POLICY AND PROCEDURE NO. 500

Bureau of Professional Standards Investigations

Massachusetts Police Accreditation Standards:
26.1.8 [a,b,c], 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5, 52.2.6, 52.2.7, 52.2.8, 52.2.9

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1. PURPOSE:

The purpose of this policy is to establish procedures for receiving, investigating, and resolving complaints against the Worcester Police Department or its employees, and for the imposition of discipline when warranted. The Bureau of Professional Standards (BOPS) ensures the integrity of the Worcester Police Department and its personnel, sworn and non-sworn. This system of complaint and disciplinary procedure subjects employees to corrective action when acting improperly and protects them from unwarranted criticism when discharging their duties properly.

2. POLICY:

It is the policy of the Worcester Police Department to investigate all complaints against the agency and any agency employee, including anonymous complaints, to the extent that is possible. A proper relationship between the police and the citizens of Worcester, fostered by trust and confidence, is essential to law enforcement. No employee shall attempt to dissuade, by means of coercion, intimidation, or threats of retaliation, any person from filing a written complaint. MPAC 52.1.1

3. SCOPE:

This policy governs the receipt, investigation, and resolution of complaints and allegations of misconduct against sworn personnel of the Worcester Police Department, which are conducted by the Bureau of Professional Standards. Complaints and allegations against non-sworn employees shall be received and documented by the Department and referred to the City of Worcester Executive Office of Human Resources for investigation in accordance with the applicable collective bargaining agreement and City personnel policies. The provisions of this policy governing the intake and documentation of complaints, and the relief of an employee from duty, apply to all employees of the Department, both sworn and non-sworn. All superior officers who receive or initiate a complaint shall strictly adhere to these procedures.

4. COMPLAINT INITIATION AND INTAKE:

Any person who believes they have knowledge of police corruption or misconduct is encouraged to use the Worcester Police Department Citizen Complaint Procedure. A complaint against the Worcester Police Department, or any of its civilian or sworn personnel, may be made by contacting the police department either in person, by mail, by e-mail, or by phone. Citizen Complaint Forms are available in English, Spanish, and Vietnamese at several locations, including the Service Division (lobby of the police station), the Office of the City Manager, Mayor and City Council offices at City Hall, the Human Rights Commission, the ACLU, and various neighborhood centers, or by telephoning the Bureau of Professional Standards directly. The complaint form can also be downloaded from the Worcester Police Department's website. Citizen complaint forms can also be interpreted in 240 different languages using the "Language Line," an approved interpreter service. MPAC 52.1.4

Citizen Complaint forms shall be distributed to any member of the public upon request. No person, at any time, shall be refused such a complaint. Failure or refusal to file or sign a citizen's complaint form does not eliminate the requirement of an internal investigation.

Anytime that a complaint, or any expression of dissatisfaction with employee conduct or service, is given to any nonsupervisory, on-duty employee of this department—whether by phone, by mail, by e-mail, in person (orally or in writing), or by any other means—it shall be brought to the immediate attention of an on-duty supervisor from the division or unit where the employee receiving the information or complaint is assigned. It shall then be the responsibility of any on-duty supervisor, who receives said complaint or information from either a subordinate or by any other means, to ensure that the complaint or information is processed in strict compliance with the remainder of this policy. There shall be no exceptions to this practice either permitted or condoned.

A. In Person Complaints

Under no circumstances shall any employee of this department, or anyone acting at their behest, attempt to dissuade anyone, by means of coercion, intimidation, or threats of retaliation, from filing a written complaint.

If a person appears at police headquarters to file a citizen complaint, that person shall be given access to an on-duty supervisory official from Service Division. If the supervisory official determines that it is a minor matter, no criminal conduct or corruption is involved, and no death or serious bodily injury is involved, the informal resolution procedures in this subsection may apply.

If a supervisor of the accused officer is currently on duty, that supervisor shall be immediately contacted to confer with the complainant. After consultation, the complainant may or may not elect to file a written complaint. Should the complainant elect to file a written complaint, the supervisory official shall provide any assistance required to complete the basic complaint form. Should the complainant elect not to file a written complaint, the supervisor shall notify the Bureau of Professional Standards of the basic facts involved in the verbal complaint, the name(s) of the accused officer(s), and the measures implemented to mediate the complaint. The complainant's name, address, and telephone number are also to be included. The matter shall be considered resolved, pending the final approval of the commander of BOPS and the Chief of Police.

