



LOWER GWYNEDD TOWNSHIP POLICE DEPARTMENT

PAUL KENNY
CHIEF OF POLICE

Serving Our Community With Pride Since 1929



Dear Residents,

Over the last several years, I have placed considerable resources in making sure we are engaged in the best practices as a police department. In light of recent events and to promote transparency, I have listed several critical policies and procedures that represent the most pressing concerns of our citizens below. These policies, were originally issued in 2013 but have been examined and constantly revised as we move forward with maintaining operations that are consistent with community desires. These policies and procedures represent the best practices in policing today, and are a product of a collaborative effort with many organizations throughout our region and country. These policies are a small sample of the directives and general orders that are issued in our department. I am confident that you will find these policies and procedures to be helpful and informative.

When General Orders are approved, they are delivered to our officers electronically. After reading them, officers must sign copies of the orders and are then prompted to take a test to ensure that they have full understanding of each order. The orders that I have included are:

[General Order 1.3 The Use of Force.](#)

[General Order 1.8.3 Biased Based Policing](#)

[General Order 2.4.2 Audio/Video Recordings including dash cams and body worn cameras.](#)

I would like to take advantage of this opportunity to bring our police department and our community together, as there is nothing more important than trust, mutual respect, and understanding. I do not believe that publishing our policies can singularly accomplish this goal, however transparency and maintaining communication with those that we serve is a good place to start. I look forward to your feedback and as always, working together to make meaningful changes where change is needed.

Paul Kenny

Chief of Police



**LOWER GWYNEDD TOWNSHIP
POLICE DEPARTMENT
SPRING HOUSE, PENNSYLVANIA
GENERAL ORDER 1.3**



Subject		
Legal Process		
Date of Issue	Effective Date	Expiration Date
July 1, 2013	July 1, 2013	Until Amended or Rescinded
PLEAC STANDARD Reference		
1.3.1;1.3.2;1.3.3;1.3.4;1.3.5;1.3.6;1.3.7;1.3.8;1.3.9;1.3.10		
Amends		Revisions
GO-68; GO-32; GO-35; GO-44		3/15/17; 04/12/2019
Distribution		Forms
All Personnel		LG-21; LG-22; LG-23; LG-64

This order contains the following sections:

- 1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives
- 1.3.2 Use of Deadly Force
- 1.3.3 Prohibited Use of Weapons (Warning Shots)
- 1.3.4 Use of Authorized Less Lethal Weapons
- 1.3.5 Medical Attention Required Following the Use of Force as Appropriate
- 1.3.6 Written Reports and Investigation Required
- 1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review
- 1.3.8 Weapons and Ammunition Approved by the Chief of Police
- 1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons
- 1.3.10 Required Annual Training

I. Purpose

In performance of their duty, police officers are at times confronted with situations where, in order to protect the public safety, control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. Control may be achieved through verbal discussion, persuasion and warnings, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending upon the dynamics of the situations. The use of the various levels of control against active resistance in physical force should be viewed as lying along a continuum; a continuum along which the use of force escalates only when each lower level of force has been examined or discarded as impractical in the current circumstance, or which has been tried and has failed in the encounter. It should be noted that this analysis might not involve lengthy deliberations. Due

to the urgency often inherent in such situations, the decision to escalate the use of force may be nearly instantaneous.

In order to provide employees with a clear understanding of their performance expectations while affecting the components of the use of force continuum, this general order is established. In addition, this order details departmentally authorized weapons, training in their use, and reporting requirements when the use of force continuum is asserted as a result of physical resistance and/or assaultive behavior.

II. Policy

It is the policy of the department that all persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy, and the dignity due any human being, to the extent that such treatment is allowed by the subject's resistance. Police officers and civilian employees where applicable shall maintain a professional bearing at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. They shall never use a greater degree of force than that which is lawful, reasonable, and necessary for the specific situation. Such reasonable and necessary force may be used: to affect an arrest, to overcome unlawful resistance, to prevent an escape from custody, or to neutralize an unlawful assault upon the officer or another person. The use of physical force will end immediately when resistance ceases, when resistance has been overcome, or when the arrest has been accomplished. Emphasis shall always be upon obtaining control over the resistance situation rather than forcing submission. Members shall not mentally or physically abuse any person that they contact or take into their custody or control.

Justification for the use of force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

Officers using force must be able to articulate the need and justification for the use of force and the reason(s) why the level of force utilized was selected. Full disclosure of the circumstances requiring the use of force, and the type and extent of force, shall be thoroughly documented in the departmentally required "Use of Force Report", or other reports, as outlined in this general order.

1.3.1 Use of Force Continuum Authorized Only to Accomplish Lawful Objectives

A. Use of Force Justification

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification", describes those circumstances in which use of force is justified. These provisions, and the related case law, including Federal case law made binding on Pennsylvania through the 14th Amendment to the United States Constitution, shall establish the only legally binding restrictions regarding the use of force by police department personnel, as it relates to criminal or enforceable civil matters.

2. In any necessary use of force, all police department personnel shall only utilize the force necessary to affect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court decisions in accordance with the Lower Gwynedd Police Department Use of Force Continuum that establishes use of force options and their appropriate application.

B. Use of Force Continuum Established

1. Level – Verbal Control

- a. During citizen contacts, each officer must endeavor to make every reasonable attempt to ensure his/her conduct inspires respect and generates cooperation and a feeling of good will between the citizen(s) and the department.
- b. The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions, or orders. The volume and tone of the officer's comments may also be an effective tool to assume control over a situation without having to progress to any higher level of force.
- c. The use of profanity or disrespectful or argumentative conduct on the part of the officer is never acceptable.

2. Level 2 – Escort

- a. The majority of arrests handled by officers of this department are made peacefully; the arrestee is handcuffed, searched, and transported without incident. However, in some of these situations, although there is no real resistance, the subject may offer some reluctance in complying. Under these circumstances, some form of physical maneuvering may be required in order to escort the individual from one location to another. This level of force, by definition, would preclude the suspect from experiencing any pain or sustaining any injuries.

3. Level 3 – Chemical Agents

- a. Chemical agents, i.e., oleoresin capsicum (O.C.), may be utilized by police personnel as an appropriate and effective use of force in certain circumstances. The use of oleoresin capsicum shall be restricted to the following situations:
 - i. When necessary for the officer to defend himself/herself or others against threats of, or imminent assault by, or physically offensive or combative actions by, any individual or animal.
 - ii. To effect a lawful arrest when confronted with a non-compliant, non-submissive individual.
 - iii. To prevent the commission of a criminal offense.
 - iv. When lower levels of force have been exhausted or, by the nature of the confrontational circumstances, would be deemed ineffective.
- b. Chemical agents will be used only to the extent necessary to overcome the resistance of the suspect and within the authorized scope of the current departmental training standards.

4. Level 4 – Control and Compliance

- a. On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be inappropriate or have been ineffective. Incidents of this nature require officers to use some combination of strength, leverage, takedowns, holds, and come-alongs with sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.

5. Level 5 - Unarmed Striking Techniques/Electronic Control Device (ECD) Deployment

- a. This level of unarmed force involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
- b. ECD Deployment - In some situations an officer may determine that the use of unarmed force against a subject is not effective or will not be effective. In such situations, the use of an ECD may be more appropriate or effective.
 - i. An ECD should be deployed where unarmed striking techniques have been ineffective, or an officer reasonably believes that such techniques will be ineffective against an aggressive subject.
 - ii. Deployment of an ECD shall be guided by the policy set forth in this General Order § 1.3.4 Use of Authorized Less Lethal Weapons

6. Level 6 – K-9 (If Applicable)

- a. Police K-9 working dogs are a recognized and valuable asset to law enforcement agencies. The use of a police K-9 by its handler in the performance of his/her duties may, depending upon the circumstances, be considered as an instrument of force. When police K-9's are utilized to neutralize assaults, to overcome the resistance of arrestees, to capture fleeing suspects, or in the defense of a police officer or another person, the use must be a situation where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.
- b. Only police department certified working dogs and their handlers, operating within the policy directives and general orders of the police department, may be utilized, unless the K-9 and handler are with another area law enforcement agency and are assisting police department personnel in a bona fide mutual aid situation. In the event that a K-9 and handler from another law enforcement agency are used to assist the department in a mutual aid situation, the assisting agency's policy will guide the use of the K-9.

