

FRAMINGHAM POLICE DEPARTMENT		Next Review Date: Annually
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 26.1.8, 52.2.3; 52.2.4(a-c); 52.2.5; 52.2.8;		POLICY 10-1
Distribution: Police Department	Issuing Authority <i>Lester Baker</i> Lester Baker Chief of Police	

General Considerations and Guidelines

A relationship of trust and confidence between the employees of this Police Department and the citizens of the community is essential to the successful accomplishment of law enforcement objectives. All police 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 Professional Standards and Internal Affairs functions are 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 the quality of the Professional Standards/Internal Affairs Section in responding to allegations of misconduct against the Department or its officers.

The objectives of a Professional Standards/ Internal Affairs investigation are:

1. Protection of the public;
2. Protection of the employee;
3. Protection of the Department;
4. Correction of procedural problems.

Policy

It is the policy of the Framingham Police Department to:

- Investigate all complaints to include anonymous against the Department or an employee of the Department, regardless of the source of such complaints, through a regulated, fair, and impartial Internal Affairs Program;
- Determine whether such complaints are valid; and
- Take appropriate action.

I. Procedure

A. Definitions

1. Professional Standards Inquiries (PSI): inquiries regarding alleged violations of conduct, rules & regulations, policies and procedures.
2. Internal Affairs Investigations: investigations of violations of state or federal criminal statutes.
3. Internal Administrative Investigation: a term used to include both Professional Standards Inquiries and Internal Affairs Investigations.

B. Role of the Supervisor

1. The first-line supervisor bears the primary responsibility for the conduct, discipline, and duty performance of all personnel under his/her supervision

and the basic accountability for failure to take warranted disciplinary action.

2. The first-line 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.
3. 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.
4. 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
5. A supervisory member may temporarily relieve from duty and place on paid administrative leave, for a period not to exceed the remainder of that work shift, any employee who is unfit for duty. "Unfit for duty" may include a 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. A written report of the circumstances surrounding the placement of an employee on administrative leave shall be forwarded to the Chief of Police forthwith and made available to the relieved employee.
6. All superior officers have the duty to ensure that order is maintained within the Department. It must be remembered that, in addition to punitive action and corrective measures, sound personnel management also encompasses recognizing and rewarding exemplary performance, as well as training and counseling.
7. The following is an outline by rank and command level of authority of superior officers to discipline subordinates. (Each superior officer should also be aware of his/her duties as specified in the Job Description Manual.)
 - a. Sergeant: has the authority to counsel, evaluate, praise, and recommend for recognition. He/she also has the authority to verbally admonish, relieve from duty as specified above, and issue a formal

written reprimand or recommend more serious punitive disciplinary action, as appropriate.

- b. Lieutenant: has all of the above, plus the authority to amend recommendations from Sergeants.
 - c. Deputy Chief: has all of the above, plus the authority to suspend for a period not to exceed five days.
 - d. Chief of Police: has all of the above, plus the authority in accordance with all applicable laws, the City Charter, Department of Personnel Administrative Rules (if applicable), and collective bargaining agreements, to commend, promote, impose punishment duty, decrease annual leave, suspend, and terminate.
8. All alleged or suspected violations of Rules and Regulations, Policies and Procedures, laws, ordinances, by-laws, must be investigated according to the procedures outlined for each. These include:
- a. Alleged violations reported to the Department's ranking officers by other members of the Department, either orally or in writing;
 - b. Alleged violations, observed or suspected, by Department ranking officers;
 - c. Citizens' complaints of alleged police misconduct.
9. Complaint Intake Process
- a. Immediate Verbal Resolution of a Complaint Against an Employee or the Department.
 - i. In some cases, a complaint can be resolved to the complainant's satisfaction at the time by the Officer-in-Charge of the station. In these instances, the Officer-in-Charge of the station shall notify the Chief of Police (either via call or e-mail) before the end of his/her shift.
 - ii. 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 a police officer's authority.

