
 <p>Cambridge Police Department</p>	POLICY & PROCEDURES		No. 204
	Subject/Title: Legal Authority & Responsibility		
	Issuing Authority: 	Issue Date:	Effective Date:
	Robert C. Haas Police Commissioner	Review Date:	Rescinds: 2003-10
References/ Attachments: M.G.L. c. 41, § 96B; M.G.L. c. 41, § 98 & M.G.L. c. 41, § 99; & M.G.L. c. 268A.	Accreditation Standards: 1.1.1; 1.1.2; 1.2.1; & 26.1.1		

I. PURPOSE:

The purpose of this directive is to provide basic information relative to the role and authority of the Cambridge Police Department and its staff, to include the following:

- To define the authority and responsibilities vested in all sworn police officers; and
- To define the scope and limits of police officers as it pertains to the enforcement of laws, statutes, ordinances, and arrest powers.

II. POLICY:

It is the policy of the Cambridge Police Department that:

- All sworn members of the department, prior to assuming sworn duties, shall take and subsequently abide by an oath of office to uphold the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and to enforce the laws of the Commonwealth and the bylaws of the City of Cambridge.¹
- All sworn members of the department shall abide by the appropriate code of ethics for the position held as adopted by this department and the applicable conflict of interest laws promulgated under M.G.L. c. 268A.²
- All members of the department shall operate within the limits of their legal authority.

¹ CALEA Std. 1.1.1 – A written directive requires all personnel, prior to assuming sworn status, to take and subsequently abide by an oath of office to enforce the law and uphold the nation's Constitution or basic law of the land and, where applicable, those of governmental subdivisions.

² CALEA Std. 1.1.2 – A written directive requires all personnel to abide by a code or canon of ethics adopted by the agency and mandates that ethics training be conducted for all personnel, at a minimum, biennially.

III. GENERAL CONSIDERATIONS AND GUIDELINES:

One of the principal cornerstones of policing in a free society is public trust. It is the one commodity that allows police officers to perform their duties, and at times when appropriate to do so, exert powers that no other entity has in terms of interfering with individual rights, expectations of privacy and civil liberties. The concept of public trust is largely dependent upon each officer exercising a standard of conduct which speaks to honesty and adherence to certain ethical behaviors, at least in their personal, or ordinary, morality (which may be different from their "role morality" or police ethics).

These perceptions affect all of policing, go to the heart of police role in society, and involve ethical issues. Trust is the main ethical issue in this approach to police ethics, and in learning about trust. Facts make little difference here, as it doesn't matter whether we can trace the roots of public mistrust to any specific event; what matters are perceptions, and how those perceptions influence the morality of a community as a whole.

Legitimacy and trust are complex issues in policing. Legitimacy refers to how fair or just the outcomes of policing are, and trust refers to a faith in the procedural justice of policing. In practice, legitimacy and trust typical evolve the following indicators:

- *Priorities* (do the police share the same priorities as the public?)
- *Competency* (do the police accomplish the requirements of their job?)
- *Dependability* (are the police dependable?)
- *Respect* (do the police treat people with respect?)

The indicators of shared priorities and respect are specific indicators of trust and the indicators of competency and dependability are specific indicators of legitimacy.

In order for a police force to be both effective and seen as impartial social agents within a community, there is an expectation that police officers are willing to hold themselves to a higher level of conduct and behavior. Simply empowering the police with special powers that provides for "legal authority" in and by itself is not enough. Police officers must be willing to earn the trust and respect of the community, so that they can carry out and perform the duties they have been charged to enforce with a certain degree of "legitimacy."

Observing a code of conduct and the taking of an oath of office is only the starting point. Those words speak to a higher standard or code of conduct in which they are willing to

observe and abide by. The true test in achieving the “perception” is earned by the day-to-day conduct of each and every member of the Cambridge Police Department.

IV. DEFINITIONS:

- A. **Civilian Employees:** For purposes of this directive, a “civilian employee” refers to all non-sworn employees of the department. They have no arrest authority or other police powers.
- C. **Employee:** Solely for purpose of this directive, an “employee” is any person officially affiliated with the department whether full or part time, sworn, civilian, volunteer, intern, or other.
- D. **Full Time Permanent Police Officers:** Full time, permanent, sworn police officers who have satisfied the requirements that have been set forth within M.G.L. c. 41, § 96B.
- E. **Sworn Personnel:** Those members of the police department, who are duly sworn and vested with police powers under M.G.L. c. 41, § 98. Sworn personnel have the authority to make “full custody” arrest (as opposed to a citizen’s arrest). This definition does not apply to civilian employees who take an oath of office or are sworn-in.

V. PROCEDURES FOR SWORN PERSONNEL:

- A. **Oath of Office:** The oath of office will be administered to sworn personnel by the City Clerk (or his/her duly authorized designee) following the successful completion of the basic recruit academy, upon transfer from another law enforcement agency, or upon promotion to a higher rank.³
- B. **Code of Ethics:** As a professional police officer, sworn members of the department agree to abide by the Sworn Officer Code of Ethics and are to bound the provisions of the applicable provisions of the State Ethics Commission’s conflict of interest laws.⁴

³ CALEA Std. 1.1.1 – Also refer to the department’s **Regulation 1.06**.

⁴ CALEA Std. 1.1.2 – Also refer to the department’s **Regulation 1.05**. Refer **M.G.L. c. 268A**

- C. **Legal Authority:**⁵ Sworn members of this department shall have, within the territorial limits of the City of Cambridge, the powers and duties conferred and imposed upon Police Officers by M.G.L. c. 41, § 98. Other statutory provisions under which sworn police officers derive their legal authority include the following provisions of the law:
1. Cambridge Police Officers who are deployed to other communities under the mutual aid provisions of M.G.L. c. 40, § 8G, will possess and retain full police powers.
 2. Cambridge Police Officers who are deployed to the other communities under the mutual aid provisions of M.G.L. c. 41, § 99 will possess and retain full police powers.
 3. Cambridge Police Officers who are involved in a “fresh and continued pursuit” into another community will retain their police powers as described under the provisions of M.G.L. c. 41, §98A.

IV. PROCEDURES FOR NON-SWORN PERSONNEL:

- A. **Code of Ethics for Non-Sworn Personnel:**⁶ All non-sworn employees of the Cambridge Police Department are expected to abide by the Civilian Code of Ethics:

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, or other officials and employees, and of the general public.

Recognize that the chief function of local government at all times is to serve the best interests of all people.

Make it a duty continually to improve the member’s professional ability and to develop the competence of associates in the use of management techniques.

⁵ CALEA Std. 1.2.1 – A written directive defines the legally mandated authority and responsibilities vested in all categories of sworn agency personnel. If the agency has more than one category of sworn personnel, each shall be identified.

⁶ Portions taken from the International City/County Managerial Association (ICMA) Civilian Code of Ethics

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

- B. Appointment:** All non-sworn personnel are subject to the appointment of the City Manager who is the appointing authority for the City of Cambridge, and will serve a probationary period as specified by the City's policy.

- C. Adherence to Code of Conduct:**⁷ All non-sworn personnel of the police department are bound by the city policies, applicable department rules & regulations, policies & procedures, and all applicable directives that are issued by the Police Commissioner.

- D. Ethics Training:** All non-sworn personnel are bound by the applicable sections of the M.G.L. c. 268A, and shall be trained on those applicable provisions at least biennially.⁸

⁷ CALEA Std. **26.1.1** – *A written directive specifies a code of conduct and appearance guidelines, which are readily available to all agency personnel.*

⁸ CALEA Std.: **1.1.2**