



<b>WHITEMARSH TOWNSHIP POLICE DEPARTMENT</b> Lafayette Hill, Pennsylvania	
<b>General Order</b> <input checked="" type="checkbox"/> <b>Special Order</b> <input type="checkbox"/>	<b>ORDER NUMBER</b>  <b>1.8.1</b>

<b>Subject:</b> <b>Code of Conduct and Disciplinary Procedures</b>		
<b>Relevant Pennsylvania Law Enforcement Accreditation Commission Standards: 1.8.1</b>		
<b>Date of Issue</b> March 26, 2021	<b>Effective Date</b> March 26, 2021	<b>Expiration Date</b> Until Amended or Rescinded
<b>Amends</b> General Order 1.8.1 of 2/2/2017		<b>Rescinds</b>
<b>Authorization:</b> Chief Christopher P. Ward		
<b>Distribution</b> <ol style="list-style-type: none"> <li>1. General Order Manuals</li> <li>2. Master Records File</li> <li>3. Training Verification for all Personnel</li> </ol>		

**Purpose:**

The purpose of this general order is to establish the following:

- 1) Mandatory Appearance Standard
- 2) Code of Conduct and Departmental Regulations
- 3) Disciplinary Process

**Policy:**

It shall be the policy of the Whitemarsh Township Police Department that all officers adhere to the guidelines set forth in this general order.

**Procedures:**

**I. Mandatory Appearance**

- A. **APPEARANCE IN UNIFORM:** All officers when on duty and in uniform shall present the most professional image possible. Officers' uniforms shall be neatly pressed, clean in appearance, and shall meet the criteria set forth in **Special Order #1 of 2017**.

B. COURT APPEARANCE: Attendance at a court hearing is an official duty assignment. When appearing in court, either the uniform or professional attire shall be worn. Members shall present a neat and clean appearance and should avoid using mannerisms that may offend or imply disrespect to the court.

C. PERSONAL APPEARANCE: All department members shall maintain a clean, neat and well-groomed professional appearance while on duty.

1. Hair

- a. Male Officers – Hair shall be neatly groomed at all times. It shall not fall over the ears or eyebrows or extend below the bottom of the collar in the rear. In all cases, the bulk or length of the hair shall not interfere with the normal wear of all standard department headgear. The face will be clean-shaven with the exception of wearing a neatly trimmed mustache, which shall not extend below a straight line from the corners of the mouth. The wearing of beards is not permitted.
- b. Female Officers - Hair shall be neatly groomed at all times. It shall not fall over the ears or eyebrows or extend below the bottom of the collar in the rear. Hair shall be secured to the head in such a manner as to prevent it from hanging or swinging freely. Items used to secure the hair shall not be the type that could be used to injure an officer or other persons if engaged in a physical confrontation. In all cases, the bulk or length of the hair shall not interfere with the normal wear of all standard department headgear.

2. Jewelry

- a. Body Piercing – The wearing of any visible body piercing (including but not limited to earrings) while in uniform is prohibited.
- b. Necklaces – May be worn by officers on duty as long as it is concealed when wearing the police uniform.

3. Cosmetics – While on duty in any attire, cosmetics may be worn by female officers only. These cosmetics shall be lightly applied.

4. Tattoos

- a. Officers are permitted to have tattoos, which are visible to the public while on duty, as long as they are not above the collar line, objectionable or demeaning to the public or the image of the police department. Should an officer have a tattoo that is visible to the public while on duty, and the tattoo is found to be above the collar line, objectionable or demeaning to the public or image of the police department, the officer will be prohibited from working until the tattoo is removed. If the process to remove the tattoo is not started within 30 days of notice, the officer will be subjected to disciplinary action.

D. CLOTHING AND EQUIPMENT

1. All police department employees will be responsible for reporting items needing replacement or repair. All requests shall be in writing and contain date, time and condition of items to be replaced or repaired in accordance with the current police contract.

