



<b>CODE OF CONDUCT</b>	Related Policies: Officer and Employee Internet Postings/Social Networking, Use of Force, Use of CEW's, Collaborative Partnerships, Fair and Impartial Policing
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes/Rules:	
Date Adopted: September 13, 2021	Date Reviewed:

**I. PURPOSE**

The mission of the Bennington Police Department (BPD or Agency) states in part, “The BPD is accountable to the community for providing everyone, regardless of identity, with respectful and equitable law enforcement, protection, and service.” In accordance with that mission, all members of the BPD (“Member” or “Members,” as defined in Section III, below) must be fully aware of the ethical responsibility of their position, must strive constantly to live up to the highest standards of professional policing, and must commit to understanding and following all the General Orders (adopted Policies) of the BPD.

The purpose of this policy is to provide standards of conduct embodied in the Law Enforcement Officer’s Oath of Honor and this Agency’s statement of values and mission so that all officers and employees of the BPD have a clear understanding of Agency and community expectations pertaining to conduct and activities while on and off duty.

**II. POLICY**

**A. PRIMARY RESPONSIBILITIES OF A POLICE OFFICER**

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

BPD's mission and values statement, oath of honor and this Code of Conduct. If an officer experiences an ethical conflict with respect to these obligations, the Officer should consult a supervisor for further clarification. Officers shall abide by all laws, regulations, BPD policies, rules and procedures. Officers shall obey all lawful orders.

**B. PERFORMANCE OF THE DUTIES OF ALL MEMBERS (See Policy on Fair and Impartial Policing)**

All Members shall perform all duties impartially, without favor or affection or ill will and without regard to actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the US Armed Forces, disability as defined by 21 V.S.A. § 495d(5), sexual orientation, or gender identity (13 V.S.A. § 1455). All citizens will be treated equally with courtesy, consideration, and dignity.

Members shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law. Members will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, Members will strive to achieve the greatest level of cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

**C. DISCRETION**

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

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest, in appropriate circumstances can be a more effective means of achieving an outcome that is just, equitable, and beneficial to the community, so long as such discretion is not exercised in a manner that is discriminatory.

**D. USE OF FORCE (See Use of Force and Use of CEW's)**

The BPD and all officers believe "in the sanctity of every human life and in the value of de-escalation and effective communication."<sup>1</sup>

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

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<sup>1</sup> See Use of Force Policy of the Bennington Police Department.

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

E. CONFIDENTIALITY (See Officer and Employee Internet Postings/Social Networking)

When a Member sees, hears, or learns of information that is generally understood to be confidential in nature, the member will maintain such confidentiality unless the performance of duty or provision of law requires otherwise, or as directed by Court Order.

Members of the public have rights to security and privacy, and information obtained about them must not be improperly divulged. This includes but is not limited to:

- ∞ Members are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others, or where such disclosure is not reasonably necessary in furtherance of job performance or other official duty
- ∞ Members shall not take or release photographs capturing sensitive information or images unless authorized to do so.
- ∞ Members shall not, when officially acting as a representative of the BPD, divulge or willfully permit to have divulged any information gained by reason of their position, for anything other than its official, authorized purpose.

F. INTEGRITY

A Member will not engage in acts of corruption or bribery, nor will a Member condone such acts by others.

The public demands that the integrity of Bennington Police Department Members be above reproach. Members must avoid any conduct that might compromise integrity and thus undercut the public confidence in the Bennington Police Department. Members will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to influence the Member from performing official responsibilities honestly and within the law. Bennington Police Department members must not receive private or special advantage from their official status. Respect from the public cannot be bought, it can only be earned and cultivated.

G. COLLABORATION WITH OTHER AGENCIES (See Collaborative Partnerships)

Bennington Police Department Members will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. In addition, the BPD will collaborate with a variety of community agencies and organizations in order to fulfill its vision and mission; to include, but not limited to: United Counseling Service, Project Against Violent Encounters (PAVE), Southwestern Vermont Medical Center (SVMC), Vermont Center for Independent Living (VCIL), or other agency or organization.

An Officer or Agency may be one among many organizations that may provide law enforcement services to a jurisdiction. (e.g., Vermont State Police, Bennington County Sheriff's Department). It is imperative that all Members assist colleagues fully and completely, with respect and consideration at all times.

When the BPD enters a collaborative relationship with an agency expressed in a Memorandum of Understanding (MOU) a copy of that MOU will be made available to all Members of the department.

