

Greene County Sheriff's Office

Subject: HIRING PROCEDURES						Policy 013	
Effective: January 1, 2020			Standard Number(s): 11.1,12.1				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

Purpose: The purpose of this Regulation is to establish a formal policy and comprehensive guidelines to insure equal employment opportunity for all applicants, personnel and employees of the Greene County Sheriff's Office.

Policy: It is the policy of the Greene County Sheriff's Office to recruit and hire well-qualified persons to perform the many tasks necessary in providing superior law enforcement and corrections to the citizens of Greene County. It is the policy of this department that local, state and federal laws and regulations shall be fully complied with. The preliminary method of recruitment for the position of full time Police Officer/Correctional Officer within the Greene County Sheriff's Office is through the Greene County Civil Service Commission's continuous recruitment testing program.

Hiring Procedures:

1. The County of Greene will ensure equal employment opportunities.
2. This objective calls for the elimination of discrimination in employment because of race, color, religion, national origin, sex or age and to have a work environment free of discrimination.

A. Civil Service Test:

The Greene County Civil Service Commission will develop, arrange and coordinate Civil Service tests to be given for Deputy Sheriff/Police Officer, Corrections Officer, and civilian employees in accordance with Civil Service standards and qualifications.

Each applicant must pass a written civil service examination which is designed by the Civil Service Commission.

- B.** The Greene County Civil Service Commission will supply the Sheriff with Civil Service Test results and a list of qualified persons as soon as they are made available.

- C.** Candidates selected for an interview will be contacted by telephone by the Undersheriff or his designee.

- D.** Physical Fitness Screening Test is done in accordance with civil service law.

E. Background Investigation:

The application will be forwarded to the CIU Senior Investigator who will conduct a thorough and complete background investigation of the applicant utilizing the GCSO Background Investigation Packet. In addition to interviewing individuals specifically listed as references on the Application For Employment, background investigators should interview, at a minimum, present and former employers, creditors, and may include former school teachers, guidance counselors and administrators (if applicable), neighbors and local police agencies.

The background investigation is designed to determine a candidate's qualification and desirability as an employee. Job qualification standards are pre-determined by job description and Civil Service requirements and testing. Investigators, therefore, should question those interviewed about a candidate's desirability as an employee. A sampling of questions might include attendance and punctuality, work ethic, responsibility and accountability, ability to work with and get along with others, receptiveness to constructive criticism, personality, temperament, credibility, personal hygiene and grooming, attitude and physical ability to perform job requirements.

While a specific number of references are not required, it is reasonable to assume other persons, in addition to those listed as references, will provide the investigator with enough information sufficient to judge a candidate's desirability for employment.

F. Personal Interview:

Applicants will be interviewed by the Sheriff, Undersheriff and Lieutenant(s). A basic set of questions will be asked of each candidate. Results of the interview will be maintained in the applicant's personnel file. The Sheriff will conduct final interviews and will determine what applicants are forwarded to the County Administrator for hiring.

G. Psychological Test:

~~Each candidate/probationary employee, prior to completion of probationary status, shall undergo an emotional stability and psychological examination. Examinations shall be arranged, conducted and supervised by the GCSO. Results of the examinations shall be part of the candidate's file and securely maintained in the personnel file the candidate/employee before completion of the probationary period must pass the psychological test.~~

Each candidate, prior to appointment shall undergo an emotional stability and psychological examination. Examinations shall be arranged, conducted and supervised by the GCSO. Results of the examinations shall be part of the candidate's file and securely maintained in the personnel file the candidate/employee before completion of the probationary period must pass the psychological test.

Greene County Sheriff's Office

Subject: COMMUNITY RELATIONS						Policy 020	
Effective: January 1, 2020			Standard Number(s):				
Rescinded:		Amended:		Sheriff: Peter Kusminsky			
Reviewed:							

Purpose: The community relations function is a responsibility of all GCSO personnel. All Agency personnel should project a positive image and become involved in community needs. The conduct of each employee reflects the Agency as a whole, and the burden of achieving the Agency's community relations objective should be shared. Every employee must be aware of the different programs that the Agency has so they can inform the community. A member of the Agency may be designated by the Sheriff as Community Relations Officer.

I. Relations With The Public

A. Courtesy

1. Personnel shall be courteous to the public in person or when on the telephone. Personnel shall be tactful in the performance of their duties, control their tempers, exercise the utmost patience and discretion and shall not engage in argumentative discussion, even in the face of extreme provocation. In the performance of their duties personnel shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice concerning race, religion, politics, gender, national origin, life style or similar circumstances.

B. Request for Assistance

1. When any person requests assistance or advice, makes a complaint or report, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established Agency procedures.

C. Citizen Complaint

1. Complaints made by a citizen against any employee of the GCSO will be filed in accordance with provisions of General Rules of Conduct 45, "Citizen Complaints".

II. Interpersonal Communications

- A. To promote understanding and cooperation, there must be interpersonal communication between members of the community and personnel at all levels of the Sheriff's Office.
- B. All personnel must be aware of the law enforcement needs of the community and their particular assigned area of responsibility.
- C. Guided by policy, personnel must tailor their performance to obtain the objectives of the Agency.
- D. The Agency will establish programs that encourage productive dialogue with the public at all levels and to ensure that the unity of the police and the people is preserved.

III. Identification

- A. All personnel shall furnish their names and, if applicable, exhibit their badge or identification card to any person requesting that information when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

IV. Request for Agency Speakers

- A. All requests for Agency personnel to speak at public gatherings, luncheons, service clubs, civic associations, etc., will be referred to the Lieutenant.
- B. The Lieutenant will evaluate the request and, if appropriate, identify the Agency member best suited to respond to the request. The Sheriff will have the final decision on personnel addressing the public.

V. Meetings Attended

- A. Whenever any member is asked to attend any meeting, as a representative of the GCSO, or owing to their status as a member of this Agency, they must first obtain permission from the Lieutenant prior to attending such meeting. This is to include, but not be limited to, any meetings held with Federal, State, County, Town or Village departments or governmental representatives, either appointed or elected, civic or social groups/organizations.

VI. Individual Dignity

- A. All persons have a right to dignified treatment under the law and the protection of this right is a duty which is binding on all personnel within this Agency.
- B. Personnel must treat persons with as much respect as that person will allow and be mindful that the people with whom they are dealing are individuals with human emotions and needs.

VII. Equality Of Enforcement

- A. Consistency in application is a primary and fundamental element of uniform enforcement

of law.

- B. The Agency serves a community comprised of individuals with varied ethnic and social composition, having unique life-styles or particular crime problems. All people have a right to the protection and security that is afforded by a fair and impartial law enforcement.
- C. All persons must be able to maintain flexibility in their demeanor and enforcement methods. In order to properly respond to the varying law enforcement problems, the agency must be able to maintain flexibility in deployment and enforcement methods.

VIII. Responsiveness to the Community

- A. The Agency must be responsive to the needs and problems of the community. This regard for community must be shown plainly at all levels of the Agency by an obvious willingness to listen and a genuine concern for the problems of individuals and groups.

IX. Community Access to Police Information

- A. It is necessary that there be full public disclosure of policies and openness in matters of public interest.
- B. The Agency will disseminate accurate and factual accounts of occurrences of public interest, consistent with the safety and protection of victims, witnesses and the constitutional rights of the accused and with consideration of the necessity for maintaining and confidentiality of Agency records.
- C. The Agency will strive to make known and accepted its objectives and policies.

Greene County Sheriff's Office

Subject: CRIME PREVENTION	Policy 021								
Effective: January 1, 2020	Standard Number(s):								
Rescinded:	Amended: Sheriff: Peter Kusminsky								
Reviewed:	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>								

PURPOSE: The purpose of this policy is to define Agency policy, procedures and responsibility for crime prevention.

I. Policy:

- A. Crime prevention is the duty of the GCSO in cooperation with the citizens of the Community.
- B. The Agency seeks to prevent crime through traditional patrol, observation and investigation techniques designed to protect life and property, detect and apprehend offenders, preserve the public peace and enforcement of laws over which we have jurisdiction.
- C. Citizens of the community are encouraged to participate in crime prevention through police-citizen oriented programs.
- D. All personnel in the Agency share the crime prevention function while performing their duties or while assisting our community or investigating crimes.

II. Purpose:

- A. Duties and Responsibilities
 - 1. Agency personnel assigned to specific crime prevention presentations shall wear the prescribed uniform per Rules and Regulations. The Sheriff may determine that a specific assignment would benefit by civilian attire in place of the Agency uniform.
- B. All Agency personnel will be responsible for but not limited to:
 - 1. Identifying community needs for selected crime prevention programs, crime problems and possible crime prevention solutions and taking appropriate action to implement same upon approval of the Sheriff.
 - 2. Participate in crime prevention activities as assigned, such as:
 - a. Lecturing on various crime prevention topics.
 - b. Maintain liaison with individuals and community business groups.

- c. Participating in crime prevention training.
- d. Following up on referrals regarding crime prevention.
- e. Evaluating programs initiated and exchange ideas with other members of the Agency or other Agency representatives.

Crime Prevention Programs

The Sheriff will authorize crime prevention programs to suit community needs. These programs may include programs developed by the GCSO or proven state or national programs. All employees share responsibility for implementing these crime prevention programs to help the public protect themselves from criminal acts. However, because of the specialized nature of some of the formal programs, specific employees may be assigned or detailed to be primary implementers of the programs.

General Procedure For Crime Victims

The following procedures relate to the treatment of crime victims in general:

All victims of crime are to be treated with dignity, respect and compassion. No action by any member of this Office should compound or exacerbate the stressful psychological condition crime victims often experience:

Victims should be allowed to contact and advise family members of their situation and to receive their support during the post crime trauma period. Contacts with family members can be managed by the investigating officer with skill and diplomacy so as not to jeopardize an effective criminal investigation. Victims have a right to prompt medical attention for any injuries sustained during the criminal episode.

Victims have a right, and we have an affirmative duty, to inform them of supportive services that are available to aid them, such as:

1. Greene County District Attorney's Office
411 main Street
Catskill, New York 12414
719-3590
2. Columbia Greene Crime Victims Service
454 Warren Street
Hudson, New York 12534
828-2503 or 758-6696 (Both lines answered 24 hours a day, after hours by an answering service)

This organization offers a wide range of free services to crime victims and their families in order to reduce the psychological, physical, and financial hardship they suffer. They provide counseling and practical help to all victims and witnesses of crime and their families.

Crime victims have a right to information regarding the progress of their particular case at all stages of the investigative and prosecutorial process. This information shall be provided by the Greene County District Attorney's Office.

Investigators and Deputies shall make every effort to have victim's property examined for evidential value in an expeditious manner by the District Attorney's Office and returned to the victim as quickly as possible.

Victims shall have a right to contact their own counsel and to receive timely notice of all required court appearances. If required to by circumstances, officers should speak to the victim's employer, explaining the necessity of the victim's appearance at court. In addition, when requested by victims, officers shall provide assistance in explaining and documenting serious financial loss to creditors.

Procedure for Sex Offense Victims

Due to the emotional and sometimes physical injury caused to victims of sexual offenses, members of the GCSO will be particularly sensitive to the needs of these victims and witnesses involved. In addition to the procedures for crime victims described above, the following additional procedures apply to victims of sex crimes:

When interviewing victims of a crime defined in article one hundred thirty (Sex Offenses) or section 255.25 (Incest) of the Penal Law, members will do so in a setting that is as private as possible under the circumstances as follows:

Officers should obtain a private setting for interviewing victims. Private setting shall mean an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard from outside such room.

Only those persons directly and immediately related to the interviewing of a particular victim, the victim, a social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim, unless the victim objects to the presence of such person and requests the exclusion of such person from the interview, and where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim.

1. Such facilities are available at several locations throughout the County. Should circumstances dictate that the interview take place at an outside location, the location should be carefully chosen to conform to these requirements.
2. Officers shall inform each and every victim of a crime defined in article one hundred thirty of the Penal Law in writing when possible of the availability of counseling and related services offered by the nearest such service, namely:

Rape Crisis Center of Columbia Greene
430 Warren Street
Hudson, New York 12534
828-5556 or 758-6696 (Both numbers are answered 24 hours a day, after hours by an answering service.)

Victims of crime may be entitled to compensation benefits from the New York State Crime Victims Board. The benefits cover out-of-pocket medical expenses, lost wages, funeral expenses, limited coverage for essential personal property when involving senior citizens, counseling services for sexual assault victims and homicide survivors, rehabilitative services, loss of support, and Good Samaritan benefits. Victims may contact the Columbia Greene Crime Victims Service for details.

Greene County Sheriff's Office

Subject: GENERAL RULES OF CONDUCT						Policy 032	
Effective: January 1, 2020			Standard Number(s): 14.1				
Rescinded:		Amended:		Sheriff Peter Kusminsky			
Reviewed:							

1. **Laws, Orders, Rules and Regulations, General Information:**

- A. It shall be the duty of every member of the Greene County Sheriff's Office to be thoroughly familiar with the laws and ordinances of the Federal government, the State of New York and the County of Greene, which in any manner affect their duties. It shall further be the duty of every member of the Agency to be thoroughly familiar with this Rules and Regulations Manual as well as Agency rules, regulations, directives and orders. Failure of members to so familiarize themselves will be deemed a neglect of duty. It shall be the responsibility of supervisory personnel to certify that policies and procedures are understood by all in their command.
- B. 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 and activities in which an employee may become involved, in every instance the member will be held accountable for one's conduct. Each member is to be responsible for one's own acts and shall not shift the burden of responsibility to another for improper performance or for failure to execute a lawful order or duty.
- C. Members shall not commit any act or omission which constitutes a violation of any of the rules, regulations, procedures, orders or policies of the GCSO. Ignorance of such rules, regulations, procedures, orders or policies shall not be considered as justification for any violation. Each member has the obligation to keep informed of all current rules, regulations and policies which pertains to him or her. No act or omission, which the member knows or should have known to be improper, shall be condoned merely because no specific prohibition is stated.
- D. A member or employee of the GCSO who is returning to duty from any type of leave shall acquaint him or herself with all amendments, additions or newly promulgated orders or other authoritative instructions which may have been issued during his or her absence.
- E. Unfamiliarity or ignorance of the rules and regulations shall not constitute a defense in any disciplinary proceeding.
- F. It shall 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 Rules and Regulations or similar written directives.
- G. Obedience to Orders: Each member or employee shall promptly and obediently comply with all lawful orders. Failure to do so shall be considered insubordination. When, in the

performance of official duty outside the County of Greene, a member shall carry out any lawful order or directive as may be given by a competent authority.

