

# CODE OF CONDUCT

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REFER TO: John Cleere

## I. OBJECTIVE:

To provide a general guide to the professional behavior expected of members of the Seneca County Sheriff's Office; to define their accountability for compliance; and to insure that the disciplinary sanctions to be imposed for violations are clearly stated.

## II. POLICY:

The Code of Conduct set forth herein will apply equally to all members of the SCSO, including part-time employees, except in those instances where a clear distinction of applicability is made. It will be the responsibility of supervisory personnel to certify that the policies and procedures are understood by all in their command. The Sheriff reserves the right to amend the Code of Conduct and any applicable directive at any time, with written notice to all members.

## III. DETAILS:

Although the Code of Conduct is not intended as an all-inclusive guide to proper conduct and may not anticipate all of the various situations or activities in which an employee may become involved, in every instance the member will be held accountable for one's conduct. In other words, each member is considered to be responsible for one's own acts and will not shift the burden of responsibility to another for improper performance or for failure to execute a lawful order or duty.

Members will not commit any act or omission which constitutes a violation of any of the rules, regulations, procedures, orders, or policies of the SCSO. Ignorance of such rules, regulations, procedures, order or policies will not be considered as justification for any violation.

Each member has the obligation to keep informed of all current rules, regulations, and policies which pertain to that position. No act or omission, which the member knows or should have known to be improper, will be condoned merely because no specific prohibition is stated.

**A. Orders and discipline –**

1. OBEDIENCE TO LAWS, ORDINANCES, RULES AND REGULATIONS Members and employees of the Office of Sheriff will obey the laws of the United States, New York State, and all laws and ordinances applicable to the County of Seneca, as well as all rules, regulations, orders and authoritative instructions of the Office of Sheriff.

In order to bring an allegation of any violation of law or ordinance, rule or regulation, as a basis for a charge under this section, it is not required or necessary that a formal criminal complaint be filed, but only that facts exist which, if proven, would constitute a violation of the law or ordinance, rule or regulations in question.

2. FAMILIARITY WITH LAWS, ORDINANCES, RULES AND REGULATIONS - Members and employees of the Office of Sheriff will be knowledgeable of applicable federal, state, city, town and village laws or ordinances, and will study and become familiar with the rules and regulations, directives and policies of the SCSO which affect their duties.
  - a. A member or employee of the SCSO who is returning to duty from any type of leave will acquaint oneself with all amendments, additions, or newly promulgated orders or other authoritative instructions which may have been issued during one's absence.
  - b. Unfamiliarity or ignorance of the rules and regulations will not constitute a defense in any disciplinary proceeding.
  - c. It will be the responsibility of every member and employee to keep any issued reference material current by promptly making any directed changes in the Manual of Instructions, or similar written directives.
3. OBEDIENCE TO ORDERS - Each member or employee will promptly and obediently comply with all lawful orders. Failure to do so will be considered insubordination. When, in the performance of official duty outside the County of Seneca, a member will carry out any lawful order or directive as may be given by a competent authority.

4. ISSUANCE OF ORDERS - All orders, written or oral, from any supervisor to any subordinate, will be in clear understandable language, civil in tone, and restricted to the pursuit of SCSO business and in accordance with all legal requirements.
5. CONFLICT OF ORDERS - A member or employee of the SCSO who is given an instruction or order which conflicts with any previous instruction or order will, in a civil manner, call this fact to the attention of the person issuing the second order. If so instructed, the latter order will be obeyed.

A previous order or instruction will be countermanded only when necessary for the good of the SCSO. The supervisor issuing the countermanding order will bear the responsibility for justifying the action, and for notifying the person who issued the original order.

6. CHAIN OF COMMAND - No member of the SCSO will fail to follow the chain of command for any reason other than because of the absence of the member's immediate supervisor, in which case the next superior officer will be contacted.

The following is the chain of command for the SCSO as it applies in the various components:

- a. For the Law Enforcement Bureau:
  - Sheriff
  - Undersheriff
  - Chief Deputy
  - Lieutenant
  - Sergeant / Investigator
  - Deputy Sheriff
  - Special Patrol Officer
  - Navigation Officer
- b. For the Criminal Investigations Bureau:
  - Sheriff
  - Undersheriff
  - Chief Deputy
  - Lieutenant
  - Sergeant
  - Investigator
- c. For the Corrections Bureau:
  - Sheriff
  - Undersheriff

Chief Deputy  
Chief Administrative Officer/Jail Administrator/Lt. (OIC)  
Lieutenant  
Senior Corrections Officer (Sergeant)  
Corrections Officer

- d. For the Administrative Bureau:  
Sheriff  
Undersheriff  
Chief Deputy  
Division Supervisor  
Member

As noted in paragraph III. (N)(2) of "Organization," this Manual, when members of more than one component are involved in a single operation, the officer holding a higher rank may relinquish command to an officer having primary functional responsibility for that operation; however, the officer of higher rank bears ultimate accountability.

7. CAUSES FOR DISMISSAL - A member or employee will hold employment during good behavior and efficient service, but such employment may be terminated under conditions set forth in existing laws and rules and regulations of the SCSO.
8. COMPLAINTS AGAINST MEMBERS - Complaints against members or employees of the SCSO will be investigated as quickly and thoroughly as possible in accordance with current directives. (See **"Professional Conduct Unit"**) in this manual.
9. INSUBORDINATION – Insubordination by a member or employee of the SCSO in word or deed is prohibited and may result in disciplinary action. Insubordination also includes, but is not limited to the aforementioned actions and will include the following: when any subordinate ranked member of the Seneca County Sheriff's Office; strikes, assaults, or treats with contempt or is disrespectful in language or deportment, any superior ranked member of the SCSO.
10. CONDUCT UNBECOMING A MEMBER– Members will not engage in any conduct or activities either on or off duty that brings discredit on the member, or tends to bring the Seneca County Sheriff's Office into disrepute, or impair its efficient and effective operation.

11. PENALTIES - A member of the SCSO found to be in violation of one or more of the provisions of this directive may be subjected to one or more of the following actions: oral or written reprimand, reduction of leave, suspension with or without pay; demotion in rank or dismissal from employment.

