

Title: 14.1 Rules of Conduct

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PURPOSE:

To establish rules of conduct and appearance for agency personnel.

I. Rules of Conduct

Officers and non-sworn members shall, at all times, have personal knowledge of, and be in compliance with, any established rule, regulation, procedure or directive which has been adopted by the Glens Falls Police Department. Each officer and non-sworn member is held accountable for their actions and each is held accountable to follow the official rule, regulation, policy, procedure or directive to guide their actions

II. Disciplinary System

Officers shall study and thoroughly understand the Glens Falls Police Department’s Rules and Regulations, Procedures, all orders, State Laws, City Ordinances and local laws. They shall obtain the assistance of superior officers in the interpretation of any law, order or rule, which is unclear.

Any official member found in violation of this section of the manual shall be subject to the disciplinary process consistent with state law and applicable provisions of the bargaining agreement between the City of Glens Falls and the Glens Falls Police Benevolent Association.

Permanent records of all disciplinary actions taken against any member of the Glens Falls Police Department will be secured and maintained in the Chief’s office by the Chief of Police.

III. Relief from Duty

It shall be the policy of the Glens Falls Police Department to involuntarily relieve from duty any member who performs acts, which are illegal, or in violation of official orders, rules and regulations. These suspensions shall be reserved for the serious breaches of law, or orders, rules and regulations. Minor violations shall be handled by oral reprimand, letter of instruction, or further training and instruction.

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- A. The Chief of Police has the authority to suspend any member under his command when there is sufficient reason to believe that such member has violated the law by committing a misdemeanor or felony. He may also suspend a member when there is sufficient reason to believe they have violated an established rule, regulation, policy, procedure or directive of the Glens Falls Police Department.
- B. In those instances where the Chief is not available, the Assistant Chief can suspend a member working under their direction for the same offenses. However, the Assistant Chief must then advise the Chief of the reason for the suspension as soon as possible.
- C. A member may also be relieved of duty, if in the opinion of the Chief or his designee, the member is not physically fit to continue working due to sickness, reaction to medication, or intoxication.
- D. A member may also be relieved of duty if he/she appears to be psychologically unfit for duty.
- E. A member relieved of duty for violation of law must be advised of the violation at the time of the relief.

IV. Role of Command Staff

The role of the supervisor and command staff in the disciplinary process and the authority of each level thereof relative to the disciplinary actions as specified by any contractual limits as mandated in the current bargaining agreement.

V. Grievances

To promote a cooperative employer-employee relationship the Office and its members, it is the policy of the Glens Falls Police Department to establish and provide settlement of disputes through orderly grievance procedures.

- A. Members who are represented by the Glens Falls P.B.A shall follow the grievance procedures as outlined in the Collective Bargaining Agreement between the City of Glens Falls and the Glens Falls Police Benevolent Association.
- B. Members who are represented by the C.S.E.A shall follow the grievance procedure as outlined in the Collective Bargaining Agreement between the City of Glens Falls and the C.S.E.A.

Title: 14.1 Rules of Conduct**STANDARDS AND PROCEDURES:****1.01 VIOLATION OF RULES**

Members of the Police Department shall not commit any acts which constitute a violation of any of the Rules, Regulations, Directives or Orders of the Department, whether stated in a General Order or elsewhere.

1.02 UNBECOMING CONDUCT

Officers shall 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 officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or Officer.

1.03 IMMORAL CONDUCT

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the Law Enforcement Profession. Officers shall not participate in any incident involving moral turpitude which impairs their ability to perform as Law Enforcement Officers or causes the Department to be brought into disrepute.

1.04 CONFORMANCE TO LAWS

A. Officers shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present.

B. A conviction of the violation of any law shall be Prima Facie evidence of a violation of this section.

1.05 REPORTING FOR DUTY

Officers 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 immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

1.06 NEGLIGENCE OF DUTY

Officers shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall

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not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

1.07 FICTITIOUS ILLNESS OR INJURY REPORTS

Officers shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

1.08 SLEEPING ON DUTY

Officers shall remain awake while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.

1.09 LEAVING DUTY POST

Officers shall not leave their assigned duty posts during a tour of duty, except when authorized by proper authority.

1.10 MEALS

Officers shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time and place as established by Departmental Procedures.

1.11 UNSATISFACTORY PERFORMANCE

Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform certain tasks, the failure to conform to work standards established for the Officer's rank grade, or position, the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving Police attention, or Absence without Leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence performance: repeated poor evaluations or a written record of repeated infractions of Rules, Regulations, Directives or Orders of the Department.

