

MONTPELIER POLICE DEPARTMENT

Rules and Regulations

It is the policy of the Montpelier Police Department to publish Rules and Regulations as a guide to employees in the performance of their duties. It cannot be expected that any set of rules and regulations will cover all situations or emergencies that may arise. In a role as complex as that of a police officer or dispatcher, intelligence, common sense, and discretion will often be the only available guidelines.

The purpose of this section is an attempt at improving the effectiveness of the police department by making clear to all members what is expected of them, and what they can expect of fellow officers and employees.

Required Conduct

- A. **Address and telephone.** An employee shall have a telephone in their residence or provide a telephone number where they can be reached. This phone number will not be released to other than department members without express permission of the employee. Employees will provide the Department with a current address and will notify their supervisor immediately of a change in address and/or phone number.
 - 1. Department employees are not required to live in Montpelier, but must live within a reasonable distance of the police station.
- B. **Appointment.** Employees assuming sworn status with the Montpelier Police Department shall swear (affirm) to an oath of office administered by the City Clerk.
- C. **Awareness of activities.** An employee, upon reporting for duty or upon returning to duty from any absence, will inform himself/herself about all new orders, regulations, memoranda, previous shift activities and all other important matters governing his/her assignment.
- D. **Civil suits.** Members and employees shall not seek in any way, nor accept from any persons, money or compensation for damages sustained or expenses incurred by them in the line of duty without first notifying the Chief of Police in writing. Members or employees who have received municipal salaries when ill or for personal injuries sustained off-duty, shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such illness or injury. Notice shall be filed before the action is taken. It shall include the facts of the claims and the name of the defendant. The Chief of Police shall be informed of the status of the case and the final court determination. This provision shall not apply to private insurance policies held by members or employees for whom premiums are not paid for in part or in whole by the municipality. Members will not testify in any civil case unless legally summoned to do so or unless permission is received from the Chief. When a member is summoned to testify, he/she will notify the Chief through the chain of command.
- E. **Communications by radio.** All members of the department operating a Police radio either from a remote unit or in the communications center will strictly observe regulations as set forth in these procedures and by the Federal Communications Commission.
- F. **Competence.** All members will maintain sufficient competency to perform their duty and assume the responsibilities of their position. Incompetence may include but not be limited to:
 - 1. A lack of knowledge of the application of laws required to be enforced.
 - 2. An unwillingness or inability to perform assigned tasks.
 - 3. The failure to conform to work standards established for the officer's rank, grade or position.
 - 4. Repeated poor evaluations or repeated infractions of the rules and regulations.

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- G. **Equipment.** All equipment must be clean, in good working order and must conform to department specifications.
1. Officers who carry firearms while off duty shall be required to abide by the Off Duty Action policy for the Montpelier Police Department.
- H. **Identification.** Officers will carry their police identification with them while on duty, except when impractical or dangerous to their safety or the investigation. When carrying a firearm off duty, officers will have both their badge and police identification with them. Officers will furnish their name and rank to any person requesting that information at any time, except when withholding that information is necessary in the performance of police duties or is authorized by proper authority.
1. The badge and identification will not be displayed in an effort to gain entry to any function for the purpose of being admitted at a free or reduced price.
- I. **Investigation by an outside law enforcement agency and/or others.** All members will notify their immediate supervisor of any investigation being conducted by an outside law enforcement agency, attorney, private investigator, or others which involve members of this department. The Chief will be notified immediately of all such investigations.
1. All reports submitted or statements made will be released through the office of the Chief.
 2. It is the express purpose of this policy that this department and all its members cooperate fully with other agencies in their investigative responsibilities, in accordance with department procedures.
- J. **Knowledge of the City.** All members will familiarize themselves with the geography of the City, including but not limited to, routes of public transportation, the location of streets, highways, bridges, public buildings and places, area hospitals, courts, commercial establishments, and such other locations and information that may be required for the performance of their duties.
- K. **Letters/Mail.** Members may not use the department address for the purpose of receiving personal mail. Department letterhead will not be used for personal use; it is for official use only.
- L. **Line of duty disability.** Any injury, illness or disability incurred in the line of duty will be reported in accordance with department procedures. No officer will return to full duty status until certified by proper medical authority.
- M. **Locker use.** All full time members will be assigned a locker. When not in use, locker doors will be closed. Lockers are the property of the Montpelier Police Department. As such the Chief or designee may open them for inspection, at any time.
- N. **Offices/Other official equipment.** Members who are assigned offices will keep them neat and orderly. Other equipment that is issued to any member for their use in the performance of duty will be properly maintained. Any damage sustained will be reported immediately to a supervisor. Offices and other official equipment are the property of the Montpelier Police Department and as such may be opened and inspected by the Chief or designee.
- O. **Physical fitness and examinations.** All members will maintain good physical condition in accordance with standards as outlined by the bargaining agreement and the Vermont Criminal Justice Training Council--recruit entrance standard for physical qualification. A member will submit to a physical or psychological examination at any time, at the expense of the City, when so ordered by the Chief.
- P. **Property identification.** All property, including money, whether lost, stolen, confiscated, or given to the department, which comes under an officer's or dispatcher's control, will be properly tagged, and recorded in the department's records management system. (Also, refer to the Montpelier Police Department's Evidence/Property Policy.)