- H. Chain of Command: No GCSO member shall 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 shall be contacted. The following is the chain of command for the GCSO as it applies in the various components:

- 1. Law Enforcement Division

- a. Sheriff
 - b. Undersheriff
 - c. Captain
 - d. Lieutenant
 - e. Sergeant
 - f. Deputy Sheriff

- 2. Corrections Division

- a. Sheriff
 - b. Undersheriff
 - c. Superintendent
 - d. Lieutenant
 - e. Sergeant
 - f. Corrections Officer

- 3. Criminal Investigation Branch

- a. Sheriff
 - b. Undersheriff
 - c. Lieutenant
 - d. Senior Investigator
 - e. Investigator

- I. Cause for Dismissal: A member or employee shall hold employment during good behavior and efficient service, but such employment may be terminated under conditions set forth in existing laws and the Rules and Regulations of the GCSO.
- J. Penalties: A member of the GCSO 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:
 - a. Oral or written reprimand.
 - b. Reduction of leave.
 - c. Suspension with or without pay.
 - d. Demotion in rank.
 - e. 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 GCSO.

- K. General Duties: Members of the GCSO shall, 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 of America, the State of New York, the County of Greene and the laws and ordinances of the towns and villages of Greene County, in which the GCSO has jurisdiction.
- L. Respond When Directed: Every member of the GCSO shall immediately respond as directed on notice from competent authority that one's services are required.

- M. 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. A member is required to reside in Greene County and to have access to a telephone at ones residence. An address and one or more telephone numbers where the member can be contacted are to be on record at the GCSO. An employees telephone number will not be disseminated to anyone outside the GCSO without the employee's authorization.
 - N. Absence from Duty: A member or employee of the GCSO shall not, under any circumstances, be absent from duty without notifying sheriff's communications center. 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.
 - O. Seeking Information Regarding Duties: A member or employee of the GCSO who is in doubt as to the nature of or details concerning the assignment shall immediately seek such information from one's supervisor.
 - P. Leaving Area of Assignment: No member shall leave one's geographic area of assignment unless specifically dispatched or authorized to do so by a dispatcher or supervisor, and then only on official GCSO business. In no event shall 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.
 - Q. Attitude/Impartiality: Members of the GCSO, while being vigorous and unrelenting in the enforcement of the law, must maintain a strictly impartial attitude toward complainants and violators and shall perform one's duties in an efficient, courteous and orderly manner using patience and good judgment at all times.
 - R. Assistance to Fellow Officers: No member of the GCSO shall 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 police policies and procedures.
 - S. Assistance to Citizens: Members and employees of the GCSO shall render all possible service to citizens in accordance with established procedure.
 - T. Medical Attention: All members shall ensure that any injured or ill persons are given opportunity for medical attention.
 - U. Arrests in Conformity With Law: Members of the GCSO shall make arrests in conformity with the laws of arrest.
 - V. Disposition of Arrested Persons: All members shall 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.
2. Conformance To Laws:
- A. Members of this Agency shall obey all laws of the United States as well as any State and local jurisdiction in which the employees are present.
 - B. A conviction of any crime shall be prima facie evidence of a violation of this regulation.
3. Reporting of Criminal Law Violations:
- A. Any member charged with a violation of criminal law will report such charge in writing to the Sheriff, including in the report any pertinent facts concerning the violation.

4. Violation of Departmental Directives, Rules and Regulations:
 - A. Members of the GCSO shall not commit or omit any acts that would constitute a violation of Rules, Regulations, Directives or Orders of this Agency, whether stated in this Regulation or elsewhere.

5. Duty to Report Violations:
 - A. Any employee of this Agency who has knowledge of and fails to report any violation of Agency rules, regulations, directives or orders by any other employee, shall be deemed to be in neglect of duty.

6. 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 Agency. Conduct unbecoming a deputy shall include that which brings the Agency into disrepute or reflects discredit upon the deputy as a member of this Agency or that which impairs the operation or efficiency of the Agency or deputy.

7. Reporting For Duty:
 - A. Deputies shall report for duty at the time required by their assignment and shall be physically and mentally fit to perform their duties. They shall be properly attired, equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties as required.

8. Fictitious Illness or Injury Reports:
 - A. Deputies shall not feign illness or injury, falsely reporting themselves ill or injured or otherwise deceive or attempt to deceive any official of this Agency as to the condition of their health.

9. Insubordination:
 - A. Deputies shall promptly obey every lawful command or order issued orally or in writing by any superior officer. This includes orders relayed from a superior officer by a deputy of the same or lesser rank.

10. Conflicting or Illegal Orders:
 - A. Deputies who are given an order that is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer. Deputies shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation or directive previously issued.
 - B. Deputies shall not obey any order which they know or should know would require them to commit any illegal act. Deputies shall request the issuing superior officer to clarify the order as to confer with higher authority.

11. Unsatisfactory Performance:
 - A. Deputies shall maintain sufficient competency to properly perform their duties and assume

the responsibilities of their positions. Deputies shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Agency. Unsatisfactory performance may be demonstrated by:

1. A lack of knowledge of the application of laws required to be enforced or Agency Rules and Regulations
 2. An unwillingness or inability to perform assigned tasks.
 3. The failure to conform to work standards established for the individual's rank, grade or position.
 4. The failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention.
 5. Absence without leave.
- B. In addition to the mentioned indicia of unsatisfactory performance, the following will be prima facie evidence of unsatisfactory performance:
1. A written record of repeated infractions of Rules and Regulations, directives or orders.

12. Neglect of Duty:

- A. Deputies shall not read, play games, watch television or movies or otherwise engage in entertainment while on duty except as may be required in the performance of duty. They shall not engage in personal business which would cause them to neglect or be inattentive to their duties.

13. Enforcement of Laws:

- A. It shall be the duty of every member of the GCSO to enforce all local, State and Federal laws as well as preserving the peace, preventing crime, protecting life and property, regulating the movement of traffic and pedestrians and detecting and arresting violators in accordance with Agency procedures.

14. Departmental Reports:

- A. Deputies shall submit all reports before the end of their tour of duty unless otherwise specifically directed or otherwise in accordance with established departmental procedures. Reports submitted by deputies shall be truthful and complete and no employee shall enter or cause to be entered any false, inaccurate or improper information,

15. Processing Evidence and Property:

- A. Evidence or property which has been discovered, gathered, purchased, seized or received in connection with Agency responsibilities will be identified, labeled and turned in as soon as possible, unless established Agency procedures indicate otherwise.
- B. Deputies shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any evidence or property in connection with an investigation or any other type of police action.
- C. Refer to Rules and Regulations A33, "Legislative Restrictions" and A10, "Non-Agency Property/Evidence" for specific information on processing evidence and property.

16. Gross Neglect of Duty:

- A. In times of peril, it is imperative that deputies shall work together to assist and protect each other in the restoration of peace and order of the law. Any deputy who shirks from danger or responsibility shall be deemed guilty of gross neglect of duty.

17. Sleeping on Duty:

- A. Sleeping on duty is prohibited and any member guilty of such misconduct shall be deemed in neglect of duty.

18. Leaving Duty Post:

- A. Deputies shall not leave their assigned duty post during a tour of duty except when authorized to do so by proper authority or in an emergency situation when it is necessary to assist a fellow deputy or the deputy who is in pursuit of a suspect.
- B. It shall be incumbent upon the deputy to notify the supervisor as well as the Dispatch/Greene County 911 whenever he leaves his assigned post, area, vehicle or incident scene to which he or she has been dispatched.

19. Meals:

- A. Deputies shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time and at such time and place as established by Agency procedures.
- B. Deputies may only be permitted to suspend their assigned duties for the purpose of having meals after having been given the proper authority to do so.

20. Use of Departmental Equipment:

- A. Deputies shall utilize Agency equipment only for its intended purpose in accordance with established Agency procedures and shall not abuse, damage, lose or remove Agency equipment. All equipment issued to deputies shall be maintained in proper order.
- B. Deputies shall keep their assigned lockers clean and orderly at all times, subject to inspection. Clothing and wearing apparel, with the exception of shoes, will be hung up and all equipment will be orderly arranged on the shelf or floor of the locker. Lockers will be kept locked at all times if there are weapons inside.

21. Operation of Departmental Vehicles:

- A. Deputies shall operate official vehicles in a careful and prudent manner and shall obey all laws and Agency procedures pertaining to such operation.

22. Use Of Personal Vehicles While On Duty:

- A. Deputies shall not use their own, any commercial or private vehicle for the purpose of covering their post.
- B. Personal vehicles or other vehicles which may be available to them shall not be parked upon their assigned post with the intention of using same while on duty.
- C. Personal vehicles, when parked on public highways or in public owned parking facilities, shall be parked in compliance with laws and ordinances governing parking.
- D. No employee shall use their own or other private vehicle for official purposes without the

permission of a superior officer.

23. Respect to Fellow Employees:

- A. Deputies shall be courteous and respectful in their dealing with superiors and each other. Employees shall not use coarse, violent or profane language or gestures toward superiors or fellow deputies. Deputies shall not utter offensive or derogatory statements or slurs concerning race, sex, religion, politics national origin or lifestyle.

24. Harassment in the Working Environment:

- A. This Agency will maintain a working environment free from all forms of harassment including sexual harassment. Harassment in any manner or form is strictly forbidden.

B. Incidents constituting harassment may include but are not limited to:

1. Exercise or attempted exercise of the power or authority of one's position to control, influence or affect the job or other employment conditions of an employee for sexual favors;
2. Verbal abuse, threats or false accusations
3. Unwelcome remarks or comments about a person's body, attire, age, sex, race, disabilities, marital status, ethnicity or religious background
4. Displaying pornographic, racist or other offensive or derogatory material
5. Unwelcome or repeated sexual advances, propositions or gestures.
6. Physical contact that one finds objectionable or offensive.

25. Respect for Subordinates:

- A. Authority within this Agency shall be exercised with firmness, kindness and justice. Superior officers shall avoid as far as circumstances permit, censuring subordinates in the presence of others. They are forbidden to injure or discredit those under their authority by tyrannical conduct or abusive language.

26. Criticism and Malicious Gossip:

- A. No deputy will criticize a fellow deputy except in the line of duty as a superior to a subordinate, nor will the deputy maliciously gossip regarding any member of this department.

27. Alcoholic Beverages and Drugs in Departmental Installations:

- A. Deputies shall not store or bring into any Agency facility or vehicle any alcoholic beverages, controlled substances, narcotics or hallucinogens which are not being held as evidence; or medications that have been personally prescribed for a deputy by a licensed physician.

28. Use of Alcohol on Duty or in Uniform:

- A. Deputies shall not consume intoxicating beverages while in uniform or on duty, except in the performance of duty and while acting under proper and specific orders from a superior officer.
- B. Deputies shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever or with the odor of intoxicants upon their breath.

- C. Any member accused by his or her superior officer of drinking on duty, reporting for duty intoxicated or intoxicated on duty, must submit to an intoxication test of his breath or blood at the superior officer's request. Refusal to submit to such test will be deemed insubordination. Evidence obtained by the intoxication test may be used in any administrative hearing pertaining to the charge preferred.

29. Use of Alcohol Off Duty:

- A. Deputies while off duty shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication or offensive behavior which discredits them or the Agency or renders them unfit to report for their regular next regular tour of duty.

30. Possession and Use of Drugs:

- A. Personnel shall not possess or use any controlled substances, narcotics or hallucinogens. Except when prescribed as treatment by a physician or dentist.

31. Use of Tobacco:

- A. Deputies may not smoke in areas of public buildings that are accessible to the public pursuant to Section 1399-0 of the NYS Public Health Law.
- B. In all other cases, deputies while in uniform may use tobacco as long as:
 - 1. They are not visible by the general public.
 - 2. They do not have to leave their assignment or post for the sole purpose of doing so.
 - 3. They are not engaged in traffic or crowd direction or control
 - 4. There is no use of tobacco products in County Buildings or on County Property.

32. Gambling:

- A. Deputies shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty while acting under proper and specific orders from a superior officer.

33. Visiting Prohibited Establishments:

- A. Deputies shall not knowingly visit, enter or frequent locations where prostitution, gambling or any other laws of the Federal government, the State of New York or local jurisdiction are regularly violated except in the performance of their duties and while acting under the proper and specific orders from a superior officer.

34. Associations:

- A. Deputies 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 Agency for present involvement in criminal behavior, except as necessary to the performance of official duties or where unavoidable because of other personal relationships of the deputies.

35. Carrying/Use of Firearms On Duty:

- A. Deputies shall carry and use firearms in accordance with law and established Agency procedures noted in Rules and Regulations.
- B. Deputies while on duty shall carry only such firearms and ammunition that have been approved by this Agency.

- C. Deputies shall not use or handle weapons in a careless or imprudent manner, nor shall they permit anyone to handle, inspect or in any way use their weapon. Handguns shall be holstered at all times and removal is forbidden unless necessary to achieve a legitimate police objective.

36. Carrying/Use Of Firearms Off Duty:

- A. Employees who carry and use firearms off duty must do so in accordance with law and established Agency procedures

Note: All deputies possessing personally owned handguns will have a valid NYS Pistol Permit. No personally owned handgun will be carried on the sheriff's badge.

37. Use of Force:

- A. Deputies shall not use more force in any situation than is reasonably necessary under the circumstances. Deputies shall use force in accordance with the law and Agency procedures as have been listed in Rules and Regulations.

38. Gifts, Gratuities, Bribes and Rewards:

- A. No deputy shall solicit or receive any gift or reward for services rendered or to be rendered, without the formal approval of the Sheriff.
- B. No deputy shall receive or enter into any agreement, express or implied, for compensation of services to be rendered in relation to any matter before the County of Greene.
- C. Deputies shall not solicit or accept from any person, business or organization any gift for the benefit of deputies or the Agency, if it may reasonably be inferred that the person, business or organization:
 - 1. seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
 - 2. has an interest which may be substantially affected, directly or indirectly, by the performance or nonperformance of an official duty:

Note: For further reference to deputies receiving gifts, rewards, etc., see Rules and Regulations, "Legislative Restrictions".