2. All uniforms, leather gear, etc..., shall be kept clean and in good condition. Tears, stains and other noticeable damage shall be repaired or replaced. Damaged, wrinkled or soiled clothing shall not be worn while on duty. If the item(s) is damaged or soiled during a tour of duty, the officer shall change into fresh clothing as soon as practical.
  - a. Leather items shall be kept polished and pliable
  - b. Metal items shall be maintained free of rust, corrosion and mildew. Those items received in a polished condition shall be kept as nearly as possible in that condition. Those items received in subdue condition; either lacquered or matte finish, shall be maintained in a like condition.
  - c. Firearms shall be maintained in a condition ready for instant use. They shall be free from lint, dust, corrosion and dirt.
  - d. Plastic items and items of synthetic materials shall be cleaned according to manufacturer's directions.
  - e. All items of issue shall be subject to inspection at any time at the discretion of a supervisor.
  - f. All items of issue are the property of Whitemarsh Township.
3. Personnel shall have on hand a full complement of issued items.
  - a. Items of issue that are damaged or otherwise made unserviceable during the course of police performance shall be replaced by the department.
  - b. Issued items lost, damaged or otherwise made unserviceable through carelessness or neglect on any part of the person to whom issued shall be replaced at the expense of the person responsible.
  - c. Discovery of loss or damage to an issued item shall be reported to the immediate supervisor in writing. The supervisor shall investigate the circumstances surrounding such loss or damage. A report shall be made to the Chief of Police through the Chain of Command. The Chief of Police will direct how the item should be replaced.
  - d. All issued items shall be returned to the department when the member leaves the police service.
  - e. Issued items of clothing and equipment that have become unserviceable through use and wear shall be returned to the department for replacement.
  - f. No officer shall willfully or by carelessness cause any waste, loss or damage to any article of clothing or accouterment, or any book, document or other property of the township issued to them or entrusted to their care.
  - g. Officers shall immediately report any loss or damage to any equipment or clothing.
4. Police department equipment property inventories as Whitemarsh Township property.
  - a. All equipment placed in the control of special units or assignments shall be the responsibility of that unit or assignment, i.e. camera kits, guns, etc.... This equipment shall be maintained and handled as described in previous procedures.

- b. Storage of equipment not in use shall be in a manner as to insure its proper maintenance and security.
  - c. An inventory file of all items not of personal issue shall be kept on record. This inventory shall be reviewed at least once a year by the Lieutenant that oversees the unit or assignment. New items shall be added to the inventory record as they are received. Discarded items shall be removed from the list.
  - d. No items, being the property of Whitemarsh Township, shall be destroyed or discarded without prior inspection and approval of a supervisor. A report of this action will be submitted to the Chief of Police.
5. Proper equipment to be carried.
- a. Equipment, documents or papers carried by a police officer or within a police vehicle, while the officer is on duty, will be restricted to those items which are necessary to carry out his official duties as a police officer.
  - b. Items such as personal electronic devices or any other such personal articles which are not required in the official capacity of a police officer will be forbidden.

**Exceptions to the above procedures are permitted for special assignments or situations by approval of the Chief of Police.**

## **II. Code of Conduct and Departmental Regulations**

- A. The intent of the Code of Conduct and Departmental Regulations is to provide a basis for the orderly and disciplined performance of duty. The publication of these orders and regulations will promote a surer knowledge of what is expected of department members. This will result in a greater degree of self-assurance in all members and the enhancement of effective law enforcement.
- 1. **LOYALTY:** Loyalty to the township, the Department and to associates is an important factor in departmental morale and efficiency. Members shall maintain a loyalty to the Township, to the Department and to their associates. This loyalty is to be consistent with the law, personal ethics, and professional standards.
  - 2. **GENERAL RESPONSIBILITIES:** Within their lawful jurisdiction, members shall at all times take appropriate action to: protect life and property, preserve peace, prevent crime and arrest violators of the law. This will be accomplished through the enforcement of Federal, State, and Township laws that come within the jurisdiction of this department.
  - 3. **BEARING:** Department members, whether on or off duty shall be governed by the ordinary and reasonable rules of good conduct and behavior. They shall not commit any act tending to bring reproach or discredit upon the Department. Officers shall obey all laws of the United States, any State or Commonwealth and laws and ordinances of any local jurisdiction in which the officer is present. A conviction of the violation of any law or ordinance shall be prima facie evidence of a violation of this section.
  - 4. **CONDUCT OFF-DUTY:** Officers shall conduct themselves in a manner that will not bring discredit upon themselves or the department.