Separation by the Sheriff is warranted for incompetent, inept or inefficient performance of duty. Repeated disciplinary actions, even for minor infractions will be considered prima facie evidence of unsuitability for employment in the SCSO.

#### **B. PERFORMANCE OF AND ATTENTION TO DUTY –**

1. GENERAL DUTIES - Members of the SCSO will, at all times, within the limits of their authority, protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, and enforce those laws of the United States, the State of New York, the County of Seneca, and the laws and ordinances of the towns and villages of Seneca County, in which the SCSO has jurisdiction.
2. PERFORMANCE OF DUTY - Any member or employee found unable or reluctant to perform his or her duties, or whose actions bring discredit upon the SCSO, will be subject to disciplinary action.
3. RESPOND WHEN DIRECTED - Every member of the SCSO will immediately respond as directed on notice from competent authority that one's services are required.
4. AVAILABILITY FOR ASSIGNMENT - Unless a member is in a disability or official leave status, it is expected that one will be available for call out. An address and one or more telephone numbers where the member can be contacted are to be on record at the SCSO. An employee's telephone number will not be disseminated to anyone outside the SCSO without the employee's authorization.
5. STATUS - A member or employee of the SCSO will advise the supervisor, in writing, of any change of address, telephone number, dependent or marital status within 24 hours of such change.

6. REPORTING FOR DUTY - A member or employee of the SCSO, unless otherwise directed, will present oneself for duty at the time and place specified by the assignment. A member will complete the number of hours on duty required by the assignment. Any member or employee found unable or reluctant to perform his or her duties, or whose actions bring discredit upon the SCSO, will be subject to disciplinary action. Officers reporting for duty shall, at the discretion of the component Sergeant, be in the Seneca County Law Enforcement Center or in the assigned post. Upon arrival in post, the previous shift officer is relieved, but shall be available to complete any necessary paperwork or to meet with the Sergeant, if required.
7. ABSENCE FROM DUTY - A member or employee of the SCSO not, under any circumstances, be absent from duty without notifying a supervisor from the members component (Sergeant or higher ranking Officer) of the reason for absence. Prior permission must be obtained for an absence which is not of an emergency nature. An absence due to sickness must be reported as soon as possible.

When, by reason of illness or other emergency, an officer is unable to report for work, the component shift Sergeant must be notified immediately. Failure to do so will result in the absence being designated as an unpaid day for the officer.

8. ACTION REQUIRED REGARDLESS OF ASSIGNMENT - Assignment of a member to special duty does not relieve one of the responsibility of taking necessary and proper police action even though such action may be outside the specific area of one's special assignment. An exception to this rule will occur when a member is performing an undercover assignment and revelation of one's official capacity would jeopardize such assignment. The use of good judgment is imperative.
9. COOPERATION/COORDINATION - Members and employees of the SCSO will coordinate their activities so that through teamwork the maximum achievement and continuity of purpose may be insured. All members are responsible for fostering and maintaining a high degree of cooperation within the SCSO.

10. SEEKING INFORMATION REGARDING DUTIES - A member or employee of the SCSO who is in doubt as to the nature of or details concerning the assignment will immediately seek such information from one's supervisor.
11. INSPECTING AREA OF ASSIGNMENT - Each member, upon reaching the assigned post, will inspect his or her area of assignment as soon as possible and note any condition requiring attention. Disciplinary action may be instituted against any member who negligently fails to discover, report and take action as required to secure his or her area.
12. LEAVING AREA OF ASSIGNMENT - No member will leave one's geographic area of assignment unless specifically dispatched or authorized to do so by a Communications Officer or supervisor, and then only on official SCSO business. In no event will an on duty member leave the county limits except when engaged in official business, authorized by the supervisor, or in close pursuit of a violator.
13. ATTITUDE/IMPARTIALITY - Members of the SCSO, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants, violators and inmates.
14. COURTESY - Each member of the SCSO will perform one's duties in an efficient, courteous and orderly manner using patience and good judgment at all times; will refrain from crude, profane or insolent language; but, will be civil in all one's dealings.
15. ASSISTANCE TO FELLOW OFFICERS - No member of the SCSO will fail to aid, assist and protect a fellow officer in the time of need to the fullest extent of one's capabilities, in accordance with established procedure.
16. ASSISTANCE TO CITIZENS - Members and employees of the SCSO will render all possible service to citizens in accordance with established policies and procedures.
17. MEDICAL ATTENTION - All members will insure that any injured or ill persons are given the opportunity for medical attention.
18. EXECUTING WARRANTS PROMPTLY - Members of the SCSO are expected to serve, promptly, any and all warrants assigned to them for service. See procedures set forth in "**Warrants**" in the LEMOI.

19. ARRESTS IN CONFORMITY WITH LAW - Members of the SCSO will make arrests in conformity with the laws of arrest.
20. DISPOSITION OF ARRESTED PERSONS - All members will follow through on all arrested persons who are taken into custody by them as prescribed by established procedures unless otherwise directed by a commanding officer or when medical attention is required.
21. REDUCTIONS: A member will not request or solicit a reduction in any criminal or traffic offense or in any way become involved in reducing such offenses or in seeking reductions in penalties assessed for such offenses, except, in accordance with instructions concerning the reduction of a driving while intoxicated traffic charge.
22. COURT APPEARANCE - Members and employees of the SCSO when summoned to appear before any judicial, hearing, or investigating body authorized to take testimony will attend punctually in uniform or other attire, as appropriate. If you are summoned to court as a witness, the County will pay you for your time. Personnel will not take any compensation in the way of a witness fee from anyone.
23. NON-APPEARANCE - Any member summoned to appear to testify and who fails to do so without a valid excuse is guilty of neglect of duty.
24. REFUSAL TO TESTIFY - A member or employee of the SCSO who, when summoned to appear before any duly authorized judicial hearing or investigating body refuses to testify, will be guilty of neglect of duty unless express permission for such action is granted by the Sheriff.
25. LOITERING, SLEEPING, LOAFING ON DUTY - No member or employee of the SCSO will loiter, sleep or loaf on duty or in any other manner shirk one's responsibilities in the performance of duty.
26. CONDUCTING PERSONAL BUSINESS ON DUTY - Members will not conduct any personal business with solicitors, collectors or salesmen while on duty. Members and employees of the SCSO will not devote any of their on duty time to the pursuit of any private business or enterprise, unless authorized by the Sheriff or Undersheriff.
27. READING ON DUTY - Members and employees of the SCSO will not read newspapers, periodicals or books unnecessarily while on duty. This rule does not prohibit the reading of any material concerning police work. These publications may be read or studied as long as they do not interfere with the performance of assigned duties.



