



CODE OF CONDUCT

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2.00 REGULATIONS- KNOWLEDGE OF

- A. Every Member of the Department shall have a copy of the Manual of Procedures and shall be familiar with the provisions therein.
- B. Members shall not commit any acts or omit any acts, which constitute a violation of any of the Rules, Regulations, Directives or Orders of the Department, whether stated in this Manual or elsewhere.

2.01 UNBECOMING CONDUCT

Members shall conduct themselves at all times, in such manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which brings the Department into disrepute or reflects discredit upon the Member as a Member of the Department, or that which impairs the operation or efficiency of the Department.

2.02 IMMORAL CONDUCT

Members shall not participate in any incident involving moral turpitude, which impairs their ability to perform as law enforcement Members or causes the Department to be brought into disrepute.

2.03 CONFORMANCE TO LAWS

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

2.04 UNSATISFACTORY PERFORMANCE

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their position. Members 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 a lack of knowledge of the application of laws required to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the Members rank, grade or position; 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 their indications of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of Rules, Regulations, Directives or Orders of the Department.

2.06 DUTY

It is the duty of every Member of the Department at all times to protect life and property, prevent crimes, detect and arrest offenders, preserve the public peace and enforce all laws and ordinances over which the Police Department has jurisdiction.

2.07 DUTY – TO OBEY

- A. Members shall obey the lawful orders of their Superior Members. They shall perform all lawful duties required of them by their Superiors regardless of whether such duties are specifically assigned to them by the Department.
- B. Members shall not obey any order which they know, or should know, would require them to commit any illegal act.
- C. It shall be the duty of every Member of the force to know the identity of his Superior Members.

2.08 INSUBORDINATION

Members and employees of the Department are prohibited from engaging in any disrespectful, mutinous, insolent or abusive language or action toward a Superior Member or other competent authority or ridiculing a Superior Member whether in or out of his presence.

2.09 DUTY – STATUS

A Member of the Department shall be fit for and subject to call at all times except when on sick leave, disability leave or vacation.

2.10 DUTY – OUT OF RANK

When assigned to perform the duties of another rank, a Member of the force shall be governed by the regulations and orders affecting that rank.

2.11 DUTY – LIMITED TO POLICE WORK

Members of the force shall not devote any of their “on duty time” to any activity other than that which relates to police work and shall not perform any police duty in uniform for the purpose of private gain, unless properly authorized. However, when a Member of the Department is suspended without pay, he/she may engage temporarily in another business or calling.

2.12 DUTY – ATTENTION TO

Every Member of the force who has occasion to handle any complaint, assistance call, arrest or other duty, shall attend to such duty with a businesslike dispatch and courtesy and without any unnecessary loss of time. He shall furnish information or render police aid to all persons with due courtesy whenever such request is consistent with his duty.

2.13 DUTY – REPORTING FOR

Members 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.

2.14 DUTY – NEGLIGENCE OF

Every Member of the Department shall properly perform their assigned duty. Failure to do so shall amount to malfeasance or non-malfeasance.

A limited to but not all-inclusive definition of the above terms is as follows:

1. **Malfeasance:** Misconduct or wrong doing; especially, wrongdoing that is illegal or contrary to official obligations.
2. **Misfeasance:** The improper and unlawful execution of some act that in itself is lawful and proper.
3. **Nonfeasance:** Failure to perform some act that is either an official or a legal requirement.

2.15 DUTY – TOUR OF

A Member of the force shall perform the tours of duty prescribed by his Commanding Member. Current authorized duty charts shall have the force and effect of Department Regulations.

2.16 LEAVING DUTY POST

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

2.17 DUTY – OFF

- A. Members at their option may elect to carry their firearm while off duty.
- B. Firearms being carried on or off duty must comply with Department Policy and Procedure.
- C. Members dressed in civilian clothes when wearing or carrying their firearm, holster, handcuffs, billy, or slapper shall ensure that they are concealed and inconspicuous to avoid attracting attention.
- D. Members, while off duty, shall have in their possession/control their police shield and identification card.
- E. Whenever an officer becomes involved in an incident while off-duty, he or she shall notify the Desk Officer as soon as possible. The Desk Officer shall make notification to the members Commanding Officer, and if necessary the Internal Affairs Unit.

2.18 DUTY – RESPONSIBILITY

Every Member of the Department shall be held responsible for the proper discharge of duties assigned to him and it shall be no excuse to offer that he followed the advice of others except that of a Superior Member.

2.19 DUTY – TO REPORT INFORMATION

- A. It shall be the duty of every Member of the force to report to his Commanding Member any information given to him by any citizen regarding matters that indicate the need for police action.
- B. When a Member of the Department obtains important information, which may be of value to a Unit of the Department other than his own, he shall report the facts to the Chief of Police, who shall transmit the information to the proper Unit.
- C. Every Member of the Department shall report to his Superior Member with knowledge or information that he may have that may be of assistance in the prosecution or defending of a lawsuit in which the city is a party either as plaintiff or defendant.

2.20 OBEDIENCE

Members while on or off duty shall respect and obey all laws and ordinances and provisions of the Department Manual of Procedures.

- A. Punctual attendance, prompt obedience to orders and conformity to the Department Manual of Procedures will be rigidly enforced.
- B. As a general rule, a Member will be required to take direct orders from and be directly responsible to one Superior Members, however, shall exercise direct command over Members outside their usual command in all situations where the police purpose or the reputation of the Department is jeopardized.

2.21 OBEDIENCE – RADIO DISPATCHER

All messages transmitted over the Police Radio System by Department personnel shall be direct and concise and shall conform with all Department radio procedures and the Rules and Regulations of the Federal Communications Commission. No member shall disobey or refuse to take cognizance of any communications transmitted by the radio dispatcher, unless directed to do so by a Superior Member. Neglect to comply with the instructions of the dispatcher shall be regarded as a violation of these Regulations.

