



Police Commission

Tuesday, July 22, 2025, 6:00 PM, Zoom/Contois Auditorium

Topic: Police Commission 7.22.2025

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1. Agenda

1.1. Call to Order

1.2. Roll Call and Determination of Quorum

1.3. Additions or Modifications to Agenda

2. Adopt Minutes

2.1. Motion to adopt previous meeting's minutes

3. Public Forum (Time Limited 10 Minutes)

3.1. The public is invited to address the Commission

4. Commission Business (Time Limited 30 Minutes)

- 4.1. Committee Reports from All Committees
- 4.2. Committee Changes
- 4.3. Flag and Table:
Public Information Directive - DD03
Law Enforcement Role and Authority - DD01
- 4.4. Discussion of DD03- Fair and Impartial Policing - Update on Referral
- 4.5. Discussion of Complaints Committee

5. Police Department Business (Time Limited 20 Minutes)

- 5.1. Chief's Report

6. Commendations (Time Limited 15 Minutes)

7. Announcement of Next Meeting Date

8. Adjournment

- 8.1. Motion to Adjourn

9. Informational and Non-Discrimination Statements

Subject	9.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	July 22, 2025 - Police Commission Meeting - Tuesday, July 22, 2025, 6:00 PM, Zoom/Conotois Auditorium
Category	9. Informational and Non-Discrimination Statements
Department	Council and Board
Type	

Police Commission
Tuesday, May 27, 2025
Remote via Zoom and In-person in Contois Auditorium
Burlington, Vermont
DRAFT MINUTES

Members Present: Commissioner Depper, Commissioner Keefe, Commissioner Finnerman and Commissioner Oski

Members Online: Commissioner Cox and Commissioner Comerford

Staff Present: Interim Police Chief Shawn Burke and Command Staff Assistant Shibe Couchman (online)

1. Agenda

1.1. Call to Order

Meeting called to order by Commissioner Depper.

1.2. Roll Call and Determination of Quorum

All Commissioners present.

1.6. Motions for Additions or Modifications to Agenda (Time Limited: 15 Minutes)

Motioned, seconded, approved unanimously.

2. Adopt Minutes

2.1. Motion to Adopt Draft Minutes from March 25th, 2025

Moved, seconded, approved unanimously.

3. Public Forum (Time Limited: 10 Minutes)

3.1. The Public is Invited to Address the Commission

Two public participants:

Todd DeLuca spoke to give his thanks to Lt. Henry from the BPD.

Will Lambek spoke on behalf of the organization Migrant Justice during the DD03 discussion.

4. Commission Business (Time Limited: 30 Minutes)

4.1. Committee Reports from All Committees

Re-confirming the Animal Control Committee met 3/20/25 for a second hearing on Vicious Dog from 2024, a decision made and published.

No discussion from the Complaints Committee

4.2. Committee Changes

None

4.3. Discussion of DD03 – Fair and Impartial Policing

Commissioner Oski proposed additions/modifications to DD03. Will Lambek of Migrant Justice spoke on behalf of the organization to offer insight to their recommended changes to DD03.

Commissioner Keefe asked to review input from both the BPD and City's Attorney in addition to

Migrant Justice before sending an edited document to VCJC. Commissioner Oski moves to table the item and refer the current draft to the VCJC with cover letter to raise a question about parenthetical in the document after full review by all Commissioners. Approved unanimously.

5. Police Department Business (Time Limited: 30 Minutes)

5.1. March 2025 Chief's Report

Chief discussed data trends provided by City Analyst Jeff Nicholson as well as commented on the role structure of the BPD and current Department projects.

Commissioner Oski commented on the data points used in the metrics in comparison to previous data collection. Chief Burke says how only one incident type has been added but all others have been used previously.

6. Commendations (Time Limited: 15 Minutes)

6.1. Officer Commendations

Officer Erin Bartle and CARES Team Clinician Carly Levinson commendations.

7. Announcement of Next Meeting Date

June 24th, 2025.

8. Adjournment

8.1. Motion to Adjourn

The Commission adjourned the public meeting.

9. Executive Session

9.1 Motion to Move to Executive Session

The Commission proposed and moved to Executive Session.



BURLINGTON POLICE DEPARTMENT DEPARTMENT DIRECTIVE

DD 01 Law Enforcement Role & Authority, Ethics, Organizational Structure & Department Rules

Reviewed and published XXXX XX, 2025

PURPOSE: The purpose of this directive is to establish a code of conduct for employees and clearly assign command authority; establish a protocol for command succession in the absence of the Chief of Police; define supervisory and employee relationships in situations involving multiple ranking officers or employees; and ensure compliance with the established chain of command.

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

CONTENTS:

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

I. OATH OF OFFICE

All sworn personnel, prior to assuming sworn status, shall be required to take an oath of office to enforce the law and uphold the Constitutions of the United States and the State of Vermont. The oath of office shall be administered by the Chief of Police or 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, updated in 2024, is as follows:

As a sworn officer, my fundamental duty is to serve the community by safeguarding lives and property against threats that could take advantage of or harm members of my community or otherwise impact peace and order. I will uphold the Constitution and honor the rights of all to life, liberty, equality, and justice. I will never employ unnecessary force. I will respect the privacy of people and communities that I serve, and I will fully obey the laws that I am sworn to enforce.

I will live by example, remembering that my character and conduct, on-duty and off, directly influence the legitimacy of the policing profession. I will exercise self-restraint and maintain courageous calm in the face of danger, scorn, and ridicule and be constantly mindful of the welfare of others as well as my own well-being.

I will never act officiously or permit bias or personal gain to influence my decisions. I will strive to protect the vulnerable from harm. If this fails, I will seek to identify and apprehend offenders, professionally and appropriately holding them to account. I will not solicit or accept any gifts, bribes, or anything of value from any person or entity that may create a perception of benefit or influence my performance as a public servant.

I recognize my shield of 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 not engage in or condone acts of corruption, take advantage of circumstances for personal gain, or accept gratuities, and I promise to intervene when met with any unjustifiable acts by members of my profession. 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 professional performance and conduct and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these principles, dedicating myself to my chosen profession... policing.

III. LEGAL AUTHORITY

All sworn officers of 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. **Discretion.** No code of conduct could possibly cover all circumstances in which police officers must make instantaneous and irrevocable decisions or judgements. 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. **Restrictions.** Many factors impact upon the everyday 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. **Parameters:** 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.
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 (OIC).** The highest-ranking on-duty officer 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. **Role of the Chief of Police.** The Mayor of Burlington, in conjunction with approval of a majority of the City Council, 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.
- B. **Authority and Actions of the Chief of Police.** The Chief of Police derives authority from the Municipal Charter of the City of Burlington. Specifically, as outlined in VSA 24 App. ch. §3-183 (a), 24 App. ch. § 3-184, 24 App. ch. § 3-185 and Title 24 VSA §1931b.
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.
- C. **Organizational chart.** 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. **Deputy Chief.** Each Bureau shall be under the direct command of only one supervisor, a Deputy Chief.
- B. **Supervision.** Each employee shall be accountable to only one supervisor at any given time.
- C. **Purpose.** The chain of command provides a channel of communication and a means of delegating authority, assuring adequate supervision and proper coordination.
- D. **Function.** 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, they may take the issue to the next level in the chain of command.