If a supervisor of the accused officer is not currently on duty, the citizen should be given a complaint form. The completed form should then be reviewed by the official-in-charge of the Service Division, who shall ascertain the nature of the complaint. If there is clear indication that the employee did nothing improper, the official may attempt to resolve the complaint. If the matter is handled to the satisfaction of the complainant, the official-in-charge shall notify BOPS with the same information described above. The matter shall be considered resolved, pending the final approval of the commander of BOPS.

B. Written Complaints

When none of the informal resolution conditions are applicable, the official-in-charge of the Service Division will provide the complainant with a copy of the citizen complaint form and allow the citizen to read and fill out the complaint form. After the form is completed, this official shall sign the complaint and provide the complainant with a photocopy. It shall then be the responsibility of that official to forward the complaint to the Bureau of Professional Standards. The complainant may, at their discretion, take the complaint form and mail or deliver it at a later time directly to BOPS. Under no circumstances will a request for a written complaint form be either refused or discouraged.

C. Complaints from Persons in Custody

When a person in custody—whether during booking or while detained in the cell room—expresses a complaint against any department employee, the on-duty official shall document the complainant's name, the accused officer(s), and the nature of the complaint. The official shall notify BOPS by email prior to the end of their shift. The complainant shall be provided a citizen complaint form and informed of the complaint filing process. BOPS shall follow up with the complainant to offer assistance completing a formal written complaint and to conduct any necessary interview.

D. Civil Claims and Lawsuits

Whenever the department receives notice of a civil claim or a lawsuit, there shall be an internal investigation initiated by the Bureau of Professional Standards. If an investigation had occurred for the incident prior to the civil claim or lawsuit, that investigation will be reviewed to determine if there is any other evidence that has come to light requiring it to be re-opened.

E. Internally Generated Complaints

The Chief or their designee shall have the discretion of directing that an investigation be commenced whenever the Chief or their designee has determined that sufficient facts exist to warrant an investigation into alleged misconduct, in accordance with the department's Rules and Regulations, Policies and Procedures, Written Directives, and the "Management Rights" provisions contained in the contract with any union; upon the receipt of information from any supervisor relating to the job-performance or fitness-for-duty issues of any employee under their supervision or command; or upon the receipt from any employee of allegations of official wrongdoing by any departmental personnel.

F. Commendations

Members of the public are encouraged to commend the Department or any of its employees for exemplary or commendable service. A commendation may be submitted in person, by mail,

by e-mail, by telephone, or through the Worcester Police Department's website. A commendation received by any employee shall be forwarded to the Bureau of Professional Standards and to the commanding officer of the employee who is the subject of the commendation, so that it may be acknowledged and documented. The departmental recognition and awards process is governed by Policy 115 (Exemplary Service Awards).

5. DUTY TO INTERVENE / DUTY TO REPORT:

Per MGL Ch. 6E, § 15, an officer present and observing another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual. An officer who observes another officer using such force shall report the incident to an appropriate supervisor as soon as reasonably possible but not later than the end of the officer's shift, and shall prepare a detailed written statement describing the incident consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.

A. Reporting Procedure

Whether the officer observes excessive force or physically intervenes, the reporting procedure is the same. The officer shall immediately make a verbal notification to their immediate supervisor and submit a report as soon as reasonably possible but no later than the end of the officer's shift. The supervisor will then submit a report to their Lieutenant, Captain, Deputy Chief, Chief, and the Bureau of Professional Standards by email as soon as reasonably possible but no later than the end of the supervisor's shift. The reports shall list all persons present who may have witnessed visually or audibly the incident involving the use of force. After the report has been reviewed by the officer's commander, deputy chief, chief, and BOPS commander, a decision will be made on administrative action. BOPS shall perform an investigation into the use of force.

Whenever it becomes apparent that the investigation involves the bona fide possibility of one or more criminal charges being filed against an employee, a separate, parallel investigation will be initiated and conducted under the command of the Deputy Chief of Investigations.

6. COMPLAINT ADMINISTRATION:

A. Complaint Processing

Upon the receipt of any complaint in the Bureau of Professional Standards, it shall be the responsibility of the official-in-charge of BOPS to determine what degree or level of investigation is required. Regardless of its nature, the commander of BOPS shall ensure that every matter is investigated. At the outset of the investigation, the accused employee's record in BOPS shall be reviewed by the BOPS investigator. A copy of this record shall be attached to a copy of the complaint and delivered to the Chief for review.

