

# TOWN OF SENECA FALLS POLICE DEPARTMENT

## RULES AND REGULATIONS



September 2013



## INTRODUCTION

A police organization is established by law. Its employees serve those whose personal conduct they may be called upon to regulate by enforcing laws and ordinances passed by the representatives of these same people. The primary objectives of the Town of Seneca Falls Police Department include protecting life and property, preventing crime, suppressing criminal activity, apprehending and prosecuting violators of the law, regulating non-criminal conduct, and preserving the peace.

The letter of the law indicates what a member does to discharge the obligations imposed by the oath of office, but it does not encompass the consequences which may arise from the universal application of these laws. Since it is not possible to anticipate every situation that may arise, or to prescribe the specific course of action required for each case, the exercise of common sense and good judgment by those entrusted with law enforcement is necessary to make the police service equitable and effective.

An understanding of human behavior and the application of the principles of common acceptance will go far towards the realization of the primary police objectives. But these two qualities alone are not sufficient to ensure the proper handling of every incident. There must also be standards of quality and general rules governing the conduct of personnel to serve as guides.

Employees of the Town of Seneca Falls Police Department will be governed by specific rules and regulations. Violations of these rules and regulations will constitute a basis for disciplinary action.

If any section, subsection, paragraph, sentence, clause, or phrase of these rules and regulations is held to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions or sections of these rules and regulations.

These rules and regulations are delivered to you with the requirement that you study them carefully and be fully aware of their contents and meaning. The rules and regulations are designed to fulfill a two-fold mission. First, they form the basic framework of authority within which the operating policies and procedures police department are developed. Second, they are

designed to provide employees with a clear guide to acceptable standards of conduct and behavior.

Nothing in these rules and regulations is limited in the sense of prohibiting the disciplining of or the filing of charges against employees because the alleged act of omission does not specifically appear herein.

These rules are intended to define the main responsibilities of the members at the Seneca Falls Police Department. Rules cannot cover every case that may arise. It is neither desirable nor possible to make them do so. Some parts must necessarily be left to individual discretion and intelligence.

## DEFINITIONS

These definitions shall apply to the use of such terms herein as well as to the use of such terms in all other departmental contexts, unless a different definition is specifically set forth in another document.

**ACTING:** Serving temporarily in a position to which the employee is not ordinarily assigned, usually in a position of higher authority. All the authorities, responsibilities, and duties of the higher position become applicable to the acting employee.

**ADMINISTRATIVE ORDER:** Written order issued by the Chief of Police or his designee as a guiding source of reference to procedural matters involving administration of departmental or town policies.

**APPOINTMENT:** The designation of a person by the appointing authority to any position within the Police Department.

**ASSIGNMENT:** Any personnel placement made by established authority.

**AUTHORITY:** Legal or rightful power; a right to command or act.

**AUTHORITATIVE INSTRUCTION:** Any order issued verbally, electronically, or in written form, that governs policy, procedures, rules or regulations.

**CHAIN OF COMMAND:** Ascending or descending order of rank.

**COMMANDING OFFICER:** An employee holding a higher supervisory or command position.

**CONFIDENTIAL:** Secret. Not to be divulged to unauthorized persons.

**CONTROLLED SUBSTANCE:** As defined by the New York State Public Health Law.

**CURRENT DIRECTIVES:** An authoritative instruction or order which governs policy, procedures, rules, or regulations, whether issued verbally, electronically or in written form.

**DEPARTMENT:** The Town of Seneca Falls Police Department.

**DISMISSAL:** The act of terminating the employment of an employee.

**DUTY:** Includes those tasks required by law, authoritative instruction, one's assignment, rank or status.

**EMPLOYEE:** All sworn and non-sworn personnel working for the Town of Seneca Falls Police Department.

**ESTABLISHED AUTHORITY:** Legal or rightful power to command or have command over. This includes supervisory and administrative authority.

**GENDER:** The use of the masculine gender shall also include, when appropriate, the female gender, unless otherwise specified.

**GENERAL ORDER:** Written orders issued by the Chief of Police outlining policy or procedure on matters which affect the entire department. A General Order is the most authoritative directive issued by the department and may be used to amend, supersede, or cancel any other rule, regulation, or order. General Orders are permanent department policy and remain in full force and effect until amended, superseded, or cancelled by the Chief of Police.

