
**Section: TWO
Chapter: ONE**

SUBJECT: Professional Conduct and Responsibilities
ISSUE DATE: 08-15-16
REFERENCE: NYSA 2.10, 14.1, 14.7, 25.2, 51.1, 55.1

I. VIOLATION OF RULES

Employees will not commit any acts or omit any acts that constitute a violation of any of the rules, regulations, directives, or orders of the department, whether in this general order or elsewhere.

II. UNBECOMING CONDUCT

Employees will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department. Conduct unbecoming an employee will include that which brings the department into disrepute or reflects discredit upon the employee as a member of the department, or that which impairs the operation or efficiency of the department or employee.

III. IMMORAL CONDUCT

Employees will maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Employees will not participate in any incident involving moral turpitude that impairs their ability to perform as members of the department or causes the department to be brought into disrepute.

IV. TRUTHFULNESS

Upon the orders of the Chief of Police or their designee, or any supervisor, employees will truthfully answer all the questions specifically directed and narrowly related to the scope of employment and operations of the department which may be asked of them.

V. CONFORMANCE TO LAWS

- A. Employees will obey all the laws of the United States and of any state and local jurisdiction in which they are present.
- B. A conviction of the violation of any law will be prima facie evidence of a violation of this section.

VI. INSUBORDINATION

- A. To permit effective supervision, direction, and control, employees will promptly obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.

VII. CONFLICTING OR ILLEGAL ORDERS

- A. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified.
- B. In the event an employee receives conflicting orders:
 - 1. The employee should inform the supervisor giving the last order of the conflict of orders.
 - 2. The supervisor giving the conflicting order will then resolve the conflict by either retracting, modifying, or requesting the employee comply with the latest order.
 - 3. When the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.
- C. Employees will not obey any order that they know or should know would require them to commit any illegal act.
- D. If in doubt as to the legality of any order, an employee will notify the supervisor of such and request a clarification.
- E. In the event an employee believes an order will jeopardize lives, damage property or that a supervisor is unaware of information that would affect the order, the employee will inform the supervisor of such.

VIII. REPORTING FOR DUTY

- A. Employees will report for duty at the time and place required by assignment or order and will be physically and mentally fit to perform their duties.
- B. Employees will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Prior to beginning patrol, employees will review all communications directed to their attention and familiarize themselves with calls for service received with-in the prior 24 hours.

IX. SLEEPING ON-DUTY

- A. Employees will remain awake while on duty. If unable to do so they will report to their superior officer who will determine the proper course of action.

X. LEAVING ASSIGNED DUTY POST, AREA, VEHICLE, OR SCENE

- A. Employees will remain in/at their assigned post, area or scene while on duty, unless:
 - 1. On assignment.
 - 2. In close pursuit of an offender.
 - 3. Authorized by a supervisor.
 - 4. Completing their tour of duty.
 - 5. On authorized break.
 - 6. An incident is reported to them outside their area of assignment that requires immediate action that they are capable of rendering.

- B. Except as provided above, it will be incumbent upon the individual to notify the dispatcher and their supervisor whenever they leave their assigned post, area, vehicle, or scene. Contact will be maintained with dispatch at all times.

XI. UNSATISFACTORY PERFORMANCE

- A. Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- B. Employees will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
- C. Unsatisfactory performance may be demonstrated by:
 - 1. A lack of knowledge of the application of laws required to be enforced.
 - 2. An unwillingness or inability to perform assigned tasks.
 - 3. The failure to conform to work standards established for the employee's rank, grade, or position.
 - 4. The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
 - 5. A lack knowledge or compliance with these general orders.
- D. The following will be considered, but not limited to, evidence of unsatisfactory performance:
 - 1. Repeated poor evaluations.
 - 2. A written record of repeated infractions of rules, regulations, directives, or orders of the department.

XII. IDENTIFICATION

- A. Off-Duty officers will carry their identification cards on their persons at all times, unless impractical or dangerous to their safety or to an investigation.
- B. On-Duty plain-clothes officers will carry their badge and identification card on their persons at all times, unless impractical or dangerous to their safety or to an investigation.
- C. Officers will furnish their name and Identification number when they are on duty or holding themselves out as having an official capacity, to any person requesting that information unless withholding the information is necessary for the performance of police duties or is authorized by proper authority.

XIII. CITIZEN COMPLAINTS

- A. Employees will refer all complaints made by a citizen against any employee of the department to the Chief of Police or the Sergeant.
 - 1. The supervisor receiving the complaint will promptly record, in writing any complaint made by a citizen against any employee of the department. Supervisors will follow established departmental procedures for processing complaints.

