



## **BURLINGTON POLICE DEPARTMENT**

### **DEPARTMENT DIRECTIVE**

#### **DD01 Law Enforcement Role & Authority, Ethics, Organizational Structure, & Department Rules**

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**PURPOSE:** The purpose of this directive is to clearly assign authority to command; establish protocol for command authority in the event of the absence of the Chief of Police; establish protocol for command authority that clearly establishes supervisory and employee relationships in situations where more than one ranking Officer/Employee is involved in the same incident or situation; and to require compliance with proper command authority.

**POLICY:** It is the policy of the Burlington Police Department to clearly delineate the authority of Department personnel to direct the resources of the organization toward the proper accomplishment of its goals and objectives.

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#### **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 their designee 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.

#### **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 Burlington 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

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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 Burlington 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 City of Burlington 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 may make standard responses impractical and undesirable in many cases. For example, an employee's discretion may be restricted or eliminated entirely by:
  - 1. Statute or City 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 Directives.

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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 Burlington Police Department will be headed by the Chief of Police.
- B. **BUREAU** - The largest organizational component within the Department, headed by a Deputy Chief, is a Bureau.
- C. **DIVISION** - A functional component within a Bureau, headed by a Lieutenant, is a Division.
- D. **OFFICER IN CHARGE** - The highest-ranking officer on duty commanding a particular division.
- E. **COMMAND STAFF** - Sworn personnel holding the rank of Deputy Chief 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 Mayor of Burlington, in conjunction with the Board of Police Commissioners, shall appoint the Chief of Police. The Chief is the Executive Officer of the Department and is responsible for the duties by rank and assignment as prescribed by the City 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 either the Deputy Chief of Operations or the Deputy Chief of Administration as Acting Chief of Police.
  2. The Chief's Command Staff shall assist the Chief of Police in the execution of all duties.
- B. The Office of 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.

**VII. CHAIN OF COMMAND**

- A. Each Bureau shall be under the direct command of only one supervisor, a Deputy Chief.
- B. Each employee shall be accountable to only one supervisor at any given time.
- 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.

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- E. For details regarding the responsibilities of each rank within the agency, refer to the class specification descriptions and their appendices.

**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 Deputy Chiefs shall not exceed ten people who report directly to him/her.
  - 2. The span of control for first line patrol supervisors shall not exceed eighteen units on active patrol. This number is exclusive of units on overtime details.
  - 3. The span of control for first line supervisors in supporting units shall not exceed twelve employees on duty at any given time and shall not exceed eighteen full-time permanent employees for whom he/she has direct supervisory responsibility.

**XIV. MISSION, GOALS, & OBJECTIVES**

The Department will develop and maintain a "mission statement" which guides Department operations. It is intended to illustrate the Department wide goals and objectives related to delivery of law enforcement services to the public.

- A. Each bureau within the Agency shall formulate goals and objectives specific to each bureau. The bureau supervisor shall update these goals and objectives, at least annually.
- B. The Bureau supervisor shall solicit feedback from affected employees to accurately reflect the bureau's goals and objectives. Further, the finalized goals and objectives for each unit and policing area shall be made available to all personnel.

**XV. 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.
- B. **Department Directive** – Department Directives are issued from the Office of the Chief of Police after review and approval by the Board of Police Commissioners. They 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

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describe expected method of operation and generally permit some flexibility within certain constraints. Directives remain in full effect until amended, superseded, or rescinded by order of the Chief of Police.

1. The Board of Police Commissioners is the sole and final authority relating to the approval, revision, issuance, or purging of any Departmental Rule, Regulation, or Directive governing employees of the Burlington Police Department.
2. Any employee of the Burlington Police Department may prepare a draft of a new directive or a revision of an existing directive.
3. Copies of all Directives are available to all employees, and most are available to the public.
4. It is the responsibility of each employee to keep current with the Department's Rules, Policies, Procedures, and Directives. Any employee may suggest or draft edits to Department Directives at any time.
5. Only the Chief of Police may authorize a manual, or any portion thereof, to be given to any person other than an employee of this Department
6. 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. **ORDERS** – An order is a command or instruction, written or oral, given by a supervising officer/employee. An order may be issued directly or relayed from a supervising officer/employee by an employee of the same or lesser rank as the person who is receiving the order.