The official-in-charge of the Bureau of Professional Standards is responsible for notifying the Chief of Police of all complaints within two (2) business days of receipt. Routine notification shall be made by written memorandum, IDC, or electronic mail, and shall include the nature of the complaint, the identity of the accused employee(s), and the manner of receipt. Complaints involving death, serious bodily injury, criminal conduct, or corruption shall be

brought to the Chief's immediate attention by direct verbal notification, followed by written notification. MPAC 52.2.2

Each complainant shall be notified, in writing, that the complaint has been received and confirming that the agency is going to process the complaint. Thereafter, the complainant may be informed periodically of the status of the investigation. The complainant shall also be informed of the results of the investigation. Such notifications may be done in person, by telephone, or in writing, at the discretion of the investigating official, who will make a notation in the file for each such notification that is made. MPAC 52.2.4

Per 555 CMR 1.01(2)(a), the agency shall commence an internal investigation as soon as practicable, but in no case later than fourteen (14) days after receipt of the complaint. All investigations shall be conducted in a reasonable and timely manner, and every effort will be made to complete investigations within 90 days of receipt of the complaint. When an investigation remains open for over 90 days, the complainant will be contacted and notified of this occurrence.

Per MGL Chapter 6E, Section 10(h), the Worcester Police Department shall complete an internal affairs investigation into officer misconduct and issue a final disposition within one (1) year of receiving a complaint or notice from the POST Commission of the complaint being filed. The POST Commission may, upon a showing of good cause, extend the time to complete the investigation. MPAC 52.2.3

All complaints or charges which may result in potential disciplinary action against any employee shall be brought by the City or the Police Department within six (6) months from the date of the completion of the investigation. For the purposes of determining when the six-month time period has begun, an investigation shall be deemed to have been completed after the investigatory report has been reviewed, signed, and dated by the Chief of Police or their designee. If, after the completion of an investigation, new evidence is discovered which has a significant impact on a complaint or charge, the City and the Police Department shall have three (3) months from the date of its discovery in which to commence disciplinary action against an employee.

B. Notification to Police Personnel of Investigation

Any employee who is the subject of an investigation shall receive, as soon as practicable, written notification detailing the allegations made against them, as well as the employee's rights relative to the investigation, including but not limited to Miranda warnings, Garrity protections, Carney rights, Weingarten rights, and applicable rights of appeal, where applicable. The notification shall also describe the employee's responsibilities relative to the investigation, including the duty to provide reports and written statements, to appear for and participate in interviews as directed, and to cooperate fully with the investigation, subject to the employee's properly asserted right against self-incrimination as set forth in Section 8. This notification shall be made in the form of an IDC, or by means of another suitable form, as determined by the Chief of Police. The actual complaint form or a copy thereof shall not be released to the employee; however, any employee who so desires may go in person to the BOPS office and will be afforded the opportunity to read the complaint or a copy thereof. At the discretion of BOPS, identifying information for the complainant and any witnesses may be redacted. MPAC 52.2.5

C. Employee Relieved From Duty Prior to Completion of Investigation

At the discretion of the Chief of Police, or their designee, an employee who is the subject of an Internal Investigation may be relieved from duty, prior to completion of the investigation, if one or more of the following factors are present: the nature of the allegations and the evidence presented indicate a substantial likelihood that, if the employee were to remain on duty, they present a serious threat of harm either to themselves or to another; the nature of the allegations and the evidence presented indicate a substantial likelihood that the public trust has been violated by the employee, the employee is indicted or incarcerated; the employee's apparent physical or mental condition has deteriorated to the point that the employee is unable to competently perform their duties; the employee has failed a mandated drug test; or the employee is a sworn police officer or official who has been served with a valid and current Abuse Prevention Order prohibiting said officer from carrying or having in their possession any firearms, unless a special provision allows said employee to carry a firearm while on duty. MPAC 52.2.7

This section applies to all employees of the Worcester Police Department, both sworn and non-sworn. For non-sworn employees, any determination of resulting duty status shall be made consistent with the applicable collective bargaining agreement and in coordination with the City of Worcester Executive Office of Human Resources and the City of Worcester Law Department.

A supervisor at the rank of sergeant or above may temporarily relieve an employee from duty when circumstances require immediate action and the delay of awaiting higher authority would be impractical or unsafe. Whenever feasible, the supervisor should first consult a commanding officer; where consultation is not feasible, the supervisor shall notify a commanding officer and the Bureau of Professional Standards as soon as practicable, but no later than the end of the supervisor's shift. Any such relief from duty is a temporary measure pending review by the Chief of Police, who retains sole authority over the employee's resulting duty status as set forth below.

The Chief shall make a determination, in consultation with the City Manager, on a case-by-case basis, concerning in what status the employee will be placed. All relevant factors, including current state and federal laws and contract provisions, shall be considered in making such determinations. The possibilities are: administrative leave with pay; administrative leave without pay; injured on duty; sick leave; suspension with pay; suspension without pay; or termination.