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XVI. COURTESY

- A. Employees will be courteous to the public.
- B. Employees will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion.
- C. Employees will not engage in argumentative discussions.
- D. In the performance of their duties, employees will not use degrading, violent, profane, or insolent language or gestures, and will not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.

XVII. REQUEST FOR ASSISTANCE

- A. When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, pertinent information will be obtained in a suitable and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures.

XVIII. DISSEMINATION OF INFORMATION

- A. Employees will treat the official business of the department as confidential.
- B. Information regarding official business will be disseminated only to those for whom it is intended.
- C. Employees may remove or copy official records or reports only in accordance with established departmental procedures.
- D. Employees will not divulge the identity of persons giving confidential information except as authorized by proper authority.

XIX. INTERVENTION

- A. Employees will not interfere with cases being handled by other employees of the department or any other governmental agency unless:
 - 1. Ordered to intervene by a supervisor.
 - 2. The employee believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
- B. Employees will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless exigencies of the situation require immediate action.

XX. DEPARTMENTAL REPORTS

- A. Reports submitted by employees will be truthful and complete. No employee will knowingly enter or cause to be entered any inaccurate, false, or improper information.

XXI. PROCESSING EVIDENCE AND PROPERTY

- A. Evidence or property that has been discovered, gathered, purchased, seized, or received in connection with departmental responsibilities will be turned into the Property Clerk as per procedures outlined elsewhere in this manual.
- B. Employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any evidence or property.

XXII. USE OF DEPARTMENT EQUIPMENT OR EQUIPMENT OF OTHER AGENCIES ASSIGNED TO PALMYRA POLICE DEPARTMENT

- A. Employees will utilize equipment only for its intended purpose.
- B. Employees will not abuse or damage department equipment.
- C. All department equipment issued to employees will be maintained in proper working order.

XXIII. TREATMENT OF PERSONS IN CUSTODY

- A. Employees will not mistreat persons who are in their custody, physically or verbally. Employees will handle such persons in accordance with law and departmental procedures.

XXIV. ALCOHOLIC BEVERAGES AND DRUGS IN POLICE INSTALLATION

- A. Employees will not store, bring into any police facility or police vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens except those that are held as evidence or those prescribed by a physician.

XXV. POSSESSION AND USE OF DRUGS

- A. An employee will not possess or use any controlled substances, narcotics, or hallucinogens unless prescribed in the treatment of the employee by a physician or dentist.
- B. An employee will immediately notify their supervisor when a controlled substance, narcotic or hallucinogen is prescribed and could possibly affect the performance of their duties.

XXVI. USE OF ALCOHOL ON DUTY OR IN UNIFORM

- A. Employees will not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a supervisor.
- B. Employees will not appear for duty, or be on duty, while under the influence of intoxicants to any degree or with an odor of intoxicants on their breath.

XXVII. USE OF ALCOHOL OFF DUTY

- A. Employees, while off duty, will refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior that discredits themselves or the department or renders the employee unfit to report for their next regular tour of duty.

XXVIII. USE OF TOBACCO

- A. In compliance with New York State Health Law, there will be no smoking allowed within the Police facility.
- B. No on-duty employee will stand and smoke in front of the Police facility.

XXIX. GIFTS, GRATUITIES, BRIBES, OR REWARDS

- A. Employees will not solicit or accept from any person, business or organization any gift (including money, tangible or intangible property, personal property, food, beverages, loan, promise, service, or entertainment) in exchange for a benefit or service from the employee.

XXX. ABUSE OF AUTHORITY

- A. Employees will not use their official position or identification for:
 - 1. Personal or financial gain.
 - 2. Obtaining privileges not otherwise available to them except in the performance of duty.
 - 3. Avoiding consequences of illegal acts.
- B. Employees will not make false accusations of criminal or traffic charges.
- C. Employees will not lend to another person their identification cards or badges or permit them to be photographed or reproduced.
- D. Employees will not authorize the use of their names, photographs, official titles, or department equipment that identify them as a department employee, in connection

with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

XXXI. PUBLIC STATEMENTS AND APPEARANCES

- A. Employees will not publicly criticize or ridicule the department, its policies, or other employees by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with the reckless disregard for truth or falsity.
- B. Employees will not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the department in such matters without proper authority. Officers may lecture on police or other related subjects only with the prior approval of the Officer in Charge.