#### H. PERSONAL-PROFESSIONAL CAPABILITIES

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

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

#### I. PRIVATE LIFE (See Officer and Employee Internet Postings/Social Networking)

Bennington Police Department Members will behave in a manner that does not bring discredit to the agency or themselves. (see J. below)

Members shall follow applicable law and the policies of the BPD regarding their participation and involvement in political activities. Where legal mandates are silent on this issue, members shall be guided by the following examples of prohibited political activities while on-duty, in uniform, or otherwise serving as a representative of the BPD. Members shall not:

1. Place, affix, or display any campaign literature or other paraphernalia in or on government-owned or controlled property, to include offices and vehicles.
2. Solicit political funds from any member of the BPD or other governmental agency of this jurisdiction.
3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures.

4. Use official authority to interfere with any election or with the political actions of other officers or the general public; or
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations.

A Member's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which they live and serve. The Member's personal behavior must be beyond reproach.

#### J. CONDUCT UNBECOMING AN OFFICER

Members shall not conduct themselves in a manner, on or off duty, that:

- ∞ casts doubt on their integrity, honesty, moral judgment, or character.
- ∞ brings discredit to the Bennington Police Department.
- ∞ impairs the BPD's efficient and effective operation.

#### K. CONDUCT TOWARD THE PUBLIC

Members shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice.

- ∞ Members shall treat individuals with courtesy, respect, and dignity.
- ∞ Members shall not employ an officious or overbearing attitude or use language that might belittle, ridicule, or intimidate individuals.
- ∞ Members shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community and shall strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner.<sup>2</sup>

### III. DEFINITIONS:

- A) Discretion: A power or right conferred upon officers by law of acting, or not acting, officially in certain circumstances, according to the dictates of their own judgement and conscience and their Oath of Honor.
- B) Reasonable: The behaviors and actions that would be used by other reasonable and well-trained officers if faced with the same or similar circumstances.
- C) Member: As used in this document, this means any employee of the Bennington Police Department, whether sworn, civilian, full time, part-time, or otherwise.

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<sup>2</sup> See Fair and Impartial Policing Policy

This Policy is adopted by the Select Board of the Town of Bennington, Vermont, this \_\_\_\_ day of \_\_\_\_\_ 2021 and is effective as of this date until amended or repealed.

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Jeannie Jenkins, Chairperson

#### **IV. PROCEDURES:**

A. The following items shall be reviewed annually by all personnel:

1. Mission Statement (see attached);
2. Oath of Honor (see attached);
3. Tenets (see attached);
4. Code of Conduct (see attached);

B. CONDUCT

General conduct includes the following:

1. Officers shall follow the BPD's mission and guiding principals, oath of honor, and code of conduct. If an officer experiences an ethical conflict with these items, they should consult a supervisor for further clarification.
2. Officers shall be truthful in all matters and shall not lie, falsify, conceal, purposely distort, diminish, embellish, or fail to fully disclose facts associated with any law enforcement related matters.
3. Adherence to laws, regulations, and orders:
  - a. Officers shall abide by all laws, regulations, BPD's policies, rules, and procedures.
  - b. Officers shall obey all lawful orders.

- c. Officers who are arrested or come under investigation for any offense in any jurisdiction shall immediately report this fact to their supervisor.
  - d. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.
- 4. Unbecoming conduct – Officers shall not conduct themselves in a manner, on or off duty, that:
  - a. Casts doubt on their integrity, honesty, moral judgment, or character;
  - b. Brings discredit to the BPD; or
  - c. Impairs the BPD's efficient and effective operation.
- 5. Neglect of duty:
  - a. All officers shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the conduct of assignments and responsibilities.
  - b. Officers shall conduct themselves in an expeditious manner to avoid any unreasonable delays to the public in the performance of law enforcement duties and activities.
- 6. Accountability and responsibility:
  - a. Officers are directly accountable for their actions, through the chain of command, to BPD's Chief of Police.
  - b. Officers shall report for duty, including court and off-duty assignments, at the time and place required.

- c. Officers have a duty to intervene to prevent or stop wrongdoing by another officer when it is safe and reasonable to do so.
- d. Officers have a duty to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of the BPD is violating law or policy.
- e. Officers shall cooperate fully in any internal administrative investigation conducted by this or any other authorized agency and shall not attempt to conceal, divert, or mitigate any culpability of theirs or others by falsehoods or omissions.
- f. Officers shall utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures and shall not intentionally abuse, destroy, dispose of, or damage these items.

7. Conduct toward fellow officers:

- a. Officers shall conduct themselves in a manner that fosters cooperation among members of the BPD, showing respect, courtesy, and professionalism in their dealings with one another.
- b. Officers shall not use language or engage in acts that demean, harass, or intimidate other officers.

8. Conduct toward the public – Officers shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with the tenets of the BPD.

- a. Officers shall treat individuals with courtesy, respect, and dignity.
- b. Officers shall not employ an officious or overbearing attitude or use language that might belittle, ridicule, or intimidate individuals.

