



## *North Eastern Massachusetts Law Enforcement Council (NEMLEC)*

**Policy Number: 20**

**Effective Date: 11/19/2012**

**Subject: NEMLEC MEMBERSHIP OBLIGATIONS AND ACCOUNTABILITY STANDARDS**

**Pages: 7, four addendums**

**Accreditation Standards: 11.3.1, 11.3.2, 11.4.1, 11.4.5**

**Mass. Gen. Law: MGL 40 s8G, MGL 40 s99**

### **General Considerations**

The North Eastern Massachusetts Law Enforcement Council (NEMLEC) was founded in 1963 with the intent of providing mutual assistance and aid and resource sharing among the original eight member police departments. The first important and unshakable principle of the newly created mutual aid organization was, and still is today, that the local chief of police retains control of any incident or event at which NEMLEC provides support. Since 1963 the membership of NEMLEC has grown to include forty-eight police departments and two county sheriff's departments. The original principles of NEMLEC are still valid today and in fact have been reinforced through a formal memorandum of agreement, adopted in accordance with the provisions of Massachusetts General Law Chapter 40, section 8G, Chapter 41, section 99 and other relevant provisions of the Massachusetts General Laws. The second important foundation principle is that member communities support each other through NEMLEC by means of dues and the sharing of personnel, resources, and knowledge. These two core principles are vital to our mission of supplementing member agencies' capabilities, and are the basis of how we provide assistance to our members.

### **Purpose (of policy):**

This policy is intended to define the obligations and standards that NEMLEC member law enforcement executives and organizations must meet to maintain their active membership and receive full member benefits. This policy defines and addresses the duties and responsibilities of member law enforcement agencies, the agency chief law enforcement officer and agency personnel who are accepted into NEMLEC units or resource teams. Finally, this policy will describe how membership will be held accountable for failing to meet the aforementioned obligations and standards.

## Key Terms & Definitions

CLEE	Chief Law Enforcement Executive, such as a Chief of Police, Superintendent of Police, Police Commissioner, Sheriff or Marshall
Call-out	A critical incident within a NEMLEC jurisdiction that requires supplemental support from one or more NEMLEC units. Attendance is mandatory for unit personnel. <i>Non-NEMLEC jurisdictions may be excepted in the event of a major emergency, with the approval of at least two members of the Executive Board.</i>
Training	A regularly scheduled training day for unit members. All unit personnel are required to attend.
Planned Event	An event that is planned in advance that calls for additional public safety services from one or more NEMLEC units. Attendance is optional for unit personnel. NEMLEC communities may offer reimbursement, specified at time of planning; requests for assistance from Non-NEMLEC member agencies will be reimbursed by requesting agency.
Unit	<p>A NEMLEC Unit receives unit designation by vote of the Executive Board after consensus by the General membership. A unit, for the NEMLEC purposes will be defined as specified number of individuals who can act simultaneously and in a coordinated fashion; following established and accepted policy, procedure and protocols; utilize best practices for their specialty which can be identified through unit experience, collective best practices from similar units; and adhere to a frequent training regime as proscribed by unit needs, skills and knowledge. NEMLEC units meet the following criteria:</p> <ul style="list-style-type: none"> <li>• Have a command structure, hierarchy in accordance with NEMLEC policy having a Control Chief, Asst Control Chief, Officer-in-Charge and Executive Officer at a minimum.</li> <li>• Designated by Vote</li> <li>• Provide supplemental operational public safety services</li> <li>• Callout response is mandatory</li> </ul> <p><i>Current NEMLEC units are Computer Crime, Motor, Regional Communications, RRT/SWAT (Regional Response Team/Special Weapons and Tactics), and School Threat Assessment and Response System (STARS).</i></p>
Resource	A NEMLEC Resource is an individual or team of individuals that can provide specialized knowledge or skills in support of member agency efforts, initiatives, or investigations. A Resource is available for the effective support of Units, the NEMLEC Executive Board a NEMLEC Standing Committee or a member agency dealing with a specific situation. Examples of resources include, but are not limited to,

