Members shall:

- Maintain high visibility for general deterrence of criminal and traffic violations;
- Familiarize themselves with their patrol area;
- Know the location of hospitals, local police departments, and other such facilities;
- Utilize various routes of travel to promote the visibility concept and to minimize predictability;
- Remain in their assigned patrol area, unless otherwise authorized or directed;
- Check vehicles parked within their patrol area, on the highway, and in rest areas (see ADM-46 Sexual Activity in Public Places), particularly at night and during periods of extreme or inclement weather to ascertain if the motorist/occupants are in need of assistance;
- Be alert to and report hazards within their patrol area, such as: road debris, inoperative traffic lights, missing traffic signs, fallen trees, or icy roads; and
- If the condition or hazard is of an emergency nature, the member should remain at the scene until the situation has been resolved, or the member is relieved by another member, entity, or as ordered.

Supervisors shall provide support to members to ensure their safety and efficiency while on patrol.

**Desk Officer  
Responsibilities**

Desk Officers shall:

- Enter the proper Roll Call information into the Daily Administrative Journal (DAJ) including officers present and accounted for;
- Notify the Troop Duty Officer as appropriate;
- Take appropriate action to address reported hazards/situations; and
- Enter information as required into the DAJ.

**Assisting  
Motorists**

All members, regardless of duty assignment, shall be constantly alert for motorists who may appear to need assistance. Whenever a disabled motor vehicle is observed, members shall stop, unless a call or assignment prohibits them from doing so.

- Members are not required to perform mechanical work, change flat tires, jump-start vehicle batteries, unlock doors, etc.

If a disabled vehicle presents a clear and present danger, further traffic problems, and/or the possibility of a traffic crash, it may be pushed off the roadway and onto the shoulder, median, or breakdown lane. Members shall:

- Ensure that when pushing a disabled vehicle sufficient care is taken to prevent unnecessary damage; and
- Use only vehicles modified with extended front push bumpers.

Continued next page.



**Assisting  
Motorists  
(Continued)**

Members shall remain with the disabled vehicle and its occupants until assistance arrives, or they are assigned to a higher priority call for service.

- Members may allow stranded motorists and/or occupants to remain in a Department vehicle for safety and warmth; additionally
- Members may transport operators and/or occupants to another location for their safety or to a location where arrangements may be made for further assistance.

When encountering an unattended/abandoned motor vehicle members shall:

- Stop and make a visual check of the vehicle; and
- Make a RMV CJIS/NCIC inquiry into the status of the vehicle.

If the vehicle is properly registered and does not appear to be stolen or pose a risk to public safety, a courtesy check sticker shall be completed and affixed to the vehicle, on the upper left corner of the rear glass, where it can be readily identified by other members.

When asked to provide directions, guidance, or general information, members shall conduct themselves in a courteous and professional manner.

**References**

Rules & Regulations 5.5  
ADM-46 Sexual Activity in Public Places  
Criminal Justice Information System (CJIS)

Promulgated By:



# Department of State Police

## General Order

Effective Date	November 5, 2008	Number	TRF-03
Subject	Selective Traffic Enforcement		

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**Policy** The Department shall use special enforcement patrol duties as an effective technique to meet our highway traffic safety goals and objectives.

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**Selective Traffic Enforcement** The primary purpose of selective traffic enforcement is to:

- Regulate traffic flow;
- Reduce traffic crashes; and
- Improve the safety of roads and highways.

Assignments shall be based upon:

- Crash data;
- Frequency of traffic violations;
- Traffic volume;
- Citizen complaints; and
- Any other pertinent information.

Traffic law enforcement depends upon the public and judicial acceptance of our efforts. Selective enforcement shall be fairly applied to create a climate of compliance with motor vehicle laws.

The selective enforcement performance standards for members shall be based upon the goals and objectives of the mission.

It is important to understand that both a quantitative and a qualitative emphasis are integral parts of selective enforcement.

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**Troop Commanders** Troop Commanders may utilize any of the following selective enforcement techniques, or combinations thereof, based upon the Traffic Program Officer's and/or Traffic Program Section's reports.

- Aerial patrol by the Air Wing;
  - Speed reduction with speed measuring devices;
  - Removing intoxicated drivers through saturation patrols, sobriety checkpoints, and other approved methods;
  - Commercial vehicle enforcement conducted by the CVES;
  - Joint operations in unison with other law enforcement agencies; and
  - Education and information with electronic and print media releases and public presentations on traffic safety.
-

**Traffic Programs Section**

The Traffic Programs Section shall provide assistance and guidance to Troop Commanders on the selective enforcement activities to be conducted. This shall occur on a monthly basis and may include, at a minimum:

- Analysis of traffic crash investigations/reports;
- Analysis of traffic enforcement activities;
- Determining selective enforcement activities and programs success; and
- Review and revision of selective enforcement objectives.

**Troop Traffic Programs Officer**

The Troop Traffic Programs Officer is responsible for providing the traffic analysis for their respective Troop in conjunction with the Traffic Programs Section as stated above. The summaries shall include:

- Time and location of crashes;
- Causal factors; and
- Types of violations noted.

**Station Commanders**

Station Commanders shall utilize this traffic information for the scheduling of members for selective enforcement.

- Routine patrol assignments shall be planned based upon available assets in order to maximize the patrol effort of members not specifically assigned to other duties; and
- The assignment and deployment of members to selective enforcement should complement rather than replace regular patrols.

Promulgated By:



# Department of State Police General Order

Effective Date	<b>May 10, 2012</b>	Number	<b>TRF-04</b>
Subject	<b>Motor Vehicle Pursuits</b>		

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**Purpose** This policy provides guidelines for the pursuit of motor vehicles.

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**Policy** A motor vehicle pursuit is justified when the necessity of the apprehension of a suspect outweighs the risk created by the pursuit.

Officers shall continually evaluate all circumstances surrounding a pursuit. If the degree of danger to the public, the pursuing officer(s), and/or the suspect(s) is greater than the necessity for immediate apprehension, a pursuit should not be initiated, or if in progress terminated.

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**Definitions** *Vehicular Pursuit:* An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

*Densely Populated Area:* An established city or town that is thickly settled and/or comprised of a business district marked by compactness, pedestrian and vehicular traffic.

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**Prohibited Pursuits** Pursuits of motorcycles **shall be prohibited**, unless the suspect poses an imminent threat of death or serious bodily harm to the public or officers.

When a member initiates or signals the operator of a motorcycle to stop for a motor vehicle violation and recognizes that the violator is refusing to stop, the member shall:

- Terminate any further pursuit, unless the suspect poses an imminent threat of death or serious bodily harm to the public or officers.

The Troop Duty Officer shall:

- Immediately assume command and control when circumstances result in a request for a CODE 1 regarding pursuit of a motorcycle; and
  - Terminate the pursuit, unless the suspect poses an imminent threat of death or serious bodily harm to the public or officers.
-

**Initiating a Pursuit**

If a violator fails to stop when signaled to do so and operates in such a manner as to avoid capture, officers must first recognize the potential risk to public safety before initiating a pursuit. Consideration should be given to tactics that reduce the opportunity for a suspect to flee apprehension.

If the degree of danger to the public, the pursuing officer(s), and/or the suspect(s) is greater than the necessity for immediate apprehension a pursuit should not be initiated or, if in progress terminated.

Factors to consider include:

- Probability of apprehension;
- Type of vehicle being pursued;
- Offense;
- Availability of assistance;
- Speed and driving behavior;
- Presence of passengers;
- Location, visibility, weather, road conditions, and the time of day;
- Volume of vehicular and pedestrian traffic; and
- Other circumstances or conditions which mitigate or aggravate hazards associated with the pursuit.

**Termination of Pursuits**

Officers shall immediately terminate a pursuit when any of the following conditions exist:

- When a pursuit for a civil infraction, misdemeanor, or non-violent felony enters into a densely populated area or heavily congested roadway;
- If radio communications with the Troop Duty Officer cannot be established or lapse during the pursuit;
- When the initiating officer or Troop Duty Officer determines that the risks of continuing the pursuit are outweighed by the risk to public safety; or
- When ordered to do so. Termination orders shall be immediately acknowledged.

When an officer terminates a pursuit they shall immediately deactivate all emergency visual and audible systems.

Subject	Number
<b>Motor Vehicle Pursuits</b>	<b>TRF-04</b>

**Pursuit  
Responsibilities**

<b>Position</b>	<b>Duties</b>
Primary Pursuit Officer	<p>Shall:</p> <ul style="list-style-type: none"> <li>• Request a <b>CODE 1</b> and broadcast cruiser number, location, direction of travel, speed and traffic conditions;</li> <li>• Activate all emergency visual and audible systems;</li> <li>• Provide the original reason for the attempt to stop the motor vehicle and a vehicle description;</li> <li>• Continually broadcast the location, direction, speed, and road conditions;</li> <li>• Operate cruiser in accordance with General Order ADM-19A Vehicle Use and Maintenance and MGL c.89 s.7B and continually re-evaluate the risk to public safety;</li> <li>• Advise the Troop Duty Officer and render assistance to any civilian vehicle involved in a crash;</li> <li>• Assistance to injured parties shall take precedence over the continuation of the pursuit; and</li> <li>• Conduct a comprehensive follow-up investigation in the event the operator eludes apprehension.</li> </ul> <p><b><u>Out of State Pursuits</u></b></p> <ul style="list-style-type: none"> <li>• Officers shall not pursue a fleeing vehicle across the territorial boundaries of the Commonwealth and into another state for a misdemeanor; and</li> <li>• Officers may pursue felony suspects into other states only when authorized by the Troop Duty Officer.</li> </ul>
Station Desk Officer	<p>Shall immediately:</p> <ul style="list-style-type: none"> <li>• Notify the Troop Duty Officer of a pursuit and request <b>CODE 1</b>;</li> <li>• Receive, record, and coordinate information on the pursuit and the pursued vehicle with the Troop Duty Officer and other law enforcement agencies; and</li> </ul>

Continued next page.

Subject	Number
<b>Motor Vehicle Pursuits</b>	<b>TRF-04</b>

**Pursuit Responsibilities (Continued)**

Position	Duties
Station Desk Officer	<ul style="list-style-type: none"> <li>Ensure that all pertinent information regarding the pursuit is entered into the Daily Administrative Journal (DAJ) and forwarded to the Troop Duty Officer.</li> </ul>
Assisting Pursuit Officer(s)	<p>Shall immediately:</p> <ul style="list-style-type: none"> <li>Notify the Troop Duty Officer of their participation in the pursuit;</li> <li>Maintain a safe distance behind the primary unit, but be close enough to provide aid; and</li> <li>Assume radio communication if and when required.</li> </ul> <p><u>Only two (2) State Police vehicles may engage in active pursuit.</u> The Troop Duty Officer may permit additional State Police officers to assist in a pursuit if they determine extraordinary circumstances exist.</p> <p>State Police vehicles not directly engaged in the pursuit, but in close proximity to the pursuit shall immediately notify the Troop Duty Officer.</p> <p>These officers shall position themselves on alternate/parallel roadways to provide assistance in the event the suspect eludes the pursuing officer(s) or flees on foot; or as otherwise directed by the Troop Duty Officer.</p>
Troop Duty Officer	<p>Shall immediately:</p> <ul style="list-style-type: none"> <li>Initiate a <b>CODE 1</b>;</li> <li><u>Personally broadcast</u> that they have assumed “command and control” of the pursuit;</li> <li>Ascertain the cruiser number(s) of the involved officer(s); location, direction of travel, speed, and traffic conditions;</li> <li>Determine the original reason for the attempt to stop the motor vehicle;</li> <li>Obtain the vehicle description, including plate number, if known, and number of occupants;</li> <li>Continually evaluate the risk to the public, and the pursuing officer(s), as such risks relate to the necessity for immediate apprehension;</li> </ul>

Continued next page.

Subject <b>Motor Vehicle Pursuits</b>	Number <b>TRF-04</b>
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**Pursuit Responsibilities (Continued)**

Position	Duties
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Utilize State Police Air Wing (if available); and</li> <li>• Direct State Police K-9 units to respond to the general area (if available).</li> </ul> <p><b><u>Mandatory Termination</u></b> In the event the Pursuit Officer fails to transmit the required information to the Troop Duty Officer, said Duty Officer shall terminate the pursuit.</p> <p>If the degree of danger to the public, the pursuing officer(s), and/or the suspect(s) is greater than the necessity for immediate apprehension, a <u>pursuit should not be initiated, or if in progress, terminated.</u></p> <p><b><u>Authority</u></b> Regardless of the rank of the pursuing officer, the Troop Duty Officer shall remain in command and control of the pursuit for the entire duration.</p> <p><b><u>Inter-Troop Pursuits</u></b> The Troop Duty Officer of jurisdiction shall assume command and control once the pursuit enters their Troop. Adjoining Troop Duty Officers shall be notified of pursuits that are in close proximity to their jurisdiction and may enter into their area of responsibility.</p> <p>When a pursuit enters into another Troop the originating Duty Officer shall remain in command and control until the adjoining Troop Duty Officer personally broadcasts that they have assumed “command and control” of the pursuit.</p> <p><b><u>Note: Only the Duty Officer from the originating Troop shall complete the pursuit evaluation.</u></b></p>

Continued next page.



Subject	Number
<b>Motor Vehicle Pursuits</b>	<b>TRF-04</b>

**Pursuit Responsibilities (Continued)**

Position	Duties
Troop Duty Officer	<p><b><u>Inter-Jurisdictional Pursuits</u></b> Troop Duty Officers shall notify other law enforcement agencies when a State Police pursuit is within their primary jurisdiction. They shall factor into their consideration any additional information bearing on the pursuit provided by said law enforcement jurisdiction.</p> <p>Request for their assistance or;</p> <ul style="list-style-type: none"> <li>• Courtesy notification with <u>NO</u> participation requested.</li> </ul> <p><b><u>Out of State Pursuits</u></b> If a felony has been committed, the Troop Duty Officer may authorize the pursuing officer(s) to continue to pursue into another state. If this occurs, the Troop Duty Officer shall immediately:</p> <ul style="list-style-type: none"> <li>• Notify the law enforcement agency of jurisdiction and request their assistance;</li> <li>• Require that the first out-of-state law enforcement vehicle that joins the pursuit become the primary pursuit vehicle; and</li> <li>• Direct the Massachusetts State Police vehicle to become a backup unit; and</li> <li>• Direct the MSP officer(s) involved to return to the Commonwealth as soon as the pursuit investigation is terminated.</li> </ul> <p><b><u>Crash Investigations</u></b> The Troop Duty Officer shall assign a supervisor to investigate all crashes associated with a State Police pursuit.</p>

**Other Law Enforcement Agency Pursuits**

Once a law enforcement agency notifies the State Police that they are in pursuit the caller must be identified and specifically asked:

- Whether they are making a request for State Police assistance; or
- Making a courtesy notification with NO State Police participation requested.

Once a request for assistance is made, the Troop Duty Officer shall determine if the State Police shall participate. If approval is granted, State Police officer(s) shall act as a secondary unit to the other agency's officer unless otherwise directed by the Troop Duty Officer.

All State Police officers directly or indirectly involved in a pursuit initiated by another law enforcement agency shall adhere to all of the requirements established in State Police General Orders, as well as Rules and Regulations.

**Pursuit Driving  
Tactics**

Deliberate Contact – Shall be prohibited unless specifically authorized and ordered by the Troop Duty Officer, Troop Commander, or Command Staff Member and where the suspect poses an imminent threat of death or serious bodily harm to the public or officers.

Tire Deflating Devices – Should be considered as an effective option for bringing a pursuit to conclusion for passenger vehicles only. The use of these devices is prohibited for motorcycles, buses, and trucks. (Refer to TRF-21 for additional details.)

Caravanning - Only two (2) State Police vehicles may engage in active pursuit. The Troop Duty Officer may permit additional State Police officers to assist in a pursuit if they determine extraordinary circumstances exist.

Units Paralleling – Additional State Police officers may operate with emergency visual and audible systems activated and assist by paralleling the pursuit or pre-position themselves at likely avenues of escape. These assisting units are strictly prohibited from direct/active pursuit unless specifically authorized by the Troop Duty Officer.

Passing – Attempts to pass another police vehicle are strictly prohibited, unless the police vehicle is disabled or ordered by the Troop Duty Officer.

Spacing – All units in pursuit shall space themselves at a safe distance to ensure proper braking and reaction time.

State Police Motorcycles – SHALL NOT become involved in a pursuit.

Unmarked State Police Vehicles – Officers operating unmarked State Police vehicles shall only engage in pursuits if they are equipped with emergency visual and audible systems and shall allow a marked/semi-marked unit to assume the primary pursuit position at the earliest opportunity. The unmarked vehicle shall then become the assisting unit until an additional marked/semi marked State Police vehicle can assume the secondary role. Once two (2) marked/semi marked State Police vehicles have become actively involved in the pursuit, the unmarked vehicle shall immediately disengage from the pursuit unless specifically authorized by the Troop Duty Officer to continue involvement in the pursuit.

Reckless/Hazardous Driving – Officers shall not duplicate the reckless operation displayed by fleeing suspects. Officers are strictly prohibited from wrong way operation.

