



**YARMOUTH POLICE DEPARTMENT
POLICY AND PROCEDURE
INTERNAL AFFAIRS AND PROFESSIONAL STANDARDS
2014-27**

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Statement

A relationship of trust and confidence between the employees of the Yarmouth Police Department and the citizens of the community are essential to the successful accomplishment of law enforcement objectives. Department employees are expected to conduct themselves, whether on or off duty, in such a manner as to reflect favorably upon themselves and the Department. The consistently high quality of this standard of conduct establishes and maintains the reputation of the Department and encourages the support of the community for police purposes and goals.

The Internal Affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the Department depends on the personal integrity and discipline of each employee. To a large degree, the public image of this Department is determined by how well it responds to allegations of misconduct against the Department or its Officers.

Policy

52.1.1

52.1.2

It is the policy of the Yarmouth Police Department to investigate all complaints against the agency or an employee of the Department, regardless of the source of such complaints, through a regulated, fair, and impartial internal review process. [52.1.1] The department shall maintain a record of all complaints against the agency or employees and protect the confidentiality of these records by maintaining them in a secure area. [52.1.2] Each investigation into alleged misconduct shall require a conclusion of fact. The Department shall take necessary and appropriate actions based on those facts but will also protect employees from unwarranted and unjustified complaints.

It is essential that the process not only be lawful, but confidential as well. This necessitates strict confidentiality and full adherence to procedure.

Internal
Administrative
Investigation
Unit
52.1.3

The Deputy Chief of Police, or Chief's designee, shall act as the Commanding Officer of the Internal Affairs Unit and report directly to the Chief of Police. Professional Standards Investigations will be assigned to a Lieutenant, unless otherwise determined by the Chief of Police. The Assigned Lieutenant shall report to the Deputy Chief of Police and provide assistance with internal administrative investigation duties.[52.1.3]

The Assigned Lieutenant will act as a liaison for the Yarmouth Police Department on matters concerning allegations of a criminal misconduct investigated by outside law enforcement agencies as requested by the Chief. These agencies may include, but not limited to, the Cape and Islands District Attorney's Office, Massachusetts State Police, the Federal Bureau of Investigations, and the State Attorney General's Office.[52.1.3]

The Chief of Police will assign the Deputy Chief of Police or Assigned Lieutenant to investigate the matter as an administrative internal investigation. If the Deputy Chief of Police or Assigned Lieutenant is involved in the incident, the Chief of Police shall assign another Superior Officer to internally investigate the matter.

Internal
Affairs
Objective
52.1.1

The objectives of an Internal Affairs investigations are the protection of the public, employees, and department by correcting procedural problems, coaching and training employees, and when necessary, disciplining employees when appropriate.

All alleged or suspected violations of laws, ordinances, by-laws, department rules, regulations, policies, procedures, and orders, verbal or written, must be investigated promptly.

No complaint should be rejected solely because it is anonymous, as anonymous complaints can often be a valuable source of information and should be considered on their individual merits. [52.1.1] Care must be taken, however, that department employees are not subjected to unjust, frivolous, or capricious complaints.

Registering and Verification of Complaints
52.1.4

Complaints will be received by the Yarmouth Police Department in a courteous and professional manner. In order to accommodate the public's needs, complaints may be registered in person, by phone, mail, email, or Town of Yarmouth Police Department website.[52.1.4]

After a complaint is registered by any means, the complainant shall be encouraged to reduce their complaint to writing on the approved department form, and sign their name. Reasonable accommodations shall be made to include audio or video recording of the complaint, which is serious in nature, by the investigating officer.

52.2.4 a

A Shift Commander or Supervisor shall be available to address the immediate needs of the public and provide a complaint form if needed. No person should be denied an opportunity to register a complaint, nor should any such person be directed to return or call back later.

Persons making a written complaint against the Department, Officer or employee shall receive a copy to the complaint form to serve as a receipt verifying that such complaint has been received.[52.2.4 a]

When a complaint is made in person, the Shift Commander receiving the complaint will ensure that the complainant receives a copy of written complaint to serve as a verification that the complaint has been received.[52.2.4 a]

Method of Reporting Complaints
52.1.4

In Person - Citizens making complaints in person should be requested to read over their completed complaint form, to make any necessary corrections or additions and to sign their complaint. If a complainant refuses to sign, a notation to that effect shall be made on the complaint form. [52.1.4]

Telephone Complaints - Citizens making complaints by telephone shall be informed that their signed complaint is requested; however, no telephone complaint shall be refused or rejected because the complainant does not wish to sign a complaint form or because [s]he does not wish to be identified.