7. Level 7 – Striking Implement

- a. The use of striking implements shall be restricted to quelling physical confrontations where higher levels of force are not necessary and lower levels of force would be inappropriate or have been ineffective.

8. Level 8 – Deadly or Potentially Deadly Force

- a. An officer will utilize deadly force on another only when legally justified, when the need to do so is strong and compelling, only as a last resort, and when lower levels of force have been ineffective or would be inappropriate given the threat level confronting the officer. When a firearm or other form of deadly force is used, it must be with the realization that the death of another human may occur.
- b. Section 1.3.2, relating to the use of deadly force, shall be the controlling policy of the police department as it relates to the use of deadly force.

C. Policy Disclaimers

1. This section, as well as this general order, is explanatory in nature and is intended as a guide for department personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher legal standard than that provided by law.
2. Although the use of force continuum generally ascribes to the process whereby an officer can escalate the application of force under various presenting situations, nothing in this policy shall infer that any given level cannot be skipped in the escalation, given those presenting circumstances, or that any escalation cannot be reduced given other presenting circumstances.

1.3.2 Use of Deadly Force

- A. A "peace officer" (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code, Title 18 C.S.A. Section 501, shall only use deadly force when necessary and justified to affect lawful objectives in conformance to the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. Title 18, Chapter 5, Section 508, Subsection (a.), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer only when he/she believes that:
 1. The action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury, or when he/she reasonably believes both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. The person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he/she will endanger human life or inflict serious bodily injury unless arrested without delay.
 2. Shoot to Stop the Threat
 - a. Officers will fire their weapons to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.
 - b. For maximum stopping effectiveness and minimal danger to innocent bystanders, officers should shoot at "center body mass", or the largest body mass exposed.

B. Definitions

1. Reasonable belief - the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
2. Serious bodily injury - bodily injury which creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
3. Forcible Felony - the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson endangering persons, aggravated assault causing serious bodily injury.
4. Less lethal force – any force, action or weapon that produces a result that is necessary to control the actions of another and does not involve the use of deadly force.

C. Use of Deadly Force to Destroy an Animal

1. A police officer is justified in using deadly force to destroy an animal or rodent that represents an imminent threat to the safety and welfare of the community; or where it is determined that the animal is so severely injured that its destruction is considered to be a humanitarian measure.

1.3.3 Prohibited Use of Weapons

A. Department police officers are prohibited from discharging firearms under the following circumstances:

1. When it appears that an innocent bystander or other officers are likely to be injured by the officer's firearm discharge.
2. For the purpose of discharging any firearm into the air or ground; i.e., "*warning shots*", in an attempt to cause a fleeing suspect to stop or surrender.
3. Firing a weapon at or from a moving vehicle, since it is rarely effective and is extremely hazardous to innocent persons.

a. EXCEPTIONS:

- i. If the occupants of another vehicle are using deadly force against the officer or another person, either with or from a vehicle.
- ii. If no other alternative is available based on the presenting circumstances.

1.3.4 Use of Authorized Less Lethal Weapons

A. Electronic Control Device

1. Definitions

- a. Electronic Control Device (ECD) - A less than lethal conducted energy weapon that uses propelled wires or direct contact to conduct electrical energy to a subject to affect the sensory and/or motor functions of the subject's nervous system.
- b. AFID - (Anti-Felony Identification Device) – Every time a ECD cartridge is deployed, small confetti-like ID tags called AFIDs are ejected. Each AFID contains the serial number of the

cartridge deployed allowing staff to identify the officer to whom the cartridge was assigned.

- c. Cartridge - The ECD cartridge is a single use item that is identified by a serial number.
- d. Data Port - The ECD has a data port located inside the grip of the unit. This data port will be used to recover specific usage information that is saved every time the ECD is used. This data ensures accuracy in incident documentation.

2. Procedure

- a. The Lower Gwynedd Township Police Department utilizes the Taser X26 and Taser X26P Electronic Control Device manufactured by Taser International.
- b. Only those officers who have been trained and certified in the use of the ECD will utilize this weapon.
- c. The ECD is a defensive weapon, which is listed in the force continuum at the same level as Hard Empty Hand Techniques.
- d. The ECD functions in two ways:
 - i. The department approved ECD fires two probes up to a distance of 25 feet from a replaceable air cartridge. When the probes make contact with the subject the ECD transmits electrical pulses along the wires and into the body of the subjects, which disrupts the body's ability to communicate messages from the brain to the muscles and causes motor skill dysfunction.
 - ii. Without the air cartridge, the ECD can be utilized as a contact stun system, resulting in the identical effects as the probes.
- e. The decision to use the ECD is based on the same criteria an officer uses when selecting to utilize hard empty hand techniques. The decision must be made dependant on the actions of the subject(s) or threat facing the officer(s), and the totality of circumstance surrounding the incident. In any event, the use of the ECD must be reasonable and necessary.
- f. The ECD is deployed as an additional police tool and alternate force option and is not intended to replace the police firearm or other self-defense techniques.
- g. The ECD provides a force option in which the officer does not have to get dangerously close to a threat before deploying the tool. Using the EMD may greatly reduce the need for the officer(s) to employ other types of physical force that could potentially cause serious or deadly injury to the offender, officer or others present.

2. Storage, Maintenance and Issuance

- a. Department personnel shall only carry and use ECDs or electrical incapacitation devices approved by the Chief of Police. Members may only use department issued ECD cartridges.
 - b. The ECDs will be stored in a designated area approved by the Chief of Police.
 - c. The ECD may be assigned to any certified officer of the Lower Gwynedd Police Department. The officer assigned the ECD will examine the weapon to determine that it is functioning properly. The examination will be conducted in a safe manner without a live air cartridge attached to the ECD. All ECDs will be examined prior to being taken out on patrol.
 - d. If a problem is found with an ECD the officer will notify the OIC who will mark the unit as "out of service" and place it in the designated storage area. The appropriate notification form shall be forwarded to the Lieutenant and the ECD instructor.
 - e. At the end of the shift the ECD will be returned and secured in the designated area. The ECD may be handed off to a certified officer on the oncoming shift. The oncoming officer will ensure that the weapon is inspected as outlined above.
 - f. The Department shall maintain a record listing the model and serial number of each ECD, the serial number of each air cartridge. In the event that an ECD is returned for repairs or no longer remains the property of the Lower Gwynedd Police Department, the history of that particular ECD will be downloaded using the data port access and appropriate software. The use history will be maintained for a period of five years from the date the ECD was taken out of service.
 - g. The ECD shall be carried in an approved holster or carrier device. An officer wearing a holster shall position the holster on the side of their body opposite from their firearm. This is generally known as the "weak side" position. The transportation, storage, display and deployment of the ECD shall be in compliance with approved departmental standards.
3. Training required
- a. No member of the Police Department shall carry or utilize an ECD unless they have successfully completed an ECD training and certification program administered by a certified instructor. Initial certification and recertification testing and training standards shall be in compliance with prevailing manufacturer, MPOETC and departmental guidelines.
4. Authorized uses of ECDs
- a. ECDs shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.
 - b. The ECD is not a substitute for deadly force and should not be used in those situations. Deployment of the ECD should be backed up with the availability of lethal force.
 - i. It is intended that the ECD be deployed in those situations where the need exists for an increased level of force against a subject who is failing to comply

with lawful orders. The use of the ECD is comparable with that of hard empty hand techniques on the Use of Force Continuum.

- ii. The ECD is programmed to deliver a five (5) second electrical charge. Officers should avoid contact with the devices' wires or probes during discharge.
- iii. Targeting for the deployment of the ECD shall be consistent with the guidelines set forth by the device's manufacturer. Annual training should be conducted to ensure personnel are familiar with current targeting guidelines. The head, neck, and groin areas should not be intentionally targeted unless the appropriate level of force can be justified. It is not recommended that the ECD be utilized against an obviously pregnant woman.
- iv. The ECD is not to be used punitively or for the purposes of coercion. It is to be used as a way of averting a potentially injurious or dangerous situation. The recommended firing distances are from seven to fifteen feet. Ranges fewer than three may not provide adequate distribution of the probes to allow the unit to function to its full effectiveness. However, firing the ECD at a subject at a range closer than three feet is not dangerous to the subject.
- v. Prior to deployment, the officer deploying the ECD has the responsibility to visually and physically confirm that the tool selected is, in fact, an ECD and not a firearm. **If feasible**, the deploying officer should attempt to notify County Radio that the ECD may be deployed. Immediately prior to the deployment, the deploying officer should, **if feasible**, announce that the ECD will be discharged. The announcement should be made only if it would not endanger any civilians, the officer, or the subject.
- vi. The ECD has the ability to ignite flammable liquids. It should not be deployed at a subject who the officer knows has come in contact with a flammable liquid or in an environment where flammable materials are obviously present. Certain O.C. sprays contain alcohol based propellant that may increase the flammability risk if a subject has been sprayed prior to the deployment of the ECD.
- vii. Consideration and caution should be exercised where the target subject is in an elevated position or in circumstances where a fall or the secondary effects may cause physical injury or death.

