



MBTA Transit Police

DEPARTMENT MANUAL	
CHAPTER 101	
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General Order No. 2016-19

SUBJECT STANDARDS OF CONDUCT Standards of Conduct	
REFERENCES CALEA 1.3.1, 11.3.2, 26.1.1 inclusive, 26.1.3, 26.1.4, 26.1.5, 41.2.2	PAGE 1 OF 8

- 1.0 **POLICY.** Both sworn and civilian members of the Department are expected to abide by standards of behavior that are professional and appropriate to the mission of the Department and the integrity of the organization. Behavioral standards have been developed to provide guidance to employees in their conduct. Standards of conduct set forth the rules for behavior at all times. It is expected that once a behavioral standard is set forth or published, it will be followed, at all times, by all employees. {12.2.1 f}
- All Supervisors will immediately report all violations of law committed by employees under their command or control through the chain of command. Furthermore, all Supervisors will report, through the chain of command, violations of Department policies, rules, or procedures committed by employees under their command or control that require further disciplinary action. Failure to do so, in either case, will be considered neglect of duty. The reports will include a recommendation concerning any further action or disposition. {12.2.1 f, 26.1.5}
- 2.0 **REQUIRED CONDUCT.** The following conduct is **REQUIRED** of all MBTA Transit Officers and civilian employees (as noted): {26.1.1}
- 2.1 **LOYALTY AND INTEGRITY.** An Officer shall be faithful to his/her Oath of Office, Oath of Honor, Code of Ethics, the principles of professional police work and the goals, objectives and Core Values of the Department. He/she shall not allow personal motives to govern his/her decisions and conduct. The public demands that the integrity of its Officers be above reproach. The dishonesty of a single Officer may cast suspicion on the entire Department. Each Officer must scrupulously avoid any conduct that might compromise the integrity of themselves, fellow Officers, or the Department.
- 2.2 **TRUTHFULNESS.** All employees shall state the truth at all times, whether under oath or not, in giving testimony, submitting reports or in connection with any official order or duties.
- 2.3 **BEHAVIOR.** Officers, whether on or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon himself or herself or the Department. "Conduct Unbecoming an Officer" shall include that which tends to indicate that the Officer is unable or unfit to continue as an MBTA Transit Officer or tends to impair other employees or the operation of the Department. Both sworn and civilian members of the Department shall conduct themselves, at all times, both on and off duty, in such a manner as to reflect most favorably on the Department.

- 2.4 **CONDUCT AND DEPARTMENT.** Both sworn and civilian members of the Department shall be civil, orderly and moral in their conduct, character and habits both official and private.

In the performance of his/her duties, MBTA Transit Officers shall:

- respond directly to his/her post or assignment and patrol diligently until or unless properly relieved;
- control his/her temper at all times;
- exercise patience and discretion;
- not shrink from danger or responsibility in time of peril;
- act with energy, sound judgment, and in the proper exercise of his/her authority;
- maintain in confidence all official information coming to his/her attention; and
- obey all orders and instructions of his/her Superiors.

- 2.5 **ATTENTION TO DUTY.** All sworn and civilian members, while on duty, shall devote their full time and attention to the service of the Department and to the citizens of the community. While on duty, they shall remain awake and alert at all times.

- 2.6 **COURTESY.** As a professional organization, it is the policy of this Department to treat all persons with civility and respect at all times. Both sworn and civilian members shall be tactful in the performance of their duties and are expected to exercise the utmost patience and discretion even under the most trying circumstances. {26.1.1}

- 2.7 **ADDRESSING SUPERIOR OFFICERS.** In addressing or referring to a Superior Officer, his/her title shall be used. The rank and/or title of a Superior Officer will be used when he/she is being addressed or referred. The appropriate salutation when addressing or referring to a Deputy Chief will be "Deputy".

- 2.8 **IDENTIFICATION.** All employees will be issued an official Department identification with the employee's photograph. All Officers shall wear an MBTA Transit Police badge and name tag (when possible) on their outermost uniform garment and carry their police photo-identification card while on duty. Upon request, an MBTA Transit Officer will give his/her badge number and last name. In addition, in accordance with Massachusetts General Law (MGL) Chapter 41 § 98D, Officers shall exhibit their photo-identification upon lawful request for purposes of identification. Plain-clothes Officers will identify themselves to the public while on duty by producing their badge and photo-identification card, except when the withholding of such information is necessary for the performance of police duties (e.g. undercover operations, etc.) or in emergency situations. A request for an Officer's name and badge number will not be used as a factor in determining the appropriate police response to the situation. Other employees, in performance of their official duties, will produce their employee photo-identification card upon lawful request. {22.2.7 a, b}

- 2.9 **CIVIL DISPUTES.** All Officers shall take a neutral position in any dispute of a civil nature, acting only to prevent or control any breach of the peace that may arise.