5. **COORDINATION:** In carrying out the functions of the Department, members shall direct and coordinate their efforts in such a manner as to establish and maintain the highest standards of efficiency. All officers shall assist other officers when needed or required, and shall ensure every officer on a call has a back-up unit near the vicinity of the call or vehicle stop when possible. No officer shall fail to aid, assist, and protect his fellow officer.
6. **SUPERVISION:** All Sergeants, Officer's In-Charge, Lieutenants, and Chief must properly supervise subordinates during their tour of duty as defined in General Order 1.4.1.
7. **COOPERATION WITH OTHER AGENCIES:** Department members shall cooperate with all other law enforcement agencies and shall give aid and information to such organizations and agencies that they may be entitled to receive, consistent with departmental policy.
8. **COOPERATION WITH THE PRESS:** Department members shall extend full cooperation to members of the press, consistent with departmental policy, provided the successful investigation or prosecution of a case is not jeopardized. Any situation involving a question of relationship with the press, which cannot be satisfactorily resolved by the department member shall be referred to a senior officer.
  - a. Members of this Department shall fully cooperate with the news media in accordance with the provisions of the United States Constitution. Department members shall endeavor to afford the media the protections, courtesies and rights of "Freedom of the Press", as enumerated in the Constitution.
  - b. Only one person shall act as liaison between the Police Department and the news media. This will ensure that all informational releases are consistent with department policy, accurate, and verifiable. This will further ensure that all media receives the same information and no favoritism is shown. The Chief or Lieutenant will designate a Press Liaison Officer as needed for events or incidents.
  - c. Information on newsworthy events may be released to the media by telephone, written release, fax, e-mail, or personal interviews with approval of the Chief or a designee. It is recommended to have a prepared news release available prior to media contacts.
  - d. Should a department member be approached by the media, they (the media) shall be referred to the Press Liaison Officer or Officer-in-Charge.
  - e. Information may be released to the media provided it will not hinder an ongoing investigation or jeopardize the successful prosecution of an arrestee. Whenever in doubt, refer the media to the Press Liaison Officer, Command Level personnel, or have them contact you again after clarification of policy and/or information has been determined.
  - f. Generally, it is not wise to have the Investigating Officer/Detective also being the same person releasing information to the media; therefore, this practice is discouraged. The reasons for this are:
    - (1) The investigating Officer/Detective should be concentrating on the investigation and not news releases and/or publicity.

- (2) The media will not have the opportunity to have the officer speculate on the outcome of the investigation or make unwarranted or wild predictions.
  - (3) Inadvertent disclosures regarding progress of the case or information that may hinder the investigation or prosecution will be eliminated or reduced.
- g. After the investigation/prosecution, the Chief of Police may deem it appropriate for the media to have access to the Investigating Officer. During such interviews, the officer shall conduct himself/herself in a manner that will project a good image of the Police Department.
9. **COOPERATION BETWEEN THE RANKS:** Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation and esprit d' corps within the Department. No Department member shall interfere with cases being handled by other members of the Department or by any other agency unless ordered to intercede by the Chief of Police or designate.
  10. **ASSISTANCE TO OTHER DEPARTMENT MEMBERS:** All members are required to take appropriate police action toward aiding a fellow officer exposed to danger or in a situation where danger might be impending
  11. **INFORMING SUPERIORS:** Members shall inform superior officers of any matter coming to their attention that may affect the welfare, operation, morale of officers, or be of interest to the Department or Township.
  12. **RESPONDING TO CALLS:** Members of the Department shall respond without delay to all calls for police assistance from citizens, other departments, or other members. Emergency calls shall take precedence; however, all calls shall be answered as soon as possible, consistent with normal safety precautions and vehicle laws. **FAILURE TO ANSWER A CALL FOR POLICE ASSISTANCE PROMPTLY IS JUSTIFICATION FOR A NEGLIGENCE OF DUTY CHARGE.**
  13. **KNOWLEDGE OF LAWS, ORDERS AND REGULATIONS:** Every member is required to establish and maintain a working knowledge of all township laws, policies and ordinances currently in force. Department members shall also have a working knowledge of all regulations and policies of the police department. In the event of improper action or breach of conduct, it will be presumed that the member was familiar with the law, rule, or policy in question.
  14. **CONDUCT TOWARD THE PUBLIC:** Department members shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, not using harsh, violent, profane, or insolent language and always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their name, rank, and badge number. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other units or members of the Department.
  15. **IMPARTIAL ATTITUDE:** Department members must remain completely impartial toward any person(s) coming to the attention of the Department. Violations of the law are not personal affronts against the individual officer. All citizens are guaranteed equal protection under the law.

