



Eric Hawkins  
Chief of Police

# ALBANY, NEW YORK

## POLICE DEPARTMENT

165 HENRY JOHNSON BOULEVARD  
ALBANY, NEW YORK 12210



1789

### RULES OF CONDUCT

#### GENERAL ORDER NO: 2.2.00

<b>Issue Date:</b> February 17, 2017	<b>Effective Date:</b> November 19, 2014
<b>Revision Date:</b> September 29, 2016	<b>NYSLEAP:</b> 2.10, 14.1, 14.3
<b>Volume 2:</b> Logistics	<b>Chapter 2:</b> Discipline
<b>Distribution:</b> All Personnel	<b>Page:</b> 1 of 15
<b>Issuing Authority:</b> Chief Eric Hawkins	

**PURPOSE:** The purpose of this policy is to set forth the rules of conduct for all department personnel.

**POLICY:** It is the policy of the Albany Police Department to lay out the foundation and expectations of conduct, as well as the rules of behavior that all personnel of this department shall abide by.

**DEFINITIONS:** **Nonpartisan** – Nonpartisan means offices or elections that exclude party candidates (e.g., school board elections, library board elections, Parent Teacher Association board elections).

**Partisan** – Partisan means any political activity in which the candidate or official is identified by party label (e.g., Republican or Democrat).

#### I. DISCIPLINE

##### A. Rules of Conduct:

##### 1. Violation of Rules:

a. Personnel shall not commit or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of this department.

##### 2. Unbecoming Conduct:

a. Personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the department.

b. Unbecoming conduct shall include that which brings the department into disrepute or reflects discredit upon personnel of this department, or that which impairs the operations or efficiency of the department or member.

##### 3. Immoral Conduct:

- a. Personnel shall maintain a level of moral conduct in their personal and business affairs which is keeping with the highest standards of the law enforcement profession. Personnel shall not participate in any incident involving moral turpitude, which impairs their ability to perform as an employee of this agency or causes the department to be brought into disrepute.

**4. Conformance to Laws:**

- a. Personnel shall know, obey and conform to all laws of the United States and of any state and local jurisdiction in which the personnel are present, ordinances, department rules and regulations, department operating guide and orders. Members shall also be familiar with and comply with the [City of Albany Personnel Policy and Procedures Manual](#).
- b. It may be considered prima facie evidence of a violation of this section should an employee be found guilty of violating any duly constituted law.
- c. Personnel shall report through their chain of command in writing to the Chief of Police any information of a police nature, including any offenses with which they have been charged, except minor traffic infractions or parking offenses.

**5. Reporting for Duty:**

- a. Personnel shall report for duty at the time and place required by assignment or orders, and shall be mentally and physically fit to perform their duties.
- b. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
- c. Judicial subpoenas, hearing notices, court notices, or any other notification at the direction of the Chief of Police or his/her designee, shall constitute as an order to report for duty under this section.

**6. Neglect of Duty:**

- a. Personnel shall not engage in any activity or personal business, which would cause them to neglect or be inattentive to duty.

**7. Fictitious Illness or Injury Reports:**

- a. Personnel 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.

**8. Sleeping on Duty:**

- a. Personnel shall remain awake while on duty. If unable to do so,

they shall report it to their superior, who shall determine the proper course of action.

**9. Leaving Duty Post:**

- a. Personnel shall not leave their assigned duty post during a tour of duty, except when authorized by proper authority.

**10. Meals:**

- a. Personnel are permitted to suspend patrol or other assigned activity, subject to immediate recall in times of dire emergency, for the purpose of having meals during their tours of duty. This shall occur at such time and place as already established by current departmental guidelines.

**11. Unsatisfactory Performance:**

- a. Personnel shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- b. Personnel shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
- c. Unsatisfactory performance may be demonstrated by:
  - i. A lack of knowledge of the application of law(s) to be enforced;
  - ii. An unwillingness or inability to perform assigned tasks;
  - iii. The failure to conform to work standards established for the employee's rank, grade, or position;
  - iv. The failure to take the appropriate action on the occasion of a crime, disorder, or other condition deserving of police attention; or
  - v. Absence without leave.
- d. In addition to other indicators of unsatisfactory performance, the following shall be considered prima facie evidence of unsatisfactory performance:
  - i. Repeated poor evaluations or a written record of repeated infractions of rules, regulations, directive, or orders of the department.