- 2.10 **COOPERATION WITH OTHER OFFICERS.** Individual Officers shall cooperate with and assist each other at every opportunity and shall refrain from criticism of his/her fellow Officers or Superiors. In time of emergency, Officers are expected to be calm and resolute, and to cooperate with other Officers so that mutual protection may be afforded.
- 2.11 **INTERFERENCE WITH WORK.** Officers shall not interfere with cases assigned to other Officers except with the consent of the assigned Officer. Officers shall not unnecessarily interfere with the work or operation of any unit of the judicial system.
- 2.12 **SALUTING THE FLAG.** All Officers, when in uniform in any public place, shall stand at 'attention' and salute in a military manner at the moment of the passage of the flag of the United States of America, carried in a parade or procession, unless duties at the time make such action inadvisable.
- 2.13 **CRIMINAL COMPLAINT AGAINST AN EMPLOYEE.** Any employee, who learns that an application for a criminal complaint, criminal investigation, a complaint or indictment has been issued against him/her, shall immediately notify their Division Commander or Civilian Manager, in writing.
- 2.14 **SUMMONS, SUBPOENA, OR OTHER NOTIFICATION.** Whenever any sworn or civilian member of this Department receives official notification that he/she is, or will be, legally mandated to appear before any Federal, State, County or Municipal Court, Grand Jury or investigative board or body in any criminal case or administrative hearing (except while acting in a prosecutorial capacity as a member of the Department), he/she shall, prior to testifying, notify the appropriate Division Commander or Civilian Manager, in writing, of the testimony he/she intends to give and, if legally allowable, the nature of the proceedings.

A copy of the summons, subpoena or other legal writ requiring the member's appearance or the submission of his/her records shall be submitted along with the written report.

Upon completion of such testimony, if legally allowable, the member shall submit a summary report of the proceedings and such testimony, as he/she was required to give.

- 2.15 **LICENSE REQUIREMENT.** All Officers are required to possess and maintain an active driver's license valid in the Commonwealth of Massachusetts. The license must be in the employee's possession when operating a Department vehicle.
- If, for any reason, an employee loses his/her right to operate a motor vehicle, they shall immediately notify the appropriate Division Commander or Civilian Manager in writing.
- 2.16 **CONTACT INFORMATION.** All sworn and civilian members shall provide their up-to-date home address and his/her home telephone or cellular phone number for Department records.
- 2.16.1 **CHANGE OF ADDRESS.** Any employee who changes their address or telephone number shall notify the Workforce Planning Coordinator in writing within thirty days.

- 3.0 **PROHIBITED CONDUCT.** The following conduct is **PROHIBITED** for MBTA Transit Officers and civilians and may result in severe discipline up to and including discharge (as noted): {26.1.1}
- 3.1 **CRIMINAL LAWS.** Whether on or off duty, employees shall not knowingly commit any criminal offense under any laws of the United States, the Commonwealth of Massachusetts, or any other jurisdiction in which the employee is present. {26.1.1}
- 3.2 **USE OF DRUGS OR ALCOHOL.** Incorporated herein by reference, is the MBTA Drug and Alcohol Policy and Testing Program, dated August 1, 2001. To access the policy, follow this link. [MBTA Drug and Alcohol Policy](#). {26.1.1}
- 3.2.1 **PRESCRIPTION AND “OVER-THE-COUNTER” MEDICATIONS (SECTION II, B).** All MBTA employees who perform safety-sensitive duties must be fit to perform those duties. Such employees should inform their physician, pharmacist, and/or other health care provider of the safety-sensitive nature of their work prior to obtaining prescriptions or “over-the-counter” medication.

The MBTA, under its own authority, requires that safety-sensitive employees consult with Medical Operations before using prescription or over-the-counter medications that contain alcohol or other substances that may impair their ability to perform safety-sensitive duties. This requirement applies only to safety-sensitive employees, and involves only medications that contain substances that may impair their ability to perform their safety-sensitive duties.

A Medical Operations physician or nurse will make the determination as to whether the employee’s use of the medication could impair the employee’s performance or jeopardizes the safety of the employee, his/her co-workers and/or the public. If Medical Operations determines that the employee’s use of the medication could impair the employee’s performance or jeopardizes the safety of the employee, his/her co-workers and/or the public, the physician or nurse will advise the employee of any job-related restrictions while taking the medication. These restrictions can include a restrictive time frame prior to reporting for work while using the medication, a restriction against performing safety-sensitive job duties, and/or medical disqualification from their safety-sensitive position during the use of the medication. If it is determined that an employee is medically disqualified from all work or certain job duties, the clinic will notify the employee and the employee’s supervisor. The supervisor will not be provided any further information unless the employee requests in writing that his or her supervisor be so informed. The employee will remain temporarily disqualified until cleared to return to work by Medical Operations.