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1.12 EMPLOYMENT OUTSIDE OF DEPARTMENT

A. Officers may engage in Off-Duty employment subject to the following limitations:

1. Such employment shall not interfere with the Officer's employment with the Department,
2. Officers shall submit a written request for Off- Duty employment to the Chief, whose approval must be granted prior to engaging in such employment, and
3. Officers shall not engage in any employment or business involved in the sale, distribution of alcoholic beverages, Bail Bond Agencies, or investigative work for Insurance Agencies, Collection Agencies, or Attorneys,
4. Extra work by Members of Police Forces in Cities- General Municipal Law Section 208.D- Page 80. Not more than twenty (20) hours a week.

B. Approval may be denied where it appears that the outside employment might:

1. Render the officers unavailable during an emergency,
2. Physically or mentally exhaust the officer to the point that their performance may be affected,
3. Require that any special consideration be given to scheduling of the Officer's regular duty hours or,
4. Bring the Department into disrepute or impair the operation or efficiency of the Department or Officer.

1.13 ALCOHOLIC BEVERAGES AND DRUGS IN POLICE INSTALLATIONS

Officers shall not store or bring into any Police facility or vehicle alcoholic beverages, controlled substances, narcotics, or hallucinogens, except alcoholic beverages, controlled substances, narcotics or hallucinogens which are held as evidence.

1.14 POSSESSION AND USE OF DRUGS

Officers shall not possess or use any controlled substances, narcotics or hallucinogens, except when prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, officers shall notify their superior officer.

1.15 USE OF ALCOHOL ON DUTY OR IN UNIFORM

A. Officers shall 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 superior officer.

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B. Officers shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

1.16 USE OF ALCOHOL OFF DUTY

Officers, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department or renders the officers unfit to report for their regular tour of duty.

1.17 USE OF TOBACCO

Officers, when in uniform, may use tobacco as long as (1) they are not in formation, (2) they do not have to leave their assignment or post for the sole purpose of doing so, and (3) they are not engaged in traffic direction and control. When they are in direct contact with the public, officers must first obtain permission to use tobacco from the public with whom they are in direct contact.

1.18 INSUBORDINATION

Officers shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

1.19 CONFLICTING OR ILLEGAL ORDERS

A. Officers who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer, issuing the order, does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflicting order shall be upon the superior officer. Officers shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.

B. Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing officer to clarify the order or to confer with higher authority.

1.20 GIFTS, GRATUITIES, BRIBES OR REWARDS

Officers shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) or the Department, if it may reasonably be inferred that the person, business, or organization:

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1. Seeks to influence action of an officer's performance or non-performance of an official duty, or,
2. Has an interest which may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty.

1.21 ABUSE OF POSITION

A. Use of official position or identification. Officers shall not use their official position, official identification cards or badges:

1. For personal or financial gain, or
2. For obtaining privileges not otherwise available to them except in the performance of duty, or
3. For avoiding consequences of illegal acts. Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.

B. Use of name, photograph, or title. Officers shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with testimony or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

1.22 ENDORSEMENTS AND REFERRALS

Officers 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, bondsman, mortician, etc.). In the case of ambulance or towing service, when 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 procedures.

1.23 IDENTIFICATION

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.

1.24 CITIZEN COMPLAINTS

Officers shall courteously and promptly record in writing any complaint made by a citizen against any officer of the Department. Officers may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any officer or

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the Department. Officers shall follow established departmental procedures for processing complaints.

1.25 COURTESY

Officers shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, even in the face of extreme provocation. In the performance of their duties, officers shall not use course, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

1.26 REQUESTS FOR ASSISTANCE

When any person applies for assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will properly and judicially be acted upon with established Departmental procedures.

1.27 ASSOCIATIONS

Officers shall avoid regular or continuous associations or dealings with persons whom they know or should know are persons under Criminal Investigation or Indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officer.

1.28 VISITING PROHIBITED ESTABLISHMENTS

Officers shall not knowingly visit, enter, or frequent a House of Prostitution, 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 Superior Officer.

1.29 GAMBLING

Officers shall 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 Superior Officer.

1.30 PUBLIC STATEMENTS AND APPEARANCES

Officers shall not publicly criticize or ridicule the Department, its policies, or other officers by speech, writing or other expression where such speech, writing or other expression

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is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline or is made with reckless disregard for the truth or falsity.

1.31 PERSONAL APPEARANCE

A. Officers on duty shall wear uniforms or other clothing in accordance with established department procedures.

B. Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair in accordance with established departmental procedures.