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- Q. **Public defects.** All members will observe and report, in writing, any defect, obstruction or nuisance in the streets, sidewalks, or other public areas which may pose a hazard to the general public or create a civil liability upon the City. In the case where immediate action is required, members will contact communications for appropriate action.
- R. **Reporting for duty.** Members will report for duty at the time and place as ordered by proper authority. Upon reporting for duty, members will be physically and mentally fit, properly attired and equipped.
1. Members will be deemed tardy if they are not present and prepared to assume their duties at the appointed duty hour. Members will notify the duty supervisor if they are to be tardy, including the reason for such tardiness.
 2. If a member cannot report for duty for any reason, he/she will notify the duty supervisor as soon as possible, but at least one hour in advance of the assigned shift.
- S. **Report of loss or damage to property.** Members will immediately report any loss or damage to department equipment to their supervisor. In the event that department property is lost or damaged, a report will be filed explaining the circumstances of such loss or damage.
- T. **Submitting reports.** All members are required to submit reports promptly, accurately and completely on the proper forms.
- U. **Truthfulness.** Members of the department will be truthful at all times and under all circumstances. In cases where members are not allowed by regulations to divulge facts within their knowledge the member will decline to speak on the subject. Members will not knowingly make false official reports, or enter or cause to be entered any false or improper information into any report or department document.

Prohibited Conduct

The following acts by a member of this department are prohibited or restricted. This list is not all-inclusive.

- A. **Conduct unbecoming an officer.** This shall include that which brings the department into disrepute or reflects discredit upon the officer as a member of the department, or that which impairs the operation or efficiency of the department or the officer.
- B. **Criminal conduct.** An act or omission that violates a Federal, State, or local law and is prima facie evidence of prohibited conduct, and will subject a member to disciplinary action.
- C. **Discourtesy.** Discourtesy, rudeness, or insolence to any member of the public or other member of the department is prohibited. All members shall be courteous and tactful in the performance of their duties and shall control their temper, exercising the utmost patience and discretion, even in the face of extreme provocation. Members shall be courteous and considerate in their demeanor towards fellow members. Members shall refrain from all communications to the discredit of others except when it becomes a duty to inform a superior of neglect or disobedience of orders.
- D. **Feigning illness.** A member will not feign illness or injury, or falsely report himself ill or injured, or otherwise deceive any official of the department as to the condition of his health as it relates to the performance of his duties.
- E. **Gifts and gratuities.** Members shall not, under any circumstances, solicit or accept any gift, gratuity, loan, service, reward or fee, where there is a direct or indirect connection between the solicitation and their departmental employment, except as may be specifically authorized by the Chief. Members must pay for all meals and beverages.