2.22 ORDERS

All written directives issued to a Member or posted on the bulletin board by the Commissioner of Public Safety or the Deputy Commissioner for seventy-two (72) consecutive hours shall be deemed official and sufficient notification and obeyed accordingly.

2.23 ORDERS – EFFECTIVENESS OF

All written directives that have been approved by the Commissioner of Public Safety or the Deputy Commissioner shall have the force and effect of Department Regulations

2.24. ORDERS – CHANGE OF

No orders will be issued which will conflict with or change the regulations of this Department without the approval of the Commissioner of Public Safety or in his absence the Deputy Commissioner.

2.25 ORDERS – COMMANDING OFFICER

Commanding Officers may issue orders within their Commands, which do not conflict with or change the provisions of existing Department Regulations.

2.26 ORDERS – CONFLICT OF

In the event of a conflict of orders, a Member of the force shall make known to the Superior Member issuing the last order that a conflict of orders exists. Should that Member not change his order, the Member will obey the order of this Member and shall not be responsible for a violation of regulations or disobedience of an order. The Member issuing this change of orders shall bear responsibility for disobedience of orders or violation of regulations.

2.27 SUGGESTIONS

Members may forward suggestions for the improvement of the service, in writing, through channels, to the Deputy Commissioner.

2.28 CONDUCT

Members shall conduct themselves in a manner that will not bring discredit to the Department. They shall be guilty of misconduct, neglect of duty or unbecoming a member even though such conduct is not specifically set forth in these rules.

- A. A Member of the Department, while in uniform shall not smoke in public.
- B. No Member of the Department shall engage in games of cards or games of chance at Headquarters at any time whether on duty or not.
- C. Members of the Department shall not attend any ball, reception or other place of amusement while in uniform, except when assigned to it.
- D. Members shall comply with instructions of Training Member regulating their conduct while attending school and with the rules and instruction of the Firearms Instructor regulating their conduct on the range.

2.29 CIVILITY

All Members of the Department shall be as civil, orderly, discreet, courteous and patient as reasonable persons are expected to be in any situation and shall not engage in maintain

any altercation, physical or otherwise, whether on duty or not, with any other Member of the Department or civilian.

- A. Members of the Department shall be quiet, civil and orderly in their conduct and deportment. In the performance of their duty, they shall be attentive and maintain decorum, command temper, patience and discretion. They at all times shall refrain from harsh, violent, coarse, profane or insolent language and yet shall act, when required with fairness and energy in the performance of their duty. Members of the Department shall be civil and respectful to each other on all occasions.
- B. All Members of the Department shall answer questions from the public in a courteous manner and if unable to supply an answer shall make a reasonable effort to obtain it for the citizen. Efforts shall be made to avoid argument and unnecessary conversation. If requested, a Member shall give his name and shield number in a courteous manner to any person requesting it.

2.30 KNOWLEDGE OF THE CITY

Every Member shall familiarize himself with the geography of the City, including routes of public transportation, the location of the streets, highways, bridges, public buildings and places, hospitals, courts, railway stations, prominent buildings, large industrial plants and such other information as may aid him in the effective discharge of police duties.

2.31 PROHIBITED PLACES

Except in the line of duty, a Member of the Department shall not visit or loiter near any bar, tavern, tap lounge or other establishment suspected by the police as being a place of actual or probable law violations or a place that is frequented by known felons or other unsavory characters.

2.32 ASSOCIATIONS

Members 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 Members. A Member of the Department shall not consort with criminals or other unsavory characters unless such association is specifically required as a matter of police duty.

2.33 FICTITIOUS ILLNESS OR INJURY

Members 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.

2.34 INTOXICANTS

A Member of the Department shall not indulge in intoxicants while in uniform or while on duty in civilian clothes. He shall not indulge in intoxicants at any time to an extent that would render him unfit for immediate duty.

2.35 POSSESSION OF INTOXICANTS – DRUGS – ETC.

A Member of the Department shall not bring, place or permit to be brought or placed or allow to be kept in any building, location or vehicle within the Department any intoxicant, hypnotic, hallucinogen or narcotic, except in the strict performance of police duty as required by regulations or orders when it is needed for prompt administration by a licensed physician.

2.36 USE OF DRUGS

A Member of the Department shall not use or render himself or herself unfit for duty through the use of narcotics, barbiturates, amphetamines, tranquilizers, hypnotics or hallucinogens or other toxic drugs except when prescribed in the treatment of Members by a physician or dentist. When controlled substances, narcotics or hallucinogens are prescribed, Members shall notify their Superior Member.

2.37 CRITICISM AND MALICIOUS GOSSIP

- A. A Member of the Department shall not criticize any other Member of the Department, except in the line of duty, as a superior to a subordinate, nor shall any Member maliciously gossip about any Member, order, policy, procedure, case or event that should remain police information, nor shall a Member discredit or injure the morale of the personnel of the Department.
- B. A Member of the Department shall not speak disrespectfully to, or of, the Mayor, Commissioner of Public Safety or Deputy Commissioner of Public Safety or any member of the City Government.
- C. No Member of the Department shall make untruthful remarks or statements regarding the Commissioner of Public Safety, or any other Member of the Department.
- D. A Member of the Department shall not speak of any nationality, race or religion disparagingly.
- E. A Member of the Department shall speak the truth at all times and under all circumstances. In cases in which a Member is not allowed by the Regulations of the Department to divulge facts within the Members knowledge, the Member will decline to speak on the subject.

