



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 205	Effective Date: April 10, 2021
Subject: Professional Conduct and Responsibilities	
Reference Standards: 2.7, 14.1, 14.3, 14.7, 25.1, 51.1, 55.1	
Rescinds: GO 205 dated November 19, 2017	
Page 1 of 17	Attachments: N/A

I. Purpose

The purpose of this policy is to outline rules for ethical conduct by the officers and employees of the Macedon Police Department, to guide their official conduct and to ensure public confidence in the police department and its members is maintained. In addition to this general order, the Macedon Police Department subscribe to the code of ethics as recognized and adopted by the International Association of Chiefs of Police.

II. Violation of rules

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

III. Unbecoming conduct

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

IV. Immoral conduct

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

into disrepute.

V. Truthfulness

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

VI. Conformance to laws

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

VII. Obeying of lawful orders

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

VIII. Conflicting or illegal orders

- A. In the event an employee is given two apparently lawful but different orders that may be in conflict, the last order given should be complied with unless the order is retracted or modified.
- B. In the event an employee receives conflicting orders:
 - 1. The employee should inform the supervisor giving the last order of the conflict of orders.
 - 2. The supervisor giving the conflicting order will then resolve the conflict by retracting, modifying, or requesting the employee comply with the latest order.
 - 3. When the conflicting order is not altered or retracted, the employee will not be held responsible for disobedience of the order or directive previously issued.
- C. Employees will not obey any order that they know or should know would require them to commit any illegal act.

- D. If in doubt as to the legality of any order, an employee will notify the supervisor of such and request a clarification.
- E. In the event an employee believes an order will jeopardize lives, personal safety, and/or damage property or that a supervisor is unaware of information that would affect the order, the employee will inform the supervisor of such.

IX. Reporting for duty

- A. Employees will report for duty at the time and place required by assignment or order and will be physically and mentally fit to perform their duties.
- B. Employees will be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.

X. Sleeping on duty

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

XI. Leaving assigned duty post, area, vehicle or scene

- A. Employees will remain in/at their assigned post, area or scene while on duty unless:
 - 1. On assignment
 - 2. In close pursuit of an offender
 - 3. Authorized by a supervisor
 - 4. Completing their tour of duty
 - 5. On authorized break
 - 6. An incident is reported to them outside their area of assignment that requires immediate action that they are capable of rendering
- B. Except as provided above, it will be incumbent upon the employee to notify the dispatcher and his/her supervisor whenever they leave their assigned post, area, vehicle, or scene.

XII. Unsatisfactory performance

- A. Employees will maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- B. Employees will perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
- C. Unsatisfactory performance may be demonstrated by:
 - 1. A lack of knowledge of the application of laws required to be enforced
 - 2. An unwillingness or inability to perform assigned tasks
 - 3. The failure to conform to work standards established for the employee's rank, grade, or position
 - 4. The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention
- D. The following will be considered, but not limited to, evidence of unsatisfactory performance:
 - 1. Consecutive unsatisfactory performance evaluations
 - 2. A written record of repeated infractions of rules, regulations, directives, or orders of the department
 - 3. Sustained complaints as outlined in General Order 305

XIII. Identification

- A. Off-duty officers will carry their identification cards on their persons at all times, unless impractical or dangerous to their safety or to an investigation.
- B. On-duty plain clothes officers will carry their badge and identification card on their persons at all times, unless impractical or dangerous to their safety or to an investigation.
- C. Officers will furnish their name and identification number when they are on duty or holding

themselves out as having an official capacity, to any person requesting that information, unless withholding the information is necessary for the performance of police duties or is authorized by proper authority.

XIV. Citizen complaints

- A. Employees will refer all complaints made by a citizen against any employee of the department to an on-duty supervisor. If no on-duty supervisor is available the employee will document the complaint and forward same to the Chief of Police.
- 1. The supervisor or employee receiving the complaint will promptly record in writing any complaint made by a citizen against any employee of the department. Supervisors will follow established departmental procedures for processing complaints.