28. GAMES/RECREATIONAL ACTIVITY ON DUTY - Members and employees of the SCSO will not engage in any recreational activity or games of chance while on duty, except under instruction from the Undersheriff or Sheriff.
29. CONCEALING SELF ON DUTY - No member or employee of the SCSO will conceal oneself while on duty, except for a legitimate police purpose or upon instruction from the Undersheriff or Sheriff.
30. MEAL PERIODS - Members and employees will secure meal periods in accordance with the following:
- a. Secretarial and clerical employees (assigned to a 40 hour workweek) are permitted a meal period not to exceed 1/2 hour per workday.
  - b. All others (assigned to a 40 hour work week) are expected to secure meal periods when convenient, but not to interfere with the performance of duty.
31. LOITERING IN PUBLIC PLACES - Members of the SCSO, while on duty, will not loiter about or congregate in any restaurant or other public place unless in the performance of police business. This restriction also applies to off duty members if in uniform. No more than two SCSO patrol vehicles will congregate in any public place without permission of the duty sergeant, except in the performance of official business.
32. SUPERIOR OFFICERS ADDRESSED BY RANK - When on duty in public, superior officers will be addressed or referred to by rank.
33. SICK LEAVE, PERSONAL LEAVE, VACATION, PENSIONS, MEALS, WORK WEEK, UNIFORMS - Rules and procedures pertaining to sick leave, personal leave, vacation, pensions, meals, work week and uniforms will be followed according to the provisions of the employees' contract.
34. INJURIES TO PERSONNEL - An injury sustained by a member or employee of the SCSO may fall under the Workers' Compensation Law, Section 207-c of the General Municipal Law, or NYS Disability Insurance. The first two will require an investigation and report by a supervisory officer.

The incident report will include the injured's name, rank, badge number, date, time, location and complete details surrounding the cause of injury, will be submitted to the duty Lieutenant or Chief Deputy within twenty four (24) hours of the sustained injury. If appropriate, photographs of the injury should accompany the report.

The Sheriff and/or Undersheriff will be apprised of an employee's injury. (See Employees' Agreement(s))

35. PUBLIC CRITICISM – No member or employee of the SCSO will publicly criticize any other employee of the SCSO. Public Criticism of the Sheriff, Undersheriff or any supervisory officer is strictly forbidden. (Ref: Case Law: Hall v. Pennsauken, 406 A. 2d 317 (1978))
  
36. EMPLOYMENT - No member or employee of the SCSO after having been charged with and convicted of a Felony, or any other crime in violation of the members Oath of Office, pursuant to Section 30 (1)(e) of the New York State Public Officers Law, will be allowed to remain as a member of the SCSO, unless there are extenuating circumstances as determined by the Sheriff.

#### **C. USE OF OFFICIAL POSITION –**

1. USE OF BADGE OR POSITION FOR PERSONAL GAIN - A member or employee of the SCSO will not, at any time, use or attempt to use one's official position, badge, credentials or identification in order to obtain a personal or financial gain or advantage, except as a legitimate and positive means of identification for the purpose of securing credit or cashing a draft on which one is shown as the payee.
  
2. USE OF NAME/PHOTOGRAPH FOR COMMERCIAL PURPOSE -No member or employee of the SCSO will, without the written permission of the Sheriff, permit one's name or photograph to be used as an endorsement of any product or service which is connected in any way with the law enforcement profession. Neither will one allow one's name or photograph to be used in support of any commercial enterprise which alludes to one's employment with the SCSO.
  
3. OFF DUTY POLICE ACTION -
  - a. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
  - b. Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight,

except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

- c. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
  - d. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
  - e. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the Sheriff or his or her designee.
  - f. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.
  - g. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.
  - h. Officers shall not solicit nor accept any private or outside remuneration for appearing at a civil or criminal court action which involves the official duties of the officer or business of the Sheriff's Office. Any remuneration from any entity given to an officer for any court appearance based on his expertise gained as a member of the SCSO, which does not involve the official duties of the officer, the official duties of any other member of the SCSO or any business of the SCSO shall immediately be reported to the Sheriff in writing.
  - i. Officers will not while off duty and acting as a private citizen, based on expertise derived as a member of the SCSO testify as a witness, in any case in which the SCSO has had any investigatory role without the express authorization of the Sheriff.
- 4. FREE ADMISSIONS - A member or employee of the SCSO will not solicit free admissions to theaters or other places of amusement for oneself or for another, except in the line of duty.
  - 5. INTERFERENCE WITH PRIVATE INTERESTS - No member or employee of the SCSO will interfere with legitimate private interests.
  - 6. LIQUOR ESTABLISHMENTS - A member or employee of the SCSO will not own, operate, have an interest in, or be in any way connected with, directly or indirectly, any place of business in which alcoholic beverages are sold or served. "See III (G) below."

