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RULES AND REGULATIONS

OF THE

FORT EDWARD POLICE DEPARTMENT

Rules and regulations for the government, direction,
management and discipline of the Police Department of the
Village of Fort Edward, New York. Adopted.

April 7, 1980

Village Board Meeting

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RULES OF CONDUCT

1.01 VIOLATION OF RULES.

Members of the Police Department shall not commit any acts which constitute a violation of any of the Rules, Regulations, Directives or Orders of the Department, whether stated in this General Order or elsewhere.

1.02 UNBECOMING CONDUCT.

Officers shall conduct themselves at all times, both on and off duty, in such 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.

1.03 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 the 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.

1.04 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.

1.05 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 shall constitute an order to report for duty under this section.

1.06 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.

1.07 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.

1.08 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.

1.09 LEAVING DUTY POST.

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

1.10 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.

1.11 UNSATISFACTORY PERFORMANCE.

Officers shall maintain sufficient competency to properly perform their duties and assume 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 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

Officer's 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, the following will be considered prima facie evidence performance: repeated poor evaluations or a written record of repeated infractions of Rules, Regulations, Directives or Orders of the Department.

1.12 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 Officer's employment with the department.

2. Officers shall submit a written request for Off-Duty employment to the Chief, whose approval must be granted prior to engaging in such employment, and

3. Officers shall not engage in any employment or business involving the sale, distribution of alcoholic beverages, Bail Bond Agencies, or investigative work for Insurance Agencies, Private Guard Services, Collection Agencies, or Attorneys.

4. Extra work by Members of Police Forces in Cities-General Municipal Law Section 208D-Page 80. Not more than twenty (20) hours a week.

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

1. Render the officers unavailable during an emergency,

2. Physically or mentally exhaust the officer to the point that their performance may be affected,

3. Require that any special consideration be given to scheduling of the Officer's regular duty hours or,

4. Bring the Department into disrepute or impair the operation or efficiency of the Department or Officer.

1.13 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 which are held as evidence.

1.14 POSSESSION AND USE OF DRUGS.

Officers shall not possess or use any controlled substances, 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.

1.15 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 acting under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

1.16 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 regular tour of duty.

1.17 USE OF TOBACCO
(Contained in Standards-Procedures Manual)

Use of tobacco by officers in uniform is primarily a question of "Public Image". Obviously, an officer should not smoke during a formal ceremony, when in formation, nor when the officer has to leave an assignment to do so. When in direct contact with the public, the officer should be aware that, to some people, smoking is offensive for a variety of reasons—a citizen who is offended, even slightly, by a public employee, such as a public officer, may complain about the matter more strongly and publicly than if the offending party were in the private sector.

1.18 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.

1.19 CONFLICTING OR
ILLEGAL ORDERS.

A. 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 of the conflict. If the superior officer, issuing the order, 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.

B. Officers shall not obey any order which they know or should know 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.

1.20 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) or the Department, if it may reasonably be inferred that the person, business or organization:

1. Seeks to influence action of an offi-performance or non-performance of an official duty, or,
2. Has an interest which may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty.

1.21 ABUSE OF POSITION.

A. Use of official position or identification. Officers

shall not use their official position, official identification cards or badges:

1. For personal or financial gain,
2. For obtaining privileges not otherwise available to them except in the performance of duty, or
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.

B. Use of name, photograph or title. Officers shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

1.22 ENDORSEMENTS AND REFERRALS.

Officers shall not recommend or suggest in any manner, except in the 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.

1.23 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 lodging a complaint against any officer or the Department. Officers shall follow established departmental procedures for processing complaints.

1.25 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 discussion, even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse language or gestures and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

1.26 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 properly and judicially be acted upon consistent with established Departmental procedures.

1.27 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 officer.

1.28 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.

- B. Officers are prohibited from:
1. Using their official capacity to influence, interfere with or affect the results of an election,
 2. Assuming active roles in the management, organization, or financial activities of partisan political clubs, campaigns or parties,
 3. Serving as officers of partisan political parties or clubs,
 4. Becoming candidates for or campaigning for a partisan elective public office,
 5. Soliciting votes in support of, or in opposition to, any partisan candidates,
 6. Serving as delegates to a political party convention,
 7. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature.
 8. Initiating or circulating a partisan nominating petition,
 9. Organizing, selling tickets to or actively participating in a fund-raising function for a partisan political party or candidate,
 10. Addressing political gatherings in support of, or in opposition to a partisan candidate,
 11. Otherwise engaging in prohibited partisan activities on the Federal, State, County or Municipal level.

1.33 LABOR ACTIVITY.

A. Officers shall have the right to join Labor Employee organizations to represent member's interests with an employer.

B. 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 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.

1.34 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 a Superior Officer.

1.35 RESIDENCE.

All officers hired subsequent to the adoption of these Rules and Regulations shall reside within the jurisdiction served by the Department as required by the Board of Public Safety.

1.36 TELEPHONE.

Officers shall have telephones in their residences, and shall immediately report any changes of telephone numbers or addresses to their superior officers and to such other persons as may be appropriate.

1.37 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 shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.

1.38 INTERVENTION.

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

1. Ordered to intervene by a Superior Officer, or

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 Department immediately.

1.44 CARRYING FIREARMS.

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

1.45 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.

1.46 SICK LEAVE.

Officers shall be entitled to 12 days sick leave with pay in each calendar year, unused days being cumulative to a maximum of 125 days to be credited as sick leave. Absences from duty for more than 2 days shall be supported by a medical certificate or other acceptable. Sick records will be kept in Chief's office.

1.47 FINANCIAL DISCLOSURE.

Upon the order of the Chief or the Chief's designee, officers shall submit financial disclosure statements in connection with a complaint in which this information is material to the investigation. These statements are to be maintained by the Chief and shall not be available for public disclosure.

1.48 TREATMENT OF PERSONS
IN CUSTODY.

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

1.49 USE OF FORCE.

Officers shall not use more force in any situation than

is reasonably necessary under the circumstances. Officers shall use force in accordance with law and Departmental procedures.

1.50 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.

1.51 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.

1.52 AMENDMENTS.

The Board of Public Safety shall alter or amend from time to time by adding to or dispensing with any portion of the fore-going rules and regulations whenever said Board shall deem it proper.