XV. Courtesy

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

XVI. Request for assistance

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

XVII. Dissemination of information

- A. Employees will treat the official business of the department as confidential. Information regarding official business will be disseminated only to those for whom it is intended.
- B. Employees may remove or copy official records or reports only in accordance with established departmental procedures.

- C. Employees will not divulge the identity of persons giving confidential information except as authorized by proper authority.

XVIII. Intervention

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

XIX. Departmental reports

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

XX. Processing evidence and property

- A. Evidence or property that has been discovered, gathered, purchased, seized, or received in connection with departmental responsibilities will be turned into the Property Office as per procedures outlined under General Order 480.
- B. Employees will not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any evidence or property.

XXI. Use of department equipment

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

XXII. Treatment of persons in custody

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

XXIII. Alcoholic beverages and drugs in police installation

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

XXIV. Possession and use of drugs

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

XXV. Use of alcohol on duty or in uniform

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

XXVI. Use of alcohol off duty

- A. While off duty, employees will refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior that discredits themselves or the department, or renders the employee unfit to report for his/her next regular tour of duty.
- B. The Alcohol Beverage Control Law prohibits police officers from having any interest in the sale or manufacture of alcoholic beverages (ABCL §128)

XXVII. Use of tobacco products

- A. Employees will not use tobacco products at any crime scene or incident when they are in plain view of the public.
- B. Employees will not use tobacco products in police vehicles, or on Town of Macedon property per Town Code
- C. In compliance with the Wayne County Health Law, there will be no smoking allowed within the Public Safety Building or any other public building.

XXVIII. Gifts, gratuities, bribes or rewards

- A. Pursuant to NYS General Municipal Law Article 18, § 805-a, no employee shall directly or indirectly solicit any gift, or accept or receive any gift, having a value of seventy-five dollars (\$75) or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his official duties or was intended as a reward for any official action on his/her part.

XXIX. Abuse of authority

- A. Employees will not use their official position or identification for:
 - 1. Personal or financial gain
 - 2. Obtaining privileges not otherwise available to them except in the performance of duty
 - 3. Avoiding consequences of illegal acts
- B. Employees will not make false accusations of criminal or traffic charges.
- C. Employees will not lend to another person their identification cards or badges or permit them to be photographed or reproduced.
- D. Employees will not authorize the use of their names, photographs, official titles, or department equipment that identifies them as a department employee, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

XXX. Public statements and appearances

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

XXXI. Labor activity/ job actions

- A. Employees will not engage in any strike pursuant to of the New York State Civil Service Law (Taylor Law), Article 14, Section 210, which states:

Subdivision 1. No public employee or employee organization shall engage in a strike, and no public employee or employee organization will cause, instigate, encourage, or condone a strike.

Subdivision 2(a). A public employee shall violate this subdivision by engaging in a strike or violating paragraph (c) of this subdivision and shall be liable therefore in accordance with the procedures hereinafter set forth. In addition, any public employee who violates subdivision 1 of this section may be subject to removal or other disciplinary action provided by law for misconduct.

Subdivision 2(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.

Subdivision 2(c). Prohibition against consent to strike: No person exercising on behalf of any public employer any authority, supervision, or direction over any public employee shall have the power to authorize, approve, condone, or consent to a

strike, or the 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.

XXXII. Associations

- A. Employees will avoid regular or continuous association or dealing with persons whom they know are persons under criminal investigation or indictment, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officer.

XXXIII. Visiting prohibited establishments

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

XXXIV. Gambling

- A. Employees will not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.
- B. The Racing, Pari-Mutuel Wagering and Breeding Law (RWBL, §107) prohibits police officers from holding any office or employment with any firm that is licensed to conduct video lottery gaming or horse racing activities; conducts its business at racetracks where pari-mutuel race meets or video lottery gaming are conducted, owns or leases to a licensed entity racetrack at which pari-mutuel racing or video lottery gaming is conducted, or participates in the management of any licensee conducting video lottery gaming or pari-mutuel racing.

