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Colchester Selectboard
June 23, 2020

ACTION SHEET

Colchester Police General Order #1

RECOMMENDED ACTION: The Colchester Selectboard moves to authorize the Colchester Police Department's General Order #1, which outlines employee requirements, organizational structure, a written directive system, and authority of Department personnel.



COLCHESTER POLICE DEPARTMENT

MEMORANDUM

TO: COLCHESTER SELECTBOARD
FROM: CHIEF DOUGLAS ALLEN
DATE: JUNE 16, 2020
SUBJECT: CPD GENERAL ORDER # 1

The Issue: The issue is whether or not the Selectboard will authorize the Colchester Police Department's General Order #1, which outlines employee requirements, organizational structure, a written directive system, and authority of Department personnel.

As discussed at the Selectboard meeting of June 9, I have reviewed and made changes to CPD General Order # 1 for the board's approval. Attached is a copy of the prior approved GO # 1 with changes and a "clean" copy for your approval.

Areas of change are: inclusion of the position of Deputy Chief in our leadership team; and the board's approval of a rule that requires officers to act to intervene and stop improper behavior by other officers, a requirement to report misconduct immediately, and a requirement to participate in and cooperate in investigations. These requirements were previously contained and remain in other orders; however, it is my recommendation that they also be included in GO #1 which cannot be changed except by the Selectboard.

Background: General order # 1 is also known as "The Police Manual". It contains the structure of the department, our guiding principles, and our rules of conduct. The rules in this order, unlike the other 46 General Orders are issued by the Selectboard and are thus unchangeable by the Police Department. All other General Orders are issued under the authority of the Chief of Police.

CPD's General Orders are derived from a number of sources. VLCT through their insurance provider Property and Causality Intermunicipal Fund (PACIF) of which the Town is a member and owner, provides model police policies that deal with the most common areas of liability for a department. We utilize these model policies as well as model policies from the International Association of Chiefs of Police, and policies from other State and municipal departments to craft what we believe is best for our community.

We also are fortunate to be able to utilize in-house expertise in creating and updating our policies. Deputy Chief Barton's long history with information technology including service as the Chair of the Vermont Information Based Reporting System was instrumental in his creation of our information technology policy and its 10 different

appendices. Our Use of Force (UOF) policy had extensive input from Sergeant Akerlind, the senior UOF instructor for the Vermont Criminal Justice Training Council and our four other instructors in various forms of force.

Critical Policies: Certain policies receive the highest level of attention in updating, drafting and training. VLCT PACIF lists these policies as “critical”:

- Use of Force
 - *“It is the policy of this department to value and preserve human life. Officers shall use objectively reasonable force in response to resistance offered while accomplishing a legal purpose and the use of force will cease once that purpose is accomplished. These purposes include effectively bringing a situation under control, effecting an arrest or detention, and protecting the officer or others”*
- Evidence and Property
 - *“The policy of the Colchester Police Department is to provide for the reasonable safekeeping of all property and evidence that comes into the possession of this agency.”*
- Emergency Vehicle Operations/Pursuit
 - *“All Colchester Police personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to emergency calls for service or engaging in pursuits. Emergency warning devices shall be appropriately used consistent with both legal requirements and the safety of the public and police personnel.”*
- Fair and Impartial Policing
 - *“Colchester PD adopts the State model policy as published by the Vermont Criminal Justice Training Council. This policy is attached and incorporated into our General Order manual.”*
- Workplace behavior (Harassment prohibited)
 - *“It is the policy of the Colchester Police Department (CPD) to maintain a professional work environment free of any type of harassment or discrimination. CPD members shall abide by the Town’s policy prohibiting unlawful harassment and discrimination as found in section 10 of the Employee Handbook”.*

- Citizens' Complaints & Internal Investigations
 - *"Establishment of procedures for investigating complaints and allegations of employee misconduct is vital to maintaining the public trust. It is the policy of this Department to invite citizens to bring forward complaints about the conduct of its employees whenever that citizen believes an employee acted improperly. Complaints regarding all CPD employees will be investigated in accordance with the procedures described herein..."*
- Employee Selection Process
 - *"The Colchester Police Department shall observe...process designed to select the highest caliber candidate possible with the skills, knowledge, and abilities to provide outstanding service to the town of Colchester."*
- Promotions and Transfers
 - *"It is the policy of the Colchester Police Department (CPD) to conduct promotion and transfer processes that are job-related, non-discriminatory and that identify the most qualified member for the vacant position"*
- Criminal Investigations (Search and Seizure)
 - *"...thoroughly investigate all reported or detected crimes through prompt response, proper collection and preservation of evidence, identification of witnesses, apprehension of suspected offenders, and careful preparation of cases for criminal prosecution. Investigations, searches, seizures, arrests, and all uses of law enforcement authority shall be done in compliance with constitutional guidelines, departmental general orders, and the officer's training."*
- Canine Policy
 - *"To maximize police resources, the Colchester Police Department shall attempt to maintain at least one K-9 team that will operate as a component of the Patrol Unit to assist in relevant aspects of police work."*
- Domestic Violence
 - GO # 43 - *"The Colchester Police Department recognizes the seriousness of crimes committed between family/household members. We will respond to and thoroughly investigate all complaints of domestic violence consistent with this policy. We will use appropriate community services and enforcement of the law"*
 - GO # 4 – *"The purpose of this policy is to establish procedures for handling acts of domestic violence committed by employees, to offer specific guidance for handling domestic violence cases involving employees of any law enforcement agency, and for implementing early recognition and prevention strategies."*

- Interacting with Mental Health
 - *“Responding to situations involving persons who officers reasonably believe to be affected by mental illness or suffering from diminished capacity creates a higher level of complexity than normal and requires officers to make difficult judgments and use special skills designed to de-escalate the situation whenever possible. CPD’s primary goal in such encounters is to resolve them in the safest possible manner and hasten the subject’s access to professional resources”*

Our orders are continually under review as necessary to ensure we are operating with clear and concise directives that reflect best practices on a national, state, and local level. Our anti-biased policing order was first created in 2003 and has undergone several revisions to include our interactions with undocumented persons.

We are aware of demands for changes such as a ban on chokeholds as a non-lethal force technique; required language in lethal UOF policy that speaks to the value of life and lethal force only to be used as a last resort to protect someone’s life; requirement for police to intervene and report bad behavior by another officer (currently in several policies but not listed in rules of conduct). All of these issues are already in place at CPD.

Our General Orders have always been accessible to the public. Following approval, GO #1 and will be updated online at: https://clerkshq.com/Content/Attachments/Colchester-vt/policy_police.pdf?clientSite=Colchester-vt. We will also include all other General Orders at this location.

Attached is a listing of our General Orders.

Proposed Motion: The Colchester Selectboard moves to authorize the Colchester Police Department’s General Order #1, which outlines employee requirements, organizational structure, a written directive system, and authority of Department personnel.

GENERAL ORDERS MANUAL CONTENTS AS OF 6/16/2020:

ADMINISTRATIVE ORDERS:

#1	Department Administration	issued
#2	Citizen Complaints & Internal Investigations	issued 7/2018
#3	Performance Evaluations	issued 11/2016
#8	Appearance, Grooming & Inspections	issued 5/2015
#9	Social Media	issued 6/2020
#10	Awards	issued 7/2015
#11	Telephone usage	issued 3/2015
#12	Selection process	issued 2/2018
#13	Promotions & Transfers	issued 2/2018
#16	Media Relations & Public Info Release	issued 5/2016
#17	Exposure Control Plan	issued 4/2015
#18	Reports	issued 2/2016
#21	Harassment Prohibited	issued 2/2018
#25	Computer Systems	issued 3/2016
#28	Purchase of Evidence/Payment to Informants	issued 5/2016
#34	NCIC Policy	issued 4/2018
#36	Fair & Impartial Policing	issued 3/2018
#38	Building Access Control Policy	issued 3/2016
#42	BCI Notification & Referral	issued 9/2014
#47	Peer Support Program	issued 3/2017

GENERAL ORDERS MANUAL CONTENTS AS OF 6/16/2020:

OPERATIONAL ORDERS:

#4	Domestic Violence by Employees	issued 2/2018
#5	Eyewitness Identification	issued 1/2015
#6	Criminal Investigations	issued 4/2015
#7	Body Armor	issued 4/2015
#14	Operation of Vehicles & Pursuit	issued 6/2014
#15	Use of Force	issued 1/2020
#19	Transportation of In Custody Subjects & Holding Facility	issued 2/2016
#20	K-9 Unit	issued 6/2016
#22	Bike Patrol	issued 2/2015
#23	Missing Persons and Search & Rescue	issued 12/2015
#24	Marine Unit	issued 1/2017
#26	Field Training Program	issued 5/2014
#27	Protective Custody of Incapacitated Persons	issued 6/2015
#29	Crisis Negotiations	issued 8/2015
#30	Crash Investigation	issued 1/2020
#31	Unusual Occurrences	issued 12/2015
#32	Response to Alarms	issued 12/2015
#33	Juvenile Operations	issued 5/2015
#35	Mobile Video/Audio Recording	issued 12/2015
#37	Motorcycle Unit	issued 2/2015
#39	Search Warrant Execution	issued 8/2015
#40	Operational Guidelines	issued 5/2015
#41	Interacting with Persons of Diminished Capacity	issued 7/2015
#43	Domestic Violence	issued 7/2018
#44	Automatic License Plate Reader	issued 2013
#45	Property & Evidence Management	issued 7/2019
#46	Use of Naloxone	issued 11/2017

COLCHESTER POLICE DEPARTMENT

SUBJECT: Department Administration

EFFECTIVE DATE: ~~April 12, 2016~~ June 23, 2020
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NUMBER: ~~G.O. #1~~ General Order

REFERENCE: ~~rescinds G.O. 1 & 3-9~~

SPECIAL INSTRUCTIONS: considered "The Police Manual"

REEVALUATION DATE: as needed

APPROVED:

NO. PAGES: 187

POLICY: It is the policy of the Colchester Police Department to clearly delineate the expectations of employees, the organizational structure and written directive system as well as the authority of Department personnel to direct the resources of the organization toward the proper accomplishment of its goals and objectives.

CONTENTS:

- I. Oath of Office
- II. Code of Ethics
- III. Legal Authority
- IV. Use of Discretion
- V. Organizational Structure
- VI. Office of the Chief of Police
- VII. Chain of Command
- VIII. Span of Control
- IX. Employment Records
- X. Guiding Documents
- XI. Direction & Authority
- XII. Department Rules

I. OATH OF OFFICE

All sworn personnel, prior to assuming sworn status, shall be required to take an oath of office to enforce the law and uphold the Constitutions of the United States and the State of Vermont. The oath of office shall be administered by the Chief of Police or his/her designee (official administering oath must be a notary public) and shall become a permanent record maintained in the officer's personnel file. This oath is derived from Chapter II, section 56 of the Constitution of the State of Vermont. [Appendix A]

II. CODE OF ETHICS

All sworn personnel shall adhere to the Law Enforcement Code of Ethics and the Canons of Police Ethics as written by the International Association of Chiefs of Police and herein adopted by the Colchester Police Department. All sworn personnel shall be familiar with and abide by the principles expressed therein. The IACP Code of Ethics, adopted in 1991, is as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

III. LEGAL AUTHORITY

All sworn officers of the Colchester Police Department shall have the legally mandated authority to enforce the applicable laws of the United States, the State of Vermont, and the laws and ordinances of the Town of Colchester within the limits established by Constitutional authority.

