

# **Waltham Police Department**

## **CHAPTER 3**

### **CONFLICT OF INTEREST**

*General Order #: GO-03 2008*

*Effective Date: 10/2008, 04/2016, 04/2017*

*Accreditation Standard #: 26.1.1*

#### **POLICY: [26.1.1]**

Mass. Gen. Law, Chap. 268A, governs your conduct as a public official or employee. The following procedures are some of the general rules that you must follow. You could face civil and criminal penalties if you take a prohibited action. There are some exemptions to these rules, so you may wish to seek legal advice from the States Ethics Commission or the City of Waltham Law Department regarding how the law would apply in a particular situation.

#### **GENERAL GUIDELINES:**

##### **1. GUIDELINES FROM THE STATE ETHICS COMMISSION:**

- a.** You may not ask for or accept anything (**regardless of its value**), if it is offered in exchange for you agreeing to perform or not to perform an official act.
- b.** You may not ask for or accept anything worth \$50.00 or more from anyone with whom you have official dealings. Examples of regulated “gifts” include:
  - 1.** Sports tickets.
  - 2.** Cost of drinks and meals.
  - 3.** Travel expenses.
  - 4.** Conference fees.
  - 5.** Free use of vacation homes.
  - 6.** Complimentary tickets to charity events, etc.

If a prohibited gift is offered:

1. You may refuse or return it.
2. You may donate it to a non-profit organization, provided you do not take the tax write-off.
3. You may pay the giver the full value of the gift.
4. Or in the case of certain types of gifts, it may be considered a "gift to your public employer," provided it remains in the office and does not ever go home with you.
5. You may not accept honoraria for a speech that is in any way related to your official duties, unless you are a state legislator.

In all such cases, a report shall be submitted to the Chief of Police.

- c. You may not hire, promote, supervise, or otherwise participate in the employment of your immediate family or your spouse's immediate family.
- d. You may not take any type of official action that will affect the financial interests of your immediate family or your spouse's immediate family. For instance, you may not participate in licensing or inspection processes involving a family member's business.
- e. You may not take any action affecting your own financial interest, or the financial interest of a business partner, private employer, or any organization for which you serve as an officer, director, or trustee. For instance:
  1. You may not take any official action regarding an after-hours employer, or its geographic competitors.
  2. You may not participate in licensing, inspection, zoning, or other issues that affect a company you own, or its competitor.
  3. If you serve on a Board of a non-profit organization, you may not take any official action that would impact that organization, or its competitors.
- f. Unless you qualify for an exemption, you may not have more than one job with the same municipality, or more than one job with the state.

**g.** Except under special circumstances, you may not have a financial interest in a contract with your public employer. For instance, if you are a town employee, a company you own may not be a vendor to that town unless you meet specific criteria, the contract is awarded by a bid process, and you publicly disclose your financial interest.

**h.** You may not represent anyone but your public employer in any matter which your public employer has an interest.

For instance, you may not contact other government agencies on behalf of a company, an association, a friend or even a charitable organization.

**i.** You may not ever disclose confidential information, data, or material, which you gained or learned as a public employee.

**j.** Unless you make a proper public disclosure including all the relevant facts, you may not take any action that could cause an appearance of impropriety, or could cause an impartial observer to believe your official actions are tainted with bias or favoritism.

**k.** You may not use your official position to obtain unwarranted privileges or any type of special treatment for yourself or anyone else. For instance, you may not approach your subordinates, vendors whose contracts you oversee or people who are subject to your official authority to propose private business dealings.

**l.** You may not use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms and official seals.

**m.** You may not, after leaving public service, take a job involving public contracts or any other particular matter in which you participated as a public employee.

## **2. POLITICAL ACTIVITY:**

Mass. Gen. Law, Chap. 55, regulates your political activity. Appointed employees may not directly or indirectly solicit contributions, or anything else, for campaign or other political purposes.

The following is a summary of prohibited conduct as provided by the Office of the Waltham City Clerk:

- a. Signs or political literature, including material promoting or opposing a ballot question, shall not be posted or distributed on public property.
- b. Public money or resources may not be expended for political purposes, including promotion or opposition of ballot questions (including any government equipment, such as copiers, computers, telephones, personnel, supplies, facilities, etc.). See Section 1-L of this chapter.
- c. Public employees are prohibited from soliciting or receiving any monies for any political purpose.
- d. Public employees may not work on any political activity during business hours.
- e. Public employees may work as volunteers on their own time, excluding fund raising activities.
- f. Soliciting, receiving political contributions, or planning sessions for fundraising events by anyone in any building occupied for governmental purposes is prohibited.

**3. INQUIRIES TO DETERMINE WHETHER A CONFLICT EXISTS:**

Any case in which the question as to whether or not a conflict exists shall be forwarded to the Chief of Police. Further, the Department member or the Chief of Police shall consult with the Massachusetts State Ethics Commission. The State Ethics Commission Website contains contact information and conflict of interest disclosure forms for download.

**4. CONFLICT OF INTEREST LAW EDUCATION REQUIREMENT:**

Public Agencies are responsible for providing a summary of the conflict-of-interest law. The summary will be put out on the Bulletin System with instructions to sign off electronically.

Each member of the Department shall complete the conflict-of-interest law online training program and provide a completed certificate to the Training Officer. This training will be distributed by the Training/Administration Division through the Bulletin System.