XXXV. Payment of debts

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

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

XXXVI. Courtesy among employees

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

XXXVII. Prohibitions while in uniform

- A. No employee is authorized to wear the department uniform unless:
 - 1. On duty
 - 2. Traveling to an official police function (to and from work, court, public appearance, etc.)
 - 3. Authorized by the Chief of Police

XXXVIII. Attention to duty

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

XXXIX. Unauthorized devices on/in police vehicles

- A. Non-departmental electronic or other devices which interfere with the officer's performance of duties will not be allowed in/on any police vehicles unless authorized by the Chief of Police.
- B. Permission to utilize such devices may be taken away by any supervisor that recognizes that the device is interfering with the officer's duties.

XL. Off duty involvement- sworn officers

- A. Any off duty officer involved in an incident that requires him/her to identify himself/herself as a police officer and/or take some type of police action, must report this fact to the on duty supervisor. The off duty officer must submit a written report of the incident.
 - B. If an off duty officer is involved in an incident where he/she is listed as a suspect or charged with an offense other than a traffic infraction, he/she must notify the Chief of Police or his/her designee. The Chief of Police will submit a written report of the incident.
 - C. Any sworn officer assigned to investigate an incident in which an off duty employee is involved, will immediately contact the on duty supervisor, or if no supervisor is on duty will notify the Chief of Police or his/her designee. Depending on the seriousness of the incident, the supervisor notified will proceed to the scene of the incident, or if more practical, will arrange to meet with the investigating officer when convenient to obtain all the details.
- 1. Investigative reports required:
 - a) The investigating officer will submit all necessary reports, including all facts concerning the off duty officer.
 - b) The investigating supervisor will submit a complete written report regarding the involvement of the off duty employee to the Chief of Police.

XLI. Fictitious illness or injury reports

- A. Employees will not feign illness or injury, falsely report themselves ill or injured whether on or off duty, or otherwise deceive or attempt to deceive any supervisor or the police physician as to the condition of the employee's health.
- B. Employees calling in to request a sick day for an illness or off-duty injury will, as soon as possible, personally contact the on-duty supervisor to request the sick day.
 - 1. Employees will not request a sick day via a message left with the other police personnel or on the supervisor's voice mail.
 - 2. When the on-duty supervisor is not immediately available, the employee is to request that the supervisor contact them at home or contact the 911 dispatcher and have the supervisor contact them at home.
- C. When an employee requests a sick day it will be the responsibility of the employee to remain at home during his/her normal duty hours. (This is not necessary for prolonged doctor advised sicknesses or off duty injuries). Excused absence from their homes during their normal duty hours will be for doctor's appointments and/or trips to obtain medication.

- D. The employee will be available by telephone during their normal duty hours. The employee will not have an answering machine, voice mail, or another individual in place to screen their calls during their normal duty hours.
- E. The employee may be required to produce a doctor's note or prescription when requested by the supervisor.

XLII. Recommendation of services

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

XLIII. Use of departmental resources

- A. Employees may not use the resources of the department for other than official police business.
 - 1. This is meant to include, but not be limited to governmental databases, departmental files and/or databases, police garage facility and services, and crime laboratory facility services.

XLIV. General conduct

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

XLV. Loitering or congregating on duty

- A. For the safety of all employees, meetings between officers will be in a public area, not behind a building, and will be fully visible to the public. All such meetings will be initiated over the police radio or MDT, giving the proper location of where and when a meeting is to take place.

XLVI. Telephone and home address

- A. Employees will have a working residential and/or cellular telephone, and have the current

number on file with the department. This information will assist in emergency notifications.