16. **REPORTING:** All members shall promptly submit all reports that are required in accordance with the Reports Section of this SOP, or upon the direction of any competent authority (i.e. senior officer).
17. **FALSE REPORTS OR ENTRIES:** No member of this department **UNDER ANY CIRCUMSTANCES**, shall make false official reports or knowingly enter, or cause to enter in any department record or report, any inaccurate, false, or improper police information or other material.
18. **FALSE STATEMENTS:** No member shall make any false official statement, gossip about an officer or department member, or department policies in such a manner that discredits or projects a poor departmental image.
19. **OFFICIAL BUSINESS:** All members shall treat as "**CONFIDENTIAL**" all business of the Department. They shall give information only to those authorized by departmental policy to receive it. Department members shall follow the guidelines established by below publications:
  - a. Criminal History Record Information Act (18 Pa. C.S. Chapter 91)
  - b. CHRIA Handbook, Regulatory and Compliance Section (Available from the Administrative Lieutenant)
20. **DIVULGING CRIMINAL RECORDS:** The contents of any criminal record or report filed in the Police Department shall not be exhibited or divulged to any person unless this record is used during an official investigation. Criminal record information may be released to any law enforcement officer, federal investigator, or under due process of the law. All other disclosures must have the prior approval of the Lieutenant or Chief of Police. All disclosures must be done in accordance with the guidelines set forth in the Criminal History Information Act (See General Order 1.8.1 (II)A(19) above).
21. **REPORTING FOR DUTY:** Department members shall be punctual in reporting for duty at the time and place designated by the department. Uniformed officers shall report in full uniform and ready for duty when they arrive at the appropriate area of assignment. Repeated failure to report promptly shall be deemed neglect of duty and the officer will be subject to charges.
22. **SICK LEAVE AND ABSENTEEISM:** The purpose of this section is to establish accountability and to control abusive use of employee sick leave/absenteeism privileges with the Whitemarsh Township Police Department. It is reasonable to expect employees to be absent occasionally. However, abusive use of absenteeism privileges creates legitimate ethical, economic, and occasionally safety related issues for employees and citizens alike.

Regulations:

- a. All members shall be entitled to sick leave with pay as described in the Police Contract with the Whitemarsh Township Board of Supervisors.
- b. An ill member shall report off sick from duty four hours prior to his/her assigned shift. If a member becomes ill less than four hours prior to the assigned shift, they must report off immediately.
- c. All members will report back for their assigned shift at least six hours prior to the start of his/her assigned shift.

- d. All members will continue to report off sick from duty prior to the beginning of any new segment of their assigned shifts. (New segments would be any days following regularly scheduled days off.)
  - e. Sick time is used when a member is sick, injured or caring for a sick family member.
  - f. A member shall not engage in outside/part-time employment during sick call absence from a scheduled shift.
  - g. Members are required to provide a physician's certificate for all illnesses in excess of three consecutive work days, and may be required to provide a physician's certificate when more than four days of Sick Leave are used in any one six-month period..
  - h. If a Supervisor has cause to believe that a member has reported off sick for any reason other than an illness, the Supervisor shall investigate the incident and submit a report to the Chief of Police or his/her designate.
23. OFFICERS-ON-CALL: Officers-on-call, shall be directly available by telephone, or shall keep the Department informed of the means by which they may be reached when not immediately available.
24. OFF-DUTY REPORTING IN EMERGENCIES: Members off-duty, shall upon official notice, report immediately and comply with instructions given at the time of notification. All members shall advise immediately about availability in the event of any major disaster or emergency.
25. TELEPHONE: All members of the Department shall maintain a telephone and keep the Department advised of the current contact numbers.
26. CHANGE OF ADDRESS OR TELEPHONE NUMBERS: Members shall notify the Department within twenty-four (24) hours of any change of address or telephone number.
27. OFF-DUTY SERVICE: Members off-duty shall perform necessary police service whenever they are aware of a criminal offense (EXCLUDING MINOR TRAFFIC INCIDENTS). Officers taking police action in off-duty status will comply with the provisions of this manual and 42 Pa. C.S. Ch 89 Sub-Chapters A and D
28. LATE FOR DUTY:
- a. All officers should be prepared for duty at the time of their scheduled shift. It is the responsibility of each officer to ensure that he/she arrives at the station in ample time to prepare for their respective assignments
  - b. If an officer is late for duty and/or not prepared for at the time their shift is to begin, the Shift Supervisor may forward a memo to the Chief of Police through the chain of command stating the circumstances and reasons for the officer's tardiness. This memo must be submitted prior to the end of the scheduled tour of duty.
29. SLEEPING ON DUTY: Department members shall not sleep when they are on duty. Officers found sleeping on duty will be subjected to disciplinary action.