**12. Alcoholic Beverages and Drugs in Police Stations:**

- a. Personnel shall not store or bring into any department facility or vehicle, alcoholic beverages, controlled substances, narcotics, or hallucinogens, except for those which are turned in as evidence or found property.

**13. Possession and Use of Drugs:**

- a. Personnel shall not possess or use any controlled substances, narcotics, or hallucinogens, except when prescribed in the treatment of personnel by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, personnel shall notify their superior in writing with a copy of a doctor's order.

**14. Use of Alcohol On-Duty or in Uniform:**

- a. Personnel shall not consume intoxicating beverages while in uniform or on-duty.
- b. Personnel shall not operate a motor vehicle while under the influence of an alcoholic beverage.
- c. Personnel 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.

**15. Use of Alcohol Off-Duty:**

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

**16. Use of Tobacco:**

- a. Personnel, when in uniform, may not use tobacco in the following situations:
  - i. When they are in formation;
  - ii. When they have to leave their assignment or post for the purpose of using tobacco;
  - iii. When they are engaged in traffic direction and control; or
  - iv. When in they are in direct contact with the public.

**17. Insubordination:**

- a. Personnel shall promptly obey any lawful orders of a superior. This shall include orders relayed from a superior by an employee of the same or lesser rank.

**18. Conflicting or Illegal Orders:**

- a. Personnel who are given an otherwise proper order that is in conflict with a previous order, rule, regulation, or directive shall respectfully inform the superior of the conflict.
  - i. If the superior issuing the order does not alter the order, the responsibility for the conflict shall be upon the superior.
  - ii. Personnel shall obey the conflicting order and shall not be

held responsible for disobedience of the order, rule, regulation, or directive previously issued.

- b.** Personnel shall not obey any order which they know or should know would require them to commit any illegal act.
  - i.** If in doubt as to the legality of an order, personnel shall request the issuing member to clarify the order or to confer with a higher authority.

**19. Gift, Gratuities, Bribes, or Rewards:**

- a.** Personnel shall not solicit or accept any gift, gratuity, bribe, or reward from a person, business, or organization for the benefit of the employee(s) or the department, if it may reasonably be inferred that a person, business, or organization:
  - i.** Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty; or
  - ii.** Has an interest, which may be substantially affected directly or indirectly by the performance or non-performance of an official duty.

**20. Abuse of Position:**

- a.** Use of Official Position or Identification:
  - i.** Personnel shall not use their official position, official identification cards, or badges for the following:
    - a)** Personal or financial gain;
    - b)** Obtaining privileges not otherwise available to them, except in the performance of duty;
    - c)** For avoiding consequences of illegal acts; or
    - d)** When running for office.
  - ii.** Personnel shall not lend to another their identification cards or badges or permit them to be photographed, without the written approval of the Chief of Police.
- b.** Use of Name, Photograph, or Title:
  - i.** Personnel shall not authorize the use of their names, photographs, or official titles, which identify them as an employee of this agency, in connection with testimonials, or advertisement of any commodity or commercial enterprise, without the written approval of the Chief of Police.

- c.** Use of Department Logo, Patch, or Name:

- i. Personnel shall not create or have created any item that bears the department's name or an image of the department's logo or patch, without the prior written approval of the Chief of Police.

**21. Endorsements and Referrals:**

- a. Personnel 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.
- b. 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 the established departmental procedures.

**22. Identification:**

- a. Sworn personnel shall carry their badges and official department photo identification at all times, except when impractical or dangerous to their safety or to an investigation.
- b. Non-sworn personnel shall be issued and carry their official department photo identification at all times when performing department duties.
- c. Interns and volunteers shall be issued and carry their official department photo identification at all times when performing department duties.
- d. Personnel shall furnish their name and badge number, if applicable, to any person requesting that information, in a professional and courteous manner, when they are on-duty or while representing themselves in an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- e. Personnel shall furnish their department business card to any person requesting that information, in a professional and courteous manner, when they are on-duty or while representing themselves in an official capacity.
- f. In the event a member of the department finds him or herself involved in an off-duty incident, while acting in an official capacity, the officer shall prominently display his/her badge and identify oneself by name, rank and department if confronted by another law enforcement officer.
- g. Personnel shall verbally identify themselves when answering a department telephone. Personnel shall identify themselves by title/rank, and name.