Subject <b>Motor Vehicle Pursuits</b>	Number <b>TRF-04</b>
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**Post Pursuit Documentation and Review**

Position	Duties
Pursuit Officer	Provide the Troop Duty Officer with relevant information so they can complete the SP 343 Pursuit Evaluation Form.
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Ensure that the Desk Officer has entered all pertinent information into the DAJ and the entry is forwarded to Troop Headquarters;</li> <li>• Complete all required entries in the Troop Headquarters DAJ;</li> <li>• Ensure that the Troop Headquarters DAJ entry is included in the Daily AM Report;</li> <li>• Complete the electronic RAMS Pursuit Evaluation; and</li> <li>• Ensure a follow-up investigation occurs for suspects who elude apprehension.</li> </ul>
Deputy Superintendent	<ul style="list-style-type: none"> <li>• Appoint members to the Pursuit Review Committee.</li> </ul>
Pursuit Review Committee	<ul style="list-style-type: none"> <li>• Examine each pursuit and ensure compliance with this policy and report their findings to the Deputy Superintendent.</li> </ul>

**References**

ADM-19A Vehicle Use and Maintenance  
 TRF-12 Traffic Crash Investigation  
 TRF-21 Tire Deflating Devices  
 MGL c. 89 s.7B

Promulgated By:  
**Colonel Marian J. McGovern**



# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRF-04A</b>
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Subject <b>Foot Pursuits</b>
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**Policy** Members shall continually evaluate all circumstances surrounding a pursuit. If the degree of danger to the public, the pursuing officer(s), and or member(s) is greater than the necessity for immediate apprehension, a pursuit shall not be initiated, or if in progress, terminated.

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**Criteria for Foot Pursuits** Mere flight by an individual not otherwise suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit, or for a significant commitment of Department assets.

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**Alternatives to Foot Pursuits** In deciding whether or not to initiate or continue a foot pursuit, a member should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, including:

- Containment of the area;
- Canine search;
- Saturation of the area with additional patrol personnel;
- Air Wing support;
- Apprehension at another time when the identity of the suspect is known or other information is available that would likely allow for later apprehension; and
- The need to immediately apprehend the suspect does not reasonably appear to outweigh the risk in continuing the pursuit.

The team concept of using two (2) or more officers should be used whenever possible.

If exigent circumstances exist, it is generally recommended that a single member keep the suspect in sight from a safe distance and coordinate containment.

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Continued next page.

**Alternatives to  
Foot Pursuit  
(Continued)**

Foot pursuits are inherently dangerous and require heightened officer safety awareness, common sense and sound tactics.

Before initiating a foot pursuit, member(s) shall contact the station of jurisdiction and at a minimum, provide the following information:

- Member's identification (e.g. cruiser number) and exact location;
- Reason for the pursuit and current direction of travel;
- Number and description of suspects; and
- Whether the suspect is known or believed to be armed.

Members should consider, if the situation allows, removing the keys from the ignition of Department vehicle and/or the suspect's vehicle before commencing the tracking of the suspect operator.

Unless there is an immediate threat to another officer or a member of the public, members shall not initiate a foot pursuit under the following conditions:

- The member has no portable radio, no means of communicating or loses communications with other members or duty station;
- The member is alone and the subject has fled into the woods or an unoccupied building;
- When two (2) or more members become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place;
- The member loses possession of their weapon or other essential equipment;
- When the member is unsure of their location and direction of travel;
- When pursuing multiple suspects and the pursuing members(s) do not reasonably believe that they would be able to control the suspects should a confrontation occur; or
- When ordered to do so by the Troop Duty Officer.

Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>TRF-05</b>
Subject <b>Traffic Incident Management</b>	

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**Policy**

The Department shall use Traffic Incident Management protocols to minimize the congestion and delay caused by highway incidents.

Traffic congestion causes safety concerns due to the increased risk of secondary crashes, resulting in economic losses, which can adversely impact the quality of life.

Every effort should be made to minimize this cost, in addition to the impact to public safety and the inconvenience to motorists of the Commonwealth.

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**Applicability**

Every incident requires that certain management activities be performed. Even if the incident is small, Traffic Incident Management protocols are applicable to some degree.

The system should always be applied, even to routine incidents to:

- Create familiarity with the system;
  - Be prepared for escalation; and
  - Increase awareness of the risks that exist in all incidents.
- 

**Goal and Objectives**

**Goal:** Use "Quick Clearance" to restore the normal traffic flow as quickly and safely as possible.

**Objectives:**

- Coordinate and expedite emergency response to incidents;
  - Save lives, preserve property and minimize damage to the environment by the use and implementation of standard procedures and/or agreements;
  - Improve scene management to facilitate quick clearance of incidents;
  - Provide timely, accurate information to other agencies and roadway users about roadway conditions and alternate routes through the use of media, MassHighway's Advanced Traveler Information System (ATIS), and other systems; and
  - Minimize the impact of non-recurring incidents through the use of pre-planned alternate routes.
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**Unified  
Command**

Incidents occur without regard to jurisdictional boundaries requiring a well integrated, unified command approach to managing the incident scene.

Roadway crashes, fire, and hazardous material incidents usually require a multi-jurisdiction, multi-agency response. Individual agency responsibilities and authority are normally confined by jurisdiction or function by statute.

Unified Command requires all responding agencies to have a functional responsibility that contributes to:

- Ensuring safety of ALL emergency responders;
- Determining overall incident objectives;
- Ensuring joint planning;
- Implementing strategy chosen for clearing the incident;
- Ensuring integrated tactical operations are conducted;
- Maximizing all assigned resources; and
- Re-opening the affected roadway as quickly and efficiently as possible to minimize congestion delays resulting from the incident.

**First-On-Scene**

There are certain duties and responsibilities required of the first-on-scene member that are critical to initiating the appropriate response necessary to successfully manage an incident.

1. **Initiate Communication of incident with exact location-** Give brief description of incident, route number, direction, town, exit number or mile marker, landmark.
2. **Evaluate the incident-** Type of incident and potential number of injured, traffic conditions, lanes that are blocked, best access to scene:
  - I. If a commercial motor vehicle (bus or truck) is involved the Department of Transportation Number is required.
  - II. In case of hazardous material releases then the type, estimated amount, tank rupture and placard number is required.
3. **Communicate the evaluation-** Communicate the evaluation and the need for additional responders to the sub-station of jurisdiction.
4. **Secure the scene-** Secure the scene by whatever means available (cruiser, cones, etc.) to prevent further injury or property damage to the motoring public.
5. **Perform First Responder Duties-** Provide basic medical care; (e.g. CPR, first aid), until the arrival of more qualified EMS personnel.
6. **Assume Incident Command (IC) duties until relieved-** Begin to initiate IC responsibilities until the appropriate IC agency arrives. The first-on-scene member shall brief the relieving Incident Commander on the situation.

**Traffic Incident  
Management  
Response  
Framework**

Department members shall:

- **Perform First-On-Scene Duties-** All members, when first arriving on the scene of a roadway crash, shall be prepared to assume the first-on-scene duties.
- **Assist in Securing the Scene-** The first responding member shall immediately take charge and secure the scene pending the arrival of the assigned patrol or supervisory personnel to whom the responsibility shall be surrendered.
- **Perform First Responder Duties-** Provide basic medical care; (e.g. CPR, first aid), until the arrival of more qualified EMS personnel.
- **Assume IC Duties When Appropriate-** The senior member at the scene shall assume IC duties. In the event that a fire, explosion, HazMat, or serious threat of fire, explosion, or HazMat is encountered, the responsibility for the "immediate scene" shall fall to the Senior Local Fire Department Official. Department personnel should be aware that Incident Command shall be transferred back to the Department once the fire, threat of fire or Hazardous Material has been removed.
- **Support Unified Command As Necessary-** Paramount to the successful management of any critical incident is cooperation among all of the agencies participating in the operation. Department members shall be aware that Incident Command might be rotated with an official of another agency (such as Fire or MassHighway).
- **Control Scene Access/Egress-** This may include providing escorts for emergency vehicles and equipment necessary for clearing the scene of the injured and any obstructions or hazards.
- **Implement Alternate Routes-** Redirect the flow of traffic from the incident when necessary. Members are reminded that when alternate routing is initiated, which may affect local communities, additional personnel may be needed to augment the local police department at strategic locations to safely move large volumes of traffic within the local community.
- **Assist the Public Information Coordinator-** In order to facilitate the movement of traffic around and away from the incident, the media should be contacted. The Department's Media Relations shall dispatch qualified personnel to the scene of major incidents, if available, and shall provide support to on-scene personnel. The IC shall designate a Public Information Coordinator, normally a member from Media Relations, to interface with the media at the incident.

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Continued next page.



**Traffic Incident Management Response Framework (Continued)**

- **Conduct Incident Investigation-** The initial responding member, a member designated by the IC, or the assigned patrol of jurisdiction shall complete any and all reports required pursuant to established Department policy and procedure.
- **Participate In After Action Review/Debriefing-** All Department personnel involved shall be available for any after-action review of the incident. Members shall be prepared to discuss their roles and actions during the management of the entire incident.

**Traffic Control**

When conducting manual traffic control, members shall ensure that their presence and purpose are clear and obvious, and that they use traffic direction and control signals that are easily understood to ensure the safe and efficient flow of traffic.

Members conducting manual traffic control shall:

- Wear issued retro-reflective outerwear and employ a flashlight when warranted;
- Position themselves in a safe location so they can be seen by all;
- Stand straight, with a military-like bearing facing traffic, and be alert to their duties and conditions around them;
- Use clear and simple signals to direct traffic; and
- Start or stop one lane of traffic at a time on multiple lane roads, before proceeding to start or stop the next lane of traffic.

At the scene of critical incidents, members should assist by diverting vehicles around or away from the incident and allow medical and fire personnel room to operate. Roadway closures should be as short as possible; quick clearance techniques shall be employed whenever practicable.

Temporary traffic control devices, including portable signs, moveable barriers, and other apparatus, may be deployed to assist members in the safe and efficient flow and control of traffic. This is mainly applicable for pre-planned events, or long-term road closures.

In most circumstances, planning a road closure beforehand can reduce the length of the closure.

**References**

Unified Response Manual for Roadway Traffic Incidents

Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>TRF-07</b>
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Subject <b>Motor Vehicle Stops</b>
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**Policy** Necessary precautions shall be taken for every motor vehicle stop to ensure the safety of all. Members shall use these guidelines as well as their training and experience to determine specific actions for each situation.

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**Racial and Gender Profiling** All motor vehicle stops shall be in compliance with ADM-47 Identification and Prevention of Racial and Gender Profiling.

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**Marked Cruiser Motor Vehicle Stops** Members in marked cruisers shall:

- Activate the emergency lights and siren, as necessary;
- Select a safe location, if possible, to stop a violator; and
- Position the cruiser behind the violator at a safe and reasonable distance, or as circumstances require.

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**Unmarked or Low-profile Cruiser Motor Vehicle Stops** Members operating unmarked/semi-marked cruisers should be aware that motorists might not recognize them as police members and may refuse or be reluctant to stop. These motorists may drive to areas with increased population, illumination or to a local police station before feeling safe enough to stop.

Members shall:

- If in uniform, wear the appropriate cover while signaling the motorist to stop during the contact;
- Request assistance from a marked cruiser if the motorist does not comply; and
- Advise the Troop or GHQ Communications Center of the situation. In many instances people may use cellular phones to call 911 to ascertain the member's authenticity.

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**Felony Stops**

Members making felony or high risk stops shall conduct the stop in accordance with established training guidelines, and if practical:

- Contact the station Desk Officer giving the location, direction of travel, description of the vehicle and occupants(s), and the reason for the stop;
- Request a Code 1 if necessary;
- Position the cruiser in a manner that provides protection and cover; and
- Make an effort to conduct the stop with back up.

Assisting members shall not give additional commands, unless necessary for officers' safety. They shall remain in position to cover the primary member, who shall issue the instructions to the vehicle occupant(s).

**Approaching a Vehicle**

When approaching a vehicle, members shall be aware of their environment and alert to oncoming traffic. Members shall:

- If in uniform, wear the appropriate cover;
- Ensure the portable radio is on;
- Approach in a manner that affords maximum protection; and
- Remain alert for any sudden or suspicious movement within the vehicle.

**Operator Contact**

Members shall:

- Speak to the operator from a safe position;
- Inform the operator of the reason for the stop;
- Remain professional and courteous;
- Avoid unnecessary conversation that may lead to verbal confrontations; and
- Assist the operator in safely re-entering the traffic flow.

**Member Safety**

To maximize safety, the operator and occupants of the stopped vehicle shall be instructed to remain in the vehicle except for:

- An arrest;
- Situations where the member has specific articulable facts and reasonable suspicion that causes the member to be apprehensive for their safety or that of the public;
- Specialized enforcement functions;
- When conducting a field interview; or
- Other situations as necessary.

If individuals refuse to stay in the vehicle, they shall be directed to a position of safety off the roadway, away from the cruiser, but within view of the member.

If a member is stopping a vehicle which they have good reason to believe may pose a threat to the member or the public, they shall follow the felony stops procedure.

Subject

# Motor Vehicle Stops

Number

# TRF-07

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## References

TRF-04 Motor Vehicle Pursuits  
Comm. V. Williams 46 Mass. App. Ct. 181, 1999  
Comm. V. Gonsalves 46 Mass App. Ct. 186, 1999

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Promulgated By:



# Department of State Police General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>TRF-08</b>
Subject	
<b>Citations</b>	

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**Policy**

Citations shall be issued in accordance with Policy and Procedure ADM-04 State Police Authority and Massachusetts General Law (MGL) c. 90C.

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**Issuance of Citation**

The specific enforcement action taken should be predicated upon the offense. Traffic enforcement action shall be taken at the time and place of the occurrence, unless:

- The vehicle could not be stopped;
- Additional time or information is necessary to determine the nature of the violation or identity of the operator; or
- Other extenuating circumstances exist at the time of the violation.

Members shall fill out all applicable fields within a citation including:

- The gender of the operator;
- One applicable authorized code when identifying the operator's race; and
- If a non-inventory motor vehicle search is conducted the appropriate block shall be checked "yes or no."

Under no circumstances shall the race block contain unauthorized codes, remain unfilled, or contain inappropriate notations such as "unknown."

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**Issuing Member's Responsibilities**

Issuing members shall:

- Complete appropriate sections of the traffic citation accurately and legibly;
- Forward the citations to the appropriate court/station of jurisdiction at or before the completion of their tour of duty;
- Ensure the Department copy is submitted to the appropriate court officer; and
- Record citation information onto the PayStation Citation Entry Form.

Members assigned to a station within the Division of Field Services shall utilize the station code of their assigned station in the approved format (e.g., A-1 Andover is SA-1). Members assigned to a section or unit not in Field Services shall use the station identifier approved by their Division Commander.

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**Court Officer's  
Responsibilities**

Court Officers shall:

- Forward warning copies to the Registry of Motor Vehicles (RMV) forthwith;
- Mail or deliver civil infraction copies to the Registrar not later than the end of the sixth (6<sup>th</sup>) business day after the date of the violations;
- Forward criminal complaint/summons to the court of jurisdiction not later than the end of the sixth (6<sup>th</sup>) business day after the date of the violations; and
- File the Department copy.

**Supervisor's  
Responsibilities**

Supervisors shall:

- Review citations for accuracy, legibility, and compliance with statutory requirements; and
- Ensure that unacceptable/unprofessional patterns are immediately addressed.

**Station/Section/  
Unit  
Commander's  
Responsibilities**

Station/Section/Unit Commanders shall:

- Maintain a Control Journal for all citation books received and issued;
- Review citations for accuracy, legibility, and compliance with statutory requirements;
- Review the citation data entered into the PayStation Citation Entry application by members under their command;
- Submit monthly/quarterly compliance reports as directed by the Traffic Stop Data Collection Technical Support Manual located on DocuShare;
- Ensure all citation copies are classified, distributed, and delivered to the RMV and the appropriate court(s), as required by statute;
- Retain all Department citation copies in station files for a period of three (3) years; and
- Ensure that unacceptable/unprofessional patterns are immediately addressed.

**Troop Traffic  
Programs  
Officer's  
Responsibilities**

Troop Traffic Programs Officers shall:

- Maintain and forward up-to-date traffic/legal information as appropriate;
- Maintain a Control Journal for the issuance of citation books; and
- Maintain Monthly Troop Traffic Law Enforcement Statistical Summaries prepared in accordance with the requirements of the Division of Field Services.

**Troop/Section  
Commander's  
Responsibilities**

Troop/Section Commanders shall:

- Review monthly/quarterly compliance reports to ensure that the members under their command are in compliance with the provisions of this policy; and
- Ensure that unacceptable/unprofessional patterns are immediately addressed.

**Division  
Commander's  
Responsibilities**

Division Commanders shall:

- Establish internal guidelines for procedural review to ensure that the personnel under their command are in compliance with the provisions of this policy.

**Recreational  
Vehicles**

Members shall take appropriate enforcement action for violations committed by operators of off-road recreational vehicles (snowmobiles, dirt bikes, all-terrain vehicles, etc.,) observed and/or reported to them.

All MGL c. 90B violations shall be entered upon the standard RMV citation, or an application for complaint may be made with the District Court of jurisdiction.

The standard uniform citation can be utilized as a complaint application for a recreational vehicle operated on a public way in violation of MGL c. 90B s.25.

Note: If needed, under the Executive Office of Energy and Environmental Affairs, the Massachusetts Environmental Police may be called for assistance at (800) 632-8075.

**Voidance of  
Citations**

If an error is made while writing a citation, or if a citation becomes accidentally damaged, it may be administratively voided by the issuing member. The member shall:

- Print "VOID" on all copies of the citation;
- Provide a full explanation in writing (To/From) before the end of their tour of duty and submit it to their first line supervisor for review; and
- Record the voided citation in the PayStation Citation Entry application.

If satisfied with the explanation provided, the supervisor shall approve the "VOIDED" citation and the explanation for such action. The voided citation and explanation shall be returned to the Registrar forthwith.