2.38 RECORDS

- A. No Department records shall be removed from the building except with the approval of the Commissioner of Public Safety or Commanding Member or under due process of law.
- B. Entries in Department records shall be made without unnecessary delay; they shall be accurate, coincide, and placed in chronological order by the Member or Members assigned to that duty. Erasures are not to be made and if corrections are to be made, an inked line shall be drawn through the incorrect portion and the correction entered immediately above the incorrect deletion. The Member making the correction shall affix his initials and shield number alongside that correction.

- C. Members and employees of the Department may not alter or request any other person to alter or withdraw any report, letter, or other written communication that is being sent up or down the chain of command. This paragraph shall not preclude the correction of grammatical errors. All such communications shall be forwarded without unnecessary delay. No Member or employee of the Department shall advise, counsel, order or otherwise dissuade any other Member or employee from making and submitting any lawful or proper report, whether on criminal or disciplinary matters.
- D. A Member of the Department shall not make false official reports, knowingly or willingly enter or caused to be entered into any Department books, records or reports any inaccurate, false or improper police information or material matter.
- E. No written communication with reference to police business shall be made by any police Member or any civilian employee to anyone, except upon the authority of a properly designated Superior Member.
- F. Copies shall be made of all letters and teletypes sent from the Police Department and copies of all communications shall be retained in the office from which they were sent.
- G. A Member of the Department shall treat as confidential the official business of the Department. He shall not talk for publication, nor be interviewed, nor make public speeches on police business; nor shall he impart information relating to the official business of the Department nor furnish photographs, finger and thumb prints, nor copies thereof to anyone except:
 - 1. Under due process of law, as directed by or with the permission of the Commissioner of Public Safety or the Deputy Commissioner.
 - 2. To those through whom he is directed under Rules and Regulations, to impart information regarding Departmental business.
 - 3. An employee of the Municipal Civil Service Commission, upon displaying his official shield, may be serviced with such confidential information, in the opinion of the Commissioner of Public Safety or the Deputy Commissioner may be necessary and proper to aid the work of that Commission.
 - 4. A representative of the press, upon establishing his identity may be advised by a Superior Member so designated by the Commissioner of Public Safety or the Deputy Commissioner.
 - 5. Information about persons arrested may be given by Members of the Department to properly identified representatives of the Parole Commission of the State of New York or the Probation Department or any other court or official agency.

2.39 MARKING OR ALTERING DEPARTMENT NOTICES

A Member of the Department shall not mark, alter, or deface any printed or written notice, memorandum, and general order directive relating to police business. A Member

shall not mark, alter, mar, nor deface any bulletin board or blackboard maintained by the Department.

2.40 PRESS RELEASES

All Members of the Department are prohibited from discussing, publishing or disseminating or giving directly or indirectly, information or making comments concerning this Department or matters pertaining thereto except as required by the Rules and Regulations and Procedures, except with permission of Commissioner of Public Safety.

2.41 STATEMENTS OF LIABILITY

A Member of the force shall not make any oral or written statements to anyone concerning liability in connection with the operation of police vehicles or performance of other police duty, unless specifically authorized to do so by the Commissioner of Public Safety or his designee.

2.42 INFORMATION

No Member of the Department shall communicate any information respecting orders which he may have received or any regulation now in force that may hereafter be made for the government of the Department except to such persons as directed by the Commissioner of Public Safety or the Deputy Commissioner or as legally required.

2.43 GROOMING

Every Member of the Department, when on duty, shall comply with Department grooming standards which are set forth in the Manual of Procedures.

2.44 APPEARANCES

Members of the Department shall maintain quarters, lockers, and desks used by them in a neat, clean and orderly condition. They shall not throw cigarettes or trash on the floors in Police buildings. They shall be neat and clean in appearance when in public, whether in uniform or in plain clothes.

2.45 EQUIPMENT REQUIRED

- A. Members of the Department shall have in their possession all equipment and uniforms required by the Department. The equipment and uniforms will be in a serviceable condition and kept in a location where they are readily available when needed.
- B. The uniforms of the Captains, Lieutenants, Sergeants, Police Officers, Public Safety Dispatchers, and Jail Attendants shall be of a type designated by the Commissioner of Public Safety.
- C. No Member of the Department shall patrol in civilian attire except by the direction of the Commission of Public Safety.

2.46 EQUIPMENT PERSONAL LOST / DAMAGED

When an article of uniform or equipment is damage or lost in the performance of police duty, application for reimbursement may be made to the Commissioner of Public Safety by the Member of the Department affected. It shall be made in duplicate and under oath and shall state in detail how and when the damage or loss occurred and date of purchase and cost of article.

2.47 SHIELD / IDENTIFICATION CARD

Members of the Department shall have no other police shield / I.D. Card or similar object in their possession, nor shall they wear, use or display one, except the kind authorized by the Commissioner of Public Safety. No member shall possess a duplicate or facsimile of their Department issued shield. They will carry their shield and service firearm at all times while on duty, unless otherwise directed and when in uniform shall display the shield on the outermost garment over the left breast.

2.48 SHIELD / IDENTIFICATION CARD – LOST

It shall be deemed a neglect of duty for any Member of the Department to lose his shield / I.D. Card, emblem or insignia of office, or fail to fasten the same securely to his person. Failure to report the loss of a shield, emblem or insignia of office to the Chief of Police immediately shall be deemed a further neglect of duty.

The cost of replacing a shield shall be borne by the Member. Shields are to be used carefully and kept clean and bright. If any member breaks, bends or otherwise changes the form of his shield or fastening thereof, he shall pay the cost of repairing it or furnish a new shield as may be directed.

2.49 UNAUTHORIZED ITEMS

A Member of the force shall not carry any articles other than authorized equipment while in uniform unless in the line of duty.

