

	<p>ITHACA POLICE DEPARTMENT</p> <p>POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	1.01
		Original Issue Date	Reissue/Effective Date
		06/25/2020	06/25/2020
<p>Order Title:</p> <p>LAW ENFORCEMENT FUNCTION</p>		Accreditation Standard: NY 2.7; 12.9; 14.1; 14.3; 20.1; 40.1; 47.1	Section 1
		<p>Section Title</p> <p>DEPARTMENT ROLE AND AUTHORITY</p>	
<p>Rescinds: General Order 100 issued 01/01/2018 by Chief Tyler</p>		 Dennis Naylor, Chief of Police	

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to establish a written directive that requires all officers, prior to assuming sworn status, to take and subsequently abide by an Oath of Office and Code of Ethics. In addition, the Department’s role in criminal justice and social service diversion programs shall be specified.

II. POLICY

It is the policy of the Ithaca Police Department (“the Department”) that all officers shall take an Oath of Office prior to assuming sworn status and shall also abide by the Department’s Code of Ethics. For all sworn employees, the City Clerk or Mayor will administer the oath.

An oath is universally recognized as a solemn pledge that someone makes when they sincerely intend to commit to what they advocate and affirm. The trust and support of the community are essential if the Department is to fulfill its commitment to the citizens and the community. Sincere commitment to an oath can provide vital guidance to officers during their career on most crucial decisions; a moral anchoring that can endure the test of time, and a solid, emotional foundation when facing difficult moments. Officers must always behave in an ethical manner by abiding by this oath to the best of their ability.

III. DEFINITIONS

Accountability: That you are answerable and responsible to your oath of office.

Badge: The symbol of your office.

Betray: Breaking faith with the public trust.

Character: The qualities that distinguish an individual.

Community: The jurisdiction and citizens served.

Courage: Having the strength to withstand unethical pressure, fear or danger.

Honor: Means that one's word is given as a guarantee.

Imminent Danger: A threat, risk, or menace that is about to happen.

Integrity: Being the same person in both private and public life.

Oath: A solemn pledge someone makes when he/she sincerely intends to do what he/she says.

Public trust: A charge of duty imposed in faith toward those you serve.

IV. PROCEDURE

A. Oath of Office

1. Police officers take risks and suffer inconveniences to protect the lives, defend civil liberties, and secure the safety of fellow citizens. They endure such risks and tolerate such inconveniences on behalf of strangers. Consequently, police work is one of the more noble and selfless occupations in society. Making a difference in the quality of life is an opportunity that policing provides, and few other professions can offer. A public affirmation of adhering to an Oath of Office is a powerful vehicle demonstrating ethical standards.
2. To have continual success at enhancing integrity within an organization, department leaders must ensure the oath is recited frequently and displayed throughout the organization as well as ensuring ethical mentoring and role modeling are consistent, frequent and visible. The following oath is adopted as the official oath of office for sworn members of the Department:

I do solemnly swear to support the Constitution of the United States and the Constitution of the State of New York and that I will faithfully discharge, according to the law, the duties of a Police Officer of the City of Ithaca, to the best of my ability.

3. Prior to assuming sworn status, all police personnel shall take an Oath of Office and pledge never to betray their badge, integrity or character and never to compromise the public trust. A copy of the Oath of Office is

attached to this order as [Appendix A](#). A signed copy will be placed in the officer's training and personnel file.

B. Code of Ethics

1. There is little disagreement among law enforcement administrators that upholding professional ethics is the most critical issue facing our profession. From recruiting and selection, through promotions and assignments, to training and field activities, no other factor weaves such a powerful web through every aspect of policing. The conduct and behavior of police officers should emphasize the Department's core values and principles, to the extent that they meet or exceed the public's expectations, in the delivery of professional law enforcement services.
2. All employees of the Ithaca Police Department are required to abide and uphold the highest standards of ethical conduct for law enforcement agencies, and shall share equally in a commitment to its mission, goals and objectives. Thus, all sworn officers shall abide by, and are bound by, the spirit and intent of all adopted codes of conduct. These standards of ethical conduct shall serve as the guide for the conduct for all officers, employees, and citizen volunteers of the Department. Therefore, all officers of the Ithaca Police Department shall abide by the International Association of Chiefs of Police Law Enforcement Code and Canon of Ethics, a copy of which appears as [Appendix B](#).