39. Abuse Of Position:

- A. Deputies shall not use their official position, identification cards or badges:
 - 1. For personal or financial gain.
 - 2. For obtaining privileges not otherwise available to them except in the performance of duty.
 - 3. For avoiding the consequences of illegal acts.
- B. Deputies shall not lend to another person their identification cards or badges or permit

them to be photographed or reproduced without the approval of the Sheriff.

- C. Deputies shall not authorize the use of their name, photographs or official titles which identify them as Police Officers in connection with testimonials or advertisements of any commodity or commercial enterprise without the approval of the Sheriff.

40. Secondary Employment:

- A. Out of Agency employment for deputies is contingent upon approval of the Sheriff.

41. Political Activity:

- A. Deputies are prohibited from engaging in political actions and activities that violate Section 17-110 of the New York State election Law as existing or may be amended.

NOTE: For reference to Agency Rules and Regulations regarding political activity of Deputies, Refer to policy "Legislative Restrictions".

42. Identification:

- A. While on duty Deputies, shall carry their identification cards on their persons at all times, except when impractical or dangerous to their personal safety or to an investigation Deputies shall furnish their name and badge number to any person requesting that information when they are on duty or while holding themselves out as having official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

43. Courtesy:

- A. Deputies shall be courteous to the public. Deputies shall be tactful in the performance of their duties, control their tempers and exercise the utmost patience and discretion and shall not engage in argumentative discussions even in the face of extreme provocation.
- B. In the performance of their duties, deputies shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudicial remarks concerning race, religion, politics, national origin, lifestyle or any similar personal characteristics.

44. Discussions; Religious, Racial and Political:

- A. Deputies shall not engage in any religious or political discussions to the detriment of good discipline or morale, nor shall they speak disparagingly of the nationality, religion, color, creed, lifestyle or belief of any person.

45. Citizen Complaints:

- A. Deputies shall courteously and promptly record in writing any complaint made by a citizen against any deputy or the Agency by forwarding the complaint to their supervisor. Deputies may when appropriate attempt to resolve the complaint but shall never attempt to dissuade any citizen from lodging a complaint against any officer or the Agency. Deputies shall follow established procedures for processing personnel complaints per Rules and Regulations A26.

46. Request 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 will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with Agency procedures.

47. Dissemination of Information:

A. Personnel shall treat the official business of this Agency as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established Agency procedure. Deputies shall not divulge the identity of persons giving confidential information except as established by proper authority.

48. Public Statements and Appearances:

A. Deputies shall not publicly criticize or ridicule the Agency, its policies or other deputies by speech, writing or other expression where such speech, writing or other expression is defamatory, obscene, unlawful or undermines the effectiveness of the Agency, interferes with the maintenance of discipline or is made with reckless disregard for truth or falsity.

B. Deputies may lecture on "police" or other matters only with the prior approval of the Sheriff. Nothing in this section shall act to prevent any member from making extemporaneous statements or speeches relating to police duties when called upon to do so, keeping in mind the general and inherent security of police information.

49. Off Duty Law Enforcement Obligations:

A. Deputies shall not intentionally become involved in civilian disputes when off duty. These disputes shall be handled by disinterested parties and by deputies who are on duty and who shall be summoned. This does not relieve a deputy of his responsibility from taking action when a crime has been committed in his presence.

50. Recognizing Other Members on Duty:

A. Deputies and employees shall not publicly indicate recognition of Investigators, plain-clothes deputies or deputies on special details when in plain clothes unless first addressed.

51. Influence; Political and Other:

A. Agency personnel shall not request the aid of any person outside the Agency to have them transferred to another assignment or post from which they have been removed by order of a superior officer or to have them promoted to a higher rank in the Agency; nor shall deputies knowingly permit any petition to be formulated or presented by citizens on their behalf requesting such transfer, restoration or promotion. No deputy shall use any political influence to affect, in any manner, the appointment or promotion of another deputy.

52. Intervention:

A. Deputies shall not interfere with cases being handled by other deputies of the Agency or by any other governmental agency unless:

1. ordered to intervene by a superior officer.
2. the intervening deputy believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

B. Deputies shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the demand

of the situation requires immediate police action.

53. Abuse of Process:

- A. Deputies shall not intentionally make any arrest, search or seizure that is not in accordance with the law, and/or Agency procedures.
- B. Deputies shall not attempt to personally dispose of any NYS Vehicle and Traffic tickets, other than to refer the person who has been issued the ticket to the appropriate court.
- C. Deputies shall not make false accusations of a criminal or traffic charge.
- D. Any Deputy or employee who shall give false testimony in any hearing or trial by any court or hearing board, shall be deemed guilty of falsification and/or perjury made subject to charges.
- E. Any member of the GCSO shall, when properly served with a legal subpoena and/or court requests for required legal documentation, comply with the order of the court or hearing body. Any questionable subpoena should be brought to the attention of the deputy's supervisor prior to action being taken on the subpoena.

54. Truthfulness:

- A. Upon the order of the Sheriff or a superior officer, deputies shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Agency which may be asked of them.

55. Reporting For the Defense:

- A. Members and employees of the GCSO who are requested to testify or who are subpoenaed to testify or who otherwise intend to testify on behalf of the defense or against any government agency, in any criminal action, shall immediately notify their supervisor of such request or subpoena, expectation or intention to testify and in any event, notification shall be given prior to testifying. Any member or employee of the Agency who is requested to testify against the County of Greene or any other subdivision of the County, in a civil action, shall immediately notify their supervisor and the Sheriff's legal counsel of such request or subpoena. Supervisors will immediately report this action to the Sheriff.

56. Report Address and Telephone Number:

- A. Members and employees of the GCSO are required to reside within Greene County and shall record their correct residence address, telephone number and/or emergency number where they can be reached and marital status with the Agency. Unlisted numbers shall be restricted to police use only. Notification of any change in address, telephone number or marital status shall be made in writing, within 24 hours, to the Agency. Any member who resides outside of Greene County must get written permission from the Sheriff.

57. Pistol Permit References

- A. Employees of the GCSO are prohibited from signing as personal references for individuals applying for a New York State Pistol Permit.

58. Labor Activity

Employees shall not engage in any strike with regard to their employment by the Greene County Sheriff's Office. The concept "strike" shall include, but not be limited to, a concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness which is unsubstantiated by a physician 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 the conditions, compensation, rights, privileges, or obligations of employment.

59. Payment of Debts

Employees shall not undertake any financial obligations which they know, or should know, they will not be able to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility shall not be grounds for disciplinary proceedings, except in unusually severe cases. However, repeated instances of financial difficulty may be grounds for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical bills or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken. Employees shall not co-sign a note for superior officers.

60. Part Time Employment.

Any Deputy, upon written request to the Sheriff, will be granted permission to work, a part-time job, provided;

1. Part-time employment does not exceed 20 hours per week.
2. Part-time employment will in no way affect the performance of the Deputy's assigned duties.
3. Part-time employment does not conflict with the members scheduled assignments with the Greene County Sheriff's Office.
4. Part-time employment will not require the Deputy to be in his or her official uniform.
5. Part-time employment will not involve the sale, or use, of alcoholic beverages, or involvement with any activity that is controlled by the New York State Alcohol Beverage Control Board.

61. General rules of conduct

A member of the Greene County Sheriff's Office found guilty of any of the following acts will be considered in violation of the rules and regulations which governs the Sheriff's Office of the County of Greene, State of New York, and may be subject to disciplinary action.

1. Conduct which brings discredit upon the Sheriff's Office.
2. Failure to perform a duty.
3. Disobedience of an order.
4. Insubordination or disrespect toward a Superior Officer.
5. Inattention to duty.

6. Lounging or sleeping on duty.
7. Being absent from duty without proper authorization.
8. Leaving duty assignment without being properly relieved, or without proper authorization.
9. Incompetence or inefficiency in the performance of duty.
10. Entering any liquor store, tavern or bar in uniform, or any part thereof, except when it is necessary for inspection, or for the immediate performance of a police duty.
11. Drinking any alcoholic beverage while on duty.
12. Drinking any alcoholic beverage while in uniform, or any part thereof, whether on or off duty.
13. Intoxication whether on or off duty.
14. Violation of any duly constituted law.
15. Disorderly conduct.
16. Immoral Conduct.

17. The use of coarse, profane or insolent language to any person.
18. Failure to treat any person civilly and respectfully.
19. Willful maltreatment of any person.
20. Knowingly making a false report, written or oral.
21. Failure to wear the proper attire, and or uniform, when on duty or on official business.
22. Failure to maintain a neat and clean appearance of self, uniform and equipment.
23. The use of any tobacco or tobacco product, while in uniform, in public.
24. Standing or walking with hand in pocket while in uniform.
25. Receiving, or attempting to receive a fee, gift, present or other thing of value from a person under arrest, or from someone on behalf of the arrested person.
26. Receiving, soliciting or attempting to solicit a bribe in any form.
27. Publicly criticizing the official actions of any member of the Sheriff's Office.
28. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or other governmental agency.
29. Disseminating or releasing any information contained in the Sheriff's Office records except in conformance with the orders of the Sheriff's Office.
30. Failure to pay a just indebtedness within reasonable time.

31. Failure to identify self by name, rank and shield number, when requested.
32. Failure to seize, record, process and dispose of recovered property or prisoner's property in conformance with the orders of the Sheriff's Office.
33. Failure to handle stray or dead animals in conformance with the Policy and Procedures of the Sheriff's Office.
34. Failure to notify a Superior Officer that a member of the Sheriff's Office is violating a rule or an order of the Sheriff's Office.
35. Deliberately violate orders and regulations pertaining to the management and control, of the Sheriff's Office.
36. Defacing, or neglecting to protect and preserve, property belonging to the Sheriff's Office.
37. Possessing or transporting any intoxicating liquor when on duty, except in accordance with orders from the Sheriff's Office.
38. Failure to comply with orders from the Sheriff's Office regarding other employment, occupations or professions.
39. Engaging, directly or indirectly, in the forbidden ownership, maintenance or operation of a taxi cab, tavern or retail liquor establishment.
40. Allowing the publication of any photograph of oneself, in the regulation uniform, advertising any commodity or commercial enterprise without permission from the Sheriff.
41. Communicating or corresponding with individuals or other police agencies concerning police matters except as provided by Policy and Procedures of the Sheriff's Office.
42. Engaging in any activity, conversation or deliberation which is derogatory of the policy of the Greene County Sheriff's Office, or of any individual.
43. Failure to keep vehicles, belonging to the Sheriff's Office, in public view while assigned to general patrol duty, except when authorized by Supervisory Officer.
44. Permitting any person, not on official police business, to ride in a vehicle, belonging to the Sheriff's Office, unless specifically authorized.
45. Riding in or on a vehicle not belonging to, or assigned to, the Sheriff's Office during duty hours except, when authorized by Supervisory Officer, or on official police business.
46. Operating a vehicle, belonging to the Sheriff's Office, outside of the County except in immediate pursuit of law violators, or on official business, authorized by the Sheriff.
47. Operating a vehicle, belonging to the Sheriff's Office, without proper authorization or, on other than official business.
48. Pulling, pushing or towing any vehicle, with a vehicle belonging to the Sheriff's Office, except authorized by the Sheriff.
49. Altering any equipment, belonging to the Sheriff's Office, in any way, except as authorized by the Sheriff.

50. Carrying any rifle, shotgun, machine gun, or substituting the Service Weapon, issued by the County Sheriff's Office, with any weapon, or adding a concealed auxiliary handgun, not authorized by the Sheriff.
51. Unlawfully or unnecessary use of, or display of, a weapon.
52. Failure to report the discharge of a weapon,
 - a. Orally, and immediately to a Supervisory Officer.
 - b. In writing, without unnecessary delay, to the Sheriff.
53. Selling, giving, lending or disposing of a dangerous weapon as outlined in Section 265 of the Penal Law of the State of New York, contrary to the provisions of Section 265.05, 265.10 of the Penal Law of the State of New York, and the rules and regulations of the Greene County Sheriff's Office.
54. Giving an opinion to a violator, or a suspect, as to fine or penalty.
55. Giving an opinion as to bail, except by those specifically authorized to admit to bail.
56. Failure to take, record, and act upon complaints, except as prescribed by orders of the Sheriff's Office.
57. Removing, altering or changing any official record(s), from the Sheriff's Office, except as provided for in Policy and Procedures, or Written Orders.
58. Issuing any device which intends to grant special privilege to the holder.
59. Displaying Sheriff's Office, or Non-Sheriff's Office pictures or posters, in any manner, in or on any property or equipment, belonging to the Sheriff's Office, except in conformance with orders from the Sheriff's Office.
60. Obligating the Sheriff's Office financially in any manner, except as authorized by the Sheriff.
61. Recommending to any citizen the service of any bondsman, lawyer, undertaker, physician, hospital, towing, repair or other professional or commercial service.
62. Failure to report any information of a police nature, in conformance with the orders of the Sheriff's Office.
63. Failure to obtain official permission to participate in public discussions of the Greene County Sheriff's Office business, except as provided in orders from the Sheriff's Office.
64. Entering any police lock-up, except on official business.
65. Interviewing, questioning or interrogating any person in a cell, except in the regular operation and administration of the jail.
66. Associating or fraternizing with known criminals or persons of ill repute, except in the immediate discharge of official duties, or with the authorization of the Sheriff.
67. Soliciting or accepting a gift, present, reward, gratuity, or other consideration, for any services rendered as a member of the Sheriff's Office. This excludes gifts received from relatives, or close friends, upon appropriate occasions.
68. Accepting any food, beverage, or other valuable consideration without cost, at any time because of official position as a member of the Sheriff's Office.