- c. Officers shall perform their duties equitably in both the enforcement of laws and the delivery of law enforcement services within the community and shall strive to maintain public trust by conducting all law enforcement business in an unbiased, fair, and impartial manner.
9. Abuse of law enforcement authority or position:
- a. Officers may not accept goods, services, or discounts of value not available to the general public and shall report any unsolicited goods or services they receive and the circumstances of the receipt to a supervisor.
  - b. Officers shall not use their authority or position:
    - for financial gain;
    - to obtain or grant privileges or favors;
    - to avoid the consequences of illegal acts for themselves or others; or
    - to barter, solicit, or accept any goods or services, such as gratuities, gifts, discounts, rewards, loans, or fees, whether for themselves or others.
  - c. Officers shall not purchase, convert to their own use, or have any claim to found, impounded, abandoned, or recovered property or any property held or released as evidence.
  - d. Officers shall not permit the use of any BPD issued identification card, badge, or official document by unauthorized persons.
  - e. Officers are prohibited from using law enforcement sensitive information gained through their position to advance financial or other private interests of theirs or others.
  - f. Officers shall not steal, forge, or tamper with any official law enforcement document. Documents shall not be altered or duplicated unless such actions are approved by a supervisor.

- g. Officers shall not take or release photographs capturing sensitive information or images unless authorized to do so.
- h. Officers shall not undertake any investigation or other official action that is not part of their regular duties without first obtaining permission from their supervisor, unless the exigency of the situation requires immediate law enforcement action.
- i. Officers involved with any civil action that arises from acts performed under authority of a BPD officer shall inform their supervisor.

10. Prohibited associations and establishments:

- a. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another law enforcement or criminal justice agency or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in criminal activity), except as necessary to the performance of official duties or where unavoidable or impractical because of pre-existing familial or marital relationships. In such cases where regular household, physical, or telephone contact is unavoidable, the officer shall inform their supervisor of the relationship.
- b. Officers shall not knowingly engage in social or romantic relationships with confidential informants, victims, or witnesses involved with active investigations.
- c. Officers shall not participate or interfere in investigations involving family members or persons with whom they have a close personal or business relationship.
- d. Except in the performance of official duties, officers shall not enter any establishment in which the law is knowingly violated.
- e. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward

racial, religious, ethnic, or other groups or classes of individuals protected by law.

#### C. Public Statements, Appearances, and Endorsements

1. Officers shall follow the BPD's policy on Officer and Employee Internet Postings/Social Networking.
2. Officers shall not, when officially acting as a representative of the BPD:
  - a. make any public statement that could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations, or public perception of the BPD.
  - b. divulge or willfully permit to have divulged any information gained by reason of their position, for anything other than its official, authorized purpose; or
  - c. unless expressly authorized, make any statements, speeches, or public appearances that could reasonably be considered to represent the views of this agency.
3. Officers shall not solicit or accept contributions for the BPD or, as a law enforcement officer of the BPD, for any other agency, organization, event, or cause except the Bennington Police Association without the express consent of the Chief of Police or their designee.
4. Officers may not, as an agent of the BPD, endorse, recommend, or facilitate the sale of commercial products or services without the approval of the Chief of Police or their designee. This includes but is not limited to the use of tow services, vehicle repair shops, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to referrals to appropriate governmental, community, or social services.

#### D. Political Activity

Officers shall follow applicable laws regarding their participation and involvement in political activities. Where legal mandates are silent on this issue, officers shall be guided by the following examples of prohibited political activities while on duty, in uniform, or otherwise serving as a representative of the BPD. Officers shall not:

1. Place, affix, or display any campaign literature or other paraphernalia in or on town owned or controlled property, to include offices and vehicles;
2. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
3. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures;
4. Use official authority to interfere with any election or with the political actions of other officers or the general public; or
5. Favor or discriminate against any person seeking employment because of political opinions or affiliations.

#### E. Collaborative Partnerships

The Town of Bennington, through the Bennington Police Chief of the Chief's designee, shall offer to develop and implement Memorandums of Understanding (MOU's) with key community agencies and institutions, such as UCS and SVMC, to address complex problems and priorities in the community and to formalize a long-term, durable, structured commitment to a range of common goals or multiple projects over time.

If the Town's offer to develop an MOU is accepted, the Town should identify a police officer or other Town employee (point person) to work with the agency or institution to build consensus around an MOU that clearly defines and outlines goals, expectations, role, responsibilities, duration, and accountability mechanisms of the parties. The point person should report regularly to the Police Chief on the effort to develop an MOU.

Town's attorney shall review and approve the MOU prior to execution.

The policies and procedures outlined above are hereby adopted by the Chief of Police of the Town of Bennington, Vermont this \_\_\_\_\_ day

of \_\_\_\_\_, 2021 and is effective as of this date until amended or repealed.

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Paul J. Doucette, Chief of Police