



Fitchburg State University Police Department

Subject: ACCOUNTABILITY SYSTEM		<h1>4.3</h1>
Reference: IACLEA: 4.3.1, 4.3.2 MPAC: 26.1.2, 26.1.4, 26.1.5		
Effective Date: May 6, 2020	Review Date: March 15, 2022	
By Order of: Michael J. Cloutier, Chief of Police		

PURPOSE:

An effective employee accountability system includes not only disciplinary actions taken for poor, inappropriate, or unlawful actions, but also recognizes noteworthy work performed by department personnel. This directive outlines both the process for recognition and discipline, as both are important to ensure that the members of the Fitchburg State University Police Department perform to the standards set forth by the department, the institution, and the expectation the community has placed on them. When changes in the collective bargaining agreement are made, they shall take precedence over that particular portion of this directive.

POLICY:

It is the policy of the Fitchburg State University Police Department that members of the department should be recognized for the exceptional work they do as well as have a prescribed way to address those actions and behavior that run in contrast to the department's values.

PROCEDURE

I. EMPLOYEE RECOGNITION:

The system of awards set forth in this General Order is designed to encourage the department to consistently recognize and reward the kinds of behavior that are the basis of quality police service; not only for single acts of heroism, but also to recognize those who perform other exceptional police work and others who provide quality police service day in and day out, but never happen upon those unique situations requiring conspicuous bravery. The department has two forms of recognizing these acts, written letters of recognition from the Chief of Police, and an annual award ceremony.

A. Letters of Commendation

1. Any member of supervision may recommend to the Chief of Police a department member who deserves recognition for acts that went beyond, or for a response to a call for service that exceptional action was performed. The recommendation should be in the form of a "TO/FROM" and contain the following:
 - a. The name of the Officer(s) or Dispatcher(s) involved.
 - b. A synopsis of the incident
 - c. The action(s) performed by officer(s) or dispatcher(s)
 - d. Recognition by the department for the action(s).
2. The letter (To/From) should be written by the Supervisor, with the intent to come from the Chief.
3. Once the letter is approved by the Chief, a copy shall be distributed to the following;
 - a. To the employee's personal file
 - b. To the employee
 - c. Read at Roll Call for 3 days.

B. Annual Awards

The annual awards have been established to recognize members of the department and those who support the mission of the Fitchburg State University Police Department.

1. The three recognized annual awards are as follows:
 - a. Community Engagement Award**
 - i. Presented to an employee who embodies the department's philosophy of building relationships through their daily interactions.
 - b. Law Enforcement Excellence Award**
 - i. Presented in appreciation and recognition for continued dedication and loyalty to the law enforcement profession and for -quality performance
 - c. Chief Michael Marcil Award**
 - i. Presented in memory of Chief Marcil's outstanding service and dedication to the Fitchburg State University Community. The award is bestowed upon an officer, dispatcher, or citizen whose accomplishments or services have brought credit to the University and/or the University Police Department.

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2. Nominees of the awards will be recommended by Lieutenants, who solicit input from the department.
3. Nominees will be considered based on their performance and eligibility for each award for the previous calendar year.
4. A memo will be drafted by the lieutenants and submitted to the Chief, who will decide on the final recipient of each award.
5. Each recipient will be provided a plaque with the:
 - a. Name of the award
 - b. The year awarded
 - c. The recipient
 - d. An explanation of the award (as written in Section B. 1)
6. A perpetuity plaque will be kept in the station for each award, with the annual recipient's:
 - a. Name
 - b. Rank
 - c. Year awarded

IACLEA 4.3.1a

II. INTERNAL DISCIPLINE:

- A. **Code of Conduct:** All members of the department must be thoroughly familiar with and comply with all Department rules, regulations, policies, procedures, and orders of the department's written directive system and any expressed order.
- B. **Disciplinary Actions:** Discipline is to be administered in a fair and impartial manner for infractions of department rules, regulations, policies, procedures, and orders. These include oral reprimand, written reprimand, suspension, demotion, and dismissal. The following methods may also be employed in addition or as alternatives to the above:
 1. **Training:** At the discretion of the Chief of Police, an employee may be required to attend additional or remedial training to address areas of poor job performance. Successful completion of the training and its application on the job will determine the effectiveness of this method.
 2. **Counseling:** At those times that a supervisor recognizes a minor problem or the potential for one with a member, they may choose to discuss the matter with the employee and attempt to remedy the situation before more stringent disciplinary methods are required. If after discussion with the employee the problem continues the supervisor will notify, in writing, the Chief of the reasons necessitating such action. A copy of such notice will be given to the employee.
 3. **Formal Discipline:** When an employee's performance, actions, or behavior warrants formalized discipline which would lead to becoming part of an employee's