Any employee who loses their authority to carry a department-issued firearm—whether by court order, including an Abuse Prevention Order (M.G.L. c. 209A) or Extreme Risk Protection Order, administrative action, or any other legal process—shall be placed on administrative leave immediately, pending further determination by the Chief of Police.

D. Submission to Examinations

In connection with an internal affairs investigation, an employee may be required to submit to a medical or laboratory examination, including physical, mental, and drug examinations. Physical and mental examinations shall be at department expense when ordered by the Chief of Police (per Rules and Regulations #1414.1 and #1416.1). Drug and other laboratory testing shall only be administered in strict accordance with the applicable collective bargaining

agreement and all pertinent legal requirements. The department does not administer polygraph examinations or other testing through instruments for the detection of deception. When a parallel criminal investigation is initiated, employees may be required to submit to having photographs taken, participate in a lineup, submit financial disclosure statements, and submit to audio or video recordings, as directed by the unit conducting the criminal investigation. MPAC 52.2.6

7. TYPES OF INVESTIGATIONS AND MANNER OF ASSIGNMENT:

All citizen complaints shall be reviewed by the Commander of BOPS, or their designee, prior to assignment for investigation. The decision to assign the case for an "In-Office" or Commander's Investigation shall be at the discretion of the Commander of BOPS, in consultation with the Chief of Police or their designee whenever circumstances require. Categories of complaints that require investigation by the internal affairs function may include allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct. Complaints that may instead be assigned to line supervisors include, for example, allegations of rudeness, tardiness, or insubordination. The specific factors governing each type of assignment are set forth in the subsections below. MPAC 52.2.1

A. "In-Office" BOPS Investigations

All complaints involving allegations of any of the following shall be conducted by an official assigned to the Bureau of Professional Standards: death or serious bodily injury; commission of a felony; commission of a crime involving theft, bribery, or corruption; domestic assault and battery; discharge of firearms; excessive force; complaints involving allegations against individuals from two or more units or divisions; investigations which are expected to require extra time, special equipment, or expertise; any investigation that is expected, because of its nature, to require a heightened degree of confidentiality; and any complaint related to an off-duty assignment at a liquor establishment.

Any complaint of harassment (sexual or otherwise), bias, or discrimination will be within the purview of the Executive Office of Diversity, Equity, and Inclusion as ordered by the City Manager. Professional Standards will work to assist their office as needed.

B. Resolution Prior to Interview

Certain complaints can be conclusively resolved through preliminary inquiry without recorded interviews of the complainant or involved personnel. The Commander of BOPS, or their designee, may designate a complaint for resolution prior to interview when a review of available objective evidence—such as body-worn camera recordings, GPS/AVL data, dispatch and CAD records, reports, or other reliable documentation—or the threshold facts of the complaint, conclusively establishes the appropriate disposition. This procedure is appropriate where, for example: objective evidence demonstrates that the alleged misconduct did not occur; the complaint is not attributable to the Worcester Police Department or its personnel; or the complaint, on its face, fails to allege conduct that would constitute a violation even if true, or is so lacking in any objective basis as to be incapable of investigation.

Resolution prior to interview is a method of investigation, not a disposition. Each allegation so resolved shall be assigned an official disposition under Section 8(C), and the basis for resolution—including the evidence reviewed and the rationale—shall be documented in the

investigative file. The complaint shall be logged, tracked, retained, and reported to the POST Commission to the same extent as any other complaint, and the complainant shall be notified of the disposition.

For allegations that would otherwise require an In-Office BOPS investigation under subsection A—including use of force, serious bodily injury, criminal misconduct, or untruthfulness—resolution prior to interview may be used only when complete, independent, and contemporaneous objective evidence, such as body-worn or in-car camera footage capturing the entire relevant interaction, conclusively establishes that the act complained of did not occur, supporting a disposition of Unfounded. Such resolution requires the approval of the Chief of Police or their specifically chosen designee. The complaint shall remain classified, logged, retained, and reported to the POST Commission as a complaint of its original type. This procedure shall not be used where resolution would depend on the credibility of involved personnel, where the available evidence is incomplete or ambiguous, or where the act complained of did occur and the question presented is its justification or reasonableness; such matters shall be investigated under the applicable provisions of this policy.

Complaints of bias, discrimination, or harassment fall within the exclusive purview of the Executive Office of Diversity, Equity, and Inclusion as described in subsection A. Such complaints shall not be resolved through this procedure and shall be referred to that office.

