

COLCHESTER POLICE DEPARTMENT

SUBJECT: Department Administration

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PREFACE: The Colchester Police Department exist as a department of the Town of Colchester, and as such, its members, both sworn and civilian personnel are first and foremost employees of the Town. It is not a separate organization or "agency". Members are therefor subject to the Charter of the Town of Colchester and all applicable rules and polices promulgated from the Charter, including but not limited to the Town Employee Handbook including the Ethics Policy included therein. Departmental policies as outlined in this and subsequent General and Special Orders should be viewed as additional requirements of department employees, not as separate or replacement policies from those generated by the Town.

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.

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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 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 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 Town of Colchester and 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, and any rank above Lieutenant and any other personnel designated by the Chief of Police to include the non-sworn position of Support Services Manager.
- F. **EMPLOYEE** or **MEMBER**– 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. If . In the absence of the Chief of Police, and absent a designation by the Chief, the longest tenured highest-ranking sworn officer who is a member of the Command Staff shall assume the role as Acting Chief of Police. The Chief of Police may, if circumstances dictate name another individual as Acting Chief of Police in consultation with the Town Manager. 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. Communications staff and the records department shall report to the Support Services Manager.
- 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.
 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.
 4. The span of control for the Support Services Manager shall be the records staff and Communications Specialists..

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 ,Town Manager, Deputy Town Manager and Human Resources Director. 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, 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 need 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.**
- 2. 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. IF THE REPORTING OFFICER IS OF A LOWER RANK THAN THE SUBJECT OF**

THE COMPLAINT, THE REPORTING OFFICER SHALL REPORT TO THE NEXT HIGHER AUTHORITY. COMPLAINTS OF WRONGDOING BY THE CHIEF OF POLICE MAY BE MADE TO THE TOWN MANAGER. ANY MEMBER MAKING A COMPLAINT OF MISCONDUCT THAT IS MADE IN GOOD FAITH SHALL BE PROTECTED AGAINST RETALIATION.

3. ALL MEMBERS 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 OR POSTED IN A MANNER PRESCRIBED BY THE CHIEF OF POLICE THIS INCLUDES WORK GENERALLY REFERRED TO AS "EXTRA" OR "OFF-DUTY" WORK THAT THE EMPLOYEE HAS AGREED TO WORK.**
- 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/CELLPHONE MAINTENANCE – Employees are subject to being called back for duty during their off-duty time. Since the telephone/cellphone is the quickest means of notification in an emergency, the following is a Department Rule.

EMPLOYEES ARE REQUIRED TO MAINTAIN A TELEPHONE/CELLPHONE AND INFORM THE DEPARTMENT OF THEIR NUMBER (S). ANY CHANGE OF TELEPHONE/CELLPHONE 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 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.**
- D. ANY LOGO, BADGE, OR EMBLEM USED AS OFFICIAL REPRESENTATION OF COLCHESTER POLICE DEPARTMENT AND OUR MEMBERS SHALL NOT BE REPLICATED OR USED BY ANY MEMBER WITHOUT THE PERMISSION OF THE CHIEF OF POLICE OR HIS/HER DESIGNEE.**

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 AND COMPLETELY ANSWER ALL QUESTIONS SPECIFICALLY DIRECTED TO THE SCOPE OF EMPLOYMENT AND

OPERATIONS OF THE DEPARTMENT. MEMBERS SHALL TRUTHFULLY AND COMPLETELY ANSWER 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 alternatives to arrest or criminal charges 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).**



Peter Hull, Interim Chief of Police

November 14 2023
Effective Date

Reviewed and approved by the Colchester Select Board on November 14, 2023.



Pam Loranger, Chair
Colchester Selectboard

November 14 2023
Date of approval