IV. USE OF DISCRETION

- A. No code of conduct could possibly cover all circumstances in which police officers must make instantaneous and irrevocable decisions or judgments. These decisions affect human life and safety, property rights and personal liberty. The use of discretion by police personnel involves the power to exercise judgment in the selection of a course of action from available alternatives.
- B. Many factors impact upon the every day decisions made by police officers. The complexity and varied nature of situations in which police officers find themselves makes standardized responses impractical and undesirable in many cases. For example, an employee's discretion may be restricted or eliminated entirely by:
 - 1. State statute or municipal ordinance
 - 2. Court decisions
 - 3. Department Directives

4. A lawful order by a supervisor
- C. While it is impossible to outline the precise parameters of discretion for every type of police activity, it is desired that employees exercise discretion consistent with:
 1. Philosophy and goals of the Department
 2. Pertinent laws and court decisions
 3. Department General Orders
 4. Direction, supervision, and orders received from superiors
 5. The sense of justice and fairness that would be expected by an ordinary, reasonable and prudent member of the community.

V. ORGANIZATIONAL STRUCTURE & DEFINITIONS

- A. **DEPARTMENT** - The entire organization known as the Colchester Police Department will be headed by the Chief of Police.
- B. **DIVISION** - The largest organizational component within the Department, headed by a Lieutenant, is a Division.
- C. **UNIT** - A functional component within a Division is a Unit and can be headed by a Sergeant or Lieutenant.
- D. **OFFICER IN CHARGE** - The highest-ranking officer on duty commanding a particular division.
- E. **COMMAND STAFF** - Sworn personnel holding the rank of Chief, Deputy Chief, and ~~and~~ Lieutenant and any other personnel designated by the Chief of Police.
- F. **EMPLOYEE** – All personnel, sworn and non-sworn.
- G. **OFFICER** – A commissioned (sworn) police officer.

VI. OFFICE OF THE CHIEF OF POLICE

- A. The Town Manager shall appoint the Chief of Police. The Chief is the Chief Executive Officer of the Department and is responsible for the duties by rank and assignment as prescribed by the Town Charter, and is ultimately responsible for the successful accomplishment of Department goals and objectives.
 1. In the absence of the Chief of Police, the Chief will specify an Acting Chief of Police. An absence shall be defined as more than three days away from the office, times when telephone contact is unavailable, or other circumstances when the Chief will be incapacitated or unavailable.
 2. The Chief's Command Staff shall assist the Chief of Police in the execution of all duties.
- B. The Chief of Police shall make available to all Department personnel an organizational chart that graphically depicts the chain of command and lines of communication within the department. This organizational chart shall be reviewed and updated as necessary. Any changes in the organizational chart must be approved by the Chief of

Police. The Chief of Police shall not make any substantial or material changes to the organization of the department without the approval of the Town Manager.

VII. CHAIN OF COMMAND

- A. Each Division shall be under the direct command of only one supervisor, a Lieutenant.
- B. Each employee shall be accountable to only one supervisor at any given time or for any given assignment.
- C. The chain of command provides a channel of communication and a means of delegating authority, assuring adequate supervision and proper coordination.
- D. The chain of command is organized by rank and function. In matters relating to policies, procedures or operations; employees should consult their immediate supervisor. Employees shall not circumvent their immediate supervisor unless one of the following conditions exists:
 - 1. In situations where the matter has been discussed with the supervisor and has not been resolved; the employee may discuss the matter with the next level in the chain of command.
 - 2. If the employee wishes to lodge a complaint or commendation involving their immediate supervisor, he/she may take the issue to the next level in the chain of command.
 - 3. In the event an employee's immediate supervisor is unavailable and the matter is time sensitive.

VIII. SPAN OF CONTROL

- A. Span of control is the number of subordinates a supervisor directs, coordinates, advises and controls. The proper span of control for each supervisor shall be determined by factors such as:
 - 1. Ability of the employees.
 - 2. The complexity of the tasks to be performed by the employees.
 - 3. Separation by time or place of the supervisor and the employees.
 - 4. Time required by the supervisor's schedule for administrative and management tasks.
- B. Unless specific approval is granted by the Chief of Police or designee, the span of control for the following levels of supervision shall not be exceeded:
 - 1. The span of control for Lieutenants shall not exceed five people who report directly to him/her. This is exclusive of dispatch unit members.
 - 2. The span of control for first line supervisors shall not exceed six units on duty at any given time. This number is exclusive of units on overtime details.

3. The span of control for first line supervisors during special events shall not exceed twelve employees on duty at any given time.

IX. PERSONNEL RECORDS

A personnel file will be kept on each employee. The personnel file is a permanent record of the employee's history with the department.

- A. **Location of personnel records** – Personnel files shall be maintained in the Office of the Chief of Police. Employee medical files, which are not a part of the personnel file, are kept by Human Resources at Town Hall.
- B. **Components** – Personnel files shall include the following:
 - a. A copy of the employee's hiring documents, except for any medical records.
 - b. Original letters of commendation, reprimand or other permanent performance notations.
 - c. Employee evaluations.
 - d. Copies of awards and recognition.
 - e. Memos pertinent to that employee such as promotion, demotion or transfers.
 - f. All other applicable documents that illustrate the employee's work history.
- C. **Care and maintenance of personnel files** – Personnel files shall be properly maintained, systematically arranged and kept in a secure location.
- D. **Persons authorized to inspect personnel files** –
 - a. The Chief of Police
 - b. Officials designated by the Chief of Police in accordance with section IX. E of this general order.
 - c. The employee may inspect his/her personnel file by arranging a time with the Chief or his/her designee. Such inspection will be witnessed by the Chief's designee to ensure that no unauthorized additions or removal occur. The employee is entitled to a copy of all items included in his/her personnel file.
- E. **Confidentiality of files** – All personnel files are confidential. Under no circumstances will employees discuss any unfavorable entry in the personnel file of another employee. There are two exceptions to this rule:
 - a. Whenever a promotion or transfer board meets, personnel files shall be made available to the members of the board.
 - b. Whenever disciplinary action is taken and only then to proper authority.

X. GUIDING DOCUMENTS:

- A. **Department Rules** – These rules guide specific behavior and require the performance of certain duties. Rules are established to apply to situations in which no deviation is permitted. Rules are inflexible and apply equally to all employees of the department.

- B. **General Orders (G.O.s)** – General Orders are issued from the Chief of Police. This G.O. #1, which governs department administration, is issued after review and approval by the Town Manager and Select-board. All other general orders contain policies and procedures, which the Department has established in order to operate. Policies are **general statements** guiding the organization toward attainment of its goals. Procedures are **specific statements** or methods of guiding employees toward the attainment of its goals. Procedures describe expected method of operation and generally permit some flexibility within certain constraints. General orders remain in full effect until amended, superseded or rescinded by order of the Chief of Police.
1. The Select board is the sole and final authority relating to the approval, revision, issuance or purging of any Departmental Rule or other matter covered in G.O. #1-Department Administration. The Chief of Police is the sole and final authority relating to the approval, revision, issuance or purging of all other general orders.
 2. Any employee of the Colchester Police Department may prepare a draft of a new directive or a revision of an existing directive and submit it through the chain of command for consideration.
 3. Copies of all general orders are available to all employees electronically and in hard copy manuals maintained in each division of the agency. Most general orders are available to the public, however only the Chief of Police may authorize a general order manual or any portion thereof to be given to any person other than an employee of this Department.
 4. It is the responsibility of each employee to keep current with the Department's Rules, Policies, Procedures and General Orders.
 5. Amendment to any portion of the manual may be necessary under the following circumstances:
 - a. Any time that a change in laws or court decisions indicates that a Directive might be in need of revision.
 - b. When it is indicated by any Department member that operating methods are not consistent with current policy.
 - c. When national or other best practice changes.
- C. **Special Orders** – A special order is a written command or instruction, prepared by the Chief of Police or designee. Special orders pertain to administrative matters such as promotion/demotion announcements, transfers, resignations, retirements, etc. Special orders can also be used to issue temporary procedures or policies until such a time as the applicable general order can be updated. Special orders shall be prepared in a manner approved by the Chief of Police and all agency personnel shall carry out any portion of the order which pertains to them. Special Orders shall remain in effect until rescinded, revised or amended by the Chief of Police or designee.
- D. **Memoranda** – Shall be used for either internal or inter-office correspondence. Memos are informal diplomatic communication intended to memorialize a decision, course of action or other informational matter.

XI. DIRECTION & AUTHORITY

The Chief of Police is the agency's Chief Executive Officer and is designated as having responsibility for the management, direction and control of the operations and administration of the Department.

Command Protocol – is defined as the determination of the highest level of command authority. Command protocol in the Colchester Police Department shall be as follows:

- A. The Chief of Police can assign ultimate command responsibility in any given operation or situation. In these situations, the members shall exercise such command authority as prescribed and limited by the Chief of Police.
- B. Absent a specific assignment or grant of command authority by the Chief of Police to the contrary, command authority shall rest with the officer/employee holding the highest rank.

The Chief of Police, Deputy Chief of Police, or a Lieutenant, may designate a person to be in charge of a particular police task or operation.

In cases where there are two or more Department members present or available to make a decision, both of whom share the highest rank, command authority shall rest with the member having the greater length of service within that rank.

If both members have the same length of service, within that rank, command authority shall rest with the member who has the greatest length of service with the department as a sworn officer/employee.

- C. A Department member assigned as the leader of a special unit or team shall have command authority over its members during the course of operation or assignment.
- D. At the scene of any crime or other police incident where supervisory responsibility is not clearly delegated by department policy, the highest-ranking member present shall assume command and direction of police personnel.
- E. All Department personnel shall be given the authority to effectively complete all police functions. Personnel may not be given responsibility for a function without the commensurate authority to carry it out. Supervising officers/employees shall delegate the necessary authority to lower ranking personnel to allow employees to carry out delegated responsibilities.
- F. All employees shall be accountable for the use of any authority delegated to their position.
- G. A Supervisory Officer/Employee may delegate responsibility and authority to an officer/employee for a specific task or duty. He/she is accountable, however, for the performance of the employees under his/her control and may not delegate the ultimate responsibility for accomplishing required tasks or objectives.

XII. DEPARTMENT RULES

A rule is designed to cover situations in which no deviation or flexibility is permitted. A rule shall apply equally to all employees of the Department. It is the employee's responsibility to familiarize him/herself with the following rules. Violation by any member of these rules of conduct shall be considered sufficient cause for discipline up to and including dismissal when appropriate.