- A. No Member of the Department shall have or use personal cards of any description describing their police business or giving the police telephone number for personal matters without first obtaining written permission from the Commissioner of Public Safety or the Deputy Commissioner.
- B. A Member of the Department shall not authorize the use a of photograph of himself /herself in uniform in connection with any testimonial or advertisement, or for any commercial enterprise, nor shall he in his official capacity endorse or subscribe to any such testimonial or advertisement; nor shall he/she authorize any money to be made out to his official rank, title or membership in the Police Department in connection with any such testimonial or advertisement, without the written permission of the Commissioner of Public Safety.

2.50 PROPERTY

A Member of the Department shall: Be responsible for the good care, proper maintenance and serviceable condition of all Department property issued for or assigned to his use, and;

- A. Report promptly to the Commanding Member of the Support Services Division, Property Unit through his immediate Superior Member the loss of, damage to or unserviceable condition of any Department property issued for or assigned to his use, or any equipment, article, etc., used in connection with his duties as a Police Member.
- B. Not alter police equipment by changing it in any way except in cases of emergency or by the direction of the Deputy Commissioner.
- C. No property of the Department of Public Safety shall be destroyed, sold, broken up or otherwise disposed of without the authority of the Commissioner of Public Safety or the Deputy Commissioner.
- D. Members are responsible for maintaining and updating (inserting or making changes) their personal copy of the Department Manual and present said manual for inspection upon demand.

2.51 MISAPPROPRIATE OF PROPERTY

A Member of the Department shall not appropriate for his own use any lost, found or stolen property nor convert to his own use any property of the City of Mount Vernon or property held by the Department for evidence.

2.52 HANDLING MONEY OR PROPERTY

All money or other property coming into the possession of any Member of the Department through the normal course of police duties, which is not his own, shall be delivered to the Desk Officer, Commanding Member or Superior Member and a report made of the transaction. Such property will then be turned over to the Support Services Division, Property Unit.

2.53 SOLICITING

A Member of the Department shall not solicit, contribute, pay, nor cause to be solicited, contributed or paid directly or indirectly any money or other valuable consideration for the benefit of any matter related to the department or for the benefit of any person or persons connected with the Department, except upon the written approval of the Commissioner of Public Safety. This rule does not apply to money collected for the payment of regular dues or assessments of a benevolent organization identified with the Department or for other authorized purposes.

2.54 SOLICITATION

No Member of the Department, while on duty, shall circulate any subscription paper or sell tickets for any purpose without the permission of the Commissioner of Public Safety.

2.55 SOLICITING FOR PROMOTION OR CHANGE OF DUTY

A Member of the force shall not solicit for his or her promotion to a higher rank or a change in duty status or for the promotion or change of duty status of any other Member or for the appointment of anyone to the force; nor shall a member promote or cause to be promoted any influence to effect such an end.

2.56 ASSESSMENTS

No assessment of any kind whatsoever shall be levied, any money or other contribution requested or collected, for any purpose whatsoever, nor shall any gifts, testimonials or anything of value be bestowed on or received by any Member of the Department without the permission of the Commissioner of Public Safety.

2.57 PAYMENT OF DEBTS

All personnel of the Department shall promptly pay their legal debts. Failure to do so shall subject the offender to disciplinary action.

2.58 DEBTS

A Member of the Department shall not incur debts or other liability chargeable against the City of Mount Vernon, except with the knowledge and consent of the Commissioner of Public Safety or as otherwise specifically provided.

2.59 BORROWING

No Member of the Department shall borrow from any other Member, any money, security or property or obtain any credit or guarantee of credit; or assign his salary to any money lender or assign his wages or give any power of attorney for the collection thereof without the permission of the Commissioner of Public Safety.

2.60 GIFTS

No Member of the Department shall accept any gratuity or gift, directly or indirectly, from any person while in custody or after he shall have been discharged; nor from any friend or representative of such person or from anyone acting in such person's behalf.

2.61 ACCEPTING GIFTS

No Member of the Department shall seek or accept, directly or indirectly, any gift present or gratuity.

2.62 REWARDS

No Member of the Department shall receive any compensation, recommendation or reward for services other than his salary as a Member of the Department, except by permission of the Commissioner of Public Safety. Members of the Department may receive for their own use, ordinary fees as witnesses entitled on subpoena.

2.63 LOYALTY

A Member of the Department is prohibited from affiliating with any organization or body, the constitution or regulations of which are hostile to the United States Government or which would, in any way, exact prior consideration of him and/or prevent him from performing all his police duties.

2.64 NATIONAL COLORS AND ANTHEM

All Members of the Department shall salute the official national colors as they pass in public parades, ceremonies or other occasions or when carried into any building, room or

place where they are present. Whenever the National Anthem is played at any place where any members of the Department, are present, they shall stand at attention facing towards the music. If in uniform, they shall salute at the first note retaining the position of the salute until the last note of the Anthem. If not in uniform and covered, they shall uncover at the first note, holding the head dress over the heart and so remain until its close, except that in inclement weather the head dress may be slightly raised.

2.65 SALUTATIONS

- A. The hand salute prescribed by the United States Army regulations shall be tendered by subordinates and smartly and promptly acknowledged by Superior Officers. If in civilian clothes, the subordinate shall not salute, but on entering the office of a Commanding Officer, he shall remove his hat. A Member of the Department other than the Commissioner of Public Safety or Deputy Commissioner shall not be tendered a salute unless such member is in uniform. Members lining parades or at fires or on occasions where large numbers of police officers are assembled for a specific purpose, shall not salute Commanding Officers unless they address or are addressed by such Commanding Officer. In addressing or referring to a ranking member in line of duty his full title shall be used.
- B. A Member of the Department in charge of a detail of Members of the Department shall form and march them as prescribed by the United States Military Drill Regulations.
- C. All Members of the Department, on meeting or passing their Superior Officers, shall give the proper salute.
- D. Whenever the Mayor or Commissioner of Public Safety or the Deputy Commissioner of Public safety shall visit Headquarters, all Members of the Department therein shall stand at attention and give the customary salute.