7. RECOMMENDATION OF LEGAL COUNSEL - A member or employee of the SCSO will not solicit, suggest, recommend, advise or counsel the engagement, retention or discharge of any specific attorney or law firm, or any bail bondsman or company, for the purpose of rendering legal aid or assistance to any person seeking such assistance as the result of a police matter. This prohibition will be deemed not to apply to members or employees themselves, or to their families.
8. WITHDRAWING CHARGES - No member of the SCSO will withdraw charges for any offense committed against one's person or property while engaged in one's duties as a police officer, unless such action is approved by the Sheriff.
9. COMMUNICATING INFORMATION TO AID EVASION - No member will communicate any information which may enable a person to evade arrest and punishment for an offense, or enable the disposition or concealment of property, stolen or embezzled.
10. CIVIL CASES - No member or employee of the SCSO will use the influence of one's office in, or provide assistance to the pursuit of a matter which is strictly private and civil in nature, except in performance of one's assigned duty or where a breach of the peace has occurred or is imminent.
11. ALTERING REPORTS - Except for the correction of grammatical errors, no member or employee of the SCSO will alter or withdraw any official report or communication which is being sent through the chain of command without the approval of the appropriate supervisor. All such communications will be forwarded without delay.
12. GENERATING REPORTS - Members and employees of the SCSO are expected to take the initiative in preparing a written record of any incident, criminal or disciplinary, which could affect the operation of the SCSO. No member or employee will advise, counsel, order or otherwise dissuade any other member or employee from making and submitting any lawful or proper report, whether concerning criminal or disciplinary matters.
13. FALSE REPORTS - No member or employee of the SCSO will knowingly make or submit any type of official communication, or enter or cause to be entered in an official record, any false, inaccurate or improper information.
14. INMATE REQUESTS FOR INFORMATION - Correspondence from an inmate in either the NYS Correctional System, or any local

correctional facility seeking information will be brought to the Sheriff's attention for review prior to making a response.

15. TRADING OR BARTERING WITH INMATES – Any trading or bartering with prisoners by any person associated with the operation of the SCSO Correctional Facility is strictly prohibited. No person(s) shall receive a gift of any nature whatsoever from any prisoner. These same prohibitions apply to relatives or friends of prisoners or to any other person acting in the prisoner's behalf.

D. GENERAL CONDUCT - Members or employees of the SCSO will conduct themselves, in both their professional and private lives, in a manner that will bring neither discredit nor embarrassment upon the Seneca County Sheriff's Office.

1. CONSORTING WITH PERSONS CONVICTED OF FELONIES, OR CURRENTLY ON PROBATION OR PAROLE:

No member or employee of the SCSO will frequent public or private places where such persons are known to congregate, except in the performance of one's assigned duties.

Members and/or employees of the SCSO will not engage or enter into a "intimate relationship" or "living arrangement" with any former inmate of the Seneca County Correctional Facility who has been convicted of a felony, or, is currently serving a term of probation or parole.

**Definition:**

"Intimate relationship" - Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors to be considered in determining whether a relationship is an "intimate relationship" includes but are not limited to: the nature of the relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship."

"Living arrangement" - Sharing or co-habiting in the same household with any person who has been convicted of a felony, or is currently serving a term of probation or parole.

**Reporting requirements** - Members and employees are required to report to their Division Commander in writing when and if they enter into a "living arrangement" or "intimate relationship" with any former inmate of the Seneca County Correctional Facility so that an assessment may be

undertaken by the Sheriff to ensure compliance with this section of the Code of Conduct.

2. TRUTHFULNESS - A member or employee of the SCSO is required and will be relied upon to be truthful in both speech and writing, whether or not under oath.
3. GOSSIP - A member or employee of the SCSO will refrain from participating in the receipt or transmission of groundless rumor of a personal, sensational or intimate nature.
4. INDEBTEDNESS - A member or employee of the SCSO will be expected to promptly pay all just debts and legal liabilities incurred. No member will sell or assign one's salary, nor will one incur or become obligated for any debts or liabilities for which one is unwilling or unable to pay.
5. REWARDS - No member or employee of the SCSO will accept any reward, fee or payment for, or as the result of any service rendered in the line of duty to the community or any person, unless prior permission to do so has been received from the Sheriff.
6. COMPENSATION - No member or employee of the SCSO will seek, solicit or bring suit for, nor will one accept from any person or agency, money or other compensation for damages and/or expenses incurred in the line of duty, or for which compensation in the form of sick pay or other remuneration has already been received, without prior notification to the Sheriff in writing.
7. DISCUSSION OF EVIDENCE - No member or employee of the SCSO will discuss with legal counsel, the particulars of, or the evidence pertaining to an official proceeding being conducted by the SCSO, except in the presence of, or with the prior knowledge of the Sheriff or Undersheriff. This restriction will not apply to necessary discussions held with attorneys representing the People of the State of New York in their official capacity.
8. CONFIDENTIAL INFORMATION - A member or employee of the SCSO who receives information regarding criminal activity, which is provided in confidence, will respect such confidence unless there is a compelling reason to do otherwise. For specific procedures to be used in dealing with informants and other confidential sources, (See "Informants") in the LEMOI.
9. DIVULGING POLICE INFORMATION - No member or employee of the SCSO, receiving information as a consequence of one's official position, from records or otherwise, will make such information available

to anyone except as permitted by law or competent authority. See paragraph G below.

10. MEMBERSHIPS AND ORGANIZATIONS - No member or employee of the SCSO will join or continue membership in any organization or society whose object or purpose, either directly or indirectly, is or becomes inimical to the strict observance and respect for the law. Neither will any member or employee knowingly affiliate with a subversive organization except in the line of duty and with the knowledge and consent of the Sheriff.

11. SPEECHES, STATEMENTS, RELEASES - No member or employee of the SCSO will address a public gathering, make a public statement or release for publication any written material or photographs concerning the operation or administration of the SCSO, unless authorized to do so by the Sheriff or Undersheriff.

Any story, speech, address, statement or article relating to the work, activities or policies, or pertaining to any member of the SCSO, must receive the approval of the Sheriff or Undersheriff prior to its being delivered or disseminated. This provision will not apply to testimony as required by law.

12. CORRESPONDENCE AND LETTERHEADS - Correspondence prepared on official SCSO stationery will be over the name of the Sheriff or of the Undersheriff; however the file or office copy of such correspondence should show the initials of the writer. Members and employees will not use SCSO letterhead stationery for unofficial correspondence.