The supervisor taking the complaint shall incorporate it in a complaint report form [52.1.4]

Departmental Complaints – Complaints may be generated from an internal source when any department member is made aware of the misconduct of another officer or department employee. The complaint shall be initiated through the chain of command unless the

complainant feels the misconduct should be addressed directly to the Deputy Chief or Chief. Any internal complaint should begin with the preparation of a standard complaint report form.

Received by Mail/Electronic Mail-If a complaint is received by mail or email, the Deputy Chief of Police should contact the complainant and have them reduce the complaint on a standard complaint form and the original communication attached thereto. If the information so received is insufficient or incomplete, the complainant shall be contacted, if possible, and informed of the Department complaint procedure and any necessary additional information obtained. [52.1.4]

Prisoners-Any prisoner who alleges misconduct or mistreatment by a Department Officer or employee shall be advised by the Shift Commander of their right to submit a complaint report form in the usual manner and such complaints should be investigated and processed in the same manner as other citizen complaints. The Shift Commander shall inform the Deputy Chief of Police of the allegation made. [52.1.4]

Governmental Agencies-When information is received or obtained from other governmental agencies alleging specific acts of misconduct against an Officer or employee, this information shall be recorded in writing and forwarded to the Internal affairs unit and Chief of Police. [52.1.4]

Street Complaints-If an Officer on the street is approached by a citizen regarding a complaint of alleged misconduct against an Officer or employee of the Department, the Officer shall inform such person that their complaint should be directed to the Shift Commander. [52.1.4]

Category of
Complaint
26.1.4
52.2.1 a b

Any supervisor may initiate a Professional Standards Investigation when they become aware of any internal department complaints such as violations of code of conduct, insubordination, malfeasance, dishonesty, dereliction of duty or violation of Rules and Regulations. The initiating supervisor shall notify the Chief of Police, through the chain of command, of any professional standards investigation. If a supervisor becomes aware of any serious violation of misconduct such as any criminal act, corruption or excessive use of force they shall gather as much information as possible and notify the Chief of Police through the chain of command.

Complaints may be minor to serious in nature, as such, investigated by the Internal Affairs Unit or by a Shift Commander.

Complaints of a minor nature, whenever possible, should be resolved quickly and effectively by the Shift Commander receiving them, such as:[26.1.4][52.2.1 a]

- *Tardiness*
- *Minor infractions of insubordination*
- *Alleged rudeness/swearing*
- *Mishandling of calls for service*
- *Inaccurate report writing*

In some cases a complaint can be resolved to the complainant's satisfaction at the time by the Shift Commander. This immediate resolution can often be accomplished if the incident is clearly not of a serious nature, or arises from a misunderstanding or lack of knowledge of the law or of the limitation of an Officer's authority. [26.1.4][52.2.1 b]

Complaints criminal in nature or of a serious nature will be investigated and/or reviewed by the Internal Affairs Unit include but are not limited to the following:[26.1.4][52.2.1 b]

- *Corruption*
- *Brutality*
- *Use of excessive force*
- *Violation of civil rights*
- *Criminal misconduct*
- *Any other matter as directed by the Chief*

Off- Duty
Conduct

An internal administrative investigation may inquire into a department employee's on-duty or off-duty conduct if such inquiry is reasonably and directly related to the employee's performance of duty, if such conduct affects the employee's fitness or ability to continue in the police service, or reflects discredit on the department.

Proper
Notifications
of Complaints
Received
52.2.2

Reports of complaints minor in nature that have been investigated and resolved by the Shift Commander or Supervisor shall be forwarded to the Deputy Chief of Police for review for appropriateness. The Deputy Chief of Police shall notify the Chief of Police and provide documentation.

[52.2.2]

The Shift Commander shall notify the Deputy Chief of Police immediately, when a complaint of a serious nature is received against the department or employee and may warrant an expeditious investigation. Shift Commanders receiving a complaint of a less serious in nature shall notify the Deputy Chief of Police when practical and reasonable. Factors influencing this decision may include the necessity to gather physical evidence while fresh and available, and

interviews with witnesses or other principals while memories are fresh, to preclude rehearsed or influenced versions.[52.2.2]

The Deputy Chief of Police shall be responsible for notifying the Chief of Police upon the receipt of complaint against the agency or employees that could warrant an Internal affairs investigation. He shall notify the Chief immediately upon receipt of a complaint of a serious nature (This could include but is not limited to any time an officer on or off duty is accused of committing a criminal act or is involved in a criminal act of any nature) and as soon as possible and reasonable for all other complaints. [52.2.2] Initial notification prior to a formal investigation will be delivered verbally to the Chief, followed up in writing. The subsequent investigation will be conducted according to the instructions of the Deputy Chief of Police.

