

# Abington Township Police Department Policy and Procedure Manual

<b>Unit:</b>	Disciplinary Procedures	<b>General Order:</b>	26.1.1
<b>Section:</b>	Disciplinary Procedures	<b>Original Date:</b>	050104
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<b>Issued By:</b>	Patrick Molloy, Chief of Police	<b>Reevaluation Date:</b>	122021
<b>Signature:</b>	<i>Patrick Molloy</i>	<b>Expiration Date:</b>	Indefinite
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<b>CALEA Standard References:</b>	26.1.1		
<b>Pennsylvania Accreditation References:</b>	1.8.1		

## I. PURPOSE

The purpose of this general order is to provide members with guidelines for the use of the Code of Discipline of the Abington Township Police Department

## II. POLICY

The Code of Discipline adopted and published by the Board of Commissioners of Abington Township contains information and guidance necessary in the proper performance of the duties of the members of the Abington Township Police Department. All such members, 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.

## III. PROCEDURE

- A. The Code of Discipline of the Abington Township Police Department is adopted and published by the Board of Commissioners of Abington Township, and takes precedence over other regulatory directives of the Police Department.
- B. The Code of Discipline of the Abington Township Police Department is designed to promote efficiency, discipline and good community relations by setting forth policies governing the conduct of every sworn member (officer) of the Police Department, both on and off duty. The terms "sworn member" and "officer" refer to any person commissioned as a police officer under ordinances of the Township of Abington and qualifying as a police officer under statutes of the Commonwealth of Pennsylvania.

- C. Every member of the Abington Township Police Department shall be subject to and shall comply with all of the provisions set forth in the Code of Discipline, the Policy and Procedure Manual, and Special Orders.
- D. The conduct of non-sworn members shall also be governed by the Township of Abington Salaried and Clerical Manual and Departmental written directives.

**IV. SCOPE**

- A. The provisions of the Code of Discipline shall be observed by all members of the Department in order to maintain the confidence, respect, and support of the public.
- B. Violations of the Code of Discipline, the Township of Abington Personnel Manual, Charter of the Township of Abington, the ordinances of the Township of Abington, and/or laws of the Commonwealth of Pennsylvania or the United States, shall result in disciplinary action which may take the form of a verbal or written reprimand, reduction in rank and/or suspension, or discharge from employment. Action taken will depend on the degree of severity of the offense, the record of the offender, and the seriousness of the consequences of the violation.
- C. Disciplinary action under the Code of Discipline will be in accordance with the Abington Township Civil Service Code.
- D. It shall be the duty of all Commanders, Supervisors, and Members to take corrective action and/or submit a written report to the Chief of Police whenever they learn through personal observation or report of any violation of the Code of Discipline, General Orders, the Township of Abington Salaried and Clerical Manual, the Charter of the Township of Abington, and/or the laws of the Commonwealth of Pennsylvania or the United States by any member of the Department.

CODE OF DISCIPLINE - Revised 1994		First Offense	Second Offense	Third Offense	Reckoning Period
<b>Section No. 1 - Discreditable Conduct</b>					
1:1	Repeated violations of Departmental rules and regulations, or any other course of conduct indicating that a member has little or no regard for his/her responsibility as a member of the Police Department.	Dismissal	***	***	*
1:2	Willfully damaging Police Department property and/or equipment.	Dismissal	***	***	*
1:3	Willfully interfering with police radio broadcasting and/or tampering with police radio equipment.	Dismissal	***	***	*
1:4	Conviction for a misdemeanor or felony under the laws of this Commonwealth.	Dismissal	***	***	*
1:5	Conduct unbecoming an officer, which means he/she acts in a disorderly manner prejudicial to discipline or likely to bring discredit to the reputation of the Department.	Reprimand- 10 Days	10 Days- Dismissal	Dismissal	1 Yr.
<b>Section No. 2 - Insubordinate or Oppressive Conduct</b>					
2:1	Refusal to obey proper orders, directives and regulations, oral or written, of the Chief of Police and/or superiors and supervisors	Reprimand- 15 Days	15 Days- Dismissal	Dismissal	1 Yr.
2:2	Refusal to comply with proper orders, directives and regulations, oral or written, of the Chief of Police and/or superiors and supervisors.	Reprimand 5 Days	5-10 Days	15-20 Days	1 Yr.
2:3	Oppressive or tyrannical conduct toward an inferior in rank.	Reprimand 10 Days	15-30 Days	Dismissal	1 Yr.
2:4	Using profane or insulting language to any member of the Police Department.	Reprimand 10 Days	15-30 Days	Dismissal	2 Yrs.
2:5	Using profane or insulting language or conduct offensive to the public.	Reprimand 10 Days	15-30 Days	Dismissal	2 Yrs.
2:6	Publicly criticizing the official action of a superior officer.	Reprimand 5 Days	5-10 Days	10-20 Days	2 Yrs.
2:7	Fighting or quarreling with members of the Police Department.	Reprimand-	5-10 Days	15-20	2 Yrs.