	<p>professional standards, detectives, canine officers, ATVs, officers with second language fluency/interpreters, sketch artists, drug recognition experts, etc.</p> <ul style="list-style-type: none"> <li>• No required defined team leadership structure</li> <li>• Callout response is voluntary</li> <li>• Provides specialized skill or knowledge to member agencies</li> </ul>
Suspended NEMLEC Benefits	For the purposes of this policy, this refers to all benefits with the exception of emergency callouts for RRT/SWAT or STARS incidents.
FMLA	Family and Medical Leave Act. Personnel may be on this authorized leave of absence, which provides certain employees with up to 12 weeks of unpaid, job-protected leave per year.
ILD	Injured Line of Duty. Applies to personnel who are on authorized extended leave due to work-related injury.

**Policy:**

**1.0 Communities**

1.1.A community must have accepted the provisions of MGL Chapter 40, Section 8G.

1.2. Once a law enforcement agency is accepted as a member of NEMLEC, its chief law enforcement and town/city executives shall sign the NEMLEC Interagency Mutual Aid/Assistance Agreement (Addendum A), STARS Memorandum of Agreement (Addendum B) and other documents as required.

1.2.1. A new Mutual Aid Agreement will be executed in the event a chief law enforcement officer changes.

1.3. The member community will support its law enforcement agency and its chief law enforcement executive in achieving agency accreditation or certification in accordance with the Massachusetts Police Accreditation Commission Inc., or other applicable accreditation body.

**2.0 Chief Law Enforcement Executive Responsibilities (CLEE)**

All NEMLEC member chiefs shall be responsible for ensuring CLEE, personnel, and agency responsibilities are met.

2.1 The chief law enforcement executive must co-sign all required documents, as described in 1.1 above.

2.2 The CLEE must agree to follow the provisions of the documents described in 1.1. above: NEMLEC's Mission Statement and all NEMLEC policies, procedures, standards, protocols, covenants and mutual aid agreements,

that may be entered into from time to time, to assist non-NEMLEC law enforcement agencies.

- 2.3 The CLEE will ensure that his or her agency annual dues are paid. by September 30<sup>th</sup> of every fiscal year.
- 2.4 The CLEE shall take all reasonable efforts to become accredited by the Massachusetts Police Accreditation Commission, or other applicable accreditation body, in a timely fashion and shall remain compliant with accreditation standards and requirements.
- 2.5 The CLEE must ensure that his/her agency is in compliance with Presidential directives, FEMA and MEMA regulations regarding NIMS and ICS.
- 2.6 The CLEE shall ensure that his or her agency meets the unit membership commitment of 10% of its sworn full time members to an operational unit or resource team. Service options and values are included in Addendum D.
  - 2.6.1. Demonstrated resource sharing may be used as a defense in the event a member's required obligation to NEMLEC is not being met and is the subject of a Standards Committee review.
- 2.7 The CLEE further agrees and understands that he/she is expected to attend all NEMLEC general membership meetings.
- 2.8 CLEEs who have volunteered to serve on the Executive Board, committees, or units must maintain a 75% meeting attendance rate to maintain credible service and credit towards commitment obligation.
- 2.9 CLEE is responsible for ensuring assigned officers are aware of their responsibilities as a unit member and that they attend all required trainings and callouts. The CLEE is responsible for taking corrective action if any officers falls below the mandated 75% attendance rate
  - 2.9.1 The Standards Committee will periodically examine attendance records to ensure compliance. If advisable, the Standards Committee may make recommendations for corrective action to the Executive Board.

### **3.0 Sworn Law Enforcement Personnel Responsibilities**

Unit commanders must notify all unit personnel of the duties and responsibilities of unit membership. Commanders will conduct briefing annually during the first training of the calendar year, and as needed to review member obligations. Additionally, all members will acknowledge by signature (Addendum C) their understanding and acceptance of their obligations as a unit member.