RULE 1: CONFORMANCE TO LAW, DEPARTMENT RULES AND GENERAL ORDERS – The police are the most highly visible element of government within the criminal justice system. Public trust and respect for the law can be most easily projected by good example.

Police employees play an equally important role in this regard, for nothing destroys public trust and respect more than the hypocrisy of a double standard.

EMPLOYEES ARE REQUIRED TO ADHERE TO DEPARTMENT RULES AND GENERAL ORDERS AND TO CONFORM TO ALL LAWS APPLICABLE TO THE GENERAL PUBLIC.

RULE 2: ORDERS OF SUPERIOR OFFICERS – All lawful orders, written or oral, shall be carried out fully and in the manner prescribed.

MEMBERS SHALL OBEY ALL LAWFUL ORDERS AND DIRECTIONS GIVEN BY SUPERIOR OFFICERS AND SHALL OBEY THE INSTRUCTIONS GIVEN BY DISPATCHERS ON COMPETENT AUTHORITY PERTAINING TO TRAFFIC ASSIGNMENTS, CALLS FOR SERVICE OR EMERGENCIES. SUCH OBEDIENCE SHALL BE PROMPT AND COURTEOUS. THE FAILURE, DELAY OR DELIBERATE REFUSAL OF ANY MEMBER TO OBEY ANY LAWFUL ORDER GIVEN BY A SUPERIOR OFFICER SHALL BE DEEMED INSUBORDINATION. THIS REQUIREMENT APPLIES TO ALL LAWFUL DUTIES REGARDLESS OF WHETHER SUCH DUTIES ARE SPECIFICALLY ASSIGNED TO THAT EMPLOYEE.

RULE 3: MANNER OF ISSUING ORDERS – Orders shall be issued pursuant to the following Department Rule.

ORDERS FROM SUPERVISORS TO EMPLOYEES SHALL BE IN CLEAR, UNDERSTANDABLE LANGUAGE, CIVIL IN TONE, AND ISSUED IN PURSUIT OF DEPARTMENT BUSINESS.

RULE 4: UNLAWFUL ORDERS PROHIBITED - Unlawful orders shall not be obeyed. The employee to whom the order was given shall notify the ordering officer/employee of the illegality of his/her order. Responsibility for refusing to obey rests with the employee to whom the order was given.

NO COMMANDING OR SUPERVISORY EMPLOYEE SHALL KNOWINGLY ISSUE ANY ORDER, WHICH IS IN VIOLATION OF ANY LAW, ORDINANCE OR DEPARTMENT RULE OR GENERAL ORDER. EMPLOYEES SHALL NOT BE REQUIRED TO OBEY ANY

ORDER THAT WOULD REQUIRE THEM TO COMMIT AN ILLEGAL ACT.

RULE 5: CONFLICTING ORDERS – Although employees are held responsible for carrying out orders issued by their supervisors, occasionally an order may be subject to question. When a supervisor issues an order in conflict with general orders or a previously issued order from another supervisor, employees have a right and a responsibility to question the order.

- A. EMPLOYEES SHALL PROMPTLY AND CIVILLY OBEY ANY LAWFUL ORDER OF A SUPERVISING EMPLOYEE. THIS WILL INCLUDE ORDERS RELAYED BY AN OFFICER OF SAME RANK OR LESSER RANK FROM A SUPERIOR OFFICER.**
- B. SHOULD A SUPERVISOR ISSUE AN ORDER, WHICH CONFLICTS WITH A PREVIOUSLY ISSUED ORDER, RULE, OR DIRECTIVE, THE EMPLOYEE SHALL RESPECTFULLY CALL ATTENTION TO THE CONFLICTING ORDER AND, IF NOT RESCINDED BY THE SUPERVISOR, THE MOST RECENT ORDER SHALL STAND. THE RESPONSIBILITY FOR THE ORDER SHALL REST WITH THE ISSUING SUPERVISOR AND THE EMPLOYEE SHALL NOT BE ANSWERABLE FOR DISOBEDIENCE OF ANY PREVIOUSLY ISSUED ORDER.**
- C. MEMBERS SHALL NOT PUBLICLY CRITICIZE OR COMMENT NEGATIVELY ABOUT INSTRUCTIONS OR ORDERS THEY HAVE RECEIVED FROM A SUPERIOR OFFICER.**

RULE 6: REPORTING & APPEAL OF UNLAWFUL OR UNJUST ORDERS – Members who feel they have been given an unlawful or unjust order shall:

REPORT IN WRITING THE FULL FACTS OF THE INCIDENT TO THE CHIEF OF POLICE VIA REGULAR CHAIN OF COMMAND.

RULE 7: ~~ABUSE OF PROCESS~~ STANDARD OF CONDUCT The community demands and requires absolute integrity of its Police Department and expects all its employees to be above reproach. An improper action by one employee may damage public confidence and tarnish the reputation of the entire Department. Employees must avoid conduct, which might compromise either their integrity or that of the Department.

A. ACCOUNTABILITY AND RESPONSIBILITY:

- 1. OFFICERS ARE DIRECTLY ACCOUNTABLE FOR THEIR ACTIONS, THROUGH THE CHAIN OF COMMAND, TO THIS DEPARTMENT'S CHIEF EXECUTIVE OFFICER.**

2. OFFICERS HAVE A DUTY TO INTERVENE TO PREVENT OR STOP WRONGDOING BY ANOTHER OFFICER.

3. ALL EMPLOYEES HAVE A DUTY TO REPORT ANY MISCONDUCT BY A MEMBER OF THIS DEPARTMENT OF WHICH THEY BECOME AWARE AND SHALL NOTIFY A SUPERVISOR AS SOON AS POSSIBLE WHEN ANOTHER MEMBER OF THE AGENCY IS INTENTIONALLY VIOLATING LAW OR POLICY.

4. OFFICERS SHALL COOPERATE FULLY IN ANY INTERNAL ADMINISTRATIVE INVESTIGATION CONDUCTED BY THIS OR ANY OTHER AUTHORIZED AGENCY AND SHALL NOT ATTEMPT TO CONCEAL, DIVERT, OR MITIGATE ANY CULPABILITY OF THEIRS OR OTHERS BY FALSEHOODS OR OMISSIONS.

B. EMPLOYEES SHALL NOT INTENTIONALLY CONVERT TO THEIR OWN USE, MANUFACTURE, TAMPER WITH, FALSIFY, DESTROY OR WITHHOLD EVIDENCE, AND SHALL PROPERLY REPORT, STORE, DISPOSE OF OR OTHERWISE HANDLE EVIDENCE, CONTRABAND OR OTHER PROPERTY COMING INTO THEIR POSSESSION IN ACCORDANCE WITH DEPARTMENT REGULATIONS.

C.B.—EMPLOYEES SHALL NOT MAKE FALSE ACCUSATIONS IN CONNECTION WITH OFFICIAL DUTIES.

RULE 8: **ABUSE OF AUTHORITY** – Police effectiveness is dependent upon the community's approval and acceptance of lawful authority. The limits of police authority are strictly prescribed by law and the use of that authority must be accountable to the community.

A. **THE LAWFUL AUTHORITY ENTRUSTED TO POLICE OFFICERS SHALL NOT BE USED IMPROPERLY TO INTERFERE WITH THE LAWFUL CONDUCT OF ANYONE.**

B. **OFFICERS SHALL NOT MISTREAT PERSONS WHO ARE IN THEIR CUSTODY. OFFICERS SHALL HANDLE ALL PERSONS FAIRLY AND HUMANELY AND IN ACCORDANCE WITH THE LAW AND DEPARTMENT PROCEDURES.**

RULE 9: **USE OF FORCE** – Officers frequently face situations where physical force must be exercised to affect an arrest or to protect themselves, citizens or property from harm. Officers are required to use only the force necessary to accomplish a legal purpose. The degree of force required in a certain situation

depends on what the officer perceives as reasonable and necessary under the circumstances.

OFFICERS SHALL USE FORCE IN ACCORDANCE WITH THE LAW AND DEPARTMENT PROCEDURES AND SHALL NOT USE MORE FORCE THAN IS REASONABLY NECESSARY UNDER THE CIRCUMSTANCES.

RULE 10: INTEGRITY OF THE REPORTING SYSTEM – To accurately assess the extent of criminal activity in the community and to take effective measures against it the Department must have an accurate records system. Equally important is the documentation of non-criminal events requiring police action. Failure to document bona fide incidents requiring police attention damages the Department's integrity and operation.

EMPLOYEES SHALL SUBMIT ALL NECESSARY REPORTS IN ACCORDANCE WITH ESTABLISHED DEPARTMENT PROCEDURES. REPORTS SUBMITTED BY EMPLOYEES SHALL BE ACCURATE, COMPLETE AND TIMELY.

RULE 11: PUNCTUALITY – In order to provide consistent and dependable service to the community, it is necessary that employees be punctual for duty and must respond to calls for service in a timely manner.

A. EMPLOYEES OF THE DEPARTMENT SHALL BE PUNCTUAL IN REPORTING FOR DUTY AT THE TIME AND PLACE SPECIFIED BY THEIR SUPERVISOR.

B. NO EMPLOYEE WILL BE ABSENT FROM DUTY WITHOUT LEAVE OR AUTHORIZATION FROM HIS/HER SUPERVISOR.

C. MEMBERS SHALL RESPOND PROMPTLY TO CALLS FOR POLICE ASSISTANCE.

RULE 12: ATTENTIVENESS TO DUTY/USE OF ALCOHOL/DRUGS – The demands of police work requires employees to be mentally and physically alert. Since most employees perform duties with little direct supervision, responsibility for proper attention to duty rests with each individual.

A. TO ENSURE THE EMPLOYEE'S OWN PROTECTION AND THE PROTECTION OF CITIZENS AND FELLOW EMPLOYEES, EMPLOYEES SHALL REMAIN AWAKE AND ALERT WHILE ON DUTY.

B. EMPLOYEES SHALL NOT CONSUME INTOXICATING BEVERAGES ON DUTY, APPEAR FOR DUTY OR BE ON DUTY WHILE UNDER THE INFLUENCE OF INTOXICATING BEVERAGES TO ANY DEGREE WHATSOEVER OR WITH AN ODOR OF INTOXICANTS ON THEIR BREATH, EXCEPT

WHILE ACTING UNDER THE PROPER AND SPECIFIC ORDERS OF A SUPERVISING EMPLOYEE.

- C. ALCOHOLIC BEVERAGES WILL NOT BE CONSUMED WHILE WEARING THE UNIFORM OR ANY PART THEREOF WHILE ON OR OFF DUTY.**
- D. EMPLOYEES SHALL NOT TAKE ANY NARCOTIC OR CONTROLLED/DANGEROUS SUBSTANCE UNLESS PRESCRIBED BY A PHYSICIAN.**
- E. EMPLOYEES TAKING MEDICATION PRIOR TO OR WHILE ON SHIFT SUCH AS NARCOTICS OR ANY OTHER SUBSTANCE THAT MAY AFFECT HIS/HER JUDGMENT OR THE ABILITY TO PERFORM HIS/HER JOB, SHALL NOTIFY THEIR SUPERVISOR PRIOR TO COMMENCING A WORK SHIFT.**

_____ **RULE 13: TELEPHONE MAINTENANCE** – Employees are subject to being called back for duty during their off duty time. Since the telephone is the quickest means of notification in an emergency, the following is a Department Rule.

