

## NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 08/06/2013	SUBJECT:  <b>OFFICER RESPONSIBILITY/AUTHORITY; SUPERVISORY ACCOUNTABILITY; LAWFUL AND CONFLICTING ORDERS</b>	Number 105.00 (NYSLEAP A-2-7, A-2-9, A-2-10; 0-40-3)
RESCINDS: 04/15/2003		Number of pages 4

I. Policy:

- A. The Niagara Falls Police Department is an organization with an assignment of responsibility and accountability throughout the rank structure. Supervision begins with the Superintendent of Police on down to the senior Officer and it is upon them that the primary burden of training and supervising less experienced officers in the field takes place.
1. A Lieutenant is the first line of full-time supervision. It is his/her primary responsibility to guide, train, direct and motivate those over whom he/her has control.
  2. It is understood in the law enforcement field that police situations can rapidly escalate into a situation that requires immediate action and the presence of a supervisor cannot always be available during the spontaneous eruption of emotion or violence. It is in such situations that the Niagara Falls Police Department delegates the responsibility and accountability for the performance of junior officers in the discharge of their duties under the umbrella of what is good for the Department and order of organization and control of each and every situation. This does not relieve the officers on scene of accountability and responsibility of the outcome but allows them the initiative and responsibility to make the decision without having to rely on others and thus, risk possibility of escalation or further problems.
- B. It is the policy of the Niagara Falls Police Department that in the absence of the Superintendent of Police, the Superintendent of Police shall designate an Acting Superintendent from among the current Deputy Superintendents. The Acting Superintendent will assume full temporary command of the Police Department. If the Superintendent of Police is unable or fails to designate an Acting Superintendent, the senior Captain in grade will temporarily take on the additional duties of the Superintendent's Office until the City Administrator makes a determination as to who shall run the department.

- C. Subject to direction from higher command, a commanding officer has direct control over all members and employees within his/her command.
1. Field Supervision:
    - a. Since emergency situations occur without warning and their duration is often brief, officers must frequently make critical decisions without benefit of on-the-scene direction. In most police operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the police task and directs the energies of the Department into an organized effort. Proper supervision is essential to maintain a professional level of competence in law enforcement operations.
    - b. Command Responsibility of Field Situations:
      1. Command of Department resources at a police situation rests with the Division or Unit Lieutenant, or if the situation warrants, a Division or Shift Commander.
      2. An officer in charge at an emergency scene who does not choose to take command may be held accountable for unfavorable developments that he/she may have prevented by assuming control.
  2. Crime Scene Supervision:
    - a. The senior Detective present is in charge of any crime scene until a detective supervisor takes command.
  3. Accident Scene Investigation:
    - a. When an accident requires the presence of the Crash Management Team, the senior member of the team will assume complete control of the scene until the Crash Management Team supervisor arrives. The CMT will maintain control of the scene until such time as he/she relinquishes said authority, or the scene has been cleared to his/her satisfaction.
- II. Procedures:
- A. When Officers of equal rank are present and in the performance of the same operation, the Senior Ranking Officer shall be in command unless otherwise directed.

- B. A member who succeeds to any command or duty stands in regard to his duties in the same situation as his predecessor. The member relieved shall turn over to his/her successor all orders relating to that position in force at the time and all funds and properties pertaining to it. He/she shall receive upon request receipts showing the condition of each article so transmitted.
- C. An officer relieving or temporarily filling a position of a superior in an acting capacity shall be vested with all the authority and responsibilities of the superior but the acting officer shall not interfere with, countermand or modify the orders previously issued by the superior except in extreme emergency.
- D. Members acting in a capacity of a higher rank shall be accorded the same obedience and respect as a permanent ranking officer.
- E. Should an order conflict with any previous order issued by any other ranking officer or with any Department or provision of this Department's Rules and Regulations, the member to whom such order is issued shall respectfully call attention to the conflict, unless immediate obedience of the order is necessary to preserve life or protect the welfare of the public. Responsibility for countermanding the original order then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed.
- F. Issuance of orders to a subordinate does not relieve a Supervisory Officer from the responsibility to see that the orders are obeyed.
- G. Supervisory Officers shall not perform the duties regularly assigned to a subordinate when the subordinate is available to perform them.
- H. Adherence to the chain of command will not be bypassed except in an emergency.
- I. Supervisory Officers may exercise command over subordinates not of their regular command whenever in his/her judgment such action is necessary to accomplish an urgent police function.
- J. Supervisory Officers in command of the various units and divisions of the Department shall establish methods, techniques and procedures best suited for the accomplishments of the functional objectives of their particular units and divisions. Such procedures and techniques shall be subject to the approval of the Superintendent of Police or designee and shall not be in conflict with the law or rule of order of the Department.
- K. Whenever authority is delegated to the member of the Department, he/she shall be held accountable for the proper use of such authority. Each member

is accountable to his/her immediate supervisor for the use or failure to use delegated authority.