2.66 RELEASE OF TELEPHONE NUMBERS

No Member of the Department shall release to the public or any public agency the home telephone number of any other member without authorization of a Superior Member.

2.67 CHANGE OF ADDRESS / TELEPHONE NUMBERS

Every member of the Department shall be responsible for informing the Chief via his Commanding Member his current address and telephone number, and any change of address and/or telephone number, shall be reported as soon as practical.

2.68 WITHDRAWAL – COMPLAINT

- A. Members of the Department shall not compound any offense committed against any Federal State or Municipal Law or Ordinance without the permission of the Commissioner of Public Safety, shall a member withdraw any complaint made.
- B. No member of the Department shall communicate to any person, information which may enable that person to escape from arrest or punishment or which will enable any person to dispose of or secrete goods or property or other valuable things stolen or embezzled.

2.69 RECOMMENDATION FOR DISPOSITION OF CASES

A Member of the Department shall not make recommendations for the disposition of any case without the consent of the Commissioner of Public Safety or the Deputy Commissioner.

2.70 COURTROOM DEMEANOR

- A. All Members of the Department concerned with cases before the Courts, Grand Juries or Hearing Boards shall be punctual in attendance, make a clean and neat appearance before such agency. They shall have the cases in which they are complainants or witnesses properly prepared. The witnesses shall be present and all property that is to use as evidence suitably arranged for presentation to the Court, Grand Jury or Hearing Board or members of the Jury. When presenting evidence or testimony they shall speak calmly and explicitly, in a clear distinct and audible tone so as to be easily understood. They shall give evidence with accuracy, confining them to the case before the court and shall neither suppress nor overstate the slightest circumstances, with an intention of favoring any person or projecting ill will to either the complainant or the defendant.
- B. All police members detailed to special assignments or to the Courts shall report at once to the Desk Member when his presence is not required for such assignment and he shall then subject himself to new orders.

2.71 COURT APPEARANCES

- A. All Members of the uniformed force shall appear in City Court in uniform, except off duty personnel may wear a jacket and tie.
- B. A Member of the Department appearing as a witness or complaint in plain clothes shall wear his shield on the outermost garment over the left breast while in the courtroom.
- C. All Members of the Department who make an arrest shall appear in court promptly when court is in session. If an arrest is made when the court is not in session, the arresting member shall be present in court at 9:00 A.M. on the date of the next regular session of court to sign the complaint, unless excused by the Chiefs Office.
- D. A Member of the Department summoned to the District Attorney's office of any county in connection with a case in which any other Member of the Department
- E. is apt to be made a defendant or becomes a defendant, shall report the facts in detail at once to the Deputy Commissioner or the Commissioner of Public Safety.
- F. No Member of the Department, when in attendance as witnesses before the Grand Jury, Supreme Court, County Court, Court of Record or any other Court, shall leave Court before they are called to testify or otherwise excused.

2.72 WITHHOLDING EVIDENCE

A Member of the Department shall not fabricate, withhold or destroy any evidence of any kind.

2.73 TESTIMONY IN CIVIL CASE

- A. A Member of the Department shall not testify in any civil case in court unless legally summonsed to do or unless he has received permission from the Commissioner of Public Safety.
- B. Members are not to render any assistance in civil cases unless required to do so in the line of police duty.

2.74 NOT TO RECOMMEND ATTORNEYS

Members of the Department shall not recommend or suggest to anyone the employment or name of any firm, person or corporation, as attorney counsel or bondsman; nor shall they give any advice or information to any person arrested or to others acting for him relative to the defense or prosecution against him; except that nothing herein contained shall be construed to mean a restriction of the rights of a member with respect to the handling of matters concerning himself or his immediate family.

2.75 NOT TO RECOMMEND SERVICE

Members of the Department shall not recommend or suggest to anyone the employment or name of any towing firm, undertaker or other tradesman or inform such tradesman of any such tradesman of any situation wherein their services might be sought, except that nothing contained herein shall be construed as restricting the rights of members from handling their own private affairs or prohibiting authorized official notification in such cases.

2.76 WARRANTS

A Member of the Department shall not execute any warrant of arrest unless the Deputy Commissioner, Chief 's Office, Captains or the Desk Member in charge of Headquarters or Commanding Member of the Detective Bureau has delivered the same to him.

2.77 ARREST

When an arrest is made while more than one Member of the Department is present, then all present shall receive equal credit for the arrest and their names shall be entered on the Arrest Book. Whenever any Member of the Department has acted on a case and has obtained information leading to the guilty person, he shall receive equal credit with the member who makes the arrest if he is not present when such arrest is made.

2.78 PRISONERS

- A. Members of the Department shall not maltreat any prisoner willfully or use unnecessary violence toward a prisoner or toward any other person.
- B. All Members of the Department are strictly forbidden to interest themselves either directly or indirectly in obtaining or procuring counsel for any person arrested by any Member of the Department.

2.79 CUSTODY OF PRISONERS

Any Member of the Department who has at any time any person or persons under arrest or detention shall be responsible for the proper safeguard of such persons and their property for the period of time they remain in his custody.

2.80 LEAVE

Any Member absent from duty without leave shall be subject to disciplinary action.

2.81 SEPARATION FROM DEPARTMENT

Any Member of the Department who desires to withdraw, resign or retire from the Department shall notify the Commissioner of Public Safety in writing of his intention to do so at least ninety (90) days prior to his termination date.