**IMMEDIATELY:** As soon as possible without unnecessary delay.

**INACTIVE DUTY:** A condition in which, for the convenience of the department, an employee is relieved of his responsibility to report for duty or exercise police authority.

**INSUBORDINATION:** The willful disobedience of a lawful order issued by any commanding officer or disrespectful, mutinous, rebellious, insolent, or abusive language or action toward any commanding officer.

**LAWFUL ORDER:** Any written or oral directive issued by any commanding officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law or ordinance or any department rule, procedure or instruction. (An order which may be challenged at a later date must be obeyed at the time of issuance.)

**MALFEASANCE:** The doing of an unlawful act in office.

**MAY:** The word "may," as used herein shall mean that the action indicated is permissible.

**MEMBER:** Any person duly appointed to the department as a sworn police officer. Police recruits are included in this definition.

**MISFEASANCE:** The wrongful doing of a lawful act in office.

**NEGLECT OF DUTY:** Failure to give suitable attention to a performance of duty. Failure to take appropriate action on the occasion of a crime, disorder, or other act or condition requiring police attention. Failure to perform duties.

**NONFEASANCE:** The omission of an act that should have been done while in office.

**OFF DUTY:** That period of time that excludes the assigned work period. The period of time during which an employee would not normally be required to actively engage in the performance of his assigned duties.

**OFFICER IN CHARGE:** The member having the highest rank. Members at the same rank shall assume charge according to the data of appointment to that rank unless otherwise ordered by the Chief of Police or designated authority.

**ON DUTY:** That period of time when an employee is actively engaged in the performance of his assigned duties.

**ORDER:** An order is a command; a directive (either oral or written) given by one in authority and directed to a subordinate.

**PERSONALLY RESPONSIBLE (PERSONAL RESPONSIBILITY):** A duty or responsibility that falls upon an individual. The responsibility cannot be conveyed or assigned to another. The failure to accomplish any required task is a failure by the principal and not any intermediary.

**POLICY:** Any governing principle, broad plan, or course of action, either oral or written, designed to accomplish the department's goals.

**PRIVILEGE:** A condition that is not a basic right but which is granted at the discretion at the department.

**PROCEDURE:** The official method of dealing with any given situation as prescribed by General Orders, Special Orders, Administrative Orders, procedural manuals, Training Bulletins or other directives.

**REPORT:** A written communication unless otherwise specified.

**RIGHT:** A condition specifically outlined by law, administrative directive, or contractual agreement.

**RULES AND REGULATIONS:** The terms "rules and regulations" as used herein are interchangeable since both indicate basic internal departmental directives. They refer to broad precepts of authority, responsibility or conduct. They carry the full force and effect of a direct order from the Chief of Police and stand until cancelled, amended, or superseded by a direct written order of the Chief of Police.

**SHALL/WILL:** The words "shall" or "will" as used herein shall indicate that action specified is mandatory.

**SICK LEAVE:** That period during which an employee is excused from duty for illness or injury under the applicable provisions of current General Orders and prevailing union contract.

**SPECIAL ORDER:** A written directive issued by established authority outlining instructions covering particular situations.

**SUPERVISOR:** Any person designated to act in a supervisory capacity, whether permanent or "acting" in a temporary appointment.

**SUSPENSION:** The act of temporarily denying an employee the privilege of performing his duties.

**THROUGH OFFICIAL CHANNELS:** In descending or ascending order of rank. Synonymous with "chain of command".

## TABLE OF CONTENTS

### SECTION I ORDERS AND DISCIPLINE

1.1	Obedience to Laws, Ordinances and Rules	1
1.2	Familiarity with Laws, Ordinances, Rules	1
1.3	Obedience to Orders	2
1.4	Conflict of Orders	2
1.5	Insubordination	2

### SECTION II PERFORMANCE OF AND ATTENTION TO DUTY

2.1	General Duties	3
2.2	Identification	3
2.3	Respond when Directed	3
2.4	Reporting for Duty	3
2.5	Absence From Duty	4
2.6	Action Required Regardless of Assignment	4
2.7	Cooperation/Coordination	4
2.8	Seeking Information Regarding Duties	4
2.9	Leaving Area of Assignment	4
2.10	Attitude and Impartiality	5
2.11	Assistance to Fellow Employees	5
2.12	Assistance to Citizens	5
2.13	Medical Attention for Ill Persons	5
2.14	Arrests	5
2.15	Investigations	5
2.16	Sleeping on Duty	6
2.17	Reading on Duty	6
2.18	Supervisors Addressed by Title	6
2.19	Concealment	6
2.20	Performance of Duties	6