XXXII. Labor Activity/Job Actions

- A. Employees will not engage in any strike pursuant to Article 14, Section 210, Sub 1 of the New York State Civil Service Law (Taylor Law), to wit:
 - 1. Prohibition of strikes, violations and penalties, presumptions, prohibition against consent to strike, violations and penalties, presumptions, prohibition against consent to strike, determination; notice; probation period, payroll deductions; objections and restoration.
 - 2. No public employee or employee organization will engage in a strike, and no public employee or employee organization will cause, instigate, encourage, or condone a strike.
 - a) A public employee who violates this section by engaging in a strike or violating the provisions of paragraph "c" of this subdivision herein regarding prohibitions against contents to strike will be liable therefore in accordance with the procedures hereinafter set forth. In addition, any public employee who violates the provisions of subdivision 1 of this section may be subject to removal or other disciplinary action provided by law for misconduct.
 - b) Presumption. For the purposes of this subdivision an employee who is absent from work without permission or who abstains wholly or in part from the full performance of his duties in his normal manner without permission on the date or dates when a strike occurs, will be presumed to have engaged in such strike on such date or dates.
 - c) Prohibition against consent to strike. No person exercising on behalf of the Village of Palmyra authority, supervision, or direction over any public employee will have the power to authorize, approve, condone, or consent to a strike, or engage in a strike, by one or more public employees, and such person will not authorize, approve, condone, or consent to such strike or engagement.

XXXIII. ASSOCIATIONS

- A. Employees will avoid regular or continuous association or dealing with persons whom they know are persons under criminal investigation or indictment, except as

necessary to the performance of officials duties, or where unavoidable because of other personal relationships of the officers.

XXXIV. VISITING PROHIBITED ESTABLISHMENTS

- A. Employees will not knowingly visit, enter or frequent a house of prostitution, illegal gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a supervisor.

XXXV. GAMBLING

- A. Employees will not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

XXXVI. PAYMENT OF DEBTS

- A. Employees will not undertake any financial obligations that they know or should know they will be unable to meet, and will pay all just debts when due. Any isolated instances of financial irresponsibility will not be grounds for discipline except in unusually severe cases. Repeated instances of financial difficulty may be cause for disciplinary action.
- B. Filing for a voluntary bankruptcy petition will not by itself be cause for discipline.
- C. Financial difficulties stemming from unforeseen medical expenses or personal disaster will not be cause for discipline, if a good faith effort to settle all accounts is being undertaken.
- D. Employees will not co-sign a note for any supervisor.

XXXVII. COURTESY AMONG EMPLOYEES

- A. Employees will be courteous and respectful in their dealings with supervisors and each other.
- B. Employees will not use degrading, violent, profane, or insolent language or gestures toward supervisors or each other nor will they utter offensive or derogatory statements or slurs concerning race, sex, religion, politics, national origin, or life style.

XXXVIII. PROHIBITIONS WHILE IN UNIFORM

- A. No off duty employee is authorized to wear the department uniform (except going to or coming from work) for any other reason or purpose without permission from the Chief of Police.

XXXIX. ATTENTION TO DUTY

- A. All employees will perform their assigned duties as expeditiously as possible.
- B. Employees will not engage in any personal activities or business while on duty that interferes with the performance of their duties unless authorized by a supervisor.

XL. UNAUTHORIZED DEVICES ON/IN POLICE VEHICLES

- A. Non-department electronic or other devices which interfere with the officers performance of duties may not be allowed in/on any police vehicles.

XLI. OFF DUTY INVOLVEMENT--SWORN OFFICERS

- A. Any off duty officer involved in an incident that requires him/her to identify themselves as a police officer and/or take some type of police action, must report this fact to the Chief of Police or the Sergeant. The off duty officer must submit a written report of the incident.
- B. If an off duty officer is involved in an incident where he/she is listed as a suspect or charged with an offense other than a traffic infraction, he/she must notify the Officer in Charge. The off duty officer must submit a written report of the incident.
- C. Any sworn officer assigned to investigate an incident in which an off duty employee is involved, will immediately contact the Chief of Police.
 - 1. The supervisor notified, depending on the seriousness of the incident, will proceed to the scene of the incident, or if more practical, will arrange to meet with the investigating officer when convenient to obtain all the details.
- D. Investigation reports required:
 - 1. The investigating officer will submit all necessary reports, including all facts concerning the off duty officer.
 - 2. The investigating supervisor will submit a complete written report regarding the involvement of the off duty employee to the Chief of Police.