EMPLOYEES ARE REQUIRED TO MAINTAIN A TELEPHONE AND INFORM THE DEPARTMENT OF THEIR TELEPHONE NUMBER. ANY CHANGE OF TELEPHONE NUMBER WILL BE COMMUNICATED TO THE DEPARTMENT WITHIN 24 HOURS.

RULE 14: IDENTIFICATION – The following is a Department Rule.

EMPLOYEES MUST CARRY THEIR DEPARTMENT CREDENTIALS WHILE ON DUTY OR CARRYING A DEPARTMENT ISSUED FIREARM, UNLESS IN FULL UNIFORM OR WHERE EXEMPTED BY THE CHIEF. USE OF DEPARTMENT CREDENTIALS SHALL BE DISCREET SO AS NOT TO DETRACT FROM THE INTEGRITY OF THE DEPARTMENT. EMPLOYEES WILL FURNISH THEIR NAME AND DEPARTMENT IDENTIFICATION (RADIO CALL) NUMBER TO ALL PERSONS WHO REQUEST SAME WHEN IN CONJUNCTION WITH THEIR JOB OR WITH OTHER RELATED DUTIES.

RULE 15: GRATUITIES & REWARDS – Soliciting or accepting any gift or gratuity, regardless of the nature, places the employee in a compromising position and may give the appearance of impropriety. Employees shall politely decline gifts or rewards. Other than their lawful salary, members shall not accept anything of value or other consideration for services rendered in the line of

duty or under the color of law. This should not prohibit an employee from receiving honorary awards from civic clubs or organizations.

NO COMPENSATION, REWARD, GIFT OR OTHER CONSIDERATION MAY BE SOLICITED OR ACCEPTED BY EMPLOYEES WITHOUT PERMISSION FROM THE CHIEF OF POLICE. THIS SHALL INCLUDE A PROHIBITION UPON USE OF ONE'S OFFICIAL POSITION TO PROCURE SPECIAL PRIVILEGES FOR THEMSELVES OR OTHERS, SUCH AS FREE OR DISCOUNTED ADMISSION, MEALS, REFRESHMENTS OR OTHER FAVORS.

RULE 16: SECONDARY EMPLOYMENT – In accepting secondary employment, employees should be aware of the stamina required by the police profession. Department employees may be required to work rotating shifts, or work irregular hours in order to meet Department needs. Keeping in mind that an employee's primary responsibility is to the Department, the Chief reserves the right to approve all secondary employment.

- A. MEMBERS SHALL NOT ENGAGE IN ANY OUTSIDE EMPLOYMENT WITHOUT THE APPROVAL OF THE CHIEF OF POLICE.**
- B. NO EMPLOYEE OF THE POLICE DEPARTMENT SHALL ENGAGE IN ANY SECONDARY EMPLOYMENT THAT CAUSES THE EMPLOYEE TO PERFORM AT LESS THAN A SATISFACTORY LEVEL OR THAT INTERFERES WITH OFFICER SAFETY OR OTHER EXPECTED JOB REQUIREMENTS.**
- C. EMPLOYEES ARE PROHIBITED FROM ENGAGING IN SECONDARY EMPLOYMENT WHILE ON SICK LEAVE.**
- D. EMPLOYEES SHALL NOT WORK AS A COLCHESTER POLICE OFFICER EITHER BY SPECIAL OR REGULAR COMMISSION WHILE UNDER SUSPENSION FROM DUTY.**

RULE 17: CONDUCT UNBECOMING – Police employees are constantly observed and judged by the community. Improper behavior on the part of any employee, on or off duty, tends to reflect unfavorably on all employees and the Department. "Conduct unbecoming" is a highly controversial regulation and often viewed as a "catch-all" offense. This is not entirely accurate, as case law exists to provide examples of what does and does not constitute conduct unbecoming.

NO EMPLOYEE SHALL COMMIT ANY ACT WHICH CONSTITUTES CONDUCT UNBECOMING. CONDUCT UNBECOMING INCLUDES, BUT IS NOT LIMITED TO, ANY CRIMINAL, DISHONEST OR IMPROPER CONDUCT.

RULE 18: MAINTENANCE OF EQUIPMENT AND PROPERTY – The expense of purchasing police equipment dictates the need for holding employees accountable for the use and maintenance of equipment in their charge.

- A. EMPLOYEES SHALL TAKE REASONABLE PRECAUTIONS TO PREVENT DAMAGE, LOSS OR DESTRUCTION OF EQUIPMENT ISSUED TO THEM. IF AN EQUIPMENT OR PROPERTY LOSS IS DEEMED TO BE INTENTIONAL, THE RESPONSIBLE EMPLOYEE SHALL BE HELD ACCOUNTABLE FOR THE COST OF REPLACEMENT OR REPAIR.**
- B. EMPLOYEES WILL BE HELD ACCOUNTABLE FOR THE PROPER CARE, USE AND MAINTENANCE OF ALL UNIFORMS AND EQUIPMENT IN THEIR CHARGE AND MUST RETURN ALL UNIFORMS AND EQUIPMENT UPON SEPARATION FROM THE DEPARTMENT.**
- C. EMPLOYEES WHO LOSE OR DAMAGE DEPARTMENT PROPERTY SHALL REPORT IN WRITING SUCH LOSS OR DAMAGE TO A SUPERVISOR. IF THE EMPLOYEE IS INCAPACITATED, THE SUPERVISOR SHALL MAKE THE REQUIRED REPORT.**

RULE 19: MUTUAL PROTECTION – Members shall cooperate, support and assist each other in all ethical endeavors. Members shall not publicly criticize the work or the manner of performance of any other member.

OFFICERS SHALL PROMPTLY COME TO THE AID OF ANY OFFICER WHO, WHEN CARRYING OUT OFFICIAL DUTIES, IS IN NEED OF ASSISTANCE. SUCH AID WILL BE GIVEN IN ACCORDANCE WITH EXISTING POLICIES AND PROCEDURES.

RULE 20: COURTESY – One of the best investigative tools available to the police is good police/citizen cooperation. In an effort to establish and maintain good rapport with the community, employees should exercise courtesy, tact and decency when in contact with the public.

EMPLOYEES SHALL BE COURTEOUS, PATIENT AND RESPECTFUL TO MEMBERS OF THE PUBLIC AND FELLOW EMPLOYEES. CONVERSATIONS SHALL BE CONDUCTED IN A COURTEOUS AND EVEN-TEMPERED MANNER USING PROPER GRAMMAR. PROFESSIONAL STANDARDS AND ETHICS MUST ALWAYS BE FOLLOWED. GENERALLY, THE USE OF VIOLENT, INSOLENT OR OBSCENE LANGUAGE OR GESTURES IS PROHIBITED EXCEPT IN UNUSUAL CIRCUMSTANCES THAT

**MAKE SUCH LANGUAGE OR GESTURE NECESSARY TO
ACCOMPLISH A LAWFUL OBJECTIVE.**

RULE 21: ACCURATE REPORTING OF SICKNESS OR INJURY:

**EMPLOYEES SHALL NOT FEIGN ILLNESS, INJURY, FALSELY
REPORT THEMSELVES ILL OR INJURED, OR DECEIVE OR
ATTEMPT TO DECEIVE ANY OFFICIAL OF THE DEPARTMENT
AS TO THE CONDITION OF THEIR HEALTH.**

RULE 22: ASSOCIATIONS:

**EMPLOYEES SHALL AVOID REGULAR OR CONTINUOUS
ASSOCIATION OR DEALINGS WITH PERSONS WHOM THEY
KNOW, OR REASONABLY SHOULD KNOW ARE PERSONS
UNDER CRIMINAL INVESTIGATION OR INDICTMENT, OR WHO
HAVE A REPUTATION IN THE COMMUNITY OR THE
DEPARTMENT FOR PRESENT INVOLVEMENT IN FELONIOUS
OR CRIMINAL BEHAVIOR, EXCEPT AS NECESSARY TO THE
PERFORMANCE OF OFFICIAL DUTIES OR WHERE
UNAVOIDABLE BECAUSE OF OTHER PERSONAL
RELATIONSHIPS.**

RULE 23: PUBLIC STATEMENTS:

**EMPLOYEES SHALL NOT PUBLICLY CRITICIZE OR RIDICULE
THE DEPARTMENT, ITS POLICIES OR OTHER OFFICERS BY
SPEECH, WRITING OR OTHER EXPRESSION WHERE SUCH
SPEECH, WRITING OR EXPRESSION IS DEFAMATORY,
OBSCENE, UNLAWFUL OR UNDERMINES THE EFFECTIVENESS
OF THE DEPARTMENT, INTERFERES WITH THE
MAINTENANCE OF DISCIPLINE OR IS MADE WITH RECKLESS
DISREGARD FOR TRUTH OR FALSITY.**

**RULE 24: TRUTHFULNESS – Employees are required to speak the truth at all times,
whether under oath or not, in connection with any official duties. This shall
not be construed to prevent officers from using ruses, undercover operations or
other legitimate investigative techniques during the course of an investigation.**

**UPON THE ORDER OF ANY SUPERVISING EMPLOYEE OR
HIS/HER DESIGNEE, EMPLOYEES SHALL TRUTHFULLY
ANSWER ALL QUESTIONS SPECIFICALLY DIRECTED TO THE
SCOPE OF EMPLOYMENT AND OPERATIONS OF THE
DEPARTMENT, TO INCLUDE QUESTIONS ASKED DURING THE
COURSE OF AN INTERNAL INVESTIGATION.**

RULE 25: INVOLVEMENT IN CIVIL ACTION:

- A. ANY EMPLOYEE WHO HAS A CIVIL SUIT FILED AGAINST THEM BY REASON OF AN ACT PERFORMED IN THE LINE OF DUTY SHALL FORTHWITH NOTIFY THE CHIEF OF POLICE IN WRITING. A COPY OF THE COMPLAINT, TOGETHER WITH A FULL AND ACCURATE ACCOUNT OF THE CIRCUMSTANCES IN QUESTION, SHALL BE FURNISHED TO THE CHIEF.**
- B. EMPLOYEES SHALL NOT INSTITUTE ANY CIVIL ACTION ARISING OUT OF THEIR OFFICIAL DUTIES WITHOUT NOTIFYING THE CHIEF OF POLICE IN WRITING. EMPLOYEES SHALL NOT USE THEIR OFFICIAL POSITIONS AS A MEANS OF FORCING OR INTIMIDATING PERSONS WITH WHOM THEY ARE ENGAGED IN CIVIL CONTROVERSY TO SETTLE CASES IN THEIR FAVOR.**

RULE 26: UNAUTHORIZED DISCLOSURE OF INFORMATION - Employees are prohibited from providing confidential information concerning department investigations or operations to any unauthorized person.

