WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Code of Conduct		Policy # 1.8.1
Accreditation 1.8.1		
Effective Date: May 6, 2009	Revised Date: November 7, 2011	
By Authority Of: Chief A. Dale Mabry	Signature: ADMabry	

1.8.1 CODE OF CONDUCT

A. POLICY:

The Code of Conduct adopted contains information and guidance necessary in the proper performance of the duties of the officers of the West Norriton Township Police Department. Reference should be made to General Order 5.1.9 Terms of Employment. All such officers, regardless of rank or position, shall understand that no rules or regulations can be established which will embrace all cases arising in the general discharge of their duties. They shall know that exercise of the individual's discretion and common sense will be required in certain circumstances

B. PURPOSE:

The purpose of this general order is to provide officers with guidelines for the use of the Code of Conduct of the West Norriton Township Police Department

C. Who is Subject to Disciplinary Action

1. Officers of the department, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating his oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of Pennsylvania, or township ordinances, or for failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment; or for violation of any general order or rule of the department; or for failure to obey any lawful instruction, order or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case.

2. Departmental Authority to Discipline:

   a. Within the limitations set forth in the first class township code, the Civil Service Laws and Rules and the Township Ordinances, the departmental disciplinary authority and responsibility rests with the Township Manager. The Chief of Police shall review any investigations and recommend appropriate disciplinary action to the Township Manager. Oral reprimands, written reprimands and emergency suspension must be approved by police administration.

3. Other Supervisory Personnel May Take the Following Measures:

    a. Oral reprimand
    b. Written reprimand (subject to approval by the Chief of Police)
    c. Emergency suspension
    d. Written recommendations for other penalties

4. Emergency Suspension:

    a. Any command or supervisory officer shall have the authority to impose emergency suspension until the next business day against an officer when it appears that such action is in the best interest of the department.

D. Penalties

1. The following penalties may be assessed against any officer of the department as disciplinary action:

    a. Oral reprimand
    b. Written reprimand
    c. Voluntary surrender to time-off in lieu of other action
    d. Suspension
    e. Demotion
    f. Removal from the service
    g. Extension of probationary period

E. Follow-up on Emergency Suspensions

1. An officer receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at 9 AM unless otherwise directed by the Chief of Police or his designee. The command or supervisory officer imposing or recommending the suspension shall also report to the Chief of Police at the same time.

F. Reports of Disciplinary Action Taken or Recommended

1. Whenever disciplinary action is taken or recommended, a written report must be submitted immediately containing the following information:

    a. Name, rank, badge number and present assignment of the person being disciplined.
    b. The dates(s) and time(s) of the misconduct and location(s).
    c. The section number(s) of this manual violated and common name of the infraction.
    d. A complete statement of the facts of the misconduct.
    e. The punishment recommended.
    f. The written signature, badge number and rank of the preparing officer and his position in relation to the officer being disciplined.

G. Distribution of Reports of Disciplinary Action

1. The report shall be distributed as follows by the officer imposing or recommending disciplinary action:

   a. Original to the Deputy Chief then Chief of Police.
   b. Copy to officer's Supervisor

H. Informing the Person Being Disciplined

1. The officer being disciplined shall be informed of the charges and penalties if any assigned by the Chief of Police. Such charges shall be in writing. The opportunity to justify/mitigate the officer's actions shall be provided.

I. Appeals from Penalties

1. Appeals from penalties imposed as disciplinary measures may be taken as provided in the First Class Township Code, the Civil Service Laws and Rules, Township Ordinances, and the current police contract.

J. Misconduct Observed by Police Personnel

1. Whenever any command or supervisory officer observes or is informed of the misconduct of another officer which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete report of the incident and his actions to his commanding officer.