C. Commander's Investigations

All complaints which do not involve one or more of the factors listed in subsection A may, at the discretion of the Commander of BOPS, be sent to the commanding officer of the respective officer's division or unit, with instructions that the investigation will be conducted by the Commander or Lieutenant of that division. The Commander of BOPS may retain for In-Office investigation any complaint when they believe that the department's objectives will be better served. Any recommendations and all conclusions drawn from the commander's investigation are the responsibility of the appropriate Unit Commander, in consultation with the appropriate Deputy Chief and the Chief of Police, and not the investigating lieutenant.

D. Criminal Investigations

Whenever it becomes apparent that an investigation involves the bona fide possibility of one or more criminal charges being filed against an employee, a separate, parallel investigation will be initiated and conducted under the command of the Deputy Chief of Investigations and the commander of the unit that conducts the criminal investigation. At the conclusion, the Deputy Chief of Investigations or Unit Commander shall submit a report to the Chief. Under no circumstances shall any such report include any analysis, opinion, finding, conclusion, or recommendation, as these functions are all within the exclusive province of the Chief of Police or their specifically chosen designee. The BOPS administrative investigation shall continue separately, in accordance with Carney v. City of Springfield, 403 Mass. 604 (1988).

E. Outside Agency Investigations

The Chief may request that a criminal investigation be conducted by an appropriate outside agency. The BOPS investigation shall continue as a separate, parallel investigation per the Carney framework.

F. Notification of City Manager

The Chief of Police shall exercise their discretion in notifying the City Manager regarding any pending investigation or disciplinary matter. However, in any matter that may involve a suspension for more than five (5) days or the potential for criminal charges, the Chief will notify the City Manager in a timely fashion.

8. SPECIFIC INVESTIGATORY PROCESS:

The investigating official shall accumulate all available, relevant evidence, including but not limited to departmental reports, audio and video recordings, photographs, weapons, medical records, statements of civilian witnesses, and statements of police witnesses.

All witness statements shall be obtained only in accordance with all applicable constitutional, statutory, and case law, as well as contractual agreements. The preferred form of an interview with non-departmental personnel or a civilian witness will be in person; interviews via telephonic means may be used when time, distance, or other expediencies so require. Any such witness statement which is not audio-recorded should be memorialized in writing. Civilian witnesses may also submit an affidavit or other form of written statement. All written statements from departmental personnel shall be rendered in the form of an IDC. Witnesses may be shown body worn camera (BWC) footage during in-person interviews if relevant. Special care should be used to redact information if necessary. No person will be allowed to record the BWC footage during the interview.

Because police officers and officials are not legally authorized to administer oaths, witnesses and complainants are not required to submit statements under oath or affirmation. Every reasonable effort should be made so that every witness and complainant is not made to feel uncomfortable, by placing them in as non-threatening an environment as is possible. Officers and civilian witnesses are bound by M.G.L. c. 268 § 1 (perjury) and M.G.L. c. 269 § 13A (false reports); officers are additionally bound by M.G.L. c. 268 § 6A (false written reports) and WPD Rule and Regulation #1402.1 (truthfulness).

All police personnel may be required to complete IDC reports or to participate in interviews in person, or both. Interviews in person shall be conducted when the Chief or designee so directs, or when the officer or employee requests an interview.

If the accused person properly asserts any right against self-incrimination, the accused person shall not be coerced into providing a statement until a grant of transactional immunity has been obtained per Carney v. City of Springfield, 403 Mass. 604 (1988), or the criminal charges have been resolved.

All interviews conducted by the Bureau of Professional Standards with departmental personnel shall be audio recorded. Complainants who are interviewed as part of the investigation will be allowed to view BWC footage, if available, after being interviewed so perception is not tainted.

A. Investigatory Report

At the conclusion of the investigation, once the investigatory report is completed, it is to be forwarded to the Chief of Police or their designee directly. The Chief, upon reviewing the investigatory report, shall make the final determination as to any finding, conclusion, or recommendation, as these functions are all within the exclusive province of the Chief of Police or their specifically chosen designee. The Chief may send the report back to BOPS or the appropriate commander with instructions for further investigation.

B. Minimum Requirements for Administrative Investigations

Regardless of whether the investigation is conducted by BOPS or the employee's unit, all investigations shall follow these basic steps: analysis of the complaint; accumulation of evidence; documentation of the evidence; and preparation of a report to the Chief that sets forth clearly all steps taken during the course of the investigation.