Safety-sensitive employees who fail to report their use of potentially impairing prescription drugs or “over-the-counter medications” to Medical Operations and to obtain clearance from Medical Operations for their on-duty use of such medication in accordance with this section, and who subsequently have a positive drug and/or alcohol screen, are subject to discipline including discharge.

This prohibition extends to taking potentially impairing prescription and over-the-counter medications prior to scheduled duty or published on-call hours (duty rosters). Off-duty safety-sensitive employees who are unexpectedly

called to duty shall have the opportunity to acknowledge the use of such medications or over-the-counter medications.

3.2.2 **ALCOHOL/DRUGS.** Officers shall not purchase, drink or carry alcoholic beverages when on duty, unless it is necessary to gain evidence and upon the order of a Superior Officer. No civilian shall purchase, drink or carry alcoholic beverages when on duty. Both sworn and civilian members are prohibited from consuming alcohol four (4) hours prior to reporting for duty and during the entire workday. An employee is "on duty" or "subject to duty" within the meaning of this provision: {26.1.1}

- on his/her regularly scheduled days of duty;
- from the time he/she arrives on the property of a duty reporting assignment, until the time he/she completes his/her work assignments and leaves the property;
- when reporting to the MBTA clinic for medical evaluation;
- when the employee has volunteered or has been assigned extra work on his/her day off, vacation, etc;
- while on an "on-call" status; and
- while involved in MBTA business while not on MBTA property.

Sworn and civilian members, while off duty, should refrain from consuming alcoholic beverages to the extent that it results in behavior that would tend to discredit them or the Department. Officers, off-duty, shall not purchase or consume alcoholic beverages in public places while wearing the uniform of the Department or while wearing any part of the uniform which could indicate that they are employees of the Department.

Unauthorized use of controlled substances shall be grounds for disciplinary action up to and including discharge. Employees shall not use any prescription drugs, controlled substances, narcotics or hallucinogens except when prescribed in the treatment of the employee by a registered physician or dentist. Prescription drugs, controlled substances, narcotics or hallucinogens shall mean any substances so defined in [MGL, Chapter 94C](#). {26.1.4 c}

3.3 **USE OF OFFICIAL POSITION.** Sworn and civilian members shall not use their official position, MBTA Transit Police badge (Officers), MBTA Transit Police Department identification or MBTA pass: (a) for personal or financial gain; (b) for obtaining privileges not otherwise available to them except in the performance of duty; or (c) for avoiding consequences of illegal acts. Employees shall not lend to another person their badges (Officers), MBTA Transit Police Department identification cards, or MBTA pass, or permit them to be photographed or reproduced without the written approval of the Chief of Police. Sworn and civilian members shall not authorize the use of their names, photographs or official titles which identify them as Officers or Department employees, in connection with testimonials or advertisements for any person, commodity or commercial enterprise, without the approval of the Chief of Police. {26.1.1}

Sworn and civilian members of the Department shall not directly or indirectly be concerned with making any compromise or arrangements between criminals,

arrested persons, or others alleged to be involved in criminal activity and persons who have suffered by their acts.

3.3.1 **INVESTIGATIONS.** Sworn members will not initiate, conduct or participate in any criminal investigation that involves a family member, friend or acquaintance, unless authorized by the Chief of Police or his/her designee.

3.4 **UNAUTHORIZED TRANSACTIONS.** Employees shall not enter into any transactions of material value at substantially lower than fair market value, or the value at which such goods or services are being offered to the general public, when such a transaction takes place between themselves and any person involved in any matter or case which arose out of their employment with the Department, except as may be specifically authorized by the Chief of Police.

3.5 **TESTIMONIALS AND PRESENTS.** Employees shall not collect or receive any money or other thing of value from any source for the purpose of making a present to any active employee unless specific permission is granted by the Chief of Police. In accordance with [MGL 268A](#) and the [State Ethics Commission](#), sworn and civilian members of the Department shall not seek or accept such a present, regardless of value, if it is offered in exchange for their agreeing to perform or not perform an official act. Sworn or civilian employees may not ask for or accept anything worth \$50.00 or more from anyone with whom they have had official dealings.

Under the provisions of [MGL, Chapter 268, § 9A](#), no person shall sell tickets or solicit contributions for a testimonial dinner or similar function for any person in active employment in any law enforcement agency or regulatory body of the Commonwealth or any city or town.