2.82 ACTION TO BE TAKEN

- A. Members shall act promptly, with energy, firmness and decision at the scenes of crimes, disorders, accidents or other situations or incidents that require police attention and in dealing with suspects and in disposing of their assignments. When the police purpose might be jeopardized by delay, immediate action shall be taken even though some other member or division would ordinarily deal with the incident.
- B. Time is usually the essence of successful police operations. Failure to take prompt and decisive action frequently jeopardizes the success of police undertakings. Members shall not give evidence of indecision or lack of confidence by their actions, facial expressions, words or tone of voice.
- C. Members of the Department are expected to at all times when confronted by a serious police emergency to act courageously and render assistance to fellow members and civilians.

2.83 RENDERING ASSISTANCE

Members of the force shall render police assistance to all persons who request it consistent with police duties and shall cooperate with all other agencies engaged in the administration of criminal justice or public welfare, affording them all the aid and authorized information such organizations are entitled to receive.

2.84 NEGLECT

When a crime has been committed and the Chief of Police has cause to suspect that negligence is attributable to the member on whose post the crime was committed, the member shall be required to show by his own affidavit or by the testimony of other persons, that he was attending strictly to his duty in accordance with the manual procedures.

2.85 SUSPECTED PREMISES REPORT

It shall be the duty of all Members of the Department to report to the Chief of Police, in detailing in writing, over their signature, whenever there are reasonable grounds to believe that any house, room or premises within the City are kept or used for gaming, or

kept or used for lewd, obscene or immoral purposes or for the deposit or sale of lottery tickets or slips, narcotic law violation or any other crime.

2.86 HEADQUARTERS BUILDINGS

No person shall be permitted to remain in Headquarters, except Members of the Department and persons having business therein.

2.87 SUPPLIES

No supplies of any kind shall be purchased, nor repairs made nor ordered, nor shall the services of any other person be utilized, nor any financial obligation of any kind incurred, except upon requisition and order of the Commissioner of Public Safety or the Deputy Commissioner.

2.88 DEPARTMENT PROPERTY

All Members of the Department shall be careful in the use of all City or Department property, whether fixed or moveable. Negligence, roughness or carelessness shall not be tolerated and shall be made the subject of disciplinary action.

2.89 RESPONSIBILITY FOR CITY PROPERTY

Any Member of the Department having the care or use of City property shall be responsible for the safekeeping and proper use of the property during the time that he has control and shall return the property upon demand of the proper authority.

2.90 ANNUAL FIREARMS QUALIFICATION

Every Member of the Department shall meet the qualifications outlined in the Department Firearms Policy.

2.91 USE OF WEAPONS

A Member of the Department who finds it necessary to use his baton, billy or slapper in making an arrest or attempting to make an arrest or who shall find it necessary to discharge his firearm under any conditions other than at duly established range shall immediately notify his Commanding Officer in writing and that Member shall conduct an immediate investigation as to the possibility of injury to any person or property and the propriety of the Member's use of his weapon.

2.92 USE OF PRIVATE VEHICLES

While a Member of the force is on duty, he shall not drive a private vehicle to his post or assignment or patrol his post or cover his assignments with a private vehicle.

2.93 DRIVER LICENSE

- A. All Members of the Department are required to maintain a valid New York State driver's license.
- B. Any Member of the Department, upon receiving notification from the Department of Motor Vehicles of a change of status including, but not limited to, suspension, revocation or restriction of their driving privilege shall immediately

report this information in writing to the Chief of Police via his Commanding Member.

C. Members of the Department whose driver license has been suspended or revoked will not be permitted to drive any Department vehicles.

1. The Chief of Police, upon being informed that a Member's driving privilege has been restored, will verify same by requesting a certified copy of the Member's driving record via teletype from the Department of Motor Vehicles in Albany.

2.94 TELEPHONE IN RESIDENCE

Members of the Department shall have telephones in their place of residence with their current number on file in the Chief's office.

2.95 SENIORITY

A Member's seniority status in the Department shall be determined according to the date of appointment to his present rank. Where two (2) or more Members of the same rank are appointed on the same day, the first named in the order of appointment shall be the ranking member.

2.96 INTERVIEW

Any Member of the Department may apply for an interview with the Commissioner of Public Safety, either directly or through official channels in writing.

2.97 OUTSIDE EMPLOYMENT

A Member of the Department may engage in outside employment if the Commissioner of Public Safety approves such business or calling. When a Member of the Department is suspended from duty without pay, he may engage temporarily in another business or calling or when, after filing his application for retirement, he is on continuous vacation or other authorized leave including terminal leave.

2.98 MILITARY SERVICE

A Member of the Department is prohibited from joining any federal or state military organization without the permission of the Commissioner of Public Safety. Nothing contained in this regulation is intended to interfere with or affect the discharge of the members from compulsory military obligation.

2.99 COMMUNICATIONS – SYSTEM SECURITY

No member may use or distribute information derived from the E-911 System, eJustice, or any integrated systems while being in direct conflict with any State, County or Department regulations governing said systems.

3.00 POLICY ON SOCIAL MEDIA:

POLICY:

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Department also recognizes the role that these tools play in the personal lives of some Department personnel. The personal use of social media can have bearing on Departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department personnel.

PURPOSE:

The Mount Vernon Police Department endorses the secure use of social media to improve communication, information exchange; streamline processes; and foster productivity. This policy provides guidance on social media management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology occur and new tools emerge.

GENERAL CONDUCT:

Employees should not access social media or blogs during working hours. Employees shall not post false or confidential information about the City of Mount Vernon or its employees on web pages, including social media and blogs, regardless of the time of day.