Commander's investigation reports shall include a recommended finding from the appropriate Deputy Chief and Captain as to how the investigation's outcome is to be classified officially. No other official shall make such a written recommendation. BOPS in-house investigation reports shall not include any official finding, disposition, or disciplinary recommendation; these functions shall remain within the exclusive province of the Chief of Police or their specifically chosen designee. This restriction does not relieve the investigating supervisor of the obligation to render a written conclusion of fact as described below.

Each investigation into alleged misconduct shall include a written conclusion of fact. The conclusion of fact refers to the investigating supervisor's concluding statement(s), based on their analysis of the evidence, setting forth what the evidence establishes as fact rather than expressing an opinion. The conclusion of fact is distinct from, and does not constitute, the official disposition or finding, which remains within the exclusive province of the Chief of Police or their specifically chosen designee. MPAC 52.2.8

Prior to the imposition of any form of discipline, there shall be a discussion of the appropriateness of such discipline between the commanding officer, the Chief or the appropriate Deputy Chief, and a representative of the Bureau of Professional Standards. In any case which may result in discipline, the employee must be afforded an opportunity to make a statement prior to the imposition of the discipline.

C. Disposition

The official investigatory findings shall correspond to one or more of the following categories: Unfounded—the investigation indicates that the act or acts complained of did not occur, or they did not involve police department personnel; Exonerated—the act or acts did occur but the actions of the officer were justified, lawful, and proper; Not Sustained—the investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint; Sustained—the investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint; Sustained Other—the investigation proved that the officer committed a violation other than the one named in the complaint; Policy Failure—the allegation is true, but the officer was acting in a manner consistent with policy, which indicates a policy revision is required; or Exceptionally Cleared—a factor external to the investigatory process, such as the complainant's refusal to provide essential information or failure otherwise to cooperate with the investigation, results in the inability to properly conduct and complete the investigation.

D. Discipline

If the BOPS investigatory report contains one or more sustained violations of departmental rules, regulations, or procedures, the Chief of Police shall determine the appropriate mode of discipline. In making this determination, the Chief may consult with the unit commander, the commander of the Bureau of Professional Standards, deputy chiefs, or other command staff as the Chief deems appropriate. The accused officer's disciplinary record, housed in the Bureau

of Professional Standards, shall be reviewed prior to any discipline determination. No discipline shall be administered without first obtaining the express authorization of the Chief of Police or, in their absence, the designee.

Discipline shall be administered through one of the following: criticism; counseling session; oral reprimand; written reprimand; extra or punishment duty (in accordance with M.G.L. c. 31, § 62A); suspension of five days or less (the Chief may impose); suspension of more than five days (the City Manager must approve); or termination (the City Manager must approve). The Bureau of Professional Standards shall be notified of any discipline imposed so that a record of its occurrence can be entered in the file. Similarly, a record of any internally generated complaint and subsequent discipline shall be reported to BOPS for record-keeping purposes. MPAC 26.1.8 [a]

9. RECORDS, NOTIFICATIONS, AND CONFIDENTIALITY:

All complaints against the agency and any agency employees, and all records related to those complaints, shall be maintained in a secure area to protect confidentiality. Physical records are stored within the Bureau of Professional Standards in a locked office and file storage area to which access is restricted to authorized BOPS personnel. Records maintained in electronic form are stored on access-controlled Department systems that limit access to authorized personnel through individual credentials. It is prohibited to withhold disciplinary records related to a misconduct investigation as a public records exemption; the exemption under M.G.L. c. 4, §7, cl. 26(c) shall not be invoked to withhold law enforcement employee disciplinary memoranda. MPAC 26.1.8 [b] The agency shall allow access to the POST Commission's Division of Police Standards to audit all records related to complaints, investigations and investigative reports, and personnel records pursuant to the rules and regulations promulgated by the POST Commission. MPAC 52.1.2

The complainant and the police personnel involved shall be notified of the disposition as soon as possible following the completion of the investigation. When discipline is imposed, information released to the complainant regarding its form shall be limited to the statement that "Appropriate administrative action has been taken."

All complaints, as well as all information gathered in the course of a BOPS investigation, shall be retained in the offices of the Bureau of Professional Standards. These records shall be kept in accordance with the Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth. Entry into those records shall be closely regulated, with access available only as follows: to personnel assigned to BOPS; to personnel assigned to the Chief's office; to personnel assigned to the Executive Office of Diversity, Equity, and Inclusion and the City of Worcester Executive Office of Human Resources (including any outside attorneys retained to handle matters pertaining to Human Resources); to personnel assigned to the City of Worcester Law Department; to commanding officers as authorized by this policy, or when otherwise specifically authorized by the Chief of Police or their designee; and when otherwise required by statutes or court decisions.