13. PERSONAL BUSINESS CARDS - Except as authorized by the Sheriff, no member or employee will use a personal business card which indicates one's SCSO affiliation or rank.

14. EXPENDITURE OF SCSO FUNDS – No member or employee of the SCSO will make any expenditure nor incur any obligation on behalf of the SCSO without prior knowledge and permission of the Sheriff. This prohibition pertains to articles or supplies which may be purchased and to work which may be ordered in the name of the SCSO.

15. TELEPHONE CALLS - Collect telephone calls will not be accepted on behalf of the SCSO unless it is clear that they are in connection with official business. Members and employees are not permitted to make any long distance calls via SCSO facilities unless such calls are work related.

16. USE OF FORCE - The unlawful use of force upon the person of another by a member or employee of the SCSO is strictly forbidden (See "Use of Force") this manual.

17. PISTOL PERMITS - Members of the SCSO are forbidden to sign an application for a pistol permit as a character reference.
18. POLITICAL ACTIVITY -  
Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:
- a. Engage in any political activity;
  - b. Place or affix any campaign literature on county-owned property;
  - c. Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
  - d. Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
  - e. Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;
  - f. Favor or discriminate against any person seeking employment because of political opinions or affiliations;
  - g. Participate in any type of political activity while on duty
19. POSSESSION OF ALCOHOLIC BEVERAGES - No member or employee of the SCSO will possess an alcoholic beverage within the confines of the SCSO or in any Sheriff's vehicle, except that which has been seized as evidence or contraband, or is found property.
20. USE OF ALCOHOLIC BEVERAGES - A member or employee of the SCSO, unless in the performance of duty, will neither drink nor purchase an alcoholic beverage while on duty. Under no circumstances will a member partake of an alcoholic beverage in public view while attired in uniform or any part thereof. No member or employee will, at any time, consume alcoholic beverages to the extent that one is rendered unfit to perform or report for duty, or which results in the commission of an act which could bring discredit to the SCSO or to oneself.
21. USE OF TOBACCO - A member of the SCSO will neither smoke nor chew tobacco while conducting the Sheriff's business with the public, nor at any other time if such behavior will detract from the member's professional image.
22. TIMEPIECE - It will be the personal responsibility of every member of the SCSO to equip oneself with a suitable timepiece, reasonably accurate, and to carry it at all times when on duty.



23. PROPERTY AND EQUIPMENT - Each member or employee of the SCSO will be held responsible for the proper care and use of SCSO property and equipment assigned to or used by that person. Specific details in this regard will be found under (See "Personal Equipment & Apparel") in the LEMOI and/or "Equipment & Apparel" in the CMOI.
24. FOUND AND RECOVERED PROPERTY - All property found, confiscated or recovered which comes into the possession of the SCSO will be surrendered immediately to the Identification Officer who has responsibility for such property. (See paragraph L, "Collection & Preservation of Evidence") in the LEMOI.
25. REPORTING INFORMATION REGARDING CRIME - Members and employees of the SCSO will communicate promptly to their immediate supervisor all information on crime or criminal activity of which they may have knowledge in accordance with current directives.
26. REPORTING ARRESTS AND COURT ACTIONS - Members and employees of the SCSO will immediately report to the Sheriff any arrests or court action instituted against them.
27. UNIFORMS - A member whose assignment requires one to be attired in an SCSO uniform, will wear it in the manner prescribed.
28. PROFESSIONAL APPEARANCE - It is expected that each member of the SCSO will take pride in one's appearance and will conform to all standards of uniform appearance for their position.
29. OFF-DUTY PRESENCE AT THE SCSO - A member or employee of the SCSO who is off duty and not otherwise engaged in official business will not loiter in or about SCSO work areas.
30. TITLE - A member of the SCSO, in the performance of duty, will use the title "Deputy Sheriff", "Correction Officer", "Special Patrol Officer", or "Navigation Officer" when signing reports, accusatory instruments including traffic tickets, court documents and other communications in one's official capacity. The abbreviations for rank, such as "Dep.", "CO.", "SPO", "NO", "Inv.", "Sgt.", "Lt.", "CD" and "US" are permissible for use in reports.

31. WITNESS - No member of the SCSO will testify as a character witness at any trial or hearing, for either the accused or complainant, without the explicit approval of the Sheriff. Any member or employee who is subpoenaed to testify, expects to be called to testify, is requested to testify, or who otherwise intends to testify on behalf of a defendant, against any governmental agency will immediately notify the supervisor of such development prior to the giving of such testimony. If the governmental agency is the SCSO, the County of Seneca or a subdivision thereof, the Sheriff and the Seneca County Attorney must be immediately advised.
32. OUTSIDE EMPLOYMENT - Except for an occasional investment in real property or securities or sale of a house, motor vehicle or other personal property not performed in the course of a business, "outside employment" means the rendering of any service or sale of anything for pay or remuneration from any source other than the SCSO, or participation in any activity for which such pay or remuneration is received.

An employee of the SCSO may engage in outside or off-duty employment subject to the approval of the Sheriff. A request for approval will be in writing and submitted through the chain of command. The conditions for granting approval will include the following:

- a. Outside employment may not exceed 20 hours in any one calendar week.
- b. Requested employment cannot affect the physical condition of the employee to the extent that one's ability to perform one's regular duties is impaired. Approval to engage in employment that poses an unusual risk of injury or death will not be given.
- c. In the event an employee suffers an injury or illness while engaged in outside employment, the County will provide no compensation. For any absence from duty as a result of such injury or illness, the employee must rely on accrued Sick or Annual Leave or on any accumulated compensatory time. Nor may an employee engage in outside employment while in the status of Sick Leave, on disability or Workers' Compensation.
- d. Outside employment must not interfere with an employee's scheduled duty, overtime duty, or availability for emergency or other call-in duty. In all circumstances, an employee's responsibility to the SCSO takes precedence over any outside employment. No special consideration will be shown for an employee's outside employment in the preparation of duty rosters.
- e. An employee engaged in outside employment may not wear any part of one's official uniform, use any item of SCSO equipment,

or use a County-owned vehicle in the performance of or for transportation to or from outside employment.