**References**

ADM-04 State Police Authority  
MGL c. 90C Procedure for Motor Vehicle Offenses  
Traffic Stop Data Collection Technical Support Manual

Promulgated By:



# Department of State Police General Order

Effective Date <b>December 10, 2007</b>	Number <b>TRF-09</b>
Subject <b>Towing</b>	

**Purpose**

To establish and define guidelines for State Police officers engaged in towing vehicles.

**Policy**

Public safety is the Department's primary concern and shall guide the application of this policy. When authorized to remove vehicles, officers shall remove such vehicles to an area which shall ensure the safety and well being of the occupants, security of the vehicle, and allow for safe and efficient flow of traffic.

All personnel and approved tow companies shall adhere to and comply with all Division Commanders' Standard Operating Procedures relating to towing, as well as the Department of State Police Tow Service Agreement SP 357.

Nothing in this policy shall prevent personnel assigned to Troops E and F from adhering to the specific towing regulations of the public authority that they serve.

**Causes for Removal**

Officers are authorized to remove (or cause to be removed) any vehicle found upon a road/state highway when:

- The vehicle was stolen or taken without the owner's consent;
- The vehicle is disabled as to constitute an obstruction to traffic and/or is an obvious hazard;
- The operator of the vehicle is arrested and the vehicle would be left unattended on a public way;
- The vehicle is improperly parked or standing in violation of a state or municipal law or regulation;
- The operator of the vehicle is not properly licensed and there are no properly licensed occupants;
- The vehicle is not validly registered or insured;
- The vehicle, in its current condition, is too hazardous or dangerous to be driven;
- The vehicle is impounded/towed pursuant to MGL or state or federal court order;
- Adverse weather conditions or other emergency reasons necessitate the removal in the interest of public safety, or when requested by the Massachusetts Highway Department or other agency having jurisdiction over maintenance of the roadway;

*Continued on next page*



**Causes for Removal (continued)**

Public safety is of paramount importance when considering the time, manner, and method of off-loading and/or towing a large vehicle. The key determinants are current and impending road, weather, and traffic conditions.

All crash/recovery scenes should be cleared as quickly as possible in order to return the highway to its normal traffic flow. If necessary, cargo may be pulled/pushed to adjacent shoulders/medians before the vehicle is towed.

The off-loading and/or towing of large trucks involved in crashes and recoveries on high density/congested roadways should be avoided during peak commuter hours (0600-0900 hours and 1500-1830 hours) as it may contribute to additional delays and/or crashes.

**Responsibilities of the Officer Towing a Vehicle**

Officers shall inquire if there is a preference for a particular tow company and it shall be honored unless:

- The emergency requires expediency;
- Traffic conditions require immediate removal; and
- The response time of the tow company requested would be unreasonably long in the opinion of the on-scene officer(s) and safety dictates its removal.

When no request for preference is expressed, the officer shall inform the Station Desk Officer who will dispatch a tow company from the Station's Tow Company List that is approved to provide the required service.

Depending upon time of day, weather, or other variables, the officer shall remain with a disabled vehicle and its occupants until assistance arrives, or until the officer is assigned to a higher priority call for service. The officer may transport the occupant(s) to a safer location to make their own arrangements, if it is agreeable to the occupants.

If the officer at the scene makes an informed observation that a particular on-scene tow company is unable to safely and expediently remove a vehicle; they may request the services of the nearest available State Police Tow Company capable of handling the job.

When applicable, officers shall inventory the towed vehicle in accordance with TRF-10.

**Responsibilities of the Station Desk Officer**

The Station Desk Officer shall appropriately record the following via RAMS II:

- The registration number and state;
- The location from which the vehicle was towed from including time and date;
- Make and description of the vehicle;
- The cause for removal;
- The name or identification number of the officer or proper authority requesting such removal; and
- The towing company name.

The officer requesting the tow shall notify or cause to be notified, the owner of record as soon as possible.

**Responsibilities  
of the Station  
Commander**

Station Commanders shall establish a Station Tow Company List based upon fair and equitable standards including, but not limited to: minimum response times, the maximum allowable number of tow companies, the provisions of this policy and all Division Commanders' Standard Operating Procedures relating to towing.

Fair and equitable standards shall include:

- A consideration of the financial and administrative burden of maintaining and administering the Station Tow Company Lists;
- The public interest and necessity for the prompt removal of wrecked, crashed, and disabled vehicles from the roadway;
- The maximum number of tow companies on a Station Tow List shall not exceed ten companies unless authorized by the Troop Commander; and
- Any additional factors that a Station Commander deems reasonably necessary.

Station Commanders shall be responsible for the oversight of station tow companies in their station areas and may suspend, terminate, and/or place on probation any station tow company consistent with the requirements of all Division Commanders' Standard Operating Procedures relating to towing and the State Police Tow Service Agreement SP 357.

Station Commanders shall appoint a Station Tow Officer to assist with the administration of this policy and to maintain records of all tow agreements and associated documents.

Station Commanders shall also maintain all required records necessary for the administration of this General Order and all Division Commanders' Standard Operating Procedures relating to towing.

Station Commanders, or his/her designee, may establish exclusive tow zones during natural or man-made emergencies in order to maximize public and officer safety.

**Responsibilities  
of the Troop  
Commander**

The Troop Commander shall ensure the effectiveness of the towing process by monitoring personnel under his command. The Troop Commander, or his/her designee, as Troop Tow Officer shall:

- Perform random line inspections;
- Order an immediate indefinite suspension without advance notice (until such time as the deficiencies have been satisfactorily corrected) for an event where a tow company's actions have resulted in a threat to public safety; and
- Hold and preside over hearings relative to the appeal of a Station Commander's decision or suspension. The Troop Tow Officer may preside over appeal hearings at the discretion of the Troop Commander.

Notify the tow company in writing of all decisions.

Ensure that Station Commanders maintain all records and Tow Service Agreements required by this General Order and all Division Commanders' Standard Operating Procedures relating to towing.

Subject <b>Towing</b>	Number <b>TRF-09</b>
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**References**

Division Commanders SOP- TOWING  
SP 357 – Tow Service Agreement  
TRF-10 – Vehicle Inventory  
MGL c.90, s.22C  
720 CMR 9.04

Promulgated by:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRF-10</b>
Subject <b>Vehicle Inventory</b>	

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## Policy

Any vehicle ordered towed, or in the custody of the Department, shall be inventoried and properly documented in order to protect:

- The vehicle and its contents;
- The Department and tow company against false claims of lost, stolen, or vandalized property; and
- The member(s) and the public from dangerous items that might be in the vehicle.

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## When to Inventory a Vehicle

An inventory is a non-investigative procedure in which the contents of a vehicle are itemized, and the condition of the vehicle is noted.

The Department shall inventory any vehicle ordered towed, removed, or impounded:

- As outlined within TRF-09 Towing;
- When involved in a crash, and the owner is unable to care for it;
- Pursuant to a lawful arrest when the vehicle would be left unattended; or
- As a seizure - the vehicle is subject to statutory forfeiture or lawful seizure pursuant to a governmental interest, such as:
  1. A seizure pending forfeiture;
  2. Company or corporation distress warrant; or
  3. The vehicle was used in the commission of a crime, as an instrument of a crime, or is stolen.

The inventory process should be conducted at the scene before towing the vehicle. If the scene is not safe or practical, the process may be done at another location, however the inventory shall be done within a reasonably short period of time.

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## Inventory Not Necessary

A motor vehicle inventory need not be taken if the vehicle is:

- Legally parked and locked;
  - Abandoned and locked;
  - Removed by a third party; or
  - Disabled with the operator and/or occupants present, and is towed at their request.
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**Inventory  
Procedure**

The standard inventory procedure shall consist of a detailed inspection of the interior and exterior of the vehicle for damaged and missing parts, as well as to locate and record the contents of the vehicle. The following areas shall be inventoried:

- The interior of the vehicle;
- The glove compartment and trunk (unless they are locked and there is no key available); and
- The exterior of the vehicle for missing or damaged parts.

The inventory listing of personal items and valuables shall extend to all storage areas and compartments that are accessible to the operator or occupants. This encompasses:

- All open areas, including the floor areas, the area in and around the instrument panel and the rear deck above the rear passenger seat, the open area under the seats, the glove compartment and trunk, and other places where property is likely to be kept.

All closed but unlocked containers shall be opened, and each article inventoried individually.

Locked containers shall be inventoried as a single unit.

If an owner and/or operator requests to remove or entrust their possessions to another person, without it impeding the towing or impoundment process, such request may be granted, unless the member has probable cause to seize the items.

**Search  
Warrants**

A search warrant shall be obtained before the search of a locked container or forcing open a locked glove compartment or trunk, unless:

- Consent to open the container is obtained from its owner; or
- The member has probable cause to believe that such locked container shall put the member or others in immediate risk of injury or loss of life.

**Responsibilities**

Position	Duties
Members	<ul style="list-style-type: none"> <li>• Locate and secure any monies or articles of value that cannot be secured by the tow company;</li> <li>• Accurately record on the motor vehicle inventory form a complete listing of the general condition of the vehicle and its contents;</li> <li>• File the form in the station of jurisdiction;               <ol style="list-style-type: none"> <li>1. Records shall be kept for one (1) year; and</li> <li>2. Filed by date.</li> </ol> </li> <li>• A copy of the form may be filed with any report of investigation;</li> <li>• Make, or cause to be made, any necessary administrative journal entries;</li> <li>• Ensure that all articles taken for safekeeping are stored in an appropriate container and secured in the station; and</li> <li>• An article of value may be left with the vehicle, if the owner so requests, by storing it in the trunk.</li> </ul>
Station Commanders	<ul style="list-style-type: none"> <li>• Provide a central location for members to file the motor vehicle inventory forms, and periodically review the forms for compliance with this policy; and</li> <li>• Ensure that property secured during the inventory procedure is returned to the rightful owners, as appropriate, and not kept longer than necessary.</li> </ul>
Troop Commanders	<ul style="list-style-type: none"> <li>• Strictly enforce the motor vehicle inventory procedure in order to avoid arbitrary application of the policy.</li> </ul>

**References**

TRF-09 Towing

Promulgated By:
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# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>TRF-12</b>

Subject
<b>Crash Investigations</b>

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**Policy** To establish guidelines for traffic crash reporting and investigations

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**Definitions**

*Crash:* A motor vehicle collision with any other vehicle, object, or person.

*Crash Investigation:* The systematic recording and examination of the involved vehicles, the roadway, and human factors, to determine the cause of the collision, contributing factors, and determination of violations of law.

*Crash Reporting:* The basic data collection needed to identify the operators and the particulars of every crash referred to Massachusetts General Laws (MGL) c.90 s.26.

*Crash Reconstruction:* The technical analysis of all available information and physical evidence to determine how and potentially why the crash occurred.

*Commercial Motor Vehicle:* A motor vehicle used in commerce, and designed or used to transport passengers or property, which has a gross vehicle weight rating (GVWR) of 10,000 or more pounds, or which is designed to transport more than eight (8) passengers (including the driver), or which transports hazardous materials and is required to be placarded in accordance with federal law.

*Serious Bodily Injury:* Any bodily injury which creates a substantial risk of death or which involves either total disability or the loss or substantial impairment of some bodily function for a substantial period of time.

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**Reporting Requirements** Members shall conduct an on-scene investigation and complete Registry CRA-65 Motor Vehicle Crash Report whenever a crash results in:

- A death;
- Personal injury;
- Any violation of law exists;
- Any damage occurs to a Federal/State/Municipal vehicle; or
- Property damage per MGL c. 90 s.26.

For crashes not meeting the above requirements members shall assist the operator(s) with the exchange of any pertinent information and safely clear the crash scene. Members may utilize a SP 256 Crash Data Exchange Form.

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**Station Desk  
Officer**

Desk Officers shall:

- Dispatch members as needed to respond to the scene of any reported crash;
- Make an entry into the Daily Administrative Journal (DAJ) on all calls for service with appropriate findings;
- Make every attempt to identify callers for investigative purposes;
- Contact MassHighway to respond with necessary equipment (such as arrow boards, cones, curiosity screens, message boards, signage, etc.);
- Notify the Troop Duty Officer of any serious injury or fatal crash;
- Ensure Media Relations is made aware of any serious injury or fatal crash by faxing the SP 640 Serious Crash Fact Sheet directly to Media Relations and GHQ Communications; and
- Notify the Registrar of Motor Vehicles of all crash fatalities immediately through the CJIS "FATAL" screen.

**Responding  
Members**

All responding member(s) shall:

- Exercise sound judgment in proceeding to the scene;
- Position the cruiser and/or flares in such a manner as to provide maximum protection for the crash scene;
- Render first aid to the injured, pending arrival of emergency medical personnel;
- Direct traffic safely around crash scene;
- Retain charge of the scene pending the arrival of the assigned patrol, department of jurisdiction, or any supervisory personnel;
- Ensure roadway is clear of debris e.g., flares, cones; and
- Expedite quick road clearance re: TRF-05 Traffic Incident Management.

**Primary  
Investigating  
Officer's  
Responsibilities**

In addition to the above duties the primary investigating member shall:

- Comply with all reporting procedures;
- Take appropriate enforcement action when sufficient evidence exists;
- Notify the Troop Duty Officer if the crash results in serious injury or death;
- When applicable, utilize findings and measurements determined by the Collision Analysis and Reconstruction Section (CARS) member as the official record for reference throughout the investigation;
- Request to the station of jurisdiction an entry into the DAJ documenting the time cleared and when traffic is back to normal; and
- Submit a CRA-65 to a supervisor, within ten (10) days for approval.



**Troop Duty Officer**

Upon notification of a crash resulting in serious injury or death, as appropriate notify:

- On call member from CARS;
- Crime Scene Services;
- The District Attorney's Office of jurisdiction; and
- Media Relations.

Troop Duty Officers shall follow the CARS call-out protocol set forth by the CARS Commander.

Note: Ensure that MassHighway has been contacted to respond with necessary equipment when CARS members are responding to crashes on limited access highways.

**Station Commander**

Station Commanders shall:

- Review all reports for accuracy, completeness, and legibility; and
- Ensure the reports are forwarded to the Registrar of Motor Vehicles within fifteen (15) days.

**Crash Reported at Construction Sites**

When a crash occurs on the scene of a construction detail under the control and jurisdiction of the Department, the Desk Officer shall:

- Dispatch a patrol to investigate and take appropriate action; or
- If the detail officer is not involved in the crash, assign the member working the detail to investigate the crash when no patrol is available.

**Reports for Death or Serious Injury**

Motor vehicle crashes occurring on a public way resulting in death or serious injury require an incident report that may include:

- Observations from eye witnesses;
- Observations of hospital personnel;
- Forensic evidence (of operation) such as fingerprints, hair, blood, clothing fibers, etc. that places the occupants accordingly;
- Seat positions;
- Matching damage to the interior of the vehicle to defendant's and passenger's injuries;
- Evidence from occupant protection devices such as seat belts and air bags;
- Evidence of contact with glass in the vehicle;
- Any other pertinent information or evidence; and
- Preliminary findings from the CARS reconstructionist.

**Off-Road/  
Recreation  
Vehicles**

Off road recreational vehicle crashes occurring on public ways shall:

- Be investigated and reported on the standard CRA-65; and
- The standard uniform citation can be utilized as a complaint application for a recreational vehicle operated on a public way in violation of MGL c. 90B s.25.

Note: If needed, under the Executive Office of Energy and Environmental Affairs, the Massachusetts Environmental Police may be called for assistance at (800) 632-8075.

Crashes occurring on private property that involve a motor vehicle, or an off-road recreational vehicle, and resulting in death or serious injury shall:

- Be investigated and reported following the same reporting requirements and procedures set forth for death and serious injury crashes.

Crashes involving only property damage that occur on private property, not open to the general public, shall not require an investigation.

**Collision  
Analysis and  
Reconstruction  
Section**

CARS may be used for the following purposes:

- When any crash involves a fatality;
- When any serious injury crash involves a strong possibility of criminal charges being filed;
- When any Department vehicle collision involves serious injury/death;
- When any serious injury occurs at a work zone where a member is working a paid detail;
- When any Department pursuit results in serious injury or death;
- Upon request by another police department/agency;
- Upon request of the District Attorney's Office, Fire Marshal's Office, or Attorney General's Office for assistance in forensic mapping of crime scenes; and
- As directed by the Troop/Section Commander.

CARS shall:

- Assist the primary investigator and shall not assume full responsibility for any investigation, unless ordered to do so by the Troop/Section Commander; and
- Forward an approved copy of the final report to the primary investigator for proper filing.

**Local Cruiser  
Crash  
Investigations**

Upon a request for a crash investigation involving a local police department, the request shall:

- Be made by the officer-in-charge (OIC) of the requesting department to the Troop Duty Officer.

Troop Duty Officers shall:

- Assign a supervisor (preferably of a higher rank than the officer involved) to conduct a crash investigation.

Continued next page.

**Local Cruiser  
Crash  
Investigations  
(Continued)**

Investigating Officers shall:

- Conduct an investigation and determine the cause;
- Take immediate enforcement action as necessary;
- Prepare an incident report;
- Submit the incident report together with a CRA-65 for review to the Troop Commander within seventy-two (72) hours of the crash.

Troop Commanders shall:

- Upon approval, forward a copy of the crash investigation to the local police department chief or designee for final disposition.

**Crashes/  
Commercial  
Motor Vehicles**

Troop Duty Officers shall notify the Commercial Vehicle Enforcement Section (CVES) of all significant commercial motor vehicle crashes when they:

- Cause a major disruption of normal traffic;
- Involve serious injury or a fatality;
- Cause extensive property damage;
- Involve hazardous or radioactive materials;
- Involve violations of law; or
- Are requested by the investigating officer.