### SECTION III USE OF OFFICIAL POSITION

3.1	Town at Seneca Falls Ethics	7
3.2	Abuse of Position	9
3.3	Endorsements and Referrals	9
3.4	Sale of Tickets or Donations	10
3.5	Gifts, Gratuities, Rewards	

10		
3.6	Giving Surety for Persons in Custody	
10		
3.7	Communicating Information to Aid Evasion	
11		
3.8	Civil Cases	11

#### SECTION IV GENERAL CONDUCT

4.1	Conduct	12
4.2	Courtesy	12
4.3	No Connection with Liquor Establishment	12
4.4	Personal Associations	12
4.5	Frequenting Unlawful Establishments	13
4.6	Truthfulness	13
4.7	Malicious Rumors	13
4.8	Discussing Evidence	
13		
4.9	Divulging Police Information	14
4.10	Speeches, Statements, etc.	
14		
4.11	Membership and organizations	14
4.12	Political Activity	15
4.13	Payments of Debts	15
4.14	Expenditures at Department Funds	16
4.15	Correspondence, Letterheads	16
4.16	Personal Cards	16
4.17	Department Property and Equipment	16
4.18	Departmental Facilities and Property	
16		
4.19	Use of Alcoholic Beverages	
17		
4.20	Gambling	17
4.21	Use of Tobacco	17
4.22	Controlled Substances	17
4.23	Application for Pistol Permits	
18		
4.24	Harassment	
18		
4.25	Notices-Post/Circulation/Destruction, etc.	18
4.26	Cooperation with Internal Investigations	
18		
4.27	Racing, Wagering & Breeding Law	18

#### SECTION V REPORTS

5.1	Altering Delaying or Falsifying Reports	19
5.2	Reporting Violations	

19		
5.3	Reporting Illegal Activities	19
5.4	Testimony for Defense	20
5.5	Information regarding Crime	20
5.6	Actions against Employees	
20		
5.7	Address and Telephone Number	20
SECTION VI	RESPONSIBILITIES OF COMMAND OFFICERS AND	
	SUPERVISORS	
6.1	Command	21
6.2	Subordinate Incompetence or Misconduct	21
6.3	Courtesy	21

SENECA FALLS POLICE DEPARTMENT  
RULES AND REGULATIONS

NYS Accreditation: 14.3,40.3
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SECTION I  
ORDERS AND DISCIPLINE

1.1 OBEDIENCE TO LAWS, ORDINANCES AND RULES

A. No member or employee shall violate or attempt to violate a law of the United States of America, or of this State, or any laws, local laws or ordinances of the jurisdiction in which he may be present, or violate or attempt to violate any authoritative instruction, current directive, rule or regulation, policy or procedure, general or special order, or any other lawful order.

B. Employees shall not knowingly aid, abet, or assist another person in the violation of any of the above.

C. In order to constitute a violation of this rule, it is not necessary that a complaint be filed with the department or with a criminal court, but only that the facts exist which would constitute such a violation.

1.2 FAMILIARITY WITH THE LAWS, ORDINANCES, RULES

Employees shall be held personally responsible for knowing and adhering to the rules and regulations, orders, current directives, procedures and policies of the department, Town, and State and Federal laws affecting their duties.

A. Returning from Absence - Employees returning to duty from any absence shall acquaint themselves with all directives or amendments of the department which have been issued in their absence.

B. Unfamiliarity No Defense - Unfamiliarity with or ignorance of laws, ordinances, rules and regulations, current directives, procedures, policies or General Orders shall not constitute a defense.

C. Making Changes as Directed - It shall be the personal responsibility of every employee to promptly make all directed

changes in any manual, text, or reference book issued to them by the department.

### 1.3 OBEDIENCE TO ORDERS

A. Employees will comply with all lawful orders. Noncompliance shall be insubordination.

\*NOTE: Any order which may appear to conflict with current policy or labor agreements must be obeyed. The employee may respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the order it shall be obeyed.