69. Receiving any gift, present or gratuity, from any subordinate.
70. Giving any gift, present or gratuity to another member of the Sheriff's Office, or a member of his/her family, without the specific approval of the Sheriff. This excludes donations, not to exceeding twenty five (\$ 25.00) dollars, given for retirement, hospitalization or death, provided approval of the Sheriff is obtained for collection of the donations. Party, dinner and entertainment fees will be paid for individually by person attending such function, without prior collection through Sheriff's Office channels.
71. Failure to submit a written report to the Sheriff, within twenty-four (24) hours, of any employee becoming aware of being under investigation, by another law enforcement agency.
72. Refusing to testify on the grounds of possible self-incrimination.
73. Any member, who becomes ill, and must absent themselves from duty, shall notify their supervisor, without delay, according to the Sheriff's Office Policy and Procedure.
74. Members assigned to attend any school or training seminar, sponsored by the Sheriff's Office, another Police Agency, or any civil agency, shall abide by the rules and regulations of the Sheriff's Office, as well as any rules and regulations set forth by the sponsoring agency.
75. Participation by member of the Sheriff's Office, or urging the participation by other persons, in any strike, slowdown or other concerted action which is in any degree adverse to the maintenance of the public safety or welfare.
76. Members shall refrain from the use of Sheriff's Office telephones, for personal business. Members shall keep the use of Sheriff's Office telephones for personal reasons minimal. Members with access to the internet will adhere to the policy set forth by the County.
77. Members shall not use their position as a member of the Sheriff's Office to promote directly, or indirectly, the business or personal interest, of any person or organization, including their own.
78. Members shall not speak disrespectfully, to or of, any other member of the Sheriff's Office. Members shall not publicly express any derogatory statements which criticizes or ridicules the Sheriff's Office or any member of the Sheriff's Office.
79. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or any other Governmental Agency.
80. Members are prohibited from using the Sheriff's Office Logo, without prior authorization of the Sheriff.
81. Members shall not allow their shield or identification card to be reproduced or photographed.
82. No member of the Sheriff's Office, either uniformed, non uniform, or civilian personnel, will work for or perform services for any other police agency, unless such work is at the direct order of the Sheriff, or a Supervisor. This does not prohibit part time work for other agency, as long as written permission has been obtained from the Sheriff.

83. Members shall not permit any person to accompany them on patrol, on an investigation, or on specific duties, unless such person possesses an official connection with the Sheriff's Office, or without the prior authorization from the Sheriff.
84. Affiliation with any organization, or body, which would prevent any employee, from performing the duties of the Sheriff's Office, because of the organization's constitution or membership in any union or other organization, in connection with, and relating solely to approved secondary employment and required membership in military reserve units is specifically exempted from this regulation.
85. Members shall not disclose confidential information to any person, except those officially entitled, unless directed to do so by the Sheriff.
86. Except through the proper channels, members shall not advise any other member of pending, contemplated or recommended personnel action affecting such member.
87. Members shall not knowingly make any false entries in official records, maintain any false records, cause any false entries to be made in official records, or cause false records to be maintained.
88. GENERAL POLICY.

All members of the Greene County Sheriff's Office, excluding the Sheriff and Undersheriff, are subjected to these Rules and Regulations. Members of the Sheriff's Office are not merely employees, but are Officers of this State and County, charged with specific duties in maintaining public order, and administering justice. Therefore, every member's sole responsibility must be, to the Sheriff, and through him to the public.

Rule #1 It shall be the duty of all members of the Greene County Sheriff's Office, to study and comply with the rules, regulations and instructions to require like compliance of all members. The rules and regulations are promulgated and approved by the Sheriff, for the discipline and control of the Sheriff's Office. Rules and regulations are published in the Policy and Procedure manual.

Rule #2 At **NO** time will any member cause the reproduction of any portion of the rules, regulations, procedures or guidelines, posted in any Sheriff's Office manuals, for the purpose of providing same to any non-member of the Greene County Sheriff's Office, without authorization from the Sheriff.

Rule #3 It is the duty of every member of the Sheriff's Office, any time, day or night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all the laws and ordinances, over which, the Sheriff's Office.

Rule #4 A Deputy, while on regular patrol duty, shall proceed to his or her designated post, or relieving point, without unnecessary delay. The Deputy will inspect his post immediately; remain constantly alert and observant, noting any condition requiring Police attention, and take appropriate action.

Rule #5 A Deputy is charged with the enforcement of all laws and ordinances within the jurisdiction of the Sheriff's Office. Especially those relating to public morals, vice, gambling, intoxication and intoxicating liquors. This includes overseeing proper working condition, and maintenance, of the Sheriff's Office equipment, traffic control equipment, street lights, public highways, curbs, and sidewalks conditions within the boundaries of his or her assigned post. The Deputy shall promptly report, through official channels, any conditions requiring attention, and shall provide safeguard when necessary.

Rule #6 A member of the Sheriff's Office shall be fit for duty, and subject to duty, at all times, according to a pre determined work schedule. A Deputy is subjected to the highest expectations regarding personal appearance. A male Deputy must be clean shaven and well groomed. Haircut must be to proper length, and sideburns are not to exceed one half of the distance, from the bottom of the inner ear, to the bottom of the ear lobe. Muttonchops, or Spanish style sideburns, will not be tolerated. A mustache will not extend below the side of the Deputy's mouth.

Rule #7 Any Supervisory Officer is charged with the same obligations and duties as a deputy, when on patrol. The same reporting responsibility as a Deputy, and a Supervisory Officer, will also provide safeguard when necessary.

Rule #8 Members of the Sheriff's Office will be held strictly accountable for all information acquired by them, on duty or off duty, regarding suspicious persons or locations, within Greene County.

Rule #9 A member of the Sheriff's Office shall treat all business and information with confidentiality. He or she will not talk for publication, not be interviewed, nor make public speeches, nor shall he or she impart information related to the official business of the Sheriff's Office to anyone, except under due process of law, or with permission from the Sheriff.

Rule #10 A member of the Sheriff's Office, found guilty of violating a rule or regulation of the Sheriff's Office, or of the provision of any lawful order, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or intoxication while in uniform, or of conduct unbecoming an Officer, or of making a false official communication, record or statement, or of being convicted in a court, having jurisdiction, may be dismissed from the Sheriff's Office, or suffer other punishment, as the Sheriff may direct.

Rule #11 Though not specifically mentioned, in the Rules and Regulations, disorder or neglect, due to the disregard of good order, efficiency or discipline, will not go un-noticed. Members found guilty thereof will be punished, at the discretion of the Sheriff.

Rule #12 It shall be the duty of each member to obey any lawful order, issued orally or written, by competent authority. Any such order must first be obeyed; if afterward, a member considers formal complaint is necessary, that member may file a written complaint to the Sheriff, through the proper chain of command.

Rule #13 Per previously issued written order 105 dated 12/19/08, members of the Greene County Sheriff's Office are reminded that using any type of personally owned recording device to record any member of this agency either on or off duty without their knowledge is prohibited. The term recording device includes both audio and video recorders. This written order does not in any way prevent the use of agency owned devices or any devices owned by other law enforcement agencies for official investigative purposes.

89. RESPONSE / PENALTY

If a member of the Greene County Sheriff's Office is found guilty of violating any rule or regulation, at the prescribed hearing, he or she will be subjected to one of the following courses of action:

1. Reprimand.
2. Loss of vacation time, or pay.
3. Suspension.
4. Termination.

Termination of a member by the Sheriff is warranted for: incompetent, inept or inefficient performance of duty.

Repeated disciplinary actions, even for minor infractions, will be considered prima face evidence of unsuitability for service in law enforcement.

NOTE: If the infraction would be considered minor, and the member in question appears to be in need of further, or more detailed instructions, pertaining to the issue at hand, a counseling session, and / or a counseling memo may be utilized to resolve the issue. Counseling session with or without the counseling memo, is not considered a disciplinary reaction, nor reprimand. A counseling session will normally be provided by the immediate supervisor, and even if a counseling memo is not utilized, the counseling should be documented.

90. ETHICS

Personal ethics of employees is one of the major concerns of Law Enforcement Chief Administrators today. Graft and corruption, like cancer attacks the human body, and can destroy any law enforcement agency. The Greene County Sheriff's Office expects and demands that each employee adhere to the highest possible, code of ethics. The Greene County Sheriff's Office is also fully adopting and adhering to the code of ethics adopted by the administration of Greene County.

A code of ethics can be implemented, and mandated by any administration. But it can only be ensured by the members themselves, when the members, adheres to personal codes, which are above reproach.

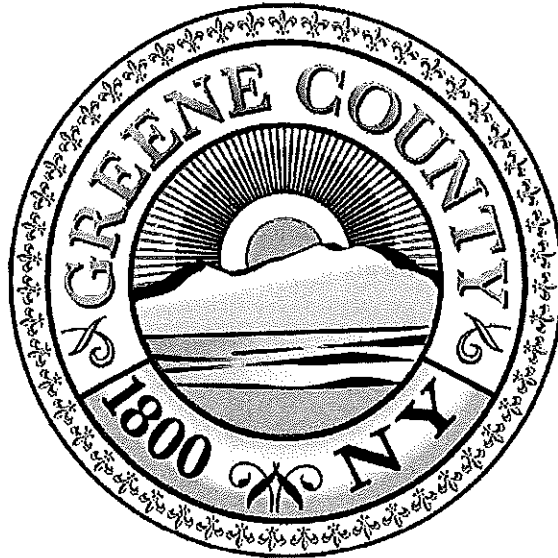
1. Deputy Sheriffs are specifically forbidden from seeking, or accepting, monetary reward, other than regular wages, for services that he or she provides as part of his or her regular assignment or for not performing those acts, or enforce those laws that he or she has sworn to uphold.
2. Deputy Sheriffs are specifically forbidden from seeking, or accepting, any type of favor or gratuity, for services that he or she provides as part of his or her regular assignment, or for not performing those acts, or enforce those laws that he or she has sworn to uphold.

Deputy Sheriffs will treat all citizens, with whom they come in contact, for any reason, with complete equality, and without fear or favor. Such citizens will be treated in a gentlemanly and courteous manner.

Furthermore the Greene County Sheriff's Office is also strictly observing the Official Code of Ethics set forth by the Greene County Legislature, and it reads as follows:

NOTE: Page 21 through page 34 has been copied from the book " Greene County Code of Ethics" . Additional copies of the book are available at the Sheriff's Office or at Greene County Human Resources.

GREENE COUNTY



CODE OF ETHICS

Greene County Sheriff's Office

Subject: DISCIPLINE						Policy 036	
Effective: January 1, 2020			Standard Number(s): 14.4				
Rescinded:		Amended: August 17th, 2020			Sheriff Peter Kusminsky		
Reviewed:							

Purpose: Establishment of a procedure in disciplinary measures involving personnel covered by Section 75 of the New York State Civil Law who violate Federal, State or Local laws or ordinances, Agency Rules and Regulations and orders or are charged with misconduct or incompetence.

I. Disciplinary Procedures:

A. Any supervisor who shall observe any violation by Agency personnel may take disciplinary action against those members including immediate removal from duty, and/or disciplinary action and shall immediately report action taken to the Sheriff through the chain of command. In addition, a formal written report showing the offender's name, rank, ID number, date and time, exact location and full details of the offense shall be submitted 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 super supervisor has the best opportunity to observe a deputies conduct when something 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 a deputy'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 deputy. This activity may be merely an informal interview between supervisor and deputy resulting in a correction or may extend through several administrative levels and beyond to professional psychological counseling and utilizing the Greene County Sheriff's Office Chaplains.

b. Remedial training, likewise, can be applied locally with the delinquent deputy assigned to work with another deputy having a degree of writing or interviewing skills or if needed, may include enrolling the officer for a specific course of instruction.

c. The criteria for 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 deputy's attitude toward the receipt of criticism and any other significant changes in any outside activities which may be affecting performance adversely.

d. 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 the situation?
 - (b) Who was involved; GCSO 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 any legal ramifications which might affect either the deputy or the GCSO?
 - (d) What, if any, are the public relations consequences?
- (4) If the information proves reliable and has a basis in fact the supervisor shall determine what, if any, GCSO Rules and Regulations may have been violated.
- (5) If the supervisor determines that an infraction of the GCSO Rules and Regulations 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 the situation.
 - (c) Inadequate assimilation of training (deputy); Agency training was adequate, but officer failed to apply learned techniques.
 - (d) Inadvertent action; Deputy did not intend to commit infraction,
 - (e) Willful action; Deputy willfully and knowingly acted to commit infraction.

- (6) After the above consideration, the supervisor will take the following action(s):
- (a) If the GCSO Rules and Regulation in question is flawed, the supervisor will recommend through the chain of command a suggested remedy.
 - (b) If the Agency training was inadequate, a referral will be made 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 as soon as practical.
 - (c) If the training was adequate, the member will be made aware of his or her 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. In 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 and/or a Lieutenant will 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 Sheriff shall, in all cases, strive to ensure that any disciplinary action is consistent with that dispensed to others in similar situations.
- (a) If any member becomes the subject of an investigation by any agency involving a misdemeanor or felony offense, that member will immediately be placed on administrative leave until such time as the case is adjudicated; further disciplinary action is taken; or the Sheriff advises the subject to resume normal work activity.
- (8) As above, the Sheriff shall consider prior disciplinary action before acting to ensure 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 Lieutenant shall document all counseling and oral reprimands to provide a historical record.
2. When appropriate, and regardless of the severity of the alleged deficiency, a member of the bargaining unit may 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 an employee with corruption, brutality, misuse of force, a civil rights violation or criminal conduct will be referred to the Sheriff.

5. In the case of misconduct that 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.
 - (d) A statement as to the content of the employee's employment 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. They shall be kept for at least the duration of the employee's affiliation with the GCSO and only be removed at the request of the County Attorney or by court order.
7. The above procedures for disciplinary actions include initiation, time frames, recording and scope and are contained in the Grievance Procedure of the collective bargaining agreements with Greene County.
8. Written reprimands must carefully document the circumstances surrounding the performance or conduct of an employee to include:
 - (a) Date(s) of the incident.
 - (b) Specific facts relevant to the incident.
 - (c) Previous actions taken to include discussion of the incident, oral reprimands and Memorandums of Record/Counseling Memorandums.
 - (d) Specific reference to the next step in the disciplinary process for failure to correct performance or correct deficiencies.

B. Legislative Restrictions:

1. In addition to the Rules and Regulations affecting conduct as set out above, there are legislative restrictions applicable to personnel as per GCSO Rules and Regulations "LEGISLATIVE RESTRICTIONS".

c. Rules of Conduct.

GREENE COUNTY SHERIFF'S OFFICE

RULES OF CONDUCT

FOREWORD

The following Rules of Conduct are adopted for the professional administration, and operation, of the Greene County Sheriff's Office, County of Greene, State of New York.

These rules are designated to guide members of the Sheriff's Office, in carrying out the duties imposed upon them by law. Any violation of these rules may be made the subject of disciplinary action against those responsible for such violation, as may be directed by the Sheriff.