**23. Citizen Complaints:**

- a. Personnel shall, upon receiving a complaint made by any citizen against any employee of this department, notify an immediate

supervisor of such complaint(s). Superiors may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any employee or the department.

**24. Courtesy:**

- a. Personnel shall be courteous to the public.
- b. Personnel 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.
- c. In the performance of their duties, personnel shall not use coarse, violent, profane, insolent language or gestures, and shall not express any prejudice regarding another person's actual or perceived ethnicity, race, religion, gender, gender identity or expression, disability, sexual orientation, lifestyle, or other personal characteristics.

**25. Requests for Assistance:**

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

**26. Associations:**

- a. Personnel 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 to the performance of official duties or where unavoidable because of other personal relationships to the employee.
- b. Personnel shall not knowingly associate with any person or organization that advocates hatred, oppression, or prejudice based on actual or perceived race, religion, gender, gender identity or expression, disability, or sexual orientation.

**27. Visiting Prohibited Establishments:**

- a. Personnel 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.

**28. Gambling:**

- a. Personnel shall not engage, participate in, or profit from 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.

**29. Public Statements and Appearance:**

- a.** Personnel shall not publicly criticize or ridicule the department, its policies, or other members of the department through speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, and unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
- b.** Personnel 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.
- c.** With prior written approval from the Chief of Police, personnel may lecture on “police” or other related subjects.

**30. Personal Appearance:**

- a.** Personnel, while on-duty, shall wear uniforms or other clothing in accordance with established departmental guidelines.
- b.** On-duty personnel shall maintain a neat and well-groomed appearance and shall style their hair, jewelry (when allowed), and/or make-up according to established guidelines, except when acting under proper and specific orders from a superior.

**31. Political Activity:**

- a.** Personnel are permitted to:
  - i.** Register and vote in any election;
  - ii.** Express opinions as individuals privately and publicly on political issues and candidates;
  - iii.** Attend political conventions, rallies, fund-raising functions, and similar political gatherings;
  - iv.** Actively engage in, run for election, and hold office in any non-partisan political functions (e.g., school board elections, library elections);
  - v.** Make financial contributions to political organizations;
  - vi.** Serve as election judges or clerks or in a similar position to perform non-partisan duties, as prescribed by state or local laws;
  - vii.** Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this section;
  - viii.** Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest; and



**ix.** Run for partisan elected office if:

- a)** The employee's salary is not completely funded by federal loans or grants;
  - 1)** It is incumbent on any employee that is exploring running for a partisan office to ensure their position is not fully funded through a federal loan or grant.
- b)** State or local law does not prohibit the employee from running for office;
  - 1)** It is incumbent on any employee that is exploring running for a partisan office to ensure their position is not prohibited by state or local law.
- c)** The employee does not engage in political misconduct.
  - 1)** Political misconduct includes, but is not limited to:
    - i.** The utilization of federal or other public funds to support the employees candidacy;
    - ii.** The utilization of department letterhead or email account to support the employees candidacy; or
    - iii.** The request of subordinates to volunteer or contribute to the employee's campaign.

**b.** Personnel are prohibited from:

- i.** Using their official capacity to influence, interfere with, or affect the results of an election; and
- ii.** Wearing any department uniform, badge, or insignia, and/or driving any department vehicle (marked or unmarked) when participating in any partisan or non-partisan function.

**32.** Labor Activity:

- a.** Personnel shall have the right to join labor organizations, and the department shall recognize and engage in collective bargaining with such labor organization as provided by present law.
- b.** Personnel shall not engage in any strike. "Strike" is the concerted failure to report for duty, willful absence from one's position, 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.