1.32 POLITICAL ACTIVITY

A. Officers shall be permitted to:

1. Register and vote in any election,
2. Express opinions as individuals, privately and publicly on political issues and candidates,
3. Attend political conventions, rallies, fund- raising functions and similar political gatherings,
4. Actively engage in any non-partisan political function,
5. Sign political petitions as individuals,
6. Make financial contributions to political organizations,
7. Hold membership in a political party and participate in its functions to the extent consistent with the law,
8. Otherwise participate fully in public affairs, except that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

B. Officers are prohibited from:

1. Using their official capacity to influence, interfere with or affect the results of an election,
2. Assuming active roles in the management, organization, or financial activities of partisan political clubs, campaigns or parties,
3. Serving as officers of partisan political parties or clubs,
4. Becoming candidates for or campaigning for a partisan elective public office,
5. Soliciting votes in support of, or in opposition to, any partisan candidates,
6. Serving as delegates to a political party convention,
7. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature,
8. Initiating or circulating a partisan nominating petition,
9. Organizing, or selling tickets to or actively participating in a fund-raising function for a partisan political party or candidate,

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10. Addressing political gatherings in support of, or in opposition to a partisan candidate,

11. Otherwise engaging in prohibited partisan activities on the Federal, State, County or Municipal level.

1.33 LABOR ACTIVITY

A. Officers shall have the right to join Labor Employee organizations to represent members' interests with an employer.

B. Officers shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician' statement, the stoppage of work, or the abstinence in whole or part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

1.34 PAYMENT OF DEBTS

Officers shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline, except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Officers shall not co-sign a note for a Superior Officer.

1.35 RESIDENCE

Officers shall maintain a residence consistent with New York State Civil Service Law.

1.36 TELEPHONE

Officers shall have telephones in their residences, and shall immediately report any changes of telephone numbers or address to their superior officers and to such other persons as may be appropriate.

1.37 DISSEMINATION OF INFORMATION

Officers shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Departmental procedures. Officers may remove or copy official records or reports from a Police Installation only in accordance with established Department

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procedures. Officers shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.

1.38 INTERVENTION

A. Officers shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

1. Ordered to intervene by a Superior Officer, or
2. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

B. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer, unless the exigencies of the situation require immediate action.

1.39 DEPARTMENT REPORTS

Officers shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false or improper information. Officers shall not change or edit the narrative or notes of another officer's report without the original officer's knowledge and permission. Officers may add addition information to a report as a supplemental narrative as warranted.

1.40 PROCESSING PROPERTY AND EVIDENCE

Property or evidence which has been discovered, gathered, or received in connection with Departmental responsibilities shall be processed in accordance with established Departmental procedures. Officers shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Departmental procedures.

1.41 ABUSE OF PROCESS

Officers shall not make false accusations of a criminal or traffic charge.

1.42 USE OF DEPARTMENTAL EQUIPMENT

Officers shall utilize Department equipment only for its intended purpose, in accordance with established Departmental procedures and shall not abuse, damage, or lose Departmental equipment. All Department equipment issued to officers shall be maintained in proper order.

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Officers shall operate vehicles in a careful and prudent manner, and shall obey all laws and all Departmental orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the Department immediately.

1.44 CARRYING FIREARMS

Officers shall carry firearms in accordance with law and established Departmental procedures.

1.45 TRUTHFULNESS

Upon the order of the Chief, the Chief's designee or a Superior Officer, Officers 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.

1.46 SICK LEAVE

Officers shall be entitled to 15 days sick leave with pay in each calendar year, unused days being cumulative to a maximum of 180 days to be credited as sick leave. Physician's verification of illness will be required as per the collective bargaining agreement. Sick records will be kept in the Chief's office.

1.47 FINANCIAL DISCLOSURE

Upon order of the Chief or the Chief's designee, officers shall submit financial disclosure statements in connection with a complaint in which this information is material to the investigation. These statements are to be maintained by the Chief and shall not be available for public disclosure.

1.48 TREATMENT OF PERSONS IN CUSTODY

Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with law and Departmental procedures.

1.49 USE OF FORCE

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force in accordance with law and Departmental procedures.

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1.50 USE OF WEAPONS

Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with Law and Departmental Procedures.

1.51 ARREST, SEARCH AND SEIZURE

Officers shall not make any arrest, search or seizure which they know or should know is not in accordance with Law and Departmental Procedures.

1.52 TRAFFIC CHARGES

No member shall request, solicit or participate in a reduction of a traffic offense or in any way become involved in reducing such charges or in seeking reductions in penalties assessed for such offenses.

1.53 AMENDMENTS

The Board of Public Safety shall alter or amend from time to time by adding to or dispensing with any portion of the foregoing rules and regulations whenever said Board Shall deem it proper.

Authority:



G. Joseph Boisclair
Chief of Police