

TOWN OF TRURO

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POLICY MEMORANDUM #39

Date: January 29, 2008; rev 9/13/2022*

**This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.*

Subject: **DIRECTION OF THE POLICE DEPARTMENT**

General

The Truro Police Department is established under Chapter 41: Section 97 - *Police Departments; Chief of Police, Powers and Duties* - of MGL Part I Title VII. The authority vested in the Select Board, by this Section, is to establish a Police Department “under the direction of the Select Board”. This Policy Memorandum, thereby, establishes the policy and procedures by which the Select Board will effect such direction.

The Employment Agreement between the Town and the Chief of Police defines the terms and conditions for the Chief of Police position.

Select Board Authority and Responsibilities

The Employment Agreement between the Town and the Chief of Police, states: “The Select Board shall appoint the Chief of Police and work with him to set administrative policies of the Department. The administrative control of the Police Department shall remain at all times with the Chief of Police”.

Section 97 states: “The Select Board may make suitable regulations governing the Police Department and the officers thereof”. The Truro Select Board is, thereby, responsible for the maintenance and revision of the document titled *Truro Police Department Rules and Regulations*, as contained in the *Truro Police Department Manual*, with the assistance and cooperation of the Chief. During the fourth quarter of each year, the Board will schedule a joint session with the Chief to review the current content of the Manual and the potential need for its revision. If the need for a more immediate revision is identified, either the Board or the Chief can schedule a more timely session.

Generally speaking, the purview of the Select Board is in the areas delineated by the *Rules and Regulations* of the *Manual*. The remainder of the content of the *Manual* – known as the department procedures, is within the purview of the Chief. The Chief, as with all Town Department Heads, prepares the annual budget for his department and submits it for preliminary review and discussion to the Town

Administrator. Once that review process is completed, the Chief will meet with the Select Board to further review the draft budget. The Board has the right of approval for the final department budget to be submitted to Town Meeting, as an integral part of the Town budget.

The Board is responsible for the negotiation and enforcement of the Employment Agreement between the Town and the Chief of Police and the Town and the Police Lieutenant (in consultation with the Chief). Negotiation of Employment Agreements with the Chief and the Lieutenant shall be conducted by two currently-serving Select Board, appointed by a majority of the Select Board, with the assistance, at a level determined by the Board, of the Town Administrator. The appointed Select Board negotiate the terms of the Agreement, after consultation with the Board, and report to the Board on the status of the negotiations and to seek further guidance, if necessary. The approval of the final Employment Agreement requires a vote of the full Select Board.

As defined in the Employment Agreement between the Town and the Chief (paragraph 16) the Town, i.e., Select Board, shall annually review and evaluate the performance of the Chief at the Board's last meeting in the month of March. This review and evaluation shall also finalize the goals and objectives, as jointly developed by the Board and the Chief, for the following calendar year. The review and evaluation shall be conducted in Executive Session, but shall be publicly disseminated after the Chief is afforded an opportunity to comment on its content. A copy of the current evaluation form is appended to this document.

The Board will review and approve or reject any Police Department grant applications for non-discretionary use of funds in excess of \$20,000 and all grant applications, no matter the amount, for the discretionary use of funds.

The direction of the Police Department, through the Chief, shall be performed by the full Select Board. Individual Select Board members have no unilateral authority in this regard.

Police Chief Authority and Responsibilities

As stated in the Employment Agreement between the Town and the Chief, the Chief maintains administrative control of the Police Department. The Chief directly administers and supervises the entire Department and its staff. Section 97 further states: "The Chief of Police shall be in immediate control of all Town property used by the department and of the police officers."

The duties of the Chief of Police are detailed in paragraph 1 – *Duties*, of the Employment Agreement and are enumerated in specific sub-paragraphs A through L. The Chief will also serve as a Constable and Keeper of The Lockup.

The Chief of Police shall provide a written and oral report to the Board of Selectmen at the third Board meeting of each calendar quarter, unless rescheduled by mutual agreement of the Board and the Chief. The Report shall include, at a minimum, the activities of the Department for the previous quarter and any topics specifically requested by the Board. Either the Board or the Chief may also introduce any issues for discussion at these meetings. The intent to discuss such an issue and all material associated with it, shall be available to all parties at least 24-hours prior to the meeting. Either the Board or the Chief may request and schedule additional meetings at any time in order to resolve more immediate issues.

The Chief will review and report on all Curb Cut requests with regard to public safety in the context of the request.

The Chief will report to the Board Liaison (see Section 3, below), at the first convenient time, any of the following incidents:

1. Any citizen complaint that might escalate to the Board or potentially appear in the press,
2. Any on-duty injuries of police officers that adversely impact the officer's performance of his/her duties,
3. Accidents involving police department vehicles resulting in significant damage,
4. Any press release to be issued by the Department,
5. Any press inquiries regarding potential violation of Department Rules and Regulations or any matter that may escalate to the Board,
6. Any other matter that might reasonably reach the Selectmen for comment.

Note: At the Chief's discretion, he need not report any of the above incidents if, in his professional opinion, such reporting might adversely impact a Police Department investigation. Once that potential ends, the Chief will then report the incident, if it is still appropriate.

Such reports will be transmitted by the Chief to the Board Liaison, either by email message or by direct communication, as appropriate. The Board Liaison will be responsible for the forwarding of all such reports to the other Board members. In the absence of Board Liaison availability, the report will be given to the Town Administrator who will forward it to all Board members.

Board Liaison

The Select Board shall appoint one of its members as the official Board Liaison to the Chief of Police. If such an appointment is not made, the liaison role will default to the Chair of the Select Board.

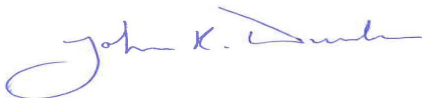
As is the case for all liaison responsibilities, the Board Liaison will interface with the Chief on all matters of mutual concern, outside the context of the reports and meetings defined above. The liaison function is intended to maintain an open and ongoing line of communication between the Board and the Department and should serve as the conduit for discussion of matters identified by either party. In addition to ad hoc meetings, as needed, between the Liaison and the Chief, the Liaison and the Chief shall routinely meet monthly at a time mutually convenient. The Liaison will report the content of all meetings, ad hoc and scheduled, to the Board at their next regularly scheduled meeting.



Kristen Reed, Chair



Robert Weinstein, Vice-Chair



John Dundas, Clerk



Susan Areson



Stephanie Rein
Select Board
Town of Truro