DEFINITIONS:

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter, Nixle), photo and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

PERSONAL USE:

PRECAUTIONS AND PROHIBITIONS

Barring federal law, state law or binding employment contracts to the contrary, Department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not: negatively affect the public perception of the Department, impair working relationships of this department for which loyalty and confidentiality are paramount, impede the performance of duties, impair discipline and/or harmony among coworkers.
2. As public employees, Department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee’s professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume that all speech and related activity anywhere and more specifically on social media sites reflects upon their office and this Department.
3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Commissioner of Public Safety or his or her designee.
4. For safety and security reasons, Department personnel are cautioned not to disclose their employment with this Department nor shall they post information pertaining to any other member of the Department without their permission. As such, Department personnel are cautioned not to do the following:
 - a) Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
 - b) Display Department logos, uniforms, or similar identifying items on personal web pages.
 - c) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this Department.

5. When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct is required in the personal use of social media. In particular, Department personnel are prohibited from the following:

PROHIBITED CONTENT

- a) Obscene, violent, or pornographic content and/or language, or sexually explicit content links to such materials. Any image or link containing minors or suspected minors in sexual and/or provocative situations will be promptly acted upon by law enforcement;
 - b) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
 - c) Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible;
 - d) Defamatory attacks;
 - e) Conduct in violation of any federal, state or local law;
 - f) Encouragement of illegal activity or illegal activity;
 - g) Information that may tend to compromise the safety or security of a person, the public or public systems;
 - h) Content that violates a legal ownership interest, such as copyright, of any party;
 - i) Private and contact information such as names, addresses, phone numbers and/or social security numbers and banking account numbers; no matter how easily obtained elsewhere; and/or personal information of a person other than the poster
 - j) Content that incites violence;
 - k) Comments containing vulgar, offensive, threatening, or harassing language, personal attacks, or unsupported accusations. Employees posting prohibited content on social media or blogs are subject to discipline, including but not limited to, suspension and/or termination.
6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings and or pose civil liability on the officer personally, on this Department or on the City. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could

reasonably be considered to represent the views or positions of this Department without express authorization.

8. Department personnel should be aware that they may be subject to civil litigation for
 - a) publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b) publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c) using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d) publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information, even if protected by security settings or passwords, posted on such sites is protected.
10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice. Information may appear to be withdrawn but remains on the World Wide Web indefinitely.
11. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

POTENTIAL OFFICIAL USE:

1. Social media is a valuable investigative tool when seeking evidence or information about
 - a. missing persons;
 - b. wanted persons;
 - c. gang participation;
 - d. crimes perpetrated online (i.e., cyber bullying, cyber stalking); and
 - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
 - a. providing crime prevention tips;
 - b. offering online-reporting opportunities;
 - c. sharing crime maps and data; and

- d. soliciting tips about unsolved crimes (i.e., Crime stoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to
 - a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This Department has an obligation to include Internet-based content when conducting background investigations of job candidates.
6. Searches should be conducted by a designated Investigator or Supervisor. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with the Command Staff.
7. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
8. Search methods shall not involve techniques that are a violation of existing law.
9. Vetting techniques shall be applied uniformly to all candidates.
10. Every effort must be made to validate Internet-based information considered during the hiring process.

ON-THE-JOB USE OF A SOCIAL MEDIA NETWORK

Any and all pages referring to the Mount Vernon Police Department or any agency thereof shall have the express written permission of the Commissioner's Office before it is created.

Department-Sanctioned Presence

1. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
2. Where possible, the page(s) should link to the Department's official website.
3. Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.
4. All Department social media sites or pages shall be approved by the Commissioner's Office.
5. Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
6. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - i. Content is subject to public records laws. Relevant records retention schedules apply to social media content.

- ii. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- a) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
 - i. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - ii. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Department-Sanctioned Use

- b) Department personnel representing the Department via social media outlets shall do the following:
 - i. Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.
 - ii. Identify themselves as a member of the Department.
 - iii. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without express written permission.
 - iv. Not conduct political activities or private business.
- e) The use of Department computers by Department personnel to access social media is prohibited without authorization.
- f) Department personnel use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without express written permission.
- g) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

BREACH OF POLICY:

The Mayor and/or Police Commissioner may order an employee to remove internet postings on social media sites and blogs which are determined to be a breach of policy as determined by the Mayor and/or Police Commissioner. Said employee may be also subject to further action or discipline at the discretion of the Mayor and/or Police Commissioner, including, but not limited to suspension and/or termination.

3.01 STANDARD OF CONDUCT

PURPOSE:

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the Department's Code of Conduct and Code of Ethics so that MOS will better understand prohibition and limitation pertaining to their conduct and activities while on duty and off duty.

POLICY:

Actions of MOS that are inconsistent, incompatible, or in conflict with the values established by the Mount Vernon Police Department negatively affect its reputation and that of its members. Such actions and inactions thereby detract from the departments overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business.

Therefore, it is the policy of the Mount Vernon Police Department that members conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by the department.

DEFINITION:

Accountability: In the context of this policy, accountability means the duty of all members to truthfully acknowledge and explain their actions and decisions when requested to do so by a superior officer without deception or subterfuge.

1. OFF DUTY POLICE ACTION

- A. MOS shall not use their police powers to resolve personal grievances, including those involving the member, family members, relatives, or friends, except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all cases, the member shall summon on-duty police personnel and a supervisor. If the incident occurs outside the confines of the City of Mount Vernon, the member shall notify the Desk Officer without delay.
- B. MOS shall not arrest or issue summon to traffic violators except when the violation is of such a dangerous nature that the member would reasonable be expected to take appropriate action.

2. PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS

- A. MOS shall not commence social relations with the spouse, immediate family member, or romantic companion of persons arrested or in custody of the Mount Vernon Police Department.
- B. MOS shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or in custody by this department or another law enforcement or criminal justice agency (local, state, or federal).