E. **Responsibilities.** 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. **Factors.** 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. **Numbers.** 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 them.
2. The span of control for first-line patrol supervisors shall not exceed eighteen units on active patrol. This number is exclusive to 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 the first-line supervisor has direct supervisory responsibility.

IX. MISSION, GOALS & OBJECTIVES

The Department will develop and maintain a "mission statement" that 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. **Bureau goals.** 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. **Feedback.** 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.

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.
- B. **Department Directives.** Department Directives are issues from the Office of the Chief of Police after review and approval by the Board of Police Commissioners. They contain policies and procedures that 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 methods 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 Department 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 than the person who is receiving the order.

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.

- A. **Command protocol.** 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:
1. 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.
 2. 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.
 3. The Chief of Police, or Deputy Chief, may designate a person to be in charge of a particular police task or operation.
 4. 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.
 5. 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 within the Department as a sworn officer/employee.
- B. **Unit Leader.** 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.
- C. **Initial on-scene command.** 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.
- D. **Authority.** 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.
- E. **Accountability.** All employees shall be accountable for the use of any authority delegated to their position.
- F. **Limits of supervisory delegation.** A Supervisory officer/employee may delegate responsibility and authority to an officer/employee for a specific task or duty. However, they are accountable for the performance of the employees under their 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 themselves 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 A. EMPLOYEES ARE REQUIRED TO ADHERE TO DEPARTMENT RULES, DIRECTIVES AND MEMORANDUMS AND TO CONFORM TO ALL LAWS APPLICABLE TO THE GENERAL PUBLIC

RULE 1 B. EMPLOYEES SHALL NOT ENGAGE IN CRIMINAL CONDUCT AS DEFINED BY 20 V.S.A § 2401 (1) (CATEGORY A CONDUCT).

RULE 1 C. EMPLOYEES SHALL NOT MISUSE THEIR OFFICIAL POSITION OR USE OFFICIAL RESOURCES TO ENGAGE IN UNWELCOME SEXUAL ADVANCES, REQUESTES FOR SEXUAL FAVORS, AND OTHER VERBAL, PHYSICAL, WRITTEN, AUDITORY, OR VISIAL CONDUCT OF A SEXUAL NATURE.

RULE 1 D. EMPLOYEES SHALL NOT ATTMEPT TO CAUSE, OR CAUSE, PHYSICAL HARM TO A FAMILY OR HOUSEHOLD MEMBER, NOR PLACE A FAMILY OR HOUSEHOLD MEMBER IN FEAR OF IMMINENT SERIOUS PHYSICAL HARM. EMPLOYEES SHALL NOT VIOLATE THE DOMESTIC VIOLENCE INVOLVING LAW ENFORCEMENT MODEL POLICY.

RULE 2: AUTHORITY TO SUSPEND. In some situations, an employee's action or lack thereof may require temporary relief from duty until a determination can be made surrounding the circumstances. For example, if an employee reports to work intoxicated, their supervisor may relieve the employee of duty pending further investigation. Obviously, the intoxicated employee is not prepared for duty; thus, relieving them 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 CODE OF ORDINANCES OF THE CITY OF BULRINGTON, PART 1, SUB PART A, TITLE 6, SECTION 190.

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.

RULE 3. NO COMMANDING OR SUPERVISORY EMPLOYEE SHALL KNOWINGLY ISSUE ANY ORDER THAT 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.

RULE 5 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 THAN FROM A SUPERIOR OFFICER.

RULE 5 B. SHOULD A SUPERVISOR ISSUE AN ORDER THAT 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 ANSERABLE FOR DISOBEDIENCE OF ANY PREVIOUSLY ISSUED ORDER.

RULE 6: **ABUSE OF PROCESS.** The community demands and requires the 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 that might compromise either their integrity or that of the Department. Employees shall not misuse their official position for personal or economic gain.

RULE 6 A. 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.

RULE 6 B. EMPLOYEES ARE PROHIBITED FROM PROVIDING CONFIDENTIAL INFORMATION CONCERNING DEPARTMENT INVESTIGATIONS OR OPERATIONS TO ANY UNAUTHORIZED PERSON.

RULE 6 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.

RULE 7 A. THE LAWFUL AUTHORITY ENTRUSTED TO POLICE OFFICERS SHALL NOT BE USED IMPROPERLY TO INTERFERE WITH THE LAWFUL CONDUCT OF ANYONE.

RULE 7 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 7 C. OFFICERS SHALL NOT ENGAGE IN A COURSE OF CONDUCT OR A SINGLE EGREGIOUS ACT THAT EVIDENCES DISCRIMINATORY CONDUCT, OR EXHIBITS BIAS AGAINST INDIVIDUALS, BASED ON RACE, COLOR, CREED, NATIONAL ORIGIN, ANCESTRY, SEX, GENDER IDENTITY/EXPRESSION, MARITAL STATUS, PREGNANCY, RELIGION, AGE, SOCIO-ECONOMIC STATUS, PHYSICAL OR MENTAL DISABILITY, MEDICAL CONDITION, DISABLED, OR VETERAN STATUS, SEXUAL ORIENTATION, CITIZENSHIP, OR ANY OTHER PROTECTED

CHARACTERISTIC UNDER LAW, WHICH DOES NOT INVOLVE EXPRESSION OF PUBLIC CONCERN, AND WHICH CLEARLY AND SUBSTANTIALLY DEMONSTRATES THAT OFFICERS CANNOT PREFORM THEIR DUTIES OF OFFICE IN A FAIR AND IMPARTIAL MANNER, WITH RESPECT FOR THE RIGHTS OF OTHERS AND LAWS OF THE STATE AND NATION.

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.

RULE 8. WHILE ON DUTY OR UNDER AUTHORITY OF THE STATE, OFFICERS SHALL ONLY USE FORCE IN ACCORDANCE WITH THE STATEWIDE USE OF FORCE POLICY AND 20 V.S.A. § 2368 (STANDARDS FOR LAW ENFORCEMENT USE OF FORCE), INCLUDING THE DUTY TO INTERVENE.

RULE 9: INTEGRITY OF THE REPORTING SYSTEM. To assess the extent of criminal activity in the City accurately 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.

RULE 9. 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. To provide consistent and dependable service to the community, it is necessary that employees be punctual for duty.

RULE 10 A. EMPLOYEES OF THE DEPARTMENT SHALL BE PUNCTUAL IN REPORTING FOR DUTY AT THE TIME AND PLACE SPECIFIED BY THEIR SUPERVISOR.

RULE 10 B. NO EMPLOYEE WILL BE ABSENT FROM DUTY WITHOUT LEAVE OR AUTHORIZATION FROM THIER 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.

RULE 11 A. TO ENSURE EMPLOYEE SAFETY AND THE PROTECTION OF THE PUBLIC, EMPLOYEES SHALL REMAIN AWAKE AND ALERT WHILE ON DUTY.

RULE 11 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.

RULE 11 C. ALCOHOLIC BEVERAGES WILL NOT BE CONSUMED WHILE WEARING THE UNIFORM, OR ANY PART THEREOF, WHILE ON OR OFF DUTY.

RULE 11 D. EMPLOYEES SHALL NOT TAKE ANY NARCOTIC OR CONTROLLED SUBSTANCE UNLESS PRESCRIBED BY A PHYSICIAN.