- 3.1 Sworn law enforcement personnel from member communities who serve on NEMLEC operational units or resource teams must be members in good

standing with their parent agency. Any team member discovered not in good standing will be suspended or terminated.

- 3.2 Sworn law enforcement personnel who wish to serve on a NEMLEC operational unit or resource team must adhere to all NEMLEC standards and expectations and operational unit or resource team standards and expectations, to include following the application process.
- 3.3 Operational unit and/or resource team members serve at the pleasure of their CLEE and the NEMLEC organization.
- 3.4 Operational unit or resource team members are obligated to attend all regularly scheduled trainings and all callouts as directed by unit leadership. Members who fall below a minimum attendance rate of 75% for training or call-outs or fail to comply with unit or team policies, procedures, protocols, operation plans, action plans, orders, or are insubordinate shall be held accountable:
  - 3.4.1 The operational unit or resource team commanding officer and or control chief shall review member violations and take appropriate action which includes the following:
    - 3.4.1.1 Verbal notice is given by the commanding officer that they are out of compliance and must take corrective action. The commanding officer shall document when and where this notification has been given.
    - 3.4.1.2 Written notice is given by the commanding officer to the unit/resource team member and member's CLEE that they are out of compliance, are at risk for suspension, and must take corrective action.
    - 3.4.1.3 Suspension. Written Notification of suspension is given by the control chief to the unit member and the member's CLEE. May include a written improvement plan and follow-up reviews. A unit member may be assigned to assist the probationary member in accomplishing the objectives detailed in his or her improvement plan. The commanding officer and control chief will determine the length of suspension. If suspension exceeds 90 days, member must reapply for membership.
      - 3.4.1.3.1 Probation (re-entry). The commanding officer and control chief shall approve re-admittance to the unit/team. Unit member must remain in compliance for one year to close violation.
    - 3.4.1.4 Termination for cause. If a unit or team members infraction(s) rise to a level that requires termination an internal affairs investigation and subsequent report may be required.

3.4.1.5 If a member is placed on probation, suspended or terminated the CLEE of the member's agency shall be provided a detailed notification in writing.

3.4.1.6 Considerations: The member's record of service to NEMLEC will be reviewed and may be considered before a final disciplinary action is implemented.

3.5 Unit personnel who are on an authorized leave of absence (e.g. military, FMLA, ILD) may be excused from this attendance standard.

3.6 Operational unit members who are not compliant with the training and callout attendance standards shall not be permitted to participate in voluntary or planned events.

#### **4.0 Alternatives**

4.1 If a member CLEE notifies the NEMLEC Executive Board that either he or she personally or his or her community/agency is experiencing hardships that impact the agency's ability to meet its dues, 10% membership or CLEE attendance requirement a mutually acceptable short-term solution may be negotiated if desired.

4.1.1. Dues may be waived at the discretion of the Executive Board for no more than one membership year. If a subsequent waiver is requested, the Chief must attend a hearing before the Executive Board and outline the following:

4.1.1.1. Mitigating Factors. A Chief may outline the reasons for continued membership. Factors for consideration would include the rate of participation and service commitment. The Chief should include the anticipated timeframe needed to come into full compliance with membership obligations.

4.1.1.2. Short-term solutions in the interim might be made to negate the dues payment including additional service and/or resource commitment as agreed by the Executive Board on a case by case basis.

4.1.1.3. The Executive Board must notify membership of the second or subsequent waivers, and membership present at the meeting must vote to approve said waivers by a two-thirds majority.

4.2 CLEES are encouraged to run for a position on the NEMLEC Executive Board or volunteer for membership on a NEMLEC committee, unit or an ad-hoc temporary committee.

