



ADMINISTRATIVE GUIDE

Section: General Regulations		Procedure No: 304-06
PROHIBITED CONDUCT		
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PROHIBITED CONDUCT

1. Engaging in conduct prejudicial to good order, efficiency, or discipline of the Department.
2. Using discourteous or disrespectful remarks regarding another person's age, ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability.
 - a. Members shall address the public using pronouns, titles of respect, and preferred name appropriate to the individual's gender identity/expression as expressed by the individual.
 - b. The term "gender" shall include actual or perceived sex and shall also include a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the legal sex assigned to that person at birth.
3. Consuming any amount of intoxicants while on duty whether in uniform or civilian clothes.
 - a. Member assigned to duty in civilian clothes may be granted permission by the bureau chief/counterpart concerned based upon the nature of the member's assignment.
4. Bringing or permitting an intoxicant to be brought into a Department building, facility, booth, boat, or vehicle, except in performance of police duty.
5. Entering premises serving intoxicants, except for meal, personal necessity, or performance of duty.
6. Having a romantic relationship with a subordinate member who is routinely under the direct supervision of the supervising member.

NOTE

Romantic relationships between supervisors and subordinates who the supervisor routinely supervises will result in the transfer of one of the involved parties. Members of the service are strongly encouraged to make a notification requesting a transfer in order to avoid workplace disruption.

7. Engaging in a relationship beyond the scope of official duties with:
 - a. Confidential informants, witnesses, or victims while on or off duty
 - b. Any youth/young adult assigned to the various programs the Department operates (i.e., explorers, cadets, interns, volunteers, etc.) while on or off duty
 - c. Any youth/young adult who attends school where member is temporarily or permanently assigned for duty.

NOTE

Conduct beyond the scope of official duties includes but is not limited to any of the following activities: dating, romantic/sexual relationship, socializing, carpooling, unauthorized meet-ups, unauthorized home visits, contact via social media, forum, message, chat, or other sites and/or applications. Communication while off duty is strictly limited to work related exchanges (authorized field trips, assignments, questions, duties/responsibilities, etc.). Members are required to utilize their Department email account for this purpose.

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NOTE
(continued)

When members are communicating with persons enumerated in step “7” and acting in accordance with official duties, such authorized communication may occur in the form of a home visit, telephone, and/or text. Additionally, in some instances it may also be appropriate to contact the person via social media when other points of contact are not known.

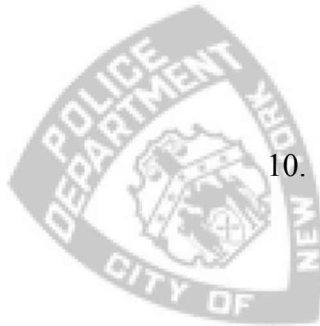
**PROHIBITED
CONDUCT**
(continued)

8. Knowingly associate with any person or organization:
 - a. Advocating hatred, oppression, or prejudice based on race, religion, gender, gender identity/expression, sexual orientation or disability,
 - b. Disseminating defamatory material,
 - c. That the person knows, or has reason to know, is engaged in, or is likely to engage in criminal activities or has previously engaged in criminal activities, and/or,
 - d. Preventing or interfering with performance of police duty.

NOTE

Investigations into allegations of criminal association shall take into account the totality of the circumstances. The following factors should be evaluated and considered:

- a. *Type of crime (e.g., severity, violent nature, involvement of corruption or lack of integrity, enterprise criminal activity, etc.),*
 - b. *Current “rehabilitation” status of associated person (e.g., employment status, length of time since the criminal activity, steps the person has taken to distance themselves from the criminal activity, societal contributions, etc.),*
 - c. *Relationship between member of the service and associated person, and*
 - d. *Frequency and nature of contact between member of the service and associated person.*
9. Divulging or discussing official Department business, except as authorized.
 - a. As per P.G. 212-77, “Release of Information to New Media,” members are reminded that unauthorized communication with the news media, without conferral with the Office of the Deputy Commissioner, Public Information is prohibited.
10. Discussing substance of a pending case *ex parte* (e.g., elected officials, community advocates, members of the press, members of the public, attorneys, representatives, relatives, etc.).
 - a. This prohibition also applies to the Department Advocate’s Office during the pre-charge stage, as it has prosecutorial discretion in determining whether to serve charges, and what penalty to seek.
 - (1) Pre-decision letters (i.e., a letter of support, character letter, etc.) may be submitted to the Department Advocate’s Office and Civilian Complaint Review Board, as appropriate, with a copy forwarded to the First Deputy Commissioner.
 - b. Questions pertaining to the disciplinary process (e.g., timing, scheduling, etc.) may be referred to the Deputy Commissioner, Trials, Department Advocate’s Office, or the Civilian Complaint



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PROHIBITED CONDUCT (continued)