- iii. Under no circumstances, however, will a justifiable complaint be refused, delayed, or otherwise rejected in this manner.
- b. Complaints Against an Employee or the Department That Cannot Be Verbally Resolved by the Officer-In-Charge.
- i. There will be situations where the Officer-In-Charge cannot successfully resolve an issue. In those instances, the Officer-In-Charge or his/her designee must give the complainant a Commendation & Complaint Procedure Guide. In these instances, the officer-in-Charge of the station shall also notify the Chief of Police (either via call or e-mail) before the end of his/her shift of the unresolved issue, situation, or complaint.
 - ii. Every person requesting to make a written complaint against the Department or a Department employee shall receive a Commendation & Complaint Procedure Guide.
 - iii. Whenever the Framingham Police Department initiates an investigation (other than minor infractions), the complainant should receive a letter acknowledging that the complaint was received and is being investigated. [52.2.4(a)]
- c. Receiving and Recording Complaints
- i. The Officer-in-Charge of the station at the time the complaint is made shall notify the complainant that all written complaints against officers are to be addressed to the Chief of Police and delivered in-person or via mail to police headquarters.
 - ii. The utmost courtesy and cooperation should be extended to all citizens registering complaints or otherwise inquiring about complaint procedure.
 - iii. This initial contact between a complaining citizen and police authorities is an important stage in the complaint process. The complainant is often tense, angry, and emotionally upset, and the potential for hostility is great.

- iv. No person should be denied an opportunity to register a complaint, nor should any such person be directed to return or call back later.
- v. Every complaint report shall be given an identifying number, so that the processing of complaints can be carefully monitored. The Officer-in-Charge of Internal Affairs/ Professional Standards Inquiries will assign this identifying number.
- vi. Care must be taken to ensure that Department employees are not subjected to unjust, frivolous, or capricious complaints.
- vii. When complaints of misconduct or mistreatment by a department employee are received by mail, the complainant will be contacted (if possible) to confirm the allegations made and gather details of the complaint.
- viii. Formal departmental complaints of misconduct against a department employee shall be initiated by the preparation of an investigative report.
- ix. Any prisoner who alleges misconduct or mistreatment by a Department employee shall be advised by the Officer-in-Charge of the station of his right to submit a complaint and such complaints should be investigated and processed in the same manner as other citizen complaints. If the Officer-in-Charge cannot resolve the complaint, he or his designee will give the prisoner a Commendation & Complaint Procedure Guide.
- x. If an officer on the street is approached by a citizen regarding a complaint of alleged misconduct against an employee of the Police Department, the officer shall inform such person that his or her complaint should be directed to the Officer-in-Charge at Police Headquarters.

10. Complaint Classification

- a. Upon receipt of a written complaint (when not directly observed by a Supervisor), the Office of the Chief of Police shall review the complaint to determine if the allegations constitute a violation of professional standards or criminal activity. Professional Standards Inquiries (PSI) are

undertaken to investigate violations of conduct, rules, and regulations, policies and procedures.

- b. It shall be deemed a Professional Standards Inquiry when this organization investigates complaints against an employee for:
 - i. Violations of rules, regulations or process,
 - ii. Unprofessional conduct,
 - iii. Actions that don't fall within the parameters of criminal conduct.
- c. The Office of the Chief of Police will assign Professional Standards Inquiries to the appropriate ranking officer for investigation. All investigating officers shall be of higher rank than the officer being investigated.
- d. Criminal complaints are classified Internal Affairs Investigations and will be assigned by the Chief of Police for investigation. For the purpose of this policy, criminal complaints shall be defined as alleged violations of state or federal criminal statutes.
- e. If, in the course of a Professional Standards Inquiry, evidence of criminal activity is discovered, the investigator shall document his or her findings to that point and refer the investigation to the office of the Chief of Police for evaluation (see Internal Affairs).
- f. Although handled differently, both Internal Affairs Investigations and Professional Standards Inquiries shall be considered Internal Administrative Investigations.

