
Chapter A169, POLICE DEPARTMENT: CODE OF DISCIPLINE

[HISTORY: Adopted by the Board of Commissioners of the Township of Lower Merion 11-19-1941; amended in its entirety 6-18-2003 by Ord. No. 3681. Amendments noted where applicable.]

GENERAL REFERENCES

**Police Department -- See Chs. 10, Arts. I and III, and 36.
Civil Service Commission rules and regulations -- See Ch. A164.**

§ A169-1. Offenses against discipline.

Any member of the Police Department commits an offense against discipline if he/she commits any of the following acts:

- A. Discreditable conduct, that is to say, if he/she acts in a disorderly manner prejudicial to discipline or likely to bring discredit upon the reputation of the Department.
- B. Insubordinate or oppressive conduct, that is to say, if he/she:
 - (1) Is insubordinate by word, act or demeanor.
 - (2) Is guilty of oppressive or tyrannical conduct toward a subordinate.
 - (3) Uses obscene, abusive or insulting language to any employee of the Department.
 - (4) Willfully or negligently makes any false complaint or statement against any member of the Department.
 - (5) Assaults or harasses any employee of the Department.
 - (6) Threatens any employee of the Department by withholding information which should have been reported.
- C. Disobedience to orders, that is to say, if he/she disobeys or, without good and sufficient cause, omits or neglects to carry out any lawful order, whether in written, verbal or electronic form.
- D. Neglect of duty, that is to say, if he/she:
 - (1) Neglects or, without good and sufficient cause omits promptly and diligently to attend to or carry out anything which is his/her duty as a member of the Department.
 - (2) Idles or gossips while on duty.
 - (3) Fails to work his/her beat in accordance with orders, or leaves his/her beat, point or other place of duty to which he/she has been ordered without due permission or sufficient cause.

- (4) By carelessness or neglect permits a prisoner to escape.
- (5) Fails when knowing where an offender is to be found to report the same or to make reasonable efforts to apprehend the offender.
- (6) Fails to report any matter which it is his/her duty to report.
- (7) Fails to report anything which he/she knows concerning a criminal charge, or fails to disclose any evidence which he/she or any person within his/her knowledge can give for or against any prisoner or defendant to a criminal charge.
- (8) Omits to make any necessary entry in any official document, file or record.
- (9) Neglects or, without good and sufficient cause, omits to carry out any instruction of a physician selected by the Board of Commissioners, or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty.
- (10) Fails to meet or maintain qualifications required by the Municipal Police Officers' Education and Training Commission.

E. Falsehood or prevarication, that is to say, if he/she:

- (1) Knowingly makes or signs any false statement in any official document, file or record.
- (2) Willfully or negligently makes any false, misleading or inaccurate statement.
- (3) Without good and sufficient cause destroys or mutilates any official document or record, or alters any entry therein.
- (4) Tampers with or alters any Police Department or Township electronic document, program or file.

F. Breach of confidence, that is to say, if he/she:

- (1) Divulges any matter which it is his/her duty to keep confidential.
- (2) 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 warrant or service of such summons.
- (3) Without proper authority communicates to the public media or to any unauthorized person any matter connected with the Department.

- (4) Without proper authority displays or disseminates to any person outside the Department any record, file or written, electronic or printed document which is the property of the Department or of the Township.
- (5) Obtains, disseminates, prints, or copies any Police Department electronic document, file or e-mail without proper authorization.
- (6) Makes any anonymous communication to the Superintendent of Police or to any member of the Board of Commissioners.
- (7) Signs or circulates any petition or statement concerning the candidacy of anyone for any public office.
- (8) Canvasses any members of the Board of Commissioners or of the Civil Service Commission or any official of the Commonwealth of Pennsylvania or of the County of Montgomery or of the Township of Lower Merion or the public with regard to any matter concerning the Department without authority from the Superintendent of Police.
- (9) Signs or circulates or encourages the signing or circulation of any petition or statement with regard to any matter concerning the Department, except through the proper channel of correspondence to the Superintendent of Police.
- (10) Calls or attends any unauthorized or political meeting to discuss any matter concerning the Department, or takes any active part in any regular or primary election except to vote thereat.