K. Disciplinary Offenses

1. The following is a list of the general categories of disciplinary offenses with specific types of offenses included within each category. This list is not intended to be exhaustive and any rule or regulation not found in the police manual which is violated and is not specifically mentioned within any of the following categories will be treated comparably to a similar act which is mentioned. This list includes, but is not limited to:

   a. Conduct Unbecoming an Officer - That is to say, if the officer:

      i. Acts in a disorderly manner prejudicial to discipline or likely to bring discredit to the reputation of the department.
      ii. Associates with known criminals or person engaged in unlawful activities.
      iii. Is insubordinate by word, act or demeanor.
      iv. Is guilty of oppressive or tyrannical conduct, is rude, profane or insulting to any officer of the department, regardless of rank.
      v. Uses obscene, abusive or insulting language to any officer of the department.

vi. Willfully or negligently makes any false complaint or statement against any officer of the department.
vii. Assaults any officer of the department.
viii. Endangers any officer of the department by withholding information which should have been reported.
ix. Divulges any matter which is his duty to keep secret.
x. Gives notice directly or indirectly to any person against whom any warrant or summons has been, or is about to be issued, except in the lawful execution of such a warrant or service or summons.
xi. Without proper authority communicates to the public, press, or any unauthorized person any matter connected with the department or which otherwise should not be released.
xii. Canvasses any member of the Board of Commissioners, any official of the Commonwealth, County, Township or the public with regard to any matter concerning the department without authority from the Chief of Police.
xiii. Directly or indirectly solicits or accepts any gratuity, present, reward, gift, etc., without the consent of the Chief of Police or the Board of Commissioners.
xiv. Uses profanity or acts in a rude or uncivil or insulting manner to the public or member thereof, in language or conduct.
xv. While on or off duty, <u>in uniform</u>, in a public place, is improperly dressed or is dirty or untidy in his person, clothing or accouterments.
xvi. While off duty and not in uniform, is unfit for duty by the reason of the use of drugs not legally prescribed by a physician.
xvii. Without consent of his superior officer, while on duty or in uniform, or in parts of the uniform thereof, drinks or receives from any person any intoxicating liquor.
xviii. Demands or endeavors to persuade any person to give him any intoxicating liquor, beer or drugs while he is on duty or in uniform.
xix. If he enters, while on duty or in uniform, a premises licensed under the liquor laws, or any other premises where liquors are stored and distributed, when his presence there is not required in the execution of his duties.
xx. Endorses the notes or obligations of others with no intention or expectation of paying the same if he is legally called upon to do so.
xxi. Solicits any contracts, fees or any other business under any circumstances for attorneys or bondsmen.
xxii. Permits unauthorized personnel in police vehicles.
xxiii. Commits any act which violates any Federal, State, County, or Local statute.
xxiv. Disobedience to Orders - If an officer disobeys, or without good and sufficient cause, omits or neglects to carry out any lawful order, rule, or regulation of the department, written or otherwise, he shall be considered in violation of this section.

b. NEGLECT OF DUTY – That is to say if the officer:

i. Neglects or without good or sufficient cause, omits, promptly and diligently, to attend to or carry out anything which is his duty, as an officer of the department.
ii. Fails to work his patrol area in accordance with orders, or leaves his patrol area or other place of duty to which he has been ordered without due permission or sufficient cause.
iii. By carelessness or neglect, permits a prisoner to escape or fails to properly search the prisoner prior to the incarceration.
iv. Fails, when knowing where an offender is to be found, to report the same or to make reasonable efforts to apprehend him.
v. Fails to report anything which he knows concerning a criminal charge or fails to disclose any evidence which he or any person within his knowledge can give for or against any prisoner or defendant to a criminal charge.
vi. Omits to make any necessary entry in any official document or book.
vii. Willfully or negligently makes any false, misleading or inaccurate official statement.
viii. Without good and sufficient cause, destroys or mutilates any official document or record, departmental or otherwise, or alters any entry therein.
ix. Fails to report, in writing, offers or bribes or gratuities to permit illegal acts.
x. Fails to account for, or to make a due and prompt return of any money or property received by him in his official capacity.
xi. Feigns or exaggerates any sickness or injury with a view to evading duty.
xii. Without reasonable excuse, is absent without leave from his shift, court, schooling or any other duty.
xiii. Willfully or by carelessness causes any waste, loss or damage to any articles of clothing, automobile, book, document, or any other property that the department or the township issued to him or is used by him or entrusted to his care.
xiv Fails to report any loss or damage as above, however caused, as well as failing to report any personal injuries received while on duty.
xv. Fails to report for duty at the prescribed time.