XLII. FICTITIOUS ILLNESS OR INJURY REPORTS

- A. Employees will not feign illness or injury, falsely report themselves ill or injured whether on or off duty, or otherwise deceive or attempt to deceive any supervisor or physician as to the condition of the employee's health.
- B. Employees calling in to request a sick day for an illness or off-duty injury will, as soon as possible, personally contact the Sergeant or Chief of Police.
 - 1. Employees **will not** request a sick day via a message left with other police personnel.
 - 2. The employee will be available by telephone during their normal duty hours.

XLIII. RECOMMENDATION OF SERVICES

- A. On duty employees of the department will not recommend or suggest in any manner, the employment or procurement of a particular product, professional service, or commercial service, etc.
 - 1. This is intended to include services provided by tow truck operations and/or repair garages, glass window replacement or repair concerns, physicians, attorneys, bail bondsmen, veterinarians, plumbers, electricians, carpenters, masons, and similar technical or professional services, etc.

XLIV. USE OF DEPARTMENTAL RESOURCES

- A. Employees may not use the resources of the department or Village for other than official police business.
 - 1. This is meant to include, but not be limited to: SJS inquiries, NYSPIN/NCIC requests, DMV data information, other departmental files, garage facility and services and crime laboratory facility and services.

XLV. GENERAL CONDUCT

- A. Conduct that is prejudicial to good order, including cowardice, whether or not specifically mentioned in the rules and regulations, is prohibited.

XLVI. LOITERING OR CONGREGATING ON-DUTY

- A. For the safety of all employees, meetings between officers will be in a public area, not behind building, and will be fully visible to the public.

XLVII. TELEPHONE/ADDRESS

- A. Employees will have a working telephone and have the current number on file with the department. This information will assist in emergency notifications.
- B. All employees must have their current address on file in the department including an apartment number, if any.
 - 1. Mailing address, if different, must also be on file. The current physical address must contain street, road, route number, etc. In instances where a number is not assigned, a physical description as to how to locate the residence on the street, road, route, etc., is required.
- C. All changes of address or telephone number must be made immediately in writing through the employee's chain of command. Prior notification of any anticipated changes is advisable.
- D. This applies to temporary or seasonal changes.

XLVIII. PURCHASE OF ARTICLES

- A. No employee will purchase any article or order any work or service for which the department would be liable without the approval of the Officer in Charge, or his/her designee.

XLIX. HARASSMENT IN THE WORKING ENVIRONMENT

- A. This department will maintain a working environment free from all forms of harassment including sexual harassment.
 - 1. Harassment in any manner or form is expressly prohibited.
 - 2. This department will not tolerate verbal or physical conduct by any employee, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.
- B. Employees are directed to submit a written complaint to the Chief of Police to report any incident constituting harassment or sexual harassment. Incidents may include, but are not limited to:

1. Exercise, or attempted to exercise, the power or authority of one's position to control, influence or affect the career, salary, job or other employment conditions of an employee in exchange for sexual favors.
2. Verbal abuse, threats, or false accusations.
3. Unwelcome or repeated comments, remarks, jokes, innuendoes or taunting about a person's body, attire, age, sex, race, disabilities, marital status, ethnic, or religious origins.
4. Displaying of pornographic, racist, or other offensive or derogatory material.
5. Practical jokes that cause awkwardness or embarrassment.
6. Unwelcome or repeated sexual advances, propositions or gestures.
7. Physical contact that one finds objectionable or offensive.

Note: In the event that a complaint of harassment is to be lodged against the Chief of Police, the employee may submit the complaint to the Police Commissioner.

- C. At no time will any employee of the Palmyra Police Department retaliate against another employee who makes a report of such objectionable conduct nor permit any other member of the Palmyra Police Department to do so.

XLIX. POLITICAL ACTIVITY

- A. Police officers are prohibited from engaging in political actions and activities that violate section 17-110 of the New York State Election Law, excerpted below:

Misdemeanors concerning ... members of any police force.

Any person who being a police commissioner or any police officer or member of any police force in this State:

- i. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association, or society, or to control, affect, influence, regard or punish, the political adherence, affiliation, action, expression, or opinion of any citizen; or*
- ii. Appoints, promotes, transfers, retires, or punishes an officer or member of a police force, or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or*
- iii. Solicits, collects, or receives any money for any political fund, club, association, society or committee, is guilty of a misdemeanor.*

By the Order of:

David B. Smith
Chief of Police