#### **5.0 Procedures**

5.1 NEMLEC will track and publish annually a report that updates chiefs on the status of their membership commitment.

- 5.1.1 The Second Vice President will notify CLEEs who are falling below their 10% membership commitment.
  - 5.1.2 A member agency may be subject to suspension of benefits if membership commitment is not met.
- 5.2 Membership attendance records will be maintained and reviewed for compliance by the NEMLEC Office who will provide regular updates.
- 5.2.1 The Unit Commanding Officer or his designee will provide attendance rate grids, as provided by the NEMLEC Office, that show fiscal year to date attendance for all unit personnel quarterly to the NEMLEC office.
  - 5.2.2 Operational unit team commanders and or the control chief will notify members and the member's CLEE when they fall below attendance standards or when actions occur such as described in section 3.4.1 above.
  - 5.2.3 If personnel are not compliant and have been suspended, the Second Vice President will notify CLEEs of suspension.
- 5.3 A CLEE and or member agency or associate member agency or institution may be suspended from NEMLEC for persistent - flagrant violation and or disregard of NEMLEC Policies and Procedures, NEMLEC Interagency Mutual Aid/Assistance Agreement or alternate plans that were mutually agreed to.
- 5.4 The Standards Committee may identify when an agency is not meeting their membership requirements. A CLEE or member agency may be subject to corrective disciplinary action to and including the following actions:
- 5.4.1 Verbal Inquiry conducted by the Chair or designee of the Membership Committee.
    - 5.4.1.1 If no corrective action is taken, the Membership Committee will notify the Executive Board through the Executive Director.
  - 5.4.2 Written Inquiry from the Second Vice President that will require a written response that will include, at a minimum, a mitigation plan.
  - 5.4.3 Written notice of potential loss of NEMLEC benefits will be submitted to member CLEE by the NEMLEC President.
  - 5.4.4 The Executive Board will determine if the membership should vote to suspend benefits to a member community.
  - 5.4.5 Written notification of a pending vote to suspend benefits will be provided to members and the subject agency.
  - 5.4.6 An affirming vote of the membership will result in notification by the NEMLEC President to the member of loss of NEMLEC benefits.
- 5.5 A member agency or an associate member agency or institution on suspension may be reconsidered for full or probationary membership once any terms and conditions detail in any improvement action plan have been met.

**Addendum D**  
**Membership Service Options and Values**

Agency Commitment = 10%

Calculation: Total Sworn x 10% = "X", "X" x 8 = Required Number of Hours per Month

<u>Service</u>	<u>Personnel/Agency</u>	<u>Value (hours/month)</u>
<i>Personnel:</i>		
Attendance at Monthly Meetings	Chief	N/A (Required)
Executive Board	Chief	8
E-Board President	Chief	12
E-Board & Required Committee	Chief	12
Committee Chair	Chief	8
Committee Member	Chief	6
STARS Working Group	Chief	6
NEMLEC Foundation	Chief	6
Operational Unit Control Chief	Chief	16
Operational Unit Asst Control Chief	Chief	16
Unit Member – Leader (OIC, EO)	Officer	24 <sup>1</sup>
Unit Member – RRT	Officer	8
Unit Member – SWAT	Officer	16
Unit Member – STARS	Officer	8
Unit Member – Motor	Officer	8
Unit Member F/T – CCU	Officer	24 <sup>1</sup>
Unit Member P/T – CCU	Officer	8
Unit Member – IMT	Officer	8
Tech Committee – User’s Group Team Leader	Officer, Civilian	16
Tech Committee – User’s Group Member	Officer, Civilian	8
<i>Non-Personnel/Other:</i>		
<i>Resource Sharing</i>	<i>No given value (see 2.6.1)</i>	
Dispatch Services	Agency	24
Equipment Storage/ Maintenance	Agency	4
Fleet/Vehicle Hosting: Includes Standard Maintenance – Gas, Oil Changes, Tune-ups, Brakes, Inspections, Tires	Agency	8

<sup>1</sup> It is understood that some unit leadership positions may require more or less than 24 hours a month to perform their duties. This figure is an average across all units.