5. Duties After Deployment

- a. Immediate action should be taken to care for the injured, to apprehend any suspects, and to protect the scene. Once the subject is restrained or has complied, the ECD should be turned off.
- b. An ECD is not to be left unattended except in exigent circumstances as when an officer is forced to act alone in taking custody of an immediate threat.
- c. Any subject exposed to contact with the ECD probes, contacts or wires who receives an electrical shock must be offered the opportunity to be examined by professional medical personnel. This examination may take place at the scene, at a police facility, a medical facility or other location where medical personnel can safely attempt to examine the subject. A medical refusal form will be

completed if the subject refuses medical treatment. If the subject refuses medical treatment, but exhibits any signs of abnormal behavior, they will be immediately transported to a medical facility to obtain medical clearance prior to being placed in an police detention facility. Medical treatment will not be refused for anyone who requests it. Medical personnel will remove probes located in sensitive areas such as the face, neck, groin or breast.

- d. If necessary, removal of the probes in other areas may be completed by officers in accordance with training producers. Officers will provide first aid following removal of the probes by applying alcohol wipes and band-aids to the probe sites as needed. Medical personnel should also examine the probe sites to ensure proper treatment. Officers should inspect the probes after removal to ensure that the entire probe and probe barb has been removed. In the event that a probe or probe barb has broken off and is still embedded in the subject's skin, the subject should be provided appropriate medical attention to facilitate the removal of the object. Photographs will be taken of the probe impact sites and other related injuries. Probes that have been removed from the skin will be treated as biohazard sharps. They should be placed point down, into the expended cartridge bores and secured with tape.
 - e. Officers will attempt to locate the yellow, pink, and clear colored "micro-dots" (AFID) dispersed at the time of the cartridge firing. If possible, this material should be photographed and a sample collected to be placed into evidence with the expended cartridges.
 - i. An OIC shall be notified to respond to the scene. The OIC should be briefed about the incident. The deploying officer will complete an ECD Use Report (LG-22) in addition to any other reports required to document the Use of Force.
 - f. Subjects controlled by the use of the ECD should be secured and transported in accordance with Departmental guidelines. Personnel charged with supervising a detained person must be advised that the subject was controlled by use of the ECD. Personnel are to closely monitor the subject.
6. Officer in Charge Responsibilities
- a. The OIC on scene should ensure that proper care is given to injured officers and/or citizens. He/she should ensure all responsibilities of the officer have been carried out regarding care for the injured, apprehension of the subjects, and the protection of the scene.
 - b. The OIC shall ensure that the Lieutenant and the Chief are notified as soon as possible by voice contact of any deployment of an ECD which results in traumatic injury or any additional factors in which notification would be prudent. If immediate contact is deemed unnecessary, this notification can be made by voice contact, voice mail or documentation of the incident.
 - c. The OIC will review and approve by signature the ECD Use Report (LG-22) and Use of Force Report (LG-21). Copies of all reports associated with the incident shall be forwarded to the Chief, Lieutenant and the ECD Instructor(s).

7. Certified Instructor(s)

- a. It is the responsibility of the manufacturer's certified instructors(s) to instruct, evaluate, certify and maintain training records for those officers selected to carry, deploy and utilize the ECD in accordance with the manufacturer guidelines.
- b. It is the responsibility of the manufacturer's certified instructor(s) as soon as practical after deployment download the deployment history of the weapon. A printout will be created and retained by the ECD instructor(s) and a copy will be attached to the case file.

B. Oleoresin Capsicum (OC)

1. Authorized Uses of Oleoresin Capsicum

- a. Oleoresin Capsicum (OC) shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.
- b. Individuals
 - i. In effecting an arrest in accordance with the established use of force continuum.
- c. Crowds
 - i. To disperse unlawful groups/crowds or others gathering who are unruly or persons gathering without authority or permission, after being ordered to cease, desist, and/or depart the area.
 - ii. Pre-authorization required - Prior to introducing oleoresin capsicum in disorderly group/crowd situations, the officer(s) shall withdraw to a point of safety from where sufficient information can be obtained to properly evaluate the effectiveness of chemical agents in dispersing the assemblage.
 - (a) The shift supervisor shall be requested to respond to all such situations where oleoresin capsicum may be utilized to control group/crowd behavior prior to its introduction.
 - (b) The shift supervisor, or other commanding officer on the scene responsible for police operations, shall authorize the utilization of oleoresin capsicum only after a thorough review of the potential effectiveness of chemical agents in neutralizing or resolving the disorderly behavior of the group/crowd or other means available.
 - (c) EXCEPTION:
 - When it is not reasonable to withdraw as previously indicated, or the safety of police officers or civilians is jeopardized and subjected to actual or potential bodily injury, the immediate introduction of oleoresin capsicum is pre-authorized under the authority of this order; consistent with guidelines established by this order.
- d. Animals
 - i. To deter and protect officers or others from animals that presents a threat of bodily injury.
- e. Building searches

- i. To aid in the search of buildings that may contain subjects who have secreted themselves in locations difficult or dangerous to search by routine search procedures and who have done, or are suspected of, criminal activity.
- 2. Tactical Deployment of Oleoresin Capsicum
 - a. Oleoresin capsicum spray
 - i. When deploying oleoresin capsicum at an individual or animal, it should be directed from the canister into the facial area such as eyes, nose, and mouth, of the subject intended to be neutralized.
 - ii. When oleoresin capsicum is deployed in an outside environment, whenever reasonable, given the context of the presenting situation, officers should be cognizant of the wind direction and avoid spraying UP-WIND where the potential exists for residual contamination of police officers involved in the neutralization action.
 - iii. Depleted canisters of oleoresin capsicum shall be given to the shift supervisor who will secure the canister and arrange for the issuance of a new canister to the officer(s). The officer(s) shall mark all depressurized canisters with verification by a supervisor at the time the depressurized canister is secured for exchange.
- 3. Medical Treatment of Oleoresin Capsicum Contaminated Persons.
 - a. As soon as possible, person(s) contaminated by a release of oleoresin capsicum shall be exposed to fresh air and have their contaminated areas flushed with cold water.
 - b. Contact lenses of contaminated person(s) should be removed and thoroughly washed prior to reuse.
 - c. Evaluation by medical personnel (EMS) shall be initiated WITHOUT DELAY in any of the following circumstances:
 - i. Any person who has been exposed to oleoresin capsicum who complains of itching, hives, difficulty swallowing, facial swelling (particularly around the eyes, lips, or nose) or who states that they have a known allergy to any variety of pepper.
 - ii. Any person who admits to being under the influence of cocaine, amphetamines, barbiturates, PCP, opiates, heroin, or high levels of alcohol.
 - iii. Any person who admits a history of heart problems, lung problems, diabetes, high blood pressure, or other potentially serious medical condition.
- 4. Training Required
 - a. No police officer, or civilian employee, shall be equipped with, or be authorized to use, either oleoresin capsicum equipment until they have successfully completed a training program taught by an instructor certified by a training institute or the chemical agent's manufacturer.
 - b. The course of instruction shall include, at a minimum, the following topic areas:
 - i. Any requirements recommended or required by the manufacturer or the instructor's certification program.

ii. Records

- (a) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

C. Batons

1. Authorized uses of batons.

- a. Batons shall be used in a manner consistent with the use of force continuum, as outlined in this general order, and in accordance with training standards and/or programs instituted by this department.

2. Training required

- a. No police officer shall be equipped with, or be authorized to use, batons until they have successfully completed a training program taught by an instructor certified by a training institute or the baton's manufacturer.
- b. The course of instruction shall include, at a minimum, the following topic areas:
- i. Any requirements recommended or required by the manufacturer or the instructor's certification program.
- ii. Records
- (a) The training instructor(s) shall complete documentation for all police officers successfully completing the course of instruction.