30. **INTOXICANTS:** No department member, in uniform, shall drink any alcoholic beverage. No officer in plain-clothes shall drink alcoholic beverages while on duty **(EXCEPT IF IT IS REQUIRED IN THE COURSE OF HIS DUTY OR INVESTIGATION)**. No officer off-duty and in uniform shall purchase or drink any alcoholic beverage in public view or public places. No officer while off-duty shall drink an alcoholic beverage to an extent that results in the commission of an obnoxious or offensive act that might tend to bring discredit upon the Department. No member of this Department will appear for, or be on duty while under the influence of alcohol, or be unfit for duty because of their excessive use. (Refer to Appendix A of the Township Employee Handbook- Township's Alcohol and Controlled Substance Policy.)
31. **USE OF DRUGS:** Police officers shall not use any controlled substances, narcotics, or hallucinogens except when prescribed in treatment by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, officers shall notify the Chief of Police or designate, in writing. (Refer to Appendix A of the Township Employee Handbook- Township's Alcohol and Controlled Substance Policy.)
32. **USE OF TOBACCO:** The township and police buildings are smoke-free environments. Smoking is prohibited in these buildings.
  - a. Officers are prohibited from smoking in any police vehicle.
  - b. Officers, when in uniform, are prohibited from smoking while engaged in contact with the public, including, but not limited to, traffic control, crime scenes and foot patrols.
  - c. The same rules regarding "while engaged with the public" will apply to chewing tobacco as they apply to smoking.
33. **SUBVERSIVE ORGANIZATIONS:** No department member shall knowingly become affiliated with any subversive organization or activity. The only exception to this policy is if the affiliation is in the line of duty. The affiliation shall be consummated only under the direction of the Chief of Police. Subversive organizations shall be construed to be any organization that advocates the overthrow of the U.S. Government or other lawfully established governmental agency. Additionally this applies to any organization that advocates or attempts to deprive any citizen their civil rights under the U.S. Constitution.
34. **CIVIL ACTIONS:** Department members shall not institute any civil action arising out of their official duties without first notifying the Chief of Police. Officers shall not use their position with the Department as a means of forcing or intimidating persons with whom they are engaged in civil matters to settle the case in favor of the officer.
35. **CIVIL DISPUTES:** Members shall avoid entering into civil disputes, particularly while performing their police duties. All parties involved in a civil dispute should be advised of the appropriate course of action through the judicial system. However, officers shall prevent or abate any breach of peace or crime in all such cases.
36. **TESTIFYING FOR THE DEFENDANT:** Any member subpoenaed or scheduled to testify for the defendant in any trial or hearing, or against Whitemarsh Township, shall notify the Chief of Police immediately upon receipt of the subpoena.
37. **OFF-DUTY NEIGHBORHOOD DISPUTES:** Members shall not intentionally become involved in neighborhood quarrels or disputes when off-duty. These disputes should be referred to the duty officers and handled by disinterested persons.

38. CARE OF DEPARTMENT PROPERTY: All members are responsible for the safekeeping and proper care and use of all property used by them and belonging to the Department. Property shall be used only for official purposes and in the capacity for which it was designed. No Department property or equipment shall be intentionally defaced, damaged, or abused by any police officer.
39. DAMAGED OR INOPERATIVE EQUIPMENT: Members shall immediately report the loss of, or damage to, any departmental property assigned to (or used by) them. Any defective or hazardous condition should be reported immediately to the Shift Supervisor and forwarded through the chain of command.
40. PRESUMPTION OF RESPONSIBILITY: In the event that township property is found bearing evidence of damage which had not been reported, it shall be prima facie evidence that the last person using the property or vehicle shall be responsible for the damage.
41. MAINTENANCE OF AN OPERATOR'S LICENSE: All department members shall maintain a valid Pennsylvania operator's license. All personnel must immediately report any changes in license status to the Chief of Police.
42. DEPARTMENT KEYS and ACCESS CARDS: Keys and access cards are the property of Whitemarsh Township and shall be returned on separation of employment with the Township or official request from the Chief of Police. Department members shall obtain permission from the Chief of Police or designee before duplicates are made of any departmental keys or access cards. Additionally, permission must be obtained before lending or furnishing keys to any person other than police personnel.
43. INCOMPETENCE:
  - a. All officers shall maintain sufficient competency to properly perform their duties, and assume the responsibility of their position. All officers shall perform their duties in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
  - b. Incompetence may be demonstrated by but not limited to:
    - (1) A lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the employee's rank, grade or position.
    - (2) The failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention or a written record of repeated infractions of the rules, regulations, directives or orders of the department.
44. FITNESS FOR DUTY:
  - a. All officers shall report for duty physically and mentally prepared to properly perform their duties, and assume the responsibility of their position. All officers shall be fit and ready to perform their duties in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the department.
  - b. Consequences - Unfit for duty charges may result in disciplinary actions to include department members' dismissal from the police department.