- Review Board, as appropriate.
- c. Post-trial negotiations may be authorized by the Police Commissioner, as appropriate.
11. Participating in the Department disciplinary process, or its investigatory process, when there is a familial (e.g., spouse, child, present or past romantic relationship, etc.), or personal (e.g., friend, neighbor, business/financial, close colleague, etc.) relationship, or any other relationship with the respondent that could create, or appear to create, a conflict of interest.
- a. Notify commanding officer or executive officer, immediately, if a familial or personal relationship is discovered, which may require recusal from participation in a particular case.
- (1) If uncertainty exists as to whether recusal is appropriate, member concerned should consult with the Legal Bureau.
- (2) Commanding officer or executive officer will notify their bureau chief or deputy commissioner immediately, if a familial or personal relationship requires recusal.
12. Manipulating manually or electronically, transmitting in any form, or distributing any official Department recorded media or recorded media coming into possession of the Department as evidence, or for investigative purposes, except as authorized for official Department business.
- a. Recorded media includes videotapes, photographic images or pictures, audio recordings, electronic or internet files, or any like forms to be available in the future.
13. Making recommendation for or concerning any person or premises to any government agency in connection with issuance, revocation, or suspension of any license or permit, except when required in performance of duty.
14. Engaging in card games or other games of chance in a Department facility.
15. Joining any political club within the precinct to which assigned.
16. Soliciting, collecting, or receiving money for any political fund, club, association, society, or committee, unless approved by Internal Affairs Bureau.
17. While on duty, endorsing political candidates or publicly expressing personal views and opinions concerning the merits of:
- a. Any political party or candidate for public office;
- b. Any public policy matter or legislation pending before any government body; or
- c. Any matter to be decided by a public election, except with the permission of the Police Commissioner.
- d. Voting on any matter that comes before the community board concerning Police Department activities in the district that the board serves.
18. Being a candidate for election to, or serving as member of a School Board, if School District is located within City of New York (see Section 2103-a, Education Law).

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PROHIBITED CONDUCT (continued)

19. Serving on a community board's Public Safety Committee (which deals directly with Police Department and other law enforcement matters).
20. Violating Section 1129 of the New York City Charter. This section provides that any uniformed member who shall accept any additional place of public trust or civil emolument, OR who shall be nominated for any office elective by the people, and does not decline said nomination within ten days, shall be deemed thereby to have vacated his or her position/office in the Department. This **shall not** apply to the following:
 - a. A member of a community board
 - b. An appointment, nomination, or election to a board of education outside the City of New York
 - c. A member, who with the written authorization of the Mayor, shall accept any additional place of public trust or civil emolument, while on leave of absence without pay from the Department.
 - d. A member who, with the written approval of the Deputy Commissioner, Legal Matters, shall accept any additional place or position outside the City of New York, limited to volunteer work as a member or volunteer in, of, or for a community board, not-for-profit corporation, volunteer fire department, or other similar community-oriented entity.

NOTE

*Uniformed members of the service seeking to volunteer off-duty in any of the above-indicated positions must complete and submit form **APPLICATION FOR OFF-DUTY VOLUNTEER WORK (PD407-1622)** to the Deputy Commissioner, Legal Matters, One Police Plaza, Room 1406. No off-duty volunteer work can commence until written approval is received by the uniformed member of the service. Members who have already obtained the written approval of the Police Commissioner do not need to re-submit a request, unless there has been a substantial change in a member's NYPD duties or assignment, or a change in the type or frequency of off-duty volunteer work.*

21. Occupying seat in a public conveyance, while in uniform.
22. Rendering any service for private interest, which interferes with proper performance of duty.
23. Recommending use of particular business, professional or commercial service to anyone except when transacting personal affairs.
24. Steering business, professional or commercial persons to a prospective client requiring such services except when transacting personal affairs.
25. Consenting to payment by anyone to regain lost or stolen property or advising such payment, except towing fees as provided by law for recovered stolen vehicles.
26. Having any person make a request or recommendation that affects the duties of any member of the service, except as provided by Department procedures.
27. Failing to provide notice to the Department of an obligation or intention to perform services in any federal military branch.
28. Carrying a package, umbrella, cane, etc., while in uniform, except in performance of duty.



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PROHIBITED CONDUCT (continued)

29. Possessing or displaying police shield, **IDENTIFICATION CARD (PD416-091)**, Department logo, or similar object except as authorized by the Police Commissioner.
30. Using Department letterhead, personnel, equipment, resources, or supplies for any non-Department purpose or non-City purpose.
31. Making an unauthorized radio transmission.
32. Reporting for duty and/or end of tour via “outside wire” on a regular basis.
 - a. Members will not report for duty and/or end of tour within their precinct of residence unless approved by their commanding officer.

ADDITIONAL DATA

Members of the service are reminded that their conduct, on or off duty, is subject to scrutiny.