11. Investigation of Complaints

- a. The Officer-in-Charge of Internal Affairs shall be responsible for overseeing Internal Affairs Investigations. He or she shall report directly to the Chief of Police.
- b. Line supervisors may investigate minor / routine complaints such as rudeness, tardiness, and insubordination. Allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct will be considered internal affairs investigations and handled by the Department's internal affairs function. Investigations of all complaints will be reviewed by the internal affairs function.

- c. When a department employee is notified that he or she is the subject of an internal affairs investigation and before [s] he is questioned or directed to submit a report, such employee shall be issued a written statement of the allegations and the employee's rights and responsibilities relative to the investigation. This statement should include sufficient information to reasonably apprise the employee of the allegations.
- d. The investigator shall be responsible for providing the Chief of Police with status reports on the progress of the investigation every seven (7) days. These reports shall contain all pertinent information relating to the progress of the investigation.
- e. If the substance of a complaint, if proven, would be of grave nature or is an accusation of a serious crime and immediate action is deemed necessary, the Chief, or the superior officer designated by the Chief, shall be notified forthwith in order that an investigation can be initiated without delay.
- f. Any Administrative investigation must be commenced immediately upon receipt.
 - i. If extenuating circumstances preclude completion within thirty (30) days, the investigator shall request an extension from the Chief of Police in writing, and provide written notification to the employee (if previously notified of the complaint and investigation) and complainant of the delay.
 - ii. If the investigation is not completed within thirty (30) days, the complainant shall be provided a progress report every thirty days until the completion of the investigation.
[52.2.4(b)]
 - iii. The department shall complete an internal affairs investigation into officer misconduct and issue a final disposition within one year of receiving a complaint or notice from the commission of the complaint being filed. The commission may, upon showing of good cause, extend the time to complete the investigation.**52.2.3**
 - iv. 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 ability and fitness to perform of his or her official duties.
 - v. Criminal Proceedings: 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.

- vi. Prior to being subjected to custodial interrogation regarding alleged personal involvement in criminal activity, a department employee who is the target of a criminal investigation, shall be given Miranda warnings and rights, including the right to have an attorney present during questioning. No Departmental discipline shall result from the invocation of this right.
 - vii. If the above-mentioned procedure is followed, any voluntary statement made thereafter could be admissible in a criminal proceeding, and it may otherwise be used for departmental disciplinary purposes.
 - viii. Before a Department employee is compelled to answer potentially incriminating questions, under the threat of discipline, he or she must be granted valid and effective transactional immunity. An employee cannot be disciplined for refusing to answer questions when such answers could result in a criminal prosecution. However, as discussed below, an employee may be compelled to answer those questions narrowly drawn and related to his on- or off-duty conduct, and may be disciplined (including discharge) for failure to answer truthfully.
5. Departmental Disciplinary Action: 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.
 6. Subject to applicable law, all Departmental 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 conduct which affects their fitness or ability to remain in the police service, and any failure to answer completely and truthfully to such inquiries may be punished by appropriate disciplinary action, including dismissal from the Department.¹

¹ Carney v. Springfield, 403 Mass. 604 (1988)

- The official conducting the interrogation must specify at the time of the interrogation, 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.²
- 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 shall receive transactional immunity from criminal prosecution for any offenses to which the compelled testimony relates.
- 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.”³
- 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 then [s]he must answer or face disciplinary action, including dismissal from the department, for refusing to answer such questions.
- The Chief shall secure a written grant of transactional immunity from all potential prosecutorial entities (i.e. Attorney General, District Attorney, United States Attorney). An employee may decline to answer questions in a criminal investigation until such documentation is received.⁴

² Carney v. Springfield, 403 Mass. 604 (1988).

³ Carney v. Springfield, 403 Mass. 604 (1988).

⁴ Carney v. Springfield, 403 Mass. 604 (1988).