**XVI. 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 Burlington 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, or Deputy Chief, 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.

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- 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. The first responding officer to the scene of a traffic accident shall assume command of the scene unless relieved of this responsibility by a supervisor.
- 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.

**XVII. 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 himself/herself with the following rules.

**RULE 1: CONFORMANCE TO LAW** – 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.

**RULE 1: EMPLOYEES ARE REQUIRED TO ADHERE TO DEPARTMENT RULES AND DIRECTIVES AND TO CONFORM TO ALL LAWS APPLICABLE TO THE GENERAL PUBLIC.**

**RULE 2: AUTHORITY TO SUSPEND** – In some situations, an employee's action or lack thereof, may require temporary relief of duty until a determination can be made surrounding the particular circumstances. For example, if an employee reports for work intoxicated, his/her supervisor may relieve the employee of duty pending further investigation. Obviously, the intoxicated employee is not prepared for duty; thus relieving him/her would certainly be in the best interest of the employee, the Department, and the public.

**RULE 2: THE CHIEF OF POLICE, OFFICER IN CHARGE OF A RESPECTIVE SHIFT, OR OTHER PERSON DESIGNATED BY THE CHIEF, MAY TEMPORARILY SUSPEND WITH PAY AN EMPLOYEE FROM DUTY AND/OR REQUIRE THE SURRENDER OF CREDENTIALS AND/OR ISSUED WEAPONS. EMERGENCY SUSPENSION WITHOUT PAY, AS WELL AS SUBSEQUENT PROCEDURES IN THE CASE OF POLICE OFFICERS, WILL BE IN ACCORDANCE WITH APPROPRIATE DEPARTMENT DIRECTIVES AND THE**

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**RULE 3: MANNER OF ISSUING ORDERS** – All lawful orders, written or oral, shall be carried out fully and in the manner prescribed. Orders shall be issued pursuant to the following Department Rule.

**RULE 3: 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 DIRECTIVE. 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 Department Directives 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 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.**

**RULE 6: ABUSE OF PROCESS** – The community demands and requires absolute integrity of its Police Department and expects all of 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. EMPLOYEES SHALL NOT INTENTIONALLY CONVERT TO THEIR OWN USE, MANUFACTURE, TAMPER WITH, FALSIFY, DESTROY OR WITHHOLD EVIDENCE AND SHALL PROPERLY REPORT, STORE,**

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**DISPOSE OF OR OTHERWISE HANDLE EVIDENCE, CONTRABAND, OR OTHER PROPERTY COMING INTO THEIR POSSESSION IN ACCORDANCE WITH DEPARTMENT REGULATIONS.**

**B. EMPLOYEES ARE PROHIBITED FROM PROVIDING CONFIDENTIAL INFORMATION CONCERNING DEPARTMENT INVESTIGATIONS OR OPERATIONS TO ANY UNAUTHORIZED PERSON.**

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

**RULE 7: 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 IN ACCORDANCE WITH THE LAW AND DEPARTMENT PROCEDURES.**

**RULE 8: 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 the minimum 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 9: INTEGRITY OF THE REPORTING SYSTEM** – To accurately assess the extent of criminal activity in the City 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 10: PUNCTUALITY** – In order to provide consistent and dependable service to the community, it is necessary that employees be punctual for duty.

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

*Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules***B. NO EMPLOYEE WILL BE ABSENT FROM DUTY WITHOUT LEAVE OR AUTHORIZATION FROM HIS/HER SUPERVISOR.**

RULE 11: **ATTENTIVENESS TO DUTY/USE OF ALCOHOL/DRUGS** – The demands of police work require 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 OFFICER'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, SHALL NOTIFY THEIR SUPERVISOR OF THE MEDICATION PRESCRIBED.**

RULE 12: **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 AT THEIR RESIDENCE AND INFORM THE DEPARTMENT OF THEIR TELEPHONE NUMBER. ANY CHANGE OF TELEPHONE NUMBER WILL BE COMMUNICATED TO THE DEPARTMENT WITHIN 24 HOURS.**

RULE 13: **IDENTIFICATION** – The following is a Department Rule.