B. When officially assigned outside of the geographic limits of the Town of Seneca Falls, employee(s) shall carry out lawful orders and directives as may be given them by established authority.

### 1.4 CONFLICT OF ORDERS

A. Employees who are given any instruction or order which conflicts with any previously received instruction or order shall call this fact to the attention of the person issuing the second order. If so directed, the latter order shall be obeyed. Previous orders or instructions shall be countermanded only when necessary. The supervisor issuing the countermanding instructions or order shall be held responsible for that action.

B. Any order issued by a supervisor and conveyed by a subordinate to another subordinate shall have the same force and effect as though it was issued directly. The intermediary conveying the order shall inform the other from whom the authority came.

### 1.5 INSUBORDINATION

Employees shall not be Insubordinate

SECTION II  
PERFORMANCE OF AND ATTENTION TO DUTY

2.1 GENERAL DUTIES

A. Members shall protect life and property, preserve the peace, prevent violations of the law, detect and arrest violators of the law and enforce those laws of the United States, the State of New York, and the local laws and ordinances of the Town of Seneca Falls over which the department has jurisdiction.

B. Employees shall perform their duties in a competent manner.

2.2 IDENTIFICATION

A. Officers shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, when they are on-duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

B. Non-sworn employees shall respectfully furnish their names to any person requesting that information when they are on-duty or presenting themselves as Town of Seneca Falls Police Department employees.

2.3 RESPOND WHEN DIRECTED

Officers shall respond to their duties as directed by established authority.

2.4 REPORTING FOR DUTY

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may assume their duties as established by departmental procedure. Judicial subpoenas shall constitute an order to report for duty under this section.

## 2.5 ABSENCE FROM DUTY

Employees shall not be absent from duty or place of duty assignment without permission from their supervisor in accordance with current directives.

## 2.6 ACTION REQUIRED REGARDLESS OF ASSIGNMENT

Members shall take prompt and responsible action in any crime or emergency situation or in any situation in which substantial and irreversible damage would result from failure to take police action, whether on or off-duty. Exceptions may be made for persons on special duties or assignments where their actions or police identity may place them in jeopardy.

## 2.7 COOPERATION/COORDINATION

Employees shall coordinate their efforts with: a) other employees of the department, b) other Town Employees, and c) other public agency representatives so that teamwork may ensure maximum achievement and continuity of purpose in attaining the objectives of the department. All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation.

## 2.8 SEEKING INFORMATION REGARDING DUTIES

Employees who are in doubt as to the nature or detail of their assignment shall immediately seek clarification from their supervisor.

## 2.9 LEAVING AREA OF ASSIGNMENT

Employees shall not leave their area of assignment unless:

- A. On assignment from dispatcher.
- B. Authorized by a supervisor.
- C. An incident outside of their immediate area requires police attention.
- D. In close pursuit of a violator of the law.

## 2.10 ATTITUDE AND IMPARTIALITY

Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses', suspects and any other persons.

## 2.11 ASSISTANCE TO FELLOW EMPLOYEES

Employees shall aid, assist, and protect their fellow employees in the performance of their duties.

## 2.12 ASSISTANCE TO CITIZENS

Employees shall, in accordance with policies and procedures of the department, render all possible police service to any citizen seeking information or assistance.

## 2.13 MEDICAL ATTENTION FOR ILL PERSONS

Employees shall ensure that any injured or ill, person is given the opportunity for medical attention.

## 2.14 ARRESTS

Members shall make arrests in full compliance and conformity with all laws and departmental procedures.

## 2.15 INVESTIGATIONS

A. Members shall not undertake any investigation or other official action that is not part of their regular duties without obtaining permission from their supervisor, unless exigent circumstances require immediate action. An officer taking such an action must notify his/her supervisor as soon as possible after the incident.

B. Officers shall not undertake or maintain continued involvement in any investigation of any current or former family member, in-law, close personal friends, or any business in which that employee has a proprietary interest unless approved by the commanding officer.

#### 2.16 SLEEPING ON DUTY

Employees shall remain awake while on-duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.

#### 2.17 READING ON DUTY

Employees shall not, in public view, read newspapers, periodicals, or books while on-duty. Publications and materials pertaining to the police field may be read or studied as long as proper and efficient performance of assigned duties is not impaired.