Employee
Notification of
Filed
Complaint
52.2.5

After a preliminary investigation and review into any allegations of police misconduct, the Chief of Police or Deputy Chief of Police will determine, before initiating any interview of the accused employee, whether the purpose of the interview is to obtain a statement to be used in a subsequent criminal investigation or in a departmental disciplinary proceeding.

In either case, unless the Chief determines that disclosure might jeopardize the investigation, the employees shall receive a written statement of the allegations. The employee will be advised of their rights and responsibilities relative to the investigation. Additionally, all rights and procedures listed in the current collective bargaining agreement shall apply. [52.2.5]

Criminal
Misconduct
Investigations
52.1.3
52.2.1 b

- a) If it is determined that the allegations against a member could result in a criminal prosecution, the Chief of Police shall determine if the matter is to be investigated by the Internal Affairs Unit Assigned Lieutenant or investigated by outside law enforcement agencies as requested by the Chief.[52.1.3]
[52.2.1 b]
- b) If it is determined, generally after a preliminary investigation, that allegations against a department employee could result in a criminal prosecution, the accused employee must be granted all applicable constitutional and statutory rights.
- c) Prior to being questioned regarding alleged personal involvement in criminal activity, a department employee shall be given the Miranda warnings, including the right to have an

attorney present during any such questioning, prior to custodial interrogation.

- d) After Miranda warnings have been given, any voluntary statement made thereafter could be admissible in a criminal proceeding, and it may otherwise be used for departmental disciplinary purposes.
- e) A department employee who is being questioned about alleged personal involvement in criminal activity which could result in a criminal prosecution cannot be discharged or otherwise penalized, solely for invoking the right to remain silent as guaranteed by the Fifth Amendment or for refusing to sign a waiver of immunity.
- f) An employee may be compelled to answer questions narrowly drawn and related to his/her on- or off-duty conduct, and may be disciplined (including discharge) for failure to answer truthfully.

Department
Disciplinary
Action

- a) If it is determined as a result of a preliminary investigation that allegations made against a department employee could result in departmental disciplinary action, the accused employee is entitled to a fair and objective investigation and resolution of the charges made.

b) Employees Compelled to Answer Questions

- 1) All department employees, when requested by the Chief, or by a superior officer designated by the Chief, must respond fully and truthfully to all questions regarding their performance of official duties or their off-duty misconduct which affects their fitness or ability to remain in the police service.
- 2) Any failure to answer completely and truthfully to such inquires may be punished by appropriate disciplinary action, including dismissal from the department.
- 3) The official conducting the interrogation must, at the time of the interrogation, specify if the employee or his/her counsel or representative asks the precise repercussions (i.e., suspension, discharge, or the exact form of discipline) that will result if the officer fails to respond.

- 4) When a department employee, after declining to do so voluntarily, is ordered to submit a report or to answer questions under a threat of the penalty of discipline, that employee must receive transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.

- c) The Supreme Judicial Court has held that Article 12 of the Massachusetts Declaration of Rights requires "transactional" immunity to supplant the privilege against self-incrimination when a public employee is being compelled to answer questions concerning possible criminal activities connected with his employment. Transactional immunity grants "immunity from prosecution for offenses to which compelled testimony relates."

- d) If the questions specifically, directly, and narrowly relate to the employee's performance of official duties or his/her off-duty conduct which affects his/her fitness or ability to remain in the police service, and if such employee is informed that [s]he will receive transactional immunity from criminal prosecution, [s]he must answer or face disciplinary action, including dismissal from the department, for refusing to answer such questions.

- e) The Chief shall secure a written grant of transactional immunity from the Attorney General's Office. An employee may decline to answer questions in a criminal investigation until such documentation is received.

Double
Jeopardy

No double jeopardy exists when a department employee is found not guilty in court of criminal charges and is then found guilty of departmental charges after a disciplinary hearing, as the department charges are administrative in nature and can be sustained by a "preponderance of the evidence" rather than the criminal court standard of "beyond a reasonable doubt."

