



**CODE OF PROFESSIONAL CONDUCT AND ETHICS**

<b>new:</b> ✓ <b>rescinds: 14.1, 14.2, 14.3</b> <b>amends: All previous</b>		<b>cross-reference:</b> The Administrative Manual: The Policies and Procedures of Tompkins County Government
		<b>accreditation standards:</b> NYSLEAP Standard(s): 14.1, 14.2 & 14.3
<b>effective date:</b> April, 12 <sup>th</sup> , 2016	<b>amend date:</b> February, 2020	

**I. PURPOSE**

The purpose of this policy is to establish a Code of Conduct for all Office personnel to follow.

**II. POLICY**

The Office’s mission is to assure a safe and secure community by developing a police force that upholds the Constitution and protects the rights of all community members, and through the shared responsibility of police personnel, government leaders, and the overall community. The Office fairly enforces the laws and protects the lives, property, and safety of Tompkins County community members, victims, offenders, and its law enforcement officers. In partnership with the community, the Office engages in constitutional policing to promote public safety, and it enforces all laws to reduce crime.

Office personnel, whether sworn or nonsworn, are expected to follow a prescribed code of conduct and to act responsibly whether on or off duty. The Office will hold all personnel accountable for their actions, particularly when those actions reflect adversely on the Office or result in an appearance of impropriety or conflict of interest that may violate the public trust and erode the public’s confidence in the Office.

**III. DEFINITIONS**

- A. Conduct Unbecoming- Conduct on the part of an officer or employee that is contrary to the interests of the public served or the mission of the Office.
- B. Conflict of Interest- Arises when an employee’s personal interest in a transaction, business dealing, or an obligation owed to someone else conflicts with the employee’s obligation to the Office or the County of Tompkins.

**IV. OATH OF OFFICE**

It is the policy of the Tompkins County Sheriff’s Office that all newly-appointed law enforcement personnel will pledge the “Oath of Office” in a manner prescribe by the Office. This oath is the first affirmation that one has devoted their self to a higher duty in line with the missions and values of the office.

The "Oath of Office" will be "I, (name), do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York and that I will faithfully discharge the duties of the Office of Deputy Sheriff in and for the Tompkins County Sheriff's Office to the best of my ability." *See Attachment A.*

## V. **CODE OF ETHICS**

Sworn law enforcement officers shall abide by the following Tompkins County Sheriff's Office Code of Ethics:

"As a Police Officer, my fundamental duty is to serve the community; 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 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 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 to 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 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 never engage in acts of corruption or misconduct, nor will I condone such acts by other police officers.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession... law enforcement."

## VI. **CODE OF CONDUCT**

### **Compliance with Laws, Rules, and Regulations**

Violations of any of the foregoing will subject a member to disciplinary actions which may result in remediation, written reprimand, disciplinary probation, suspension, demotion, dismissal, or any other penalty the Sheriff or designee may lawfully direct.

- A. In addition to the Oath of Office and Code of Ethics, personnel must obey all County policies and rules as set forth in [The Administrative Manual: The Policies and Procedures of Tompkins County Government](#).
- B. Personnel will obey all federal, state, and local laws, all applicable rules and regulations. Personnel will also enforce those lawful directives while protecting the rights of individuals, as established in the Constitution of the United States and the Constitution of the State of New

York. Adherence includes, but is not limited to, obeying all felony, misdemeanor, and traffic laws, applicable local ordinances, as well as all lawfully-issued civil orders of any jurisdiction.

- C. Personnel will not commit any acts that constitutes a violation of the rules, regulations, directives, or orders of the Office, to include, but not limited to, those outlined in this Order. Personnel will at all times be held accountable for their personal policy and procedure violations and must report any such violations to their chain of command.
- D. Personnel will perform any act required by the County's or Office's rules, regulations, directives, orders, or settlement agreement.
  - 1. Personnel will report any known or observed violation of policy or procedure to a supervisor.
  - 2. All supervisors will also be held accountable for identifying and responding to policy and procedure violations by personnel under their command.
- E. Both on duty and off duty, personnel will conduct themselves in a manner that reflects favorably on the Office. Conduct unbecoming an officer or employee of TCSO includes the following:
  - 1. Conduct that could bring disrepute, shame, dishonor, disgrace, or embarrassment to the Office.
  - 2. Conduct that interferes with or compromises the efficiency of personnel and employees.
  - 3. Conduct that impairs the operation or efficiency of the Office.
- F. Personnel arrested or cited for any federal, state, or local criminal offense or traffic violation occurring in any jurisdiction must inform their immediate supervisor.
  - 1. This includes any arrest or citation for conduct occurring while on-duty or off-duty.
  - 2. Personnel must inform their supervisor within 48 hours after the arrest or citation.
  - 3. Completion of a criminal investigation establishing reasonable belief that the employee has committed a federal, state or local felony and/or misdemeanor, or has failed to report or document an alleged violation of law.
  - 4. The return of an indictment or filing of a criminal information, complaint, or other formal criminal charge for the violation of any federal, state, or local felony or misdemeanor.

