

Standards of Conduct

320.1 PURPOSE AND SCOPE

Best Practice NY_CALEA6.13 - 12.2.1 (g) NYSLEAP- 8.7 - 14.1

This policy establishes standards of conduct that are consistent with the values and mission of the Syracuse Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

320.1.1 DEFINITIONS

Agency Content

Duty - Includes those tasks required by law, authoritative instruction, one's assignment, rank or status.

Neglect of Duty – Failure to give suitable attention to the 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 required duties.

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

Insubordination - The willful disobedience of a lawful order issued by any supervisory or Commanding officer or disrespectful, mutinous, rebellious, insolent, or abusive language or action toward any supervisory or commanding officer.

320.2 POLICY

Best Practice NYSLEAP- 8.7 - 14.1

The continued employment or appointment of every member of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

Best Practice MODIFIED NY_CALEA6.13 - 12.1.3 NYSLEAP- 8.7 - 2.7 (C), 14.1

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority.

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.

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Unfamiliarity with or ignorance of laws, ordinances, rules and regulations, current directives, procedures, policies or orders shall not constitute a defense.

Employees shall comply with all lawful orders. Non-compliance shall be defined as insubordination. 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. When officially assigned outside of the geographic limits of the City of Syracuse, employees shall carry out lawful orders and directives as may be given them by established authority.

Issuance of orders to a subordinate does not relieve a superior from responsibility for ensuring the orders are obeyed.

320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Best Practice MODIFIED NYSLEAP- 8.7 - 2.7 (D), 14.1

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify the person issuing the original order, indicating the action taken and the reason.

320.3.2 SUPERVISOR RESPONSIBILITIES

Best Practice NYSLEAP- 8.7 - 14.1

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Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiescing to such a violation, or exhibiting indifference to such a violation.
- (d) Exercising unequal or disparate authority toward any member for malicious or other improper purpose.

320.4 GENERAL STANDARDS

Best Practice NYSLEAP- 8.7 - 14.1

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and New York constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

320.5 CAUSES FOR DISCIPLINE

Best Practice NYSLEAP- 8.7 - 14.1

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

320.5.1 LAWS, RULES AND ORDERS

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive or requirement, or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.

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- (c) Violation of federal, state, local or administrative laws, rules or regulations.
- (d) Employees shall not be insubordinate.

320.5.2 ETHICS

Best Practice

MODIFIED

NYSLEAP- 8.7 - 14.1, 14.3

- (a) Using or disclosing one's status as a member of the Syracuse Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance or solicitation of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) While on duty, no employee shall solicit funds, distribute or sell tickets, accept funds for any purpose without the approval of the Chief of Police.
- (f) While off duty, no employee shall solicit funds, distribute or sell tickets, or accept donations for any purpose if, in doing so, they utilize the color of their title or position as an employee of the Department, without prior approval of the Chief of Police.
- (g) When such permission is granted, employees shall not sell or 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 Departmental employees.
- (h) Persons who have served as officers or employees of the City shall not, after termination of such service or employment, appear before any board or agency of the city, nor render services on behalf of any person, firm, corporation, or association, in relation to any case, proceeding or application with respect to which the officer or employee was directly concerned or in which they personally participated during the period of their service or employment or which was under their consideration, until the case, proceeding or application has been finally disposed of, or for a period of two (2) years from the date of separation from City service or employment, whichever is earlier; nor shall the officer or employee receive any compensation with respect to such matter.
- (i) Offer or acceptance of a bribe or gratuity.
- (j) Misappropriation or misuse of public funds, property, personnel or services.
- (k) Any other failure to abide by the standards of ethical conduct.

320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Best Practice

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Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

320.5.4 RELATIONSHIPS

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Employees shall not knowingly enter or remain in any premise wherein the laws of the United States, State of New York, or the local jurisdiction are violated.
- (g) An employee may be a member of a volunteer Fire Department or Ambulance Corps. Employees shall not make themselves available for any volunteer emergencies during duty hours, or while in transit to scheduled duty with the Syracuse Police Department.
- (h) Subject to applicable law, an employee shall not enlist or accept a commission in a federal or state military reservist organization without informing the Chief of Police and obtaining permission and approval to do so.

320.5.5 ATTENDANCE

Best Practice

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.