- f. An employee may not accept employment in any position that is specifically prohibited by law. These include activities associated with harness or thoroughbred racing or activities requiring the direct or indirect interest in the manufacture, sale or serving of alcoholic beverages. Neither will an employee knowingly accept outside employment for nor with any person of questionable character.
- g. An employee may not be employed in a position where powers, normally vested in a police officer, are a condition of employment, whether actual or implied, or where such employment may conflict or interfere with directives of the SCSO.
- h. In the event an officer must make an arrest in connection with his outside employment, for instance, as a member of a security organization, he will do so as a private citizen. Any subsequent court appearance relating to the arrest will be while in an off-duty status.
- i. A probationary employee may not engage in outside employment.
- j. Notwithstanding the above, employees will not engage in the business of private process serving, with or without compensation, nor will they serve any process that has not been officially received and recorded by the SCSO, unless specifically authorized by the Sheriff under conditions set forth herein.
- k. When an employee receives approval to engage in outside employment, the approval is exclusively for the described work, employer and conditions of employment. Any change must be the subject of a newly sought approval.
- l. The Sheriff may withhold or revoke approval to engage in outside employment when it is deemed to be in the best interests of the Office of Sheriff.

33. KEYS - It will be the responsibility of a Lieutenant to issue a key or electronic swipe access card to SCSO space when deemed necessary to a member's or employee's duties. Each issuance is for the employee's exclusive use and is to be recorded on an appropriate form which will be placed in the member's file for assigned SCSO equipment. Upon termination of employment, or cessation of duty for any other reason, SCSO electronic swipe access cards, and any and all keys will be surrendered to a Lieutenant for return to safe keeping. No member or employee of the SCSO will permit the duplication of any SCSO electronic swipe access card or key without first obtaining the permission of the Sheriff.

34. PERSONAL APPEARANCE - It is expected that each member of the SCSO will take pride in one's appearance and be aware that the public will be more apt to accept direction from an officer who is neat, clean and businesslike. Members of both the Law Enforcement and Corrections Bureaus will report for duty, beardless and freshly shaved. Moustaches are permitted but are to be neatly trimmed and must not extend below the upper lip nor beyond the natural cheeklines immediately to either side of the mouth. (No Fu Manchu or handlebar moustaches) Waxed moustaches are not allowed. Hair will be trimmed and combed and must not extend over the ears or collar. Sideburns will not reach below the ear lobe nor be more than one inch in width. Fingernails will be clean and not extend beyond the end of the finger. Common sense and a regard for safety precludes the wearing of earrings by any uniformed officer.
35. PHYSICAL CONDITION - SCSO members are often called upon to perform strenuous physical tasks in connection with their duties. Each member is expected to keep oneself physically fit and at a weight appropriate to one's height and frame in order to safely and satisfactorily perform all assignments.
- Required physical examinations to continue employment, in accordance with the provisions of the Employees' Contractual Agreements, will be provided at County expense.
36. HARASSMENT - Harassment (other than Sexual Harassment as treated elsewhere in this Manual) is defined as offensive conduct that unreasonably interferes with an individual's work performance and/or creates an intimidating, hostile, or offensive work environment. Such conduct is strictly prohibited and will be immediately and thoroughly investigated. Where allegations can be substantiated, effective and appropriate disciplinary action will result as provided for in ¶E below. Any employee subjected to harassing treatment is encouraged to report same to a supervisor who is not involved in the harassing conduct. Any supervisor receiving a complaint of this nature must take appropriate action toward its resolution.
37. SMOKING - In accordance with NYS Law, smoking is not permitted in public buildings and, therefore, is prohibited in all County buildings.

38. **DRUG-FREE WORKPLACE** – As of January 1, 2009, the Seneca County Board of Supervisors has in effect a Seneca County Policy Manual of which a “Drug-free Workplace Policy” conforming with Federal requirements is included. The Seneca County Policy Manual is available to all employees through the Seneca County intranet computer system.

**“STATEMENT OF POLICY – DRUG – FREE WORKPLACE”**

This is to reiterate, and state in a more formal way, our General Statement of Policy regarding the work-related effects of drug use and the unlawful possession of controlled substances on County premises. The county’s policy is as follows:

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug free, healthy, safe and secure work environment.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on County premises or while conducting County business off County premises is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

The county recognizes drug dependency as an illness and a major health problem. The county also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use our Seneca County Community Counseling Center, health insurance or other community agencies, as appropriate. Conscientious efforts to seek such help will not jeopardize any employee’s job, and will not be noted in any personnel record.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off County premises while conducting County business. A report of a conviction must be made within five (5) days after the conviction.

The County will notify the U.S. Department of Housing and Urban Development within ten (10) days after receiving notice from any employee or otherwise receiving actual notice of conviction for a controlled substance violation. Within thirty (30) days of receiving notice of a conviction, the employer will take such action against the employee, which can range from, up to and including, discharge or a requirement of satisfactory participation in a drug abuse assistance or rehabilitation program.

The County of Seneca will make every effort to maintain a drug free workplace by complying with the law's requirements.

39. SAFETY & HEALTH – As of January 1, 2009, the Seneca County Board of Supervisors has in effect a Seneca County Policy Manual of which a Safety and Health Policy directing the establishment, administration and enforcement of safety and health practices for all Seneca County employees. The following are excerpts from the County's policy statement of particular interest to Seneca County Sheriff's Office.

“Accident prevention requires teamwork, cooperation, and commitment from all employees. This includes employees, supervisors, and department heads equally. The County is committed to the use of proper protective clothing and equipment. Required protective clothing and equipment shall be properly used and cared for by all employees. Failure to properly care for and use these items is subject to disciplinary action. Safety and health practices must and will take precedence over expediency or short cuts.

It is management's responsibility to instruct employees and to ensure that they know how to perform their duties in an acceptable manner. Employees are encouraged to request instructions in those tasks or in the operation of equipment with which they are not familiar. Employees should inform the supervisor immediately if they detect or even suspect an imminent danger. This term is defined by federal regulations “as a condition where there is reasonable certainty that a danger exists that can be expected to cause death or serious physical harm immediately, or before the danger can be eliminated through normal enforcement or corrective measures.” Of course, less critical conditions should also be routinely reported.

