

**ARTICLE XI**  
**RULES OF CONDUCT**  
**Last Updated in 2002**

**11.1 Violation of Rules**

Officers shall not commit any acts or omit any which constitute a violation of the rules, regulations, directives or orders of the Department, whether stated in this General Order or elsewhere.

**11.2 Unbecoming Conduct**

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

**11.3 Immoral Conduct**

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

**11.4 Conformance to Laws**

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

B. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.

**11.5 Reporting for Duty**

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

**11.6 Neglect of Duty**

Officers shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

**11.7 Fictitious Illness or Injury Reports**

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

**11.8 Sleeping on Duty**

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

**11.9 Leaving Duty Post**

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

**11.10 Meals**

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

### **11.11 Unsatisfactory Performance**

Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officers rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

### **11.12 Employment Outside of Department**

A. Officers may engage in off-duty employment subject to the following limitations: (1) such employment shall not interfere with the officers' employment with the Department; (2) officers shall submit a written request for off-duty employment to the appropriate Division Commander whose approval must be granted prior to engaging in such employment.

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

- (1) render the offices unavailable during an emergency,
- (2) physically or mentally exhaust the officers to the point that their performance may be affected,
- (3) require that any special consideration be given to scheduling of the officers' regular duty hours, or
- 4) bring the Department into disrepute or impair the operation or efficiency of the Department or officer.

### **11.13 Alcoholic Beverages and Drugs in Police Installations**

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

### **11.14 Possession and Use of Drugs**

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

### **11.15 Use of Alcohol on Duty or in Uniform**

A. Officers shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer.

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

### **11.16 Use of Alcohol Off Duty**

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

### **11.17 Use of Tobacco**

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

### **11.18 Insubordination**

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

### **11.19 Conflicting or Illegal Orders**

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

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

### **11.20 Gifts, Gratuities, Bribes or Rewards**

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

11.20.1 Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty or

11.20.2 Has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

### **11.21 Abuse of Position**

Use of official position or Identification.

11.21.1 Officers shall not use their official position, official identification cards badge:

11.21.1.1 For personal or financial gain,

11.21.1.2 For obtaining privileges not otherwise available to them except in the performance of duty, or

11.21.1.3 For avoiding consequences of illegal acts. Officers shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.

11.21.2 Use of Name, Photograph or Title.

11.21.2.1 Officers shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with enterprise, without the approval of the Chief.

### **11.22 Endorsements and Referrals**

Officers shall not recommend or suggest in any manner except in transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.) In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, officers shall proceed in accordance with established departmental procedures.

### **11.23 Identification**

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

### **1.24 Citizen Complaints**

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

### **11.25 Courtesy**

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

### **11.26 Requests for Assistance**

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

### **11.27 Associations**

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

### **11.28 Visiting Prohibited Establishments**

Officers shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior officer.

### **11.29 Gambling**

Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

### **11.30 Public Statements and Appearances**

11.30.1 Officers shall not publicly criticize or ridicule the Department, its policies, or other officers by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

11.30.2 Officers shall not address public gatherings, appear on radio or television, prepare any articles 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.

### **11.31 Personal Appearance**

11.31.1 Officers on duty shall wear uniforms or other clothing in accordance with established departmental procedures.

11.31.2 Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat well-groomed appearance and shall style their hair according to the following guidelines.

#### 11.31.2.1 Male Officers

Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear.

11.31.2.1.1 Wigs or hair pieces are permitted if they conform to the above standards for natural hair.

11.31.2.1.2 Sideburns shall be neatly trimmed and rectangular in shape.

11.31.2.1.3 Officers shall be clean shaven except that they may have mustaches which do not extend below the upper lip line.

#### 11.31.2.2 Female Officers

11.31.2.2.1 Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear.

11.31.2.2.2 Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

### 11.32 Political Activity

Officers are prohibited from:

11.32.1 Using their official capacity to influence, interfere with or affect the results of an election;

11.32.2 Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate;

11.32.3 Otherwise engaging in prohibited partisan activities on the federal, state, county or municipal level.

### 11.33 Labor Activity

11.33.1 Officers shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

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

### 11.34 Payment of Debts

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

### 11.35 Residence

Officers shall reside within the geographical area as required by the Town.

### 11.36 Dissemination of Information

Officers shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established departmental procedures. Officers may remove or copy official records or reports from a police installation only in accordance with established departmental procedures. Officers shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

### **11.37 Intervention**

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

11.37.1.1 Ordered to intervene by a superior officer, or

11.37.1.2 The intervening officer believes beyond a reasonable doubt that a manifest in justice would result from failure to take immediate action.

11.37.2 Officers shall not undertake investigation or other official action not part of their regular duties without obtaining permission from their superior officers unless the exigencies of the situation require immediate police action.

### **11.38 Departmental Reports**

Officers shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by officers shall be truthful, legible and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

### **11.39 Processing Property and Evidence**

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

### **11.40 Abuse of Process**

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

### **11.41 Use of Departmental Equipment**

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

### **11.42 Operating Vehicles**

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

### **11.43 Carrying Firearms**

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

### **11.44 Truthfulness**

Upon the order of the Chief, the Chief's designee or a superior officer, officers shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them.

### **11.45 Use of Medical Examinations, Photographs and Lineups.**

Upon the order of the Chief or the Chief's designee, officers shall submit to any medical, ballistics, chemical or other tests, photographs, or lineups. All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the Department.

### **11.46 Financial Disclosure**

Upon the order of the Chief or the Chief's designee, officers shall submit financial statements in accordance with departmental procedures in connection with a complaint in which this information is material to the investigation.

### **11.47 Treatment of Persons in Custody**

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

### **11.48 Use of Force**

Officers shall not use more force in any situation than is reasonably necessary under the circumstances. Officers shall use force only in accordance with law and departmental procedures and shall make a report of such use of force to the Chief of Police.

### **11.49 Use of Weapons**

Officers shall not use or handle weapons in a careless or imprudent manner. Officers shall use weapons in accordance with law and departmental procedures.

### **11.50 Arrest, Search and Seizure**

Officers shall not make any arrest, search or seizure which they know or should know is not in accordance with law and departmental procedures.

## **ARTICLE XII GENERAL RULES**

**12.1** All members of the Police Department shall be subject to the Rules and Regulations. Members of the Department are not merely employees, but are officers of this State and Town charged with specific duties in maintaining public order and administering justice. Therefore, every member's sole responsibility must be to the Chief of Police, and through him/her to the public.

**12.2** It is the duty of the Police Department and the members of the Force, at all times of the day and night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all laws and ordinances over which the Police Department has jurisdiction.

**12.3** A Police Officer, regularly performing patrol duty, shall proceed to his/her designated assignment or relieving point without unnecessary delay, inspect his/her assigned area immediately, remain constantly alert and observant, note any condition thereon requiring police attention and take appropriate action.

12.3.1 He/she is charged with the enforcement of all laws and ordinances, especially with those relating to public morals, vice, gambling, intoxicating liquors; also with the proper condition and maintenance of departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the boundaries of the post of which he/she is assigned; he/she shall promptly report through official channels any condition requiring attention and shall provide safeguards when necessary.

**12.4** A Supervisory Officer on patrol is charged with the enforcement of all laws and ordinances, especially those relating to public morals, vice, gambling, intoxicating liquors and the enforcement of Rules and Regulations. He/she is also charged with the proper condition and maintenance of departmental equipment, traffic control equipment of all types, street lights, public highway, curb and sidewalk conditions within the command to which he/she is assigned, and he/she shall promptly report through official channels any condition requiring attention and shall provide safeguards when necessary.

**12.5** A member of the Force or Department shall be fit for duty and subject to duty at all times except when on sick report. He/she shall not engage in any other occupation except when suspended from duty without pay; or when having filed his/her application for retirement, he/she is on continuous vacation or other authorized leave, or when having made application on the prescribed form, he/she has been granted a work permit.

**12.6** Members of the Force shall be held strictly accountable for all information acquired by them on or off duty, regarding all suspicious persons or places within the Town.

**12.7** A member of the Force or Department shall treat as confidential the official business of the Police Department. He/she shall not talk for publication, nor be interviewed, nor make public speeches, nor shall he/she impart information relating to the official business of the Department to anyone except under due process of law and as directed, or with the permission of the Chief of Police.

**12.8** A member of the Department found guilty of violating a rule or regulation of the Department, or of the provisions of any order or orders, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or while in uniform, or of conduct unbecoming an officer, or of making a false official communication, record or statement, or a member of the Department convicted in a court having criminal jurisdiction, may be subject to dismissal or other disciplinary action.

**12.9** Disorder or neglect to the prejudice of good order, efficiency or discipline, though not specifically mentioned in the Rules and Regulations, shall be taken cognizance of by the Department, and members of the Department found guilty thereof will be punished at the discretion of the Town Board.

### **ARTICLE XIII PENALTIES**

**13.1** A member of the department found guilty of violating the rules and regulations of the department is subject to one of the following actions described in Section 155 of the Town Law of the State of New York:

13.1.1 Reprimand

13.1.2 Fine

13.1.3 Suspension - with or without pay

13.1.4 Dismissal or removal from the force or department

**13.2** Disciplinary actions and penalties resulting therefrom shall be determined by the Chief of Police, the Town Board and/or any other body as proscribed in any contractual agreement.

### **ARTICLE XIV DEFINITIONS**

**14.1** The following definitions govern the use of these terms in the Rules and Regulations of the Department:

**TOWN BOARD:** The Supervisor and the Council of the Town of Bethlehem shall constitute the Town Board thereof.

**DEPARTMENT:** The term "police department" or "department" means the Department of Police of the Incorporated Town of Bethlehem, Albany County, New York and such term includes the term "police force".

**FORCE:** The term "police force" or "force" includes all members of the Police Department who have taken the oath of office and who possess the police power of arrest as well as non-sworn communications, clerical and other specialty personnel.

**OFFICER:** A sworn member of the police force possessing the power of arrest.

**MEMBER:** Any employee of the Department.

**PROFESSIONAL:** Shall mean conduct in accordance with the tenets of the Law Enforcement Code of Ethics which is a part of these rules.

**PRONOUNS:** All pronouns include the masculine and feminine gender unless otherwise specified.

**SUPERIOR OFFICER:** A person holding a higher supervisory or command position.

**SUPERVISORY OFFICER:** Any member, other than the Chief of Police, who is authorized to direct the activities of others.

**DEPUTY CHIEF:** A superior officer.

**COMMANDER/LIEUTENANT:** A superior officer.

**SERGEANT:** A supervisory officer.

**DETECTIVE SERGEANT:** A supervisory officer.

**DETECTIVE SUPERVISOR:** A supervisory officer.

**POLICE OFFICER OR DETECTIVE:** An officer.

**COMMUNICATIONS SUPERVISOR:** A supervisory member

**TELECOMMUNICATOR:** A communications specialist

**CIVILIAN:** A non-sworn, non-communications staff member.

**ON DUTY:** Hours specifically assigned to a member or any time involved serving during a police emergency even though a member was not specifically assigned.

**OFF DUTY:** All hours other than when on duty.

**LAWS AND ORDINANCES:** Those laws, both state and local, and ordinances, the enforcement of which is the responsibility of the Department.