**33. Legislative Restrictions on Officers:**

- a. The [Alcoholic Beverage Control \(ABC\) Law](#) prohibits police officers from having any interest in the sale or manufacture of alcoholic beverages.
  - i. Personnel shall not have any interest, either directly or indirectly, in the manufacture or sale of alcoholic beverages or to offer for sale, or recommend to any licensee, any alcoholic beverage;
  - ii. No employee shall be employed in any retail licensed establishment where the consumption of alcoholic beverages is permitted on premise, except when authorized by the ABC Board and the Chief of Police; and
  - iii. Employment in a licensed establishment for off premises consumption (deli, etc.) is not prohibited under this procedure.
  
- b. Election Law:
  - i. Any person, who being a police commissioner or any officer or member of any police force in this state is guilty of a misdemeanor, per [New York State Election Law Section 17-110](#), if said person commits the following:
    - a) Uses or threatens or attempts to use his/her official power or authority, in any manner, directly or indirectly in aid of or against any political party, organization, association, or society, or to control, affect, influence, reward, or punish, the political adherence, affiliation, action, expression, or opinion of any citizen; or
    - b) Appoints, promotes, transfers, retires, or punishes an officer or member of a police force, or asks for aids in the promotion, transfer, retirement or punishment of an officer or member of a police force because of the party adherence or affiliation of such officer or member, or on the request, direct or indirect, of any political party, organization, association or society, or of any officer, member of a committee or representative official or otherwise of any political party, organization, association, or society; or
    - c) Solicits, collects, or receives any money for any political fund, club, association, society or committee, is guilty of a misdemeanor.
  
- c. The [Racing, Wagering, and Breeding Law](#):

- i. Personnel shall not hold, directly or indirectly, any proprietary interest, stock, office, or employment with any firm, association or corporation which:
  - a) Is licensed by the Racing, Wagering and Breeding Board to conduct pari-mutuel racing;
  - b) Conducts its occupation, trade, or business at racetracks at which pari-mutuel race meets are conducted;
  - c) Owns or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutuel racing is conducted; or
  - d) Participates in the management of any franchised holder or licensee conducting pari-mutuel racing.
  
- d. There are several restrictions stated in the [Public Officers Law, Article 4](#). These sections impose restrictions on officers relative to the following:
  - i. Officers are not allowed to accept any type of gift or service which may be inferred that same was accepted to influence the officer in the performance of their duty;
  - ii. Officers are forbidden to disclose any confidential information learned in the course of their employment; and
  - iii. Officers, due to a conflict of interest, are restricted relating to services they may provide to the employing government.
    - a) As these sections are lengthy, it is the responsibility of the individual officer to become familiar with these sections of the laws that may apply to their specific circumstances if conflicts of interest develop. Law books covering these sections are on file with the City Corporation Counsel's office.

#### 34. Payment of Debts:

- a. Personnel shall not undertake any financial obligations which they know they will not be able to meet, and shall pay all just debts when due.
  - i. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases.
  - ii. However, repeated instances of financial difficulty may be cause for disciplinary action.
  - iii. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline.
  - iv. 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.

- v. Personnel shall not co-sign a note for any superior or for subordinate members.

**35. Carrying of Weapons by Non-Sworn Employees:**

- a. Non-sworn employees shall not carry weapons while at work.

**36. False Representation:**

- a. Non-sworn employees shall not represent themselves or give any false impression to any other person or agency that they are sworn police officers.

**37. Telephone and Address:**

- a. Personnel shall possess telephones and shall immediately report any changes of telephone numbers or addresses to their superior officers and to such other supervisors as may be appropriate.

**38. Dissemination of Information:**

- a. Personnel 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 department procedures.
- b. Refrain from discussing police business of department affairs or anything that relates to the department with persons not members of the department, nor discuss any of the above with other members of the department in a public place where they might be overheard.
- c. Personnel may remove or copy official records or reports from a police station, only in accordance with established department procedures.
- d. Personnel shall not divulge the identity of persons giving confidential information, except as authorized by proper authority.

**39. Intervention:**

- a. Personnel shall not interfere with cases being handled by other members of the department or by any other governmental agency, unless:
  - i. Ordered to intervene by a superior; or
  - ii. The intervening employee believes, beyond a reasonable doubt, that a manifest injustice would result from failure to take immediate action.
- b. Personnel shall not undertake any investigation or other official action, not part of their regular duties, without obtaining permission from their superior, unless the exigencies of the situation requires immediate police action.