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

XLVII. Purchase of articles

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

XLVIII. Harassment in the working environment

- A. This department will maintain a discrimination free work place in which each employee is treated with respect and dignity, and working environment free from all forms of harassment including sexual harassment. Harassment in any manner or form is expressly prohibited. Any conduct that threatens individuals, interferes with work performance, or which creates an offensive or hostile work environment may result in disciplinary action against the offender.
- B. Sexual Relations between Supervisors and Subordinates
 - 1. While consensual sexual relationships between supervisors and subordinates do not constitute sexual harassment per se, they pose a serious risk for sexual harassment and can undermine employee morale; therefore, sexual relations between supervisors and subordinates are prohibited. A person is a subordinate of a supervisor if:
 - a) The supervisor is a higher rank as an employee of the Macedon Police Department.
- C. Employees are to report any incident constituting harassment or sexual harassment to their supervisor. Incidents may include, but are not limited to:
 - 1. Exercise, or attempted to exercise, the power or authority of one's position to control, influence or affect the career, salary, job or other employment conditions of an employee in exchange for sexual favors

2. Verbal abuse, threats, or false accusations
 3. Unwelcome or repeated comments, remarks, jokes, innuendoes or taunting about a person's body, attire, age, sex, race, disabilities, marital status, ethnic, or religious origins
 4. Displaying of pornographic, racist, or other offensive or derogatory material
 5. Practical jokes that cause awkwardness or embarrassment
 6. Sexual harassment includes unwelcome touching, grabbing, and other close physical contact. Prohibited acts include but are not limited to:
 - a) Unwelcome personal advances
 - b) Requests for sexual favors
 - c) Conduct that threatens employment status, or promise of employment benefits and/or privileges in exchange for sexual favors
- D. In the event that a complaint of harassment is to be lodged against a supervisor who is in the employee's direct Chain of Command, the employee may submit the complaint as follows:

Complainant:

Forwarded to:

- | | |
|--------------------------------|----------------------------|
| 1. Police Officer | Chief of Police |
| 2. Patrol Sergeant | Town Board/Personnel Dept. |
| 3. Property Clerk/Off. Manager | Town Board/Personnel Dept. |
| 4. Chief of Police | Town Board/Personnel Dept. |

Note: Nothing in this section is intended to prevent any employee of the Macedon Police Department from making a complaint of harassment directly to the Macedon Town Board and/or Personnel Department.

- E. It is the responsibility of all supervisors to monitor the workplace to ensure that the

department is a discrimination free environment and to report any instance of harassment/sexual harassment immediately to the Chief of Police.

1. If the Chief of Police is named as the subject of the complaint the supervisor will report the complaint directly to the Town Board/Personnel Department.
- F. It is the policy of the Town of Macedon to expediently and thoroughly investigate all complaints of harassment/sexual harassment.
- G. At no time will the Macedon Police Department retaliate against any individual who makes a report of such objectionable conduct, nor permit any member of the Macedon Police Department to do so.

XLIX. Political Activity

- A. Police officers are prohibited from engaging in political actions and activities that violate §17-110 of the New York State Election Law, which states the following: That any person who being a police commissioner or any police officer or member of any police force in this State:
1. Uses or threatens or attempts to use his official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association, or society, or to control, affect, influence, reward or punish, the political adherence, affiliation, action, expression, or opinion of any citizen; or
 2. Appoints, promotes, transfers, retires, or punishes an officer or member of a police force, or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association or society; or
 3. Solicits, collects, or receives any money for any political fund, club, association, society or committee, is guilty of a misdemeanor

L. Conflicts of interest and affirmative duties

- A. State and municipal police officers are also subject to the provisions of Public Officers Law, Article 4 or General Municipal Law, Article 18, respectively. These statutes deal mainly with conflicts of interest. They impose certain prohibitions on activities by public officers and employees of municipal governments. The proscribed activities include:
1. Disclosure of confidential information learned in the course of official duties
 2. Providing services relating to matters before an agency of the employing government

B. The same law also imposes several affirmative duties, including:

1. Disclosure of any interest in any contract or dealing with the employing agency
2. Disclosure of the fact that a municipal or State employee has an interest in any real property for which an application for any sort of variance is made
3. Effective January 1, 1991, annual filing of financial disclosure forms will be required by certain employees

C. These statutes also contain or authorize the adoption of codes of conduct for State or municipal employees, as the case may be, relating to conflicts of interest.

By Order of the Chief of Police

John P Colella

John P Colella (Apr 9, 2021 09:37 EDT)

John P. Colella

Chief of Police

Dated this 10th day of April, 2021