RULE 11 E. EMPLOYEES TAKING NARCOTIC OR CONTROLLED SUBSTANCES, PRIOR TO OR WHILE ON SHIFT, SHALL BE PREVIOUSLY CLEARED FOR DUTY BY A PHYSICIAN.

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.

RULE 12. EMPLOYEES ARE REQUIRED TO MAINTAIN A TELEPHONE AND INFORM THE DEPARTMENT OF THEIR TELEPHONE NUMBER. ANY CHANGE OF TELEPHONE NUMBER WILL BE COMMUNICATED TO THE DEPARTMENT WITHIN 24 HOURS.

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

RULE 13. 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 SOME 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 not solicit or accept any solicitation or transfer of any item of value for the purpose of influencing their judgment or official conduct and politely decline gifts or rewards.

RULE 14. 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.

RULE 15 A. NO EMPLOYEE OF THE POLICE DEPARTMENT SHALL ENGAGE IN ANY SECONDARY EMPLOYMENT THAT CAUSES THE EMPLOYEE TO PERFORM AT LESS THAN MAXIMUM EFFICIENCY.

RULE 15 B. EMPLOYEES ARE PROHIBITED FROM ENGAGING IN SECONDARY EMPLOYMENT WHILE ON SICK LEAVE.

RULE 15 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 officers, 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 that 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.

RULE 16. NO OFFICER/EMPLOYEE SHALL COMMIT ANY ACT THAT CONSTITUTES CONDUCT UNBECOMING A POLICE OFFICER. CONDUCT UNBECOMING INCLUDES, BUT IS NOT LIMITED TO ANY CRIMINAL, DISHONEST, OR IMPROPER CONDUCT.

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 that have an inherent potential for conflict of interest.

RULE 17. 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 PROCESS IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

RULE 18: NEGLECT OF DUTY/UNSATISFACTORY PERFORMANCE. Because of the nature of police work, employees must maintain sufficient competence 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.

RULE 18. 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. Failing to maintain custody and control of weapons, Criminal Justice Information Services (CJIS) systems, or encrypted technology may also constitute a violation of Rule 18 Neglect of Duty.

RULE 19 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.

RULE 19 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.

RULE 20. THE UNIFORM SHALL BE WORN BY EMPLOYEES ONLY WHILE ON DUTY OR GOING TO OR FROM THEIR PLACE OF ASSIGNMENT.

RULE 21: MUTUAL PROTECTION.

RULE 21. 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/public relations. In an effort to establish and maintain mutual trust and respect with the Community, employees shall exercise courtesy, tact, and decency when in contact with the people.

RULE 22. EMPLOYEES SHALL BE COURTEOUS TO MEMBERS OF THE PUBLIC AND FELLOW EMPLOYEES. PROFESSIONAL STANDARD 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.

RULE 23. 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

RULE 24. 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

RULE 25. 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

RULE 26 A. UPON THE ORDER OF ANY SUPERVISING EMPLOYEE, OR THEIR 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. EMPLOYEES SHALL NOT KNOWINGLY MAKE AN UNTRUTHFUL STATEMENT CONCERNING A MATERIAL FACT OR KNOWINGLY OMIT A MATERIAL FACT ON AN OFFICIAL CRIMINAL JUSTICE RECORD, WHILE TESTIFYING UNDER OATH, OR DURING AN INTERNAL AFFAIRS OR VCJC INVESTIGATION.

RULE 26 B. WHILE PREPARING FOR, ADMINISTERING, OR PARTICIPATING IN ANY OFFICIAL EXAMINATION EITHER CONDUCTED BY THE DEPARTMENT OR THE VERMONT CRIMINAL JUSTICE COUNCIL, EMPLOYEES SHALL NOT CHEAT OR USE ANY DISHONEST METHOD TO OBTAIN, FURNISH, ASSIST IN OR ACCEPT, QUESTIONS OR ANSWERS TO SUCH EXAMINATION.

RULE 27: NOTICE OF SUITS AGAINST MEMBERS.

RULE 27 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 QUESTIONS, SHALL BE FURNISHED TO THE CITY ATTORNEY.

RULE 27 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 POSITION AS A MEANS OF FORCING OR INTIMIDATING PERSONS WITH WHOME THEY ARE ENGAGED IN CIVIL CONTROVERSY TO SETTLE CASES IN THEIR FAVOR.

RULE 28: UNAUTHORIZED DISCLOSURE OF INFORMATION.

RULE 28. EMPLOYEES SHALL NOT DISCLOSE ANY CONFIDENTIAL DEPARTMENT POLICIES, INTERNAL MEMOS, PLANS, OR OTHER CRIMINAL JUSTICE INFORMATION EXCEPT AS AUTHORIZED. THIS PROVISION IS NOT TO BE CONSTRUED TO PREVENT THE RELEASE OF INFORMATION CONCERNING LAW-ENFORCEMENT ACTIVITIES THAT IS NOT CONFIDENTIAL. EMPLOYEES SHALL BE FAIR AND IMPARTIAL IN THE RELEASE OF INFORMATION TO THE PUBLIC AND MEDIA.

RULE 29: REDUCTION OF CHARGES.

RULE 29. 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.

RULE 30 A. SEEKING PERSONAL PERFERMENT. 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.

RULE 30 B. POLITICAL ACTIVIES. 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 & CRIMINAL CASES.

RULE 31. WHENEVER A CIVIL CASE ARISES THAT REQUIRES AN EMPLOYEE TO TESTIFY RELATIVE TO THEIR 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. EMPLOYEES WILL ATTEND ALL TRAFFIC/MUNICIPAL AND CRIMINAL COURT HEARINGS, PROCEEDINGS AND TRIALS FOR WHICH THEY WERE PROPERLY NOTIFIED, EXCLUDING VACATION, SICKNESS OR EMERGENCIES.

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.

RULE 32. 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.

RULE 33. NO BURLINGTON POLICE EMPLOYEE SHALL INVESTIGATE, OR SIGN AS APPROVED, THE INVESTIGATION OF A FRIEND OR RELATIVE THAT 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.

RULE 34. AT ALL TIMES, THE DEPARTMENT EXPECTS 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 adopted by the Burlington Police Commission on XXXXXX.

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BURLINGTON POLICE DEPARTMENT DEPARTMENT DIRECTIVE

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

Reviewed and published February 29, 2024

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 or 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 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 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. **Discretion.** 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. **Restrictions.** Many factors impact upon the everyday 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. **Parameters:** 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.
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 (OIC).** The highest-ranking on-duty officer 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. **Role of the Chief of Police.** 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. **Organizational chart.** 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. **Deputy Chief.** Each Bureau shall be under the direct command of only one supervisor, a Deputy Chief.
- B. **Supervision.** Each employee shall be accountable to only one supervisor at any given time.
- C. **Purpose.** The chain of command provides a channel of communication and a means of delegating authority, assuring adequate supervision and proper coordination.
- D. **Function.** 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.
- E. **Responsibilities.** 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. **Factors.** 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. **Numbers.** 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 the first-line supervisor has direct supervisory responsibility.

IX. MISSION, GOALS & OBJECTIVES

The Department will develop and maintain a "mission statement" that 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. **Bureau goals.** 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. **Feedback.** 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.

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.
- B. **Department Directives.** 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 that 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 methods 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.

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.

- A. **Command protocol.** 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:
1. 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
 2. 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.