Departmental
Violations
Non-Criminal
52.1.3
52.2.1 b

If it is determined that allegations made against an employee could result in departmental disciplinary action only, the accused employee is entitled to a fair and objective investigation of the charges made.

The Deputy Chief of Police or his designee will conduct these investigations. [52.1.3] [52.2.1 b] The employee may be ordered to answer questions regarding his performance or non-performance of any official duty. Employees may also be required to answer questions

regarding off-duty conduct if such inquiry is reasonably related to the officer's performance of his duties, or to his ability and fitness to continue in service as an employee, or would reflect unfavorably upon himself or the Department. If at any time during questioning it becomes apparent that although criminal action was not anticipated prior to questioning, because of responses received during such questioning, criminal action may now result, and questioning must be immediately stopped and must be granted all constitutional and statutory rights.

Employees must respond fully and truthfully when so questioned. Any failure of the member to answer, after being informed that his answers cannot be used against him in a subsequent criminal proceeding, may be punished by a disciplinary action to be specified at the time of questioning, including dismissal from the Department.

Right To
Representation
25.1.1 e

Prior to being questioned in an internal affairs matter, members shall be informed of their right to request the presence of a union representative, Weingarten Rights, during such questioning in accordance with the rights established by the decisions of the Massachusetts Labor Relations Commission. If an employee requests the presence of a union representative during questioning, such questioning will not begin until the member has been provided a reasonable opportunity to confer privately with the union representative. The union representative shall be permitted to be present during the entire period of questioning. The status of the union representative during the period of questioning shall be limited to that of an observer and advisor to the employee. The Chief of Police or his designee shall be entitled to insist prior to and during the period of questioning, upon hearing only the questioned member's account of the matter under investigation.

In the absence of a requirement in a collective bargaining agreement, there is no legal obligation for the department to provide employees with an opportunity to consult with an attorney before being questioned on work-related matters, however, a request for an attorney to be present will be granted if the investigation is not thereby unduly delayed.

Investigations
of Complaints
52.2.6 a-e

Internal Affairs investigations will be conducted with the same degree of professional competence as criminal investigations. Except in unusual situations, any interview or questioning should take place during the employee's regular duty hours. Any interview or questioning should not be prolonged without reasonable rest periods and the

opportunity for meals and such other personal necessities as are reasonably required. Employee shall not be harassed or threatened during this period of questioning.

In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods will be employed, consistent with legal requirements, case law and all necessary concern for the individual rights of the accused member. Upon order from the Chief of Police a member may be required to submit to:[52.2.6]

a. Medical or Laboratory Examinations [52.2.6a]

- 1) Upon orders of the Chief of Police or his/her designee, an employee may be required to submit to a medical or laboratory examination, at the department's expense. This examination must be specifically directed and narrowly related to a particular internal affairs investigation being conducted by the department.
- 2) Drug or Alcohol Testing: Police employees may be compelled to submit to alcohol testing in connection with an administrative investigation based upon reasonable suspicion.ⁱ

b. Identification

- 1) A police department employee may be required to be photographed. [52.2.6(b)]
- 2) A police department employee may be compelled to stand in a lineup for identification in connection with an administrative investigation. Such a lineup should be fairly constructed and not be unfairly suggestive and should not be used for an administrative investigation where criminal charges are contemplated. [52.2.6(c)]
- 3) A refusal can be the basis for an additional disciplinary charge of refusal to obey a lawful order.

c. Searches

- 1) A police officer's personal property, including his/her home, car and other property, is protected from unreasonable search and seizure under the Massachusetts Constitution, and it is possible that any evidence illegally obtained may not be used as evidence in an administrative proceeding.ⁱⁱ

- 2) Department property furnished to the officer, such as desks, lockers, cell phones or vehicles, in which it is clearly understood in advance that an officer has "no expectation of privacy," may be searched without a warrant.
- d. Financial Disclosure; A police officer may be compelled to submit a financial disclosure statement as part of an internal affairs investigation provided such statement is material to the investigation being conducted.ⁱⁱⁱ
[52.2.6(d)]
- e. Polygraph: Under the provisions of G.L. c. 149, s.19B, police officers may be required to submit to a polygraph or lie detector test in connection with an internal administrative investigation if such test is conducted by a law enforcement agency in the course of a departmental investigation of criminal activity, and under such circumstances, officers may face disciplinary action for refusal.^{iv} [52.2.6(e)]
- f. Recording Interviews: If possible, the complete interview with an employee in all internal administrative investigations should be recorded mechanically or by a qualified stenographer.

