

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 1330

Supersedes: NA

Effective: September 12, 2003

Page: NA Section: NA

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Dated: June 27, 2003

CODE OF CONDUCT

- I. **PURPOSE:** The purpose of this policy is to outline required and prohibited conduct by all employees of the Upper Merion Township Police Department.
- II. **POLICY:** It is the policy of the Upper Merion Township Police Department to set standards of conduct that will best promote the fair, impartial, and lawful execution of the duties of the department. All employees will comply with the Code of Conduct as established by the Upper Merion Township Police Duty Manual, the Upper Merion Township Police Personnel Manual, the Upper Merion Township Personnel Manual and department policies and procedures.
- III. **CROSS-REF:** UPPER MERION TOWNSHIP POLICE DUTY MANUAL
- UPPER MERION TOWNSHIP POLICE PERSONNEL MANUAL, Chapter VI, Officer Conduct.
- UPPER MERION TOWNSHIP PERSONNEL MANUAL, Chapter VII, Employee Conduct.
- POLICY #1320, APPEARANCE OF OFFICERS AND EMPLOYEES OF THE UPPER MERION TOWNSHIP POLICE DEPARTMENT
- POLICY #1300, INTERNAL INVESTIGATIONS
- POLICY #1010, AWARDS AND COMMENDATIONS

IV. **PROCEDURE:**

A. CODE OF CONDUCT:

1. The Code of Conduct for sworn officers is established by the Upper Merion Township Police Duty Manual and the Upper Merion Township Police Personnel Manual, Chapter VI, Officer Conduct. These regulations are designed to promote efficiency, discipline and good community relations by setting forth polices governing the conduct of every sworn officer of the department, both on and off duty. The term "sworn officer" refers to any person commissioned as a police officer under the ordinances of Upper Merion Township, and qualifying as a police officer under the statutes of the Commonwealth of Pennsylvania.
2. The provisions of the Upper Merion Township Police Duty Manual and the Upper Merion Township Police Personnel Manual shall apply to all sworn officers of the department.
3. The Code of Conduct for non-sworn members of the department shall be established by the Upper Merion Township Police Duty Manual (refer to the Police Duty Manual, Section III, Rules and Regulations for All Members and Employees) and the Upper Merion Township Personnel Manual, Chapter VII, Employee Conduct.
4. All employees of the department will be provided with a copy of the appropriate manuals upon starting employment with the department. It is the responsibility of each employee to read, understand, and become familiar with these Manuals.

B. DISCIPLINARY SYSTEM:

1. Any sworn officer or employee who commits an offense punishable under any law, statute, or ordinance, or who violates any provision of the rules and regulations, or policy of the department, or who disobeys any lawful order including any order relayed from a superior officer through an employee of the same or lesser rank, or who is incapable of performing his/her duties is subject to appropriate disciplinary action (Upper Merion Township Police Duty Manual, Section 409.00).
2. Whenever any command or supervisory officer observes or is informed of the misconduct of any sworn officer or employee which indicates the need for formal disciplinary action, he/she shall take authorized and necessary action and render a complete report of the incident and the actions to his/her commanding officer (Upper Merion Township Police Duty Manual, Section 472.00)
3. The department uses a progressive disciplinary system which is outlined in Section 418.00 of the Upper Merion Township Police Duty Manual. Guidelines as to penalties for the specific offenses listed in the Disciplinary Code are outlined in Section 515.00 of the Upper Merion Township Police Duty Manual, Disciplinary Code Penalties.

C. PROCEDURES AND CRITERIA FOR USING TRAINING AS A FUNCTION OF DISCIPLINE:

1. Training is designed to increase knowledge and understanding of proper and effective police methods and techniques and should foster positive and constructive techniques for improving employee productivity, effectiveness and morale.
2. Upon a supervisor's discretion, or at the conclusion of an internal investigation, an employee may be required to receive remedial training. This training should be encouraged and only those methods that are constructive and positive in nature will be utilized to improve employee productivity and effectiveness. The department may mandate remedial training for employees found to be deficient in specific areas.
3. Remedial training under this section is not a disciplinary action, but rather intended to provide the employee an opportunity to improve his/her knowledge, skills, and/or abilities to levels enabling satisfactory performance.
4. Employees shall be given remedial training as an initial attempt to correct minor performance deficiencies. Employees who continue unsatisfactory performance following remedial training, or refuse to comply with remedial training requirements, may receive disciplinary action consistent with the provisions of the appropriate Duty/Personnel Manual for sworn and non-sworn members of the department.

D. PROCEDURES AND CRITERIA FOR USING COUNSELING AS A FUNCTION OF DISCIPLINE:

1. Upon a supervisor's discretion, or at the conclusion of an internal investigation, an employee may be counseled by his/her immediate supervisor. Employees shall be counseled as an initial attempt to correct minor performance deficiencies. Situations where counseling may be appropriate include, but are not limited to:
 - a. misconduct of a minor nature
 - b. minor procedural mistakes
 - c. inappropriate judgement
 - d. lack of understanding of rules or procedures
2. Supervisors should have an opportunity to discuss the misconduct or unsatisfactory performance with the employee in order to develop a plan of corrective action. Counseling should always be conducted in a positive and supportive manner in order to allow the employee to develop a favorable understanding of his/her deficiency.

3. Counseling is a positive alternative in the disciplinary process. When appropriate, the supervisor providing the counseling shall document it in writing and submit the documentation to the employee's division commander. Counseling documentation shall not be placed in any employee's personnel file, but shall remain as supplemental information to performance evaluations and internal investigations.

E. SUPERVISOR'S ROLE IN THE DISCIPLINARY PROCESS:

1. To observe the conduct and appearance of employees of the department and detect those instances when disciplinary action is warranted.
2. To investigate allegations of employee misconduct within the scope of their authority.
3. To counsel employees to improve job performance or correct minor violations of department rules and regulations.
4. To identify training needs as a function of the disciplinary process.
5. To initiate discipline through the chain of command.
6. To recommend the most effective methods of discipline, taking into consideration the type of misconduct and prior work performance of the employee under their supervision.

F. APPEAL PROCEDURE:

1. Sworn employees:
 - a. Appeal of disciplinary action is accomplished through the provisions of the Police Tenure Act (P.L. 586, Act of June 15, 1951 Amended July 19, 1965, P.L. 219), or Section 22 of the Police Contract (Grievance Procedures).
2. Non-sworn employees:
 - a. Appeal of disciplinary action is accomplished through the procedures outlined in the Upper Merion Township Personnel Manual, Chapter VI, Section E-7 (Appeals).

APPROVED: _____

DATED: _____

APPROVED: _____

DATED: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
All civilian employees
Township Manager
File