The “Truck and Bus Information” section of the CRA-65 shall be completed by the primary investigator with CVES assistance.

**Crashes with  
Deer and  
Disposition**

*Eligible Person:* A resident of Massachusetts who is an operator or an occupant of a vehicle that strikes a deer.

Members shall be aware that 321 CMR 2.04 allows an eligible person, to salvage the deer in accordance certain stipulations.

Members shall:

- Ascertain if there is an eligible person who wishes to take possession of the deer;
- Advise the eligible person to immediately notify the Massachusetts Environmental Police;
- Ensure an DAJ entry includes the name, address, and telephone number of the eligible person; and
- Notify MassHighway if no eligible person is available to, or declines to take possession of the deer carcass.

**Release of  
Crash Reports****Private Individuals/Businesses**

Private individuals, whether representing a business or themselves, are required to obtain crash reports from the Registry of Motor Vehicles.

Instructions for obtaining crash data can be found on the internet at:

<http://www.mass.gov/rmv/forms/accriform.pdf>.

**State Employees/Representatives**

Members shall release unredacted crash reports to:

- Employees of the Massachusetts Highway Department when an official(s) appears in person and is properly identified.

Representatives of private companies, under State contracts, responsible for repairs may be allowed to access crash report/record information available at Department facilities, under the following conditions:

- For the purpose of identifying monetary liability in crashes which resulted in damage to the infrastructure of the State highway system;
- Crash reports shall be accessed and copied under the supervision of a Department member; and
- The Station Commander, or designee, shall be responsible for blacking out, the dates of birth and operator license numbers of all parties contained within the crash report.

Specific questions or concerns about the applicability of the Public Records Law or any other statute authorizing or restricting access to such material shall be directed to the Department's Legal Section at (508) 820-2311.

**References**

49CFR part 172, sub-part F.

MGL c. 90 s.26 & c. 90 s.29

321 CMR 2.04 Salvage, Disposition, and Possession of Deer Killed

Criminal Justice Information System (CJIS)

Promulgated By:



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRF-14</b>
Subject <b>Operating Under the Influence-Alcohol</b>	

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**Policy** To promote traffic safety through the detection, arrest and prosecution of persons operating a motor vehicle while under the influence of alcohol.

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**Definitions**

*Portable Breath Test Device (PBT):* A portable instrument capable of quantifying the amount of alcohol in a breath or calibration sample.

*Breath Test Operator (BTO):* A member certified to administer a breath test in accordance with 501 CMR 2.00.

*Officer-in-Charge of Instruments (OIC):* A BTO, designated by a Troop Commander responsible for maintaining station/unit breath test devices.

*Office of Alcohol Testing (OAT):* The office established within the Department's Crime Laboratory which oversees the State's Breath Alcohol Testing System (BATS) and breath test training.

*Standardized Field Sobriety Test(s) (SFST):* A test or tests administered to a person prior to arrest and designed to assist in the detection of impairment due to alcohol.

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**Standardized Field Sobriety Tests**

- These tests should be administered by the member, if able, in accordance with training and the procedures outlined in the SFST Manual; and
- A PBT, when used as a field sobriety test, should be the last test administered.

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**Post Arrest Breath Tests**

All post arrest breath tests shall be conducted:

- By a certified BTO;
- In accordance with 501 CMR 2.00 and Massachusetts General Laws (MGL) c. 90 s. 24;
- In accordance with training and operational procedures developed by the OAT;
- In an atmosphere of dignity and decorum;

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Continued next page.

**Post Arrest  
Breath Tests  
(Continued)**

- At the station of jurisdiction in which the arrest was made; or
- At a station having an operational breath test device near the arrest location; or
- In the Department's Breath Alcohol Testing (BAT) Mobile.

Note: If the result of the post arrest breath test is 0.05% BAC or less, there shall be a permissible inference that such defendant was not under the influence of intoxicating liquor, and they shall be released from custody forthwith per MGL c. 90 s. 24, unless other charges support continued incarceration.

**Blood Tests**

Individuals arrested for operating under the influence (OUI) of alcohol and being treated at a medical facility licensed under MGL c. 111 s. 51 may be offered an opportunity to submit to a blood test in lieu of a breath test following the procedures outlined in the BTO's Manual.

**Refusals**

If after being advised of their rights and the consequences of refusing to submit to a test, the individual refuses to submit to a test, none shall be given.

- All refusals, breath and blood, shall be entered into the BATS and noted in the Daily Administrative Journal (DAJ);
- Once a refusal is entered into the BATS, no test shall be given;
- Refusals shall be witnessed by a third party other than the defendant and the refusal officer; and
- The refusal witness shall be noted within the report and BATS.

**Protective  
Custody**

Subjects who have been bailed, after having been arrested for operating under the influence and are placed into protective custody shall be:

- Processed according to MGL c. 111B; and
  - Re-entered into the DAJ.
- Note: A separate report and log entry shall be made.

**Responsibilities**

<b>Position</b>	<b>Duties</b>
Arresting Member	<ul style="list-style-type: none"> <li>• Advise the prisoner of their rights and consequences as outlined in the Statutory Rights and Consent form during the booking process;</li> <li>• If certified as a BTO, administer the breath test;</li> <li>• If not a certified BTO, ensure the breath test is administered by a certified BTO;</li> <li>• If the arrestee refuses to submit to a breath test, enter the refusal into the BATS;</li> <li>• If data entered into BATS is found to be incorrect, complete a BATS Data Correction Form, and fax to the RMV and OAT;</li> <li>• Complete all required documents and reports; and</li> <li>• Ensure arrestee is suspended if they fail the evidential breath test or refuse to submit to a breath test.</li> </ul> <p><u>Note:</u> All required documents and reports shall be completed and signed by the arresting member and/or BTO.</p>
Desk Officer	<ul style="list-style-type: none"> <li>• Notify the bail commissioner and advise them if the prisoner requests to exercise their rights per MGL c. 263 s. 5A; and</li> <li>• Make appropriate entries into the DAJ.</li> </ul>
Supervisor	<ul style="list-style-type: none"> <li>• Ensure compliance with this policy and the completion of all required documents and reports.</li> </ul>
Troop Traffic Programs Officer	<ul style="list-style-type: none"> <li>• Document the date, time and location of each OUI related arrest and crash within their Troop; and</li> <li>• Maintain monthly OUI related reports as may be required by the Traffic Programs Section.</li> </ul>
Troop Commander	<ul style="list-style-type: none"> <li>• Designate OIC of Instruments and ensure they perform all assigned duties regarding station/unit breath test devices; and</li> <li>• Oversee the OUI enforcement efforts within their jurisdiction.</li> </ul>

**Responsibilities  
(Continued)**

<b>Position</b>	<b>Duties</b>
Officer-in-Charge Instruments	<ul style="list-style-type: none"> <li>• Provide guidance and assistance to BTOs and members entering refusal data;</li> <li>• Ensure arrestee has been suspended if they fail the evidential breath test or refuses to submit to a breath test;</li> <li>• Ensure station/unit breath test devices, supplies, and current reference manuals are maintained and readily accessible;</li> <li>• Troubleshoot breath test devices and perform periodic tests as prescribed by OAT;</li> <li>• Maintain calibration stations for members who have been issued PBTs;</li> <li>• Coordinate with both OAT and individual members for all breath test devices certifications, calibration, repairs, and loaner/replacement units;</li> <li>• Maintain station records of all periodic tests performed as prescribed by OAT; and</li> <li>• Testify as the Keeper of Records in all prosecutions within their jurisdiction.</li> </ul>
Office of Alcohol Testing	<ul style="list-style-type: none"> <li>• Submit an annual report through channels to the Commander of the Division of Field Services with recommendations of improvements to OUI enforcements; and</li> <li>• Report any issues with the BATS.</li> </ul>

**References**

MGL c. 90 s. 24, c.111 s. 51, c.111B s. 7, c.111B s.8, c.263 s.5A  
C.M.R 501 2.00 (Safe Roads Act)  
Office of Alcohol Testing-Case Law Updates  
Statutory Rights and Consent Form  
BATS Data Correction Form  
Breath Test Operators Manual  
Preliminary Breath Testing Manual  
Standardized Field Sobriety Testing Manual

Promulgated By:





# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRF-14A</b>
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Subject <b>Operating Under the Influence-Drugs</b>
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**Policy** To promote traffic safety through the identification, arrest, and prosecution of persons found to be operating a motor vehicle while under the influence of a drug(s).

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**Definitions** *Drug Recognition Expert (DRE):* A member who has successfully completed a National Highway Traffic Safety Administration (NHTSA) approved program and is certified by the International Association of Chiefs of Police (IACP) as a Drug Recognition Expert.

*DRE Department Coordinator:* A member designated by the Division of Standards and Training as the program coordinator responsible for DRE selection, retention, training, and protocols.

*Drug:* Any substance, when taken into the human body, which impairs the mental or physical abilities of the person taking it. This definition does not include the ingestion of ethyl alcohol.

*Categories of Drugs:*

- Central Nervous System (CNS) depressants;
- Central Nervous System (CNS) stimulants;
- Hallucinogens;
- Dissociative anesthetics,
- Narcotic analgesics;
- Inhalants; and
- Cannabis.

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**Requests for DRE** A request for the assistance of a DRE shall be made to the Troop Duty Officer. If approved, the Troop Duty Officer shall:

- Ascertain if a DRE is working; and
- If available, have the DRE respond to the requesting member/agency.

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**Criteria for a  
DRE  
Evaluation**

The investigating member may request a DRE, through the Troop Duty Officer, when any of the following circumstances exist:

1. The detainee is under arrest and being charged with Operating Under the Influence in violation of Massachusetts General Laws (MGL) c.90 s.24, if :
  - The detainee displays signs and symptoms of impairment associated with drug use; or
  - The detainee refused to submit to a breath test, or submits to a breath test with the result less than .08 BAC, and drug use is suspected; or
  - The detainee consents to a DRE evaluation.
  
2. Cases involving arrests or investigations for violations of MGL c.94C possession of drugs (that may or may not be associated with a driving offense), if:
  - The detainee consents to a DRE evaluation;
  - The DRE's opinion may help establish an affirmative link between the subject and the drugs; and
  - The requesting member provides the Troop Duty Officer with a substantial rationale for the services of a DRE.
  
3. In any other cases where a DRE may be beneficial.

**Responsibilities**

<b>Position</b>	<b>Duties</b>
Drug Recognition Expert	<ul style="list-style-type: none"> <li>• Ensure that the individual's statutory rights are communicated and understood;</li> <li>• Conduct an evaluation consistent with the twelve (12) step protocol as set out in the DRE Program;</li> <li>• Ensure that a parent or legal guardian is present for juveniles who are under the age of seventeen (17) years;</li> <li>• Complete a Drug Influence Evaluation Report to be submitted with the arrest report; and</li> <li>• Forward a copy to the Department DRE Coordinator.</li> </ul>
Department DRE Coordinator	<ul style="list-style-type: none"> <li>• Develop a standard operating procedure (SOP) to include training, protocols, and the selection process of DRE officers; and</li> <li>• Maintain a list of DRE trained members.</li> </ul>

**Specimen  
Collection**

When consent is given, the DRE shall collect a urine sample using the following procedures:

Step	Action
1	<ul style="list-style-type: none"> <li>• The defendant shall sign the SP 606 Consent to Toxicology form.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Use a sterile specimen container.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Adults shall be escorted to a cell with a toilet; or</li> <li>• Juveniles shall be escorted to a restroom, not a cell.</li> </ul>
4	<ul style="list-style-type: none"> <li>• The DRE shall collect the specimen from the subject ensuring that there is no opportunity for specimen tampering or adulteration;</li> <li>• If the DRE is not of the same gender as the subject then:               <ol style="list-style-type: none"> <li>1. A request shall be made for the assistance of another member who is of the same gender as the subject;</li> <li>2. The assisting member shall collect the subject's specimen and transfer the specimen to the DRE; and</li> </ol> </li> <li>• The DRE shall ensure the proper chain of custody is reflected on all documentation regarding specimen collections.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Once the sample is deposited into the container, the DRE shall:               <ol style="list-style-type: none"> <li>1. Seal the container;</li> <li>2. Indicate on the container the subject's name, time and date;</li> <li>3. Place the container into a plastic evidence bag;</li> <li>4. Place copies of the SP 604 Drug Influence Evaluation Report and the SP 603 Toxicology Request Form with the evidence bag;</li> <li>5. Secure the evidence bag and container within the evidence refrigerator at the Troop Headquarters;</li> <li>6. Request the Troop Duty Officer to make an entry into the Daily Administrative Journal of the evidence being secured at the Troop Headquarters; and</li> <li>7. Ensure the specimen is transported to the Department Crime Laboratory for analysis as soon as is practical.</li> </ol> </li> </ul>
6	<ul style="list-style-type: none"> <li>• The arresting member shall enter the sample as evidence into the Evidence Control System.</li> </ul>

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**References**

SP 603 Toxicology Request Form  
SP 604 Drug Influence Evaluation Report  
SP 606 Consent to Toxicology  
MGL c.90, s.24  
MGL c.94C  
MGL c.111, s.51  
MGL c.111B, s.7 and s.8  
MGL c.263, s.5A  
CMR501 2.00 (Safe Roads Act)  
Statutory Rights and Consent Form  
Commonwealth v. Hampe, 646 Mass. N.E.2d 387 (1995)  
Commonwealth v. King, 429 Mass. 169 (1999)  
Commonwealth v. O'Connor, 406 Mass. 112, 115, 546 N.E.2d 336 (1989)  
Commonwealth v. McGeoghegan, 389 Mass. 137 (1983)  
Breath Test Operators Manual  
Breath Test Re-certification Manual  
Standardized Field Sobriety Testing Manual  
Preliminary Breath Testing Manual

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Promulgated By:



# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRF-15</b>
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Subject <b>Sobriety Checkpoints</b>
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### Policy

When utilized, Sobriety Checkpoints shall be conducted in conformance with judicial guidelines.

### Key Considerations

In the preparation and execution of any Sobriety Checkpoint, the following considerations shall receive special attention:

- Motorist safety shall be assured;
- Motorist inconvenience shall be minimized;
- The action undertaken shall be in accordance with a written plan devised by supervisory personnel and developed prior to implementation of the checkpoint;
- Selection of vehicles to be stopped shall not be arbitrary;
- Advance public notice shall be given to reduce motorist surprise, fear, and inconvenience; and
- A trained Commissioned Officer shall be in charge.

### Site Safety

The Officer In Charge (OIC) of the Sobriety Checkpoint shall ensure compliance with the following Work Zone Safety Guidelines:

- Physical barriers shall not be used;
- Sufficient warning signs shall be placed ahead of the checkpoint to provide advance notice for on-coming vehicles;
- Signs should be illuminated or constructed of highly reflective material;
- Sufficient road flares, reflectors, or cones should be used to safely control traffic;
- Auxiliary and/or sufficient street lighting should be in place to illuminate the checkpoint;
- There shall be sufficient law enforcement presence to reduce fear and apprehension, minimize inconvenience, and ensure compliance;
- All officers shall be in uniform;
- All officers shall wear an issued traffic vest, reflectorized belt, or other high visibility clothing;
- Officers shall position themselves so they can be easily observed by motorists;
- Officers shall give visual stop/start commands;
- Marked cruisers shall be utilized as site safety vehicles;
- All cruisers shall have operable visual emergency warning devices; and
- Cruisers shall be positioned in compliance with the predetermined plan.

Continued next page.

Subject <b>Sobriety Checkpoints</b>	Number <b>TRF-15</b>
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**Site Safety  
(continued)**

Vehicles shall be waved through the Sobriety Checkpoint without stopping when:

- Traffic is backed up to the safety officer; or
- A commercial vehicle with a gross vehicle weight rating (GVWR) greater than 10,000 pounds causes sight obstructions.

Vehicles which are transporting flammable liquids (including compressed gas as a motor fuel), hazardous materials or explosives as the cargo or a part thereof shall not be parked within three-hundred (300) feet of any portion of the checkpoint where flares are being utilized. In addition, such vehicles shall be allowed to pass through the checkpoint without stopping.

**Site Selection**

Individual site selection shall be made based upon selective enforcement identifiers of alcohol related traffic crashes or prior OUI violations such as:

- Time;
- Day of the week; and
- Location.

Site selection data for each Sobriety Checkpoint shall be retained by the Troop Traffic Programs Officer for a period of five (5) years.

Safety considerations for the site location should include:

- Motorist/officer safety;
- Sight visibility;
- Traffic volume and pattern;
- Operator reaction time; and
- Operator stopping distance.

Parking lots, rest areas, or wide shoulders immediately adjacent to the Sobriety Checkpoint should be available and accessible for use as a screening area. This shall ensure that vehicles can be directed out of the normal flow of traffic without creating a traffic safety hazard.

**Advance  
Notification**

The OIC shall coordinate activities with Media Relations to ensure that:

- Announcements to the appropriate electronic and print media shall be made, at a minimum, three (3) business days prior to the implementation;
- The press release provides the overall purpose of the Sobriety Checkpoint, thereby allowing the Department to gain the public acceptance, support, cooperation, and voluntary compliance of the endeavor;
- The press release specifies the county the Sobriety Checkpoint shall be conducted in, but does not detail the precise location or hours of implementation; and
- Any inquiries pertaining to the Sobriety Checkpoint are referred to the appropriate Troop Commander.