**EMPLOYEES MUST CARRY THEIR DEPARTMENT CREDENTIALS WHILE ON DUTY 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 14: **GRATUITIES** – 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.

**NO COMPENSATION, REWARD, GIFT, OR OTHER CONSIDERATION MAY BE SOLICITED OR ACCEPTED BY EMPLOYEES WITHOUT SPECIAL PERMISSION FROM THE CHIEF OF POLICE.**

**RULE 15: 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. NO EMPLOYEE OF THE POLICE DEPARTMENT SHALL ENGAGE IN ANY SECONDARY EMPLOYMENT THAT CAUSES THE EMPLOYEE TO PERFORM AT LESS THAN MAXIMUM EFFICIENCY.**
- B. EMPLOYEES ARE PROHIBITED FROM ENGAGING IN SECONDARY EMPLOYMENT WHILE ON SICK LEAVE.**
- C. EMPLOYEES SHALL NOT WORK AS A BURLINGTON POLICE OFFICER, EITHER BY SPECIAL OR REGULAR COMMISSION, WHILE UNDER SUSPENSION FROM DUTY.**

**RULE 16: CONDUCT UNBECOMING** – Police Officers/Employees are constantly observed and judged by the community. Improper behavior on the part of any Officer/Employee, on or off duty, tends to reflect unfavorably on all Officers/Employees and the Department. "Conduct unbecoming an Officer" is a highly controversial regulation and often viewed as a "catch-all" offense.

This is not entirely accurate, since several courts have held "conduct unbecoming" void for vagueness under certain circumstances. Although non-specific, "conduct unbecoming an Officer" has been upheld in court for certain acts committed by Officers both on and off duty.

The following examples have been upheld by various state and federal courts throughout the country as "conduct unbecoming": speeding, placing an unauthorized poster in the squad room, lying in a department investigation, excessive absenteeism, using profane language in public, bar room fighting off duty, ticket fixing, assault on a fellow officer, illegal possession of marijuana, horseplay with firearms, misuse of a police radio to criticize a supervisor, and failure to cooperate with an internal investigation.

The following examples of conduct which the courts have found **not** to be unbecoming include: embarrassing the Department by neglecting "discretion" and vigorously enforcing municipal ordinances, disrespectful but private language to the Chief of Police while under emotional stress, and filing a libel suit. These lists, although not inclusive, further indicate how courts nationally have viewed police conduct on and off duty.

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

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RULE 17: **ENDORSEMENTS** – A professional Police Department must provide fair and impartial service to the community it serves. The following rule is intended to accomplish this ideal by prohibiting circumstances which have an inherent potential for conflict of interest.

**EMPLOYEES SHALL NOT RECOMMEND OR SUGGEST IN ANY MANNER, EXCEPT IN THE TRANSACTION OF PERSONAL BUSINESS, THE EMPLOYMENT OR PROCUREMENT OF A PARTICULAR PRODUCT, PROFESSIONAL OR COMMERCIAL SERVICE. IN CASES WHERE SUCH SERVICE IS NECESSARY AND THE PERSON NEEDING THE SERVICE IS UNABLE OR UNWILLING TO PROCURE IT OR REQUESTS ASSISTANCE, OFFICERS/EMPLOYEES SHALL PROCEED IN ACCORDANCE WITH ESTABLISHED PROCEDURES.**

RULE 18: **NEGLECT OF DUTY/UNSATISFACTORY PERFORMANCE** – Due to the nature of police work, employees must maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Repeated poor evaluations or a documented record of reported infractions of the rules, directives, or orders of the Department may be considered as evidence of unsatisfactory performance.