3. The Chief of Police, or Deputy Chief, may designate a person to be in charge of a particular police task or operation.
 4. 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.
 5. 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. **Unit leader.** 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. **Initial on-scene command.** 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. **Authority.** 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. **Accountability.** All employees shall be accountable for the use of any authority delegated to their position.
- G. **Limits of supervisory delegation.** 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 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 from 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 CODE OF ORDINANCES OF THE CITY OF BURLINGTON, PART 1, SUB PART A, TITLE 6, SECTION 190.

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.

RULE 3. NO COMMANDING OR SUPERVISORY EMPLOYEE SHALL KNOWINGLY ISSUE ANY ORDER THAT 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.

RULE 5 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.

RULE 5 B. SHOULD A SUPERVISOR ISSUE AN ORDER THAT 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 that might compromise either their integrity or that of the Department.

RULE 6 A. 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.

RULE 6 B. EMPLOYEES ARE PROHIBITED FROM PROVIDING CONFIDENTIAL INFORMATION CONCERNING DEPARTMENT INVESTIGATIONS OR OPERATIONS TO ANY UNAUTHORIZED PERSON.

RULE 6 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.

RULE 7 A. THE LAWFUL AUTHORITY ENTRUSTED TO POLICE OFFICERS SHALL NOT BE USED IMPROPERLY TO INTERFERE WITH THE LAWFUL CONDUCT OF ANYONE.

RULE 7 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 effect 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.

RULE 8. 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 assess the extent of criminal activity in the City accurately 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.

RULE 9. 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.

RULE 10 A. EMPLOYEES OF THE DEPARTMENT SHALL BE PUNCTUAL IN REPORTING FOR DUTY AT THE TIME AND PLACE SPECIFIED BY THEIR SUPERVISOR.

RULE 10 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.

RULE 11 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.

RULE 11 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.

RULE 11 C. ALCOHOLIC BEVERAGES WILL NOT BE CONSUMED WHILE WEARING THE UNIFORM, OR ANY PART THEREOF, WHILE ON OR OFF DUTY.

RULE 11 D. EMPLOYEES SHALL NOT TAKE ANY NARCOTIC OR CONTROLLED/DANGEROUS SUBSTANCE UNLESS PRESCRIBED BY A PHYSICIAN.

RULE 11 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.

RULE 12. 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.

RULE 13. 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.

RULE 14. 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.

RULE 15 A. NO EMPLOYEE OF THE POLICE DEPARTMENT SHALL ENGAGE IN ANY SECONDARY EMPLOYMENT THAT CAUSES THE EMPLOYEE TO PERFORM AT LESS THAN MAXIMUM EFFICIENCY.

RULE 15 B. EMPLOYEES ARE PROHIBITED FROM ENGAGING IN SECONDARY EMPLOYMENT WHILE ON SICK LEAVE.

RULE 16 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 that 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.

RULE 16. NO OFFICER/EMPLOYEE SHALL COMMIT ANY ACT THAT CONSTITUTES CONDUCT UNBECOMING A POLICE OFFICER. CONDUCT UNBECOMING INCLUDES, BUT IS NOT LIMITED TO, ANY CRIMINAL, DISHONEST, OR IMPROPER CONDUCT.

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 that have an inherent potential for conflict of interest.

RULE 17. 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.** Because of 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.

RULE 18. 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. Failing to maintain custody and control of weapons, Criminal Justice Information Services (CJIS) systems, or encrypted technology may also constitute a violation of Rule 18 Neglect of Duty.

RULE 19 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.

RULE 19 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.

**RULE 20. THE UNIFORM SHALL BE WORN BY EMPLOYEES ONLY
WHILE ON DUTY OR GOING TO OR FROM THEIR PLACE OF
ASSIGNMENT.**

RULE 21: MUTUAL PROTECTION.

**RULE 21. 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 Community, employees should exercise courtesy, tact, and decency when in contact with the public.

**RULE 22. 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.

**RULE 23. 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.

**RULE 24. 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.

RULE 25. 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.

RULE 26. 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.

RULE 27 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.

RULE 27 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.

RULE 28. 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 THAT IS NOT CONFIDENTIAL. EMPLOYEES SHALL BE FAIR AND IMPARTIAL IN THE RELEASE OF NEWS TO PUBLIC INFORMATION MEDIA.

RULE 29: REDUCTION OF CHARGES.

RULE 29. 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.

RULE 30 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.

RULE 30 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.

RULE 31. 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.

RULE 32. 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.

RULE 33. NO BURLINGTON POLICE EMPLOYEE SHALL INVESTIGATE, OR SIGN AS APPROVED, THE INVESTIGATION OF A FRIEND OR RELATIVE THAT 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.

RULE 34. AT ALL TIMES, THE DEPARTMENT EXPECTS 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 adopted by the Burlington Police Commission on February 27, 2024.



Jon Murad, Chief of Police

29 February, 2024
Effective Date

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BURLINGTON POLICE DEPARTMENT DEPARTMENT DIRECTIVE DD30 Public Information, Website, NIXLE

POLICY: It is desirable for the Burlington Police Department to maintain a positive working relationship with the media that will result in satisfying the needs of the agency, the media, and the public and to use varied means to regularly release information to the public. Toward that end, the Department shall maintain a Public Information function responsible for cultivating positive police-media and community relations and fulfilling the public's desire to be informed of matters involving public safety and Department operations.

PURPOSE: The presence of news reporters at the scene of a police incident is a necessary and legitimate function of the media's responsibility to inform the public. Public safety officials should extend the media all courtesies consistent with efficient police operations, the rights of the persons involved, and the public's right to know. This directive shall establish policies and procedures for releasing information to the media and general public.

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I. DEFINITIONS

Public Information Officer: For the purposes of this directive shall refer to the individual designated by the Chief of Police as responsible for coordinating the agency's Public Information function. This officer shall be responsible for maintaining a file of all press releases disseminated by any member of this agency.

Public Information Function: Shall be the responsibility of all personnel of the rank of Lieutenant or higher. In the absence of the Public Information Officer, it shall be the responsibility of the on duty Officer in Charge, the Chief of Police, or his/her designee to fulfill the responsibilities of the function.

Media Personnel: Legitimate representatives from established radio, television, or print media. Upon request media personnel should be prepared to provide credentials indicating their name and media affiliation. Any question regarding the legitimacy of a media representative should be directed to the Officer in Charge.

II. RESPONSIBILITIES OF THE PUBLIC INFORMATION FUNCTION

A. Maintaining positive police-media relationships is the responsibility of every member of the Burlington Police Department. Any member may be called upon to serve as a department spokesperson. While recognizing that providing information to the public is a task shared by all, it is

in the interest of coordinating the dissemination of information and increasing agency accountability that a public information function is established.

- B. The Public Information function of this agency shall be responsible for the following:
1. Approving press releases prior to dissemination to media to ensure consistency and accuracy.
 2. Assisting media personnel in covering news stories at the scene of incidents.
 3. Being available for response to crime scenes.
 4. Preparing and disseminating news releases regarding public education issues such as personal safety tips, special enforcement efforts, new or revised laws, seasonal crime awareness information, and the winter parking prohibitions.
 5. Arranging for and assisting at press conferences.
 6. Coordinating and authorizing release of information about victims, witnesses, and suspects.
 7. Assisting in crisis situations within the agency, such as a line of duty death or serious injury.
 8. Coordinating and authorizing release of information concerning sensitive agency investigations and operations.
 9. Developing procedures for release of information when the Department is involved in a multi-jurisdictional incident.
 10. Soliciting feedback and input from media personnel regarding agency policies and procedures related to public information.
 11. Communicating Department guidelines and restrictions regarding access of media personnel, to include photographers, at crime scenes and other serious incidents.