c. INTOXICATION – An officer is considered intoxicated if he:

i. While on duty, is unfit for duty by reason of the use of intoxicating beverages or drugs.
ii. While on duty in uniform, is unfit for duty by reason of the use of intoxicating beverages or drugs.
iii. When reporting for duty, is deemed unfit for duty in any respect by his superior officer by reason of the use of intoxicating liquor, beer or drugs.

d. VIOLATING ANY LAW – That is to say if the officer:

i. Is convicted of any misdemeanor or felony.
ii. Conspires or knowingly becomes involved in a criminal offense.
iii. Fails to immediately report to his supervising officer any solicitation from anyone attempting to involve a officer in a criminal act.

L. PROFESSIONAL APPEARANCE - All uniformed officers shall report for work with their uniform in good clean order. The uniform shall comply with the policies outlined in General Order 5.1.44 Dress Code. Uniforms shall be clean and pressed and in good repair and officers shall present a professional appearance at all times.

1. Grooming

   a. Officers shall keep their persons clean and sanitary.
   b. Hair Style

      i. Hair shall be neat and clean in appearance at all times while on duty
      ii. Hair shall not interfere with the normal wearing of headgear, required for the performance of duties
      iii. Female Officer's hair shall not interfere with the normal wearing of police headgear required for the performance of duties
      iv. Female Officer's hair, while on duty, shall not extend below the bottom of the collar.
      v. Conspicuous pins, barrettes and combs are not authorized

   c. Other Changes:

      i. Officers may not have an altered appearance while on duty if such change causes public attention or reflects negatively upon the Department or its professional image.

   d. Facial Hair:

      i. The face shall be clean shaven with the exception of wearing a neatly trimmed mustache. The lowest point of the mustache shall be no lower than the lowest point of the bottom lip and no more than ½" (one half inch) beyond.

2. Body Modification

   a. Tattoos/Branding

      i. New tattoos, brandings or any other type of physical modification is not permitted if visible while the officer is wearing any uniform of the day, including short sleeved shirts.

   b. Body Piercing

      i. Visible body piercings, with the exception of the ear, are not permitted unless covered by the appropriate uniform of the day.
      ii. Earrings, pierced or non-pierced, or any other "body jewelry" may not be worn by officers while in the uniform of the day unless authorized by the Chief of Police.

3. Personal Hygiene

   a. All officers will maintain a high standard of cleanliness and personal hygiene.
   b. No surgical dressing, bandages, or cosmetic foundations/make-up will be worn on normal exposed parts of the officer's body unless its use is for short term medical reasons to protect an injury/infection, etc.

M. SMOKING

1. Policy

   It is the policy of the West Norriton Police Department to provide our personnel with a clean and healthful environment in which to perform their duties.

2. Purpose

   The purpose of these guidelines is to establish a formal policy addressed to our officer's well being and rights, as well as environmental concerns and laws.

3. Regulations

   a. Officers are discouraged from smoking since it is regarded as a poor health habit.
   b. Since smoking is a fire hazard, no combustible material is to be stored in areas where smoking is permitted.
   c. Officers shall not smoke on duty while in direct contact with the public, nor shall a uniformed officer smoke in public view.
   d. Smoking is <u>prohibited</u> in police vehicles that have more than one officer assigned to that vehicle.
   e. Smoking is <u>prohibited</u> in all areas of the police building, including the public waiting area.

N. DISCIPLINARY CODE PENALTIES

1. The purpose of the following list of penalties is to guide command supervisory personnel and the Board of Commissioners, as well as to inform all officers of set penalties recommended by command and supervisory personnel for offenses listed. The list of penalties shall in no way limit any penalty the Chief of Police may recommend or the Township Manager may impose.

