
	ITHACA POLICE DEPARTMENT POLICY AND PROCEDURE GENERAL ORDER	Distribution	General Order Number
		ALL PERSONNEL	2.04
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		05/20/21	
Order Title: AUTHORITY AND RESPONSIBILITY	Accreditation Standard: NY 2.1; 2.2; 2.3; 2.7; 13.1; 14.1		Section 2
	Section Title ORGANIZATION AND MANAGEMENT		
Rescinds:	 John Joly, Acting 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 General Order is to provide a written directive for Ithaca Police Department employees, supervisors, and command personnel to establish the concept that responsibility is accompanied by appropriate authority, and that each employee is accountable for the use of delegated authority.

II. POLICY

It is the policy of Ithaca Police Department (“the Department”) that all employees shall comply with the guidelines of this General Order and all other Department General Orders, and carry out their duties, obligations, and responsibilities to the best of their abilities. At every level within this agency, personnel are given the authority to make decisions necessary for the effective execution of their responsibilities.

III. PROCEDURES

A. Authority to Execute Functions

1. For the organization to succeed at every level of the Department, employees will be given appropriate authority and are expected to make decisions necessary for the effective execution of their responsibilities. Authority to execute the required activity of each organizational component is delegated by the Chief of Police through the command structure to individual employees.

B. Accountability for Use Authority

1. The Chief of Police is ultimately responsible for the performance of the organization. To assist the Chief in accomplishing the mission, goals, and objectives of the Department, employees are vested with the authority necessary to perform the duties of their assignment. All employees, by virtue of their position in the Department, will be held accountable for their overall performance. Supervisors shall monitor the use of, or failure to use, delegated authority of their subordinates in accomplishing the responsibilities of their position. Methods used shall include:
 - a. Day-to-day observation
 - b. Line inspections
 - c. Employee/Supervisor meetings and counseling sessions
 - d. Performance evaluation process

2. Lines of Authority within the Ithaca Police Department

Organization of the Ithaca Police Department is established with authority descending from superior to subordinate and responsibility ascending from subordinate to superior. The line of command is divided into three collateral types of authority:

- a. ***Executive or command authority:*** That authority which is inherent by reason of rank and title and is automatically conferred upon and accepted by an officer upon execution of the Oath of Office or as directed by the Chief of Police.
- b. ***Operational authority:*** That authority which is inherent by virtue of operational necessity. For example, when conducting tactical operations, the commander of a tactical unit has operational authority to manage the incident.
- c. ***Functional authority:*** That authority conferred by the nature of the duty performed, irrespective of rank or title, and is similar to operational authority except that functional authority is more long term. Personnel shall have the authority to carry out all functions assigned.

C. Supervisor Accountability

1. All Department personnel shall be held fully accountable for the use of delegated authority, as well as the failure to use it. Supervisors are accountable for the activities and the performance of employees under their immediate control. Although supervisors may free themselves of the actual performance of a given task, they cannot relieve themselves of responsibility and accountability for accomplishment of the task.

2. The existence of specialized components does not relieve any employees from the responsibility of the enforcement of laws and the investigation of incidents brought to their attention. Department members shall coordinate with any specialized components when necessary and appropriate.

D. Obeying Orders

1. An order is defined as a command or instruction, oral or written, given by one member of the Department to another member. It is essential to the proper operation of a police agency that employees promptly obey all lawful orders. Every employee of the Department shall promptly obey, without reservation, the orders, rules, regulations, policies and procedures of the Department and all lawful commands of a supervisor including those commands relayed from a superior by an employee of the same or lesser rank. The intentional refusal to obey any direct lawful order is grounds for discipline.
2. No employee is required to obey any order that is contrary to any Federal or State law. Obedience to an unlawful order is never a defense for an unlawful action. Responsibility to refuse to obey an unlawful order rests with the employee to whom such order was given. The employee shall be strictly required to justify such action. Employees issued what they believe to be an illegal order shall request the issuing employee to clarify the order or to confer with higher authority.
3. No supervisor shall knowingly issue any order that is a violation of any law.
4. Should any order given by a supervisor conflict with any previous Departmental order, rule, regulation, policy or procedure, the employee to whom such order is given will call attention to the conflict. If the person responsible for issuing said order does not change the order to avoid such conflict, the order will be obeyed, but the employee obeying such order shall not be held responsible for disobedience of the previous order, rule, regulation, policy, or procedure. Responsibility for the conflict shall be upon the supervisor issuing the conflicting order. It should later be reported to the Chief of Police, through the chain of command, for clarification.
5. When lawful orders that appear to be unjust or improper are given, the employee to whom the order is given shall respectfully notify the supervisor issuing such order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the employee to whom the order was given may file a written report to the Chief of Police, via the chain of command, indicating the circumstances and the reasons for questioning the order, along with a request for clarification of Departmental policy. After complying with this Section, an employee who carries out an order found to be unjust or improper by the Chief of Police or court or tribunal of competent jurisdiction, will not be held responsible for carrying out such order.