### **Legislative Restrictions**

- A. The Alcohol Beverage Control Law (ABCL §128)
  - 1. Members shall not have any interest, either directly or indirectly in manufacture or sale of alcoholic beverages or to offer to sale, or recommend to any licensee, any alcoholic beverage.
  - 2. No member 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 Sheriff.
    - a. Employment in a licensed establishment for off premise consumption (deli, etc.) is not prohibited under this procedure.

- B. The Election Law (EL §17-110)
1. No member shall use his/her office or powers to aid or oppose any political party, to reward or retaliate against any member with respect to voting or party affiliation, or to solicit funds for a political party or other such organization.
- C. The Racing, Wagering and Breeding Law (RWBL §107)
1. Members of this office shall not hold, directly or indirectly any proprietary interest, stock, office, or employment with any form, association or corporation which:
    - a. Is licensed by the Wagering and Breeding Board to conduct pari-mutual racing.
    - b. Conducts its occupation, trade or business at racetracks at which pari-mutual race meets are conducted.
    - c. Own or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutual racing is conducted.
    - d. Participates in the management of any franchised holder or licensee conducting pari-mutual racing.
- D. Public Officers Law, Article 14 and General Municipal Law, Article 18
1. These statutes deal mainly with conflicts of interest. They impose certain prohibitions on activities by public officers and employees of municipal governments.
    - a. The proscribed activities include:
      - Acceptance of gifts worth more than \$75.
      - Disclosure of confidential information learned in the course of official duties.
      - Receiving compensation for providing services relating to matters before any agency of which they are employed.
    - b. The same laws also imposes several affirmative duties, including:
      - Disclosure of any interest in any contract or dealings with the employing government.
      - Disclosure of the fact that a municipal or State employee has an interest in any real property for which an application for any sort of variance is made.
      - Effective January 1, 1991, annual filing of financial disclosure forms is required of certain employees.

### **Reporting for Duty**

- A. All personnel, including supervisors and command staff, will report for duty at the time and place required by assignment or order, and all personal shall be physically and mentally fit to perform their assigned duties when reporting for duty and at all times when on duty.
- B. Personnel will report for work in possession of all proper Office issued equipment so that they may immediately assume their duty role.

- C. Personnel will not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Office or the County of Tompkins as to the condition of their health.
- D. Personnel are required to appear for all scheduled court dates. No member shall change or cancel any scheduled court date without approval of their Sergeant or Lieutenant. A dignified, professional demeanor and appearance are essential to maintaining the dignity of our court system. All employees representing the Sheriff's Office in court shall be clean and neat in appearance. *See G.O. Uniformity (In Progress)*. A member shall testify clearly, modestly, without bias, display of emotion, exaggerate or misrepresentation, and with sufficient distinctness, that the Court, jury and all counsel can easily hear the testimony given. All members are responsible for appropriate preparation and presentation of all documents necessary regarding the arrest or police action, as required by the Court or hearing agency having jurisdiction over the case. Members will remain in the court until their case is disposed of or until released by a competent authority.

### **On-Duty Conduct**

- A. Personnel will constantly, intelligently, and efficiently direct their best efforts to accomplish the purposes and mission of the Office.
- B. Personnel will not engage in any activity or conduct any personal business that may cause them to neglect or be inattentive to their official duties. In addition, they may not create an actual or potential conflict of interest that impacts their employment at the Office.
- C. Personnel will maintain sufficient physical and mental competency to perform properly their duties and assume the responsibilities of their positions.
- D. When personnel are in direct contact with the public, they will refrain from using any tobacco products. This restriction is not applicable to personnel in undercover operations.
- E. Personnel will promptly obey all lawful written or oral orders given by a supervisor. This includes orders relayed from a supervisor to the individual by other personnel of the same or lesser rank.
- F. Insubordination by any member of this Office is expressly prohibited. Insubordination consists of the following acts:
  - 1. Willful neglect or deliberate refusal to perform any lawful order given by a superior, supervisor or acting supervisor.
  - 2. Contemptuous or disrespectful language or conduct directed at a superior and/or acting supervisor.
- G. Personnel who are given an otherwise proper order that conflicts with a previously given order, rule, regulation, or directive will respectfully inform the supervisor of the previous conflicting order. If the supervisor issuing the order does not alter or retract the conflicting order, the supervisor's most recent (subsequent) order will stand.