7. 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.”
8. Questioning/Investigation: In conducting internal administrative investigations, in the absence of a requirement in a collective bargaining agreement, there is no legal obligation for the Police Department to provide Department employees with an opportunity to consult with an attorney before being questioned on work-related matters;⁵ however, a request for an attorney or an employee representative to be present will be granted if the investigation is not thereby unduly delayed.
 - 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.
 - A Department 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 should be employed, consistent with legal requirements and all necessary concern for the individual rights of the accused employee.
 - An internal administrative investigation should be conducted with the same degree of professional competence as is devoted to a criminal investigation.
 - Upon orders of the Chief of Police or his/her designee, an employee may be required to submit to

⁵ NLRB v. Weingarten, 420 U.S. 251, 95 S.Ct. 959 (1975)

a medical or laboratory examination, at the Department's expense. This examination must be specifically directed and narrowly related to a particular administrative internal investigation being conducted by the Department.

- Identification: A police officer may also be required to be photographed and can be compelled to stand in a lineup for identification in connection with an administrative investigation, and a refusal can be the basis for an additional disciplinary charge for refusal to obey a lawful order. Such a lineup should be fairly constructed, should not be unfairly suggestive, and should not be used for an administrative investigation where criminal charges are contemplated.
- 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.⁶
- Department property furnished to the officer, such as desks, lockers, or vehicles, in which it is clearly understood in advance that an officer has "no expectation of privacy," may be searched without a warrant.
- Financial Disclosure: A police officer may be compelled to submit a financial disclosure statement as part of an administrative investigation provided such statement is material to the investigation being conducted.⁷
- Under the provisions of G.L. c. 149 § 19B, police officers may be required to submit to a polygraph or lie detector test administered by a law enforcement agency in connection with a departmental internal affairs investigation of criminal activity, and under

⁶ Board of Selectman of Framingham v. Municipal Ct. of Boston, 373 Mass. 783 (1977)

⁷ O'Brien v. Mun. Court, 10 Mass. App. Ct. 851 (1980).

such circumstances, officers may face disciplinary action for refusal. ⁸

- Recording Interviews: If possible, the complete interview with an employee in all internal administrative investigations should be recorded electronically or by a qualified stenographer.

9. Interviews Without Union Representation

In the event that the investigator wishes to interview a FPOU member but not allow him or her to be assisted by a union representative, the investigator will, in advance of the interview, provide the employee with a letter stating as follows:

- "You are hereby ordered as a condition of employment to attend an interview on____(identify the date and time);
- "The subject of the interview shall be an Investigation concerning____(fill in the blank);
- "You will not be permitted to be assisted by a union representative during the interview"; and
- "You will not be subject to any discipline in connection with the Investigation."

The City will at the same time provide the FPOU with a copy of the letter. The date specified for the interview shall be sufficient to allow the employee to seek assistance in determining whether to assert his/her rights under Carney v. Springfield and its progeny.

10. 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.

⁸ G.L. c. 149 § 19B.

- a. 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.
- b. 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.

12. Report of Investigation

- A. At the conclusion of any administrative investigation, a full written report shall be prepared for submission to the Chief which shall include the following:
 1. The original complaint report;
 2. Any additional statements taken from the complainant or statements obtained from witnesses;
 3. Any statements made or reports submitted by the Department employee under investigation;
 4. A summary of all evidence gathered;
 5. Any mitigating circumstances; and
 6. An evaluation of the complaint and a definitive statement as to whether the charges made by the complainant were:
 - a. **Sustained**: sufficient evidence exists to warrant a finding that the accused employee committed all or part of the alleged act of misconduct.
 - b. **Not Sustained**: after investigation there was inadequate or insufficient evidence;
 - c. **Unfounded**: the alleged act did not occur;
 - d. **Cleared**: the alleged act occurred but was justified,

legal, and proper.