**EMPLOYEES SHALL MAINTAIN SUFFICIENT COMPETENCY TO PROPERLY PERFORM THE DUTIES AND RESPONSIBILITIES OF THEIR POSITIONS.**

RULE 19: **MAINTENANCE OF 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 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.**

**B. 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 20: **WEARING THE UNIFORM**

**THE UNIFORM SHALL BE WORN BY EMPLOYEES ONLY WHILE ON DUTY OR GOING TO OR FROM THEIR PLACE OF ASSIGNMENT.**

RULE 21: **MUTUAL PROTECTION**

**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 22: **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

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Community, employees should exercise courtesy, tact, and decency when in contact with the public.

**EMPLOYEES SHALL BE COURTEOUS TO MEMBERS OF THE PUBLIC AND FELLOW EMPLOYEES. PROFESSIONAL STANDARDS AND ETHICS MUST ALWAYS BE FOLLOWED AND THE USE OF VIOLENT, INSOLENT, OR OBSCENE LANGUAGE OR GESTURES IS PROHIBITED.**

**RULE 23: 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 24: ASSOCIATIONS**

**EMPLOYEES SHALL AVOID REGULAR OR CONTINUOUS ASSOCIATION OR DEALINGS WITH PERSONS WHOM THEY KNOW, OR 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 25: 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 26: TRUTHFULNESS**

**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 27: NOTICE OF SUITS AGAINST MEMBERS**

**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 CITY ATTORNEY.**

- 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 28: UNAUTHORIZED DISCLOSURE OF INFORMATION**

**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 29: REDUCTION OF CHARGES**

**EMPLOYEES SHALL NOT REQUEST THE REDUCTION OF CRIMINAL CHARGES AGAINST ANYONE. THIS RULE SHALL NOT BE CONSTRUED TO PREVENT THE CORRECTION OF TECHNICAL ERRORS, NOR PREVENT EMPLOYEES FROM BRINGING TO THE ATTENTION OF THE PROSECUTOR PERTINENT FACTS CONCERNING A CHARGE, IN ACCORDANCE WITH EXISTING POLICIES AND PROCEDURES.**

**RULE 30: RESTRICTIONS ON ACTIVITIES**

- A. SEEKING PERSONAL PREFERMENT – EMPLOYEES ARE FORBIDDEN TO SOLICIT PETITIONS, INFLUENCE OR INTERVENTION OF ANY PERSON OUTSIDE THE DEPARTMENT FOR 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 CITY OF BURLINGTON.**

2. **USE THE AUTHORITY OF HIS/HER POSITION OR UTILIZE CITY FUNDS, SUPPLIES, OR VEHICLES TO SECURE SUPPORT FOR OR OPPOSE ANY CANDIDATE, PARTY, OR ISSUE.**

**RULE 31: 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 32: USE OF ALCOHOLIC BEVERAGES WITHIN POLICE BUILDINGS** – In order to carry out police operations effectively, the building housing this Department must be conducive to a positive working atmosphere.

**CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES OF THE POLICE DEPARTMENT WITHIN THE BUILDING OCCUPIED BY THE POLICE DEPARTMENT OR ON THE GROUNDS OR PARKING LOTS SURROUNDING THE POLICE BUILDING SHALL NOT BE ALLOWED.**

**RULE 33: CONFLICT OF INTEREST**

**NO BURLINGTON 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 34: HARASSMENT PROHIBITED**

**THE DEPARTMENT EXPECTS, AT ALL TIMES, ITS EMPLOYEES TO BE RESPECTFUL OF CO-WORKERS AND TO CONDUCT THEMSELVES IN A PROFESSIONAL MANNER. ALL EMPLOYEES ARE PROHIBITED FROM ENGAGING IN THE HARASSMENT OF ANY EMPLOYEE, CO-WORKER, OR MEMBER OF THE PUBLIC. THIS PROHIBITION SHALL REFER TO GENERAL HARASSMENT AND SEXUAL HARASSMENT AS DEFINED IN THE CITY PERSONNEL POLICY.**

*Reviewed and approved by the Burlington Police Commission on January 22, 2013.*

  
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Michael E. Schirling, Chief

15 February 2013  
Effective Date