**Operational Plans**

Individual Sobriety Checkpoint plans shall be prepared in advance of the date of actual implementation. These plans shall include, at a minimum:

- Date;
- Time and duration;
- Site selection and justification;
- Set patterns of vehicles to be stopped;
- Personnel, assignments, and responsibilities;
- Training for this particular sobriety check-point;
- Field sketch detailing the Sobriety Checkpoint logistics and site configuration;
- Notifications; and
- Equipment and materials needed.

These plans shall be strictly adhered to. There shall be no arbitrary or random modification of Sobriety Checkpoint procedures.

Officers may make suggestions for changes due to extenuating circumstances, but only the OIC can authorize and approve any changes in plans.

All officers shall be briefed and trained on details of the specific plan prior to the start of each Sobriety Checkpoint.

Operational plans shall be maintained at the Troop Headquarters and retained for a period of five (5) years. A copy shall be forwarded to the Traffic Programs Section.

**Site Configuration**

Site configuration shall be as follows:

- Each Sobriety Checkpoint shall have a clearly marked warning sign;
- All signs, signals, markers, traffic cones, flares, or reflectors shall be placed in accordance with the Work Zone Safety Guidelines;
- The position of the cones, flares, or reflectors should guide vehicles to the appropriate lane of travel and are parallel to the stop location; and
- The position of the cones, flares, or reflectors around the stop location should provide as much protection to the officers in that location as possible.

**Stopping Vehicles**

The selection of vehicles to be stopped shall be either:

- Every vehicle; or
- A set pattern, e.g., every other, every third vehicle, or other set number desired.

Vehicles stopped at the checkpoint should be greeted for a period of one (1) minute or less.

The operator and/or passengers shall remain within the vehicle to minimize the intrusion.

If there is reasonable suspicion, based upon articulable facts, that the operator and/or passenger(s) is committing or has committed an OUI violation or other violation of law, that vehicle shall be directed from the normal flow of traffic and the offender(s) checked further.

**Cruisers**

All Department vehicles shall be placed at Sobriety Checkpoint in such a manner as the OIC deems appropriate for safety purposes.

**Personnel**

The number of uniformed officers needed for a Sobriety Checkpoint shall vary according to site and take into consideration visible authority, motorist safety, and minimizing inconvenience.

There shall only be one (1) Commissioned Officer as the OIC of a Sobriety Checkpoint.

**Responsibilities**

<b>Position</b>	<b>Duties</b>
<b>Division Commander of Field Services</b>	<ul style="list-style-type: none"> <li>• Annually, confer with the Traffic Programs Section regarding the efficiency of Sobriety Checkpoints;</li> <li>• Make a determination as to whether or not such checkpoints shall be utilized as a component of the OUI Countermeasures Program; and</li> <li>• Issue a Division Commander's Order directing all Troop Commanders to gather intelligence regarding potential sites for the deployment of checkpoints during the coming year, if such checkpoints are to be utilized.</li> </ul>
<b>Troop Commanders</b>	<ul style="list-style-type: none"> <li>• Shall designate a Commissioned Officer to conduct the site selection and operational planning for each Sobriety Checkpoint;</li> <li>• Approve the written operational plan and site selection; and</li> <li>• Designate a Commissioned Officer to be the OIC of the Sobriety Checkpoint.</li> </ul>

Continued next page.



	<b>Position</b>	<b>Duties</b>
<b>Responsibilities (Continued)</b>	<b>Sobriety Checkpoint OIC</b>	Ensure: <ul style="list-style-type: none"> <li>• The safety of all motorists and officers in the OUI checking area;</li> <li>• Motorists are directed into the checking area for screening by at least one (1) officer;</li> <li>• At least one (1), preferably two (2) officers interact with motorists during the screening process;</li> <li>• Motorists not arrested are released as quickly as possible; and</li> <li>• Arrested motorist's vehicles are inventoried and towed in accordance with existing policy or are released to a legal driver/passenger.</li> </ul>
	<b>Safety Vehicle Officer(s)</b>	Shall: <ul style="list-style-type: none"> <li>• Position the safety vehicle(s) prior to the start of the checkpoint setup;</li> <li>• Observe traffic for vehicular operation indicating OUI;</li> <li>• Observe traffic to forewarn other officers and motorists of impending dangerous drivers approaching;</li> <li>• Observe traffic for violations of law and notify the OIC;</li> <li>• Ensure that visual warning devices are activated; and</li> <li>• Monitor traffic for backup.</li> </ul> <p><u>Note:</u> Speed measuring devices may be used by the safety officer.</p>
	<b>Sobriety Checkpoint Screening Officers</b>	Shall: <ul style="list-style-type: none"> <li>• Be courteous and polite when interacting with motorists. The element of voluntariness reduces the intrusiveness of the procedure;</li> <li>• All contacts shall be kept brief, with a short greeting such as "Good evening, this is a State Police Sobriety Checkpoint. Sorry for the inconvenience, thank you." The inconvenience to motorists must be minimized;</li> <li>• Guide motorists to the screening area to ensure the safety of all other officers and motorists within the OUI checking area; and</li> <li>• Ensure the safety of motorists being checked further by directing them to an appropriate location to park in the OUI checking area.</li> </ul>

Continued next page.

Subject

# Sobriety Checkpoints

Number

# TRF-15

## Responsibilities (Continued)

Position	Duties
<b>Sobriety Checkpoint Screening Officers</b>	<ul style="list-style-type: none"> <li>Minimize the inconvenience of motorists by screening them for OUI as efficiently as possible and administering the standard field sobriety tests, horizontal gaze nystagmus test or portable breath test device (PBT).</li> </ul> <p>If all elements of the OUI violation have been clearly established, the member shall arrest the subject, and follow Department arrest procedures.</p>

## References

M.G.L. c. 90, s.24  
 Commonwealth v. McGeoghegan 449 N.E.2d 349  
 TRF-09 Towing  
 TRF-10 Motor vehicle Inventory  
 TRF-14 Operating Under the Influence - Alcohol  
 MassHighway Work Zone Safety Guidelines

Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	TRF-16
Subject	Speed Measuring Devices		

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<b>Policy</b>	The Department shall use speed measuring devices as part of the strategy to reduce motor vehicle crashes and enhance public safety within the Commonwealth.
<b>Use</b>	<p>The safety of the member, traffic violator, and motoring public shall be of primary concern whenever selecting locations for speed enforcement operations.</p> <ul style="list-style-type: none"><li>• Light Detection and Ranging (LIDAR) and Radio Detection and Ranging (RADAR) devices should not be used during inclement weather.</li></ul>
<b>Calibration and Certification</b>	<p>All members using a LIDAR, or RADAR, or any other speed measuring device shall successfully complete the basic operator training program and receive certification prior to use.</p> <ul style="list-style-type: none"><li>• Members shall follow the manufacturer's guidelines for the maintenance and operational procedures of the devices;</li><li>• Members shall perform calibration checks at the beginning and end of each shift, and periodically as needed to ensure accuracy. If the device is not working properly, it shall be taken out of service immediately until repaired; and</li><li>• LIDAR and RADAR devices shall be certified annually, as directed by the Traffic Programs Section.</li></ul>
<b>Records</b>	Certificates and documentation of maintenance, calibration, and certification shall be maintained by the assigned member, or at the station.
<b>Speedometer</b>	<p>Speedometers shall be checked by using a speed measuring device:</p> <ul style="list-style-type: none"><li>• Periodically;</li><li>• After cruiser service, specifically including transmission work or new tires; and</li><li>• If a question of accuracy arises.</li></ul>

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**Troop Traffic Programs**

The Troop Traffic Programs Officer shall maintain an inventory of all speed measuring devices within the Troop. The inventory shall include:

- Member assigned the unit;
- Serial number of the unit; and
- The Department Inventory Control number.

**Testimony**

Members should be aware of the following elements that may be required in court testimony:

- The time, location, and direction of travel of the violator vehicle;
- The identity of the violator;
- The make, model, and color of the violator's vehicle;
- The visual estimate and the confirmation of the speed by the speed measuring device;
- The device was operating properly;
- The device was properly calibrated and certified; and
- The training, qualifications, and certification of the member.

**Limitations**

The effective use of speed measuring devices and their acceptance by the public and courts is dependent upon the member's:

- Understanding the factors that limit the accuracy of the device;
- Appropriate training and certification; and
- Proper care and use of the equipment.

**References**

Commonwealth v. Whynaught, 377 Mass. 19 (1979)

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>April 23, 2009</b>	<b>TRF-17</b>

Subject
<b>Emergency Roadblocks</b>

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### **Policy**

At times, situations arise which may necessitate the utilization of an emergency roadblock. Many factors have to be considered prior to implementation of a roadblock, to ensure officer and public safety.

Only Commissioned Officers may approve and authorize the implementation of an emergency roadblock.

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### **Definitions**

*Roadblock:* A deliberate obstruction by physical means at one or more selected points on a roadway.

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### **Activation and Implementation**

Many factors need to be considered before the implementation of a roadblock. The decision to use a roadblock shall be based upon:

- The seriousness of the known/alleged crime;
- The number of members available to be assigned;
- The sufficiency of information and descriptions of wanted persons and vehicles;
- The elapsed time between the known/alleged criminal act and the time of reporting to the Department or other law enforcement agencies; and
- Any other pertinent facts.

Upon implementation of an emergency roadblock:

- A Patrol Supervisor shall be dispatched and shall assume command at the scene of the roadblock;
- If available, the Air Wing should provide aerial assistance.

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### **Fixed Roadblocks**

Fixed roadblock barricades may consist of any strong structure augmented by any combination of signs, signals, markers, reflectors, or flares, and may include the strategic positioning of cruisers on the roadway.

- No member shall remain in a cruiser utilized as a fixed roadblock; and
  - Firearms may be made ready for use.
-

**Circle System**

The Circle System is designed to completely contain the suspect in a given area by blocking every possible avenue of escape.

Typically two (2) circles are established; an inner circle and an outer circle. The radius of the circles is determined by the estimated time that has elapsed from the commission of the crime. The locations of blocking points are then determined by using the crime scene as a center and drawing circles around it.

- The inner circle is the area immediately surrounding the crime scene; and
- The outer circle is set up to apprehend the fugitive if they get through the inner circle.

Incident Commanders/Supervisors shall assign members to:

- Patrol the area between the two circles;
- Staff blocking points established at major intersections and highways;
- Stop all traffic and interview each operator; and
- Use cover-contact techniques as appropriate.

**Observation Techniques**

It may be more desirable to slow traffic, as this enables members to check vehicles and occupants without bringing traffic to a complete stop.

Department vehicles should be parked at forty-five (45) degree angle with the traffic flow. In this position members can observe traffic and maintain mobility.

**Blocking Two-Lane Roads**

To stop traffic traveling in only one direction, Department vehicles should be:

- Parked at a forty-five (45) degree angle with the traffic flow;
- Partially on the roadway; and
- Blocking the lane to be stopped.

Light traffic can be stopped in both directions with this system. However, in heavy traffic it may be necessary to set up this blocking method on both sides of the road. This second roadblock should be close enough, approximately seventy-five (75) yards away, and in sight of the first roadblock.

If signs and other warning devices are used, consideration should be given to the sight and stopping distances and the need for the element of surprise.

**Blocking Roads at Night**

At night, the member assigned as the contact officer shall:

- Stay off the roadway and out of oncoming headlights;
- Wear safety vest or high visibility clothing;
- Ensure roadblock lighting does not blind oncoming motorists; and
- Use cover-contact techniques as appropriate.

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**Blocking Multi-Lane Roadways**

The blockade procedure for one side of a multi-lane highway is basically the same as for a one or two lane roadway.

A major difference is in the placement of signs and other warning devices.

- Because of greater speeds, the signs should be placed further away from the cruisers to allow motorists time to stop safely;
  - If used, at least two (2) signs should be placed on both sides of the roadway facing towards oncoming traffic; and
  - Flares and other warning devices should be arranged to funnel traffic into one or more lanes.
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Promulgated By:



# Department of State Police General Order

Effective Date <b>July 8, 2009</b>	Number <b>TRF-20</b>
Subject <b>Department Vehicle Crashes</b>	

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## Policy

The Department shall document, within the Records Activity Management System (RAMS), all Department vehicle crashes in accordance with this policy.

The Department shall objectively investigate all vehicle crashes, in order to ensure that each crash investigation reflects the Department's commitment to impartiality and integrity.

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## Definitions

*Cruiser Crash:* A motor vehicle crash involving any Department vehicle, or any vehicle assigned to Department personnel, including civilian personnel.

*Damage to a Department Vehicle:* Non-crash damage, e.g. broken window or vandalism to an unattended vehicle. This includes windshield damage incurred as a result of debris from an unidentified or natural source.

*Type I Crash:* A minor cruiser crash not meeting any of the conditions of a Type II crash.

*Type II Crash:* A vehicle crash involving:

- Any injury or fatality to any party; or
- The issuance of a citation/criminal complaint; or
- Estimated damage over \$1000 to any vehicle or property; or
- Any civilian employee operating a Department vehicle.

*Registry of Motor Vehicle (RMV) Forms:* Department operators shall:

- Identify themselves as operator number one; and
- List the operator's address as:  
Department of State Police  
470 Worcester Road  
Framingham, MA 01702; and
- The owner's name and address shall be listed in accordance with the vehicle's registration.

Note: When a crash involves more than one Department operator, the investigating supervisor shall determine the numerical designation of each operator, such as Operator Number One, Operator Number Two, and so on.

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**Damage to Department Vehicle**

Employees discovering/incurred damage to their assigned Department vehicles shall:

- Notify the sub-station of jurisdiction and request an entry to be made into the Daily Administrative Journal (DAJ);
- Report the damage, as soon as practicable, to their immediate supervisor and the Fleet Administrator per ADM-19A Vehicle Use and Maintenance.

Note: Any damage to a vehicle caused by a person arrested or a person summonsed to court shall be reported to the Fleet Section, in order to collect restitution. The investigating officer shall document the damage and take out appropriate criminal charges.

**Type I Procedure**

Employee	Duties
Member Involved in Crash	<p><i>Preliminary Procedures</i></p> <ul style="list-style-type: none"> <li>• Immediately report the crash to the sub-station of jurisdiction;</li> <li>• If the Department vehicle was damaged, have photographs taken (not necessarily at the scene);</li> <li>• Ensure queries of license and registration data are done through the Registry databases and take appropriate action as necessary (See Type II);</li> <li>• Complete and submit within RAMS, the SP 425 Preliminary Documentation of Cruiser Crash prior to the completion of tour of duty; and</li> <li>• Completed reports shall be reviewed by the member's Station/Unit Commander prior to submission to Troop/Section Major; and</li> <li>• Complete and mail the original Registry form CRA-23, to the Registry of Motor Vehicles (RMV) within five (5) days.</li> </ul> <p><i>Completed Documentation</i></p> <ul style="list-style-type: none"> <li>• Completed documentation shall include:               <ol style="list-style-type: none"> <li>1. To/From reporting the circumstances, to include the date the Registry CRA-23 was forwarded to the RMV;</li> <li>2. A copy of the Registry CRA-23; and</li> <li>3. Troop Mechanic's report and photographs.</li> </ol> </li> <li>• Completed documentation shall be forwarded to their Troop/Section Major within five (5) days.</li> </ul>

Continued next page.

**Type I  
Procedure  
(Continued)**

Employee	Duties
Desk Officer	<ul style="list-style-type: none"> <li>• Document the crash within the DAJ as a Type I Cruiser Crash activity; and</li> <li>• Notify the Troop Duty Officer.</li> </ul>
Troop Duty Officer of Jurisdiction	<ul style="list-style-type: none"> <li>• Document the crash within the DAJ;</li> <li>• Authorize operator to document crash; or</li> <li>• Assign a supervisor to investigate, preferably of higher rank than the member involved, from the Division of Field Services.</li> </ul> <p><b>Note: Whenever a supervisor is assigned to investigate a cruiser crash, Type II procedures shall be followed.</b></p>
Involved Member's Station/Unit Commander	<ul style="list-style-type: none"> <li>• Shall review reports for accuracy and completeness prior to submission to the Troop/Section Major.</li> </ul>
Troop/Section Major	<p><i>Preliminary Documentation</i> The Troop/Section Major of the involved member shall:</p> <ul style="list-style-type: none"> <li>• Review the SP 425 upon receipt or no later than one (1) business day following the crash;</li> <li>• Ensure the Cruiser Crash is reclassified within RAMS from a Type I to a Type II if warranted;</li> <li>• Consult with the Major of jurisdiction within the Division of Field Services, to assign a supervisor to conduct a Type II Investigation when so determined;</li> <li>• Ensure that only a supervisor shall issue any citations related to the cruiser crash.</li> </ul> <p><i>Completed Documentation</i> Upon receipt of all documentation the Troop/Section Major shall within RAMS:</p> <ul style="list-style-type: none"> <li>• Fill out the appropriate section of the SP 377;</li> <li>• Make findings and recommendations; and</li> <li>• Forward all documentation to the involved member's Division Commander within twenty-one (21) days of the crash.</li> </ul>

**Crash in Personal Vehicle**

On-duty Department employees involved in a crash while operating their personal vehicles shall immediately inform their duty assignment supervisor of the crash when:

- They are authorized to operate their personal vehicle within the scope of their duties; and
- They are entitled to mileage pay for that travel.

Within five (5) days of the crash, the employee shall provide their duty assignment supervisor with a copy of the RMV CRA-23 and all other pertinent documentation and forward a copy to the Legal Section.

When a Department employee is injured in a crash that meets the criteria listed above, the injury shall be investigated as an on-duty injury.