45. NEGLECT OF DUTY:

- a. May include but not limited to the following:
  - (1) Any action or inaction that is in direct violation of federal law, state law, Township ordinance or the provisions of this procedural manual shall be deemed "neglect of duty."
  - (2) Failure to take appropriate police action in accordance with the guidelines set forth in this manual shall be deemed "neglect of duty."
- b. Members failing to comply with departmental policies and programs shall be deemed "Neglect in their duties."
- c. Consequences - Neglect of duty charges may result in a department members' dismissal from the police department.

46. MEDICAL AND PSYCHOLOGICAL EXAMINATIONS, TESTS, PHOTOGRAPHS, AND LINE-UPS: Upon order of the Chief of Police or his/her designate, department members shall submit to any medical, psychological, ballistics, chemical or other test, photographs or line-ups. All procedures carried out shall be specifically directed and narrowly related to a particular investigation being conducted by this department.

47. CONTACTING BOARD OF SUPERVISORS: No department member shall contact a member of the Board of Supervisors on police matters except by permission of the Chief of Police unless to file a complaint against the Chief. Any member of the department contacted by one of the Supervisors regarding Police matters shall immediately notify the Chief of Police and give the details involved in the contact.

48. REFERRALS TO BOARD MEMBERS: Department members shall not refer any citizen to the Supervisors of this township. If the request cannot be handled within the department, it shall be referred to a senior officer or the Chief of Police.

49. POLICE VEHICLES:

- a. General
  - (1) Department members shall only utilize police vehicles for official police business, unless otherwise authorized by the Chief of Police. Members must obey all traffic laws, except in an emergency or while in performance of duty to enforce the Crimes Code or Vehicle Code. The on-duty Shift Supervisor and dispatcher shall be notified whenever a police vehicle is used for: scheduled tour of duty, transportation to attend school or court, or any other purpose. All police vehicles should be backed into parking spaces in police or public parking lots. When assisting stranded motorists, gasoline shall only be transported in approved containers. No flammable liquids or other materials for personal use shall be transported in a police vehicle. Police vehicles without emergency lights and siren shall not be utilized in any pursuit situation. If a vehicle is not going to be used on the next shift, it is the duty of the last person operating the vehicle to ensure that it is properly parked, fueled, locked and the radio/MDT turned off.

b. Parking

- (1) When parked, unattended, and out of view, police vehicles shall have the ignition key removed and the vehicle shall be locked.
- (2) Police vehicles shall be backed into parking spaces when possible.