III. RESPONSIBILITIES OF THE PUBLIC INFORMATION OFFICER

- A. To assume primary responsibility for the accomplishment of the above stated responsibilities of the Public Information function.
- B. To delegate duties, as necessary, to other agency personnel regarding the Public Information function. It may be desirable during some incidents for the Public Information Officer to delegate Public Information duties to other agency personnel (investigating officer, officers involved in special projects, etc.). The Public Information Officer shall attempt to provide agency employees with relevant career development opportunities regarding media relations.
- C. To act as the Department's official liaison to the media.
- D. To maintain a central file of all information disseminated to the media by members of this agency.
- E. Retain all press releases in a central file for one year.

IV. RESPONSIBILITIES OF ALL AGENCY PERSONNEL

- A. As stated previously, all personnel should be prepared to deal with members of the media during the course of their official duties. There is some information, enumerated below, that may be released by any member of the agency. In serious incidents, however, any department member approached by the media for information shall refer the request to the Public Information Officer, or other ranking officer responsible for the Public Information function.

- B. **The following information may be released to media personnel by any member:**
 - 1. **Crash** – time, date, location, number of vehicles, injuries sustained, names and ages of drivers and occupants, and whether or not seat belts were used.
 - 2. **Arrests** – the name, age, and address (to include street but not house or box number) of adults arrested or cited, the charge, and arraignment date.
 - 3. **Crimes** – the time, date, location, type of crime, and status of investigation.
- C. Except as noted above, any information that is released must be forwarded to the Public Information Officer for inclusion in the central file.
- D. All written press releases must be prepared on agency approved forms and must be authorized by a Lieutenant or higher ranking officer, or the on duty OIC. If information is distributed to the media in other than print format, a synopsis shall be forwarded to the Public Information Officer immediately following dissemination.
- E. Agency members may not authorize media personnel to trespass onto private property.
- F. Inquiries concerning departmental policies, procedures, personnel issues or relationships with other agencies shall be referred to the Office of the Chief of Police.
- G. Media personnel shall not be allowed to interview subjects who are in police custody.

V. ACCESS OF MEDIA PERSONNEL AT CRIME SCENES

- A. Generally, access of media personnel, including photographers, shall be restricted to the outer perimeter of any crime scene or serious incident. Media personnel may only cross the established perimeter after receiving permission from the Incident Commander.
- B. When permission is granted by the Incident Commander, officers shall assist media personnel in gaining access to an incident scene.
- C. Media personnel shall never be allowed to interfere with police operations. Additionally, officers may deny access to a scene for safety or investigative purposes.
- D. It shall be the responsibility of the Public Information function to communicate these guidelines to affected media agencies to help ensure their cooperation.

VI. RELEASE OF INFORMATION DURING MULTI-JURISDICTIONAL INCIDENTS

- A. In situations involving multi-agency participation, the Burlington Police Department shall handle public information activities only if it is the agency having primary jurisdiction in the incident.
- B. In all other multi-jurisdictional activities in which Department personnel participate, questions from the media shall be directed to the agency having primary jurisdiction. Burlington Police personnel may assist the primary agency as requested.

VII. RELEASE OF INFORMATION BY TASK FORCE MEMBERS

Burlington Police personnel assigned to a Task Force shall comply with the procedures established by the Task Force. Task Force members are encouraged to forward a copy of all press releases that mention the Burlington Police Department for inclusion in the central file.

VIII. INFORMATION THAT MAY BE RELEASED TO THE MEDIA

- A. The following information may be released to the media, with the exceptions noted. Some information may not be appropriate for release given the nature of the investigation.
1. The identity of a deceased victim, **after notification of next of kin**.
 2. The name, age, and residence of any person charged with a crime, the charge and date of arraignment.
 3. The facts and circumstances of an arrest, including the date, time, and location of the arrest, disposition of the arrested person (lodged or cited), bail imposed, arraignment date, and general statements about any pursuit, resistance, or weapons involved.
 4. A brief description of evidence seized without any further comment.
 5. The identity of the investigating officer(s) and/or the arresting officer(s) and the anticipated length of the investigation.
 6. Whether the suspect was arrested with or without a warrant and a brief description of the offense charged.
 7. The name of the court issuing a warrant and the time and place of arraignment and plea entered, if known.
 8. Any information necessary to aid in the apprehension of a person formally charged with a crime, or to warn the public of any danger posed by a suspect.

IX. INFORMATION THAT MAY NOT BE RELEASED TO THE MEDIA

- A. The following information **may not** be released to the media, unless it is contained in a public file.
1. Comments regarding the character or reputation of a suspect.
 2. Comments regarding the existence of a confession, or statements made by a suspect. Or, the failure or refusal of the suspect to make a statement or confession. It **can** be noted that the suspect denies the charge(s).
 3. The results of any examination or tests made, or the refusal or failure of the suspect to submit to any examination or test;
 - a. If the failure to submit to an examination or test is the cause for the charge (DWI refusal, contempt of court, etc.), this information may be released.
 4. The identity, statements, or credibility of any witness or prospective witness.
 5. Any opinion as to the guilt or innocence of a suspect, or speculation as to the plea a suspect may enter.
 6. Any opinion as to the merits of the case or of the evidence in the case.
 7. Information concerning the planning of raids or other confidential enforcement efforts.
 8. Only the Chief of Police, or his/her designee, may authorize the release of information pertaining to personnel issues within the department.
 9. The identity of the following persons will not be released:

- a. Any victim of a sex crime;
 - b. Any abused or neglected child;
 - c. Any person taken into protective custody because of mental illness;
 - d. Any person taken into custody because of intoxication. NOTE: State law requires that police notify the next of kin of any incapacitated person **who is taken to Corrections**, unless the person requests that no notification be made.

Information regarding the status of an incapacitated person **may not** be released to anyone other than next of kin;
 - e. The name of a complainant, unless a complainant specifically authorizes the release of his/her name to the media;
 - f. Any juvenile accused of a crime, unless the case has been transferred to criminal court and the juvenile is ordered to stand trial as an adult.
11. The contents of affidavits are not public information until after a judicial officer has found that probable cause exists and the defendant has been arraigned.
 12. Any information contained in the Sex Offender Registry, unless authorized for release by Statute.
 13. Any other information deemed as not public information as described in Title 1, section 317 of Vermont Statutes Annotated.

X. PIO CONTACT GUIDELINES

The following guidelines are distributed to area media regarding contacting the PIO or Department representative.

- A. All media inquiries between 8 a.m. and 10 p.m. that are non-emergent should be directed to 540- 2211.
- B. This phone number will be programmed to forward the call to the on duty Public Information Officer. This number should not be disseminated beyond the media.
- C. The media is strongly discouraged from calling multiple members of the Command Staff or Public Information team, as it is difficult to coordinate a response to multiple messages.
- D. ***This phone number is designed to be a single point of contact.*** We commit to fielding phone calls as quickly as possible.
- E. If the on call public information officer does not return a call within thirty minutes, the media may contact the Officer in Charge.
- F. Any media inquiry in response to a specific press release should be directed to the contact person named in the release.
- G. Any media inquiry that is time sensitive and pertains to ongoing police operations or occurring between 10 p.m. and 8 a.m. may be directed to the Officer in Charge at 540-2400.
- H. During a “critical incident” the media will be alerted by a press release. The Officer in Charge will either handle media inquiries or defer them until a member of the Public Information team is available.