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disciplinary file, the department will follow the disciplinary steps outlined in the member's respective Collective Bargaining Agreement. This will be done in conjunction with collaboration between the Chief of Police and the Office of Human Resources.

IACLEA 4.3.1 b & c

C. Role Of The Supervisor:

1. The first-line supervisor's familiarity with their personnel allows them the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them.
2. The first-line supervisor has the primary responsibility for overseeing the conduct, discipline, and duty performance of all personnel under their supervision and the basic accountability for failure to take warranted disciplinary action.
3. Supervisors shall be responsible for discovering marginal or problematic employees and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.
4. Supervisors must exercise discretion in the application of disciplinary action. As noted before, the use of counseling by a supervisor may avert a potential disciplinary problem or prevent a minor problem from escalating. Supervisors may also issue an oral reprimand to a member for a minor infraction when they occur.

MPAC 26.1.5

- a. Only the Chief has the authority to relieve from duty with pay an employee whom they deem to be unfit or unable to perform his/her assigned duties or responsibilities.
- b. Any Supervisor who has cause to send a member of the department home for disciplinary reasons shall contact the Chief of Police and request authorization.

MPAC 52.2.7, 26.1.5

- i. Examples of relieving for non-disciplinary reasons would be as follows:
 - a) If the officer or employee is suffering from an illness and appears too sick to work effectively or safely.
 - b) If the officer or employee reports to work injured, is injured during the performance of duties and a physician advises that he/she be relieved, or is injured on duty and refuses to acknowledge the apparent danger the injury may place himself/herself in if remaining on duty.

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- c) The officer's or employee's mental state or behavior as the result of an unusual or traumatic situation presents a danger or fitness for duty concern and therefore responsibilities may not be performed safely and properly.
 - ii. Supervisors with authorization from the Chief of Police may initially investigate and relieve any officer or employee from duty, for the balance of the assigned shift only for any infraction or violation of the Rules, Regulations, Policies, Procedures, or Orders of the Department. The relief will not result in the loss of pay for the brief period of relief. The following are only examples.
 - a) Reporting to duty while under the influence of alcohol or controlled substances.
 - b) Insubordination
 - c) Leaving assigned post or refusing to perform assigned duties.
 - d) Committing a criminal offense while on or off duty
 - e) Falsifying a statement or record
 - f) Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others.
 - g) Improper use of University property
 - h) Conduct unbecoming a police officer
 - iii. Further investigation into the matter will be conducted and the Chief of Police will be informed as to make a determination if further discipline is required.
 - c. All supervisors have the duty to ensure that discipline is maintained within the department. It should be noted that discipline can be positive in nature and includes recognizing and rewarding exemplary performance, training, counseling, as well as punitive discipline.
- D. **Command Level Authority:** The following is an outline by rank and command level of authority of supervisors to discipline their subordinates.

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MPAC 52.2.1a, 26.1.5b

1. **First-Line Supervisor:** has the authority to counsel, evaluate, praise, and recommend for recognition. They also have the authority to issue oral reprimands, verbal warnings, or recommend more serious punitive disciplinary action as appropriate.
2. **Lieutenant:** has the all authority of a first-line supervisor, with the addition of issuing written reprimands with the approval of the Chief or recommending more serious punitive disciplinary action as appropriate.
3. **Chief of Police:** has all the above, plus the authority in accordance with the just cause provision of the collective bargaining agreement, all applicable law, university policy, to send any employee home with pay, and recommend additional sanctions with the consultation of Human Resource to the President of the University.
4. **President of The University:** has the sole authority to hire, promote, and terminate all university employees.

Any supervisor who is directed to act in the capacity of a rank above his/her ordinary or usual rank shall, for that necessary time, possess the authority of that rank.