1. The supervisor, upon receiving notice of a prior conflicting order, bears the responsibility for resolving any such conflict.
  2. After notifying the supervisor of the conflicting order, personnel will obey the second, or conflicting, order, unless instructed otherwise by the supervisor.
  3. Personnel, however, will not obey any order that they know or should know would require them to commit any violation of the Office or County policy or procedure or to violate any federal, state, or local law. If in doubt as to the legality of an order, personnel will request that the issuing supervisor clarify the order or personnel may confer with higher ranking authority.
- H. Personnel will use the proper chain of command when officially communicating with a superior. If circumstances require communication outside the normal chain of command, the employee will notify their immediate supervisor as soon as possible.
- I. While on duty, personnel will not possess or distribute personal business cards or any forms of marketing or advertisement promoting personal business.
- J. Personnel will not recommend or suggest to Office members or any private community member, a contracting, employment, procurement, or retention of a particular product, service, or commercial activity.
1. This includes, but is not limited to, recommending or suggesting an attorney, ambulance service, towing service, bondsman, or mortician.
  2. However, this restriction does not apply to personal transactions involving nonofficial office business.
- K. Personnel must not act officiously, abuse their lawful authority, or permit their personal feelings, animosities, or friendships to influence their official decisions.
- L. Personnel will treat the public with respect, courtesy and professionalism at all times.
- M. Police officers and Office employees are expected to conduct themselves in a professional manner at all times. Personnel are discouraged from using any language that could be considered profane, derogatory, or disrespectful toward any person. In certain situations, profanity may be acceptable, subject to review on a case-by-case basis.
- N. Personnel will not alter, misrepresent, or make any false statement in any verbal or written report or in any other written document that has been completed in the course of their employment.
1. Written documents include, but are not limited to, reports, citations, public records or documents, public vouchers, overtime slips, leave requests, personnel records, affidavits, or any other written instrument completed by Office personnel.
- O. Personnel will truthfully answer all questions specifically directed to them that are related to their employment and to all operations of the Office.

## **Office Property**

- A. Personnel will be responsible for safeguarding, using, and properly maintaining all office-issued property. All authorized equipment will be used only for its intended purpose, following established office procedures.
- B. Personnel will operate official vehicles in a careful and prudent manner and will obey all laws and all office orders about such operation. Official vehicles will be used by personnel while on-duty and for official business. Office take-home vehicles may only be used for minimal personal use as described in *G.O. Police Vehicles (In Progress)*.
- C. Except for emergency communication, the use of hand-held cellular telephones or electronic devices is prohibited while operating a county vehicle.
- D. Personnel will immediately report to their supervisor the loss or suspension of a driver's license.

## **On and Off-Duty Conduct**

- A. Personnel should not lend or offer their identification card or badge to anyone.
- B. Personnel will not authorize the use of their names, photographs, or official titles in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Sheriff.
- C. Personnel will always treat the official business of the Office as confidential. Information regarding official business will be disseminated only to those for whom it is intended, in accordance with established Office procedures. No member shall disclose information relating to any case under investigation or any matter being handled by the office when such disclosure may tend to defeat the ends of justice, interfere with the proper handling of an investigation or other official matter, or interfere with the administration of the office. Proprietary or nonpublic information of the office is considered confidential when labeled or declared as such. All employees must maintain the confidential and private nature of this information. Confidential information, whether verbal, written, video/audio, or machine readable which is accessible to employees through their course of employment with the office is for use only in the course of their official duties. Confidential information is not intended nor suitable for release to the general public.
- D. Personnel will avoid regular or continuous association or activity with persons whom they know or should know are under active criminal investigation or indictment. Personnel will also avoid associating or engaging in activities with person who have a reputation in the community of the Office for current involvement in felonious or criminal behavior, except as necessary in the performance of official duties or where unavoidable because of other personal relationships.
- E. Personnel will not knowingly visit, enter, or frequent a house of prostitution, fraternize with prostitutes, or knowingly visit, enter, or frequent an illegal gambling house, except in the performance of official Office business.
- F. Except in the performance of official Office business, personnel will not knowingly frequent any establishment wherein federal, state, or local laws are violated.

