

14.3 Legislative Restrictions on Officers

ADMINISTRATION

STANDARD 14.3 The agency requires that each officer receives a written directive which specifies the legislative restrictions placed on officers, and outlines exceptions and procedures for disclosure where applicable.

Commentary: The intent of this standard is to inform all officers of the major restrictions imposed by law on police officers.

The Alcoholic Beverage Control Law prohibits police officers from having any interest in the sale or manufacture of alcoholic beverages (ABCL, §128).

The Election Law, (EL, §17-110) prohibits a police officer from using his office or powers to aid or oppose any political party, to reward or retaliate against any police officer with respect to voting or party affiliation, or to solicit funds for a political party or other such organization.

The Racing, Pari-Mutuel Wagering and Breeding Law (§107) prohibits police officers from holding any office or employment with any firm that is licensed to conduct video lottery gaming or horse racing activities; conducts its business at racetracks where pari-mutuel race meets or video lottery gaming are conducted; owns or leases to a licensed entity racetrack at which pari-mutuel racing or video lottery gaming is conducted, or participates in the management of any licensee conducting video lottery gaming or pari-mutuel racing.

State and Municipal police officers are also subject to the provisions of Public Officers Law, Article 4 and General Municipal Law, Article 18, respectively. These statutes deal mainly with conflicts of interest. They impose certain prohibitions on activities by public officers and employees of municipal governments. The proscribed activities include:

- a. *Acceptance of gifts having more than a nominal value.*
- b. *Disclosure of confidential information learned in the course of official duties.*
- c. *Receiving compensation for providing services relating to matters before an agency of which they are an employee.*

The same law also imposes several affirmative duties, including:

- a. *Disclosure of any interest in any contract or dealings with the employing government.*
- b. *Disclosure of the fact that a municipal or State employee has an interest in any real property for which an application for any sort of variance is made.*
- c. *Effective January 1, 1991, annual filing of financial disclosure forms is required of certain employees.*

These statutes also contain or authorize the adoption of codes of conduct for state or municipal employees, as the case may be, relating to conflicts of interest.

Compliance Verification Strategies

Assessor may seek to verify compliance with this standard by using one or more of the strategies listed below. There may be other strategies identified by the agency which could also be acceptable.

1. A copy of the written directive is available for review.
2. Interview(s) with agency personnel to verify their understanding of and compliance with this directive.