- B. Upon receipt of the report of investigation, the Chief should take further action as is necessary based upon findings in the particular case.
- C. Based upon the thorough review of all the evidence available at the time, the Chief of Police will adjudicate each complaint. [52.2.8]
- D. 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.
- E. Every person who has filed a complaint against an employee shall be notified promptly as to the final results of the investigation, personally if possible, or otherwise by mail. [52.2.4(c)]
- F. If a disciplinary hearing is deemed necessary, the complainant shall be notified that his/her testimony will be required at that time.

II. Confidentiality of Administrative Investigations

- A. All records relevant to a Professional Standards Inquiry/Internal Affairs investigation against the Department or its employees shall be kept strictly confidential. Materials relevant to that investigation shall be kept under lock and key by the Officer-in-Charge of Internal Affairs. No statement regarding a Professional Standards Inquiry/Internal Affairs investigation will be made or issued to the media unless the charges have been sustained and action has been taken or initiated against the officer or employee. Any such statements made or issued to the media shall be limited to the release of:

1. The employee's name and rank;
2. The nature of the complaint;
3. Charges (if any); and
4. Disposition, and

Information regarding any disciplinary action or corrective measures taken shall not be released. See G.L. c. 4, § 7, Cl. 26th (c).

- B. The Officer-in-Charge of Internal Affairs investigations shall see that all records and reports of such investigation are maintained in a secure area in order to ensure confidentiality.

III. Liaison with District Attorney

- A. Any internal Affairs investigation which may, or does, result in criminal charges being brought against an officer shall require the District Attorney's or Attorney General's office to be apprised of the case for the purpose of advising on legal issues and ultimate prosecution, if necessary. Contact shall be made through the Officer-in-Charge of Internal Affairs.

IV. Corrective Action

- A. When a complaint is sustained, a determination will be made as to the corrective action taken. Corrective measures include, but are not limited to, retraining, psychological intervention, reassignment, oral reprimand, written reprimand, punishment duty, reduction in rank, suspension, and discharge.
 - 1. Remedial Training
 - a. Remedial training and other corrective measures, may be recommended by a ranking officer based on direct observations, citizen complaints, or performance deficiencies observed during the inspections process. The goal of remedial training is to provide employees multiple opportunities to succeed at meeting Departmental standards. Should a deficiency in an employee's skills, performance, or knowledge arise, the employee shall be considered for remedial training. Recommendations for such training will be directed to the office of the Chief of Police. If this type of training is necessary, it will be assigned and coordinated through the Officer-In-Charge of Training. Remedial training assignments shall be made in accordance with applicable provision of relevant collective bargaining agreements.
 - b. Some examples of remedial training are in-house supervisory mentoring, in-house field training, and formal training by outside agencies.
 - i. The level, type, and length of training will be decided on a case-by-case basis. Employees who, after undergoing corrective measures, still lack the fundamental skills, knowledge, or abilities, which are necessary for the performance of the employee's

assignment, may be transferred to a position (if one exists) not requiring such attributes. Upon the completion of remedial training, an employee's failure to satisfy departmental standards may constitute just cause for termination, in accordance with G.L. c. 31 § 41.

2. Counseling

At those times that a supervisor recognizes a minor problem with an employee or the potential for such a problem, he/she may choose to discuss the matter with the employee and attempt to remedy the situation before more stringent disciplinary methods are required. A notation of the counseling will be made in the employee's LEFTA Employee Conduct file. The supervisor will notify, in writing, the Chief of Police, via the chain-of-command, of the circumstances and reasons necessitating such action.

3. Oral Reprimand

To be issued by supervisors, for minor violations such as improper uniform or tardiness; they are simply spoken censures. A notation that an oral reprimand was issued will be made in the employee's LEFTA Employee Conduct file. The supervisor will notify, in writing, the Chief of Police, via the chain-of-command, of the circumstances and reasons necessitating such action. Such reprimands will be given on an informal basis.

4. Letter of Counseling

To be issued by supervisors to document counseling of an employee regarding work performance or compliance with policies, procedures, rules, regulations, and/or the law. These letters should be used in situations where an employee's conduct or pattern of conduct borders on inappropriate or is of such a nature as not to warrant a formal written reprimand. If the Chief of Police substantiates the allegation after review, a copy shall be placed in the officer's Professional Standards/Internal Affairs file.