Every employee should know his/her exact duties in case of an accident, fire or other catastrophe. Awareness of emergency phone numbers, evacuation procedures and for seeking emergency help is the responsibility of every employee. Housekeeping plays an important role in accident prevention. It is each employee's responsibility to keep his/her work area clear of any potential accident causing hazard.

- E. DISCIPLINARY PROCEDURES – Any supervisor, who shall observe any violation by a member may take disciplinary action against that member including the immediate removal of the member from duty, provided such removal is in accordance with the employees' contract. Serious infractions, such as those listed in E(4) below, shall be immediately reported to the Sheriff through the chain of command. In addition, a typewritten report showing offender's name, rank, call number, date and time, exact location and full details of the offense shall be submitted in triplicate to the Sheriff as soon as practicable. This report is to be signed by the reporting officer and receipt thereof shall be noted by the supervisor.

1. The role of the supervisor in the disciplinary process is a crucial one. The first-line supervisor has the best opportunity to observe an officer's conduct and appearance and to detect any instance when some kind of a disciplinary action is warranted. Such action may consist of counseling, remedial training, or punishment, and, since the supervisor will usually be in a position to be familiar with an officer's personality traits and motivation, will also be able to recommend the most effective means to effect a change in behavior.
  - a. Counseling, at some level, is usually necessary in order to identify a disciplinary problem and to obtain input from the delinquent officer. This activity may be merely an informal interview between supervisor and officer resulting in a correction, or may extend through several administrative levels and beyond to professional psychological counseling under the Seneca County Employee Assistance Program.
  - b. Remedial training, likewise, can be applied locally with the delinquent officer assigned to work with another officer having a degree of writing or interviewing skills for example; or, if needed, may include enrolling the officer a specific course of instruction at County expense intended to retrain and reinforce current SCSO policies and procedures.
  - c. The criteria for the selection of an appropriate disciplinary action will depend upon the severity of the conduct requiring such action, the experience and work record of the offender, and the repetition of the conduct once the offender has been made aware of the delinquency.

In addition, consideration will be given to the offender's attitude toward the receipt of criticism and any significant changes in any outside activities which may be affecting performance adversely. Upon becoming aware of the possible need for discipline, a supervisor shall observe the following guidelines:

- 1) Determination of facts - investigate the incident and determine:
  - a) What happened - pertinent facts of situation
  - b) Who was involved - SCSO personnel, other agencies, civilians
  - c) When - date and time
  - d) Where – location
- 2) Ascertain validity of information - The law enforcement officer may, at times, be subjected to complaints based on grudges. The source of the complaint may have an “axe to grind.”
- 3) Consider the seriousness of the action to include:
  - a) Were any individuals harmed or placed in potential harm?
  - b) Was any equipment damaged or placed in risk of damage?
  - c) Are there legal ramifications, which might affect either the officer or the SCSO?
  - d) What are the public relation consequences, if any?

- 4) If the information proves reliable and has a basis in fact, the supervisor shall determine what, if any, SCSO rules may have been violated based on the Manual of Instructions.
- 5) If the supervisor determines that an infraction of SCSO rules has occurred, the supervisor will then consider if the infraction is based upon:
  - a) Failure of policy - Agency policy or rule is flawed.
  - b) Inadequate training (agency) - Agency training was insufficient or inappropriate for situation.
  - c) Inadequate assimilation of training (officer) - Agency training was adequate, but officer failed to apply learned techniques.
  - d) Inadvertent action - Officer did not intend to commit infraction.
  - e) Willful action - Officer willfully and knowingly acted to commit infraction.
- 6) After the above consideration, the supervisor will take the following action(s):
  - a) If the SCSO rule or policy in question is flawed, the supervisor will recommend through the chain of command a suggested remedy using form SCSO-AD-001 "Proposed Action affecting the MOI".
  - b) If the agency training was inadequate, a referral will be made to the Training Committee giving the pertinent facts and suggested means of improving the training. With approval received through the chain of command, members will be made aware of the deficiency in policy or training at the earliest available roll call and through the message system.
  - c) If the training was adequate, the member will be made aware of his deficiency and counseled in the appropriate action or response for the situation. If warranted, the member will be scheduled for a remedial training session.
  - d) If the action was based upon an unintentional action, the supervisor will determine if this was the first occurrence of this or a similar action. If the first instance, the supervisor will use counseling for minor infractions. More serious infractions will merit a written reprimand, and very serious actions, such as those having the potential for harm to individuals or equipment may merit suspension.
  - e) If the action is deemed to have been intentional, the supervisor will again determine if this is the first occurrence of this or a similar action.

If a repetition or part of a pattern, any prior disciplinary action should be ascertained. Counseling would not be appropriate at this point and a written reprimand will be considered the minimum disciplinary action.



7. The supervisor shall, in all cases, strive to insure that any disciplinary action is consistent with that dispensed to others in similar situations.
8. As above, the supervisor shall consider prior disciplinary action before acting to insure that any action is:
  - a) consistent with prior discipline,
  - b) cumulative, that is, counseling is followed by oral reprimand, followed by written reprimand, followed by suspension, etc.,
  - c) appropriate for the end result of constructively modifying behavior to prevent recurrence of the infraction.
9. The supervisor shall document all counseling and oral reprimands to provide a historical record.
2. When appropriate, and regardless of the severity of the alleged deficiency, an employee's supervisor shall be part of the disciplinary process.
3. An allegation of a violation on the part of a first-line supervisor shall be investigated by a member of the command staff who shall make an appropriate recommendation for disposition to the Sheriff.
4. Any allegation charging any employee with corruption, brutality, misuse of force, a civil rights violation, or criminal conduct shall be referred to the Sheriff and assigned to Professional Conduct Unit for investigation. (See "Professional Conduct Unit") in this manual.
5. In the case of misconduct which may result in an employee's dismissal, the employee shall be provided with the following information:
  - a) A statement citing the reason for the action,
  - b) The date the intended dismissal is effective,
  - c) A statement of the status of any fringe or retirement benefits to be applied after dismissal (compiled by the Seneca County Personnel Office) and,
  - d) A statement as to the content of the employee's employment record relating to the dismissal.