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- F. **Improper associations.** Members will not maintain or establish relationships with persons engaged in unlawful activity. An exception may be made when conducting official business and with the prior knowledge of the member's supervisor or the Chief.
- G. **Insubordination.** Members will not fail or deliberately refuse to obey a lawful order issued by a superior officer.
- H. **Membership in organizations.** Members shall not affiliate with or become a member of any organization if such affiliation or membership would in any way interfere with or prevent him/her from performing his/her official duties.
- I. **Neglect of duty.** Members will not absent themselves from assigned duty without leave or fail to take appropriate and suitable police action when any crime, public disorder or other incident requires police attention.
- J. **Official records/documents/information.** Members will not remove, copy, or modify official records or reports except in accordance with department procedure.
1. Members will not divulge the contents of any records or reports except in accordance with established department procedure and/or Vermont Public Records Law.
 2. Members will not divulge the identity of any person giving confidential information except as authorized by proper authority in performance of recognized police duties.
 3. Members will not mark, alter, or deface any printed or written notice pertaining to department business.
 4. Members will not place or cause to be placed in view any material without permission of a supervisor or Chief.
- K. **Political activities.** Participation in political activities while in uniform or on duty is prohibited. All actions, which would even give the impression that a member is using his official position to influence the electoral process, are to be avoided. The Chief, at his discretion, may grant permission for limited political activity as long as it appears that there is no conflict of interest and that such participation is not likely to affect the performance of the member.
1. Members will not knowingly become a candidate for any position prohibited by Vermont Statutes, City ordinance, or City Personnel Rules.
- L. **Recommending private services.** Members will not recommend or suggest in any manner the employment or purchase of any particular professional or commercial service or product, such as lawyers, undertakers, towing services, or burglar alarm companies, except in the transaction of personal business.
- M. **Sleeping.** Members will not sleep on duty except with the permission of the Chief.
- N. **Unauthorized transactions.** Members are prohibited from entering into any transactions of material value at substantially less than fair market value, or the value at which such goods or services are offered to the general public, when such transactions take place between themselves and any other person involved in any matter or case which arose out of their employment with the department, except as may be specifically authorized by the Chief.
- O. **Undue influence.** Members will not seek the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement.
- P. **Unnecessary force.** Members will not use more physical force than that which is necessary to accomplish a proper police purpose. Officers shall only use force in accordance with department policy.

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- Q. **Use of alcohol and drugs.** Members will not consume or purchase any intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer. Members will not appear for duty, training, court or any other duty related function or carry a firearm while under the influence of alcohol or controlled substances, to any degree or with an odor of intoxicants on their breath.
1. An exception may be made in the case of prescribed medication when under orders of a physician and when the member's immediate supervisor has been notified in advance.
- R. **Use of official position.** Members will not use their official position, official identification cards or badges:
1. For personal or financial gain.
 2. For obtaining privileges not otherwise available to them, except in the performance of duty.
 3. For avoiding consequences of illegal acts. Members will not lend to any person their identification cards, badges, building access codes, or permit them to be photographed or reproduced without the approval of the Chief. Members will not authorize the use of their names, photographs, or official titles, which identify them as members of the department, in connection with testimonials or advertisements of any person, or commercial enterprise, without the approval of the Chief.
- S. **Use of Tobacco Products.** Employees and other persons are banned from using any and all tobacco products in any department owned vehicle. There will be no exceptions to this policy for any reason.