D. Other Authorized Less Lethal Weapons

1. Any other less lethal weapon authorized by the department shall be detailed in a departmental Special Order which shall provide for:
- a. The type of less-lethal weapon and its intended use.
- b. The circumstances when police officers would be justified and authorized to use the less-lethal weapon.
- c. The training required prior to the issuance and use of the less-lethal weapon.

1.3.5 Medical Attention Required Following Use of Force as Appropriate

A. General Rule

1. After the use of force by agency personnel, officers shall arrange for appropriate Emergency Medical Services (EMS) to examine, treat, and/or transport a subject to a medical facility when:
- a. An injury is known
- b. An injury is suspected
- c. An injury is alleged

B. Medical Release Required

1. When the arrestee is examined, treated, and subsequently released from medical care, a written medical release shall be obtained from the attending physician.
2. Refusals

- a. When emergency medical services (EMS) are summoned to evaluate and/or treat an arrestee and the individual refuses medical attention, the officer shall obtain a copy of the release and note the medical attention, or declination of medical attention, in his/her report of the incident, along with the name(s) of the attending EMS personnel and/or the attending physician.

1.3.6. Written Reports and Investigations Required

A. "Use of Force Report"

1. Officers of the Police Department shall complete a departmental "Use of Force Report" (Form LG-21) whenever force as outlined in parts a-e of this section is used:
 - a. Discharge a firearm, other than for routine training, recreational purposes, or animal disposal. **(PLEAC 1.3.6a)**
 - i. A departmental incident report rather than a Use of Force Report shall document firearm discharges for the destruction of an animal.
 - b. Takes any action that results in or is alleged to have resulted in any injury to or the death of another person. **(PLEAC 1.3.6b)**
 - c. Uses physical force or is alleged to have used physical force to another person. **(PLEAC 1.3.6c)**
 - d. Applies force through the use of lethal or less lethal weapons.
 - e. Applies Level 3 force, relating to the discharge of oleoresin capsicum, or force in excess of that defined by Level 4 within this general order.
2. The "Details" section of the Use of force Report will include a narrative description of the incident describing the actions of both the suspect and the officer(s).
3. Each officer employing Level 3 force, or force greater than Level 4, will complete and sign a separate "Use of Force Report" form for their involvement in the incident.
4. Officers of this Department who use force while assisting other agencies outside of Lower Gwynedd Township will complete a Use of Force Report as directed in this section.
5. Officers from outside agencies who use force while assisting within Lower Gwynedd Township are bound by their department's policies regarding reporting the use of force. If possible, a copy of the assisting agency's Incident Report and Use of Force Report will be obtained and attached to the LGPD incident report. The Officer in Charge of this department will assure that the incident is fully and accurately documented describing the actions of both the suspect and the officer(s).
6. A "Use of Force Report" shall be completed prior to the officer(s) concluding their shift during which the use of force occurred. The completed report(s) shall be provided through the chain of command to the Chief of Police.
 - a. If the officer involved is injured or unable to make the report, the officer's supervisor, if applicable, shall submit a written report prior to the end of the shift in which the incident occurred detailing the circumstances under which the officer is unable to submit the report. The officer involved shall complete the Use of Force report as soon as possible.

7. When an incident requires the "Use of Force Report" form, the shift supervisor, if not present, shall be notified to respond to the scene of the incident.
 - B. Additional Reporting Requirements Following Deployment of Oleoresin Capsicum.
 1. An "O.C. Administrative Warning" (Form LG-23) should be given, in accordance with a form prescribed by this general order, to any subject contaminated by oleoresin capsicum, as soon as feasible, to determine if any potential health threats exist.
 - a. If health threats are determined by the "O.C. Administrative Warning," or at any time prior to or following the warning, procedures outlined in Section 1.3.5 of this order shall be immediately implemented.
 - C. Investigation Requirements for Non-Training Firearms Discharges and Officer-Involved Firearms Incidents.
 1. In the event of a non-training or officer-involved firearms incident, the officer shall notify, or cause to be notified, the Chief of Police or his designee of the occurrence as soon as practical.
 - a. This notification shall occur regardless of the location of the incident, the on-duty/off-duty status of the officer or whether the firearm is department issue or privately owned.
 2. A complete investigation will be conducted into any accidental or deliberate discharge of a firearm, unless the discharge is related to destroying a wounded or suspected rabid animal or on the police firing range.
 3. Any discharge that results in injury will be investigated.
 - D. All "Use of Force Reports" submitted in accordance with Section 1.3.6 of this general order shall be reviewed by the Chief of Police for consideration of compliance with this general order and the review will be documented.
 - E. Determination of Compliance.
 1. Reports found to indicate actions compliant with this general order shall be filed and maintained by the Chief of Police or his designee
 - F. Determination of Non-Compliance.
 1. Reports found to indicate non-compliance with this general order may be directed for follow-up consideration in accordance with one or more of the following actions depending upon the circumstances of the non-compliance:
 - a. Remedial training as outlined in Section 1.3.11 (C) of this general order.
 - b. Professional Conduct investigation as determined by the Chief of Police.
 - c. Disciplinary action.
 - G. The "Use of Force Report" is strictly an internal management document. As such, copies of the report SHALL NOT be attached to the regular departmental incident or supplemental report and SHALL NOT be released in whole or in part to any person, organization, or entity outside of the police department without specific permission of the Chief of Police.
- 1.3.7 Removal of Personnel from Line-Duty-Assignment Pending Administrative Review.**

- A. When death or serious bodily injury to another person has resulted from an employee's actions or use of force in an official capacity, that employee will, as soon as practical, be released from line-duty assignment by the Chief of Police pending investigation and any possible administrative adjudication of the incident by the department in accordance with the provisions of Section 1.3.6 of this general order.
- B. During the period of time an administrative review or investigation into the incident is being conducted, the Chief of Police may, at his option, reassign the employee involved to office related or other duties. Such relief and reassignment shall not be considered a suspension or disciplinary action taken against the employee, but rather an administrative course of action relieving the employee from further performance of line duties while undergoing the extreme emotional stress of having been involved in a death or serious injury action while permitting the department time to conduct an objective investigation into the matter.
- C. Mandatory Counseling Requirement;
 - 1. It shall be the policy of the police department that when an officer discharges a firearm for his/her own defense, to defend a fellow officer or citizen, etc., while on-duty or off-duty, a psychological evaluation of the officer be conducted by a licensed psychologist of the department's choosing, within thirty (30) days, at the department's expense.
 - a. Any follow-up treatment which the examiner deems necessary shall be provided at department expense.
 - b. The officer shall not be returned to full official duties until the examination and/or treatment is completed and a certification of fitness is provided to the Chief of Police.
 - c. This action is not punitive and is separate and apart from departmental disciplinary procedures.
 - d. The Chief of Police will determine the period of time spent on administrative leave or office assignment.

1.3.8 Weapons and Ammunition Approved by the Chief of Police

- A. Types and specifications of lethal and less lethal weapons approved for issue, carry, and use by sworn members of department in the performance of official law enforcement duties, on-duty as well as off-duty, shall be authorized by the Chief of Police. **(PLEAC 1.3.8a)**
 - 1. The Chief of Police shall issue a Special Order indicating authorized on-duty and off-duty weapons and ammunition approved for use by officers of the department.
 - a. Lethal and less lethal weapons and ammunition authorized for on-duty use
 - i. Only the lethal and less lethal weapons and ammunition listed in Special Order 2017-1 relating to Use of Force Weapons and Ammunitions List are authorized for on-duty use.
 - b. Personal back-up firearms for use on-duty
 - i. Only department issued firearms are permitted for on-duty use.
 - ii. Back-up or secondary firearms for on-duty use are prohibited.