If possible, the complete interview with an employee in all internal administrative investigations should be recorded electronically.

Supervisor
Accountability
Duties
11.3.2
26.1.4

The Supervisor bears the primary responsibility for the conduct, discipline, and duty performance of all personnel under his/her control, supervision, and the basic accountability for failure to take warranted disciplinary action. [11.3.2] A Supervisor's familiarity with his or her personnel provides him or her the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them. Supervisors must exercise discretion in the application of disciplinary action. The use of counseling by a supervisor may avert a potential disciplinary problem or prevent a minor problem from escalating. Supervisors and Commanding Officers shall be responsible for discovering marginal or problem employees and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.[26.1.4]

Relieved
From Duty
52.2.7

All Superior Officers have the authority to relieve from duty and place on paid administrative leave, for a period not to exceed the remainder of that work shift, an employee whom they deem to be unfit for duty. This may include, but not be limited to, drinking of an alcoholic

beverage while on duty, reporting to work while intoxicated, refusal to obey a direct order, or criminal conduct. It may also include specific physical, mental, or emotional condition which may, in the judgment of the Supervisor, render the employee incapable of adequately or properly performing his or her duties or causing the employee to perform duties in such a way as to embarrass or discredit the Department or jeopardize safety of persons or property.[52.2.7]

A detailed written report of the circumstances surrounding the Officer being relieved from duty shall be forwarded to the Chief and Deputy Chief of Police forthwith. The report will then be made available to the relieved employee.

Administrative Leave An officer, at the direction of the Chief of Police, may be placed on this status if his function as an officer is under investigation by an authorized agency. Grounds for the use of this status include periods of investigation by the department itself, periods during which the interaction of the officer with the public may interfere with the performance of his duties, and cases which may warrant removal of the officer from duty in which the department feels the officer acted within his rights despite the ongoing investigation.

The use of this category is not indiscriminate, and each case differentiating an officer's status between active duty, suspension and administrative leave will be evaluated independently. The use of this category is not subject to negotiation or arbitration and is determined by the Chief of Police.

An officer on paid administrative leave will receive his base salary and will not normally be eligible for detail or overtime work. He will not perform police functions other than pending court appearances. The Chief of Police shall have the discretion of placing the officer on an administrative schedule. (Monday-Friday Day shift) or allowing additional work.

The Chief of Police and the Town Manager may, after consulting legal and/or other professional counsel, elect to assign detail duty, in house or other duty functions to an officer on administrative leave. Again, such assignments are not discretionary nor are they negotiable.

Employee Re-assignment 1.3.8 Any Department member whose actions or use of force results in death or serious physical injury shall be immediately re-assigned to temporary administrative duty or administrative leave approved by the Chief. [1.3.8]

This re-assignment shall be with no loss of pay or benefits and is intended to:

-Address the personal and emotional needs of the employee involved in the incident, and Assure the community that verification of all facts surrounding the incident is fully and professionally explored.

Whenever an Employee is involved in an incident that results in a serious injury or death, the Officer/Employee will be referred to the appropriate employee assistance program. An employee assigned to administrative duty or leave, shall remain on duty or leave until an administrative review is concluded and the officer/employee needs are met.

Employees assigned to administrative duty shall be available to assist the Department in the investigation of the incident. Re-assignment should not be considered by any person as a punishment or an indication of wrongdoing by the involved employee.

Review policy Use of Force and Public Safety Statement.

Withdrawn Complaints

If during the progress of an internal investigation, the complainant indicates a desire to withdraw the complaint, every effort should be made to ensure that this decision is made voluntarily, and a signed statement to this effect should be obtained from the complainant

Even though a complaint is withdrawn, a full report of the investigation to date should be prepared for the Chief and his/her approval obtained for the termination or continuation of the investigation

Any attempt, directly or indirectly, on the part of a Department employee to obstruct any internal investigation or to threaten or persuade any complainant to withdraw or abandon his/her complaint, is prohibited and will be treated most severely.

Completing Investigations 52.2.3 52.2.4 b, c

Internal affairs investigation must be commenced immediately upon receipt of complaint, every effort will be made to complete the investigations within thirty days. If exigent circumstances preclude completion of the investigation, the Deputy Chief of Police or his designee shall notify the employee and the Chief of Police in writing of those circumstances.