50. VACATION AND PERSONAL DAY REQUESTS:

- a. Officers shall submit a time off request with their requested vacation days to their respective Shift Supervisor for approval. If approved by the Shift Supervisor, it shall be initialed and forwarded to the Lieutenant. The Lieutenant shall review the request for final disposition and appropriate schedule changes, if approved. Should the request be denied, the officer shall be advised why the request was not approved.
- b. Sergeants, Staff Services, and Detectives shall submit their vacation requests on a time off request form to their immediate supervisor, in accordance with the procedures set forth in paragraph "a", above.
- c. Lieutenants shall submit their vacation requests directly to the Chief of Police and shall be processed in the same manner as provided in paragraphs "a and b", above.
- d. All vacation requests shall be submitted thirty (30) days prior to the requested vacation period. Requests submitted less than thirty days prior to the requested vacation period shall be approved at the discretion of the Chief of Police or his/her designate.
- e. Vacations are not encouraged during the period of December 1st through December 24th, due to the dramatic increase in crime, traffic accidents, traffic congestion, and calls for police service during this holiday season.
- f. OTHER RESTRICTED DAYS- Time off requests may be denied by management if, in the best interest of Department and the citizens of Whitemarsh Township, additional manpower is required to address a special event or circumstance.
- g. Personal day requests shall be submitted in the same manner as the above procedures for vacation requests. However, personal day requests shall be submitted no less than three (3) days prior to the requested personal day off. Personal days may not be approved for the period of December 1st through December 24th for reasons specified in paragraph "e", above.
- h. It shall be the responsibility of the department member to ensure that a requested personal or vacation request has been approved prior to not reporting for duty on the requested day off. Should any personal problem or emergency arise, vacation or personal days may be approved after verbally informing the Chief of Police or his/her designate.
- i. Selection process and assignment for time off is as follows: Seniority and date of request will be the primary basis for selection and assignment of time off for all employees. Extended vacation time—senior employees will have preference of extended vacation if submitted on or before February 1<sup>st</sup> of each year. After February 1<sup>st</sup> of each year, time off requests for vacation, personnel days, and comp-time will be considered by seniority, and/or date submitted.

- j. Minimum staffing of patrol officers will be four (4) officers and one (1) person assigned to communications.

51. REQUESTS FOR SCHOOLS: Officers shall submit a Training Request Form to attend a training program with dates of attendance to their Shift Supervisor for approval. If approved, the request shall be initialed and forwarded to the Lieutenant. The Lieutenant shall review the request with the Chief of Police for final disposition and appropriate schedule changes. Should the request be denied, the officer shall be advised why the request was not approved. Sergeants shall submit their requests directly to the Lieutenant. These requests will then be processed in the same aforementioned manner. Lieutenants shall submit their requests directly to the Chief of Police. All school requests shall be submitted at least thirty (30) days prior to the beginning of the scheduled school. Requests submitted less than thirty (30) days shall be approved at the convenience of the Department. Schools are not normally approved during the periods of December 1st through 24th. However, exception to this policy may be approved by the Chief of Police.

### **III. Discipline**

- A. PENNSYLVANIA SENATE BILL NO. 877 “CONFIDENCE IN LAW ENFORCEMENT ACT” (Effective Date July 1, 2004)
  - 1. Any Law Enforcement Officer charged with an offense graded as a felony or serious misdemeanor (more than one year in prison possible punishment) shall be immediately suspended from employment as a Law Enforcement Officer until final disposition of the charge or upon acceptance into a program of Accelerated Rehabilitative Disposition.
- B. PERSONNEL SUBJECT TO DISCIPLINARY ACTION: Any department member violating their oath by committing an offense under law and/or the provisions set forth in this manual, shall be subject to disciplinary actions. Lawful written or verbal orders shall be construed to be provisions of this manual.
- C. AUTHORITY TO DISCIPLINE: Final disciplinary authority and responsibility rests with the Whitemarsh Township Board of Supervisors. The Board of Supervisors may elect to act upon the recommendation of the Chief of Police. Supervisory personnel may make oral reprimands and/or written reprimands, or recommendations for other penalties. All written reprimands and/or recommendations shall be forwarded to the Chief of Police through the Chain-of-Command (Refer to General Order 1.4.1). If infractions of departmental regulations or a violation of any law occurs, Command personnel or the Shift Supervisor may relieve a department member from duty pending formal disciplinary action. This relief is done for administrative expediency and shall not be construed to be suspension, punishment, or disciplinary action.
- D. DISCIPLINARY CODE: Any member of the Police Department shall be subject to oral reprimands, written reprimands, suspension from duty (with or without pay), reduction in rank, dismissal, or any one or more of the foregoing. The disciplinary action taken shall be commensurate with the nature and seriousness of the offense.
- E. PENALTIES FOR DISCIPLINARY CODE VIOLATIONS: The governing body or the Chief of Police may enforce the provisions of the Disciplinary Code and this manual at their discretion. All penalties must be consistent with applicable federal, state, and local laws or ordinances.
- F. PROCEDURE FOR INITIATING DISCIPLINARY ACTION:

1. **ORAL REPRIMAND:** The Chief, Lieutenant, Sergeants, and Shift Supervisor personnel may summarily issue an oral reprimand when circumstances warrant.
  2. **WRITTEN REPRIMAND:** The Lieutenant, Sergeants, and Shift Supervisor personnel may issue a written reprimand, with a copy of the reprimand being forwarded to the Chief of Police, via the Chain-of-Command. Letters of reprimand will be retained in the department member's personnel file and shall be removed on their expiration.
  3. **CENSURE:** This is a formal written reprimand emanating from the Chief of Police, or Command personnel acting "by direction", in the Chief's absence. Letters of Censure SHALL BE retained in the department member's record book, and become part of the permanent record.
  4. **SUSPENSION:**
    - a. **Letter of Intent** - The department member must be advised in writing that the department intends to take disciplinary action, and that formal charges shall be placed within five (5) days. This "Letter of Intent" must specify the charges and a synopsis of events leading to the request for disciplinary action.
    - b. **Statement of Charges** - The department member must be presented with a written copy of the specifics of the violation. These charges shall then be forwarded to the Board of Supervisors by the Chief of Police, (or someone acting "by direction" in the Chief's absence). The Chief of Police may forward recommendation(s) for sanctions to the Board of Supervisor.
    - c. **Suspension Proceedings** - All suspension proceedings shall be in accordance with the provisions of Section 2:53 P.S. 812 (amended July 19, 1986, P.L. 219). "No persons employed as a regular full time police officer in any police department of any township of the second class or any borough or township of the first class within the scope of this Act, with exception of police officers appointed for a probationary period of one year or more, shall be suspended, removed, or reduced in rank except for the following reasons: (1) physical or mental disability affecting his/her ability to continue in service, in which case the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violating any law which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming an officer; (5) intoxication while on duty. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five (5) days after the same are filed."
    - d. **Case Law** - All pertinent guidelines of recent case law decisions and interpretations shall be adhered to in addition to the foregoing.
  5. **REDUCTION IN RANK:** Refer to III.(E.)4. above
  6. **REMOVAL:** Refer to III.(E.)4. above.
- G. **RIGHT TO APPEAL:** Any non-probationary member of the department in case of dismissal from the Department, or reduction in rank, or suspension, shall have the right to appeal the decision to the Board of Supervisors.

H. PROCESS OF APPEAL:

1. Any officer that requests an appeal of disciplinary action must do so in the manner set forth in Section 4:53 P.S.814: "Hearings or dismissals": "If the person sought to be suspended or removed shall demand a public hearing, the demand shall be made to the appointing authority. Such person may make written answers to any charges filed against him/her. The appointing authority shall grant him/her a public hearing, which shall be held within ten days from the filing of charges in writing and written answers thereto filed within five days and may be continued by the appointing authority for cause or at the request of the accused. At any such hearing, the person against whom the charges are made may be present in person and by counsel. The appointing authority may suspend any such person without pay pending the determination of the charges against him/her, but in the event the appointing authority fails to uphold the charges, then the person sought to be suspended or removed shall be reinstated with full pay for the period during which he/she was suspended and no charges shall be officially recorded against his record. No order of suspension made by the appointing authority shall be for a longer period than one (1) year."
2. "A written record of all testimony taken at such hearing shall be filed with and preserved by the appointing authority which shall be sealed and not available for public inspection in the event charges are dismissed."
3. Section 5: 53 P.S. 815. "The suspended or dismissed employee shall have the right to appeal to the court of common pleas of the county in which he/she was employed." i.e. Montgomery County.

I. GRIEVANCES: Refer to the present Police Contract for Grievance Procedures.

J. PERSONNEL RECORDS: Any disciplinary action against an officer (other than oral reprimands) shall be made part of the officer's Personnel File unless otherwise provided. These entries shall not be for public view, nor will other members of the department (except the Chief of Police and/or designate) have access to them. These entries may be made available to a Disciplinary Review Board or a Promotional Review Board.

**IV. VIOLATIONS OF THE STANDARD OPERATING PROCEDURES:**

**Any violation to sections or provisions of this manual shall be construed to constitute the offense: Neglect of Duty, Inefficiency, Unfit for Duty, Neglect, Intemperance, Insubordination, Disobedience of Orders, or Conduct Unbecoming an Officer. These violations may therefore warrant: Oral Reprimand, Written Reprimand, Censure, Reduction in Rank, Suspension from Duty, Dismissal, or any other appropriate disciplinary action as deemed necessary to uphold the creditability of this Department.**