- c. Personal firearms for off-duty use
 - i. Officers are permitted to carry personal firearms off-duty under color of law in accordance with Special Order 2017-2, provided the following criteria are met;
 - (a) The firearm is obtained, owned and compliant with all local, state and federal laws and regulations
 - (b) The officer ensures the firearm meets and is maintained at the manufacturer's specifications for safe operation.
 - (c) The officer successfully completes a MPOETC approved qualification course annually with each firearm the officer intends to carry.
 - The officer must supply and qualify with the ammunition he/she intends to carry.
 - (d) Only lawful ammunition is used.
 - (e) The officer is compliant with all laws regarding firearms and ammunition when carrying a personal firearm.
 - Laws regarding concealed weapons and ammunition may vary by state. When carrying a personal firearm while out of state, it is the responsibility of the officer to be aware of and compliant with all the laws of that state.
- B. Types and specifications ammunition approved for issue, carry, and use by sworn members of department in the performance of official law enforcement duties shall be authorized by the Chief of Police. **(PLEAC 1.3.8b)**
- C. Procedure for review, inspection, and prior approval of all weapons intended for both on-duty and off-duty use by employees in the performance of law enforcement functions. **(PLEAC 1.3.8c)**
 - 1. Departmentally approved weapons shall be reviewed and inspected prior to any employee carrying that weapon and on an annual basis by a certified firearm instructor or a qualified less lethal instructor for that weapon.
 - 2. Inspection of all firearms shall be completed on an annual basis.
 - a. The department will maintain an armorer, or access to an armorer, for annual inspections.
 - b. Repairs will generally be made by the armorer
 - c. Problems that are identified but cannot be remedied by the department armorer will be sent to a factory authorized repair facility for attention and repair or replacement.
 - i. Officers who have surrendered their firearms for repair will be issued a replacement firearm.
 - ii. Officers issued a replacement firearm, whether temporary or permanent, must qualify on that weapon before it can be used.
 - 3. Inspections of personally owned weapons shall be conducted annually. The department armorer cannot possibly attend training for all manufactured firearms,

therefore only a safety, "function check", and general cleanliness inspection will be made of each personal firearm.

- a. Any identified problem with a personally owned firearm will be addressed prior to authorizing the weapon for carry.
- b. All repairs for a personally owned firearm will be made by a qualified gunsmith at the officer's/owner's expense.
- c. Proof of repair and re-inspection will be made prior to authorizing carry of the firearm.
- d. A replacement firearm will not be issued for personally owned firearms taken out of service for repairs.

D. Procedure for maintaining a record on each weapon approved by the agency for official use. (PLEAC 1.3.8d)

1. A record of each department issued and personal firearm will be maintained within the firearms unit of this department or, for less lethal weapons, by the less lethal weapons instructors.
 - a. A copy of these records will be provided to the Chief of Police or his designee annually with copies of the annual qualification records.
 - b. These records will be reviewed annually and updated as required.
2. Each firearm serial number will be checked for accuracy at every organized department firearms training and/or qualification.

E. Process to remove unsafe weapons from service

1. The firearms armorer shall remove any firearms deemed to be unsafe, faulty or unserviceable at any time such information becomes known, i.e. annual inspection, report by officer, damage from traffic crash etc.
2. Officers finding a firearm or other weapon to be unsafe or not working correctly shall make immediate notification to a firearms instructor or less lethal instructor. The weapon shall be removed from service, and if a firearm, unloaded if it can be accomplished safely, and placed in the secure firearms room in a locked rack.
3. Officers will be reissued a replacement weapon and ammunition and will be required to qualify on the new weapon prior to using it for duty.

F. Guidelines for the safe and proper storage of agency authorized weapons.

1. All department weapons not in service, or not issued, will be safely stored in a secure location.
2. All weapons issued to officers will be maintained in a safe condition for storage.
 - a. Off duty firearms should be kept in a locked locker if maintained within the police department.
 - b. Weapons that are taken with the officer to his/her residence the weapons should be stored in a secure location within the residence.
 - c. Gunlocks will be provided to officers as needed.

3. Weapons normally stored in police vehicles will be maintained in a ready mode for transport. The gun may have a loaded magazine without a cartridge in the chamber.
4. Weapons will be removed from police vehicles needing service. The weapons will be stored in an unloaded condition in the firearms room in provided secure racks. Unloading, if needed, will be completed in the provided unloading bullet trap in the firearms room.
5. Service pistols or rifles left for repair or inspection by the armorer or firearms instructor will be stored in an unloaded condition. Unloading, if needed, will be completed in the provided unloading bullet trap.

G. Weapons of Last Resort

1. The department recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements as weapons. These weapons might include the officer's flashlight, metal clipboard, knife, or even a motor vehicle, etc. However, such implements used as weapons should be viewed as weapons of last resort.
2. Use of such weapons will be closely examined, as well as, the degree of exigency present in the situation, the totality of the circumstances, and the existence or absence of other acceptable alternatives.

1.3.9 Demonstrated Proficiency Required to Carry Approved Weapons

- A. Only department personnel who have demonstrated satisfactory skill and proficiency of agency-authorized weapon(s) shall be granted approval to carry such weapon(s).
- B. Demonstrated proficiency includes:
 1. Achieving a qualifying score on a prescribed course for firearms.
 2. Attaining and demonstrating knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force.
 3. Being familiar with recognized safe-handling procedures for the use of all authorized weapons.

1.3.10 Annual Required Training

- A. All agency personnel authorized to carry weapons shall receive training, at least annually, on the agency's use-of force and deadly force policies. **(PLEAC 1.3.10a)**
- B. All agency personnel will demonstrate qualification, at least annually, with all approved on-duty and off-duty lethal weapons that the employee is authorized to use. **(PLEAC 1.3.10b)**
- C. In-service training for personnel authorized to carry less lethal weapons shall occur at least once every two years. **(PLEAC 1.3.10c)**
- D. An instructor certified as a firearms instructor or in the less lethal weapons system shall evaluate skills and qualification training for each weapon authorized for use. **(PLEAC 1.3.10d)**
- E. All training and qualifications shall be documented for each weapon. **(PLEAC 1.3.10e)**

F. Remedial training (PLEAC 1.3.10f)

1. Officers shall be allowed at no more than three attempts to qualify on any given day using each authorized firearm. Officers who fail to qualify with any authorized firearm on the first day shall be subject to remedial training.
2. A written report shall be forwarded to the Chief of Police for any officer who fails to qualify on any authorized firearm.
3. The affected officer, not the training officer, will arrange a time for remedial training with the training officer within three weeks of the initial qualifying session, or as soon after as possible upon availability of the range and training officer.
4. Officers designated to receive remedial training are required to attend the scheduled remedial training.
 - a. Failure of any officer to attend, participate or complete the assigned training shall be reported through the chain of command for disposition and possible disciplinary action.
 - b. At the discretion of the training officer, the affected officer may attempt to qualify immediately upon completion of the remedial training.
5. The officer shall schedule a re-test within three weeks after completion of the remedial training, or as soon after as possible upon availability of the range and training officer.
6. The Chief of Police will be notified of any officer who fails to qualify after a second session for review. That review will determine the corrective or disciplinary action that needs to be taken.

G. Use of neck restraints (PLEAC 1.3.10g)

1. The use of carotid restraint or other "choke holds" or neck restraints are specifically and strictly prohibited for use by police personnel.
 - a. EXCEPTION: If an officer, or another person, is in fear of death or serious bodily injury, and there is no other alternative available based on the presenting circumstances, carotid restraints or other chokeholds are permissible for defense of the officer or another's life.
2. Refer to Standard 1.3.8 Bullet G regarding weapons of last resort.

By Order of:

Paul Kenny

Chief of Police

***Signature on file**



**LOWER GWYNEDD TOWNSHIP
POLICE DEPARTMENT
SPRING HOUSE, PENNSYLVANIA
GENERAL ORDER 1.8**



Subject		
Conduct, Disciplinary Procedures and Appearance		
Date of Issue	Effective Date	Expiration Date
July 1, 2013	July 1, 2013	Until Amended or Rescinded
PLEAC STANDARD Reference		
1.8.1; 1.8.2; 1.8.3; 2.1.3		
Amends		Revisions
GO 86-2, GO 86-16, GO 92-57, GO 06-72		
Distribution		Forms
All Personnel		

This order consists of the following sections:

- 1.8.1 Code of Conduct and Mandatory Appearance Guidelines
- 1.8.2 Harassment or Discrimination in the Workplace
- 1.8.3 Biased Based Policing

I. Purpose

Professional public safety law enforcement agencies are required to be well disciplined organizations in service to the community and their mission. Effective discipline is a positive process when its purpose is to train or develop personnel. Many programs have an impact on discipline, such as: selection, training, direction, supervision, and accountability. These elements are interdependent and a weakness in any one is damaging to effective discipline.