EMPLOYEES SHALL NOT DISCLOSE ANY CONFIDENTIAL DEPARTMENT POLICIES, INTERNAL MEMOS, PLANS OR OTHER INFORMATION EXCEPT AS AUTHORIZED. THIS PROVISION IS NOT TO BE CONSTRUED TO PREVENT THE RELEASE OF INFORMATION CONCERNING LAW ENFORCEMENT ACTIVITIES, WHICH IS NOT CONFIDENTIAL. EMPLOYEES SHALL BE FAIR AND IMPARTIAL IN THE RELEASE OF NEWS TO PUBLIC INFORMATION MEDIA.

RULE 27: REDUCTION OF CHARGES – The following shall not prevent officers from cultivating informants, making referrals to a reparative board or recommending other alternative to arrest so long as the officer is acting in the interest of justice.

MEMBERS SHALL REFRAIN FROM INFLUENCING THE REDUCTION OF A CHARGE OR THE DISPOSITION OF A CHARGE INITIATED BY THEM OR ANY OTHER LAW ENFORCEMENT OFFICER, EITHER DIRECTLY OR INDIRECTLY, FOR ULTERIOR MOTIVES. ANY UNETHICAL INTERFERENCE BY A MEMBER IN ENFORCEMENT EFFORTS BY ANOTHER MEMBER IS PROHIBITED.

RULE 28: RESTRICTIONS ON ACTIVITIES:

- A. SEEKING PERSONAL PREFERMENT – EMPLOYEES ARE FORBIDDEN TO SOLICIT INFLUENCE OR INTERVENTION OF ANY PERSON OUTSIDE THE DEPARTMENT FOR THE PURPOSE OF PERSONAL PREFERMENT, ADVANTAGE, ADVANCEMENT, TRANSFER, PROMOTION OR CHANGE OF DUTY FOR THEMSELVES OR FOR ANY OTHER MEMBER.**
- B. POLITICAL ACTIVITIES – AS AN INDIVIDUAL, EACH EMPLOYEE RETAINS ALL THE RIGHTS AND OBLIGATIONS OF CITIZENSHIP PROVIDED IN THE CONSTITUTION AND LAWS OF THE STATE OF VERMONT AND THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA; HOWEVER, NO EMPLOYEE SHALL:**
 - 1. TAKE ANY ACTIVE PART IN MANAGING A CAMPAIGN, OR CAMPAIGN FOR POLITICAL OFFICE, OR OTHERWISE ENGAGE IN POLITICAL ACTIVITY WHILE ON DUTY OR WITHIN ANY PERIOD OF TIME DURING WHICH HE/SHE IS EXPECTED TO PERFORM SERVICES FOR WHICH HE/SHE RECEIVES COMPENSATION FROM THE TOWN OF COLCHESTER.**
 - 2. USE THE AUTHORITY OF HIS/HER POSITION OR UTILIZE TOWN FUNDS, SUPPLIES OR VEHICLES TO SECURE SUPPORT FOR OR OPPOSE ANY CANDIDATE, PARTY OR ISSUE.**

RULE 29: TESTIFYING IN CIVIL CASES:

WHENEVER A CIVIL CASE ARISES THAT REQUIRES AN EMPLOYEE TO TESTIFY RELATIVE TO HIS/HER OFFICIAL DUTIES, A SUBPOENA WILL BE REQUIRED BEFORE THE EMPLOYEE ATTENDS THE PROCEEDINGS. EMPLOYEES WILL BE COMPENSATED BY THE DEPARTMENT AND WILL ACCEPT NO OTHER COMPENSATION FOR THEIR ATTENDANCE.

RULE 30: CONFLICT OF INTEREST:

NO POLICE EMPLOYEE SHALL INVESTIGATE OR SIGN AS APPROVED THE INVESTIGATION OF A FRIEND OR RELATIVE, WHICH MAY IN ANY WAY CAUSE THE APPEARANCE OF A

CONFLICT OF INTEREST, THUS JEOPARDIZING THE CREDIBILITY OF THE INVESTIGATION. ANY QUESTIONABLE INCIDENT IN THIS REGARD WILL BE FORWARDED TO THE PROPER LEVEL OF COMMAND AND IF APPROPRIATE, TO THE STATE'S ATTORNEY FOR REVIEW AND RECOMMENDATION.

**RULE 31: PROHIBITION AGAINST EMPLOYEE USE OF MARIJUANA:
REGARDLESS OF ITS LEGAL STATUS, EMPLOYEES OF THIS AGENCY MAY NOT, AT ANY TIME PURCHASE, POSSESS, CONSUME, OR OTHERWISE USE MARIJUANA OR OTHER MATERIALS THAT CONTAIN TETRAHYDROCANNABINOL (THC).**

Reviewed and approved by the Colchester Select Board on April 12th, 2016.

| _____
Jennifer L. Morrison, Douglas Allen, Chief of Police
Effective Date

COLCHESTER POLICE DEPARTMENT

		SUBJECT: Department Administration	
EFFECTIVE DATE:	June 23, 2020	NUMBER:	General Order # 1
REFERENCE:	rescinds G.O. 1 of April 2016	SPECIAL INSTRUCTIONS:	considered "The Police Manual"
REEVALUATION DATE:	as needed	APPROVED:	NO. PAGES: 18

POLICY: It is the policy of the Colchester Police Department to clearly delineate the expectations of employees, the organizational structure and written directive system as well as the authority of Department personnel to direct the resources of the organization toward the proper accomplishment of its goals and objectives.

CONTENTS:

- I. Oath of Office
- II. Code of Ethics
- III. Legal Authority
- IV. Use of Discretion
- V. Organizational Structure
- VI. Office of the Chief of Police
- VII. Chain of Command
- VIII. Span of Control
- IX. Employment Records
- X. Guiding Documents
- XI. Direction & Authority
- XII. Department Rules

I. OATH OF OFFICE

All sworn personnel, prior to assuming sworn status, shall be required to take an oath of office to enforce the law and uphold the Constitutions of the United States and the State of Vermont. The oath of office shall be administered by the Chief of Police or his/her designee (official administering oath must be a notary public) and shall become a permanent record maintained in the officer's personnel file. This oath is derived from Chapter II, section 56 of the Constitution of the State of Vermont. [Appendix A]

II. CODE OF ETHICS

All sworn personnel shall adhere to the Law Enforcement Code of Ethics and the Canons of Police Ethics as written by the International Association of Chiefs of Police and herein adopted by the Colchester Police Department. All sworn personnel shall be familiar with and abide by the principles expressed therein. The IACP Code of Ethics, adopted in 1991, is as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

III. LEGAL AUTHORITY

All sworn officers of the Colchester Police Department shall have the legally mandated authority to enforce the applicable laws of the United States, the State of Vermont, and the laws and ordinances of the Town of Colchester within the limits established by Constitutional authority.

IV. USE OF DISCRETION

- A. No code of conduct could possibly cover all circumstances in which police officers must make instantaneous and irrevocable decisions or judgments. These decisions affect human life and safety, property rights and personal liberty. The use of discretion by police personnel involves the power to exercise judgment in the selection of a course of action from available alternatives.
- B. Many factors impact upon the every day decisions made by police officers. The complexity and varied nature of situations in which police officers find themselves makes standardized responses impractical and undesirable in many cases. For example, an employee's discretion may be restricted or eliminated entirely by:
 - 1. State statute or municipal ordinance
 - 2. Court decisions

3. Department Directives
 4. A lawful order by a supervisor
- C. While it is impossible to outline the precise parameters of discretion for every type of police activity, it is desired that employees exercise discretion consistent with:
1. Philosophy and goals of the Department
 2. Pertinent laws and court decisions
 3. Department General Orders
 4. Direction, supervision, and orders received from superiors
 5. The sense of justice and fairness that would be expected by an ordinary, reasonable and prudent member of the community.

V. ORGANIZATIONAL STRUCTURE & DEFINITIONS

- A. **DEPARTMENT** - The entire organization known as the Colchester Police Department will be headed by the Chief of Police.
- B. **DIVISION** - The largest organizational component within the Department, headed by a Lieutenant, is a Division.
- C. **UNIT** - A functional component within a Division is a Unit and can be headed by a Sergeant or Lieutenant.
- D. **OFFICER IN CHARGE** - The highest-ranking officer on duty commanding a particular division.
- E. **COMMAND STAFF** - Sworn personnel holding the rank of Chief, Deputy Chief, and Lieutenant and any other personnel designated by the Chief of Police.
- F. **EMPLOYEE** – All personnel, sworn and non-sworn.
- G. **OFFICER** – A commissioned (sworn) police officer.

VI. OFFICE OF THE CHIEF OF POLICE

- A. The Town Manager shall appoint the Chief of Police. The Chief is the Chief Executive Officer of the Department and is responsible for the duties by rank and assignment as prescribed by the Town Charter, and is ultimately responsible for the successful accomplishment of Department goals and objectives.
 1. In the absence of the Chief of Police, the Deputy Chief shall assume the role as Acting Chief of Police. If the Deputy Chief is also absent the Chief will name an Acting Chief of Police. An absence shall be defined as more than three days away from the office, times when telephone contact is unavailable, or other circumstances when the Chief will be incapacitated or unavailable.
 2. The Chief's Command Staff shall assist the Chief of Police in the execution of all duties.

- B. The Chief of Police shall make available to all Department personnel an organizational chart that graphically depicts the chain of command and lines of communication within the department. This organizational chart shall be reviewed and updated as necessary. Any changes in the organizational chart must be approved by the Chief of Police. The Chief of Police shall not make any substantial or material changes to the organization of the department without the approval of the Town Manager.

VII. CHAIN OF COMMAND

- A. Each Division shall be under the direct command of only one supervisor, a Lieutenant.
- B. Each employee shall be accountable to only one supervisor at any given time or for any given assignment.
- C. The chain of command provides a channel of communication and a means of delegating authority, assuring adequate supervision and proper coordination.
- D. The chain of command is organized by rank and function. In matters relating to policies, procedures or operations; employees should consult their immediate supervisor. Employees shall not circumvent their immediate supervisor unless one of the following conditions exists:
 - 1. In situations where the matter has been discussed with the supervisor and has not been resolved; the employee may discuss the matter with the next level in the chain of command.
 - 2. If the employee wishes to lodge a complaint or commendation involving their immediate supervisor, he/she may take the issue to the next level in the chain of command.
 - 3. In the event an employee's immediate supervisor is unavailable and the matter is time sensitive.

VIII. SPAN OF CONTROL

- A. Span of control is the number of subordinates a supervisor directs, coordinates, advises and controls. The proper span of control for each supervisor shall be determined by factors such as:
 - 1. Ability of the employees.
 - 2. The complexity of the tasks to be performed by the employees.
 - 3. Separation by time or place of the supervisor and the employees.
 - 4. Time required by the supervisor's schedule for administrative and management tasks.
- B. Unless specific approval is granted by the Chief of Police or designee, the span of control for the following levels of supervision shall not be exceeded:

1. The span of control for Lieutenants shall not exceed five people who report directly to him/her. This is exclusive of dispatch unit members.
2. The span of control for first line supervisors shall not exceed six units on duty at any given time. This number is exclusive of units on overtime details.
3. The span of control for first line supervisors during special events shall not exceed twelve employees on duty at any given time.