- G. Personnel will not knowingly interfere with any criminal or administrative investigations, assigned tasks, or the duty assignments of another employee. Personnel will not directly or indirectly, by threat, bribe or other means, attempt to secure the withdrawal or abandonment of an administrative or criminal complaint or charges. Personnel will not conduct any criminal or administrative follow-up investigation outside the scope of their assigned duties, without first having previous authorization from the primary investigator or immediate supervisor.
- H. Except through channels, No member shall advise any other member of pending, contemplated or recommended personnel action affecting such member.
- I. Retaliation by any member of this Office is expressly prohibited. Retaliation includes intentional adverse conduct towards any individual or group, not otherwise authorized by law or policy, in response to the individual or group taking these actions:
  - 1. Exercising their legal rights
  - 2. Making or supporting a complaint
  - 3. Making or supporting a claim
  - 4. Making a charge, testifying, assisting or participating in any manner with an investigation, proceeding or hearing
  - 5. Exercising their lawful duties
- J. Retaliation includes, but is not limited to, threats, intimidation, coercion, or other adverse action against any person in the workplace or community.
  - 1. Retaliation against personnel or community members who report misconduct or who cooperate with an investigation of misconduct is grounds for discipline, up to and including termination of employment.
- K. Personnel will not present themselves as the official representative of the Office without prior authority.
- L. Personnel will not engage in any unprotected speech or actions that disparage the Office, its policies, or other personnel in any manner.
- M. While on duty or off duty, personnel shall utilize social networking sites, blogs, Twitter, Facebook, or other forms of electronic communication with an appropriate level of professionalism and conduct as to not broadcast in a manner which is detrimental to the mission and function of the TCSO or has the potential to adversely impact the Office, its members or its operations. *See G.O. Social Media.*
- N. At no time will any member cause the reproduction of any portion of the rules, procedures, regulations to guidelines contained in this manual, for the purpose of distribution, or dissemination to any non-member of the Tompkins County Sheriff's Office, without permission of the Sheriff or his designee.

### **Alcoholic Beverages and Controlled Substances**

- A. Personnel will not bring or possess alcoholic beverages into any police facility, county facility, or county vehicle for any purpose during assigned work hours, including lunch periods or breaks, except in the performance of their official duties.

- B. Personnel will not consume any intoxicating beverages on duty, including on lunch periods or breaks, or while using office property, except in the performance of their assigned duties requiring its use.
- C. Personnel will not use intoxicating beverages while off duty if such use renders them unable to report for their next scheduled tour of duty or if the use would bring discredit to the office.
- D. Personnel will not use intoxicating beverages in excess while off duty if carrying a firearm.
- E. Personnel will not consume alcoholic beverages while off duty after being involved in an incident that may result in a criminal or administrative investigation of their conduct, until the investigator deems the preliminary investigation is complete.
- F. Personnel will not possess, store, or bring into any police facility, county facility, or county vehicle any controlled substances, narcotics or hallucinogens, except as required in the performance of their official duties or when such substances is prescribed for their use by a licensed medical professional.
- G. Personnel will not illegally possess any controlled substances as defined under New York and federal law. Any illegal possession is grounds for discipline, up to and including termination of employment.
- H. Personnel will not consume any controlled substances unless prescribed by a licensed medical professional. Any use of a controlled substance without a prescription is grounds for discipline, up to and including termination of employment.
- I. Personnel will notify their immediate supervisor when using prescription medicine that may impair their mental and/or physical performance. The employee will advise the supervisor of the known side effects of such medication and prescribed period of use.
  - 1. The employee may be temporarily reassigned to other duties during the time the employee is required to take the prescribed medication.
- J. Personnel will not consume any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
- K. On-duty personnel who unintentionally ingest or are forced to ingest a controlled substance will immediately report the incident to their immediate supervisor so that appropriate medical steps may be taken to ensure their health and safety.
- L. Personnel having knowledge that another employee is illegally using or processing any controlled substance will promptly report the facts and circumstances to their immediate supervisor.

### **Gratuities and Conduct**

- A. Personnel will not solicit or accept gifts, gratuities, or compensation either for themselves or for other personnel for services performed in the line of duty, other than that which is paid by the County of Tompkins or is allowed by the Public Officers Law and General Municipal Law, unless authorized by the Sheriff.

- B. Personnel must never accept gifts, gratuities, or advantages from any suspect, arrestee, inmate, defendant, or other person involved in any case, or from any person of ill repute, a professional bondsman, or person whose vocation may profit from information obtained from the Office.
- C. If an establishment has a policy to provide food, beverages, and/or services at a lesser rate for Sheriff's Office personnel, the establishment will not receive any official considerations but will be treated the same as any other establishment.
- D. The Office does not endorse its personnel accepting any item free of charge or at a discounted rate that is not available to the general public.
- E. Personnel will not use their official positions to gain entry into any event without paying admission, except while on official duty.
- F. Personnel will not use their official position, official identification, card or badge, or official TCSO logo or letterhead to solicit any benefits or gratuities for any personal, official, or financial gain; to obtain privileges not otherwise available to them; or to avoid any consequences of illegal conduct.

Attachments:

- A. [Oath of Office card](#)
- B. [The Administrative Manual: The Policies and Procedures of Tompkins County Government](#)

By Order Of



Derek Osborne  
Sheriff