**Type II Procedure**

Employee	Duties
Employee Involved in Crash	<ul style="list-style-type: none"> <li>• Immediately report the crash to the sub-station of jurisdiction;</li> <li>• Preserve the scene, if safety and traffic concerns allow;</li> <li>• Members shall not take any enforcement action except to prevent parties from unlawfully leaving;</li> <li>• Complete and mail the Registry CRA-23 to the RMV within five (5) days;</li> <li>• Ensure their Station/Unit Commander has reviewed completed reports prior to submission; and</li> <li>• Complete and forward the following printed reports to the investigating officer within five (5) days (unless incapacitated):               <ol style="list-style-type: none"> <li>1. To/From reporting the circumstances, to include the date the Registry CRA-23 was forwarded to the RMV;</li> <li>2. A copy of Registry CRA-23; and</li> <li>3. Commonwealth's Form 1 Notice of Injury (if injured).</li> </ol> </li> </ul>
Desk Officer	<ul style="list-style-type: none"> <li>• Document the crash within the DAJ as a Type II Cruiser Crash activity; and</li> <li>• Notify the Troop Duty Officer.</li> </ul>

Continued next page.

**Type II  
Procedure  
(Continued)**

<b>Employee</b>	<b>Duties</b>
Troop Duty Officer of Jurisdiction	<ul style="list-style-type: none"> <li>• Document the crash within the DAJ;</li> <li>• Assign a supervisor from within the troop to investigate, preferably of higher rank than the member involved.</li> <li>• If appropriate, notify the involved employee's Troop/Section Major or designee; and</li> <li>• Make arrangements for other assistance at the scene (Photographs, crash reconstruction, etc.).</li> </ul>
Investigating Supervisor	<p><i>Preliminary Investigation</i></p> <ul style="list-style-type: none"> <li>• Take command of the crash scene and investigation;</li> <li>• Have photographs taken of the scene and/or the damage;</li> <li>• Ensure queries of license and registration data are done through the Registry databases;</li> <li>• Take appropriate action on violations of law (e.g. citations);</li> <li>• Complete and submit the SP 425 within RAMS, prior to the completion of tour of duty; and</li> <li>• Complete and forward SP 624 Initial Injury Report if necessary. (Refer to ADM-11B Injury Reporting)</li> </ul> <p><i>Completed Investigation</i></p> <p>Forward reports to Troop Commander within fifteen (15) days from the date of the crash:</p> <ul style="list-style-type: none"> <li>• Registry CRA-65;</li> <li>• SP 209 Supplementary Cruiser Crash Report;</li> <li>• Troop Mechanic's Report and photographs of damage;</li> <li>• If applicable, towing bills;</li> <li>• If applicable, the SP 37 Statement In Support of Claim, Section 8;</li> <li>• All other reports, photographs, copies of citations, etc; and</li> <li>• If employee is incapacitated complete:               <ol style="list-style-type: none"> <li>1. SP 37 Sections, 1-7, and</li> <li>2. Commonwealth's Form 1.</li> </ol> </li> </ul>

Continued next page.

**Type II  
Procedure  
(Continued)**

<b>Employee</b>	<b>Duties</b>
Involved Member's Station/Unit Commander	Shall review reports for accuracy and completeness prior to submission to the investigating supervisor.
Troop Commander of Crash Jurisdiction	<p><i>Preliminary Investigation</i> The Troop Commander shall:</p> <ul style="list-style-type: none"> <li>• Review the SP 425 upon receipt or no later than one (1) business day following the crash.</li> </ul> <p><i>Completed Investigation</i> The Troop Commander shall within RAMS:</p> <ul style="list-style-type: none"> <li>• Make findings and recommendations;</li> <li>• If applicable, fill out the appropriate sections of the SP 37;</li> <li>• If applicable, fill out the appropriate sections of the SP 377 in RAMS;</li> <li>• Send a copy of the SP 37 and Commonwealth's Form 1 to Occupational Health if appropriate; and</li> <li>• Forward the completed report to the involved member's Division Commander within twenty-one (21) days of the crash.</li> </ul>

**Involved  
Employee's  
Division  
Commander**

Division Commanders shall:

- Review all Type I and II reports including findings and recommendations;
- Complete appropriate sections of SP 377 in RAMS;
- Take corrective action when appropriate;
- Submit completed reports to the Division of Standards and Training within thirty (30) days of the crash; and
- Send a copy of the completed reports to the Fleet Section.

**Division of  
Standards and  
Training**

The Division of Standards and Training Commander or designee, shall:

- Complete appropriate section of SP 377 in RAMS;
- Ensure reports are complete and are filed within the Records Section; and
- If reports are not complete, return to the Division Commander for reconciliation.

The Commanding Officer or designee, of the Emergency Vehicle Operation Center (EVOC) shall within RAMS:

- Fill out and submit the appropriate section of the SP 377 when remedial training is completed.

Subject

# Department Vehicle Crashes

Number

# TRF-20

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**Records Section** The Records Section shall maintain all hard copies of reports and investigations upon receipt from the Division of Standards and Training.

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**References**

- SP 37 Statement in Support of Claim
- SP 209 Department Supplementary Cruiser Crash Report
- SP 377 Cruiser Crash Review Form
- SP 425 Preliminary Investigation of Cruiser Crash
- CRA-23 Motor Vehicle Crash Operator Report
- CRA-65 Motor Vehicle Crash Police Report
- Commonwealth's Form 1 Notice Of Injury

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Promulgated By:



# Department of State Police

## General Order

Effective Date	April 23, 2009	Number	TRF-21
Subject	Tire Deflation Devices		

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**Policy** The Department may use tire deflation devices in specific circumstances to reduce the speed and duration of pursuits in order to reduce the risk of injury to persons and/or damage to property.

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**Definitions**

*Tire Deflation Device:* A device that, when driven over, causes one or more tires of a vehicle to safely deflate.

*Channelizing:* A technique where objects are placed in the anticipated path of a pursued vehicle in order to alter its direction.

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**Utilization of Tire Deflation Devices** Tire Deflation Devices shall:

- Only be deployed by a member trained in its use;
- Only be deployed if the device has a recovery cord;
- Be readily accessible in the event of an emergency; and
- Not be used to stop a motorcycle, tractor trailer, bus carrying passengers, or vehicle with less than four (4) wheels unless:
  1. The suspect and/or vehicle poses an imminent threat of death or serious bodily harm to the public or officers; or
  2. When specifically authorized and ordered by the Troop Duty Officer, Troop Commander or a Command Staff Member.

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**Site Selection** Tire deflation devices shall not be used at intersections or in locations where geographic configurations (such as curves and steep embankments) increase the risk of injury to the suspect or occupants of other vehicles.

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**Deployment Notification** A tire deflation device shall only be deployed when:

- The pursuing member has been informed of the location of deployment; and
- Has acknowledged this information on the radio.

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**Covert Deployment** Situations where it is prudent to covertly disable a vehicle with a tire deflation device may include:

- Stolen vehicles;
- Serious felony arrest warrants and/or charges; and
- Hostage or kidnapping situations.

Subject <b>Tire Deflation Devices</b>	Number <b>TRF-21</b>
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**Recovery of  
Tire Deflation  
Device(s)**

A deployed tire deflation device(s) shall be safely removed from the roadway after the fleeing vehicle passes. Members shall not enter into the travel lane until all traffic is clear and it is safe to retrieve the device from the roadway. The deployed device(s) shall not be left unattended in the roadway.

**Duty of Pursuit  
Member(s)**

On approach to the deployment area the pursuing member(s) shall proceed cautiously and adjust the cruiser speed as necessary to:

- Allow time for the removal of the tire deflation device; or
- Respond to sudden evasive or unpredictable maneuvers by the fleeing vehicle.

After clearing the deployment area the member(s) may increase cruiser speed, if necessary.

**Maintenance of  
Tire Deflation  
Device**

Members assigned tire deflation devices shall maintain them according to the manufacturer's guidelines and specifications.

Non-functioning parts/units shall be forwarded to the Troop Clerk for replacement, unless otherwise indicated.

**Reporting**

Members shall report all deployments:

- To the Troop Duty Officer of jurisdiction; and
- To the Emergency Vehicle Operations Center (EVOC) via SP 601 Tire Deflation Device Evaluation Form.

The Troop Duty Officer shall report the use of a tire deflation device and the results on the RAMS pursuit database.

**Damage to  
Vehicles or  
Property**

The Troop Duty Officer shall assign a supervisor to investigate any related damage to any other vehicle or property.

Third party owners of any damaged vehicle or property shall be advised to contact the Legal Section for guidance in filing a claim at (508) 820-2311.

**References**

SP 601 Tire Deflation Device Evaluation Form

Promulgated By:





# Department of State Police

## General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRF-22</b>
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Subject <b>Escorts and Relays</b>
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**Policy**                      The Department may authorize escorts or relays to provide added security, expedite the delivery of special items, and ensure the safe and efficient movement of traffic.

**General Guidelines**                      The Division of Field Services shall have operational control of all escorts and relays.

Routine requests for escort or relay services shall be approved as outlined below. All emergency requests for escort or relay services shall be forwarded to the Troop Duty Officer.

Members shall not initiate or commence any escort or relay without permission from the Troop Duty Officer.

**Routine Requests**

If the request is for...	Then the request should be forwarded to...
<ul style="list-style-type: none"> <li>• Any sub-division of the United States Government;</li> <li>• Executive Security; or</li> <li>• Political or high-profile figures.</li> </ul>	Office of the Division Commander
<ul style="list-style-type: none"> <li>• Funerals, parades, etc.;</li> <li>• Public Safety vehicles; or</li> <li>• Other instances where an escort or relay is in the public interest.</li> </ul>	Troop Commander
<ul style="list-style-type: none"> <li>• Oversize vehicles; or</li> <li>• Hazardous or unusual cargo.</li> </ul>	Troop Detail Officer

Whenever possible, the request shall be in writing and include the trip route and any other pertinent information. Notification of an escort or relay shall be made to any affected Troop.

Subject <b>Escorts and Relays</b>	Number <b>TRF-22</b>
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**Emergency Requests**

Legitimate requests for unscheduled Department escort or relay services may include:

- Protection of life;
- Medical personnel;
- Other law enforcement agencies; or
- Valuable cargo, which may include blood, life saving medicines, or human organs and tissues.

The Troop Duty Officer shall notify the GHQ Communications Section of every escort or relay that extends beyond the troop area.

Emergency escort of ambulances or private vehicles shall be avoided except when a life is in jeopardy. Permission to escort shall be sought immediately from the Troop Duty Officer.

**Escort Request for Charitable Events**

At least thirty (30) days in advance, organizers of a legitimate charity shall provide the Paid Detail Officer of jurisdiction a written plan and sign a SP 618 Motorcycle Escort Waiver.

The written plan shall contain:

- The date of the event, routes of travel and the anticipated number of participants;
- Number of Department members requested for escort;
- Notification to local and state authorities, and media in writing;
- Proof of the required one million dollar bond to cover the event;
- Acknowledgement that participants shall obey all traffic laws during the duration of the event.

**Outlaw Motorcycle/Criminal Gangs**

The Paid Detail Officer shall consult with the Criminal Information Section if it appears that the event organizers, or likely participants, have an association with criminal activity.

Outlaw motorcycle/criminal gangs shall be barred from obtaining Department escorts.

**References**

ADM-25 Paid Details  
SP 618 Motorcycle Escort Waiver.

Promulgated By:
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# Department of State Police General Order

Effective Date <b>May 10, 2012</b>	Number <b>TRN-01</b>
Subject <b>Training Administration</b>	

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**Policy**                    The Department shall provide training for the safety of its personnel, and to maintain the professionalism and operational readiness of the Department.

                                  The Department shall ensure that all employees successfully complete compulsory training as required by law and the Colonel/Superintendent.

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**State Police Academy**                    The State Police Academy is commanded by the Deputy Division Commander of Standards and Training, who is responsible for ensuring that all training is conducted in accordance with Department directives and applicable laws.

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**Academy Staff Responsibilities**                    The Academy Staff shall:

- Identify, develop, and evaluate training and educational programs;
- Assist in the development of lesson plans for all Department training courses;
- Provide necessary training to Department employees and the law enforcement community;
- Meet all federal, state and Department mandated training requirements;
- Provide training to develop the skills necessary for the safe, professional and effective performance of its employees;
- Provide career development opportunities for employees; and
- Maintain training records for employees, including attendance records.

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**Attending Training**                    Employees assigned to all training programs shall:

- Report at the specified time and location with the proper uniform/attire and materials;
- Be returned to their duty assignment for failing to report as directed and may be subject to disciplinary action; and
- Attend non-mandatory training programs only as approved in accordance with Departmental guidelines.

Note: Changes in work schedules for the purpose of training shall be in accordance with the Collective Bargaining Agreement.

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Subject <b>Training Administration</b>	Number <b>TRN-01</b>
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**Training Requests**

Employees requesting to attend a training program that requires an enrollment fee or any other funding, or is held outside of the Department, shall:

1. Submit a request through channels to their Division Commander for approval, at least thirty (30) days prior to the anticipated date of the training; and
2. Complete and submit the appropriate Travel/Training Request Forms.

The Division Commander shall forward approved requests to:

- The Deputy Superintendent; and
- The Department's Leave Coordinator per ADM-11E Leaves of Absence.

Reimbursement for expenses shall be made:

- Only when prior written approval has been received from the Deputy Superintendent;
- After submission of an authorized expense voucher in an amount that does not exceed the previously authorized expenditure; and
- For other appropriate expenses as specified in the member's appropriate Collective Bargaining Agreement.

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**Testing**

Instructors shall use competency based testing with performance objectives designed to measure the participant's ability and knowledge of course related skills. Participants shall be advised of minimum acceptable standards prior to the administration of such tests.

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**Remedial Training**

Employees who fail to meet required standards of performance shall be required to participate in remedial training, as soon as possible.

The goal of remedial training is to ensure that employees demonstrate the knowledge, ability, and skills to achieve an acceptable level of performance.

Employees, who fail to attend assigned remedial training, or achieve acceptable levels of performance, shall be subject to disciplinary action.

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**Records**

In order for the Department to maintain complete and accurate training records commencing, January 1, 2012, employees shall:

- Forward copies of training certificates or record of attendance for non-Department training to:
  1. The State Police Academy (SPA); and
  2. Their Station/Section/Unit Commanding Officer.
- Ensure that copies of certificates or records of attendance for any future non-Department trainings are forwarded to:
  1. The State Police Academy (SPA); and
  2. Their Station/Section/Unit Commanding Officer.

Note: If available, employees are encouraged to forward training records acquired before January 1, 2012, to their Commanding Officer and the SPA for insertion into their files.

Station/Section/Unit Commanding Officers shall:

- Ensure that all employees under their command have an Individual Training File that is retained and updated within the Station/Section/Unit; and
- Ensure that the Individual Training File is administratively forwarded together with the employee's Attendance Calendar(s) and the Employee Evaluation System (EES) Fact File when, transferred out of the Station/Section/Unit.

The Academy Commandant shall be responsible for maintaining current Department training records. Such records shall include, but not be limited to:

- Name, rank, ID#, and duty assignment of Department employees attending all training programs;
- Name and agency of non-department personnel attending all training programs;
- Attendance records;
- Name of instructor and course lesson plan;
- Individual records of performance evaluations administered with associated results; and
- The type of certificates received, if any.

**References**

ADM-11E Leaves of Absence  
TRN-04 Professional Development

Promulgated By:

**Colonel Marian J. McGovern**



# Department of State Police General Order

Effective Date <b>April 23, 2009</b>	Number <b>TRN-02</b>
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Subject <b>Recruit Training</b>
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**Policy** Prior to assuming duties as a sworn State Police Trooper, recruits shall be assigned to, and satisfactorily complete a recruit training class. This class shall be held at the State Police Academy and fulfill the requirements as prescribed by Massachusetts General Laws and the Colonel/Superintendent.

**Recruit Handbook** The Academy Commandant shall, prior to the commencement of a recruit training class, prepare and distribute to each recruit a handbook containing the following information:

- Recruit performance expectation;
- The rules and regulations governing the conduct of recruits while assigned to the Academy; and
- The method for determining the final overall average score of each recruit which shall be used to establish the class standing of each trainee.

**Recruit Class Curriculum** The Academy Commandant shall develop a recruit class curriculum including, but not limited to:

- Constitutional principles, criminal law and procedure, motor vehicle law;
- Department operations, Rules and Regulations, Policies and Procedures;
- Use of force, including firearms;
- Emergency vehicle operations;
- CPR/First Responder training;
- Principles of leadership;
- Report writing, court testimony and communications skills;
- Cultural diversity and ethics; and
- Physical fitness and wellness.

**Authorized Use of Recruits** The Colonel/Superintendent may authorize the use of recruits assigned to the State Police Academy to tasks not requiring law enforcement powers.

**References** MGL c.22C

Promulgated By:



# Department of State Police

## General Order

Effective Date

**November 5, 2008**

Number

**TRN-03**

Subject

### **Field Training Program**

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#### **Policy**

The Department shall provide a Field Training Program for the transition from the controlled learning environment of the Academy to the responsibilities and duties of a State Trooper.

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#### **Field Training Program**

The Field Training Program shall be twelve weeks in duration, or as prescribed by the Colonel/Superintendent. Successful completion of the program is contingent upon satisfactory attendance and performance.

Probationary troopers may be assigned to three (3) Field Training Officers, on different shifts, as set forth in the Field Training Program. Exceptions may be made for specific operational and training reasons.

Excessive absenteeism shall be reported to the Field Training Administrator and may result in termination of the probationary trooper.