This policy seeks to establish a Code of Conduct and appearance guidelines that support the objective of organizational discipline. It also seeks to establish that biased based policing in any traffic stop, field contact, vehicle search, asset seizure/forfeiture, or enforcement action is not acceptable by any personnel.

II. Policy

The Lower Gwynedd Police Department takes exceptional pride in being a “well disciplined” police organization and this order serves to maintain this high level of achievement. All personnel of the department shall abide by the provisions of this General Order at all times.

1.8.1 Code of Conduct and Mandatory Appearance Guidelines

A. Code of Conduct (PLEAC 1.8.1a)

1. A “Code of Conduct”, adopted by Resolution of the Board of Supervisors shall guide the behavior of all officers of the department.
2. The purpose of this Code of Conduct is to outline the assessment of penalties against any officer of the Police Department regardless of rank or position. This Code contains information and guidance necessary to insure the proper performance of the duties and responsibilities of the officers of this Police Department.

3. It is the policy of the Lower Gwynedd Township Police Department that all personnel regardless of rank be held to the highest ethical and professional standards.
4. It is also the policy of the Lower Gwynedd Township Police Department to resolve questionable actions of its personnel as expeditiously as possible. It is important to correct unacceptable behavior in such a manner as to ensure this behavior is not repeated, while keeping the well being of the community, Department and the officer in mind.
5. All personnel are subject to disciplinary action if they fail to conduct themselves as prescribed by the Constitutions of the United States and the Commonwealth of Pennsylvania; Federal, State and Township statutes; by lawful orders of the Department; and by rules, regulation, orders, directives, and procedures of the Police Department and Lower Gwynedd Township.
6. It is difficult to describe all possible scenarios of prohibited conduct. However, failure to list an action does not infer that the Department condones or approves of the action, if Federal, State or local laws; Township Codes or Police Department policies prohibit the behavior.
7. It shall be understood that the right is reserved to amend or revoke any rules and regulations or to make changes from time to time as circumstances or the good of the Police Department may require; and to remain current and consistent with contemporary Police Department requirements.
8. The Code of Conduct shall be utilized as a guide to disciplinary action for instances involving violations of rules and regulations. It shall not be binding on the Chief of Police, the Township Manager or the Board of Supervisors.
 - a. After a thorough investigation has established that a violation of the Constitution of the United States or the Commonwealth of Pennsylvania; Federal, State or Township Statute; Lawful orders of the Police Department, Rules, Regulations, orders, or Directives and Procedures of the Police Department or Lower Gwynedd Township has taken place, the Chief of Police shall consult the Code of Conduct before invoking any penalty or making any recommendation to the Township Manager or Board of Supervisors.
 - b. Before any penalty is imposed, the following factors, among others, shall be considered.
 - i. Complete review of officer's Personnel File.
 - (a) Length of Service
 - (b) Prior disciplinary record
 - (c) Service evaluations
 - (d) Attitude of the officer
 - (e) Commendations received
 - ii. Honesty and cooperation of the officer during the investigation.
 - iii. Conditions surrounding the offense.
 - c. The "Code of Conduct" is attached to this directive as Addendum (A) and is to be considered a part of the provisions of this General Order as established.

B. Appearance (**PLEAC 1.8.1b**)

1. Policy

- a. Employees will maintain neat and well-groomed appearance in dress and deportment at all times during working hours.

2. Procedures

a. Authority

- i. The Command Staff shall determine the uniform of the day consistent with the provisions of this General Order.
- ii. The Command Staff may designate the uniform of the day for any special circumstances (e.g., long-sleeve shirts for funeral details, riot), regardless of the season.
- iii. Supervisors shall have the authority and responsibility for enforcing/implementing this General Order.

b. Requirements and Restrictions – Officers wearing the uniform shall adhere to the manner of dress as prescribed and illustrated herein.

- i. The prescribed uniform shall be worn at all times when on duty.
- ii. Officers in uniform shall not wear or carry articles unless authorized by the Chief of Police or his/her designee.
- iii. Civilian clothes shall not be worn with uniform clothing unless authorized by the Command Staff.
- iv. Buttons and snaps shall be fastened.
- v. Unauthorized modification or alteration is prohibited.
- vi. Officers shall maintain at least one complete spare uniform appropriate for the season in their assigned locker at all times.

c. Uniform – To ensure a state of preparedness, uniforms shall fit properly and equipment shall be readily available for inspection.

- i. Year - Round Items: All-season jacket, uniform shirt, uniform trousers, trouser belt, holster belt, belt keepers, magazine pouch and magazines, handcuffs and keepers, holster, pistol, nameplate, gloves, raingear, rank insignia, uniform hat and black shoes/boots.
 - (a) Officers will at all times carry two of the following: Taser and case, baton and holder, oleoresin capicum spray and case.
- ii. Summer and winter uniforms
 - (a) Summer: The summer uniform includes the year round items, plus the short-sleeve shirt. A navy blue crew neck t-shirt shall be worn under the uniform shirt.
 - (b) Winter: The winter uniform includes the year round items, plus the winter jacket, department long sleeve shirt, navy blue crew neck t-shirt, department approved mock turtleneck shirt, full turtleneck shirt, dickie, V-neck sweater, crew neck sweater, and winter knit hat.

- (i) When wearing the V-neck or crew neck sweater, a department approved mock turtleneck, turtleneck, dickie, or long sleeve shirt must be worn under the sweater.
 - (c) Either summer or winter uniform may be worn at the discretion of the officer.
 - iii. Dress Uniform: The dress uniform will consist of the dress uniform blouse coat, long sleeve shirt with tie, uniform trousers, holster belt with holster and handcuff case, black leather Sam Browne shoulder strap, black shoes/boots, and hat.
 - iv. Specialized Duty Uniforms: While performing specialized duties, (SWAT, Truck enforcement, etc.) officers shall be exempt from the provisions of this regulation, and shall be attired in uniform dress or appropriate civilian attire, as set forth by the Supervisor with the approval of the Chief of Police or his/her designee.
- d. Issued Clothing and Equipment
- i. Uniforms Shirts:
 - (a) Summer and winter uniform shirts will be issued.
 - ii. Uniform Trousers:
 - (a) Summer and winter uniform trousers will be issued.
 - iii. Badges:
 - (a) Three badges will be issued. Two for uniform wear and one wallet badge. A uniform badge shall be kept polished and be worn on the officer's outer most uniform garment over the left breast (raincoats and jackets excluded).
 - iv. Belts:
 - (a) Trouser belt: The trouser belt shall be worn through the loops of the trousers.
 - (b) Holster Belt: The holster belt shall be worn over the trouser belt. If necessary, the appropriate number of belt keepers shall be used to secure the holster belt to the trouser belt.
 - (c) All leather equipment such as belt, holster, magazine pouch, etc. shall be kept clean, polished and in good working order.
 - v. Protective Body Armor:
 - (a) Protective Body armor will be issued to all officers and shall be worn in accordance with General Order 2.1.3.
 - vi. Coveralls or BDU's:
 - (a) Coveralls or BDU's are provided for use for those personnel who are assigned duties that could cause soiling or damage to the issued uniform or civilian attire. They are not to be used in a commonplace manner over, or in lieu of, the regular uniform.
 - vii. All-Season Jacket:
 - (a) The all-season jacket may be worn year-round.
 - viii. Winter Jacket:
 - (a) The winter jacket may be worn year round.