#### 2.18 SUPERVISORS ADDRESSED BY TITLE

Employees, while on-duty, shall address supervisors by title.

#### 2.19 CONCEALMENT

Employees shall not conceal themselves while on-duty except for a police purpose.

#### 2.20 PERFORMANCE OF DUTIES

- A. Employees shall not neglect their duty.
- B. Employees shall not commit an act of misfeasance.
- C. Employees shall not commit an act of malfeasance.
- D. Nonfeasance is prohibited.

SECTION III  
USE OF OFFICIAL POSITION

TOWN OF SENECA FALLS CODE OF ETHICS

3.1 LEGISLATIVE INTENT

Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board of the Town of Seneca Falls recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government.

It is the purpose of the chapter to promulgate these rules of ethical conduct for the officers and employees of the Town of Seneca Falls. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Seneca Falls.

The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

**INTEREST** - A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

**MUNICIPAL OFFICER OR EMPLOYEE** - An officer or employee of the Town of Seneca Falls, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer.

STANDARDS OF CONDUCT - Every officer or employee of the Town of Seneca Falls shall be subject to and abide by the following standards of conduct:

A. Gifts - He/She shall not directly or indirectly solicit any gifts or accept or receive any gifts having a value of twenty-five dollars (\$25) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a regard for any official action on his/her part.

B. Confidential Information - He shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

C. Representation before one's own agency - He/she shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee - He shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest - To the extent he knows thereof, any officer or employee of the town and any member of any board or agency thereof, whether paid or unpaid, who participated in the discussion or gives an official opinion to any board or agency of the Town of any legislation, administration or other action before such board or agency shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such action.

F. Investments in conflict with official duties - He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his official duties.

G. Private employment - He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his official duties.

H. Future employment - He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Seneca Falls in relation to any case, proceeding, or application in which he personally participated during the period of his service or employment or which was under his active consideration.

### 3.2 ABUSE OF POSITION

A. Members shall not use or attempt to use their official position, badge or credentials for personal gain. Officers shall not lend their badge or credentials to another person.

B. Members shall not authorize the use of their names, photographs, or official titles, which identify them as officers, in connection with testimonials or advertisements or any commodity or commercial enterprise without the approval of the Chief of Police.

### 3.3 ENDORSEMENTS AND REFERRALS

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 service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, officers shall proceed in accordance with established departmental procedure.

Employees shall not solicit, suggest, recommend, advise, or counsel the engagement or retention of any specific attorney, legal firm, bail bondsman, company, or of another person or firm for any person as a result of police business. This prohibition shall not apply to employees making such recommendations to their relatives.

#### 3.4 SALE OF TICKETS OR DONATIONS

Employees shall not engage or authorize any others to engage in, on their behalf, in the sale of any tickets nor in the solicitation of any form of donation or contribution in a manner which indicates or implies any connection with the department without the written permission of the Chief of Police. When such written permission is granted, employees shall not sell nor solicit in a manner which implies that special treatment will be received from the police department.

This rule shall not apply to activity that is performed strictly among department employees or construed to limit the ability of the Seneca Falls PBA to conduct fund raising activities.

#### 3.5 GIFTS, GRATUITIES, REWARDS

A. Employees shall not, under any circumstances, solicit or accept gifts, gratuities, loans, or fees when there is any direct or indirect connection between the solicitations or acceptance and their departmental employment, or when such connection would reasonably be inferred.

B. Employees shall not accept any reward offered as a result of any services rendered in the line of duty without first obtaining the permission of the Chief of Police.

C. Employees shall report in writing to the Chief of Police any offer or attempt to offer a gift, loan, fee or gratuity in violation of this section.

#### 3.6 GIVING SURETY FOR PERSONS IN CUSTODY (Bail)

Employees shall not offer or give surety for any person in custody except with the permission of the Chief of Police. This prohibition shall not apply to employees giving surety for their relatives.

### 3.7 COMMUNICATING INFORMATION TO AID EVASION

Employees shall not communicate any information that may enable persons to evade arrest and punishment or enable them to dispose of or secrete any evidence or contraband.

### 3.8 CIVIL CASES

Employees shall not use the powers of their office to render assistance in the pursuit of matters which are strictly private or civil in nature except in those matters where they are required by law to so exercise their powers or where a breach of the peace has occurred or is imminent.