These rules do not purport to be exhaustive. Periodic orders and directives from the Sheriff, or Under Sheriff, will provide a constant supplementary guide to ever changing conditions. In this respect, suggestions from the members of the Sheriff's Office are welcome.

Members of the Sheriff's Office must regard themselves as part of a team, dedicated to the safety and protection of the community. The following rules will be used to aid the Sheriff's Office in accomplishing this important task. The success of the Greene County Sheriff's Office, in the performance of its duties, is largely measured by the degree of support and cooperation received from the people of the County of Greene, which it serves. Members of the Sheriff's Office are not merely employees, but are Officers of this State and County, charged with specific duties, in maintaining public order, and administering justice. Therefore every member's sole responsibility must be to the Sheriff and, through him, to the public.

It is of paramount importance to secure confidence, respect and approbation of the public. The cultivation of such desirable attitudes is dependent upon the proper performance of duty by ALL members of the Greene County Sheriff's Office.

Upon the members of the Greene County Sheriff's Office is imposed a professional responsibility, no less grave, than that of other administrators of law. Professionalization of law enforcement is gaining general recognition, but it can win universal acclaim, and permanent standing, only if the actions of its members are reflected in intelligent, sincere, efficient and courteous service. Law enforcement must embody the highest attributes of every other profession.

Neither private profit, nor personal reward, but service to the community, is the earmark of the professional law enforcement Officer.

ARTICLE I. DUTIES OF SUPERVISORY PERSONELL

General Duties: A Supervisory member will be responsible for the enforcement of all laws and ordinances. Sheriff's Office, Rules and Regulations, orders, procedures, discipline, punctuality and attendance, appearance, good order and efficiency of members within his assigned jurisdiction. Supervisors are, in addition to Sheriff and Undersheriff, Lieutenant(s), Sergeant(s) and Investigator(s), and Member in Charge (MIC) when such member has been assigned.

A Supervisory member will:

1. Perform specific duties and functions, as assigned by the Sheriff.
2. Obey all lawful orders.
3. Perform assigned tasks.
4. Provide leadership and guidance in developing loyalty, and dedication, to the police profession.
5. Train, direct, supervise and evaluate members of the Greene County Sheriff's Office, in their assigned duties. Recommend remedial or disciplinary action for inefficient, incompetent or unsuitable members.
6. Communicate orders, information and instructions.
7. Inform his relief of all necessary police matters.
8. Inspect personnel, vehicles and equipment, at established intervals. (At least every two weeks.)
9. Report to his Superior Officer, absentees, and any deficiencies in personnel or equipment.
10. Insure that the resources, belonging to the Sheriff's Office, are used effectively.
11. Insure that recovered property is handled in accordance with the Policy and Procedure of the Sheriff's Office.
12. Account for all monies and valuables received, processed and disbursed in conformance with the Policy and procedure of the Sheriff's Office.
13. Inquire into the circumstances of all arrests, to ensure that all persons are handled in conformance with the Policy and Procedure of the Sheriff's Office.

14. Know and conform to the current bail provisions of the code of Criminal Procedure Law, for the State of New York.
15. Report promptly matters of police importance to his Supervisory Officer.
16. Insure all appropriate State, County, Town and Village Authorities are informed of any emergency condition, which requires their attention.
17. Direct activities of subordinate members for the purpose of achieving the objective of the Greene County Sheriff's Office.
18. According to rank, or title, perform those duties applicable to same.
19. When in uniform, maintain a military bearing, and render a military courtesy to Superior Officers.
20. Assemble and move details, and parades, in a military manner.
21. A designated Sergeant will be overseeing reports, accident reports, and cases, submitted by members of the Greene County Sheriff's Office.
22. A designated Sergeant will be responsible for vehicle maintenance.
23. A designated Sergeant will be responsible for maintenance and calibration of breathalyzers, and radar units utilized by the Greene County Sheriff's Office.
24. A designated Sergeant or Supervisor will prepare monthly, quarterly or yearly reports, pertaining to members activities, as requested by the Sheriff, or the Undersheriff.
25. A designated Sergeant will plan and prepare weekly work schedules, considering pass days and vacations. Utilizing the manpower to the best advantage for the Greene County Sheriff's Office.
26. Most senior Sergeant, or MIC (Member In Charge), will be responsible for submitting the tour strength, with all pertinent information, to dispatch, or directly into NYSPIN.
27. A designated Sergeant will be responsible for obtaining and disbursing UTT's to the members, and also keep records of traffic court appearances, and final dispositions of UTT's issued by members of the Greene County Sheriff's Office.
28. The assignments listed in this chapter, designated to be carried out by a Sergeant, will be divided among the Sergeants, upon their mutual agreement, or by designation of the Undersheriff or the Sheriff. It is a goal that the workload will be disbursed as equal as possible among the Supervisors.

29. Supervisory personnel will make themselves available by telephone, radio, pager or cell phone, at all times, during their working hours. If location makes this impossible, supervisory personnel, or the Greene County Fire Dispatch, will be notified.

SPECIFIC DUTIES OF THE UNDERSHERIFF:

1. Assume all duties of the Sheriff, should he be unavailable, or unable to attend.
2. Assist the Sheriff in the administration of the Sheriff's Office.
3. Immediately notify the Sheriff of any unusual occurrences, or serious incidents, which comes to his attention.
4. Be responsible for the recording and execution of all civil papers, and supervise the collection of fees, garnishes, etc.
5. Actively participate in the investigation of serious crimes, suspicious deaths, etc. that are reported to the Sheriff's Office, and in cooperation with other Departments, as requested, and for the District Attorney, as directed by the Sheriff.
6. Supervise the clerical personnel in the Office. This includes records, bookkeeping, etc.
7. Oversee the supervisory personnel in their daily routines, including, but not limited to: Planning and Supervision of the road and marine patrols. Arrangements for weekly patrol schedules, allowing for days off and vacations. This schedule will utilize the available manpower to the best advantage. Patrols hours, and patrol areas, will be assigned and decided after consulting with the Undersheriff, and / or the Sheriff.
8. Investigate personnel complaints and /or internal affairs issues, including personnel employed by the Greene County Sheriff's Office. If the Undersheriff selects to delegate the investigation, or parts thereof, The Undersheriff will supervise, and review said investigation.

ARTICLE II:

COMMUNICATIONS.

1. All telephone calls for the Sheriff, during the hours that the secretary is working, will be referred to her. It is not necessary to ask who is calling, or to answer any questions, refer the caller to the secretary, at once.
2. Routine information on accidents, and arrests, may be given to the news media, unless there is a notation in red alongside the log entry. In questionable matters; advise the caller that the information is not complete, and refer the matter to the Sheriff, Undersheriff or a Sergeant.
3. Attention is to be paid to the monitors, scanners and radios, especially the New York State Police, the Catskill Village Police and other municipalities in Greene County. If a serious crime, a wanted notice, etc. is being broadcasted; the personnel on duty, from the Sheriff's Office, should be notified.
4. When calls for assistance are received, every effort will be made to respond to these calls, by members of the Sheriff's Office, who are on duty. If our patrol or patrols are tied up, and there is a local Agency, on duty, ascertain if they can handle the call, and if not, contact the New York State Police.
5. If a call for assistance is received from the New York State Police, every effort shall be made to comply with the request, especially in an emergency situation. Priority should be given to the more serious incidents.

ARTICLE III.

DUTIES OF MEMBERS OF THE GREENE COUNTY SHERIFF'S OFFICE

General Duties:

A member of the Greene County Sheriff's Office will be responsible, at all times, for the prevention of crime, enforcement of all laws and ordinances, preservation of the public peace, protection of life and property, arrest and prosecution of law violators, and professional adherence to the Rules and Regulations of the Greene County Sheriff's Office.

Specific Duties:

1. Know, and conform to, the Policy and Procedures, Standing Orders, Written Orders and the normal business procedures, of the Greene County Sheriff's Office.
2. Perform assigned duties in a professional matter.
3. Obey all lawful orders.
4. Be in attendance for those hours specifically assigned, and considered on duty, at all times, for the purpose of rendering emergency service.
5. Participate in formal parades and roll calls, in a military manner.
6. When in uniform, maintain a military bearing, and render military courtesy to Superior Officers.
7. Identify self by name, rank and shield, when requested.
8. Have a residence as provided in the laws of the State of New York.
9. Report immediately any inability to perform duty or duties described in the Rules and Regulations of the Greene County Sheriff's Office.
10. Report any change of marital status, address, selective service rating or other matter affecting the administration of the Greene County Sheriff's Office.
11. Receive, record, and service immediately all complaints, and request for service. Refer and transfer complaints and requests only in accordance with the Policy and Procedures of the Sheriff's Office.

12. Possess a valid New York State driver's license. If lost or revoked, immediately report this to Supervisory Personnel.
13. Provide security and care for prisoners and others.
14. Secure medical attention for all sick and injured persons.
15. Remain on duty assignment, leaving only in case of an Emergency, or personal necessity. If required to leave, record the time of departure and reason. Report this information to Supervisory Personnel.
16. If strip searches are warranted, a male inmate or arrestee will be strip searched by a male Officer, and a female inmate or arrestee, will be strip searched by a female Officer.
17. When assigned to a motor vehicle, at the beginning of the shift:
 - a) Inspect vehicle for damage and defects.
 - b) Report to a Supervisory Officer, any defects, observed or incurred.
 - c) Protect vehicle from possible damage or theft.
18. When operating a motor vehicle:
 - a) Use skill, good judgment and care for the safety of persons and property.
 - b) Obey all traffic regulations unless on emergency assignment.
 - c) When on patrol, do not leave Greene County, without obtaining permission.
 - d) At all times, while operating a vehicle, seat belts must be worn by the operator, and all front seat passenger.
19. Any disabled vehicle, owned by the County, is to be towed to the County Highway Department, transfer station of ST 385, in Catskill. If vehicle needs to be towed to other location, permission must be obtained from Supervisory Personnel.
20. Give a minimum of one week's notice of intention to resign from the Greene County Sheriff's Office.
21. Report the loss of any service weapon, immediately, to Supervisory Personnel.
22. When assigned to uniform duty, wear the regulation uniform, in the prescribed manner.

23. Report the loss, or damage of, any equipment, belonging to the Sheriff's Office, immediately.
24. Register with the Sheriff's Office, all personal firearms capable of being concealed on the person. If loss, or theft, of any such weapon occurs, immediately report same to Supervisory Personnel.
25. Notify the Fire Department, when a fire is discovered. Assist, and cooperate with the Fire Department.
26. Attend Court promptly when required, or ordered.
27. Report the reason for Court absence or tardiness, to the Sheriff, through your immediate Supervisor.
28. Appear in Court, in the regulation uniform, unless assigned to civilian attire, and then in suitable business attire.
29. Report immediately, to the Sheriff, the receipt of any subpoena, or request to testify on behalf of the defense, in any criminal prosecution, or in behalf of the plaintiff, or defendant, in a civil matter in which the Village, Town, County or State is a party thereto. Notification should be made to the Sheriff, before appearing at any hearing, or before entering into any discussion of the matter with anyone, other than the legal representative of the Village, Town or State.
30. Report to the Sheriff, any information of a police nature, including offences involving him/her, or others, and offenses with which he has been charged, except for minor traffic violations. Members are also instructed to, without any delay; report any off duty police activity they engage in, to Supervisory Personnel. This pertaining to police activity conducted alone, or with other police agency, whilst off duty.
31. Give evidence before the Grand Jury, Court or other Governmental or administrative bodies, when requested.
32. Investigate any person suspected of operating a motor vehicle while in an intoxicated condition, and direct the administration of a breathalyzer test, to said person, in accordance with the procedure prescribed by the Sheriff's Office.
33. Obey all laws and ordinances which you are obligated to enforce.
34. Deputies, will call in and out, by radio, and notify dispatch if they are on portable radio, when leaving the patrol vehicle.
35. When a Deputy makes a Vehicle and Traffic Stop, he should notify dispatch of his location, and what motor vehicle the Deputy will be out with.

36. Any employee of the Greene County Sheriff's Office, who is injured during his / her working hours, shall; as soon as physically possible, notify the Sheriff, Undersheriff or Supervisory Personnel, of the incident.
37. Any employee who is out of work for more than THREE, (3) days must have a certificate from his / her doctor. The certificate has to include the statement that the employee can return to "Full and strenuous duty" _____ Also when on sick leave, you are confined to your residence. If you are going to leave your residence for a doctor's appointment, etc., call the Office and report this to the Sheriff, Undersheriff or other Supervisory Personnel.

ARTICLE IV,

PART TIME EMPLOYMENT.

Any Deputy, upon written request to the Sheriff, will be granted permission to work, a part-time job, provided;

1. Part-time employment does not exceed 20 hours per week.
2. Part-time employment will in no way affect the performance of the Deputy's assigned duties.
3. Part-time employment does not conflict with the members scheduled assignments with the Greene County Sheriff's Office.
4. Part-time employment will not require the Deputy to be in his or her official uniform.
5. Part-time employment will not involve the sale, or use, of alcoholic beverages, or involvement with any activity that is controlled by the New York State Alcohol Beverage Control Board.

ARTICLE V:

CIVIL OFFICE PERSONNEL:

General Duty: The general duty of Civil Office Personnel, of the Greene County Sheriff's Office is the responsibility for the proper and efficient performance of his or her duties.

Specific Duties: Civil Office Personnel of the Greene County Sheriff's Office will be required to:

1. Obey all lawful orders of a Supervisory Officer.
2. Perform all the duties connected to the operation of the Civil Office of the Greene County Sheriff's Office. Including, but not limited to: Civil Papers, evictions, car levies, garnishing of wages, etc.
3. Be bound by the rules, regulations, orders and procedures of the Department, insofar as they apply.
4. Report promptly to a Supervisory Officer, any violation, of any law, rule or regulation, of which they have knowledge.
5. Any complaints received by the Sheriff's Office, will be acted upon, and logged.

ARTICLE VI:

GENERAL RULES OF CONDUCT

A member of the Greene County Sheriff's Office found guilty of any of the following acts will be considered in violation of the rules and regulations which governs the Sheriff's Office of the County of Greene, State of New York, and may be subject to disciplinary action.