Personal Appearance

- A. Members shall appear neat and well groomed while on duty to include, but not be limited to, regular duty, court appearances, in-service training, and department functions.
- B. Beards and mustaches will be neat and trimmed. Any member desiring to grow a beard or mustache will notify their supervisor of their intention. Facial hair will not be "scraggly" or unkempt. The allowance of facial hair will not be an excuse to avoid shaving.
- C. All members shall wear the prescribed uniform for assignment. Uniforms shall be kept neat, clean and well-pressed at all times. Care should be taken not to wear threadbare or faded items. Shoes and associated leather gear shall be clean and polished. Civilian clothing shall not be worn with any distinguishable part of the uniform while on duty.
1. Uniforms. The official uniform of the Department shall be of such styles, materials, colors, and manufacture as shall be prescribed from time to time by the Chief of Police. Insignia, badge, hats, service stripes, and decorations shall be worn as prescribed, and no item shall be worn unless it is specifically authorized.
 2. All issued non-expendable items remain the property of the Montpelier Police Department and will be returned upon notification or as required.
- D. Male members permitted to wear civilian clothing while on duty shall wear either a business suit, coordinated slacks, sweater and shirt combination; or sports coat and slacks. A dress style shirt with tie shall be worn. Command officers may prescribe other types of clothing when necessary to meet particular police objectives. Unless otherwise directed, female members permitted to wear civilian clothing shall conform to standards normally required of office personnel in private business firms. The Chief may authorize certain plain-clothes members to adjust the above requirements if, in his discretion, the requirements are unnecessary or ill advised.
- E. The badge is required to be worn at all times while in uniform.

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- F. Insignia or pins and similar items shall not be worn on uniforms except for those items approved or issued by the department.
- G. When appearing in court, all members will wear the prescribed uniform or civilian clothing as they normally wear on duty.

Uniforms and Equipment

- A. The nature of police work and the need for visibility in the basic function require uniformity in appearance. The purpose of this section is to identify departmental personnel who will be issued uniforms and those who will receive a clothing allowance. This regulation also establishes the standard for wearing of various uniforms and equipment and sets general guidelines for all personnel.
- B. The Administrative Assistant or designee will be responsible for the issuance and return of all department uniforms, equipment and related supplies. All issued non-expendable items remain the property of the Montpelier Police Department and will be returned upon proper notification or as required.
- C. Uniform types/job classifications:
 - 1. Uniformed officers
 - 2. Dispatchers
 - 3. Detectives
 - 4. School Resource Officer
 - 5. Bike Patrol Officer
 - 6. Community Service Officer/Parking

See **Appendix A Uniforms/Gear** for a list of issued items.

- D. A protective vest, also known as soft body armor, is issued to each officer. Uniformed Officers **are required** to wear their protective vest whenever on duty, in uniform, and regularly performing patrol functions in the field.
 - 1. Protective vests used by officers of the Montpelier Police Department in field assignments shall be of the type worn under the uniform shirt or in an external uniform carrier approved/issued by the department.
 - 2. The vest shall be properly fitted to the officer and replaced as recommended by the manufacturer.
 - 3. Ballistic panels will meet or exceed threat level II A,
- F. Replacement of uniforms and equipment due to normal wear and tear will be handled by the employee submitting a request to their immediate supervisor who, after indicating approval, will forward the request to the Administrative Assistant.
- G. Except for special events or other unusual circumstances as directed by a supervisor, the uniform of the day for all uniformed officers shall consist of issued uniform pants, uniform shirt with appropriate shoulder patches. The police badge shall be worn over the left breast. The issued nameplate shall be worn centered on the right pocket flap. Collar brass and insignia of rank will be worn on the shirt collar, centered, approximately 1.5 inches from the collar point toward the neck seam, insignia bottom edge 1/2 inch from the bottom edge of the collar. Embroidered rank insignia for Corporals and Sergeants shall be worn on each sleeve centered just below the department shoulder patch.

Special unit insignia, i.e., K-9 brass, shall be worn centered on the left pocket flap, directly below the badge.

Special award and citation pins shall be worn as directed when approved by the Chief for uniform wear.

The uniform had shall be worn when directed to do so by the Chief or designee. It may be worn anytime while working in the regular uniform.

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Changes in seasonal uniform styles will be at the discretion of the Chief or designee.

Foot gear shall consist of black boots.

Approved By:_____

Date Approved:_____

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LAW ENFORCEMENT CODE OF CONDUCT

All law enforcement officers must be fully aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The International Association of Chiefs of Police believes it is important that police officers have clear advice and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of police officer include serving the community; safeguarding lives and property; protecting the innocent; keeping the peace; and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest--which may be correct in appropriate circumstances--can be a more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

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A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with Other Police Officers and Agencies

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and

completely with respect and consideration at all times.

Personal-Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.