SECTION IV  
GENERAL CONDUCT

4.1 CONDUCT

A. Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the department.

B. Employees shall not engage in conduct on or off-duty that adversely affects the efficiency of the Department or engages in conduct on or off-duty that has a tendency to impair public respect for the employee and/or the Department and/or impair confidence in the operation of the Department.

4.2 COURTESY

A. Employees shall be courteous, civil and tactful in the performance of their duties.

B. Employees shall not express or otherwise manifest any prejudice concerning age, marital status, handicap, disability, race, creed, color, religion, national or ethnic origin, sex, sexual preference or other personal characteristics.

C. Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or person.

4.3 NO CONNECTION WITH LIQUOR ESTABLISHMENT

No member shall be either directly or indirectly interested in the manufacture or sale of alcoholic beverages or offer for sale, or recommend to any A.B.C. licensee any alcoholic beverages except as noted in Section 128 A of the Alcohol Beverage Control Law.

4.4 PERSONAL ASSOCIATIONS

A. Employees shall not consort or knowingly associate with persons generally known to have a reputation of criminal conduct or association or frequent places where they are known to congregate, except in the performance of their assigned

duties and in accordance with current directives. The Chief will resolve officer questions relative to associations.

B. Employees shall not knowingly associate with any person or organization which advocates hatred, prejudice, or oppression of any racial, ethnic or religious group, or which disseminates defamatory material.

#### 4.5 FREQUENTING UNLAWFUL ESTABLISHMENTS

Employees shall not knowingly enter or remain in any premise wherein the laws of the United States, the State, or the local jurisdiction are violated except in the performance of duty or while acting under proper and specific orders from a supervisor.

#### 4.6 TRUTHFULNESS

Upon the order of the Chief, the Chief's designee or a Superior Officer, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the department which may be asked of them.

#### 4.7 MALICIOUS RUMORS

Employees shall not initiate or repeat malicious rumors.

#### 4.8 DISCUSSING EVIDENCE

A. Employees shall not discuss the evidence arising out of a criminal investigation or civil proceeding with the media, or any other person outside of the Seneca Falls Police Department (except members of an allied law enforcement agency, the District Attorney, or other prosecution authority) without the knowledge and permission of their supervisor or established authority or unless otherwise mandated by law.

B. Employees shall not discuss the evidence arising out at a confidential investigation of any sort with anyone whatsoever, (except the District Attorney, or other prosecution authority) without the knowledge and permission of their supervisor or established authority or unless otherwise mandated by law.

#### 4.9 DIVULGING POLICE INFORMATION

Employees shall not divulge police information to which they have access or which may come to their attention, nor shall they make available any information contained in police records, radio communications, photographs, computers, teletypes or other files or information in any form whatsoever to anyone except as provided by law or approved by established authority.

For purposes of this section, all department information is to be considered confidential unless otherwise provided by current directives or directed by a supervisor. This section does not apply to orders that are of such a nature that they must be communicated to others.

#### 4.10 SPEECHES, STATEMENTS, ETC.

A. Employees shall not, in matters relative to the department, address public gatherings, appear on radio or television, prepare any articles for publication, lecture on police related subjects or act as correspondents to a newspaper or a periodical, except as authorized by current directives or the Chief of Police.

B. Employees shall not publicly criticize or ridicule the department, its policies, or other employees by speech, writing, or other expressions which are defamatory, false, obscene, unlawful, or which undermine the effectiveness of the department or interfere with the maintenance of discipline.

#### 4.11 MEMBERSHIP AND ORGANIZATIONS

A. Employees shall not join or be a member of any organization or society whose object or purpose, either directly or indirectly, would adversely affect the discipline or conduct of the officer.

B. Employees shall not knowingly be connected with or be a member of any subversive organization except in the line of duty and with the knowledge and consent of the Chief of Police.

#### 4.12 POLITICAL ACTIVITY

Members shall not:

A. Use or threaten or attempt to use their power or authority in any manner, directly or indirectly, in aid of or against any political party, organization, association, or society or control, affect, influence, reward or punish, the political adherence, affiliation, action expression or opinion of any citizen.

B. Appoint, promote, transfer, retire or punish an officer or member of a police force, or ask for or aid 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.