IX. PERSONNEL RECORDS

A personnel file will be kept on each employee. The personnel file is a permanent record of the employee's history with the department.

- A. **Location of personnel records** – Personnel files shall be maintained in the Office of the Chief of Police. Employee medical files, which are not a part of the personnel file, are kept by Human Resources at Town Hall.
- B. **Components** – Personnel files shall include the following:
 - a. A copy of the employee's hiring documents, except for any medical records.
 - b. Original letters of commendation, reprimand or other permanent performance notations.
 - c. Employee evaluations.
 - d. Copies of awards and recognition.
 - e. Memos pertinent to that employee such as promotion, demotion or transfers.
 - f. All other applicable documents that illustrate the employee's work history.
- C. **Care and maintenance of personnel files** – Personnel files shall be properly maintained, systematically arranged and kept in a secure location.
- D. **Persons authorized to inspect personnel files** –
 - a. The Chief of Police
 - b. Officials designated by the Chief of Police in accordance with section IX. E of this general order.
 - c. The employee may inspect his/her personnel file by arranging a time with the Chief or his/her designee. Such inspection will be witnessed by the Chief's designee to ensure that no unauthorized additions or removal occur. The employee is entitled to a copy of all items included in his/her personnel file.
- E. **Confidentiality of files** – All personnel files are confidential. Under no circumstances will employees discuss any unfavorable entry in the personnel file of another employee. There are two exceptions to this rule:
 - a. Whenever a promotion or transfer board meets, personnel files shall be made available to the members of the board.
 - b. Whenever disciplinary action is taken and only then to proper authority.

X. GUIDING DOCUMENTS:

- A. Department Rules** – These rules guide specific behavior and require the performance of certain duties. Rules are established to apply to situations in which no deviation is permitted. Rules are inflexible and apply equally to all employees of the department.
- B. General Orders (G.O.s)** – General Orders are issued from the Chief of Police. This G.O. #1, which governs department administration, is issued after review and approval by the Town Manager and Selectboard. All other general orders contain policies and procedures, which the Department has established in order to operate. Policies are **general statements** guiding the organization toward attainment of its goals. Procedures are **specific statements** or methods of guiding employees toward the attainment of its goals. Procedures describe expected method of operation and generally permit some flexibility within certain constraints. General orders remain in full effect until amended, superseded or rescinded by order of the Chief of Police.
1. The Select board is the sole and final authority relating to the approval, revision, issuance or purging of any Departmental Rule or other matter covered in G.O. #1- Department Administration. The Chief of Police is the sole and final authority relating to the approval, revision, issuance or purging of all other general orders.
 2. Any employee of the Colchester Police Department may prepare a draft of a new directive or a revision of an existing directive and submit it through the chain of command for consideration.
 3. Copies of all general orders are available to all employees electronically and in hard copy manuals maintained in each division of the agency. Most general orders are available to the public, however only the Chief of Police may authorize a general order manual or any portion thereof to be given to any person other than an employee of this Department.
 4. It is the responsibility of each employee to keep current with the Department's Rules, Policies, Procedures and General Orders.
 5. Amendment to any portion of the manual may be necessary under the following circumstances:
 - a. Any time that a change in laws or court decisions indicates that a Directive might be in need of revision.
 - b. When it is indicated by any Department member that operating methods are not consistent with current policy.
 - c. When national or other best practice changes.
- C. Special Orders** – A special order is a written command or instruction, prepared by the Chief of Police or designee. Special orders pertain to administrative matters such as promotion/demotion announcements, transfers, resignations, retirements, etc. Special orders can also be used to issue temporary procedures or policies until such a time as the applicable general order can be updated. Special orders shall be prepared in a manner approved by the Chief of Police and all agency personnel shall carry out any portion of the order which pertains to them. Special Orders shall remain in effect until rescinded, revised or amended by the Chief of Police or designee.

D. **Memoranda** – Shall be used for either internal or inter-office correspondence. Memos are informal diplomatic communication intended to memorialize a decision, course of action or other informational matter.

XI. DIRECTION & AUTHORITY

The Chief of Police is the agency's Chief Executive Officer and is designated as having responsibility for the management, direction and control of the operations and administration of the Department.

Command Protocol – is defined as the determination of the highest level of command authority. Command protocol in the Colchester Police Department shall be as follows:

- A. The Chief of Police can assign ultimate command responsibility in any given operation or situation. In these situations, the members shall exercise such command authority as prescribed and limited by the Chief of Police.
- B. Absent a specific assignment or grant of command authority by the Chief of Police to the contrary, command authority shall rest with the officer/employee holding the highest rank.

The Chief of Police, Deputy Chief of Police, or a Lieutenant, may designate a person to be in charge of a particular police task or operation.

In cases where there are two or more Department members present or available to make a decision, both of whom share the highest rank, command authority shall rest with the member having the greater length of service within that rank.

If both members have the same length of service, within that rank, command authority shall rest with the member who has the greatest length of service with the department as a sworn officer/employee.

- C. A Department member assigned as the leader of a special unit or team shall have command authority over its members during the course of operation or assignment.
- D. At the scene of any crime or other police incident where supervisory responsibility is not clearly delegated by department policy, the highest-ranking member present shall assume command and direction of police personnel.
- E. All Department personnel shall be given the authority to effectively complete all police functions. Personnel may not be given responsibility for a function without the commensurate authority to carry it out. Supervising officers/employees shall delegate the necessary authority to lower ranking personnel to allow employees to carry out delegated responsibilities.
- F. All employees shall be accountable for the use of any authority delegated to their position.

- G. A Supervisory Officer/Employee may delegate responsibility and authority to an officer/employee for a specific task or duty. He/she is accountable, however, for the performance of the employees under his/her control and may not delegate the ultimate responsibility for accomplishing required tasks or objectives.

XII. DEPARTMENT RULES

A rule is designed to cover situations in which no deviation or flexibility is permitted. A rule shall apply equally to all employees of the Department. It is the employee's responsibility to familiarize him/herself with the following rules. Violation by any member of these rules of conduct shall be considered sufficient cause for discipline up to and including dismissal when appropriate.

- RULE 1: CONFORMANCE TO LAW, DEPARTMENT RULES AND GENERAL ORDERS** – The police are the most highly visible element of government within the criminal justice system. Public trust and respect for the law can be most easily projected by good example.

Police employees play an equally important role in this regard, for nothing destroys public trust and respect more than the hypocrisy of a double standard.

EMPLOYEES ARE REQUIRED TO ADHERE TO DEPARTMENT RULES AND GENERAL ORDERS AND TO CONFORM TO ALL LAWS APPLICABLE TO THE GENERAL PUBLIC.

- RULE 2: ORDERS OF SUPERIOR OFFICERS** – All lawful orders, written or oral, shall be carried out fully and in the manner prescribed.

MEMBERS SHALL OBEY ALL LAWFUL ORDERS AND DIRECTIONS GIVEN BY SUPERIOR OFFICERS AND SHALL OBEY THE INSTRUCTIONS GIVEN BY DISPATCHERS ON COMPETENT AUTHORITY PERTAINING TO TRAFFIC ASSIGNMENTS, CALLS FOR SERVICE OR EMERGENCIES. SUCH OBEDIENCE SHALL BE PROMPT AND COURTEOUS. THE FAILURE, DELAY OR DELIBERATE REFUSAL OF ANY MEMBER TO OBEY ANY LAWFUL ORDER GIVEN BY A SUPERIOR OFFICER SHALL BE DEEMED INSUBORDINATION. THIS REQUIREMENT APPLIES TO ALL LAWFUL DUTIES REGARDLESS OF WHETHER SUCH DUTIES ARE SPECIFICALLY ASSIGNED TO THAT EMPLOYEE.

- RULE 3: MANNER OF ISSUING ORDERS** – Orders shall be issued pursuant to the following Department Rule.

ORDERS FROM SUPERVISORS TO EMPLOYEES SHALL BE IN CLEAR, UNDERSTANDABLE LANGUAGE, CIVIL IN TONE, AND ISSUED IN PURSUIT OF DEPARTMENT BUSINESS.

- RULE 4: UNLAWFUL ORDERS PROHIBITED** - Unlawful orders shall not be obeyed. The employee to whom the order was given shall notify the ordering

officer/employee of the illegality of his/her order. Responsibility for refusing to obey rests with the employee to whom the order was given.

NO COMMANDING OR SUPERVISORY EMPLOYEE SHALL KNOWINGLY ISSUE ANY ORDER, WHICH IS IN VIOLATION OF ANY LAW, ORDINANCE OR DEPARTMENT RULE OR GENERAL ORDER. EMPLOYEES SHALL NOT BE REQUIRED TO OBEY ANY ORDER THAT WOULD REQUIRE THEM TO COMMIT AN ILLEGAL ACT.

RULE 5: CONFLICTING ORDERS – Although employees are held responsible for carrying out orders issued by their supervisors, occasionally an order may be subject to question. When a supervisor issues an order in conflict with general orders or a previously issued order from another supervisor, employees have a right and a responsibility to question the order.

- A. EMPLOYEES SHALL PROMPTLY AND CIVILLY OBEY ANY LAWFUL ORDER OF A SUPERVISING EMPLOYEE. THIS WILL INCLUDE ORDERS RELAYED BY AN OFFICER OF SAME RANK OR LESSER RANK FROM A SUPERIOR OFFICER.**
- B. SHOULD A SUPERVISOR ISSUE AN ORDER, WHICH CONFLICTS WITH A PREVIOUSLY ISSUED ORDER, RULE, OR DIRECTIVE, THE EMPLOYEE SHALL RESPECTFULLY CALL ATTENTION TO THE CONFLICTING ORDER AND, IF NOT RESCINDED BY THE SUPERVISOR, THE MOST RECENT ORDER SHALL STAND. THE RESPONSIBILITY FOR THE ORDER SHALL REST WITH THE ISSUING SUPERVISOR AND THE EMPLOYEE SHALL NOT BE ANSWERABLE FOR DISOBEDIENCE OF ANY PREVIOUSLY ISSUED ORDER.**
- C. MEMBERS SHALL NOT PUBLICLY CRITICIZE OR COMMENT NEGATIVELY ABOUT INSTRUCTIONS OR ORDERS THEY HAVE RECEIVED FROM A SUPERIOR OFFICER.**

RULE 6: REPORTING & APPEAL OF UNLAWFUL OR UNJUST ORDERS
Members who feel they have been given an unlawful or unjust order shall:
REPORT IN WRITING THE FULL FACTS OF THE INCIDENT TO THE CHIEF OF POLICE VIA REGULAR CHAIN OF COMMAND.

RULE 7: STANDARD OF CONDUCT The community demands and requires absolute integrity of its Police Department and expects all its employees to be above reproach. An improper action by one employee may damage public confidence and tarnish the reputation of the entire Department. Employees must avoid conduct, which might compromise either their integrity or that of the Department.