1. Conduct which brings discredit upon the Sheriff's Office.
2. Failure to perform a duty.
3. Disobedience of an order.
4. Insubordination or disrespect toward a Superior Officer.
5. Inattention to duty.
6. Lounging or sleeping on duty.
7. Being absent from duty without proper authorization.
8. Leaving duty assignment without being properly relieved, or without proper authorization.
9. Incompetence or inefficiency in the performance of duty.
10. Entering any liquor store, tavern or bar in uniform, or any part thereof, except when it is necessary for inspection, or for the immediate performance of a police duty.
11. Drinking any alcoholic beverage while on duty.
12. Drinking any alcoholic beverage while in uniform, or any part thereof, whether on or off duty.
13. Intoxication whether on or off duty.
14. Violation of any duly constituted law.
15. Disorderly conduct.
16. Immoral Conduct.
17. The use of coarse, profane or insolent language to any person.

18. Failure to treat any person civilly and respectfully.
19. Willful maltreatment of any person.
20. Knowingly making a false report, written or oral.
21. Failure to wear the proper attire, and or uniform, when on duty or on official business.
22. Failure to maintain a neat and clean appearance of self, uniform and equipment.
23. The use of any tobacco or tobacco product, while in uniform, in public.
24. Standing or walking with hand in pocket while in uniform.
25. Receiving, or attempting to receive a fee, gift, present or other thing of value from a person under arrest, or from someone on behalf of the arrested person.
26. Receiving, soliciting or attempting to solicit a bribe in any form.
27. Publicly criticizing the official actions of any member of the Sheriff's Office.
28. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or other governmental agency.
29. Disseminating or releasing any information contained in the Sheriff's Office records except in conformance with the orders of the Sheriff's Office.
30. Failure to pay a just indebtedness within reasonable time.
31. Failure to identify self by name, rank and shield number, when requested.
32. Failure to seize, record, process and dispose of recovered property or prisoner's property in conformance with the orders of the Sheriff's Office.
33. Failure to handle stray or dead animals in conformance with the Policy and Procedures of the Sheriff's Office.
34. Failure to notify a Superior Officer that a member of the Sheriff's Office is violating a rule or an order of the Sheriff's Office.
35. Deliberately violate orders and regulations pertaining to the management and control, of the Sheriff's Office.
36. Defacing, or neglecting to protect and preserve, property belonging to the Sheriff's Office.

37. Possessing or transporting any intoxicating liquor when on duty, except in accordance with orders from the Sheriff's Office.
38. Failure to comply with orders from the Sheriff's Office regarding other employment, occupations or professions.
39. Engaging, directly or indirectly, in the forbidden ownership, maintenance or operation of a taxi cab, tavern or retail liquor establishment.
40. Allowing the publication of any photograph of oneself, in the regulation uniform, advertising any commodity or commercial enterprise without permission from the Sheriff.
41. Communicating or corresponding with individuals or other police agencies concerning police matters except as provided by Policy and Procedures of the Sheriff's Office.
42. Engaging in any activity, conversation or deliberation which is derogatory of the policy of the Greene County Sheriff's Office, or of any individual.
43. Failure to keep vehicles, belonging to the Sheriff's Office, in public view while assigned to general patrol duty, except when authorized by Supervisory Officer.
44. Permitting any person, not on official police business, to ride in a vehicle, belonging to the Sheriff's Office, unless specifically authorized.
45. Riding in or on a vehicle not belonging to, or assigned to, the Sheriff's Office during duty hours except, when authorized by Supervisory Officer, or on official police business.
46. Operating a vehicle, belonging to the Sheriff's Office, outside of the County except in immediate pursuit of law violators, or on official business, authorized by the Sheriff.
47. Operating a vehicle, belonging to the Sheriff's Office, without proper authorization or, on other than official business.
48. Pulling, pushing or towing any vehicle, with a vehicle belonging to the Sheriff's Office, except authorized by the Sheriff.
49. Altering any equipment, belonging to the Sheriff's Office, in any way, except as authorized by the Sheriff.
50. Carrying any rifle, shotgun, machine gun, or substituting the Service Weapon, issued by the County Sheriff's Office, with any weapon, or adding a concealed auxiliary handgun, not authorized by the Sheriff.
51. Unlawfully or unnecessary use of, or display of, a weapon.
52. Failure to report the discharge of a weapon,

- a. Orally, and immediately to a Supervisory Officer.
 - b. In writing, without unnecessary delay, to the Sheriff.
53. Selling, giving, lending or disposing of a dangerous weapon as outlined in Section 265 of the Penal Law of the State of New York, contrary to the provisions of Section 265.05, 265.10 of the Penal Law of the State of New York, and the rules and regulations of the Greene County Sheriff's Office.
 54. Giving an opinion to a violator, or a suspect, as to fine or penalty.
 55. Giving an opinion as to bail, except by those specifically authorized to admit to bail.
 56. Failure to take, record, and act upon complaints, except as prescribed by orders of the Sheriff's Office.
 57. Removing, altering or changing any official record(s), from the Sheriff's Office, except as provided for in Policy and Procedures, or Written Orders.
 58. Issuing any device which intends to grant special privilege to the holder.
 59. Displaying Sheriff's Office, or Non-Sheriff's Office pictures or posters, in any manner, in or on any property or equipment, belonging to the Sheriff's Office, except in conformance with orders from the Sheriff's Office.
 60. Obligating the Sheriff's Office financially in any manner, except as authorized by the Sheriff.
 61. Recommending to any citizen the service of any bondsman, lawyer, undertaker, physician, hospital, towing, repair or other professional or commercial service.
 62. Failure to report any information of a police nature, in conformance with the orders of the Sheriff's Office.
 63. Failure to obtain official permission to participate in public discussions of the Greene County Sheriff's Office business, except as provided in orders from the Sheriff's Office.
 64. Entering any police lock-up, except on official business.
 65. Interviewing, questioning or interrogating any person in a cell, except in the regular operation and administration of the jail.
 66. Associating or fraternizing with known criminals or persons of ill repute, except in the immediate discharge of official duties, or with the authorization of the Sheriff.

67. Soliciting or accepting a gift, present, reward, gratuity, or other consideration, for any services rendered as a member of the Sheriff's Office. This excludes gifts received from relatives, or close friends, upon appropriate occasions.
68. Accepting any food, beverage, or other valuable consideration without cost, or reduced cost, at any time because of official position as a member of the Sheriff's Office.
69. Receiving any gift, present or gratuity, from any subordinate.
70. Giving any gift, present or gratuity to another member of the Sheriff's Office, or a member of his/her family, without the specific approval of the Sheriff. This excludes donations, not to exceeding twenty five (\$ 25.00) dollars, given for retirement, hospitalization or death, provided approval of the Sheriff is obtained for collection of the donations. Party, dinner and entertainment fees will be paid for individually by person attending such function, without prior collection through Sheriff's Office channels.
71. Failure to submit a written report to the Sheriff, within twenty-four (24) hours, of any employee becoming aware of being under investigation, by another law enforcement agency.
72. Refusing to testify on the grounds of possible self-incrimination.
73. Any member, who becomes ill, and must absent themselves from duty, shall notify their supervisor, without delay, according to the Sheriff's Office Policy and Procedure.
74. Members assigned to attend any school or training seminar, sponsored by the Sheriff's Office, another Police Agency, or any civil agency, shall abide by the rules and regulations of the Sheriff's Office, as well as any rules and regulations set forth by the sponsoring agency.
75. Participation by member of the Sheriff's Office, or urging the participation by other persons, in any strike, slowdown or other concerted action which is in any degree adverse to the maintenance of the public safety or welfare.
76. Members shall refrain from the use of Sheriff's Office telephones, for personal business. Members shall keep the use of Sheriff's Office telephones for personal reasons minimal. Members with access to the internet will adhere to the policy set forth by the County.
77. Members shall not use their position as a member of the Sheriff's Office to promote directly, or indirectly, the business or personal interest, of any person or organization, including their own.
78. Members shall not speak disrespectfully, to or of, any other member of the Sheriff's Office. Members shall not publicly express any derogatory statements

which criticizes or ridicules the Sheriff's Office or any member of the Sheriff's Office.

79. Members shall not publicly express any derogatory statements which criticizes or ridicules any Judge, Justice, Officers of the Courts, Public Official, or any other Governmental Agency.
80. Members are prohibited from using the Sheriff's Office Logo, without prior authorization of the Sheriff.
81. Members shall not allow their shield or identification card to be reproduced or photographed.
82. No member of the Sheriff's Office, either uniformed, non uniform, or civilian personnel, will work for or perform services for any other police agency, unless such work is at the direct order of the Sheriff, or a Supervisor. This does not prohibit part time work for other agency, as long as written permission has been obtained from the Sheriff.
83. Members shall not permit any person to accompany them on patrol, on an investigation, or on specific duties, unless such person possesses an official connection with the Sheriff's Office, or without the prior authorization from the Sheriff.
84. Affiliation with any organization, or body, which would prevent any employee, from performing the duties of the Sheriff's Office, because of the organization's constitution or membership in any union or other organization , in connection with, and relating solely to approved secondary employment and required membership in military reserve units is specifically exempted from this regulation.
85. Members shall not disclose confidential information to any person, except those officially entitled, unless directed to do so by the Sheriff.
86. Recording Devices.
Any use of recording devices utilized to record any member of this agency, either on or off duty, without said members knowledge is prohibited. The term recording device includes both audio and video recorders.
This does not prevent the use of agency owned devices, or any other device owned by other law enforcement agencies for official legit investigative purposes.
87. Except through the proper channels, members shall not advice any other member of pending, contemplated or recommended personnel action affecting such member.

88. Members shall not knowingly make any false entries in official records, maintain any false records, cause any false entries to be made in official records, or cause false records to be maintained.

ARTICLE VII,

GENERAL RULES.

All members of the Greene County Sheriff's Office, excluding the Sheriff and Undersheriff, are subjected to these Rules and Regulations. Members of the Sheriff's Office are not merely employees, but are Officers of this State and County, charged with specific duties in maintaining public order, and administering justice. Therefore, every member's sole responsibility must be, to the Sheriff, and through him to the public.

Rule #1 It shall be the duty of all members of the Greene County Sheriff's Office, to study and comply with the rules, regulations and instructions to require like compliance of all members. The rules and regulations are promulgated and approved by the Sheriff, for the discipline and control of the Sheriff's Office. Rules and regulations are published in the Policy and Procedure manual.

Rule #2 At **NO** time will any member cause the reproduction of any portion of the rules, regulations, procedures or guidelines, posted in any Sheriff's Office manuals, for the purpose of providing same to any non-member of the Greene County Sheriff's Office, without authorization from the Sheriff.

Rule #3 It is the duty of every member of the Sheriff's Office, any time, day or night, to protect life and property, prevent crime, detect and arrest offenders, preserve the public peace and enforce all the laws and ordinances, over which, the Sheriff's Office.

Rule #4 A Deputy, while on regular patrol duty, shall proceed to his or her designated post, or relieving point, without unnecessary delay. The Deputy will inspect his post immediately; remain constantly alert and observant, noting any condition requiring Police attention, and take appropriate action.

Rule #5 A Deputy is charged with the enforcement of all laws and ordinances within the jurisdiction of the Sheriff's Office. Especially those relating to public morals, vice, gambling, intoxication and intoxicating liquors. This includes overseeing proper working condition, and maintenance, of the Sheriff's Office equipment, traffic control equipment, street lights, public highways, curbs, and sidewalks conditions within the boundaries of his or her assigned post. The Deputy shall promptly report, through official

channels, any conditions requiring attention, and shall provide safeguard when necessary.

Rule #6 A member of the Sheriff's Office shall be fit for duty, and subject to duty, at all times, according to a pre determined work schedule. A Deputy is subjected to the highest expectations regarding personal appearance. A male Deputy must be clean shaven and well groomed. Haircut must be to proper length, and sideburns are not to exceed one half of the distance, from the bottom of the inner ear, to the bottom of the ear lobe. Muttonchops, or Spanish style sideburns, will not be tolerated A mustache will not extend below the side of the Deputy's mouth.

Rule #7 Any Supervisory Officer is charged with the same obligations and duties as a deputy, when on patrol. The same reporting responsibility as a Deputy, and a Supervisory Officer, will also provide safeguard when necessary.

Rule #8 Members of the Sheriff's Office will be held strictly accountable for all information acquired by them, on duty or off duty, regarding suspicious persons or locations, within Greene County.

Rule #9 A member of the Sheriff's Office shall treat all business and information with confidentiality. He or she will not talk for publication, not be interviewed, nor make public speeches, nor shall he or she impart information related to the official business of the Sheriff's Office to anyone, except under due process of law, or with permission from the Sheriff.

Rule #10 A member of the Sheriff's Office, found guilty of violating a rule or regulation of the Sheriff's Office, or of the provision of any lawful order, or of disobedience of orders, or of cowardice, or of intoxication while on duty, or intoxication while in uniform, or of conduct unbecoming an Officer, or of making a false official communication, record or statement, or of being convicted in a court, having jurisdiction, may be dismissed from the Sheriff's Office, or suffer other punishment, as the Sheriff may direct.

Rule #11 Though not specifically mentioned, in the Rules and Regulations, disorder or neglect, due to the disregard of good order, efficiency or discipline, will not go un-noticed. Members found guilty thereof will be punished, at the discretion of the Sheriff.

Rule #12 It shall be the duty of each member to obey any lawful order, issued orally or written, by competent authority. Any such order must first be obeyed; if afterward, a member considers formal complaint is necessary, that member may file a written complaint to the Sheriff, through the proper chain of command.

ARTICLE VIII.

RESPONSE / PENALTY

If a member of the Greene County Sheriff's Office is found guilty of violating any rule or regulation, at the prescribed hearing, he or she will be subjected to one of the following courses of action:

1. Reprimand.
2. Loss of vacation time, or pay.
3. Suspension.
4. Termination.

Termination of a member by the Sheriff is warranted for: incompetent, inept or inefficient performance of duty.
Repeated disciplinary actions, even for minor infractions, will be considered prima face evidence of unsuitability for service in law enforcement.

NOTE: If the infraction would be considered minor, and the member in question appears to be in need of further, or more detailed instructions, pertaining to the issue at hand, a counseling session, and / or a counseling memo **may** be utilized to resolve the issue. Counseling session with or without the counseling memo, is not considered a disciplinary reaction, nor reprimand. A counseling session will normally be provided by the immediate supervisor, and even if a counseling memo is not utilized, the counseling should be documented.