**40. Department Reports:**

- a.** Personnel shall submit all necessary reports on time, in accordance with established departmental guidelines.
- b.** Reports submitted by personnel shall be truthful and complete, and no other employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

**41. Processing Property and Evidence:**

- a.** Property or evidence, which has been discovered, gathered, or received in connection with departmental responsibilities, shall be processed in accordance with established departmental guidelines.
- b.** Personnel shall not 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 guidelines.

**42. Abuse of Process:**

- a.** Personnel shall not make false accusations of a criminal or traffic charge.

**43. Use of Departmental Equipment:**

- a.** Personnel shall utilize departmental equipment only for its intended purpose, in accordance with established departmental guidelines.
- b.** Personnel shall not abuse, damage, or lose departmental equipment.
- c.** All departmental equipment issued to personnel shall be maintained in proper order.

**44. Operating Vehicles:**

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

**45. Carrying Firearms:**

- a.** Personnel shall carry firearms in accordance with the law and established departmental policies and procedures.

**46. Truthfulness:**

- a.** Upon the order of the Chief of Police, the Chief's designee, or a superior, personnel 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.

**47. Use of Medical Examinations, Photographs and Line-ups:**

- a.** During an administrative investigation being conducted by the Office of Professional Standards (OPS), OPS Detectives shall have the authority to report directly to the Chief of Police or his/her designee and to conduct the following activities when relevant and necessary to prove or disprove a complaint and/or allegation:
  - i.** Medical;
  - ii.** Ballistics;
  - iii.** Chemical or other tests;
  - iv.** Photographs; and
  - v.** Line-ups.
- b.** All procedures carried out under this subsection shall be specifically directed and narrowly related to a particular internal investigation being conducted by the department and carried out within the confines of the law.
- c.** All rights and privileges under Union contracts and the City Agreements will be maintained regarding the "Alcohol and Substance Abuse Testing".

**48. Financial Disclosure:**

- a.** Upon the order of the Chief of Police, personnel shall submit financial disclosure statements when such disclosure is necessary to correctly investigate a complaint which is specifically directed and narrowly related to a particular internal investigation being conducted by the department.
- b.** These statements shall be maintained by the Chief of Police and shall not be available for public disclosure.

**49. Instruments for the Detection of Deception:**

- a.** Personnel cannot be ordered to undergo deception detection during any administrative investigation.
- b.** The use of deception detection tests during an internal investigation is limited to a voluntary basis.

**50. Treatment of Persons in Custody:**

- a.** Personnel shall not mistreat person(s) who are in their custody.
- b.** Personnel shall handle such person in accordance with the law and departmental procedures.

**51. Use of Force:**

- a.** Personnel shall not use more force in any situation than is reasonably necessary under the circumstance.
- b.** Personnel shall use force in accordance with the law and established departmental policies and procedures.

**52. Use of Weapons:**

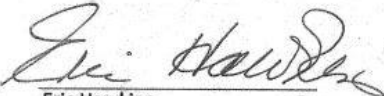
- a. Personnel shall not use or handle weapons in a careless or imprudent manner.
- b. Personnel shall use weapons in accordance with the law and established guidelines.

**53. Arrest, Search, and Seizure:**

- a. Personnel shall not make any arrest, search, or seizure that they know or should know is not in accordance with the law or departmental guidelines.

**54. Audio Recording:**

- a. Under no circumstances, is any department employee, sworn or non-sworn, to engage in the surreptitious audio recording of a conversation of any employee whether the conversation takes place on or off duty, in the employee's presence or over the telephone, without the specific authorization from the Chief of Police or his/her designee.
- b. In the event an employee advises another employee that he or she plans to record a conversation with that employee (e.g., a request by subordinate to record a counseling session with a superior) and both employees are aware that the audio recording is being made, that recording is permissible and cannot be denied.
- c. A department employee, sworn or non-sworn, shall not participate in the installation of a microphone or any other technical or mechanical device or system for use or capable of being used to intercept telephone messages, or for the purpose of overhearing conversations, without authorization from the Chief of Police or his/her designee.



Eric Hawkins  
Chief of Police