An original notice of the discipline imposed shall be given to the employee. Copies of this notice shall be placed in or sent to the employee's 201 personnel file in the Office of the Chief; the employee's personnel file at City Hall; the Office of the City Manager; the BOPS case file; and, in cases involving termination, resignation, or suspension, the department's payroll office.

Under no circumstances shall anyone except the Chief, their designees, and the BOPS staff be allowed direct access to any files in the BOPS office due to confidentiality and security concerns. Information relating to BOPS investigations shall be released consistent with existing federal and state laws, as well as the relevant contracts between the City of Worcester and its employees' unions. The primary sources in Massachusetts for determining whether public records must be released are M.G.L. c. 66 § 10 (the Public Records Law) and M.G.L. c. 4 § 7, cl. 26th, which lists the exemptions. All requests for records will be processed as quickly and efficiently as possible. All applicable charges and costs associated with requests, and which are allowable by law, will be assessed to the requesting parties and must be paid in full prior to the release of any information under this section.

10. POST COMMISSION COMPLIANCE:

The Worcester Police Department complies with all requirements of MGL Ch. 6E regarding the Peace Officer Standards and Training (POST) Commission. For the full statutory text, refer to MGL Ch. 6E, §§ 8–12. This section summarizes key departmental obligations. MPAC 52.2.9

Prior to December 31, 2021, the Worcester Police Department did provide the POST Commission with a comprehensive disciplinary record for each law enforcement officer including the final disposition and any discipline imposed. MPAC 26.1.8 [c]

A. Submission of Complaints to POST

Consistent with the requirements of the POST Commission, the Department distinguishes between minor and non-minor complaints. Complaints involving minor matters are referred for resolution under the informal resolution procedures set forth in Section 4 of this policy, which comply with the minimum requirements for such policies established by the POST Commission. Records of complaints resolved under those procedures shall be made available to the POST Commission upon request, or in accordance with any policy the Commission may establish. All complaints that are not minor in nature shall be reviewed and submitted to the POST Commission's Division of Standards as set forth below.

For purposes of reporting to the POST Commission, a complaint is any credible report, whether written or oral, evidencing or alleging the misconduct of an officer, from a member of the public, agency personnel, or any other source (555 CMR 1.01(1)). A report that, on its face and in light of the information reasonably available, is so fanciful or implausible that it does not constitute a credible allegation of officer misconduct does not require transmittal to the POST Commission; any such report shall nonetheless be documented and retained by the Department and its disposition recorded. A report does not lose its status as a credible complaint, and remains reportable, merely because the allegation is later determined to be unfounded. Complaints alleging excessive, prohibited, or deadly force, or actions resulting in serious bodily injury or death, are presumed credible and shall be reported without exception.

The head of the agency shall review and submit any complaint received to the POST Commission's Division of Police Standards, once deemed credible, within two (2) business days, in a form determined by the Commission, when the complaint rises to the level of a type of violation as set forth by the POST Commission. The categories of conduct that must be reported when alleged in a credible complaint include: complaints alleging bias based on race,

ethnicity, sex, gender identity, sexual orientation, age, religion, mental or physical disability, immigration status, or socioeconomic or professional level; complaints regarding use of force, including excessive, prohibited, or deadly force; actions that resulted in serious bodily injury or death, including officer-involved shootings; and unprofessionalism or misconduct, including policy or procedure violations, conduct unbecoming, untruthfulness, and prohibited conduct.

B. Submission of Investigation Reports and Records

Upon completion of an internal investigation, the head of the agency shall immediately transmit an investigation report signed by the investigator to the POST Division of Standards. Upon determining the final disposition of a complaint and the final discipline to be imposed by the agency, if any, the head of the agency shall immediately transmit that information to the POST Division of Standards. The transmittal shall include a description of the investigation and disposition; any disciplinary action recommended and imposed; and, if applicable, a recommendation for POST disciplinary action including retraining, suspension, or revocation of certification.

C. Officer Resignation During Investigation

If an officer resigns prior to the conclusion of an investigation or prior to the imposition of discipline, the department shall immediately transmit a report to the POST Division of Standards including the officer's full employment history, a description of the events surrounding the resignation, and a recommendation regarding certification status. Resignation by the officer will not prevent the completion of the BOPS investigation.

D. Certification Suspension and Revocation

Officers should be aware that the POST Commission has authority to suspend or revoke an officer's certification under the circumstances specified in MGL Ch. 6E, §§ 9–10. These include, but are not limited to, arrest or indictment for a felony; conviction of a felony or misdemeanor; use of excessive or prohibited force; falsification of records or perjury; failure to intervene; engaging in bias-based conduct; and patterns of unprofessional conduct. Decertified officers may not be employed by any law enforcement agency in any capacity (MGL Ch. 6E, § 11). Protections exist for officers who provide information to or testify before the POST Commission (MGL Ch. 6E, § 12).