C. Solicit, collect, or receive any money for any political fund, club, association, society, or committee.

D. Engage in political actions and activities that violate section 17-110 of the New York State Election Law.

#### 4.13 PAYMENTS OF DEBTS

A. Employees shall not undertake any financial obligations that they know or should know they will be unable to meet, and shall pay all just debts when due. Any isolated instances of financial irresponsibility will not be grounds for discipline except in unusually severe case. Repeated instances of financial difficulty may be cause for disciplinary action.

B. Filing for a voluntary bankruptcy petition shall not by itself be cause for discipline.

C. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, if a good faith effort to settle all accounts is being undertaken.

D. Employees shall not co-sign a note for any supervisor.

#### 4.14 EXPENDITURES OF DEPARTMENT FUNDS

Employees shall not spend any monies or incur any financial obligations in the name of the department without prior knowledge and permission of the Chief of Police.

#### 4.15 CORRESPONDENCE and LETTERHEADS

A. All correspondence leaving the department shall be issued only with the signature of the Chief of Police or as authorized by the Chief of Police.

B. The official letterhead shall not be used for unofficial correspondence.

#### 4.16 PERSONAL CARDS

Employees shall not possess or use business cards bearing departmental affiliation and/or rank, except as authorized by the Chief of Police and then only in the furtherance of official business.

#### 4.17 DEPARTMENT PROPERTY AND EQUIPMENT

Employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them. When obtaining any equipment, and again upon its return, it is the employee's responsibility to inspect the equipment. Officers shall immediately report in writing all damage to vehicles and equipment when discovered. Such report shall contain all known facts surrounding the cause and nature of the damage.

#### 4.18 DEPARTMENTAL FACILITIES AND PROPERTY

A. Employees may be assigned departmentally owned or controlled facilities or property (including, but not limited to, offices, vehicles, lockers, desks, cabinets) for the mutual convenience of both the department and employees. Such facilities or property and the contents therein (including any personally owned property) shall be subject to inspection without notice for reasonable work-related purposes even if an employee has placed a personal lock on the facilities or property.

B. Retaining personal items such as briefcases and purses in such facilities or property shall be at the risk of the employee. The department shall not be liable for any losses.

#### 4.19 USE OF ALCOHOLIC BEVERAGES

A. Employees shall not drink or purchase any alcoholic beverage while on duty, except in the performance of their official duty or when authorized by established authority.

B. Employees, who are off duty in uniform or in any recognizable part of their uniform, shall not drink alcoholic beverages in public view.

C. Employees while on or off-duty, shall not drink any alcoholic beverages to the extent which renders them unfit to perform or report for duty or which results in the commission of an act which might tend to discredit the department.

d) Employees shall not appear for duty or be on-duty, while under the influence of intoxicants or with the odor of intoxicants on their breath.

#### 4.20 GAMBLING

Employees shall not engage or participate in any form of illegal gambling except in the performance of duty and acting under proper and specific to orders.

#### 4.21 USE OF TOBACCO

Employees shall not chew or smoke tobacco in public view or in such a manner as to adversely affect the professional image of the department. They shall not use tobacco while in direct contact with the public, while engaged in traffic direction or where use of tobacco is in violation of the law.

#### 4.22 CONTROLLED SUBSTANCES

A. Employees shall not possess or use any non-prescribed controlled substance, except for that possession occurring in the line of official duty.

B. Employees who are using prescribed controlled substances under direction of a physician shall not abuse said controlled

substances. An employee is responsible to discuss his job duties with the physician so prescribing the medication to determine if it will affect his work performance. If it may have an effect, the employee shall report the use of the drug to his supervisor and bring a physician's letter if any restrictions are recommended by the physician. The supervisor may consult with the police physician if necessary to determine restrictions.

#### 4.23 APPLICATION FOR PISTOL PERMITS

Members shall not endorse applications for pistol permits as character references except that members may act as character references for other members of this or other law enforcement agencies if they so choose.

#### 4.24 HARASSMENT

Harassment due to age, marital status, handicap, disability, race, creed, color, religion, national or ethnic origin, sex, sexual preference or other personal characteristics is prohibited.