5. Written Reprimand

To be issued by any supervisor for minor offenses committed by officers for whom oral reprimands have proven ineffective, or for offenses the supervisor deems more serious. If the Chief of Police substantiates the allegation after review, a copy shall be placed in the officer's Internal Affairs folder or Professional Standards Inquiry File (depending on nature of offense).

6. Punishment Duty for Civil Service Employees

Punishment duty shall not be imposed without just cause. An officer upon whom punishment duty is imposed shall, within 24 hours of the imposition of such punishment duty, be given a copy of G.L. c. 31 § 41-45, § 62, and a written notice stating the specific reason for the imposition of such punishment duty and the duration thereof and informing him that he may, within 48 hours of receipt of such notice, request in writing a hearing by the Chief of Police. Punishment duty shall not be imposed upon any police officer without the officer's consent.

7. Suspension (More than 5 days, or demotion, transfer, discharge for disciplinary reasons) of Civil Service Employees

Before such action is taken, such civil service employee shall be given a written notice by the Chief of Police, which shall include the action contemplated, the specific reason, or reasons, for such action, the effective date, and a copy of G.L. c. 31 § 41-45 and shall be given a full hearing concerning such reason(s) before the Chief of Police or a hearing officer designated by the Chief. A statement of benefits that the employee is entitled to will be prepared by the City's Human Resource Division.

8. Suspension (5 days or less) of Civil Service Employees

Within 24 hours after imposing a suspension for 5 days or less, the person imposing the suspension shall provide the suspended civil service employee with a copy of G.L. c. 31 §41-45, and with a written notice stating the specific reason(s) for the suspension and informing him/her that [s]he may within 48 hours after receipt of such notice, file a written request for a hearing before the Chief of Police on the question of whether there was just cause for the suspension.

V. Investigative Files Retention

Files of Professional Standards/Internal Affairs shall be filed separately and maintained in accordance with the Records Retention Schedule as set forth by the Massachusetts Supervisor of Public Records.

VI. Post Commission

1. Officers' disciplinary records related to misconduct are not prohibited from disclosure as a public records exemption. **26.1.8, 52.1.2 (2)**
2. The Department will 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 to be promulgated by POST.

52.1.2 (7)

3. The agency shall within two (2) business days of their receipt of a complaint alleging the misconduct of an officer from a member of the public, from personnel at the agency, or from any other source, for all complaints that are of the type described in 555 CMR 1.00/1.01(1)(a) transmit a description of the written complaint and a copy of any written complaint to the division of standards, and provide the following information, if known, in a form to be prescribed by the commission.

52.2.9 (1)

4. Referral of complaints within the agency related to violations of minor matters under the agency's informal resolution procedure that fully complies with the minimum requirements for such policies as set out by the POST Commission. **52.2.9 2A** Complaints of minor violations are to be made available to the commission upon request or under any policy the commission may establish. **52.2.9 A I**
5. All complaints that are not minor in nature are to be submitted to POST's Division of Standards. **52.2.9 2B**
6. Upon completion of the internal investigation, the head of the agency shall immediately transmit an investigation report signed by the investigator to the division of standards, in a form to be prescribed by the division of standards, which includes all required information as set forth by the division of standards. **52.2.9 2C**
7. Upon determining the final disposition of the complaint and final discipline to be imposed by the agency, if any, the head of the agency shall immediately transmit to the division of standards a final report in a form to be prescribed by the commission, which shall include all required information as set forth by the division of standards. **52.2.9 2D**
8. If an officer resigns prior to the conclusion of an internal investigation by the agency or prior to the imposition of agency discipline, the head of the agency shall immediately transmit to the division of standards a report in a form to be prescribed by the commission, which shall include the minimum information as set forth by the division of standards.

52.2.9 E