A. ACCOUNTABILITY AND RESPONSIBILITY:

- 1. OFFICERS ARE DIRECTLY ACCOUNTABLE FOR THEIR ACTIONS, THROUGH THE CHAIN OF COMMAND, TO THIS DEPARTMENT'S CHIEF EXECUTIVE OFFICER.**

OFFICERS HAVE A DUTY TO INTERVENE TO PREVENT OR STOP WRONGDOING BY ANOTHER OFFICER.

- 3. ALL EMPLOYEES HAVE A DUTY TO REPORT ANY MISCONDUCT BY A MEMBER OF THIS DEPARTMENT OF WHICH THEY BECOME AWARE AND SHALL NOTIFY A SUPERVISOR AS SOON AS POSSIBLE WHEN ANOTHER MEMBER OF THE AGENCY IS INTENTIONALLY VIOLATING LAW OR POLICY.**
- 4. OFFICERS SHALL COOPERATE FULLY IN ANY INTERNAL ADMINISTRATIVE INVESTIGATION CONDUCTED BY THIS OR ANY OTHER AUTHORIZED AGENCY AND SHALL NOT ATTEMPT TO CONCEAL, DIVERT, OR MITIGATE ANY CULPABILITY OF THEIRS OR OTHERS BY FALSEHOODS OR OMISSIONS.**

- B. EMPLOYEES SHALL NOT INTENTIONALLY CONVERT TO THEIR OWN USE, MANUFACTURE, TAMPER WITH, FALSIFY, DESTROY OR WITHHOLD EVIDENCE, AND SHALL PROPERLY REPORT, STORE, DISPOSE OF OR OTHERWISE HANDLE EVIDENCE, CONTRABAND OR OTHER PROPERTY COMING INTO THEIR POSSESSION IN ACCORDANCE WITH DEPARTMENT REGULATIONS.**

C.EMPLOYEES SHALL NOT MAKE FALSE ACCUSATIONS IN CONNECTION WITH OFFICIAL DUTIES.

RULE 8: ABUSE OF AUTHORITY – Police effectiveness is dependent upon the community's approval and acceptance of lawful authority. The limits of police authority are strictly prescribed by law and the use of that authority must be accountable to the community.

- A. THE LAWFUL AUTHORITY ENTRUSTED TO POLICE OFFICERS SHALL NOT BE USED IMPROPERLY TO INTERFERE WITH THE LAWFUL CONDUCT OF ANYONE.**
- B. OFFICERS SHALL NOT MISTREAT PERSONS WHO ARE IN THEIR CUSTODY. OFFICERS SHALL HANDLE ALL**

**PERSONS FAIRLY AND HUMANELY AND IN ACCORDANCE
WITH THE LAW AND DEPARTMENT PROCEDURES.**

RULE 9: USE OF FORCE – Officers frequently face situations where physical force must be exercised to affect an arrest or to protect themselves, citizens or property from harm. Officers are required to use only the force necessary to accomplish a legal purpose. The degree of force required in a certain situation depends on what the officer perceives as reasonable and necessary under the circumstances.

**OFFICERS SHALL USE FORCE IN ACCORDANCE WITH THE
LAW AND DEPARTMENT PROCEDURES AND SHALL NOT USE
MORE FORCE THAN IS REASONABLY NECESSARY UNDER THE
CIRCUMSTANCES.**

RULE 10: INTEGRITY OF THE REPORTING SYSTEM – To accurately assess the extent of criminal activity in the community and to take effective measures against it the Department must have an accurate records system. Equally important is the documentation of non-criminal events requiring police action. Failure to document bona fide incidents requiring police attention damages the Department's integrity and operation.

**EMPLOYEES SHALL SUBMIT ALL NECESSARY REPORTS IN
ACCORDANCE WITH ESTABLISHED DEPARTMENT
PROCEDURES. REPORTS SUBMITTED BY EMPLOYEES SHALL
BE ACCURATE, COMPLETE AND TIMELY.**

RULE 11: PUNCTUALITY – In order to provide consistent and dependable service to the community, it is necessary that employees be punctual for duty and must respond to calls for service in a timely manner.

- A. EMPLOYEES OF THE DEPARTMENT SHALL BE PUNCTUAL
IN REPORTING FOR DUTY AT THE TIME AND PLACE
SPECIFIED BY THEIR SUPERVISOR.**
- B. NO EMPLOYEE WILL BE ABSENT FROM DUTY WITHOUT
LEAVE OR AUTHORIZATION FROM HIS/HER SUPERVISOR.**
- C. MEMBERS SHALL RESPOND PROMPTLY TO CALLS FOR
POLICE ASSISTANCE.**

RULE 12: ATTENTIVENESS TO DUTY/USE OF ALCOHOL/DRUGS – The demands of police work requires employees to be mentally and physically alert. Since most employees perform duties with little direct supervision, responsibility for proper attention to duty rests with each individual.

- A. TO ENSURE THE EMPLOYEE'S OWN PROTECTION AND
THE PROTECTION OF CITIZENS AND FELLOW**

EMPLOYEES, EMPLOYEES SHALL REMAIN AWAKE AND ALERT WHILE ON DUTY.

- B. EMPLOYEES SHALL NOT CONSUME INTOXICATING BEVERAGES ON DUTY, APPEAR FOR DUTY OR BE ON DUTY WHILE UNDER THE INFLUENCE OF INTOXICATING BEVERAGES TO ANY DEGREE WHATSOEVER OR WITH AN ODOR OF INTOXICANTS ON THEIR BREATH, EXCEPT WHILE ACTING UNDER THE PROPER AND SPECIFIC ORDERS OF A SUPERVISING EMPLOYEE.**
- C. ALCOHOLIC BEVERAGES WILL NOT BE CONSUMED WHILE WEARING THE UNIFORM OR ANY PART THEREOF WHILE ON OR OFF DUTY.**
- D. EMPLOYEES SHALL NOT TAKE ANY NARCOTIC OR CONTROLLED/DANGEROUS SUBSTANCE UNLESS PRESCRIBED BY A PHYSICIAN.**
- E. EMPLOYEES TAKING MEDICATION PRIOR TO OR WHILE ON SHIFT SUCH AS NARCOTICS OR ANY OTHER SUBSTANCE THAT MAY AFFECT HIS/HER JUDGMENT OR THE ABILITY TO PERFORM HIS/HER JOB, SHALL NOTIFY THEIR SUPERVISOR PRIOR TO COMMENCING A WORK SHIFT.**

RULE 13: TELEPHONE MAINTENANCE – Employees are subject to being called back for duty during their off duty time. Since the telephone is the quickest means of notification in an emergency, the following is a Department Rule.

EMPLOYEES ARE REQUIRED TO MAINTAIN A TELEPHONE AND INFORM THE DEPARTMENT OF THEIR TELEPHONE NUMBER. ANY CHANGE OF TELEPHONE NUMBER WILL BE COMMUNICATED TO THE DEPARTMENT WITHIN 24 HOURS.

RULE 14: IDENTIFICATION – The following is a Department Rule.

EMPLOYEES MUST CARRY THEIR DEPARTMENT CREDENTIALS WHILE ON DUTY OR CARRYING A DEPARTMENT ISSUED FIREARM, UNLESS IN FULL UNIFORM OR WHERE EXEMPTED BY THE CHIEF. USE OF DEPARTMENT CREDENTIALS SHALL BE DISCREET SO AS NOT TO DETRACT FROM THE INTEGRITY OF THE DEPARTMENT. EMPLOYEES WILL FURNISH THEIR NAME AND DEPARTMENT IDENTIFICATION (RADIO CALL) NUMBER TO ALL PERSONS

WHO REQUEST SAME WHEN IN CONJUNCTION WITH THEIR JOB OR WITH OTHER RELATED DUTIES.

RULE 15: **GRATUITIES & REWARDS** – Soliciting or accepting any gift or gratuity, regardless of the nature, places the employee in a compromising position and may give the appearance of impropriety. Employees shall politely decline gifts or rewards. Other than their lawful salary, members shall not accept anything of value or other consideration for services rendered in the line of duty or under the color of law. This should not prohibit an employee from receiving honorary awards from civic clubs or organizations.

NO COMPENSATION, REWARD, GIFT OR OTHER CONSIDERATION MAY BE SOLICITED OR ACCEPTED BY EMPLOYEES WITHOUT PERMISSION FROM THE CHIEF OF POLICE. THIS SHALL INCLUDE A PROHIBITION UPON USE OF ONE'S OFFICIAL POSITION TO PROCURE SPECIAL PRIVILEGES FOR THEMSELVES OR OTHERS, SUCH AS FREE OR DISCOUNTED ADMISSION, MEALS, REFRESHMENTS OR OTHER FAVORS.

RULE 16: **SECONDARY EMPLOYMENT** – In accepting secondary employment, employees should be aware of the stamina required by the police profession. Department employees may be required to work rotating shifts, or work irregular hours in order to meet Department needs. Keeping in mind that an employee's primary responsibility is to the Department, the Chief reserves the right to approve all secondary employment.

- A. MEMBERS SHALL NOT ENGAGE IN ANY OUTSIDE EMPLOYMENT WITHOUT THE APPROVAL OF THE CHIEF OF POLICE.**
- B. NO EMPLOYEE OF THE POLICE DEPARTMENT SHALL ENGAGE IN ANY SECONDARY EMPLOYMENT THAT CAUSES THE EMPLOYEE TO PERFORM AT LESS THAN A SATISFACTORY LEVEL OR THAT INTERFERES WITH OFFICER SAFETY OR OTHER EXPECTED JOB REQUIREMENTS.**
- C. EMPLOYEES ARE PROHIBITED FROM ENGAGING IN SECONDARY EMPLOYMENT WHILE ON SICK LEAVE.**
- D. EMPLOYEES SHALL NOT WORK AS A COLCHESTER POLICE OFFICER EITHER BY SPECIAL OR REGULAR COMMISSION WHILE UNDER SUSPENSION FROM DUTY.**

RULE 17: **CONDUCT UNBECOMING** – Police employees are constantly observed and judged by the community. Improper behavior on the part of any employee, on or off duty, tends to reflect unfavorably on all employees and the Department. "Conduct unbecoming" is a highly controversial regulation and

often viewed as a "catch-all" offense. This is not entirely accurate, as case law exists to provide examples of what does and does not constitute conduct unbecoming.

NO EMPLOYEE SHALL COMMIT ANY ACT WHICH CONSTITUTES CONDUCT UNBECOMING. CONDUCT UNBECOMING INCLUDES, BUT IS NOT LIMITED TO, ANY CRIMINAL, DISHONEST OR IMPROPER CONDUCT.

RULE 18: MAINTENANCE OF EQUIPMENT AND PROPERTY – The expense of purchasing police equipment dictates the need for holding employees accountable for the use and maintenance of equipment in their charge.