#### 4.25 NOTICES—POSTING/CIRCULATION/DESTRUCTION/DEFACING

Employees shall not destroy or deface any official written notice relating to police business. The posting or circulation of any notices on Seneca Falls Police Department property without prior approval from the Chief or his designee is prohibited.

#### 4.26 COOPERATION WITH INTERNAL INVESTIGATIONS

Employees shall answer questions, respond to lawful orders and render material and relevant statements in an internal investigation when such orders, questions and statements are related to the performance of official duties or fitness for office.

#### 4.27 RACING, WAGERING AND BREEDING LAW

The Racing, Wagering and Breeding Law (RWBL, S107) prohibits police officers from holding any office or employment with any firm that is licensed to conduct its business at a racetrack or that owns, leases or manages a racetrack.

SECTION V  
REPORTS

5.1 ALTERING, DELAYING, OR FALSIFYING REPORTS

A. Employees shall not steal, alter, delay, falsify, tamper with, withdraw or request that any other person do the same to any report, letter, request, or other communication that is being forwarded through the chain of command. The removal of any record, card, report, letter, document, or other official files from the department or the permitting of inspection of same, except by process of law or as directed by the Chief of Police or a superior is prohibited.

Additionally, the obtaining and/or duplicating, or the attempt of the same, any information from department files, sources or reports other than that to which one is properly entitled in accordance with one's duties and/or assignments is prohibited. This shall not apply to the correction of errors.

B. Employees shall not dissuade any other employee from originating and submitting any lawful or proper report, whether on criminal or disciplinary matters.

C. Employees shall not falsely make or submit any type of official report or knowingly enter or cause to be entered any inaccurate, false, or improper information on the records of the department.

5.2 REPORTING VIOLATIONS

Employees shall report, in accordance with current directives, all violations of the law, rules, General Orders, and current directives of the department. All such violations shall be reported in writing to a supervisor in the department.

5.3 REPORTING ILLEGAL ACTIVITIES

A. Employees shall report to their supervisors all suspected places of illegal activity discovered or coming to their attention while on or off duty.

B. Members shall report all suspicious persons, vehicles and incidents in accordance with current directives.

#### 5.4 TESTIMONY FOR DEFENSE

A. Employees who are requested or subpoenaed to testify or give evidence, or who intend to testify or give evidence on behalf of the defense in any criminal action, shall immediately notify their supervisor and the prosecuting attorney of such request, subpoena, or intention to testify prior to testifying.

B. Employees who are requested or subpoenaed to testify or give evidence against the department or the Town of Seneca Falls in any civil action shall immediately notify their supervisor and the Town Attorney of such request or subpoena.

#### 5.5 INFORMATION REGARDING CRIME

Officers, whether on or off-duty, shall communicate promptly to their supervisors in accordance with current directives, all information on crimes, criminal activity or important events which may involve the department or its employees of which they have knowledge.

#### 5.6 ACTIONS AGAINST EMPLOYEES

A. Officers shall be personally responsible for reporting immediately to their supervisor any arrests, including traffic violations or court actions instituted against them with the exception of divorce proceedings or child support. However, any contempt of court arising from divorce or support proceedings must be immediately reported as required above.

B. Officers, upon receipt of a notice of claim or lawsuit arising out of their employment, shall note on the document(s) served the time, date location and how or by whom served and shall immediately forward the original to the Chief of Police through the chain of command. Failure to forward immediately may result in their own liability for the action.

#### 5.7 ADDRESS AND TELEPHONE NUMBER

All Officers must:

Have an operative telephone/cell phone. Officers shall report their current address and the telephone number in accordance with current directives.

SECTION VI  
RESPONSIBILITIES OF COMMANDING OFFICERS AND SUPERVISORS

6.1 COMMAND

A. Supervisors shall insure that employees under their command perform their full duty. Supervisors shall provide efficient, effective and meaningful direction to subordinates.

B. Supervisors, or temporarily assigned supervisors, must provide a good example in both conduct and appearance, have a thorough understanding of the rules and procedures of the department, and shall assist and instruct subordinates in the proper performance of their duties.

6.2 SUBORDINATE INCOMPETENCY OR MISCONDUCT

Supervisors who either overlook, condone or fail to take action on incompetence or misconduct on the part of their subordinates shall, be guilty of neglect of duty.

6.3 COURTESY

Supervisors shall treat employees with courtesy and establish an atmosphere of mutual respect.