XI. COMMUNITY OUTREACH NOTIFICATION

A. In those instances where it has been determined that a significant event has happened which will impact the perception of safety within the neighborhood, the OIC may authorize the implementation of the Community Outreach Team. The Team may consist of members of the Burlington Police Department and other designated agencies. The Team’s goal will be to provide timely and accurate information directly to residents

regarding the recent traumatic event in their neighborhood, beyond that which is typically available in the published media.

B. The Team may utilize neighborhood canvassing, educational or informational flyers, holding community meetings, or conducting individual meetings to better inform the residents as to the actual circumstances, and the current status of the incident in the neighborhood. The Team may also offer referrals for counseling, crime prevention, and community support programs to the residents.

XII. RELEASE OF DEPARTMENT OF MOTOR VEHICLE INFORMATION

- A. Personnel may disclose personal information obtained from the Department of Motor Vehicles (DMV) to criminal justice agencies. (See DMV Agreement)
- B. Personnel may release information to any requestor pertaining to vehicular crash, driving violations and driver's license and registration status.
- C. However, in the event that personnel choose to disclose personal information about any individual obtained from the **DMV** to a **non-criminal justice agency**, they may only disclose such information under the following conditions:
 - 1. Personal information released to non-criminal justice agencies is **limited to name and address**. The Social Security Number or medical/ disability information may **NOT** be disclosed.
 - 2. **To disclose** personal information **means to verbally report** it to the requestor. **Copies** of personal information **are NOT to be released** to non-criminal justice users.
 - 3. Personal information may only be disclosed to the following non-criminal justice agencies:
 - a. Government agencies in carrying out official business or in response to a court order.
 - b. Legitimate businesses in connection with:
 - 1. matters of motor vehicle or driver safety and theft.
 - 2. providing notice to the owners of towed or impounded vehicles;
 - 3. investigative agencies or licensed security services for any of the purposes included in Section 3 of this amendment;
 - 4. obtaining or verifying information related to a holder of a commercial driver's license.
 - c. A properly identified person seeking information regarding his/her own record.

XIII. IMPORTANT CONSIDERATIONS REGARDING RELEASE OF INFORMATION

- A. When addressing the media it is important to remember that the general public is the audience. Speak in clear, concise language and avoid the use of jargon, military time or acronyms.
- B. Whenever any member of the Burlington Police Department addresses the media, he/she is representing the entire agency. Personnel should remember that thousands of citizens within the community and beyond would form impressions of the department based on a single interview.

XIV. WEBSITE

All media and informational release shall be cross-posted to the Department's website by the Executive Assistant to the Chief of Police. Additionally, the Department's website should be kept current with important operational information for the public, the contents of which vary widely as Department operations evolve.

XV. NIXLE BROADCAST SYSTEM

A. Beginning on November 1, 2009, the Department will begin utilizing an electronic messaging system that allows direct communication with interested persons who sign up to receive messages via e-mail, SMS, or text to their mobile device. The service is provided by NIXLE, who is a trusted entity with partners such as NLETS, the U.S. Conference of Mayors, the Council of State Governments, the Police Executive Research Forum, and a host of others.

B. Messages that will be sent, from time to time, include:

1. **Traffic** – information related to traffic problems or diversions and parking bans
2. **Community Information** – information about meetings that relate to public safety topics
3. **Advisories** – Crime Alerts and Press/Informational Releases (from events in which we are seeking information from the public or a neighborhood that may be impacted by a response or have a recognizable interest in immediate information about an event)
4. **Alerts** – Critical Incident Information – information on major events, emergencies, or things such as Amber Alerts, missing persons, etc.

C. For those within the agency with access to post to NIXLE, the login page is located at: <https://agency.nixle.com/login>.

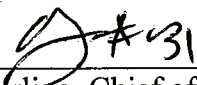
NIXLE is configured to broadcast to all persons subscribed to the BPDVT NIXLE messaging system or anyone following BPDVT on Twitter. Broadcasts can be configured to occur to all persons subscribed or within a geographic area around a particular address. Generally, a supervisor must approve any NIXLE posting. Supervisors and Communications Staff will have access to post to NIXLE. Communications Staff may post traffic advisory information to NIXLE without the approval of a supervisor.

Burlington Police employees are prohibited from posting information relating to Department operations directly to Twitter or any other social networking or other Internet site, or disseminating information via any other electronic means other than NIXLE without the express consent of a supervisor.

Residents, businesses or others interested in following Department NIXLE broadcasts can register securely at no charge by visiting: <http://local.nixle.com/city/vt/burlington>. In the event that members of the public would prefer to follow these broadcasts via Twitter, NIXLE postings are automatically cross-posted to Twitter at the following Tweet: <http://twitter.com/BPDVT>. BPD personnel do not directly post to Twitter. Rather, using a feature of NIXLE that allows automatic population of the BPDVT Twitter page.

Information about the NIXLE service can be found at www.nixle.com. The site provides tutorial information about its operation for both end users and persons posting information.

Reviewed and adopted by the Burlington Police Commission on November 17, 2010.



Michael E. Schelling, Chief of Police

17 NOVEMBER 2010
Effective Date



BURLINGTON POLICE DEPARTMENT DEPARTMENT DIRECTIVE

DD 30 Public Information

Reviewed and published Month Date, Year

PURPOSE: To establish guidelines for Department members when providing information to the public via media outlets. The Burlington Police Department is committed to open, transparent, and inclusive practices with all members of the public while adhering to the tenets of the Vermont Public Records Law.

POLICY: It is the policy of the Burlington Police Department to provide relevant and timely information to the media and the public. Release of information shall not intentionally violate privacy or jeopardize ongoing incidents and investigations. Access to information and incident locations (scenes) will be balanced with public safety concerns, investigation integrity, and with full consideration given to Vermont's Public Records Law.

CONTENTS:

- I. Definitions
- II. Media Release Responsibilities
- III. Information to be Released
- IV. Information Not to be Released
- V. Juveniles
- VI. Information Pertaining to Vermont Civil Violation Complaints (VCVC)

I. DEFINITIONS

- A. **Public Record:** any information written or recorded, regardless of physical form or characteristics, which is produced or acquired during public agency business.
- B. **Juvenile:** any person under the age of eighteen (18) years of age¹.
- C. **Media Release:** any written document prepared for the purpose of sharing details of a Burlington Police Department incident or matter with the public. Such releases will be disseminated via the department's media e-mail distribution list.
- D. **Public Interest:** any event or incident which impacts or concerns public safety, public officials, or public places. Any event that the public has witnessed or which could reasonably be expected to cause public concern or alarm.
- E. **Officer in Charge (OIC).** The highest-ranking on-duty officer commanding a particular division.

¹ Should State law change the age of when a person is considered an adult in the criminal legal system, this policy will follow the State's definition in those cases.