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- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

Best Practice NYSLEAP- 8.7 - 14.1

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

320.5.7 EFFICIENCY

Best Practice MODIFIED

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Employees shall not utilize their on-duty time in the pursuit of any private business, private enterprise or personal association.
- (e) Unauthorized sleeping during on-duty time or assignments.
- (f) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (g) Failure to notify the Human Resources Division of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

Best Practice MODIFIED NYSLEAP- 8.7 - 14.1

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- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Employees shall not undertake any investigation or other official action that is outside of their regular duties without first obtaining permission from their supervisor, unless exigent circumstances require immediate action. An employee taking such an action must notify their supervisor as soon as possible after the incident.
- (e) Employees shall report, in accordance with current directives, all violations of the law, rules and regulations, directives and orders of the Department. All such violations shall be reported in writing to a supervisor.
- (f) Members shall report to their supervisors all places suspected of illegal activity, discovered or coming to their attention, while on or off duty.
- (g) Members shall report all suspicious persons, vehicles and incidents, in accordance with current directives.
- (h) Employees, whether on or off duty, shall communicate promptly to the appropriate officer(s) or a supervisor, all information on crimes, criminal activity, or potential criminal events or circumstances which may come to their attention.
- (i) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members. Violations of this section will result in severe discipline up to and including termination.
- (j) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (k) No employee, while off-duty, is authorized to wear the Departmental uniform pursuant to current directive, unless authorized in writing by the Chief of Police or Deputy Chief.
- (l) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.

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3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (m) Improper political activity including:
- (a) Unauthorized attendance while on-duty at official legislative or political sessions.
 - (b) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property.
 - (c) 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 to control, affect, influence, reward or punish the political adherence, affiliation, action, expression or opinion of any citizen; or
 - (d) 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 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
 - (e) Solicit, collect, or receive any money for any political fund club, association, society or committee while on duty or while on Departmental property, unless approved by the Chief of Police.
- (n) Engaging in political activities during assigned working hours.
- (o) Any act on- or off-duty that brings discredit to this department.

320.5.9 CONDUCT

Best Practice **MODIFIED** NY_CALEA6.13 - 26.1.1 NYSLEAP- 8.7 - 14.1

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with this Department or any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment or language directed at any member of the public or any member of this department or the City.

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- (g) Employees shall not initiate or repeat malicious rumors.
- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract, including fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Employees shall not undertake any financial obligations that they know they will be unable to meet. Employees shall pay all just debts and satisfy all legal liabilities incurred by them. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. The Chief of Police must be notified within ten working days before a bankruptcy petition is filed. Employees, upon order of the Chief of Police and in accordance with current directives, shall submit financial disclosure statements.
- (n) Employees shall not spend any monies, purchase any article, order any service or incur any financial obligation in the name of the Department and for which the Department would be liable, without the prior approval of the Chief of Police, or First Deputy Chief of Police, unless otherwise specified in current directives.
- (o) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

Best Practice **MODIFIED** **NYSLEAP- 8.7 - 14.1**

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling including loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work site, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

320.5.11 INTOXICANTS

Best Practice NYSLEAP- 8.7 - 14.1

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

320.5.12 LEGISLATIVE RESTRICTIONS

State NYSLEAP- 8.7 - 14.1, 14.3

Officers are prohibited from the following activities by New York statute:

- (a) Having an interest in the manufacture or sale of alcoholic beverages (Alcoholic Beverage Control Law § 128).
- (b) Using one's position or authority to aid or oppose any political party (Election Law § 17-110).
- (c) Holding an office in, being employed by, owning or conducting business at a pari-mutuel race track (Racing, Pari-Mutuel Wagering and Breeding Law § 107).
- (d) Violating any applicable provisions of Article 4 of the Public Officers Law and Article 18 of the General Municipal Law including:
 1. Accepting gifts of \$75 or more in value (General Municipal Law § 805-a)
 2. Disclosing confidential information obtained in the course of official duties (Public Officers Law § 96)
 3. Receiving payment for official acts except as authorized by law (Public Officers Law § 67)
 4. Failing to disclose an interest in any contract or business with the employing governmental entity (General Municipal Law § 801)
 5. Failing to disclose an interest in property for which a variance is requested (General Municipal Law § 809)

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320.5.13 JOB ACTIONS

Agency Content

- (a) Employees shall not engage in any strike pursuant to Article 14, Section 210, Sub 1 of the New York State Civil Service Law (Taylor Law), and Section 30-10 of the Revised General Ordinances of the City of Syracuse, to wit:
 - 1. Section 30-10 - Prohibition of strikes, violations and penalties, presumptions, prohibition against consent to strike, determination; notice; probation period, payroll deductions; objections and restoration.
 - (a) No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage, or condone a strike.
 - (b) 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 shall 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, shall 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 City of Syracuse any authority, supervision, or direction over any public employee shall have the power to authorize, approve, condone, or consent to a strike, or engaging in a strike, by one or more public employees, and such person shall not authorize, approve, condone, or consent to such strike or engagement.