Note: This policy shall not apply to probationary employees.

6. Written records of disciplinary actions shall be kept in a locked file cabinet located in the office of the Sheriff under the control of the Undersheriff. They shall be kept for at least the duration of the employee's affiliation with the SCSO, and only removed at the request of the County Attorney, the Sheriff, or by court order.
7. The appeals procedures for disciplinary actions include initiation, time frames, recording and scope, and are contained in the employee's contract formally known as the "Agreement, Seneca County and Seneca County Deputy Sheriff's PBA", and the "Agreement, Seneca County and the Seneca County Sheriff's Employee's Association"
8. In general, all discharge and disciplinary matters shall begin with a written Notice of Proposed Disciplinary Action (NPDA). The NDPA shall specify the charges against the employee, the reasons for them, and the proposed penalty. A copy will be furnished to the bargaining unit. If no written grievance is filed, the penalty will be imposed. If a grievance is filed, no penalty will issue until the grievance procedure is completed.

**F. FORMAL CHARGES** - The Sheriff, Undersheriff, Chief Deputy or Jail Administrator may initiate formal disciplinary action.

**1. FILING OF FORMAL CHARGES**

- a. A statement of charges will be prepared in writing and served on the accused member.
- b. The statement of charges shall include:
  - 1) The charges, indicating completely the law, rule, regulation, directive, policy, procedure, order or other conduct which is alleged to demonstrate incompetence or misconduct;
  - 2) The specifications, setting out the information and facts substantiating each charge;
  - 3) A statement that disciplinary action will be taken if a determination is made that any of the charges are proven to be founded;
  - 4) The name and rank of the person preferring the charges.
- c. The accused member will be directed to acknowledge in writing the receipt of the charges.
- d. The accused member shall have the right to appeal the disciplinary action. The appeal must be made in writing within eight (8) calendar days of the receipt of the charges.
- e. In the event of an employee appeal where the accused disagrees with the penalty proposed or denies the charges brought against him, the employee may grieve the matter within ten (10) working days.
- f. A formal hearing will be conducted within ten (10) working days of the receipt of a grievance.

**2. FAILURE TO REQUEST OR TO APPEAR FOR HEARING**

- a. If the accused member fails to request a hearing within ten (10) days after the submission of an appeal, or fails or refuses to appear for the hearing, or waives his right to such hearing, the Sheriff may make findings and impose such disciplinary action as he deems proper.

**3. SUSPENSION PENDING HEARING**

- a. An accused member may be suspended without pay pending the outcome of a disciplinary action when the Sheriff determines that there is probable cause to believe that the employee's continued presence on the job represents a reasonable expectation of danger to persons or property, or would severely interfere with the orderly operation of the department or substantially discredit the department.
- b. The period of suspension without pay shall not exceed thirty (30) calendar days.

**4. REINSTATEMENT**

- a. Where an arbitrator finds that a suspension without pay was unwarranted, the employee shall be compensated for all lost wages in addition to the restoration of all benefits.

5. **PENALTIES**

- a. Disciplinary arbitrators shall confine themselves to determination of whether an employee is guilty or innocent of the charges being brought against him, and whether the proposed penalty is appropriate. The disciplinary arbitrator's decision with respect to guilt, innocence, or penalty shall be final and binding upon the parties.

6. **EMERGENCY SUSPENSION**

- a. A Superior Officer, having a rank of at least a Sergeant, may impose an emergency suspension from duty against any member of a lower rank when it appears such action is in the best interests of the agency. In all cases prior to an emergency suspension being imposed, the Division Commander shall be notified, who in turn will notify the Undersheriff and Sheriff.
- b. Any member receiving an emergency suspension, and the superior officer imposing the emergency suspension, shall report to the Sheriff's Administration Office at 10:00 a.m. on the next business day, unless otherwise directed.

7. **SUBMISSION AND SETTLEMENT OF GRIEVANCES BY MEMBERS**

- a. To promote a cooperative relationship between the Sheriff and Employees, it shall be policy to establish and provide for the settlement of disputes through an orderly grievance procedure.
- b. For members who are represented by a certified or recognized employee organization, such procedure shall be prescribed by the terms of the collective agreement covering the negotiating unit of such member.
- c. Members outside any recognized negotiating unit may address their grievances, in writing, to the Sheriff.

8. **SEPARABILITY**

- a. If any section or provision of these Rules, Regulations or Operations shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section or provision thereof directly involved in the controversy in which such judgment shall have been rendered.

G. **Legislative restrictions** - In addition to the rules and regulations affecting conduct as set out above, there are legislative restrictions applicable to SCSO members.

1. The Alcoholic Beverage Control Law prohibits police officers from having any interest in the sale or manufacture of alcoholic beverages (ABCL, §128).
2. The Election Law prohibits a police officer from using one's office or powers to aid or oppose any political party, to reward or retaliate against any police officer with respect to voting or party affiliation, or to solicit funds for a political party or other such organization (EL, §17-110).
3. The Racing, Wagering and Breeding Law prohibits police officers from holding any office or employment with any firm that is licensed to conduct its business at a racetrack or that owns, leases or manages a racetrack (RWBL, §107).

4. The General Municipal Law prohibits public officers and employees of municipal governments from:
  - a. Disclosing confidential information learned in the course of official duties, and,
  - b. Providing services relating to matters before an agency of the employing government.In addition, the same law imposes several affirmative duties, including:
  - a. Disclosure of any interest in any contract or dealings with the employing government, and,
  - b. 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.
5. The Civil Practice Laws and Rules stipulates that when personal property is offered at auction by a sheriff's agency, no sale of such property may be made to any member of that agency (CPLR §5233[a]). Beyond the statutory restriction, in view of the potential for a conflict of interest, members will not bid on any items at an SCSO auction.