- ix. Headgear:
 - (a) The uniform hat will be available to be worn at all times when on duty.
 - (b) A fur cap or watch cap may be worn with the winter uniform, in lieu of the uniform hat.
- x. Nameplate:
 - (a) The nameplate shall be worn under the badge in the tab provided on the badge plate.
- xi. Necktie:
 - (a) The necktie shall be worn outside the shirt. The issued tie tack or tie clasp shall be attached to the tie and centered between the pockets.
- xii. Pistol:
 - (a) All officers shall ensure that the issued pistol(s) is maintained in a condition ready for instant use. They shall be free from lint, dust, corrosion and dirt.
- xiii. Raingear
 - (a) A raincoat and hat cover may be worn in inclement weather.
- xiv. Boots/Shoes:
 - (a) Shoes/Boots will be black, polished and in good repair.
- e. Personal Equipment
 - i. Personal equipment may be carried provided it conforms to the regulations set forth in this general order and is approved by the command staff.
- f. Civilian Attire:
 - i. Requirements: Officers, while on duty may wear civilian attire when directed to do so by proper authority (training, investigations, etc.). Appropriate civilian attire shall be consistent with that type of attire traditionally associated with conservative business and professional standards, and shall conform to the following criteria:
 - (a) Investigators – Plainclothes investigators shall wear business suit or business casual attire as may be appropriate. Business casual dress will consist of dress pants and a dress type shirt. Jeans and other similar clothing are generally prohibited unless necessary for a certain assignment or approved by a supervisor.
 - (b) Court Appearances – Officers shall attend court appearances in their duty uniform or business attire with tie as appropriate.
 - (c) Training – Officers attending training shall wear clothing appropriate for the type of training or otherwise prescribed by the instructor.
 - ii. Officers may alter above standards, with the approval of a supervisor, for training details that would prohibit the wearing of business attire (physical training, firearms, etc.)
- g. Uniform Maintenance

- i. Storage: Uniforms shall be properly cleaned, pressed and stored. Uniforms shall be stored in the officer's provided locker or in the uniform closet.
- ii. Rank Insignia: The department shall pay for the addition or change of rank insignia:
- iii. Replacement:
 - (a) Issued uniforms and equipment will be replaced as needed.
 - (b) Serviceable Item: Before any serviceable item of uniform clothing is turned in, the item shall be properly cleaned and pressed. Officers will not be issued a new clothing item if it has been determined that the item is serviceable and can be altered to facilitate continued use by the officer. Any such alterations shall be done at the officer's expense.
- h. Personal Appearance and Grooming Standards
 - i. A standard of reasonableness and professional appearance shall apply to the following issues, and extend to any other matter involving personal appearance that is not specifically addressed in this regulation.
 - ii. Hairstyle: Officer's' hair shall be kept in a neat manner, and shall not be cut/styled/dyed in such a manner that would reasonably be expected to destroy public respect and/or confidence in the officer and/or Department. Acceptability of the style shall be judged by the following standards:
 - (a) Males: Hair shall be neatly groomed. Hair shall present a tapered appearance and, when combed, it shall not fall over the ears or eyebrows or touch the collar, except for the closely cut hair at the back of the neck. In all cases, the bulk or length of the hair shall not interfere with the normal wear of all standard Department headgear. Sideburns shall be neatly trimmed, and the base shall be a clean-shaven horizontal line. Sideburns shall not extend downward beyond the middle of the earlobe, and shall be of an even width, not flared. Beards are prohibited. Mustaches shall be permitted but must be maintained in such a manner that the mustache does not extend past the corners of the mouth.
 - (b) Females: Hair shall be neatly groomed and worn in a manner so it does not extend beyond the bottom of the uniform collar. Hair shall be secured to the head in such a manner as to prevent it from hanging and swinging freely. The bulk or length of hair shall not interfere with the normal wearing of all standard department headgear. Adornments shall be functional and of a conservative nature.
 - (c) Hair shall be of natural color and if tinted or colored in any manner, it shall be of a conservative nature for business and or professional dress.
 - iii. Cosmetics: While on duty, in any attire, cosmetics may be worn by female officers only. An exception will be made for male officers as necessary to cover scars or disfigurements.
 - iv. Jewelry, Body Piercings, Tattoos:
 - (a) Jewelry is worn at the officer's own risk in the terms of damage, replacement and/or repair.

(b) Body Piercings and Earrings

- (i) The wearing of earrings shall be permitted by female officers only. They shall be limited to small post-type earrings and conservative in nature. The wearing of earrings for male officers is prohibited while in uniform.
- (ii) No officer, while on duty shall be permitted to wear facial or other visible body piercing jewelry.

(c) Necklaces:

- (i) Necklaces may be worn by officers while on duty and in uniform. However, the necklaces must be completely concealed while wearing the uniform.

(d) Bracelets

- (i) Medical-Alert type bracelets and MIA Type bracelets are the only bracelets that an officer shall wear while in uniform. If worn, they shall be snug fitting so as not to interfere with the performance of duty.
- (ii) Officers in civilian attire may wear bracelets that would be appropriate for conservative business and professional dress, or as medically necessary.

(e) Rings

- (i) A maximum of two conservative rings may be worn while in uniform.
- (ii) While in civilian attire, officers shall restrict the size and number of rings worn to that which would be appropriate for conservative business and professional dress.
- (iii) Officers shall not wear rings on the trigger finger of either hand while on duty in any attire.

(f) Fingernails:

- (i) Fingernails shall be neatly trimmed, no longer than 1/4" past the tips of the fingers, and free of adornment. Fingernail polish may be worn only by female officers, and shall be un-tinted while in uniform. While in civilian attire, officers shall be restricted to a subdued shade, which would be appropriate for conservative business and professional dress.

(g) Tattoos:

- (i) Officers are permitted to have tattoos, which are visible to the public while on duty, as long as they are not objectionable or demeaning to the public or the image of the department. No tattoos are permitted that would be visible above the uniform shirt collar or below the wrists.
- (ii) Prior to obtaining a tattoo that would be visible to the public while on duty, the officer shall submit correspondence, along with a photograph, sketch or drawing of the image to the Chief of Police through the chain of command for evaluation.
- (iii) Should an officer obtain a tattoo that is visible to the public while on duty, without prior approval of the Chief of Police, and the tattoo is found to be objectionable or demeaning to the public or image of the police department, the officer will be subject to disciplinary action.

C. Appeal Procedures

1. Police employees

- a. Appealing disciplinary action is accomplished through provisions of the Police Tenure Act and/or through the collective bargaining agreement between Lower Gwynedd Township and the Police Department of Lower Gwynedd Township.

2. Civilian employees

- a. Appealing disciplinary action is accomplished through the provisions of the collective bargaining agreement between the Lower Gwynedd Township and the union representing the civilian employees.

1.8.2 Harassment or Discrimination in the Workplace

A. The Police Department prohibits sexual or any other forms of unlawful or improper harassment or discrimination in the workplace by employees toward other employee(s).

1. Sexual Harassment Defined:

- a. Title VII of the Civil Rights Act of 1964 defines sexual harassment as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for or rebuked by the other employee. The behavior can be verbal or physical. The harassment may occur between co-workers or between a superior employee and a subordinate one. Examples of sexual harassment could include, but are not limited to:
 - 1) Sexual comments of a provocative or suggestive nature.
 - 2) Jokes or innuendoes intended for and directed to another employee.
 - 3) Creating an intimidating, hostile, or offensive working environment.
 - 4) Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of employment or continued employment.

B. Procedures

1. Personnel shall follow the guidelines regarding sexual harassment as set by Lower Gwynedd Township employee policy.
2. An employee who believes he or she has been sexually or otherwise harassed shall notify their immediate supervisor. If the employee is making an allegation against that immediate supervisor, he/she should contact the next higher level in the police department's chain of command. Further, the employee shall submit a memorandum to the Chief of Police detailing the circumstances of the alleged sexual or other harassment. In the event that the allegation is against the Chief of Police, the report should be made directly to the Chief of Police's immediate supervisor.
3. Employees shall report all allegations of sexual or other harassment immediately. Such reports will initiate a confidential internal investigation.
4. If the situation warrants, the Chief of Police shall notify their immediate supervisor of the allegations without delay to advise them of the report
5. The Chief of Police shall immediately take action to limit the concerned employees from any further work contact.

C. Violations.

1. Employees found to have engaged in sexual harassment or discrimination may be counseled and warned, suspended without pay, or dismissed from employment, depending upon the specific facts and circumstances surrounding the incident.

1.8.3 Biased Based Policing

A. Bias-based profiling of individuals is strictly prohibited in all forms. (PLEAC 1.8.3a)

1. In the absence of a specific report, race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation of an individual shall not be a factor in determining the existence of probable cause to place in custody or arrest an individual, or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual, the investigatory stop of a motor vehicle, or the search of a person or vehicle. Race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation of an individual shall also not be considered a factor in asset seizure and forfeiture efforts.
2. Stops or detentions based solely on race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation or any other prejudicial basis by any officer of the department are prohibited unless they are seeking an individual with one or more of those identified attributes as a legitimate factor in an investigation.
3. The detention of any individual which is not based on factors related to a violation of or investigation of federal law, Pennsylvania statutes, local ordinances or any combination thereof is prohibited.
4. No officer shall stop, detain or search any person when such action is solely motivated by race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation.