ARTICLE IX.

ETHICS.

Personal ethics of employees is one of the major concerns of Law Enforcement Chief Administrators today. Graft and corruption, like cancer attacks the human body, and can destroy any law enforcement agency. The Greene County Sheriff's Office expects and demands that each employee adhere to the highest possible, code of ethics. The Greene County Sheriff's Office is also fully adopting and adhering to the code of ethics adopted by the administration of Greene County.

A code of ethics can be implemented, and mandated by any administration. But it can only be ensured by the members themselves, when the members, adheres to personal codes, which are above reproach.

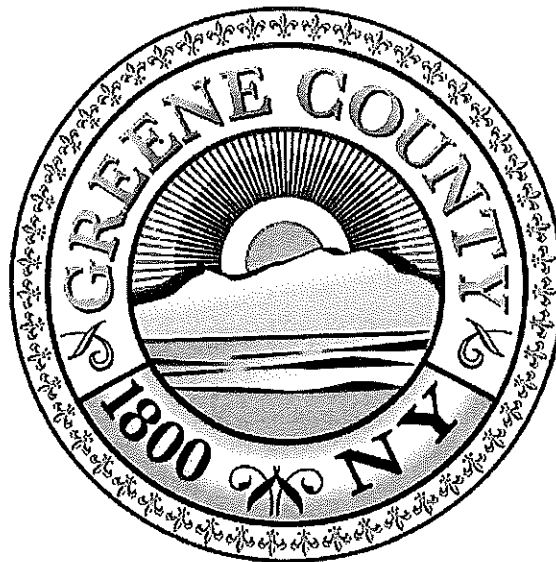
1. Deputy Sheriffs are specifically forbidden from seeking, or accepting, monetary reward, other than regular wages, for services that he or she provides as part of his or her regular assignment or for not performing those acts, or enforce those laws that he or she has sworn to uphold.
2. Deputy Sheriffs are specifically forbidden from seeking, or accepting, any type of favor or gratuity, for services that he or she provides as part of his or her regular assignment, or for not performing those acts, or enforce those laws that he or she has sworn to uphold.

Deputy Sheriffs will treat all citizens, with whom they come in contact, for any reason, with complete equality, and without fear or favor. Such citizens will be treated in a gentlemanly and courteous manner.

Furthermore the Greene County Sheriff's Office is also strictly observing the Official Code of Ethics set fort by the Greene County Legislature, and it reads as follows:

NOTE: Page 28 through page 41 has been copied from the book " Greene County Code of Ethics" . Additional copies of the book are available at the Sheriff's Office or at Greene County Human Resources.

GREENE COUNTY



CODE OF ETHICS

Code of Ethics

GREENE COUNTY CODE OF ETHICS

Contents:

1. Short title
2. Purpose and scope
3. Definitions
4. Standards of conduct
5. Disclosure of interests
6. Board of Ethics
7. Penalties
8. Distribution of Code
9. Repeal of prior Code
10. Effective date

SECTION 1

SHORT TITLE. This local law shall be known and may be cited as the "Greene County Code of Ethics."

SECTION 2

PURPOSE AND SCOPE. This Code is enacted pursuant to article 18 of the general municipal law and in recognition of the policy of the State of New York and the County of Greene to maintain the highest standards of integrity in the public service. Specifically, this Code has as a major purpose the establishment of procedures by which any member of the public may come forward and have considered any allegation or claim of wrongdoing in violation of this Code by any elected or appointed officer or employee of the County or of any member of any Board or Commission of the County. At the same time it is an equally important major purpose of this Code to protect officers and employees of the County against insubstantial or unfounded allegations of violations arising out of the reasonable performance of their duties. This Code shall be in addition to all other restrictions, standards and provisions pertaining to the conduct of County officers and employees.

SECTION 3

DEFINITIONS. As used in this Local Law, the following terms shall have the meanings indicated.

1. Officer or Employee. An officer or employee of the County, whether paid or unpaid, including members of the County Legislature, and of any administrative board, commission or other agency of the County where such board, commission or other agency is appointed in its entirety by the County.

Greene County Sheriff's Office

Subject: Hate Crimes	Policy 106
Effective: January 1, 2020	Standard Number(s): 44.2
Rescinded:	Amended: August 17th, 2020 Sheriff Peter Kusminsky
Reviewed:	

I. PURPOSE

This policy is designed to assist employees in identifying and investigating hate crimes and assisting victimized individuals and communities. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery.

II. POLICY

Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate and bias and designed to infringe upon the rights of individuals are viewed very seriously by this agency and will be given high priority. This agency shall employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency shall be mindful of and responsive to the security concerns of victims and their families.

III. DEFINITIONS

A. New York State Penal Law §485.05 Hate crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

he or she has been
previously convicted of the crime of aggravated harassment in the first degree
within the preceding ten years; or 2. Proof of race, color, national origin, ancestry, gender,
religion, religious
practice, age, disability or sexual orientation of the defendant, the victim or of
both the defendant and the victim does not, by itself, constitute purposes, or acquired
pursuant
to section six of the religious corporation law and maintained for purposes of
religious instruction, and the damage to the premises exceeds fifty dollars; or

2. Commits the crime of aggravated harassment in the second degree in the
manner proscribed by the provisions of subdivision three of section 240.30 of
this article and has been previously convicted of the crime of aggravated
harassment in the second degree for the commission of conduct proscribed by
the provisions of subdivision three of section 240.30 or legally
sufficient evidence satisfying the people's burden under paragraph (a) or (b) of
subdivision one of this section.

For purposes of this section:

- (a) the term "age" means sixty years old or more;
- (b) the term "disability" means a physical or mental impairment that
substantially limits a major life activity.

B. Penal Law § 240.31 Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent
to harass, annoy, threaten or alarm another person, because of a belief or
perception regarding such person's race, color, national origin, ancestry, gender,
religion, religious practice, age, disability or sexual orientation, regardless of
whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious

3. Etches, paints, draws upon or otherwise places a swastika, commonly
exhibited as the emblem of Nazi Germany, on any building or other real
property, public or private, owned by any person, firm or corporation or any
public agency or instrumentality, without express permission of the owner or
operator of such building or real property;

4. Sets on fire a cross in public view; or

5. Etches, paints, draws upon or otherwise places or displays a noose,
commonly exhibited as a symbol of racism and intimidation, on any building or
other real property, public or private, owned by any person, firm or corporation
or any public agency or instrumentality, without express permission of the
owner or operator of such building or real property.

Aggravated harassment in the first degree is a class E felony.

C. Penal Law § 240.30(3) Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the second degree when with intent
to harass, annoy, threaten or alarm another person, he or she:

Strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Aggravated harassment in the second degree is a class A misdemeanor.

IV. PROCEDURES

A. Goals

1. Officers shall conduct a thorough and complete investigation in all suspected and confirmed hate crime incidents and assist the local prosecutor.
2. Officers should make every effort to become familiar with organized hate groups operating in the community and police contacts should be documented.

B. Initial Response Procedures

Initial responding officers at the scene of a suspected hate crime shall take preliminary actions deemed necessary, including, but not limited to, the following:

1. Secure the scene. Steps should be taken so that the initial situation does not escalate. This includes but is not limited to:
 - a. Stabilizing injured victims and requesting medical aid.
 - b. Providing protection to victims and witnesses by increased police presence.
 - c. Protect the crime scene and have technician collect and photograph physical evidence such as hate literature, spray paint cans, and symbolic objects used by hate groups, such as swastikas and crosses.
2. Identify criminal evidence on the victim if applicable.
3. Request the assistance of a translator or counselor when necessary.
4. Request the assistance of an investigator and supervisor.
5. Conduct a preliminary investigation and record information on;
 - a. the identity of suspected perpetrators,
 - b. the identity of witnesses, including those no longer at the scene,

- c. prior bias-motivated occurrences in the immediate area or against the same victim. (check with Crime Analyst, NYSIC (518) 786-2100 and/or Regional Crime Analysis Center if one exists),
 - d. statements made by suspects; exact language is critical.
6. Arrest suspected perpetrators if probable cause exists.
 - a. Conduct interview and attempt to establish motive
 - b. Consult with prosecutor if there is a question as to proper criminal charges
7. Take measures to ensure that necessary preliminary actions have been taken and brief the responding supervisor as to those action
During your investigation, look for possible signs that the incident may be a hate crime:
 - The motivation of the perpetrator or lack of motive.
 - Statements made by the perpetrator.
 - The presence of multiple perpetrators.
 - The display of offensive symbols, words or acts.
 - Was any hate literature found in the possession of the suspect?
 - Is the victim the only person of a particular group at a park or facility?
 - Is the victim from a different racial, ethnic, religious group than the perpetrator?
 - The absence of any motive. The brutal nature of a particular incident could denote a hate crime, particularly when the perpetrator and victim don't know each other.
 - The perpetrator's perception of the victim, whether accurate or not.
 - The date, time or circumstances of the occurrence, such as on a religious holiday, or an event occurring at a gathering of a group of people affiliated by ethnicity, religion, sexual orientation, etc.
 - Multiple incidents occurring in a short time period and all the victims were of the same identifiable group.
 - Were the real intentions of the perpetrator racial, color, religious or

ethnic oriented, or were there other reasons such as pranks, unrelated vandalism, or a dispute arising out of a non-bias related disagreement?

- Incident occurred in proximity to an establishment that could be associated with one of the protected classes.
 - The perpetrator targeted a particular portion of the victim's body; i.e. Sikh victims forcibly having his hair cut, or a victim targeted for his/her sexual orientation being attacked near or around his or her genitalia.
 - The victim's perception that he/she was selected because they are a member of an identifiable group.
8. The mere mention of a bias remark does not make an incident bias motivated, just as the absence of a remark does not make an incident without bias. Even the mere perception that the incident may be motivated by bias shall necessitate a notification to a patrol supervisor.
9. Be cognizant of dual motivation by some suspects. Example: A suspect may be looking to commit robberies but specifically targets elderly victims.
10. Note that an attack against a transgender victim could be covered under sexual orientation or gender.

C. Supervisory Responsibilities

The supervisor shall confer with the initial responding officer(s), take measures to ensure that necessary preliminary actions have been taken, and make appropriate departmental notifications as necessary. The supervisor shall request any appropriate additional personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim.
 - a. Express the law enforcement agency's official position on the importance of these cases, and describe the measures that will be taken to apprehend the perpetrators.
 - b. Express the department's interest in protecting victims' anonymity whenever possible.
 - c. Allow the victim a period in which to express his or her immediate concerns and express his or her feelings.
 - d. Communicate with concerned community-based organizations, civic groups, and religious institutions regarding the suspected or confirmed bias incident.

- e. Identify individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, a family clergyman or departmental chaplain, as well as community service agencies that provide victim assistance, shelter, food, clothing, child care, or other related services.
 - f. Tell the victim about the probable sequence of events in the investigation and prosecution.
 - g. Explain security measures and precautions to the victim.
2. Ensure that officers and investigator conduct a thorough preliminary investigation.
 3. Ensure that all relevant facts are documented on an incident or arrest report or both and make an initial determination as to whether the incident should be classified as a hate crime.
 4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
 5. Take preventive measures to ensure the safety of the victim.

Investigating Officers Responsibilities:

In responding to the scene of an alleged hate crime, investigating officer shall assume control of the follow-up investigation to include the following:

1. Ensure that the scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), the owner of the property shall be contacted to do all that is possible to ensure that the graffiti is removed as soon as possible. The officer or investigator shall follow-up to ensure that this is accomplished in a timely manner.
2. Conduct a comprehensive interview with all victims and witnesses (and depose) at the scene, or as soon as possible thereafter, and canvass the neighborhood for additional sources of information.
3. Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution.
4. Coordinate the investigation with agency, state, and regional crime analysis centers. These sources shall provide the investigative officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

5. Coordinate the investigation with other units of the agency and with outside agencies where appropriate.
6. Maintain contact with the initial responding officer and keep him or her apprised of the status of the case.
7. Recommend to Commanding Officer whether the incident should be classified as a hate crime.
8. Investigative officers shall take steps to ensure that appropriate assistance is being provided to hate crime victims, to include the following measures:
 - a. Contact the victim periodically to determine whether he or she is receiving adequate and appropriate assistance.
 - b. Provide ongoing information to the victim about the status of the criminal investigation.
 - c. Attempt, whenever possible, to conduct all interviews with victims at their convenience and minimize, to the degree possible, interactions in which victims have to relate the incident.
9. Recommended Steps When Suspect is Not in Custody or Has Not Been Identified
 - a. Coordinate investigation with other department units.
 - b. Work with Analyst or Regional Crime Analysis Center to research leads and prepare bulletins.
 - c. Conduct extensive canvass and distribute bulletins in area of the incident.
 - d. Debrief individuals arrested in the area.
 - e. Work with media to attempt to garner witnesses and investigative leads.
 - f. Follow-up leads in timely manner.

Incident Report Preparation

Incident reports should clearly indicate the following information:

- Offense – Hate Crime designated Penal Law
- Victim age, gender, race, and ethnicity (when victim(s) is an individual(s))
- Offender age, gender, race, and ethnicity (when available)

The narrative portion of the Incident report should document that the victim(s) was intentionally selected or that the act was intentionally committed because of a belief or perception regarding such victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. The specific bias motivation of the perpetrator should be documented (Ex: selected victim because he was Hispanic, Jewish, Muslim, etc...)

Arrest Processing

The Hate Crimes law is a sentencing enhancement statute. Thus, when the specified crime is a misdemeanor or a class C, D, or E, felony, the hate crime shall be deemed to be one category higher. For example, if a defendant is alleged to have committed an Assault in the second degree, which is a "D" felony and it is alleged that the assault was a hate crime, then upon a conviction the assault is deemed to be a "C" felony and the sentence imposed will be based upon the sentencing range for a "C" felony. "A" and "B" felonies charged as hate crimes stay the same but are subject to higher penalties.

It is important to realize that a class A misdemeanor charged as a hate crime is deemed a class E felony. This may affect the manner in which the case is handled (e.g., arraignment, bail, grand jury). Reporting of hate crime arrests is statutorily required. It is essential that if an individual is being charged with a hate crime, the arrest is properly coded. When an arrest is being processed for a hate crime, you are required to use the penal law code with the letter "H" to highlight and make the distinction. The letter "H" is applied to the subdivision of the PL section. In those cases where no subdivision exists, a double zero is used with the letter "H". Use caution when using automated booking system to ensure that the correct offense is selected.