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#### **Academy Commandant**

The Academy Commandant is responsible for the administration of the Field Training Program. The Academy Commandant shall coordinate the selection of an appropriate number of Field Training Officers (FTOs) through the Division of Field Services.

Prior to the commencement of the Field Training Program, the Academy Commandant shall develop and provide training to Station Commanders and FTOs. This training shall, at a minimum:

- Provide an overview of the current Academy recruit training program reinforcing:
  1. The mission of the Department;
  2. Fundamental training values;
  3. Department goals and objectives; and
  4. Instructions on the administration and reporting requirements of the Field Training Program.

**Field Training Administrator**

The Academy Commandant shall designate a member of the Academy Staff as the Field Training Administrator. The Field Training Administrator shall be responsible for:

- The management of the Field Training Program;
- The development and distribution of the Field Training Program Manual; and
- Coordinating the selection of Field Training Officers with Troop Field Training Coordinators.

**Troop Commander**

The Troop Commander shall:

- Appoint a member to serve as the Troop Field Training Coordinator; and
- Allow the Troop Field Training Coordinator to modify their work schedule to effectively manage the Field Training Program.

**Troop Field Training Coordinator**

The Troop Field Training Coordinator shall:

- Administer the Field Training Program;
- Act as the liaison with the Field Training Administrator; and
- Review the Daily/Weekly Observation Reports on a weekly basis.

**Station Commander**

Station Commanders shall:

- Administer the Field Training Program within their sub-station;
- Review and approve all submitted FTO evaluations;
- Forward the approved evaluations to the Troop Field Training Coordinator; and
- Immediately notify the Troop Field Training Coordinator of any issues that arise during the Field Training Program.

**Field Training Officer**

The FTO performs a critical role in the development of the new trooper and shall be responsible for:

- Providing an effective learning environment through leadership and experience;
- Providing an opportunity to realistically apply the knowledge, ability, and skills acquired during academy training;
- Providing an example that promotes professionalism, public respect, and confidence;
- Complying with the procedures established in the Field Training Program; and
- Assessing the performance of probationary trooper and providing remedial instruction as necessary.



Subject <b>Field Training Program</b>	Number <b>TRN-03</b>
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**Field Training Program Manual**

The Field Training Program Manual shall:

- Be provided to Station Commanders and FTOs prior to the commencement of the Field Training Program;
- Clearly define the responsibilities of the FTO; and
- Provide specific direction concerning the knowledge, ability, and skills to be taught, performed and assessed.

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**Selection Process**

The identification and selection of the FTOs is critical to the success of the Field Training Program.

Selection Process:

- Station Commanders shall recommend to the Troop Commander members who demonstrate integrity, character, and commitment to the Field Training Program;
- Troop Commanders shall approve and forward the final list of FTOs to the Commander of the Division of Field Services; and
- The Division of Field Services Commander shall forward the names of the approved FTOs to the Academy Commandant.

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**Evaluations**

Station Commanders and FTOs shall ensure that all written evaluation forms are submitted in accordance with the Field Training Program Manual.

All deficiencies that may impact the ability of the probationary trooper to safely and successfully complete the Field Training Program shall be brought to the attention of the Station Commander immediately.

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**Completion of Program**

After twelve (12) weeks, the Station Commander shall forward a recommendation to the Field Training Administrator which shall include a conclusion as to:

- The probationary Trooper is capable of working on their own; or
- An extension of the Field Training Program is necessary; or
- Termination of employment is appropriate.

The Troop Commander shall forward all recommendations for termination to the Colonel/Superintendent, through channels after consultation with the:

- Field Training Officer(s);
- Station Commander;
- Troop Field Training Coordinator; and
- Field Training Administrator

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Promulgated By:



# Department of State Police

## General Order

Effective Date	May 10, 2012	Number	TRN-04
Subject	Professional Development		

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### Policy

The Department recognizes the necessity of continuous education and training in order to maintain and enhance the knowledge, abilities, and skills of its employees.

This shall be accomplished, in part, through an ongoing professional development program to include regular in-service training.

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### Compulsory Training

The Department shall provide compulsory training to all members.

The Deputy Division Commander of Standards and Training, shall:

- Ensure that an annual training assessment is conducted to identify the training and educational needs of the Department;
- Ensure the Academy Staff develops a training curriculum, based on annual training assessment; and
- Forward the training curriculum, through channels, for review and approval by the Colonel/Superintendent.

Members shall attend compulsory training on dates assigned. Members who fail to attend may be subject to discipline.

In-service training may be conducted at the State Police Academy or any site approved by the Colonel/Superintendent.

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### Online Academy

The Online Academy Unit within the Academy shall:

- Be responsible for the development and distribution of online training;

Employees are encouraged to submit recommendations for training topics to the Online Academy Unit.

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**Professional Development**

The Department shall identify and develop training programs to be presented internally which shall provide its employees with the opportunity to expand or enhance their knowledge, abilities, and skills in specialized areas, or upon promotion.

The Academy Staff shall be responsible for:

- Development and/or administration of courses in accordance with the procedures outlined in TRN-01 Training Administration;
- Maintaining a current schedule of professional development courses on the intranet website;
- Maintaining accurate attendance records for members who have attended training; and
- Forwarding to respective Troop/Section Commanders the accurate attendance records for members who have attended training upon completion of training.

Employees may attend training or seminars intended to improve their professional abilities. Employees requesting to attend professional development courses shall adhere to the procedure outlined within TRN-01 Training Administration. Authorization to attend may be granted based upon the applicability of the program and available Department resources.

**Training Records**

In order for the Department to maintain complete and accurate training records commencing, January 1, 2012, employees shall:

- Forward copies of training certificates or record of attendance for non-Department training to:
  1. The State Police Academy (SPA); and
  2. Their Station/Section/Unit Commanding Officer.
- Ensure that copies of certificates or records of attendance for any future non-Department trainings are forwarded to:
  1. The State Police Academy (SPA); and
  2. Their Station/Section/Unit Commanding Officer.

Note: If available, employees are encouraged to forward training records acquired before January 1, 2012, to their Commanding Officer and the SPA for insertion into their files.

Station/Section/Unit Commanding Officers shall:

- Ensure that all employees under their command have an Individual Training File that is retained and updated within the Station/Section/Unit; and
- Ensure that the Individual Training File is administratively forwarded together with the employee's Attendance Calendar and the Employee Evaluation System (EES) Fact File when, transferred out of the Station/Section/Unit.

Subject	<b>Professional Development</b>	Number	<b>TRN-04</b>
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**Training for  
Civilian  
Employees**

The Director of Human Resources shall develop and maintain guidelines related to the training and education of civilian employees.

All newly appointed civilian employees shall receive training in the following areas, at a minimum:

- Mission, goals and objectives of the Department;
- Applicable Department policy, procedure, rules, regulations and guidelines (e.g. workplace violence, harassment);
- Department expectations and the civilian employees performance evaluation program; and
- Responsibilities and rights of employees.

The Department shall provide training to civilian employees in accordance with law, Department policy and as requested by the Director of Human Resources. The Academy shall coordinate the presentation of training to civilian employees, as requested by the Director of Human Resources.

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**References**

TRN-01 Training Administration

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Promulgated By:

**Colonel Marian J. McGovern**



# Department of State Police

## General Order

Effective Date	June 17, 2013	Number	UOF-01
Subject	Use of Force		

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### Policy

Members shall use, or are authorized to use, only that force which is “reasonable” to:

- Effect an arrest;
- Restrain or subdue an individual resisting a lawful seizure; or
- Protect themselves or others from physical harm.

Members should assess each situation to determine which action shall best bring the incident under control, using only that amount of force that is reasonably necessary.

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### Definitions

*Lethal Force:* Use of force intended to inflict serious bodily harm/serious physical injuries or death.

- Members are authorized to use lethal force in accordance with the law and the contents of this General Order.

*Less Lethal Force:* Use of force that is not intended to cause serious bodily harm/serious physical injuries or death.

- Members are authorized to use less lethal force in accordance with the law and the contents of this General Order.
- 

### Reasonableness Standard

The proper use of force requires careful attention to the facts and circumstances of each particular case, including:

- Whether the suspect poses an immediate threat to the safety of the member or others;
- The severity of the crime; and
- Whether the suspect is resisting arrest or attempting to evade arrest.

The standard requires that the member’s actions are objectively reasonable, in light of the facts and circumstances confronting them; it allows for the fact that members are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

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**Force Continuum**

**The Force Continuum responses need not be exercised in progression.**

If the subject is...	Then the response may include...
Cooperative	<ul style="list-style-type: none"> <li>• Verbal commands.</li> </ul>
Uncooperative, but <u>not</u> assaultive	<ul style="list-style-type: none"> <li>• Verbal commands;</li> <li>• Control techniques; and</li> <li>• Oleoresin Capsicum (OC) Spray, according to training.</li> </ul>
Assaultive	<ul style="list-style-type: none"> <li>• All of the above responses;</li> <li>• Striking techniques; and</li> <li>• Any other Department approved less lethal force equipment.</li> </ul>
Presenting a threat of serious bodily harm/serious physical injuries or death.	<ul style="list-style-type: none"> <li>• All of the above responses; and</li> <li>• Lethal force.</li> </ul>

**Escalation of Force**

Escalating the level of force may be necessary given resistance levels and circumstances. Factors in this decision include, but are not limited to:

- Subject vs. member - relative to age, size, physical condition, skill level;
- Subject's drug and alcohol use;
- Weapons - type, proximity;
- Seriousness of offense;
- Exigent circumstances; and
- Number of potential assailants vs. number of police on the scene.

**Use of Force**

**Verbal Commands** - Commands and gestures designed to:

- Effect compliance; and
- Express the member's intent.

**Control Techniques** - Only those control techniques authorized by the Department may be used to achieve compliance and/or control of an uncooperative subject. These techniques include:

- Physical manipulation (e.g. escort position, come-a-longs, take-downs);
- Temporary restraints such as handcuffs; and
- Use of baton or other issued equipment for control.

In exigent circumstances, other control techniques may be used.

Continued next page.

Subject  <b>Use of Force</b>	Number  <b>UOF-01</b>
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**Use of Force  
(Continued)**

**OC Spray** - OC spray may be used in situations involving:

- Assault; or
- Physical resistance when:
  1. Verbal commands have failed to bring about compliance; and
  2. Subject has signaled their intentions to actively resist.

OC spray shall not be used on passive resisters who offer **NO** physical resistance.

**Striking Techniques** - Striking techniques may be used on an assaultive subject to achieve compliance and/or control.

Striking techniques may include the use of issued equipment (baton, flashlight, PR-24NX, etc.), as well as hands, feet, elbows, or knees.

In exigent circumstances, other instrumentalities may be used.

**Lethal Force  
Authorization**

Members are authorized to use lethal force in order to protect themselves or others from an immediate threat of death or serious bodily harm.

**Warnings-** If feasible, some warning shall be given before any use of force.

**Use of Lethal  
Force:  
Preventing  
Escape**

Members are authorized to use lethal force to prevent the escape of a suspect when:

- The arrest is for a felony;
- The member believes that the force employed creates no substantial risk of injury to innocent persons; and either:
  1. The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
  2. There is a substantial risk that the person to be arrested will cause death or serious bodily harm/serious physical injuries if the suspect's apprehension is delayed.
- If feasible, some warning has been given.

Subject	<b>Use of Force</b>	Number	<b>UOF-01</b>
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**Use of Firearms**

A member <u>may</u> discharge a firearm for:	<ul style="list-style-type: none"> <li>• The lawful performance of duties;</li> <li>• On or off duty training at a range, specifically designed for that purpose and using only Department authorized ammunition; or</li> <li>• Rendering harmless an animal that represents a threat to public safety or is seriously injured and suffering.</li> </ul>
A member <b><u>SHALL NOT</u></b> discharge a firearm:	<ul style="list-style-type: none"> <li>• As a warning;</li> <li>• To merely disable a fleeing vehicle; or</li> <li>• At a moving vehicle – <b><u>UNLESS:</u></b> An occupant uses or threatens to use immediate lethal force directed at the member or another person to cause them serious bodily harm/serious physical injury or death.</li> </ul>

**Discharge of a Firearm At a Moving Motor Vehicle**

Members shall:	<ul style="list-style-type: none"> <li>• As a first course of action, <u>remove themselves</u> from the path of a moving vehicle or position of vulnerability; and</li> <li>• Understand and consider that:             <ol style="list-style-type: none"> <li>1. Bullets fired at moving vehicles are extremely unlikely to stop or disable the motor vehicle;</li> <li>2. Bullets fired may miss the intended target or ricochet and cause injury to themselves, other officers, or innocent persons; or</li> <li>3. If the bullets disable the operator, the vehicle may crash and cause injury to themselves, other officers, or innocent persons</li> </ol> </li> </ul>
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**Ready Position**

When the member reasonably believes that there is a potential threat of serious bodily harm/serious physical injuries or death, the firearm may be placed at the ready position:

- Trigger finger is along side the frame except when ready to engage; and
- It is drawn down range in a safe direction below the line of sight, so as not to impede member’s vision.



Subject <b>Use of Force</b>	Number <b>UOF-01</b>
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**Use of Force  
Equipment and  
Training**

The Colonel/Superintendent shall authorize the specific use of force equipment and training to be used by members.

Members are responsible for keeping their equipment clean and operational at all times.

All members shall have successfully completed training in the specific use of force equipment prior to use.

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**Investigations/  
Reporting**

**Reporting Use of Force** - The policy UOF-03 Reports, shall be adhered to upon any:

- On duty discharge of any weapon outside of a training range specifically designed for that purpose;
- Off duty discharge of a Department weapon outside of a training range specifically designed for that purpose;
- Striking technique is used;
- OC Spray is used; or
- Use of force caused or is reported to have caused injury or death to another.

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**Medical Aid**

Members shall administer and secure medical aid after any use of force, if necessary.

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**References**

UOF-03 Use of Force Reports

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Promulgated By:



# Department of State Police General Order

Effective Date <b>November 5, 2008</b>	Number <b>UOF-02</b>
Subject <b>Lethal Force - Response</b>	

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**Policy**

The Department shall immediately respond to the scene and conduct an investigation when a use of force results in:

- A death;
- Serious bodily injury; or
- Any reportable discharge of a firearm per UOF-03 Reports.

**Discharge not requiring an investigation:**

- Authorized testing in a properly controlled environment (e.g. Armorer, Ballistician); or
- A firearm is discharged at a range, specifically designed for training and using only Department authorized ammunition; or
- Rendering harmless an animal that is seriously injured and suffering.

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**Jurisdiction**

Primary jurisdiction for use of lethal force investigations shall rest with the State Police Detective Unit (SPDU) assigned to the District Attorney's Office of jurisdiction.

If the District Attorney of jurisdiction declines to conduct an investigation, then the investigation shall be conducted as directed by Colonel/Superintendent.

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**Force Investigation Response and Support Team**

The Force Investigation Response and Support Team (FIRST) shall:

- Be comprised of Commissioned Officers designated by the Colonel/Superintendent;
- Assigned to regional teams; and
- Assist the SPDU Commander of jurisdiction.

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**FIRST Activation**

Upon notification of an incident resulting in the use of lethal force, the Communications Section shall notify:

- The Division of Investigative Services (DIS) Commander or designee; and
- The SPDU Commander of jurisdiction.

The DIS Commander or designee shall:

- Dispatch the Regional FIRST.
-

- 
- FIRST Duties** The SPDU Commander of jurisdiction or their designee, shall determine the duties of the FIRST which may include:
- Verify that the following has occurred:
    1. The scene is safe and secure;
    2. A perimeter has been established;
    3. Threats have been eliminated; and
    4. Any suspect(s) have been secured.
  - Verify that all proper notifications are made, through channels to the Colonel/Superintendent;
  - Identify a controlled area for on-scene interviews and conduct interviews where appropriate;
  - Verify that individuals are advised of their rights; and
  - Coordinate with the SPDU Commander to notify next of kin of all law enforcement and/or civilian victims in accordance with ADM-12 Serious Injury/Death of a Member, if necessary.
- 

- Weapons Seizure/** The first responding supervisor shall:
- Immediately seize or take custody of involved weapons and magazines (if applicable);
  - Transfer custody of the seized weapon to the Firearms Identification Section; and
  - Assist the Firearms Identification Section and Crime Scene Services personnel in the processing of evidence.
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- Crime Scene Services** Crime Scene Services shall:
- Respond to the scene and coordinate all Crime Scene Services activities with the SPDU Commander of jurisdiction;
  - Gather all evidence at the scene in accordance with INV-10 Evidence Collection/Preservation; and
  - Map, photograph, and videotape the scene, if necessary.
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- Firearms Identification Section** If a firearm is involved, a member of the Firearms Identification Section shall:
- Proceed to the scene and take custody of any involved firearms and begin a firearms related investigation; and
  - Notify the Armorer when a Departmental firearm is removed from service.

If appropriate, a temporary firearm shall be issued by the Armorer, as specified in ADM-20 Weapons Management.

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Subject <b>Lethal Force - Response</b>	Number <b>UOF-02</b>
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**Interviews**

Interviews with involved State Police members shall be:

- Conducted by a commissioned officer, as directed by the SPDU Commander of jurisdiction.