<b>CODE OF DISCIPLINE - Revised 1994</b>		<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Reckoning Period</b>
		5 Days		Days	
2:8	Is insubordinate, by word, act or demeanor.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
2:9	Uses unnecessary force or violence on any prisoner or other person with whom he/she may be brought into contact during the course of duty.	Reprimand-Dismissal	15 Days-Dismissal	***	1 Yr.
2:10	Disobedience to orders. If he/she disobeys or, without good and sufficient cause, omits or neglects to carry out any lawful order, whether written or verbal.	Reprimand-5 Days	5-10 Days	10 Days-Dismissal	1 Yr.
<b>Section No. 3 - Neglect of Duty</b>					
3:1	Failure to take appropriate action concerning illegal activity, including vice conditions and/or failure to make a written report of same to proper supervisor.	30 Days Dismissal	Dismissal	***	2 Yrs.
3:2	Failure to properly supervise subordinates, or to prefer disciplinary charges, or to take other appropriate disciplinary action.	Reprimand-5 Days or Demotion	5-10 Days or Demotion	15-20 Days or Demotion	1 Yr.
3:3	Failure to take proper police action when necessary, at any time, in or out of uniform, and/or failure to make a written report of same to proper supervisor.	Reprimand-10 days	15-20 Days	25-30 Days	2 Yrs.
3:4	Asleep on Duty	Reprimand-5 Days	15-20 Days	Dismissal	2 Yrs.
3:5	Failure to properly patrol beat or section; unauthorized absence from assignment; failure to respond to radio call; idle conversation or loafing.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
3:6	Reading newspapers, books or periodicals while on duty.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
3:7	Failure to thoroughly search for, collect, preserve and identify evidence or persons, property or locations in any arrest or investigation.	Reprimand-10 Days	15-20 Days	25-30 Days	1 Yr.
3:8	Failure to conduct proper, thorough and complete investigation.	Reprimand-	5-10 Days	15-20	1 Yr.

CODE OF DISCIPLINE - Revised 1994		First Offense	Second Offense	Third Offense	Reckoning Period
		5 Days		Days	
3:9	Failure to submit properly written, required report and/or statement, within a reasonable or prescribed period of time.	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.
3:10	Failure to report a hazardous condition.	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.
3:11	Failure to make any necessary entry in any document or book.	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.
3:12	Allowing prisoners to escape through carelessness or neglect.	Reprimand-10 Days	15-20 Days	25-30 Days	2 Yrs.
3:13	Damages to Police Department property resulting from negligent action or from failure to properly care for same.	Reprimand-10 Days	10-20 Days	20-30 Days	1 Yr.
3:14	Failure to properly care for assigned equipment and vehicles, damaging same due to neglect or carelessness.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
3:15	Failure to remove keys from patrol car when unattended.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
3:16	Failure to remove keys from patrol car when unattended, resulting in vehicle being stolen	5-10 Days	15 Days - Dismissal	Dismissal	2 Yrs.
3:17	Failure to give prescribed identification when answering telephone.	Reprimand	5-10 Days	15-20 Days	1 Yr.
3:18	Failure to give name and badge number when properly requested.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
3:19	Failure to possess and maintain a current and valid Pennsylvania Motor Vehicle Operator's License.	Reprimand-Dismissal	Dismissal	***	2 Yrs.
3:20	Neglects or, without good and sufficient cause, omits to carry out any instructions of a physician selected by the Police Department/Township while absent from duty for medical reasons, is guilty of any act or conduct which may retard his return to duty.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.