Examples:

PL section 120.00, subdivision 1 – Assault 3rd

- 120.00(01H), when it is a Hate Crime
- PL Section 140.15 – Criminal Trespass 2nd
- 140.15 (00H), when it is a Hate Crime

Note: Do not use the letter H when you are not charging a hate crime or the arrest will be reported as a hate crime arrest by DCJS.

Accusatory Instrument

1. As the Legislature made clear in the language of Penal Law section 485.00, the victim of a hate crime is society as a whole. It is apparently for that reason that the hate crime statute does not require specification of any particular person, only "a person." It is the attribute of the protected class (i.e., sex, race, sexual orientation, etc.), not the name of any particular individual member or members of that class which is of importance. Accordingly, the manner in which to allege a hate crime is to set forth the particular attribute of the protected class which is claimed to have motivated the defendant, and not name any particular person or persons. The indictment can simply allege that the defendant committed the underlying crime in whole or in substantial part because of a belief or perception of the race, or sex, or sexual orientation, etc, of "a person." Likewise, when alleging aggravated harassment in the first degree, the accusatory instrument need only allege prohibited conduct directed toward a class of individuals.

2. The accusatory paperwork filed with the court should also list the "H" designator. The narrative portion of the accusatory incident must include the elements and facts of the crime that demonstrate that the victim was intentionally selected or the act was intentionally committed because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation.

Records Management Section

1. Assist department in complying with state hate crime reporting requirements.
 - a. Submit all incidents of reported hate crimes to DCJS each month using the State form 3294 (see Attachment A). Forms must be submitted each month. If no hate crimes were reported, departments must complete the form by checking the "Nothing to Report (NTR)" box.

 - b. Report monthly, by submitting a duplicate copy of form 3294, to the Regional or County Crime Analysis Center in accordance with any county or local laws.

Community Relations and Crime Prevention

Hate crimes are viewed in the community not only as a crime against the targeted victim(s), but also as a crime against the victim's identification group as a whole. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report those crimes. This is particularly important if an upward trend has been identified in these crimes. Towards this end, this agency's community relations function, or officers so assigned, shall perform the following:

1. Provide victim(s) with a point of contact in the department to whom they can direct questions or concerns, and keep them informed of the case progress including the end result of the investigation or prosecution.
2. Protect the privacy of the victim and their families as much as possible.
3. Provide any direct assistance reasonably possible and referral assistance to the victim and the family of the victim.
4. Meet with neighborhood groups, residents in target communities and other identified groups, to allay fears, emphasize the agency's concern over this and related incidents, reduce the potential for counter-violence and reprisals, and provide safety, security, and crime prevention information.
5. Engage the media as partners in restoring victimized communities through sensitive and accurate reporting. Information regarding hate crimes should be prepared for the media in an accurate and timely manner.
6. Conduct public meetings or forums designed to address the community-wide impact of hate crime and violence in general.
7. Establish liaisons with formal community-based organizations and leaders to mobilize resources that can be used to assist victims and prevent future hate incidents and crimes.
8. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

GREENE COUNTY SHERIFF'S OFFICE

Subject: USE OF FORCE		Policy 128
Effective: January 1st, 2020	Standard Number(s): 20.1, 20.5, 20.7, [REDACTED] [REDACTED], 20.34, 40, 73, 79, 80, 81, 82, 84, 85	
Rescinded:	Amended: August 17 th , 2020	Sheriff Peter Kusminsky
Reviewed:		

Purpose: To establish a policy whereby personnel of the GCSO have guidance and procedures in the use and reporting of the use and presentation of physical force.

I. Policy

- A. The federal and state standards by which the use of force is measured are both founded in the basic premise of objective reasonableness. The amount of force that is used by the officers shall be the amount of force that is objectively reasonable under the circumstances for the officer involved to effect an arrest, prevent an escape, or in defense of themselves or others. The standard of objective reasonableness, established by the United States Supreme Court in *Graham v. Connor*, is used in this policy and intended to provide officers with guidelines for the use of force, including deadly physical force.

II. DEFINITIONS

- A. **Objectively Reasonable-** An objective standard used to judge an officer's action. Under this standard, a particular application of force must be judged through the perspective of a reasonable officer facing the same set of circumstances, without the benefit of 20/20 hindsight, and be based on the totality of the facts that are known to that officer at the time that the force was used.
- B. **Deadly Physical Force-** Physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.
- C. **Physical Injury-** Impairment of physical condition or substantial pain.
- D. **Serious Physical Injury-** Physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss of impairment of the function of any bodily organ.

III. USE OF FORCE

- A. In general terms, force is authorized to be used when reasonably believed to be necessary to affect a lawful arrest or detention, prevent the escape of a person from custody, or in defense of one's self or another.
- B. Under the 4th Amendment, a police officer may use only such force as is "objectively reasonable" under the circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene.

IV. DETERMINING THE OBJECTIVE REASONABLENESS OF FORCE

- A. When used, force should be only that which is objectively reasonable given the circumstances perceived by the officer at such time of the event.
- B. Factors that may be used in determining the reasonableness of force include, but not limited to:
 - 1. The severity of the crime of circumstance;
 - 2. The level and immediacy of threat or resistance posed by the suspect;
 - 3. The potential for injury to citizens, officers, and suspects;
 - 4. The risk or attempt of the suspect to escape;
 - 5. The knowledge, training, and experience of the officer;
 - 6. Officer/subject considerations such as age, size, relative strength, skill level, injury, or exhaustion, and the number of officers or subjects;
 - 7. Other environmental conditions or exigent circumstances.

V. DUTY TO INTERVENE

- A. Any member present and observing another member using force that he/she reasonably believes to be clearly beyond that which is justified under the circumstances shall intercede to prevent the use of unreasonable force, if and when the member has a realistic opportunity to prevent harm.
- B. A member who observes another officer use force that exceeds the degree of force as described in subdivision A of this section, shall promptly report these observations to a Supervisor.

VI. USE OF PHYSICAL FORCE

- A. A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force.
- B. No member of this agency will utilize a chokehold or similar restraint which applies pressure on the throat or neck of a person.
- C. Deadly physical force may be used for such purposes as those stated in section 35.30 of the New York State Penal Law.

- D. Where feasible, some warning should be given prior to the use of physical force.

VII. PROHIBITED USES OF FORCE

- A. Force shall not be used by a member for the following reasons:
1. To extract an item from the anus or vagina of a subject without a warrant, except where exigent circumstances are present;
 2. To coerce a confession from a subject in custody;
 3. To obtain blood, saliva, urine, or other bodily fluid or cell, from an individual for the purposes of scientific testing in lieu of a court order where required;
 4. Against persons who are handcuffed or restrained unless it is used to prevent injury, escape, or otherwise overcome active or passive resistance posed by the subject.
- B. Only issued or approved equipment will be carried on duty when applying physical force, except in emergency situations when a member must use any resources at his or her disposal.

VIII. REPORTING & REVIEWING THE USE OF FORCE

- A. Any injuries resulting from a use of force incident shall result in the appropriate and timely medical attention being provided to the injured party.
1. If a person refuses medical treatment such refusal will be documented.
- B. Members involved in use of force incident as described below shall notify their supervisor as soon as practicable and shall complete a departmental Use of Force, Firearms Report, or any other necessary forms (example: OC usage form, Taser usage form, etc.).
1. Use of force that results in a physical injury.
 2. Incidents that result in a complaint of pain from the suspect except complaints of minor discomfort from compliant handcuffing or from compliance techniques.
 3. Incidents where a conducted electrical weapon (CEW) was intentionally discharged or accidentally discharged after being displayed.
 4. Presents, uses or discharges a firearm at or in the direction of another person;
 5. Uses a chokehold or similar restraint that applies pressure to the throat or windpipe of a person in a manner that may hinder breathing or reduce intake of air;
 6. Presents, uses or deploys a chemical agent, including, but not limited to, oleoresin capsicum, pepper spray or tear gas;
 7. Presents, uses or deploys an impact weapon, including, but not limited to, a baton or billy club;
 8. Presents, uses or deploys an electronic control weapon, including, but not limited to, an electronic stun gun, flash bang, or long range acoustic device.
 9. Engages in conduct which results in the death or serious bodily injury of another person. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ or mental faculty.

- C. Supervisors will ensure that members receive any necessary assistance, including medical treatment. They will also ensure that any injuries to members shall be properly documented and reported.
- D. In the event that a member is unable to complete reports due to injuries, the supervisor will prepare or cause to be prepared, and submit them.

IX. PROCEDURES FOR INVESTIGATING USE OF FORCE INCIDENTS

- A. The member's immediate supervisor will respond to the scene of the incident immediately after learning of the use of physical force. If the member's immediate supervisor is not available, the chain of command will be followed and the next highest ranking member in the chain of command will be dispatched to the scene. The first supervisor to the scene will ensure that a thorough investigation is conducted. Whenever possible, this investigation will be conducted at the scene.
- B. A supervisor that is made aware of a force incident shall ensure the completion of a Use of Force/ Firearms Report by all members engaging in reportable use of force and, to the extent practical, make a record of all officers present.
- C. Supervisors will determine if an investigator will respond to the scene of an incident involving the use of force. With assistance of the investigator a supervisor will determine what level of the investigator's services will be utilized; including but not limited to photos, measurements and diagrams.
- D. The Lieutenant will receive the supervisor's report and review the circumstances of the investigation. After reviewing the report, the Lieutenant will forward the report to the Captain, who will determine if further investigation is required. In the absence of a Lieutenant, the Captain will assume both functions.
- E. The Captain will determine by reviewing all reports if the use of force used meets the criteria set forth in New York State Executive Section 837-T, or New York State Commission of Correction minimum standards. If such criteria has been met the Captain will cause such report to be made to the Division as stated in Executive Law Section 837-T, or Commission of Correction minimum standards.

Greene County Sheriff's Office

Subject: Death in Custody Act						Policy 158	
Effective: January 1, 2020			Standard Number(s):				
Rescinded:		Amended:		SHERIFF PETER KUSMINSKY			
Reviewed:							

Policy: The Death in Custody Reporting Act of 2000 (DICRA), Public Law 106-297, enacted by the United States Congress on October 13, 2000, requires law enforcement to provide Incident Reports on all deaths occurring in police custody prior to confinement in local jails.

I. Procedure:

- A. Upon the death of a person in custody of the Greene County Sheriff's Office in the process of arrest or en-route to be incarcerated, dispatch will be notified and will immediately make notifications per Rules and Regulation O22A "Sheriff Notifications To Be Made", O80, "Greene County Coroner's Policy and Procedures" and O22 "Emergency Notifications".
- B. An Incident Report documenting the death and relevant circumstances will be prepared, reviewed by the appropriate supervisor and forwarded to the Lieutenant(s), Undersheriff and Sheriff.
- C. Forms DCJS-3281 and CJ11 will be maintained by the Lieutenant(s). Form 3281 will be completed by the Lieutenant and forwarded to Division of Criminal Justice Services with each Death in Custody Incident Report. Records Office will complete Form CJ11 and forward to Division of Criminal Justice Services annually, including negative report, for the period 1 January – December 31.
- D. Form DCJS-3281 will be forwarded to the federal Bureau of Justice Assistance by Division Of Criminal Justice Services. Individual death records collected by the Bureau of Justice Assistance are considered immune from subpoena.

* GCSO must "promptly report" certain information to the Division of Criminal Justice Services. The information required to be reported involves any arrest-related death. An arrest-related death is considered any death that occurs while in custody or during an attempt to establish custody. The information required in every report is as follows:

1. the number of arrest-related deaths;
2. the race, ethnicity, age, and sex of the individual;
3. the zip code or location where the death occurred; and
4. a brief description of the circumstances surrounding the arrest-related death.

Greene County Sheriff's Office

Subject:	USE OF CHOKEHOLD OR SIMILAR RESTRAINT	Policy	184
Effective:	JUNE 16, 2020	Standard Number(s):	
Rescinded:	Amended:	SHERIFF PETER KUSMINSKY	
Reviewed:			

POLICY:

GCSO members will not obstruct the airway of any individual.

I. Procedure

A. Section 1.20 of the CPL, Aggravated Strangulation, applies to Police Officers who obstruct the breathing or blood circulation of an individual.

B. Personnel will not use a chokehold or similar restraint or place a knee on any individual's neck for any amount of time as this action may lead to serious injury or death of said person.

C. Any GCSO member that violates this policy may be charged with a Class C Felony and subject to discipline as set forth in the GCSO Policy & Procedure.

Greene County Sheriff's Office

Subject:	RECORDING BY THE PUBLIC	Policy 185
Effective:	JUNE 16, 2020	Standard Number(s):
Rescinded:	Amended:	SHERIFF PETER KUSMINSKY
Reviewed:		

Policy: Individuals not under arrest or in custody have the right to record, on any device, law enforcement activities. The individual may also retain the device the recording was made on. Individuals under arrest or in custody must have the recording/device maintained and returned to them. No individual may interfere with law enforcement activity or obstruct governmental administration.

I. Procedure:

A. No GCSO member will do any of the following to an individual attempting to exercise the right to record law enforcement activity or interfere with the right listed above:

1. intentionally preventing or attempting to prevent that person from recording law enforcement activity;
2. threatening that person for recording a law enforcement activity;
3. commanding that the person cease recording law enforcement activity when the person was nevertheless authorized under law to record;
4. stopping, seizing, searching, ticketing or arresting that person because that person recorded a law enforcement activity; or
5. unlawfully seizing property or instruments used by that person to record a law enforcement activity, unlawfully destroying, or seizing a recorded image or recorded images of a law enforcement activity, or copying such a recording of a law enforcement activity without consent of the person who recorded it or approval from an appropriate court.

Greene County Sheriff's Office

Subject: Mental Health/Medical Attention						Policy 186	
Effective: JUNE 16, 2020			Standard Number(s):				
Rescinded:		Amended:		Sheriff : Peter Kusminsky			
Reviewed:							

Policy: Individuals under arrest or in custody of GCSO personnel are entitled to medical or mental health attention when needed. The care requested must be reasonable and provided in good faith under the circumstances. Failure to provide reasonable and good faith attention creates a cause of action to an individual who, as a result of said failure, suffers serious physical injury, significant exacerbation of an injury or condition.