C. Duty to Intervene

1. Law enforcement officers have a legal and ethical duty to intervene in any use of force situation they perceive as excessive. Intervention may include:
 - a. Verbal caution
 - b. Physical restraint
 - c. Immediate reporting of the incident
(Reference Duty to Intervene Directive issued 06/09/2020)

D. Discretion

1. All sworn officers of the Ithaca Police Department are expected to use discretion when exercising their legal authority and carrying out their assigned responsibilities. Discretion is the power of free decision or the latitude of choice, within legal guidelines. When discretionary power is poorly exercised, it may be viewed by the public as bias, favoritism, or even corruption. Therefore, when exercising discretion in the performance of duty, it is imperative that officers take into consideration the intent of the law, the goals and objectives of the Department, the best interests of the

community, and any mitigating circumstances surrounding each incident.

2. Officers of the Ithaca Police Department may exercise discretion except when their decision is unlawful, violates department policy, or conflicts with the instructions of a supervisor. Officers of this agency do not have discretion to disobey a lawful order.
3. A “totality of circumstances” approach should be employed by officers at all times during the performance of their duty, especially when exercising arrest authority. Upon evaluation of the situation and consideration of Department policy and procedure, officers should give thought to possible alternative resolutions.
4. The use of discretion should be carefully reviewed by a supervisor and restricted in certain situations such as Family Violence investigations, DWI investigations, serious motor vehicle crashes, and felonies. Greater latitude of discretionary judgment will be permitted in the investigation of misdemeanors, infractions, or City ordinances. Each officer will be held accountable for the proper use of discretion in any given situation.

E. Alternative to Physical Arrest

1. Officers have at their disposal numerous alternatives for resolving situations, among them, custodial arrest. However, when a situation warrants, and a law violator can be brought to justice without incarceration while still providing for the public safety, officers are encouraged to select a suitable alternative. Alternatives to physical arrest include:
 - a. Issuance of summons (when policy allows)
 - b. Referral to social service agencies
 - c. Verbal warning
 - d. Informal resolution (e.g., mediation, negotiation, parental notification, etc.)

F. Biased-Based Profiling

1. Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias-based profiling, however, is a discriminatory practice and is illegal. It is the selection of individuals based solely on a common trait group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any identifiable groups.
2. Members of the Ithaca Police Department are prohibited from conducting biased-based profiling. Members of the Department shall receive training in

the legal aspects of biased-based profiling issues. (*See, General Order 1.09, Bias-Based Policing*)

3. Any allegation of biased-based profiling will be thoroughly investigated through an internal affairs (IA) investigation. Results of the investigation will be forwarded through the chain of command for appropriate corrective action if founded.

Appendix A

***Ithaca Police Department
Oath of Honor***

I do solemnly swear that I will always support and uphold the Constitutions, Laws, and Statutes of the United States of America and the State of New York; the Charter and the Ordinances of the City of Ithaca; and the Policies, Procedures, Rules and Regulations of the Ithaca Police Department.

On my honor, I will never betray my badge, my integrity, my character or the public trust. I will always have the courage to hold myself, and others, accountable for our actions. Furthermore, I pledge that I will discharge the powers and duties of my position to the best of my knowledge and ability.

Signature

Date

Appendix B

Ithaca Police Department Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, the peaceful against violence or disorder; and to respect the constitutional rights of all persons to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or that I hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, law enforcement.

Signature

Date