3.6 **UNDUE INFLUENCE.** Sworn and civilian members shall not seek or obtain the influence or intervention of any person outside the Department for purposes of personal advantage, transfer or advancement.

3.7 **MEMBERSHIP IN ORGANIZATIONS.** Employees shall not affiliate with or become a member of any organization if such affiliation or membership would in any way impede or prevent their effective performance of duty.

3.8 **DISCOURTESY.** No employee shall conduct him/herself in a manner that is rude, impolite, contemptuous or insolent to or about a Superior Officer, or a fellow employee, or representatives of other agencies, or to the public. {26.1.1}

- employees shall refrain from vulgar, violent, coarse, obscene or profane language; and {26.1.1}
- employees shall avoid any unnecessary conversation and/or argument with a prisoner(s). {26.1.1}

3.9 **USE OF FORCE.** In making arrests or while engaged in the performance of their duties, Officers shall use reasonable force when force is used to accomplish lawful objectives. {1.3.1, 26.1.1}

3.10 **RIDING IN VEHICLES.** While on duty, Officers shall not ride in any personal vehicle unless police business requires such action. (e.g. attending court, detail, etc.) No Officer will use a personal vehicle under any type of emergency conditions. (e.g. vehicle pursuit, emergency response operation, etc.) (41.2.2 d)

- 3.11 **TESTIMONY.** On non-MBTA business, employees shall not testify in any civil case in any court, or for the defendant in a criminal case in any court, unless legally summonsed to do so and/or unless the employee shall have received permission or order from the Chief of Police, Superintendent, or a Division Commander.
- 3.12 **WRITTEN COMMUNICATIONS.** No employee shall send any written communication with reference to police business to any person or department except by authority of the Chief of Police.
- 3.13 **GIFTS AND GRATUITIES.** Employees shall not, under any circumstances seek, solicit or accept any gift, gratuity, loan, reward or fee where there is any direct or indirect connection between the solicitation or acceptance and their Department membership or employment, except as may be specifically authorized by the Chief of Police. {26.1.1}
- Employees must be especially guarded in their official relationship with persons holding or seeking to hold licenses issued by local licensing authorities, who might expect or seek preferential police treatment. All Department personnel must offer and are expected to make payment for their meals and beverages.
- Any unauthorized gift, gratuity, fee or reward coming into the possession of any employee shall be forwarded forthwith to the Chief of Police, together with a written report of the circumstances connected therewith.
- 3.14 **RECOMMENDING PRIVATE SERVICES.** Employees shall not officially or unofficially recommend or suggest to the public, the employment or purchase of any particular professional or commercial service or product (e.g. lawyers, bondsmen, undertakers, towing services or burglar alarm companies).
- 3.15 **TOBACCO USE.** The use of any tobacco or a similar type product (e.g., cigarettes, cigars, chewing tobacco, snuff, etc.) is prohibited while on duty. Officers hired after January 1, 1988, are prohibited from smoking any tobacco product per [MGL, Chapter 31, § 64](#).
- 3.16 **POLITICAL ACTIVITIES.** Officers are prohibited from participation in political activities while in uniform. All actions that could even give the impression that an Officer is using his/her official position with the Department to influence the electoral process are to be avoided. Officers shall not be required to solicit or be obliged to make contributions in money, services, or otherwise, for any political purpose.
- 3.17 **ASSOCIATIONS WITH CRIMINALS.** Employees will avoid any or regular continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who are convicted felons. The only exceptions are where such association is necessary in the performance of official duties, with the knowledge and approval of the Chief of Police, or where unavoidable because of immediate family relationships.
- 3.18 **HARASSMENT.** Employees shall not participate in any form of discriminatory practice, to include harassment based on an individual's gender, race, color, national origin, religion, age, disability, sexual orientation, or other legally protected class or characteristic. At the time of employment, and thereafter, annually, each employee shall be issued a written copy of the MBTA Policy and Procedures for the [Prevention of Harassment in the Workplace](#) (in compliance with [MGL, Chapter 151B, § 3A](#)). Said Policy is herein incorporated by reference. {26.1.3}

In cases where the offending party is in the complainant's chain of command, employees may make a complaint to a position superior to the offender, to the Authority's Office of Diversity and Civil Rights, or to the Massachusetts Commission Against Discrimination, at their discretion. {26.1.3}¹

Sections 2.7, 3.0, 3.5, 3.15 revised 8/2006
Section 3.1 added 8/2006
Section 2.8 revised 2/2008
Section 3.9 revised 3/8/2011
Section 2.8, 2.13 11/9/2011
Section 2.7 revised 6/27/2012
Section 2.7 revised 6/3/2014
Section 3.11 revised 4/22/16