G. Corrupt practice, that is to say, if he/she:

- (1) Receives any bribe.
- (2) Fails to account for or to make a prompt and true return of any money or property received by him/her in his official capacity.
- (3) Directly or indirectly solicits or receives any gratuity, present, subscription or testimonial without consent of the Superintendent of Police, the Township Manager or the Board of Commissioners.
- (4) Places him/herself under pecuniary obligation to any person who operates an establishment at which intoxicating beverages are sold, or to any person who holds a license concerning the granting or renewal of which the Department may have to report or give evidence.
- (5) Improperly uses his/her character and position as a member of the Department for his/her personal advantage.

- (6) In his/her capacity as a member of the Department, writes, signs or gives, without sanction of the Superintendent of Police, any testimonial or other recommendation with the object of obtaining employment for any person.
 - (8) Without the sanction of the Superintendent of Police, supports an application for the granting of a license of any kind.
- H. Unlawful or unnecessary exercise of authority, that is to say, if he/she:
- (1) Without good and sufficient cause makes any unlawful or unnecessary arrest.
 - (2) Uses unnecessary force on any prisoner or other person with whom he/she may be brought into contact in the execution of his/her duty.
 - (3) Is uncivil to any member of the public.
- I. Malingering, that is to say, if he/she feigns or exaggerates any sickness or injury with a view to evading duty.
- J. Absence without leave or being late for duty, that is to say, if he/she, without reasonable excuse, is absent without leave from or is late for roll call, court or any other duty.
- K. Uncleanliness, that is to say, if he/she, while on duty or while off duty in uniform in a public place, is improperly dressed or is dirty or untidy in his/her person, clothing or accouterments.
- L. Damage to clothing or other articles supplied, that is to say, if he/she:
- (1) Willfully, negligently or by carelessness causes any waste, loss or damage to any article of clothing or accouterment or to any book, document, record, equipment, vehicle or other property of the Department or of the Township issued to him/her or used or entrusted to their care.
 - (2) Fails to report any loss or damage as above, however caused.
- M. Drunkenness and use of intoxicants, that is to say, if he/she:
- (1) While on duty, or while off duty in uniform, is unfit for duty by reason of the use of any intoxicating beverage or substance.
 - (2) While off duty and not in uniform, is unfit for duty by reason of the use of any intoxicating beverage or substance.
 - (3) When reporting for duty, is deemed unfit in any respect by his/her superior officer by reason of the use of any intoxicating beverage or substance.
- N. Consuming on duty or soliciting on duty any intoxicating beverage or substance, that is to say, if he/she:

- (1) Without the consent of his superior officer consumes or receives from any person any intoxicating beverage or substance while he/she is on duty or in uniform.
 - (2) Demands or endeavors to persuade any person to give to him/her or to purchase or obtain for him/her any intoxicating beverage or substance, while he/she is on duty or in uniform.
- O. Enters a licensed premises while on duty or in uniform, that is to say, if:
- (1) Without the consent of his/her superior officer, he/she enters while on duty or in uniform, any premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his/her presence there is not required in the execution of his/her duty.
 - (2) Exception. A member of the Police Department may enter a licensed establishment such as a restaurant or delicatessen for the purposes of consuming a meal as long as the officer does not consume or receive from any person any intoxicating beverage or substance while he/she is on duty or in uniform.
- P. Creating or failing to meet certain financial obligations, that is to say, if he/she:
- (1) Lends money to any superior or borrows from or accepts any present from any subordinate in rank.
 - (2) Contracts bills which are not promptly paid.
 - (3) Endorses the notes or obligations of others with no intention or expectation of paying the same if he/she is legally called upon to do so.
- Q. Commission of certain crimes, that is to say, if he/she:
- (1) Commits a violation of any law, which provides that such violation constitutes a misdemeanor or felony of this commonwealth.
 - (2) Connives at or is knowingly an accessory to any offense against discipline under this code.

§ A169-2. Punishment.

- A. Removal.
- B. Reduction in rank.
- C. Reduction in rate of pay.
- D. Suspension without pay for a period not in excess of 60 days (a day equates to eight hours of duty).

- E. Reimbursement for negligently damaged or lost equipment.
- F. Reprimand.
- G. Caution.

§ A169-3. Procedure on appeals.

If any member shall demand a hearing before the Civil Service Commission of the Township of Lower Merion on any removal, suspension or reduction in rank, and if written answers to the charges are filed with the Superintendent of Police, it shall be the duty of the Superintendent of Police promptly to file such answers or a copy thereof with the Chairman of the Police Committee or, if he/she is not available, with the Township Secretary.