IACLEA 4.3.1e & f

E. Procedures For Instituting Disciplinary Action: In all cases involving disciplinary action, the following procedures shall be followed:

1. The supervisor alleging misconduct of an employee shall complete a written memorandum to their immediate supervisor.
2. Upon receipt of a memorandum, the supervisor shall take all necessary steps within their authority to address the situation. In those cases where such a request exceeds their authority, the request shall be forwarded to their immediate supervisor for action.
3. Upon receipt of a memorandum requesting disciplinary action, the supervisor shall review the circumstances and ensure that proper action was taken.
4. All written memorandums requesting disciplinary action or employee commendation shall be forwarded to the next higher supervisor above the supervisor taking the disciplinary action or employee commendation.
5. If the disciplinary action taken was in the form of remedial training, the Chief shall place a copy of the written request, along with a description of the remedial training given, in the officer's personnel folder.

III. CITIZEN COMPLAINTS:

- A. **Form:** The “Fitchburg State University Police Department Complaint Form” shall be used to record all complaints of misconduct, mistreatment, or improper practices against the department or its employees, whether registered by a citizen or forwarded from another agency.
- B. **Department Complaints:** Formal department complaints of misconduct against a department employee shall be initiated and reported through the chain of command. The Chief of Police shall be aware of all complete and incomplete Complaint Forms.
- C. **Acknowledgment:** Every person registering a written complaint via the Complaint Form shall receive a copy of the complaint to serve as a receipt verifying that such complaint has been received by the department and will be processed.
- D. **Responsibility for Receiving:** The First-line Supervisor on duty at the time a complaint is made will be responsible for the efficient receiving and complete recording of any complaint of employee misconduct made in person or by telephone.
1. In their absence, the Officer-in-Charge shall be responsible for this function. Personnel shall notify their Commanding Officer immediately upon the first indication of a citizen desiring to file a complaint and are not to attempt to resolve the complaint themselves.
 2. All members working inside or outside of the station shall refer persons wishing to make a complaint to the Shift Supervisor.
- E. **Complaint Processing Courtesy:** The utmost courtesy and cooperation shall be extended to all persons registering complaints or otherwise inquiring about the complaint procedure. No person shall be denied the opportunity to register a complaint, nor should any person be directed to return or call back later, unless absolutely necessary, however, if an individual is incapacitated due to the effect of alcohol or drugs, and is unable to clearly articulate or understand, the supervisor has the option of giving the complainant a form and requesting their name and telephone number. If this occurs, the supervisor will follow up with the complainant within a reasonable amount of time.
- F. **Signature Request:** Anyone making a complaint in person shall be requested to read over the completed report, make any necessary corrections, and sign the complaint. If the complainant refuses to sign the complaint, a notation to that effect shall be made on the complaint form and the complaint shall be handled in the same manner as an anonymous complaint.

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- G. The department will complete internal affairs investigations into complaints of officer misconduct within **1 year** of receiving the complaint or notice from the Division of Police Standards of the complaint being filed.

IV. APPEAL PROCEDURES

- A. Appeal procedures for all employees involving disciplinary actions are established by contractual agreements between the Fitchburg State University and the respective unions' grievance procedures.
- B. No officer or employee of the commonwealth or of any county, city, town, or district shall discharge an officer or employee, change their official rank, grade or compensation, deny a promotion or take any other adverse action against an officer or employee or threaten to take any such action for providing information to the commission or testifying in any commission proceeding."

IACLEA 4.3.2 / MPAC 26.1.6

V. DISCIPLINARY RECORDS

- A. All formal disciplinary records will be maintained in each employee's personnel file, kept by the Office of Human Resources.
- B. The department must send certain documents regarding officer misconduct and internal affairs investigations to the Division of Police Standards.
- C. The department will be required to permit the Division of Police Standards to audit all records related to complaints, investigations and investigative reports, and personnel records pursuant to the rules and regulations to be promulgated by the POST.
- D. Employees are hereby notified that the Division of Police Standard may request and have access to any disciplinary records upon request, and such request supersedes any collective bargaining agreement between the employee and the institution.
- E. The department will not include a nondisclosure, non-disparagement, or other similar clauses in a settlement agreement between the university and a complainant in order to settle a complaint of professional misconduct by a law enforcement officer unless the complainant requests such provision in writing.

MPAC 26.1.8

Approval:



Chief of Police

3/15/22

Date