[52.2.3]

Known persons filing a complaint shall be notified, by the Deputy Chief of Police, in writing of the results of the internal investigation. If the investigation is not completed within thirty days, the complainant shall be apprised periodically, by the Deputy Chief of Police, regarding the progress made until the completion of the investigation.[52.2.4 b c]

The Deputy Chief of Police shall be responsible for providing the Chief with status reports on the progress of the investigation every seven days. These reports shall contain all pertinent information relating to the progress of the investigation.[52.2.4 b]

Conclusion of Facts
52.2.8 At the conclusion of an internal affairs investigation into allegations of police misconduct, a full written report will be submitted to the Chief of Police. The report should include the following [52.2.8]

- a. The original complaint report;
- b. Any additional statements taken from the complainant or statements obtained from witnesses;
- c. Any statements made or reports submitted by the department employee under investigation;
- d. A summary of all evidence gathered;
- e. Any mitigating circumstances; and
- f. An evaluation of the complaint, a conclusion of facts, and a definitive statement as to whether the charges made by the complainant were: [52.2.8]
 - 1) SUSTAINED: The complaint was valid and supported by sufficient evidence;
 - 2) NOT SUSTAINED: There was inadequate or insufficient evidence to either prove or disprove the complaint;
 - 3) UNFOUNDED: The allegations were baseless and without foundation; or
 - 4) EXONERATED: The complaint was unjustified or unwarranted, as the actions of the accused department employee were in compliance with law or in accordance with department policy and procedure.

Duties of Chief

- a. Upon receipt of the report of an investigation, the Chief should take further action as is necessary based upon findings in the particular case.

- b. The subject of the investigation shall be promptly notified of the final results of the investigation. If the department employee is cleared of the charges made, [s]he shall be officially exonerated in writing.
- c. The complainant shall be notified promptly as to the final results of the investigation, personally if possible or otherwise by mail. [52.2.4(c)]
- d. If a disciplinary hearing is deemed necessary, the complainant shall be notified that his/her testimony will be required at that time.

Internal
Affairs
Tracking

The Deputy Chief of Police shall use a numbering system to document complaints as they are received and maintain a log of those complaints. The Deputy Chief of Police will conduct a yearly review of all complaints filed against employees. The review will be conducted in order to identify problems where corrective action can be taken.

When an employee has been involved in three incidents within any twelve-month period that involves the use of force, disciplinary action, motor vehicles accidents on duty or internal/external complaints, the Chief, Officer, and Officer's Shift Commander will be notified. Collectively they will access the data and take corrective action if necessary. This may include, but not limited to, training, counseling, or change of assignments.

Security and
Maintenance
of Records
26.1.8
52.1.2

Internal affairs records are to be stored and maintained separately in a secured file cabinet in the administrative office of the Chief of Police. Access to those records shall be limited the Chief of Police, Deputy Chief of Police and the Chief's Administrative Assistant.[26.1.8][52.1.2]

Employees may request to review their file at a time convenient to the Chief of Police or Deputy Chief of Police and the requesting employee.

Internal Affairs records are to be maintained in accordance with the Records Retention Schedule as set forth by the Massachusetts Supervisor of Public Records.

Grievances;
Coordination
and Control of
Records
25.1.1 e

Employee grievance procedures shall be addressed and filed according to collective bargaining agreements. It shall be the responsibility of the aggrieved employee and union executive board to coordinate, process, provide representations, and file their concerns, whether verbal or written, to the appropriate authority as outlined in the

25.1.2 CBA.[25.1.2] Employees not represented by a CBA, although they may be considered an employee at will, departmental practice shall be to afford them the opportunity to secure representation, at their expense, and be allowed to follow procedures and steps as union employees do. The Chief reserves the right to review each case on an as is basis.[25.1.1 e][25.1.2]

Grievance records shall be stored and maintained in a secured file cabinet in the administrative office of the Chief of Police. Access to those records shall be limited the Chief of Police, Deputy Chief of Police, Aggrieved Employee, Town Manager, and Arbitrator. [25.1.2]

Employees may request to review their file at a time convenient to the Chief of Police or Deputy Chief of Police and the requesting employee.

ⁱ *Johnson v. Dept. of Police*, 615 So.2d 1064 (La. App. 1993)

ⁱⁱ *Board of Selectmen of Framingham v. Municipal Ct. of City of Boston*, 373 Mass. 783, 369 N.E.2d 1145 (1977).

ⁱⁱⁱ *O'Brien v. Mun. Court*, 10 Mass. App. Ct. 851, 407 N.E.2d 1297 (1980).