2. Offenses not included in the following list shall result in penalties similar to those specified for listed offenses of comparable seriousness. It should be noted that where one act results in overlapping violations, that violation which results in the most serious penalty shall be chosen rather than compiling all the penalties of the overlapping violations. However, where the violations are not overlapping or where the violations result from a series of separate acts, the penalties will be cumulative.

3. Conduct Unbecoming an Officer

Code	1st Offense	2nd Offense	3rd Offense
Disorderly Conduct	1 - 10 Days	10 - 30 Days	Dismissal
Associating w/Criminals	5 - 10 Days	15 - 30 Days	Dismissal
Insubordination	1 - 10 Days	15 - 30 Days	Dismissal
Conduct to Members	1 - 10 Days	10 - 30 Days	Dismissal
Language to Members	1 – 10 Days	5- 10 Days	30 Days to Dismissal
False Complaints to Members	5 - 10 Days	10-30 Days	Dismissal
Assault to Members	30 Days	Dismissal	----
Fighting	1 - 10 Days	10 - 30 Days	Dismissal
Divulging Information	5 - 10 Days	15 - 30 Days	Dismissal
Unauthorized Releases	5 - 15 Days	15 - 30 Days	Dismissal
Public Criticism of Officials	5 - 10 Days	10 - 30 Days	Dismissal
Public Criticism of Members	5 - 10 Days	10 - 30 Days	Dismissal
Canvassing Officials	5 - 10 Days	10 - 30 Days	Dismissal
Soliciting	1 – 10 Days	10 - 30 Days	Dismissal
Financial Involvements	1 – 10 Days	10 - 30 Days	Dismissal
Conduct Toward Public	1 - 10 Days	10 - 30 Days	Dismissal
Appearance in Public	1 – 10 Days	10 - 30 Days	Dismissal
Use of Drugs	Dismissal	----	----
Use of Liquor	5 - 30 Days	Dismissal	----
Appearance in Bars	5 - 15 Days	15 - 30 Days	Dismissal
Use of Vehicle	1 - 10 Days	10 - 30 Days	Dismissal
Disobedience to Orders	5 - 15 Days	15 - 30 Days	Dismissal
Accepting Gifts	1 – 10 Days	10 – 30 Days	Dismissal

4. Neglect of Duty

Code	1st Offense	2nd Offense	3rd Offense
Failure to Carry Out Duty	1 - 15 Days	15 - 30 Days	Dismissal
Leaving Patrol Area	1 - 15 Days	15 - 30 Days	Dismissal
Prisoner Escape	1 - 15 Days	15 – 30 Days	Dismissal
Improper Search	1 - 15 Days	15 – 30 Days	Dismissal
Failure to Apprehend	1 - 15 Days	15 – 30 Days	Dismissal
Withholding Information	1 - 15 Days	15 – 30 Days	Dismissal
Failing to Record	1 - 10 Days	10 - 30 Days	Dismissal
Destruction of Records	10 – 30 Days	Dismissal	----
Failure to Report Bribe Offer	5 - 15 Days	15 - 30 Days	Dismissal
Failure to Account for Funds	5 – 30 Days	Dismissal	----
Fake Sickness or Injury	5 - 15 Days	Dismissal	----
Absence from Duty	5 - 15 Days	Dismissal	----
Damage to Property	1 - 15 Days	15 - 30 Days	Dismissal
Failure to Report Loss			

Or Damage	5 - 15 Days	15 - 30 Days	Dismissal
Lateness for Duty	1 - 15 Days	15 - 30 Days	Dismissal

5. Intoxication

Code	1st Offense	2nd Offense	3rd Offense
On-Duty	15 - 30 Days	Dismissal	----
On-Duty in Uniform	15 - 30 Days	Dismissal	----
Reporting for Duty	15 - 30 Days	Dismissal	----

6. Violating Any Law - *Misdemeanor or Felony* – Subject to Dismissal

O. RECKONING PERIOD

For all violations there shall be a reckoning period of one year, except for those offenses that require dismissal immediately.