II. MEDIA RELEASE RESPONSIBILITIES

- A. The Chief of Police or designee shall serve as the Public Information Officer. The role of the Public Information Officer includes but is not limited to.
- i. Coordination with the Administration on policy or positions unrelated to police operations.
 - ii. Maintaining professional relationships with members of the media.
 - iii. Scheduling press conferences surrounding noteworthy events or Department initiatives.
 - iv. Assisting the media with their coverage of the Department.
 - v. Annual review of this policy for efficacy and compliance with Section 12.6 of the Comprehensive Personnel Policy Manual.
- B. All Department members shall be prepared to interact with members of the media. Department members who are approached by the media for specific information or for comments should refer the request to the Officer in Charge. In the event of a serious incident (e.g. an officer involved shooting, homicide, etc.) employees shall refer all media requests to the Chief of Police or their designee.
- C. A media release will be issued as soon as practical concerning incidents of public interest, arrests for serious crimes, crimes of violence, serious crashes, road closures, or other hazardous scenes. Additionally, media releases may be used in instances when the public's help is needed as part of an active investigation.
- i. Exceptions to this section may be made if a media release could compromise an ongoing investigation. Any exception made requires approval by the supervisor of the investigation.
- D. All media releases shall be constructed using the approved Burlington Police Media Release template and approved by the Officer in Charge prior to dissemination. All media releases shall be delivered using the media e-mail distribution list maintained by the department. Completed media releases shall be incorporated into the record management system as part of the incident reporting.
- E. Death investigations are often performed in response to an incident of public interest. A media release may be issued within 24 hours for all death investigations except in the following instances:
- i. Suicides with no public interest,
 - ii. Natural deaths with no public interest, or
 - iii. Any death investigation when the release of information would erode the integrity of the investigation.

The identity of any decedent shall be withheld pending notification of next of kin.

- F. Media access to an incident scene shall be the responsibility of the on-scene Officer in Charge and should be restricted to the outer perimeter. Restricted access to incident scenes is necessary for public safety, evidence integrity, and to preserve the rights afforded to victims of crime. At no time will Department members allow members of the media to trespass onto private property in order to gain access to an incident location.
- G. Department members assigned to a task force, e.g. Chittenden Unit for Special Investigations, Drug Task Force, shall comply with the media procedures established by their respective task force.
- H. Department members shall respond promptly and professionally to requests from the media.
- I. Inquiries concerning Department policies, procedures, personnel or relationships with other entities shall be referred to the Chief of Police.
- J. The Department shall issue weekly logs related to incidents and arrests to the media via the Media Group list serve.

III. INFORMATION TO BE RELEASED

- A. Name, age, city / town of residence. (DO NOT RELEASE DATE OF BIRTH);
- B. Nature and description of incident;
- C. Date, time, and street of incident occurrence;
- D. Offense(s) for which a person has been arrested or issued citation;
- E. Burlington Police Department booking image if available;
- F. Disposition of arrested or injured persons;
- G. The identity of any crime victim except as outlined in section 4 of this policy;
- H. Name of the investigating Officer and approving Supervisor.

IV. INFORMATION NOT TO BE RELEASED

- A. Any information about a witness to or victim of a crime where information could jeopardize their safety or otherwise erode the integrity of an investigation;
- B. Any information that could identify a victim of a sex crime or domestic assault;
- C. Information related to criminal investigations if it relates to the detection and investigation of a crime and could reasonably:

- i. Interfere with an investigation or other enforcement proceedings;
 - ii. Deprive a person of a right to a fair trial or impartial adjudication;
 - iii. Constitute an unwarranted invasion of personal privacy;
 - iv. Disclose the identity of a confidential source;
 - v. Disclose techniques and procedures or guidelines for law enforcement investigations or prosecutions, which would reasonably be expected to risk circumvention of the law; or endanger the life or physical safety of an individual.
- D. Sealed or expunged files;
- E. Autopsy reports;
- F. Medical information;
- G. Uniform crash reports;
- H. Any statements about the character, reputation, number of police involvements or criminal record of a person. A summary of an arrested person's criminal convictions may be released if that information is contained in the affidavit filed with the Court and is public;
- I. Comments regarding the existence of a confession, statements made by a suspect; including the failure or refusal of the suspect to make a statement or confession;
- J. Comments as to the opinion of the guilt or innocence of a suspect, merits or weight of the evidence of any case;
- K. Questions about whether information is publicly releasable shall be referred to the Chief.

V. JUVENILES

- A. Any information that could reveal a juvenile's identity will not be released until such time that the State's Attorney determines whether the juvenile will be charged in criminal court;
- B. Any information that could reveal a juvenile's custody status shall not be released;
- C. Juvenile arrests, including records or information reflecting an initial arrest or citation of a juvenile will not be released if a juvenile is being referred to family court;
- D. The identity of a juvenile crime victim will not be released;
- E. The identity of juveniles will be released in the following instances:
 - i. If the juvenile is an operator or occupant in a motor vehicle crash;

- ii. When the release of a juvenile's name, including a photograph, would be of material aid in locating a missing person; or
- iii. As outlined in Section VI of this policy.

VI. INFORMATION PERTAINING VERMONT CIVIL VIOLATION COMPLAINTS (VCVC)

A. Information from records pertaining to issued Vermont Civil Violation Complaints issued to any person (including juveniles) may be released, except for the following:

- i. The photograph of the individual.
- ii. Date of birth.
- iii. Social Security number.
- iv. Driver's license number.
- v. Physical address / mailing address.
- vi. Telephone number.

Reviewed and adopted by the Burlington Police Commission on Month Date, Year.