<b>CODE OF DISCIPLINE - Revised 1994</b>		<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>	<b>Reckoning Period</b>
<b>Section No. 4 - Falsehood or Prevarication</b>					
4:1	Knowingly and willfully making any false, misleading or inaccurate statement, verbal or written.	5 Days - Dismissal	Dismissal	***	2 Yrs.
4:2	Knowingly and willfully making a false entry in any Departmental report or record.	5 Days - Dismissal	Dismissal	***	2 Yrs.
4:3	Willfully damaging or altering Police Department documents, reports or records.	Dismissal	***	***	*
<b>Section No. 5 - Breach of Confidence</b>					
5:1	Communicating or imparting confidential Police Department information or divulging any matter which, by duty, should be kept secret, to unauthorized persons.	Reprimand- 10 Days	15-20 Days	Dismissal	2 Yrs.
<b>Section No. 6 - Corrupt Practices</b>					
6:1	Accepting bribes or gratuities for permitting illegal acts.	Dismissal	***	***	*
6:2	Failure to report, in writing, offers of bribes or gratuities to permit illegal acts.	30 Days - Dismissal	Dismissal	***	2 Yrs.
6:3	Knowingly associating, fraternizing or business transactions, at any time or in any manner whatsoever, with known criminals or persons engaged in illegal activities.	Reprimand- Dismissal	Dismissal	***	2 Yrs.
6:4	Using official capacity to solicit or endorse attorneys, bondsmen or other business persons or firms.	30 Days - Dismissal	Dismissal	***	2 Yrs.
6:5	Failure to account for or to make a prompt and true return of any money or property received in official capacity.	Reprimand- Dismissal	Dismissal	***	2 Yrs.
6:6	Becoming pecuniarily obligated 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 Police Department may have to report or give evidence.	Reprimand- 5 Days	5-10 Days	Dismissal	2 Yrs.
6:7	Soliciting money or any valuable thing without proper authorization.	5 Days -	Dismissal	***	2 Yrs.

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6:8	Sexual relations, licit or otherwise, while on duty.	30 Days	Dismissal	***	2 Yrs.
6:9	Failure to recognize and satisfy any just debts.	Reprimand-5 Days	5-10 Days	10-20 Days	1 Yr.
6:10	Improperly uses his/her position as a member of the Department for his/her personal advantage.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
<b>Section No. 7 - Absence Without Leave</b>					
7:1	Absence without leave.	Reprimand-Dismissal	***	***	2 Yrs.
7:2	Un-excused tardiness.	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.
7:3	Failure to report as witness when duly notified or subpoenaed.	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.
7:4	Malingering. Feigning or exaggerating any sickness or injury with the intent of evading duty.	Reprimand-5 Days	10 Days-Dismissal	***	2 Yrs.
<b>Section No. 8 - Intoxication, Drinking, Use of Drugs - On Duty</b>					
8:1	Intoxication or under the influence of alcohol or drugs when reporting for duty or on duty.	30 Days - Dismissal	Dismissal	***	2 Yrs.
8:2	Ingesting any intoxicating beverages or drugs while on duty.	5-10 Days	15-20 Days	Dismissal	2 Yrs.
8:3	Odor of alcohol on breath when reporting for duty or on duty.	Reprimand-10 Days	15-20 Days	25-30 Days	2 Yrs.
<b>Section No. 9 - Intoxication, Drinking, Use of Drugs - Off Duty</b>					
9:1	Intoxication or under the influence of drugs off duty, in uniform.	15-30 Days	30 Days - Dismissal	Dismissal	2 Yrs.

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9:2	Intoxication or under the influence of drugs, off duty, not in uniform, and arrested.	Reprimand-15 Days	Dismissal	***	2 Yrs.
9:3	Intoxication or under the influence of drugs off duty, in part of uniform.	5-10 Days	15-20 Days	25-30 Days	2 Yrs.
9:4	Ingesting any intoxicating beverages or drugs off duty, in all or part of uniform	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.
9:5	Intoxication or under the influence of drugs while off duty and out of uniform but involving police department or police action and causing discredit or embarrassment to the department.	Reprimand-10 Days	10-20 Days	Dismissal	2 Yrs.
9:6	Unfit for duty when scheduled to work by reason of intoxication or being under the influence of drugs.	Reprimand-15 Days	30 Days-Dismissal	Dismissal	2 Yrs.
<b>Section No. 10 - Uncleanliness</b>					
10:1	Untidy appearance and dress while in uniform and/or on duty.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
10:2	Not in full prescribed uniform.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
10:3	Smoking when in uniform, while in direct contact with the public.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.
<b>Section No. 11 - Instituting Legal Action Arising from Police Duty</b>					
11:1	Instituting civil action arising from police duty without notifying the Chief of Police.	Reprimand-5 Days	5-10 Days	15 Days-Dismissal	2 Yrs.
<b>Section No. 12 - Miscellaneous Regulations</b>					
12:1	Misuse, improper handling or display, of firearms.	Reprimand-10 Days	15-25 Days	30 Days - Dismissal	2 Yrs.
12:2	Unauthorized persons in police vehicle.	Reprimand-5 Days	5-10 Days	15-20 Days	2 Yrs.



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12:3	Changing residence and/or phone number without giving prompt and proper notification.	Reprimand-5 Days	5-10 Days	15-20 Days	1 Yr.

NOTES:

**Reckoning Period** = that time used to compute second and third offenses; commences upon the date that disciplinary action is taken.