- C. MOS shall not knowingly commence or maintain a relationship with any person who has an open and notorious criminal reputation in the community except as necessary in the performance of official duties or where unavoidable because of familial relationships.
1. When contacting such person in the performance of duty, the MOS shall immediately notify his/her supervisor and the contact shall be documented. Documentation must be submitted in a timely manner and be certified by a supervising member.
- D. MOS shall not knowingly associate with any person, group or organization that:
1. Advocate hatred, oppression or prejudice based on race, religion, gender, or sexual orientation.
 2. Disseminating defamatory material.
 3. Reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.
 4. Preventing or interfering with performance of police duty.
 5. Advocates, incites, or supports criminal acts or criminal conspiracies.
- E. MOS visiting a person confined in a jail, correctional facility, prison or other place of confinement, shall notify their supervisor of the date, time, location, reason of the visit and the person they are visiting.
1. Off duty members visiting a person are prohibited from discussing or divulging official department business.
- F. MOS are prohibited from manipulating manually or electronically, transmitting in any form, or distributing any official department recorded media or recorded media coming in to the possession of the department as evidence or for investigative purposes except as authorized for official department business. Recorded media includes videotapes, photographic images or pictures, audio recordings, electronic or internet files or any like forms to be available in the future.
- G. Except in the performance of official duties, members shall not knowingly enter any establishment in which the laws of the State of New York and/or Mount Vernon City Charter are regularly violated.

- H. MOS shall not frequent or patronize establishments, club and bars where there is criminal activity or where known or suspected criminals frequent.
- I. MOS shall not patronize unlicensed premises (social clubs, after hours clubs, etc.) where there is illegal sale of alcoholic beverages and/or use of drugs, except in performance of duty.
- J. MOS are prohibited from using a personal card describing police business, address, telephone number or title except as authorized by the Police Commissioner.
- K. MOS shall not render any service for private interest, which interferes with the proper performance of duty

3. PUBLIC STATEMENTS, APPREARENCES AND ENDORSEMENTS

- A. MOS shall not, under color of authority:
 - 1. Make any public statement that could be reasonably interpreted as having an adverse effect upon the department morale, discipline, operation of the department, or perception of the public.
 - 2. Divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose.
 - 3. MOS may not endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.
 - 4. No MOS shall appear as a witness in a criminal trial, confer with a defense attorney, private investigator or other person related to the defense of a criminal prosecution without first obtaining permission from their respective division commanding officer.

4. EXPECTATIONS OF PRIVACY

- A. MOS shall not store personal information or belongings with an expectation of privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers or similar areas that are under the control and management of the Mount Vernon Police Department. While the department recognizes the

need for members to occasionally store personal items in such areas, members should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Police Commissioner or his designee.

- B. No member shall maintain files or duplicate copies of official departmental files in either manual or electronic formats at his or her place of residence or in other locations outside of the confines of this department without express permission.

3.02 ALLEGATIONS OF CORRUPTION AND SERIOUS MISCONDUCT AGAINST MEMBERS OF THE SERVICE

PURPOSE:

To process allegations of corruption and serious misconduct against members of the service (MOS).

POLICY:

engage in corruption or serious misconduct. All MOS have an absolute duty to report any corruption or serious misconduct, or allegations of corruption or serious misconduct, of which they become aware.

DEFINITION:

CORRUPTION/SERIOUS MISCONDUCT: Criminal activity or serious misconduct of any kind including the use of excessive force or perjury that is committed by a MOS whether on or off duty.

1. Upon observing, or becoming aware of corruption or serious misconduct or upon receiving an allegation of corruption or serious misconduct involving a MOS:
 - A. Immediately report the allegations by telephone to the Internal Affairs Unit, telephone number 665-2599 or contact highest ranking supervisor on duty and provide:
 1. Preliminary facts.
 2. Furnish details of the corruption or misconduct.
 - B. Allegations may also be reported by preparing a detailed written report (within 24 hours) addressed to:
 1. The Internal Affairs Unit or the Chief of Police via inter-office mail.
 - C. Upon receipt of the allegations the Chief of Police shall direct the Internal Affairs Unit to commence an investigation.

ADDITIONAL INFORMATION:

1. A MOS having or receiving information relative to corruption or serious misconduct, or allegations of such, has the responsibility to report such information to their commanding officer, Internal Affairs Unit or Chief of Police. If reported to the commanding officer, the commanding officer will notify Internal Affairs and the Chief of Police. If the member's commanding officer is the subject of the allegation, the member concerned will only notify Internal Affairs or the Chief of Police.
2. Failure to report corruption, serious misconduct, or allegations of such act is, in itself an offense of serious misconduct and will be charged as such when uncovered during an Investigation. Conduct designed to cover up acts of corruption, prevent or discourage its report, or intimidate those who would report it, will be charged as an obstruction of justice or other criminal act with the consent of the prosecutor who has criminal jurisdiction.
3. A MOS receiving an allegation of corruption against oneself will request a superior officer to respond to the scene. The superior officer will interview the complainant and confer with concerning division commanding officer *BEFORE* interviewing the member regarding the allegation.

3.03 ALLEGATIONS OF CORRUPTION AGAINST CITY EMPLOYEES**PURPOSE:**

To document and record allegations of corruption and/or serious misconduct against federal, state or city employees, other than members of this department, and provide for notifications to the appropriate agency.

PROCEDURE:

1. Members of the Service:
 - A. Report the facts immediately to their commanding officer, or if absent report the incident to the highest-ranking supervisor on duty.
 - B. Provide preliminary facts and
 - C. Comply with the instructions of the ranking officer.

PROCEDURE:

2. Supervisory Member:
 - A. Prepare a written report, To/From or MV-93 Supervisors Report and forward original to the in a sealed envelope addressed to the Chief of Police.

3. Chief of Police
 - A. Shall confer with the Police Commissioner and refer the complaint to the proper agency or investigative unit.