Shawn Burke, Interim Chief of Police

Month Date, Year
Effective Date

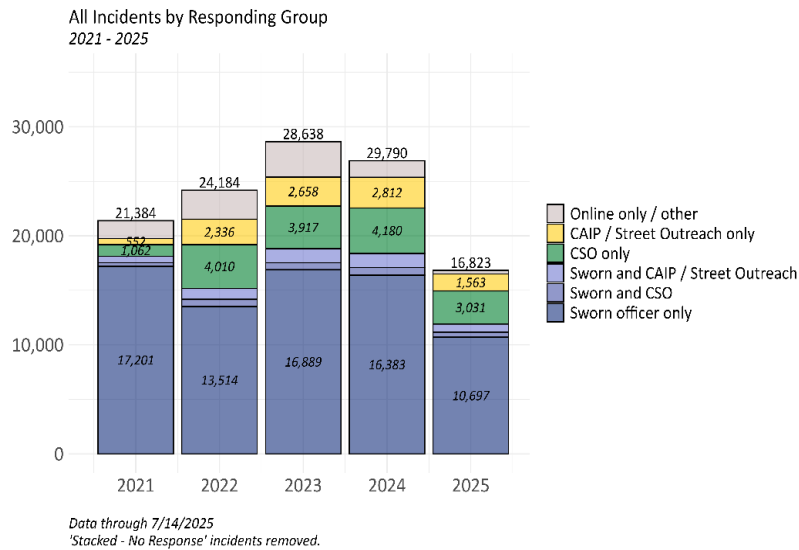


POLICE DEPARTMENT CITY OF BURLINGTON

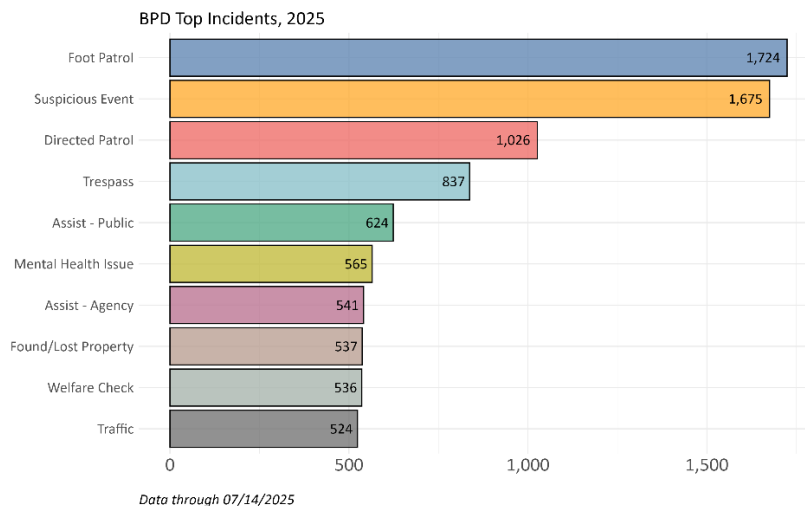
July 22nd, 2025

Chief's Report – Burlington Police Commission

Operations: The department is leveraging all elements of the organization: Sworn Officers, Community Service Officers, Crisis Advocacy Intervention staff, and Street Outreach in response to calls for service. The data below illustrates how human resources have been deployed:



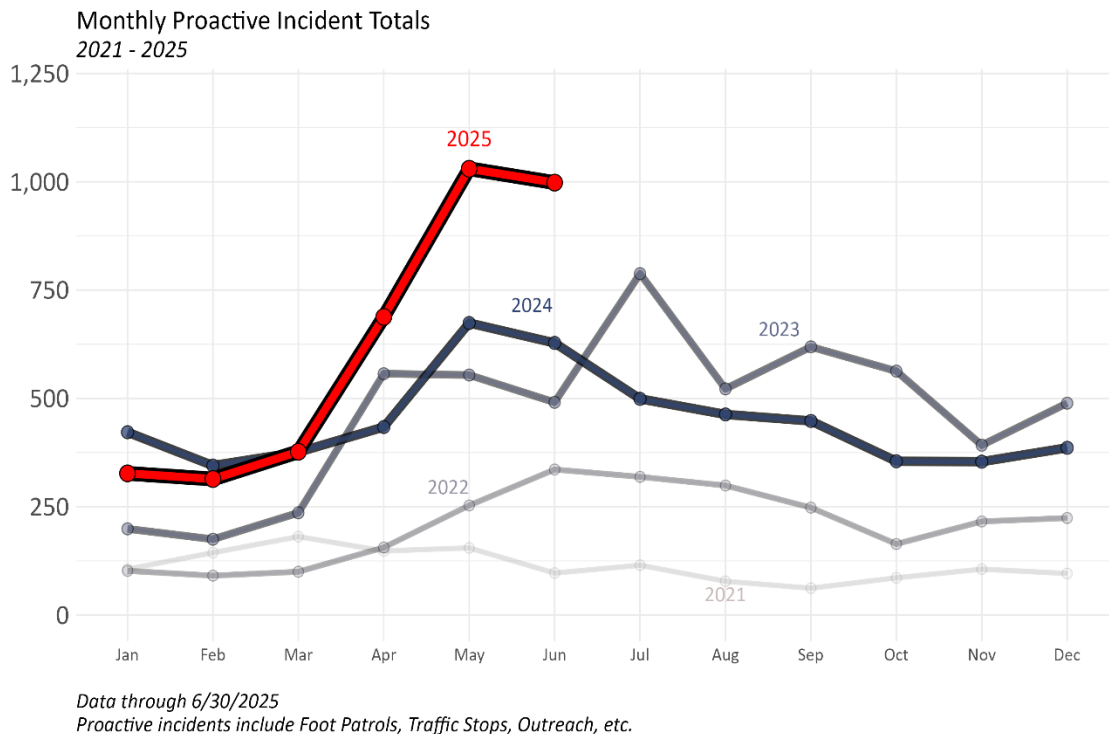
Another relevant data point - the top ten incident categories the organization is attending to:





POLICE DEPARTMENT
CITY OF BURLINGTON

The department has continued to maintain a strong focus on the downtown area of the city. This effort is measured by a few different incident categories that fall in the catchment of “proactive incidents”. Proactive incidents are simply a measure of how staff are using their discretionary time focused on areas of interest:



The community has been very receptive to the efforts staff are investing in keeping the downtown area safe. The underlying cause of much of the disorder downtown remains to be individuals with unmet social service needs who are treatment / service resistant.

The Mayor’s Office recently launched a new program to assist with addressing individuals at acute elevated risk of harm – the Situation Table. Burlington is the fifth community in Vermont to launch this program which is granted funded by the Department of Public Safety. The program is structured to evaluate individuals at greatest risk on a weekly basis, identify the interventions needed to best serve the individual, and to deliver an intervention within 24 to 48 hours. The table is not a duplication of work but rather a structure that improves efficiency and synchronization of services.



**POLICE DEPARTMENT
CITY OF BURLINGTON**

The table had its first meeting in mid-July where the first two situations were undertaken. The department is optimistic that this level of weekly intervention will be helpful in addressing the apparent mental health and substance use crisis in the community.

Personnel:

This month, we bid farewell to two dedicated members of our department as they enter a well-earned retirement.

Corporal Tom Chenette is retiring after 20 years of exemplary service. He has accepted a new position with the State of Vermont.

Corporal Carolynne Erwin is also retiring, having served the department with distinction for 21 years. She will be moving on to a new role in the private sector.

Both Cpl. Chenette and Cpl. Erwin have made lasting contributions to the Burlington community and will be deeply missed. We are proud to welcome them into the ranks of our retired personnel and thank them for their decades of service and commitment.

The department is proud to announce the appointment of **Jon Young** as the new **Deputy Chief of Operations**. With over two decades of distinguished service in law enforcement, Deputy Chief Young brings a wealth of experience, leadership, and dedication to his new role.

Deputy Chief Young has served in a variety of key leadership positions throughout his career with BPD, and has consistently demonstrated a commitment to community engagement, operational excellence, and public safety.

Deputy Chief Young will oversee the day-to-day operations of uniformed services, working closely with the command team, officers, and community partners to ensure effective and responsive policing throughout the city.

Lastly, the department will welcome a new police officer to our ranks on July 28th. Ratna Polk will spend one week of orientation before they attend the 120th session of the Vermont Police Academy.



POLICE DEPARTMENT
CITY OF BURLINGTON

Policy / Direction: During the months of June and July the department has been focused on the following:

- Implementation of the formal recruitment plan.
- Focused foot patrol initiatives in City Hall Park and on Church Street – Uniform Services and CSO ranks.
- Improvements / Updates to the Police Department web site.
- Improved customer service greeting created for the BPD business phone lines.
- Engaged with the Hot Spot working group - City Attorney / Burlington Business & Workforce Development.
- Continued work with the City Data Team in developing products which illustrate our work, the overlap with social services, and Fire / EMS.
- Development of revised versions of DD 01 Law Enforcement Role & Authority, DD 14.1 Body Worn Camera, and DD 29 Online Reporting. These draft policies will be presented to the Police Commission soon.