Interviews with civilian witnesses may be:

- Conducted by commissioned and/or non-commissioned officers as directed by the SPDU Commander of jurisdiction.
- 

**Troop/Section Commanders**

The Troop/Section Commanders of jurisdiction shall:

- Establish interagency cooperation in conjunction with the SPDU Commander of jurisdiction or their designee.
- 

**Members Using Force**

A member involved in a use of force incident resulting in death or serious bodily injury shall:

- Surrender use of force equipment **only** to a Department supervisor;
  - Absent an injury, incapacitation, or other exigent circumstances:
    1. Submit a detailed written report not less than twenty-four (24) hours, nor more than forty-eight (48) hours after the incident; or
    2. Submit to an interview by a commissioned officer involved in the investigation, in lieu of a written report, subject to all rights under applicable laws and collective bargaining agreements; and
    3. Submit a SP 376 Use of Force Report to the lead SPDU Investigator, within twenty-four (24) hours of the incident.
  - Submit to a follow-up interview, if necessary; and
  - Be allowed to contact a union representative, if desired.
- 

**Temporary Relief from Duty**

A member:

- Shall be placed on Administrative Leave with pay for up to five (5) work days, when involved in a shooting or when their actions result in a death; or
  - May be placed on Administrative Leave with pay in other circumstances, as appropriate.
- 

**Medical Evaluations**

A member shall undergo a medical evaluation by the State Police Surgeon prior to returning to duty from any period of Administrative Leave following a shooting, or when a member's actions result in a death.

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**Employee Assistance Unit**

Members are strongly encouraged to contact the Employee Assistance Unit (EAU) for additional support and assistance.

Follow-up counseling and assistance shall be provided by the EAU as needed. The EAU shall also assist members in obtaining support resources outside the Department.

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**Responsibilities  
and Protocol**

<b>Position</b>	<b>Responsibilities</b>
All Members at Scene	<ul style="list-style-type: none"> <li>• Administer and secure medical aid after any use of force, if necessary;</li> <li>• Protect and secure the scene;</li> <li>• Ensure that the Desk Officer has been notified;</li> <li>• Speak only to Department investigators, unless otherwise ordered by a member of the Command Staff; and</li> <li>• May consult an attorney.</li> </ul>
Desk Officer	<ul style="list-style-type: none"> <li>• Dispatch necessary assistance to the scene;</li> <li>• Notify Troop Duty Officer and Station Commander;</li> <li>• Make appropriate Daily Administrative Journal entries; and</li> <li>• Refer media inquiries to the Media Relations Section or the DA's Office.</li> </ul>
Troop Duty Officer	<ul style="list-style-type: none"> <li>• Dispatch a supervisor, at least one rank higher than the involved officer, to the scene;</li> <li>• Notify Troop Commander;</li> <li>• Notify the appropriate SPDU on-call representative;</li> <li>• Notify GHQ Communications Duty Officer;</li> <li>• Make appropriate Daily Administrative Journal entries; and</li> <li>• Refer media inquiries to the Media Relations Section or the DA's Office.</li> </ul>
Supervisors	<ul style="list-style-type: none"> <li>• Determine condition of all members and civilians at the scene and ensure that EMS has been notified;</li> <li>• Ensure the involved weapon(s) have been seized and secured;</li> <li>• Ensure the area has been secured and limit entry to the scene;</li> <li>• Record and document all members present at the scene in the on-scene access control log;</li> <li>• Keep Troop Duty Officer informed; and</li> <li>• Refer media inquiries to the Media Relations Section or the DA's Office.</li> </ul>

Continued next page.

**Responsibilities and Protocol (Continued)**

Position	Responsibilities
GHQ Communications	<ul style="list-style-type: none"> <li>• Notify Colonel/Superintendent;</li> <li>• Contact DIS Commander or designee;</li> <li>• Ensure the appropriate SPDU on-call representative has been notified;</li> <li>• Notify the Media Relations Section; and</li> <li>• Notify the Employee Assistance Unit.</li> </ul>
Lead SPDU Investigator	<ul style="list-style-type: none"> <li>• Assume control of the scene;</li> <li>• Coordinate actions with the Troop Commander and/or Detective Captain;</li> <li>• Before interviewing or requesting written statements, advise the involved member(s) of their rights, if the member is suspected of violating the law; and</li> <li>• Review and submit a SP 376.</li> </ul>
Troop Commander of Jurisdiction	<ul style="list-style-type: none"> <li>• Notify Division Commander of the involved member;</li> <li>• Proceed directly to scene in incidents of death or serious bodily injury; and</li> <li>• Assist the media pending arrival of the Media Relations Section.</li> </ul>
Division Commander of Member(s) Involved	<ul style="list-style-type: none"> <li>• Appoint a commissioned officer to conduct an Administrative Review of the final report issued by the SPDU/District Attorney's investigation.</li> <li>• <u>Note:</u> The Administrative Review is to ensure that members followed Department procedures during the incident.</li> </ul>
Colonel/Superintendent	<ul style="list-style-type: none"> <li>• Notify the Executive Office of Public Safety and Security (EOPSS).</li> </ul>

**References**

ADM-12 Serious Injury/Death of a Member  
 ADM-20 Weapons Management  
 INV-10 Evidence Collection/Preservation  
 SUP-04 Employee Assistance Unit

Promulgated By:
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# Department of State Police

## General Order

Effective Date	November 5, 2008	Number	UOF-03
Subject	Reports		

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**Policy** All incidents involving the use of force shall be documented.

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**Definition** *Reportable Incident:* Any:

- On duty discharge of any weapon outside of a training range specifically designed for that purpose;
- Off duty discharge of a Department weapon outside of a training range specifically designed for that purpose;
- Striking technique is used, which may include the use of issued equipment (baton, flashlight, PR-24NX), as well as hands, feet, elbows, or knees;
- OC Spray is used; or
- Use of force caused or is reported to have caused injury or death to another.

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**Use of Force Reporting** Any reportable incident, as defined above, shall be reported to the Station Desk Officer of jurisdiction and documented within the Daily Administrative Journal.

The involved member(s) shall:

- Submit a SP 376 Use of Force Report within twenty-four (24) hours of the incident, absent an injury, incapacitation, or other exigent circumstances.

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**Review** Supervisors shall:

- Ensure members submit a SP 376;
- Review every SP 376; and
- Forward reports to the Division Commander, through channels with findings and recommendations as to the necessity of further investigation of the incident.

The Troop Commander and/or Detective Captain of jurisdiction:

- Shall assign a commissioned officer to conduct an administrative review of the use of lethal force; or
- May assign a commissioned officer to conduct an administrative investigation of the use of less lethal force.

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Subject <h1 style="margin: 0;">Reporting</h1>	Number <h1 style="margin: 0;">UOF-03</h1>
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**Review  
(Continued)**

- Division Commanders shall:
- Forward a copy of the report to the Division of Standards and Training; and
  - Forward a copy to the Use of Force Review Committee.

- Division of Standards and Training Commander may:
- Provide a copy of each report involving the discharge of a firearm to the Director of Firearms Training.

**Use of Force  
Review  
Committee**

The Deputy Superintendent shall appoint members of the Use of Force Review Committee. The Use of Force Review Committee shall evaluate each use of force incident and forward their findings and recommendations to the Deputy Superintendent.

**Use of Force  
Review  
Committee  
Evaluation**

- The Committee shall determine that the use of force was:
- Within Department guidelines; or
  - Outside Department guidelines.

- The Committee's evaluations and recommendations shall include:
- Tactics and training considerations;
  - Supervision considerations;
  - Department directives; and
  - The need for further Department action.

- Classifications of weapons discharge include:
- Intentional: deliberate discharge;
  - Unintentional: when an officer does in fact depress the trigger and causes the firearm to discharge without consciously or deliberately willing to do so; or
  - Accidental: restricted to the description of a mechanical flaw, shortcoming, or breakdown of a firearm that occurs from such causes as excessive wear, corrosion, mechanical design, or a part breakage, which would allow the weapon to discharge without the shooter depressing the trigger; and
  - Other findings as necessary.

**Use of Force  
Reports  
Records**

The Committee shall maintain in the Deputy Superintendent's office, a secure file of all Use of Force Reports, investigations, and reviews.

**References**

SP 376 Use of Force Report

Promulgated By:
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# Department of State Police

## General Order

Effective Date <b style="text-align: center;">April 23, 2009</b>	Number <b style="text-align: center;">UOF-04</b>
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Subject	<b>Use of Force-Equipment</b>
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**Policy**                      Members on duty shall only carry and use Department issued use of force equipment.

**Definition**                      *Use of Force Equipment:* All equipment approved by the Colonel/ Superintendent and issued by the Department such as firearms, ammunition, Oleoresin Capsicum (OC) Spray, batons, or any other equipment used to effect control and compliance of a subject.

<b>Issuance</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%; padding: 5px;">Title</th> <th style="padding: 5px;">Duties</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Armorer</td> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>Test and recommend use of force equipment, including ammunition;</li> <li>Procure, issue, and maintain use of force equipment;</li> <li>Document and maintain all records related to use of force equipment; and</li> <li>Replace use of force equipment as needed.</li> </ul> </td> </tr> <tr> <td style="padding: 5px;">Colonel/Superintendent</td> <td style="padding: 5px;"> <ul style="list-style-type: none"> <li>Approve all issued use of force equipment.</li> </ul> </td> </tr> </tbody> </table>	Title	Duties	Armorer	<ul style="list-style-type: none"> <li>Test and recommend use of force equipment, including ammunition;</li> <li>Procure, issue, and maintain use of force equipment;</li> <li>Document and maintain all records related to use of force equipment; and</li> <li>Replace use of force equipment as needed.</li> </ul>	Colonel/Superintendent	<ul style="list-style-type: none"> <li>Approve all issued use of force equipment.</li> </ul>
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**Inspections**                      All use of force equipment shall be inspected for condition and operational readiness, only by a supervisor trained to inspect such equipment.

Supervisors shall:

- Remove from service any equipment found to be defective; and
- Notify the Armorer when a Department firearm is removed from service.

Title	Jurisdiction	Occurrence
Commanders/ Supervisors	Direct/conduct an inspection of all use of force equipment of those under their supervision.	Quarterly
Firearms Training Unit	Conduct an inspection of all use of force equipment brought to range.	Pre and post training
Staff Inspections	Conduct an inspection all use of force equipment.	As appropriate

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**Maintenance**

All use of force equipment shall be kept clean and operational at all times.

Issued firearms shall be cleaned promptly after training:

- In a safe location and manner; and
- Prior to leaving any range.

Only the Armorer and personnel authorized by the Armorer shall repair or modify any use of force equipment or parts.

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**ON DUTY****Carry/Security**

Issued sidearms shall be carried:

- By uniformed members secured in an issued holster while on duty; and
- By non-uniformed members secured in an issued holster, or in any other holster, as approved by the Colonel/Superintendent.

When carrying issued firearms, members shall do so in a safe and secure manner:

- Sidearms shall be fully loaded with a bullet in the chamber and the weapon de-cocked, if equipped;
  - Members on administrative duties may secure their sidearm in any Department facility equipped with a gun locker;
  - Desk Officers shall carry their sidearm in their holster on their person; and
  - Firearms shall not be left unattended in any non-secure location such as a desk drawer or file cabinet.
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**OFF DUTY****Carry/Security**

When carrying an Department issued firearm off duty, the following items shall be in the member's possession:

- The Department's Badge of Office;
- The Department's Identification Card; and
- The member's active License to Carry a Firearm.

When issued firearms are not being carried, they shall be secured with the issued firearm lock and/or in a gun safe, inaccessible to children and others.

Members are not required to carry any issued firearm while off duty.

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**Firearms in  
Vehicles**

Firearms shall not be left unattended in any vehicle, unless:

**Patrol Rifle:**

- The patrol rifle shall be secured in the Department installed gun rack in accordance with the patrol rifle standard operating procedures.

**Shotgun:**

- The shotgun shall be secured in the Department installed gun rack, located in the passenger compartment of the cruiser, at all times in accordance with standard operating procedures; and
- If equipped, the key lock shall be engaged when the vehicle is unattended.

**STOP Team:**

- Firearms shall be secured in accordance with STOP Team standard operating procedures.

**Vehicle Safe:**

Members requesting to install a gun safe within Department vehicles shall:

- Submit a written request for approval to their Division Commander, that includes a demonstrated need;
- If approved, contact the Fleet Administrator for the professional installation of the safe and the installation area within the vehicle;
- Agree in writing to assume all responsibility for the loss or theft of the safe, and any damage caused to the vehicle associated with the installation or removal of the safe; and
- Not leave firearms in a vehicle safe overnight.

The Armorer shall:

- Approve all vehicle gun safes by brand/style and notify the Fleet Administrator.

Division Commanders shall:

- Forward all gun safe requests that are either approved or denied to the Fleet Administrator.

All vehicles with a firearm inside shall have the windows closed and doors locked for added security.

**Soft body  
Armor**

Soft body armor shall be issued to members with the intent that it be worn as often as possible, while on duty.

Members who decline to wear the issued soft body armor shall submit a letter to the appropriate Division Commander stating their reasons.

Promulgated By:



# Department of State Police

## General Order

Effective Date	Number
<b>November 5, 2008</b>	<b>UOF-05</b>

Subject
<b>Firearms Qualifications</b>

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<b>Policy</b>	<p>The Department shall provide training and instruction to every member in order to become proficient and confident in the use of issued weapons.</p> <p>All members shall successfully complete appropriate training and shall qualify with weapons and techniques prior to use.</p>
<b>Definition</b>	<p><i>Specialized Firearms:</i> Any firearm other than the main duty pistol(s).</p>
<b>Training</b>	<p>Safety is of paramount importance. Regardless of a member's rank, Use of Force Instructors shall be in command of all personnel and equipment during training.</p> <p>Training shall, as closely as possible, reflect the conditions with which members are likely to be confronted. This training shall include comprehensive instruction in:</p> <ul style="list-style-type: none"><li>• Department's use of force directives and applicable standard operating procedures;</li><li>• Legal updates;</li><li>• Proficiency and safe weapons handling skills; and</li><li>• Safety, storage, and maintenance of use of force weapons and equipment.</li></ul>
<b>Failure to Qualify with Firearms</b>	<p>Those members who fail to meet initial qualification and firearms handling standards shall receive immediate remedial assistance. Members <u>may</u> receive two (2) additional opportunities to qualify within the same day; unless the Supervisor of Firearms Training determines that it would be unsafe or impractical to do so.</p> <p>In the event a member fails to achieve qualification standards after remedial assistance:</p> <ul style="list-style-type: none"><li>• The Division of Standards and Training Commander, or designee, shall immediately notify the Deputy Superintendent.</li></ul>

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**Remedial Training**

Member(s) failing to initially qualify shall be assigned to the Range for the Remedial Training Program.

**The Remedial Training Program** shall consist of three phases designed to assist the remedial shooter in attaining firearms qualification standards. The content of the remedial program shall be determined by the Supervisor of Firearms Training.

- Phase 1 Remedial Training shall consist of one (1) training day.
- Phase 2 Remedial Training shall consist of two (2) training days.
- Phase 3 Remedial Training shall consist of two (2) training days.

If a member fails to achieve firearms qualification standards after Phase 1 Remedial Training, the member shall be assigned to the Phase 2 Remedial Training.

If a member fails to achieve firearms qualification standards after the Phase 2 Remedial Training, the member shall be:

- Evaluated by the State Police Surgeon to determine if any physical limitation(s) exist that would prevent them from achieving the firearms qualification standards; and
- Assigned to the Phase 3 Remedial Training at the State Police Academy for more in-depth assistance.

When participating in any phase of the Remedial Training Program, it is mandatory that a member successfully complete two (2) consecutive runs of the qualification course.

If proficiency is not established at the end of the Remedial Training Program:

- The member shall immediately surrender all firearms and cruiser keys to the Supervisor of Firearms Training;
- The Supervisor of Firearms Training shall immediately secure the firearm(s) and cruiser and advise the Division of Standards and Training (DST) Commander or designee; and
- The DST Commander or designee, shall place the member on administrative leave with pay, and shall proceed with an administrative hearing in accordance with Articles 5 and 6 of the Rules and Regulations.

The Three Phase Remedial Training Program shall constitute reasonable efforts by the Department in an attempt to achieve qualification by a member.

Failure to qualify with issued firearms shall result in administrative action, up to and including termination of employment.

**Specialized Firearms-Failure to Qualify**

In the event that a member fails to achieve firearms qualification standards with Specialized Firearms after remedial training, the member shall:

- Be required to surrender such specialized firearms to the Supervisor of Firearms Training; and
- Be assigned to a one (1) day Specialized Firearms Remedial Training Program.

If proficiency is not established at the end of the Specialized Firearms Remedial Training Program, the member may:

- Receive additional remedial training at the discretion of the Colonel/Superintendent.

**Qualification/Other Use of Force Weapons**

The DST Commander or designee shall establish standards for qualification with other use of force weapons prior to issuance.

**Responsibilities**

Position	Duties
Supervisor of Firearms Training	<ul style="list-style-type: none"> <li>• Conduct necessary training and testing; and</li> <li>• Maintain documentation on firearms training.</li> </ul>
Division Commander of DST or designee	<ul style="list-style-type: none"> <li>• Approve instructors;</li> <li>• Recommend training standards;</li> <li>• Maintain program records.</li> </ul>
Division Commanders	<ul style="list-style-type: none"> <li>• Ensure all members are trained as required.</li> </ul>
Deputy Superintendent	<ul style="list-style-type: none"> <li>• Authorize all use of force training prior to implementation.</li> </ul>
Colonel/Superintendent	<ul style="list-style-type: none"> <li>• Establish qualification standards.</li> </ul>

**Extended Leaves of Absence**

Members returning from a leave in excess of ninety (90) days shall comply with any and all training requirements in accordance with ADM-11D Extended Leaves of Absence.

**References**

Articles 5 and 6 of the Rules and Regulations  
ADM-11D Extended Leaves of Absence

Promulgated By: