

ROCHESTER POLICE DEPARTMENT



RULES & REGULATIONS

Chief of Police
James M. Sheppard



Rochester Police Department ATTESTATION



By virtue of the authority vested in the Chief of Police by the Charter of the City of Rochester, I hereby order the adoption of the following General Orders, Rules and Regulations for the government of the Rochester Police Department.

A handwritten signature in black ink, appearing to read "James M. Sheppard", written over a horizontal line.

James M. Sheppard
Chief of Police

Date:

November 8, 2010

LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... *law enforcement*.

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DEFINITIONS

These definitions shall apply to the use of such terms herein as well as to the use of such terms in all other Departmental contexts, unless a different definition is specifically set forth in another document.

ACTING: Serving temporarily in a position to which the employee is not ordinarily assigned, usually in a position of higher authority. All the authorities, responsibilities, and duties of the higher position become applicable to the acting employee.

ADMINISTRATIVE ORDER: Written order issued by the Chief as a guiding source of reference to procedural matters involving administration of departmental or city policies.

APPOINTMENT: The designation of a person by the appointing authority to any position within the Police Department.

ASSIGNMENT: Any personnel placement made by established authority.

AUTHORITY: Legal or rightful power; a right to command or act.

AUTHORITATIVE INSTRUCTION: Any order, issued verbally, electronically or in written form, governing policy, procedures, rules or regulations.

CHAIN OF COMMAND: Ascending or descending order of rank.

COMMANDING OFFICER: Any employee holding a higher supervisory or command position.

CONFIDENTIAL: Secret, not to be divulged to unauthorized persons.

CONTROLLED SUBSTANCE: As defined by the New York State Public Health Law.

CURRENT DIRECTIVES: An authoritative instruction or order, which governs policy; procedures, rules, or regulations, whether issued verbally, electronically or in written form.

DEPARTMENT: The Rochester Police Department.

DISMISSAL: The act of terminating the employment of an employee.

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

EMPLOYEE: All sworn and non-sworn personnel working for the Department.

ESTABLISHED AUTHORITY: Legal or rightful power to command or have command over; this Includes supervisory and administrative authority.

FRATERNIZATION: A relationship to include, but not limited to, personal, business, social or family, between employees of different ranks or titles which appears to compromise authority, discipline or morale.

GENDER: The use of the masculine gender shall also include, when appropriate, the female gender, unless otherwise specified.

GENERAL ORDER: Written orders issued by the Chief of Police outlining policy or procedure on matters, which affect the entire Department. A General Order is the most authoritative current directive issued by the Department and may be used to amend, supersede, or cancel any other rule, regulation, or order. General Orders are permanent Department policy and remain in full force and effect until amended, superseded, or cancelled by the Chief of Police.

IMMEDIATELY: As soon as possible without unnecessary delay.

INACTIVE DUTY: A condition in which, for the convenience of the Department, an employee is relieved of his responsibility to report for duty or exercise police authority.

INSUBORDINATION: The willful disobedience of a lawful order issued by any commanding officer or disrespectful, mutinous, rebellious, insolent, or abusive language or action *toward* any commanding officer.

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

MALFEASANCE: The doing of an unlawful act in office.

MAY: The word "may" as used herein shall mean that the action indicated is permissible.

MEMBER: Any person duly appointed to the Department as a sworn police officer, Police recruits are included in this definition.

MISFEASANCE: The wrongful doing of a lawful act in office.

NEGLECT OF DUTY: Failure to give suitable attention to the performance of duty. Failure to take appropriate action on the occasion of a crime, disorder, or other act or condition requiring police attention. Failure to perform duties.

NONFEANCE: The omission of an act which should have been done while in office.

OFF

DUTY: That period of time, which excludes the assigned work period. The period of time during which an employee would not normally be required to actively engage in the performance of his assigned duties.

OFFICER IN CHARGE: The member having the highest rank. Members of the same rank shall assume charge according to the date of appointment to that rank unless otherwise ordered by the Chief of Police or designated authority.

ON DUTY: That period of time when an employee is actively engaged in the performance of his assigned duties.

ORDER: An order is a command; a directive (either oral or written) given by one in authority and directed to a subordinate.

PERSONALLY RESPONSIBLE (PERSONAL RESPONSIBILITY): A duty or responsibility that falls upon an individual himself. The responsibility cannot be conveyed or assigned to another. The failure to accomplish any required task is a failure by the principal and not any intermediary.

POLICY: Any governing principle, broad plan, or course of action, either oral or written, designed to accomplish the Department's goals.

PRIVILEGE: A condition, which is not, a basic right but which is granted at the discretion of the Department.

PROCEDURE: The official method of dealing with any given situation as prescribed by General Orders, Special Orders, Administrative Orders, procedural manuals, training communications or other directives.

REPORT: A written communication unless otherwise specified.

RIGHT: A condition specifically outlined by law, administrative directive or contractual agreement.

RULES AND REGULATIONS: The terms "rules and regulations" as used herein are interchangeable since both indicate basic internal departmental directives. They refer to broad precepts of authority, responsibility or conduct. They carry the full force and effect of a direct order from the Chief of Police and stand until cancelled, amended or superseded by a direct written order of the Chief of Police.

SHALL/WILL: The words "shall" or "will" as used herein shall indicate that action specified is mandatory.

SICK LEAVE: That period during which an employee is excused from duty for illness or Injury under the applicable provisions of current General Orders and prevailing union contract.

SPECIAL ORDER: A written directive issued by established authority outlining instructions covering particular situations.

SUPERVISOR: Any person designated to act in a supervisory capacity, whether permanent or "acting" in a temporary appointment.

SUSPENSION: The act of temporarily denying an employee the privilege of performing his duties.

THROUGH OFFICIAL CHANNELS: In descending or ascending order of rank. Synonymous with "chain of command".

SECTION I - ORDERS AND DISCIPLINE

1.1 OBEDIENCE TO LAWS, ORDINANCES AND RULES

- a) No member or employee shall violate or attempt to violate a law of the United States of America, or of this state, or any laws, local laws or ordinances of the Jurisdiction in which he may be present, or violate or attempt to violate any authoritative instruction, current directive, rule or regulation, policy or procedure, general or special order, or any other lawful order.
- b) Employees shall not knowingly aid, abet, or assist another person in the violation of any of the above.
- c) In order to constitute a violation of this rule, it is not necessary that a complaint be filed with the Department or with a criminal court, but only that the facts exist which would constitute such a violation.
- d) A conviction for a violation of any law or ordinance shall automatically constitute a violation of this rule.

1.2 FAMILIARITY WITH LAWS, ORDINANCES, RULES

Employees shall be held personally responsible for knowing and adhering to the Rules and Regulations, orders, current directives, procedures and policies of the Department, City Ordinances, and State and Federal Laws affecting their duties.

- a) Returning from Absence: Employees returning to duty from any absence shall acquaint themselves with all directives or amendments of the Department, which have been issued in their absence.
- b) Unfamiliarity No Defense: Unfamiliarity with or ignorance of laws, ordinances, Rules and Regulations, current directives, procedures, policies or General Orders shall not constitute a defense.
- c) Making Changes as Directed: It shall be the personal responsibility of every employee to promptly make all directed changes in any manual, text, or reference book issued to them by the Department.

1.3 OBEDIENCE TO ORDERS

- a) Employees shall comply with all lawful orders. Non-compliance shall be insubordination. NOTE: Any order, which may appear to conflict with current policy or labor agreement must be obeyed. The employee may respectfully inform the supervisor issuing the order of the conflict. If the supervisor does not alter or retract the order, it shall be obeyed.
- b) When officially assigned outside of the geographic limits of the City of Rochester, employees shall carry out lawful orders and directives as may be given them by established authority.

1.4 ISSUANCE OF ORDERS

Orders should be in clear, understandable language, civil in tone and issued in pursuit of Department business in accordance with all legal requirements.

1.5 CONFLICT OF ORDERS

- a) Employees who are given any instruction or order which conflicts with any previously received instruction or order shall call this fact to the attention of the person issuing the second order. If so directed, the latter order shall be obeyed. Previous orders or instructions shall be countermanded only when necessary. The supervisor issuing the countermanding instruction or order shall be held responsible for that action.
- b) Any order issued by a supervisor and conveyed by a subordinate to another subordinate shall have the same force and effect as though it was issued directly. The intermediary conveying the order shall inform the other from whom the authority came.

1.6 INSUBORDINATION

Employees shall not be insubordinate.

SECTION II - PERFORMANCE OF AND ATTENTION TO DUTY

2.1 GENERAL DUTIES

- a) Members shall protect life and property, preserve the peace, prevent violations of the law, detect and arrest violators of the law and enforce those laws of the United States, the State of New York, and the local laws and Ordinances of the City of Rochester over which the Department has jurisdiction.
- b) Employees shall perform their duties in a competent manner.

2.2 IDENTIFICATION

- a) Officers shall respectfully furnish their name and badge number to any person requesting that information when they are on duty or presenting themselves as police officers. Exceptions may be made for person on special duties and assignments (e.g., undercover, vice assignments) with permission of their supervisor.
- b) Non-sworn employees shall respectfully furnish their names to any person requesting that information when they are on duty or presenting themselves as Rochester Police Department employees.

2.3 RESPOND WHEN DIRECTED

Employees shall respond to their duties as directed by established authority.

2.4 REPORTING FOR DUTY

- a) Employees shall report for duty on:
 - 1) routine assignment;
 - 2) dispatcher notification; and
 - 3) call back.
- b) Employees shall present themselves for duty at the time and place specified by established authority and in the manner established by current directives.

2.5 ABSENCE FROM DUTY

Employees shall not be absent from duty or place of duty assignment without permission from their supervisor if in accordance with current directives.

2.6 ACTION REQUIRED REGARDLESS OF ASSIGNMENT

Members shall take prompt and responsible action in any crime or emergency situation or in any situation in which substantial and irreversible damage would result from failure to take police action, whether on or off-duty. Exceptions may

be made for persons on special duties or assignments (e.g., undercover, vice assignments) with permission of their supervisor.

2.7 COOPERATION/COORDINATION

All employees are charged with the responsibility of fostering and maintaining a high degree of cooperation. Employees shall coordinate their efforts with: a) other employees of the Department b) other City employees, and c) other public agency representatives so that teamwork may ensure maximum achievement and continuity of purpose in attaining the objectives of the Department.

2.8 SEEKING INFORMATION REGARDING DUTIES

Employees who are in doubt as to the nature or detail of their assignment shall immediately seek clarification from their supervisor.

2.9 INSPECTING AREA OF ASSIGNMENT

Employees will inspect their areas of assignment as soon as possible after beginning their tour of duty and as often as possible during their tour of duty, reporting any condition requiring police attention or the attention of any other city department or agency.

2.10 LEAVING AREA OF ASSIGNMENT

Employees shall not leave their area of assignment unless:

- a) on assignment from dispatchers; or
- b) authorized by a supervisor; or
- c) an incident outside of their immediate area requires police attention;
- d) in close pursuit of a violator of law.

2.11 ATTITUDE AND IMPARTIALITY

Employees must exhibit and maintain an impartial attitude toward complainants, violators, witnesses, suspects, or any other person.

2.12 ASSISTANCE TO FELLOW EMPLOYEES

Employees shall, whether on or off-duty, aid, assist, and protect their fellow employees in the performance of their duties.

2.13 ASSISTANCE TO CITIZENS

Employees shall, in accordance with policies and procedures of the Department, render all possible police service to any citizen seeking information or assistance.

2.14 MEDICAL ATTENTION FOR ILL PERSONS

Employees shall ensure that any injured or ill person is given the opportunity for medical attention.

2.15 ARREST

Members shall make arrests in full compliance and conformity with all laws and Department procedures.

2.16 INVESTIGATIONS

- a) Employees shall not undertake any investigation or other official action, which is not part of their regular duties without obtaining permission from their supervisor, unless exigent circumstances require immediate action. An employee taking such action must notify his supervisor as soon as possible after the incident. (Reference 4.23 for investigations relating to control substance).
- b) Employees shall not undertake or maintain continued involvement in any investigation of any current or former family member, in-law, close personal friends, or any business in which that employee has a proprietary interest unless approved by the Commanding Officer.

2.17 SERVING WARRANTS/SUBPOENAS

Employees are to serve all criminal warrants and subpoenas immediately and in accordance with current statutes and directives. It will be the responsibility of the employee to verify the identity of the person being served said warrant or subpoena.

2.18 APPEARANCES REQUIRED

Employees shall appear when subpoenaed or directed and notify their supervisor of the subpoena or directive. They shall not absent themselves from any trial or hearing except for a good cause in which case they shall seek permission from either the Assistant District Attorney, the RPD Court Liaison Officer or other persons in authority over the court, hearing board, internal investigative body or persons authorized to take testimony per current directives.

2.19 LOITERING OR SLEEPING ON DUTY/CONGREGATING

- a) Employees shall not loiter or sleep on duty.
- b) While on duty, employees shall not congregate about public places or engage in recreation or games of chance unless approved by a supervisor.
- c) Off-duty employees shall not congregate or loiter about public places while in recognizable uniform.

2.20 READING ON DUTY

Employees shall not, in public view, read newspapers, periodicals, or books while on duty. Publications and material pertaining to the police field may be read or studied as long as proper and sufficient performance of assigned duties is not impaired.

2.21 SUPERVISORS ADDRESSED BY TITLE

Employees shall address supervisors by title, unless otherwise specifically directed by the supervisor.

2.22 CONCEALMENT

Employees shall not conceal themselves while on duty except for police purpose.

2.23 PERFORMANCE OF DUTIES

- a) Employees shall not neglect their duty.
- b) Employees shall not commit an act of misfeasance.
- c) Employees shall not commit an act of malfeasance.
- d) Nonfeasance is prohibited.

SECTION III - USE OF OFFICIAL POSITION

3.1 CITY OF ROCHESTER CODE OF ETHICS:

PREAMBLE

Officers and employees of the City of Rochester shall hold their position to serve and benefit the public, and not for personal gain or advantage. The City Council recognizes that, in order to implement this fundamental principle there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics established such standards by defining and prohibiting acts incompatible with the public interest. The City Council also recognizes that compliance with ethical standards rest primarily on personal integrity, and further recognizes the integrity of City officers and employees generally.

ETHICAL STANDARDS

- a) No City officer or employee shall have any employment, or engage in any business or commercial transaction, or engage in any professional activity, or incur any obligation, as a result of which, directly or indirectly, he would have an interest that would impair his independence of judgment or action in the performance of his official duties or that would be in conflict with the performance of his official duties.
- b) No City officer or employee shall have or enter into any contract with any person who has or enters into a contract with the City, unless:
 - (i) The contract between the person and the City is awarded pursuant to the competitive bidding procedures of the General Municipal Law; or
 - (ii) The contract between the person and the City is one with respect to which the City officer or employee:
 - (a) has no interest
 - (b) has no duties or responsibilities, or, if the contract with the person is one which the City officer or employee entered into prior to becoming a City officer or employee, he abstains from any performance of duties or responsibilities, and
 - (c) exercises or attempts to exercise no influence.
- c) No City officer or employee shall discuss, vote on, decide or take part in, formally or informally, any matter proposed or pending before any agency or other City officer or employee in which he has an interest. This provision shall not apply to any City officer or employee whose interest in the proposed or pending matter is minimal, provided that these procedures are followed strictly:
 - (i) The City officer or employee shall identify his interest, that is, the benefit or advantage that would be gained or lost if the City acts on the matter in

- arious ways, and the underlying basis of it, such as ownership, an investment, a contract or claim, employment, or a relationship, if any.
- (ii) The City officer or employee shall completely and specifically describe and disclose his interest and its underlying basis, if any, in writing to his immediate superior and the chairperson of the Board of Ethics, in advance of his participation in the matter.
 - (iii) If either the City officer or employee, or his immediate superior, or the chairperson of the Board of Ethics thinks that the disclosure reasonably raises a question whether the interest is minimal, the question shall be submitted to the Board of Ethics for an opinion, prior to which the officer or employee shall not participate in the matter. Failure to disclose properly, or abide by the opinion of the Board of Ethics, shall make any participation of the officer or employee in the matter null and void.
- d) No City officer or employee, acting in the performance of his official duties, shall treat, whether by action or omission to act, any person more favorably than it is the custom and practice to treat the general public.
- e) No City officer or employee shall use or permit the use of City owned vehicles, equipment, materials or property for the convenience or profit of himself or any other person.
- f) No City officer or employee shall solicit any gift, nor shall any City officer or employee accept or receive any gift having a value of \$25.00 or more, regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before any City agency. The provisions of this subsection shall not apply to contributions solicited or received in accordance with the Election Law of the State of New York.
- g) No City officer or employee shall disclose without proper authorization nonpublic information or records concerning any aspect of the government of the city, nor shall he use such information to the advantage or benefit of himself or any other person.
- h) No City officer or employee privy to nonpublic information regarding the allocation of city funds or having direct influence or control over the allocation of city funds shall be a director, officer or trustee of any organization which receives, from or through the city, funds that constitute ten percent (10%) or more of the organization's annual operating and capital budget, except where appointment to such position is approved by a duly adopted resolution of the City Council.

- i) No City officer or employee shall own in person or through an agent or broker, or be a principal in any corporation, partnership or other business entity which owns any real property with the City of Rochester that is in violation of City or State laws or regulations. Property shall be deemed to be in violation when a reasonable and proper notice and order to correct violations duly issued has not been obeyed in a timely manner.
- j) No City officer or employee compensated by the City for his service shall represent any person in any action or proceeding, whether judicial or administrative, to which the City is a party, or before any City agency or other City officer or employee. This provision shall not apply to the Corporation Counsel when representing persons with the scope of his official duties.
- k) No City officer or employee who serves the City without compensation shall represent any person before the agency he serves, or before any other City officer or employee who regularly serves the agency he serves, or before any other agency on matters directly involving the agency he serves.
- l) No former City officer or employee shall at any time after he leaves the agency he served represent a person before any agency on a specific matter with which he was directly involved or of which he has special knowledge, if the representation would be adverse to the position of the City on the matter. The Corporation Counsel may seek an injunction to enforce the provisions of this subsection.

3.2 CONDUCTING PRIVATE BUSINESS OR ASSOCIATION ON DUTY

Employees shall not utilize their on-duty time to the pursuit of any private business, private enterprise or personal association.

3.3 USE OF BADGE OR POSITION FOR PERSONAL GAIN

Employees shall not use or attempt to use their official position, badge, or credentials for any personal gain.

3.4 PREFERMENT

Employees shall not seek or accept the influence or intervention of any person outside of the Department for the purpose of personal preferment or assignment. This shall not preclude the submission of written requests for assignments in accordance with current directives.

3.5 SALE TICKETS OR DONATIONS

Employees shall not engage or authorize any others to engage in, on their behalf, in the sale of any tickets nor in the solicitation of any form of donation or contribution in a manner that indicates or implies any connection with the

Department without the written permission of the Chief of Police. (This rule shall not apply to activity that is performed strictly among department employees). When such written permission is granted, employees shall not sell nor solicit in a manner, which implies that special treatment will be received from the Police Department.

3.6 GIFTS, GRATUITIES, REWARDS

- a) Employees shall not, under any circumstances, solicit or accept gifts, gratuities, loans, or fees when there is any direct or indirect connection between the solicitations or acceptance and their Departmental employment, or when such connection would reasonably be inferred.
- b) Employees shall not accept any reward offered as a result of any services rendered in the line of duty without first obtaining the permission of the Chief of Police.
- c) Employees shall report in writing to the Chief of Police any offer or attempt to offer a gift, loan, fee or gratuity in violation of this Section.

3.7 RECOMMENDING ATTORNEYS

Employees shall not solicit, suggest, recommend, advise, or counsel the engagement or retention of any specific attorney, legal firm, bail bondsman, company, or of another person or firm for any person as a result of police business. This prohibition shall not apply to employees making such recommendations to their relatives.

3.8 GIVING SURETY FOR PERSONS IN CUSTODY (BAIL)

Employees shall not offer or give surety for any person in custody except with the permission of the Chief of Police. This prohibition shall not apply to employees giving surety for their relatives.

3.9 WITHDRAWING CHARGES

Employees shall not, except as provided by the Criminal Procedure Law and current directives:

- a) withdraw arrest charges once filed or solicit their withdrawal without approval of the Chief of Police, or
- b) void traffic charges unless approved by their division commanding Officer; whether the arrest or charges were made on or off duty.

3.10 COMMUNICATING INFORMATION TO AID EVASION

Employees shall not communicate any information, which may enable persons to evade arrest and punishment or enable them to dispose of or secrete any evidence or contraband.

3.11 CIVIL CASES

Employees shall not use the powers of their office to render assistance in the pursuit of matters which are strictly private or civil in nature except in those matters where they are required by law to so exercise their powers or where a breach of the peace has occurred or is imminent.

SECTION IV - GENERAL CONDUCT

4.1 CONDUCT

- a) Employees shall so conduct themselves in both their private and professional lives as to avoid bringing discredit upon the Department.
- b) Employees shall not engage in conduct on or off-duty, which adversely affects the efficiency of the Department, or engage in conduct on or off-duty which has a tendency to impair public respect for the employee and/or the Department and/or impair confidence in the operation of the Department.

4.2 COURTESY

- a) Employees shall be courteous, civil and tactful in the performance of their duties.
- b) Employees shall not express or otherwise manifest any prejudice concerning age, marital status, handicap, disability, race, creed, color, religion, national or ethnic origin, sex, sexual preference or other personal characteristics.
- c) Employees shall not use harsh, profane, insolent, or intentionally insulting language toward any other employee or other person.

4.3 NO CONNECTION WITH LIQUOR ESTABLISHMENT

No member shall be either directly or indirectly interested in the manufacture or sale of alcoholic beverages, or offer for sale, or recommend to any A.B.C. licensee any alcoholic beverages.

4.4 PERSONAL ASSOCIATIONS

- a) Employees shall not consort or knowingly associate with persons generally known to have a reputation of criminal conduct or association or frequent places where they are known to congregate, except in the performance of their assigned duties and in accordance with current directives. The Chief will resolve employee questions relative to associations.
- b) Employees shall not knowingly associate with any person or organization which advocates hatred, prejudice, or oppression of any racial, ethnic or religious group, or which disseminates defamatory material.

4.5 FREQUENTING UNLAWFUL ESTABLISHMENTS

Employees shall not knowingly enter or remain in any premise wherein the laws of the United States, the State, or other local jurisdiction are violated.

4.6 TRUTHFULNESS

Employees are required to be truthful in speech and writing whether or not under oath.

4.7 MALICIOUS RUMORS

Employees shall not initiate or repeat malicious rumors.

4.8 DISCUSSING EVIDENCE

- a) Employees shall not discuss the evidence arising out of a criminal investigation or civil proceeding with the media, or any other person outside of the Rochester Police Department (except members of an allied law enforcement agency, the District Attorney, Corporation Counsel or to other prosecution authority) without the knowledge and permission of their supervisor or established authority or unless otherwise mandated by law.
- b) Employees shall not discuss the evidence arising out of a confidential investigation or any sort with anyone whatsoever, (except the District Attorney, Corporation Counsel or other prosecution authority) without the knowledge and permission of their supervisor or established authority or unless otherwise mandated by law.

4.9 DIVULGING POLICE INFORMATION

Employees shall not divulge police information to which they have access or which may come to their attention, nor shall they make available any information contained in police records, radio communications, photographs, computers, teletypes or other files or information in any form whatsoever to anyone except as provided by law of established authority.

For purpose of this Section, all department information is to be considered confidential unless otherwise provided by current directives or directed by a supervisor. This section does not apply to orders that are of such a nature that they must be communicated to others.

4.10 SPEECHES, STATEMENTS, ETC.

- a) Employees shall not, in matters relative to the Department, address public gatherings, appear on radio or television, prepare any articles for publication, lecture on police related subjects or act as correspondents to a newspaper or a periodical, except as authorized by current directives or the Chief of Police.
- b) Employees shall not publicly criticize or ridicule the Department, its policies, or other employees by speech, writing, or other expressions which are defamatory, false, obscene, unlawful, or which undermine the effectiveness of the department or interfere with the maintenance of discipline.

4.11 MEMBERSHIP AND ORGANIZATIONS

- a) Employees shall not join or be a member of any organization or society whose object or purpose, either directly or indirectly, would adversely affect the discipline or conduct of the employee.
- b) Employees shall not knowingly be connected with or be a member of any subversive organization except in the line of duty and with the knowledge and consent of the Chief of Police.

4.12 POLITICAL ACTIVITY

Members shall not:

- a) use or threaten or attempt to use their power or authority in any manner, directly or indirectly, in aid of or against any political party, organization, association, or society or control, affect, influence, reward or punish, the political adherence, affiliation, action, expression or opinion of any citizen.
- b) appoint, promote, transfer, retire or punish an officer or member of a police force, or ask for or aid in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or for 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.
- c) solicit, collect or receive any money for any political fund, club, association, society, or committee.
- d) contribute any money to any political fund, club, association, society, or committee.

4.13 SEEKING/ACCEPTING COMPENSATION FOR DAMAGES

Employees shall not seek, claim, litigate, or solicit, nor shall they accept from any person or agency any money or other compensation for damages or expenses incurred by them in the line of duty without prior written notification to the Chief of Police and the Corporation Counsel.

4.14 DEBTS

Employees shall pay all just debts and satisfy legal liabilities incurred by them.

4.15 EXPENDITURES OF DEPARTMENT FUNDS

Employees shall not spend any monies or incur any financial obligations in the name of the Department without prior knowledge and permission of the Chief of Police.

4.16 CORRESPONDENCE, LETTERHEADS

- a) All correspondence leaving the Department shall be issued only with the signature of the Chief of Police or as authorized by the Chief of Police.
- b) The official letterhead shall not be used for unofficial correspondence.

4.17 PERSONAL CARDS

Employees shall not possess or use business cards bearing Departmental affiliation and/or rank, except as authorized by the Chief of Police and then only in the furtherance of official business.

4.18 DEPARTMENT PROPERTY AND EQUIPMENT

Employees shall be held responsible for the proper care and use of property and equipment assigned to or used by them. When obtaining any equipment and again upon its return it is the employee's responsibility to inspect the equipment.

Upon discovery, employees shall immediately report in writing all damage to vehicles and equipment. Such report shall contain all known facts surrounding the cause and nature of the damage.

4.19 DEPARTMENTAL FACILITIES AND PROPERTY

- a) Employees may be assigned departmentally owned or controlled facilities or property (including, but not limited to, offices, vehicles, lockers, desks, cabinets, equipment and cases) for the mutual convenience of both the Department and employees. Such facilities or property and the contents therein (including any personally owned property) shall be subject to inspection without notice for reasonable work-related purposes, even if an employee has placed a personal lock on the facilities or property.
- b) The retention of personal items such as briefcases, purses, etc. in such facilities or property shall be at the risk of the employee and the Department shall not be liable for any losses.

4.20 USE OF ALCOHOLIC BEVERAGES

- a) Employees will not operate Department vehicles, either on or off-duty, if employees have consumed any alcoholic beverage, except in the performance of their official duty.
- b) Employees will not drink or purchase any alcoholic beverage while on duty, except in the performance of their official duty. c) Employees who are off duty in uniform or in any recognizable part of their uniform shall not drink alcoholic beverages in public view.
- d) Employees, while on or off duty, shall not drink any alcoholic beverages to the extent which renders them unfit to perform or report for duty or which results in the commission of an act which might tend to discredit the Department.

- e) Employees shall not appear for duty or be on duty, while under the influence of intoxicants or with the odor of intoxicants on their breath.

4.21 GAMBLING

Employees shall not engage or participate in any form of illegal gambling except in the performance of duty and acting under proper and specific orders.

4.22 USE OF TOBACCO

Employees shall not chew or smoke tobacco in such a manner as to adversely affect the professional image of the Department. They shall not use tobacco while in direct contact with the public, while engaged in traffic direction or where use of tobacco is in violation of the law.

4.23 CONTROLLED SUBSTANCES

- a) Employees shall not possess or use any non-prescribed controlled substance, except for that possession occurring in the line of official duty.
- b) Employees who are using prescribed controlled substances, under the direction of a physician shall not abuse said controlled substances. The employee is responsible to discuss his job duties with the physician as prescribing the medication to determine if it will affect his work performance. If it may have an effect, the employee shall report the use of the drug to his supervisor and bring a physician's letter if the physician recommends restrictions. The supervisor may consult with the police physician if necessary to determine restrictions.
- c) No member of the Department shall initiate any investigation on or off-duty relative to trafficking in controlled substances without prior permission of his supervisor or the Commanding Officer of the Special Investigations Section.

4.24 APPLICATION FOR PISTOL PERMITS

Members shall not endorse applications for pistol permits as character references, except that members may act as character references for other members of this or other law enforcement agencies, if they so choose.

4.25 HARASSMENT

Harassment due to age, marital status, handicap, disability, race, creed, color, religion, national or ethnic origin, sex, sexual preference or other personal characteristics is prohibited.

4.26 NOTICES-POSTING/CIRCULATION/DESTRUCTION/DEFACING

- a) Employees shall not destroy or deface any official written notice relating to police business.

- b) The posting or circulation of any notices on Rochester Police Department property without prior approval from the Chief or his designee is prohibited.

4.27 COOPERATION WITH INTERNAL INVESTIGATIONS

Employees shall answer questions, respond to lawful orders and render material and relevant statements in an internal investigation when such orders, questions and statements are related to the performance of official duties or fitness for office.

4.28 RESPONSIBILITIES OF EMPLOYEES WHILE SUSPENDED FROM DUTY

Employees who are under an order of suspension shall contact the Professional Standards Section daily, either by telephone or in person, or as directed by the Chief of Police or his designee.

4.29 FRATERNIZATION

It is not the intent of the Rochester Police Department to regulate the social interactions or relationships freely entered into by employees. However, employees of different ranks or titles will not fraternize with subordinates if the relationship between the employees will:

- a) Compromise authority, chain of command, discipline, morale and mission accomplishment, or
- b) Create a sense of partiality or unfairness, or
- c) Involve the improper use of rank or title for personal gain.

SECTION V - REPORTS

5.1 ALTERING, DELAYING, OR FALSIFYING REPORTS

- a) Employees shall not steal, alter, falsify, tamper with, withdraw or request that any other person do the same to any report, letter, request, or other communication that is being forwarded through the chain of command. The removal of any record, card, report, letter, document, or other official file from the Department or the permitting of inspection of same, except by process of law or as directed by the Chief of Police or a superior, is prohibited. Additionally, the obtaining/duplicating or attempted obtaining or duplicating of any information from Department files, sources or reports other than that to which one is properly entitled in accordance with one's duties/assignments is prohibited. This shall not apply to the correction of errors.
- b) Employees shall not dissuade any other employee from originating and submitting any lawful or proper report, whether on criminal or disciplinary matters. c) Employees shall not falsely make or submit any type of official report or knowingly enter or cause to be entered any inaccurate, false, or improper information on the records of the Department.

5.2 REPORTING VIOLATIONS

Employees shall report, in accordance with current directives, all violations of the law, Rules and Regulations, General Orders and current directives of the Department. All such violations shall be reported in writing to a supervisor in the Department.

5.3 REPORTING ILLEGAL ACTIVITIES

- a) Employees shall report to their supervisors all suspected places of illegal activity discovered or coming to their attention while on or off duty.
- b) Members shall report all suspicious persons, vehicles, and incidents in accordance with current directives.

5.4 TESTIMONY FOR DEFENSE

- a) Employees who are requested or subpoenaed to testify or give evidence or who intend to testify or give evidence on behalf of the defense in any criminal action shall immediately notify their supervisor, the Professional Standards Section and the prosecuting attorney of such request, subpoena, or intention to testify prior to testifying.

- b) Employees who are requested or subpoenaed to testify or give evidence against the Department or the City of Rochester in any civil action shall immediately notify their supervisor and the Professional Standards Section of such request or subpoena. The Professional Standards Section will in turn notify the Corporation Counsel's Office.

5.5 INFORMATION REGARDING CRIME

Employees, whether on or off duty, shall communicate promptly to their supervisors in accordance with current directives, all information on crimes, criminal activity or important events which may involve the Department or its employees of which they have knowledge.

5.6 ACTIONS AGAINST EMPLOYEES

- a) Employees shall be personally responsible for reporting immediately, both to their supervisors and the Professional Standards Section, any arrests, including traffic violations or court actions instituted against them with the exception of divorce proceedings or child support. However, any contempt of court arising from divorce or support proceedings must be immediately reported as required above.
- b) Employees, upon receipt of a notice of claim or lawsuit, arising out of their employment, shall note on the document(s) served the time, date, location and how or by whom served and shall immediately forward the original to Professional Standards Section. Failure to forward immediately may result in their own liability for the action.

5.7 ADDRESS AND TELEPHONE NUMBER

All employees must:

- a) have an operative telephone at their residence; and
- b) shall report their current residence address and the telephone number at that residence in accordance with current directives.

SECTION VI - RESPONSIBILITIES OF COMMANDING OFFICERS AND SUPERVISORS

6.1 COMMAND

- a) Supervisors shall insure that employees under their command perform their full duty. Supervisors shall provide efficient, effective and meaningful direction to subordinates.
- b) Supervisors or temporarily assigned supervisors must provide a good example in both conduct and appearance, have a thorough understanding of the rules and procedures of the Department, and shall assist and instruct subordinates in the proper performance of their duties.

6.2 SUBORDINATE INCOMPETENCY OR MISCONDUCT

Supervisors who overlook, condone or fail to take action on incompetence or misconduct on the part of their subordinates shall be guilty of neglect of duty.

6.3 COURTESY

Supervisors shall treat employees with courtesy and establish an atmosphere of mutual respect.