11. STRUCTURE OF THE BUREAU OF PROFESSIONAL STANDARDS:

Staffing will consist of a sufficient number of police officials to handle the investigative workload and the other duties assigned to BOPS. The official in charge of the unit, preferably a police captain, shall report to the Deputy Chief of Investigations for administrative purposes. The BOPS commander retains the authority to report directly to the Chief of Police on any internal affairs matter. All complaints involving death or serious physical injuries to either police personnel or civilians, and all complaints involving allegations of criminal conduct or corruption on the part of police personnel, shall be brought to the immediate attention of the Chief of Police, or their designee, by the official-in-charge of BOPS. MPAC 52.1.3

A. Qualifications and Training for BOPS Officials

All persons assigned to the Bureau of Professional Standards should have attained, at a minimum, the rank of sergeant. As soon as is practical, all officials who are newly assigned to BOPS shall receive specialized training in operational and legal issues, including in-house instruction by a senior, qualified BOPS member. When appropriate external training is available, the Chief shall assign BOPS officials that would benefit most, contingent on staffing needs and funding.

B. Release of Information

Under no circumstances shall anyone except the Chief, their designees, and the BOPS staff be allowed unsupervised access to any files in the BOPS office due to confidentiality and security concerns. This requirement applies to all BOPS records, case files, and information stored in any electronic format. An employee who is the subject of a complaint may, upon request, visit the BOPS office to review their own BOPS records and investigatory reports under the supervision of BOPS staff. No materials may be copied, photographed, or removed from the office during such a review.

12. ANNUAL STATISTICAL SUMMARIES:

The commander or official-in-charge of BOPS will compile an annual statistical summary. The annual summary will be published as part of the Annual Departmental Report, which is made available to the public.

Per:

Paul B. Saucier
Chief of Police

Revisions:

June 12, 2026–

Reformatted to the ADA-compliant policy template. Added an affirmative directive to investigate all complaints, including anonymous complaints, and broadened the definition of a reportable complaint. Added a public commendation procedure (52.1.4). Specified physical and electronic security measures for complaint records (52.1.2). Added illustrative criteria distinguishing complaints assigned to line supervisors from those requiring an internal affairs investigation (52.2.1). Added the responsible party and method for notifying the Chief of Police of complaints (52.2.2). Added the employee's responsibilities, and applicable rights of appeal, to the notification of investigation (52.2.5). Stated expressly that an employee may be required to submit to a medical or laboratory examination (52.2.6). Extended temporary emergency relief-from-duty authority to supervisors at the rank of sergeant and above pending review by the Chief, and stated expressly that relief from duty applies to both sworn and non-sworn employees, with non-sworn duty-status determinations made consistent with applicable collective bargaining agreements and in coordination with Human Resources and the Law Department (52.2.7). Added the requirement for a written conclusion of fact in each misconduct investigation, distinct from the official disposition reserved to the Chief (52.2.8). Added the distinction between minor and non-minor complaints governing referral under informal resolution and submission to the POST Commission (52.2.9). Updated the reporting relationship of the BOPS commander to the Deputy Chief of Investigations, with authority retained to report directly to the Chief of Police on internal affairs matters. Added a Resolution Prior to Interview procedure permitting complaints to be conclusively resolved on objective evidence without recorded interviews, subject to a heightened evidentiary standard and Chief-level approval for allegations that would otherwise require an internal affairs investigation, with complaints of bias, discrimination, or harassment referred to the Executive Office of Diversity, Equity, and Inclusion; separated the Unfounded disposition from the former Resolved at Intake label (52.2.1). Clarified that only credible complaints are transmitted to the POST Commission, consistent with the definition of a complaint under 555 CMR 1.01(1), while preserving the presumption of credibility for complaints alleging force or actions resulting in serious bodily injury or death (52.2.9). Clarified in the scope that investigations of sworn personnel are conducted by the Bureau of Professional Standards while complaints against non-sworn employees are referred to the City of Worcester Executive Office of Human Resources for investigation, with complaint intake and relief from duty applying to all employees, both sworn and non-sworn (52.1.1, 52.2.7). Added an express prohibition on invoking the M.G.L. c. 4, §7, cl. 26(c) exemption to withhold law enforcement employee disciplinary memoranda, and documented the maintenance and filing location of disciplinary records in the Bureau of Professional Standards (26.1.8).

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