- A. EMPLOYEES SHALL TAKE REASONABLE PRECAUTIONS TO PREVENT DAMAGE, LOSS OR DESTRUCTION OF EQUIPMENT ISSUED TO THEM. IF AN EQUIPMENT OR PROPERTY LOSS IS DEEMED TO BE INTENTIONAL, THE RESPONSIBLE EMPLOYEE SHALL BE HELD ACCOUNTABLE FOR THE COST OF REPLACEMENT OR REPAIR.**
- B. EMPLOYEES WILL BE HELD ACCOUNTABLE FOR THE PROPER CARE, USE AND MAINTENANCE OF ALL UNIFORMS AND EQUIPMENT IN THEIR CHARGE AND MUST RETURN ALL UNIFORMS AND EQUIPMENT UPON SEPARATION FROM THE DEPARTMENT.**
- C. EMPLOYEES WHO LOSE OR DAMAGE DEPARTMENT PROPERTY SHALL REPORT IN WRITING SUCH LOSS OR DAMAGE TO A SUPERVISOR. IF THE EMPLOYEE IS INCAPACITATED, THE SUPERVISOR SHALL MAKE THE REQUIRED REPORT.**

RULE 19: MUTUAL PROTECTION – Members shall cooperate, support and assist each other in all ethical endeavors. Members shall not publicly criticize the work or the manner of performance of any other member.

OFFICERS SHALL PROMPTLY COME TO THE AID OF ANY OFFICER WHO, WHEN CARRYING OUT OFFICIAL DUTIES, IS IN NEED OF ASSISTANCE. SUCH AID WILL BE GIVEN IN ACCORDANCE WITH EXISTING POLICIES AND PROCEDURES.

RULE 20: COURTESY – One of the best investigative tools available to the police is good police/citizen cooperation. In an effort to establish and maintain good rapport with the community, employees should exercise courtesy, tact and decency when in contact with the public.

EMPLOYEES SHALL BE COURTEOUS, PATIENT AND RESPECTFUL TO MEMBERS OF THE PUBLIC AND FELLOW EMPLOYEES. CONVERSATIONS SHALL BE CONDUCTED IN A COURTEOUS AND EVEN-TEMPERED MANNER USING PROPER GRAMMAR. PROFESSIONAL STANDARDS AND ETHICS MUST ALWAYS BE FOLLOWED. GENERALLY, THE USE OF VIOLENT, INSOLENT OR OBSCENE LANGUAGE OR GESTURES IS PROHIBITED EXCEPT IN UNUSUAL CIRCUMSTANCES THAT MAKE SUCH LANGUAGE OR GESTURE NECESSARY TO ACCOMPLISH A LAWFUL OBJECTIVE.

RULE 21: ACCURATE REPORTING OF SICKNESS OR INJURY:

EMPLOYEES SHALL NOT FEIGN ILLNESS, INJURY, FALSELY REPORT THEMSELVES ILL OR INJURED, OR DECEIVE OR ATTEMPT TO DECEIVE ANY OFFICIAL OF THE DEPARTMENT AS TO THE CONDITION OF THEIR HEALTH.

RULE 22: ASSOCIATIONS:

EMPLOYEES SHALL AVOID REGULAR OR CONTINUOUS ASSOCIATION OR DEALINGS WITH PERSONS WHOM THEY KNOW, OR REASONABLY SHOULD KNOW ARE PERSONS UNDER CRIMINAL INVESTIGATION OR INDICTMENT, OR WHO HAVE A REPUTATION IN THE COMMUNITY OR THE DEPARTMENT FOR PRESENT INVOLVEMENT IN FELONIOUS OR CRIMINAL BEHAVIOR, EXCEPT AS NECESSARY TO THE PERFORMANCE OF OFFICIAL DUTIES OR WHERE UNAVOIDABLE BECAUSE OF OTHER PERSONAL RELATIONSHIPS.

RULE 23: PUBLIC STATEMENTS:

EMPLOYEES SHALL NOT PUBLICLY CRITICIZE OR RIDICULE THE DEPARTMENT, ITS POLICIES OR OTHER OFFICERS BY SPEECH, WRITING OR OTHER EXPRESSION WHERE SUCH SPEECH, WRITING OR EXPRESSION IS DEFAMATORY, OBSCENE, UNLAWFUL OR UNDERMINES THE EFFECTIVENESS OF THE DEPARTMENT, INTERFERES WITH THE MAINTENANCE OF DISCIPLINE OR IS MADE WITH RECKLESS DISREGARD FOR TRUTH OR FALSITY.

RULE 24: TRUTHFULNESS – Employees are required to speak the truth at all times, whether under oath or not, in connection with any official duties. This shall not be construed to prevent officers from using ruses, undercover operations or other legitimate investigative techniques during the course of an investigation.

UPON THE ORDER OF ANY SUPERVISING EMPLOYEE OR HIS/HER DESIGNEE, EMPLOYEES SHALL TRUTHFULLY ANSWER ALL QUESTIONS SPECIFICALLY DIRECTED TO THE SCOPE OF EMPLOYMENT AND OPERATIONS OF THE DEPARTMENT, TO INCLUDE QUESTIONS ASKED DURING THE COURSE OF AN INTERNAL INVESTIGATION.

RULE 25: INVOLVEMENT IN CIVIL ACTION:

- A. ANY EMPLOYEE WHO HAS A CIVIL SUIT FILED AGAINST THEM BY REASON OF AN ACT PERFORMED IN THE LINE OF DUTY SHALL FORTHWITH NOTIFY THE CHIEF OF POLICE IN WRITING. A COPY OF THE COMPLAINT, TOGETHER WITH A FULL AND ACCURATE ACCOUNT OF THE CIRCUMSTANCES IN QUESTION, SHALL BE FURNISHED TO THE CHIEF.**
- B. EMPLOYEES SHALL NOT INSTITUTE ANY CIVIL ACTION ARISING OUT OF THEIR OFFICIAL DUTIES WITHOUT NOTIFYING THE CHIEF OF POLICE IN WRITING. EMPLOYEES SHALL NOT USE THEIR OFFICIAL POSITIONS AS A MEANS OF FORCING OR INTIMIDATING PERSONS WITH WHOM THEY ARE ENGAGED IN CIVIL CONTROVERSY TO SETTLE CASES IN THEIR FAVOR.**

RULE 26: UNAUTHORIZED DISCLOSURE OF INFORMATION - Employees are prohibited from providing confidential information concerning department investigations or operations to any unauthorized person.

EMPLOYEES SHALL NOT DISCLOSE ANY CONFIDENTIAL DEPARTMENT POLICIES, INTERNAL MEMOS, PLANS OR OTHER INFORMATION EXCEPT AS AUTHORIZED. THIS PROVISION IS NOT TO BE CONSTRUED TO PREVENT THE RELEASE OF INFORMATION CONCERNING LAW ENFORCEMENT ACTIVITIES, WHICH IS NOT CONFIDENTIAL. EMPLOYEES SHALL BE FAIR AND IMPARTIAL IN THE RELEASE OF NEWS TO PUBLIC INFORMATION MEDIA.

RULE 27: REDUCTION OF CHARGES – The following shall not prevent officers from cultivating informants, making referrals to a reparative board or recommending other alternative to arrest so long as the officer is acting in the interest of justice.

MEMBERS SHALL REFRAIN FROM INFLUENCING THE REDUCTION OF A CHARGE OR THE DISPOSITION OF A CHARGE INITIATED BY THEM OR ANY OTHER LAW ENFORCEMENT OFFICER, EITHER DIRECTLY OR INDIRECTLY,

FOR ULTERIOR MOTIVES. ANY UNETHICAL INTERFERENCE BY A MEMBER IN ENFORCEMENT EFFORTS BY ANOTHER MEMBER IS PROHIBITED.

RULE 28: RESTRICTIONS ON ACTIVITIES:

- A. SEEKING PERSONAL PREFERMENT – EMPLOYEES ARE FORBIDDEN TO SOLICIT INFLUENCE OR INTERVENTION OF ANY PERSON OUTSIDE THE DEPARTMENT FOR THE PURPOSE OF PERSONAL PREFERMENT, ADVANTAGE, ADVANCEMENT, TRANSFER, PROMOTION OR CHANGE OF DUTY FOR THEMSELVES OR FOR ANY OTHER MEMBER.**
- B. POLITICAL ACTIVITIES – AS AN INDIVIDUAL, EACH EMPLOYEE RETAINS ALL THE RIGHTS AND OBLIGATIONS OF CITIZENSHIP PROVIDED IN THE CONSTITUTION AND LAWS OF THE STATE OF VERMONT AND THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA; HOWEVER, NO EMPLOYEE SHALL:**
 - 1. TAKE ANY ACTIVE PART IN MANAGING A CAMPAIGN, OR CAMPAIGN FOR POLITICAL OFFICE, OR OTHERWISE ENGAGE IN POLITICAL ACTIVITY WHILE ON DUTY OR WITHIN ANY PERIOD OF TIME DURING WHICH HE/SHE IS EXPECTED TO PERFORM SERVICES FOR WHICH HE/SHE RECEIVES COMPENSATION FROM THE TOWN OF COLCHESTER.**
 - 2. USE THE AUTHORITY OF HIS/HER POSITION OR UTILIZE TOWN FUNDS, SUPPLIES OR VEHICLES TO SECURE SUPPORT FOR OR OPPOSE ANY CANDIDATE, PARTY OR ISSUE.**

RULE 29: TESTIFYING IN CIVIL CASES:

WHENEVER A CIVIL CASE ARISES THAT REQUIRES AN EMPLOYEE TO TESTIFY RELATIVE TO HIS/HER OFFICIAL DUTIES, A SUBPOENA WILL BE REQUIRED BEFORE THE EMPLOYEE ATTENDS THE PROCEEDINGS. EMPLOYEES WILL BE COMPENSATED BY THE DEPARTMENT AND WILL ACCEPT NO OTHER COMPENSATION FOR THEIR ATTENDANCE.

RULE 30: CONFLICT OF INTEREST:

NO POLICE EMPLOYEE SHALL INVESTIGATE OR SIGN AS APPROVED THE INVESTIGATION OF A FRIEND OR RELATIVE, WHICH MAY IN ANY WAY CAUSE THE APPEARANCE OF A CONFLICT OF INTEREST, THUS JEOPARDIZING THE

CREDIBILITY OF THE INVESTIGATION. ANY QUESTIONABLE INCIDENT IN THIS REGARD WILL BE FORWARDED TO THE PROPER LEVEL OF COMMAND AND IF APPROPRIATE, TO THE STATE'S ATTORNEY FOR REVIEW AND RECOMMENDATION.

RULE 31: PROHIBITION AGAINST EMPLOYEE USE OF MARIJUANA: REGARDLESS OF ITS LEGAL STATUS, EMPLOYEES OF THIS AGENCY MAY NOT, AT ANY TIME PURCHASE, POSSESS, CONSUME, OR OTHERWISE USE MARIJUANA OR OTHER MATERIALS THAT CONTAIN TETRAHYDROCANNABINOL (THC).

Douglas Allen, Chief of Police

Effective Date

Reviewed and approved by the Colchester Select Board on June 23, 2020.

Jeffrey Bartley, Chair
Colchester Selectboard

Date of approval