B. Initial and In-service Training (PLEAC 1.8.3b)

1. All police department personnel shall receive initial training during the Field Training program and re-training at least every three years on the harms of bias-based profiling and discrimination, including the review of this policy.
2. Additional profiling-related training may be offered as the need arises or when deemed necessary by the Chief of Police. Training may include such topics as field contacts, traffic stops, search issues, interview techniques, cultural diversity, discrimination and community support.
3. Records of training shall be maintained for each employee receiving training under this section.

C. Corrective Measures (PLEAC 1.8.3c)

1. Additional diversity and sensitivity training shall be designated for officers with sustained racial profiling or sustained discrimination complaints filed against them.
2. Appropriate sanctions shall be implemented for non-compliance of this policy, up to and including dismissal.

D. Administrative Review and Complaints (PLEAC 1.8.3d)

1. There will be an annual review of this General Order and department practices conducted by the Chief of Police or his designee.
2. All complaints of bias-based profiling or discriminatory practices will be investigated in accordance with the established internal affairs procedures.

By Order of:

Paul Kenny

Chief of Police

***Signature on file**

CODE OF CONDUCT

CONDUCT UNBECOMING AN OFFICER

1.01	Accepting bribes or gratuities for permitting illegal acts			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Dismissal	***	****	****

1.02	Failure to report, in writing offers of bribes or gratuities to permit illegal acts			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	30 days to dismissal	Dismissal	*****	2 years

1.03	Involved in a crime of moral turpitude			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	30 days to dismissal	Dismissal	****	2 years

1.04	Knowingly and willfully making a false entry in any departmental report or record			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 days to Dismissal	Dismissal	****	2 Years

1.05	Fraternizing, or business transactions at any time or in any manner, with known criminals still engaged, or other persons engaged, in unlawful activities. <i>Exception: Undercover assignments or other assigned investigations.</i>			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	10 days to Dismissal	30 days to Dismissal	Dismissal	2 Years

1.06	Participating in illegal games of chance or gambling while on duty.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 to 10 Days	15 to 30 Days	Dismissal	2 Years

1.07	Fighting with officers of the Department.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 days	1 to 10 days	Dismissal	2 years

1.08	Soliciting for attorneys, bondsman, or other business persons or firms.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to Dismissal	Dismissal	****	2 Years

1.09	Use of rude or insulting language to a citizen with whom they are in contact.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	1 to 3 days	3 to 15 days	1 Year

1.10	Publicly condemn the official duty action of a superior officer.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	1 to 10 Days	5 to 20 days	1 Year

1.11	Repeated violations of the departmental Code of Conduct, or any other course of conduct indicating that an officer has little or no regard for their responsibility as an officer of the department.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Dismissal	****	****	****

1.12	Using unnecessary violence to any prisoner or other person with whom they may be brought into contact in the line of duty.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 Days to Dismissal	Dismissal	****	2 Years

1.13	No officer of the department shall be convicted of any law of this Commonwealth that constitutes a Felony, Misdemeanor or Non-Traffic Summary.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to Dismissal	Dismissal	****	2 Years

1.14	Falsely impersonated or falsely represented them self to be, or to act in behalf of, any other officer of the department.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 to 5 Days	5 to 15 Days	15 Days to Dismissal	2 Years

1.15	Fail to account for or fail to make any prompt and true return of any money or property received by them in their official capacity.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Dismissal	****	****	****

1.16	Willfully or Negligently make any false complaint or statement against any other officer of the department.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 to 10 Days	10 to 20 Days	20 to Dismissal	1 Year

1.17	Threaten any officer of the department by withholding information which should have been reported. (i.e. blackmail)			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 to 10 Days	10 to 20 Days	20 to Dismissal	1 Year

1.18	Make any unlawful or unnecessary arrest without good and/or sufficient probable cause.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 to 10 Days	10 to 20 Days	20 to Dismissal	1 Year

1.19	Assault any officer of the department.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	10 to 20 Days	Dismissal	****	2 Years

1.20	Knowingly, willfully or negligently make false, misleading, or inaccurate statements in connection with their police duties.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	10 Days to Dismissal	Dismissal	****	2 Years

1.21	Without good or sufficient cause, destroy or mutilate any official document or record or alter any entry therein.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 10 Days	10 to 20 Days	Dismissal	2 Years

1.22	Give notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, with the intent of affording such person the opportunity to flee from prosecution.		
	1st Offense	2nd Offense	3rd Offense
	10 Days to Dismissal	Dismissal	****
			Reckoning Period
			5 Years

1.23	Engages in any conduct which adversely affects the morale or efficiency of the department or which has a tendency to destroy public respect for the department and confidence in the operation of its services.		
	1st Offense	2nd Offense	3rd Offense
	2 Days	5 to 10 Days	15 to 30 Days
			Reckoning Period
			2 Years

1.24	Initiating or spreading rumors that cannot be substantiated as true and factual.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 5 Days	5 to 10 Days	15 to 20 Days
			Reckoning Period
			2 Years

CONDUCT UNBECOMING AN OFFICER - INTOXICANTS/DRUGS

2.01	Under the influence of intoxicants while on duty.		
	1st Offense	2nd Offense	3rd Offense
	30 Days to Dismissal	Dismissal	****
			Reckoning Period
			2 Years

2.02	Consuming unauthorized intoxicants while on duty.		
	1st Offense	2nd Offense	3rd Offense
	30 Days to Dismissal	Dismissal	****
			Reckoning Period
			2 Years

2.03	Use of narcotics or dangerous drugs without a prescription while on duty.		
	1st Offense	2nd Offense	3rd Offense
	30 Days to Dismissal	Dismissal	****
			Reckoning Period
			2 Years

2.04	Under the influence of intoxicants off duty in uniform or any part of uniform.		
	1st Offense	2nd Offense	3rd Offense
	15 to 30 Days	30 Days to Dismissal	Dismissal
			Reckoning Period
			2 Years

2.05	Consuming intoxicants while in uniform or any part of uniform.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	30 Days to Dismissal	Dismissal	****	2 Years

2.06	Use of narcotics or illicit drugs without prescription while in uniform or any part of uniform.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	15 to 30 Days	30 Days to Dismissal	Dismissal	2 Years

2.07	Use of narcotics or illicit drugs without prescription when off duty.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	15 to 30 Days	30 Days to Dismissal	Dismissal	2 Years

2.08	Habitual use of alcoholic beverages, intoxicating liquors, narcotics, or derivatives thereof, or other dangerous drugs.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Counseling/Therapy	30 Days to Dismissal	Dismissal	2 Years

2.09	Unauthorized possession of alcoholic beverages on the person, police vehicle, or in/on any police property.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	5 to 10 days	15 to 20 days	25 to 30 Days	2 Years

2.10	Place themselves under financial 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 Lower Gwynedd Police Department may have to report or give evidence.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 to 10 Days	10 to 20 Days	30 Days to Dismissal	2 Years

2.11	Failure to notify the Chief of Police or their designee that the officer currently takes or plans to take any type of prescription drug which may affect work performance.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	1 Day	3 Days	2 Years

CONDUCT UNBECOMING AN OFFICER - INSUBORDINATION

3.01	Refusal to obey promptly all orders from a superior officer who is in charge of a shift, investigation or detail.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 to 3 Days	3 To 10 Days
			Reckoning Period
			1 Year

3.02	Using profane, abusive or insulting language to a superior officer.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 3 Days	1 to 3 Days	3 To 10 Days
			Reckoning Period
			1 Year

3.03	Using oppressive or tyrannical conduct toward any employee inferior in rank or position.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 3 Days	1 to 3 Days	3 To 10 Days
			Reckoning Period
			1 Year

3.04	Arguing with a superior officer about an order or assignment.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 3 Days	1 to 3 Days	3 To 10 Days
			Reckoning Period
			1 Year

CONDUCT UNBECOMING AN OFFICER - NEGLIGENCE OF DUTY

4.01	Failure to take police action when necessary, at any time, and/or failure to make a written report of same as required by departmental policy.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 3 Days	3 to 10 Days	10 to 20 Days
			Reckoning Period
			2 Years

4.02	Unauthorized sleeping on duty.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 2 Days	2 Days to 10 Days	10 to 20 Days
			Reckoning Period
			2 Years

4.03	Failure to report for assigned duty.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 3 Days	3 to 10 Days	10 to 20 Days
			Reckoning Period
			2 Years

4.04	Absence without leave for more than three consecutive working days.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Dismissal	****	****	****

4.05	Failure to properly supervise subordinates, initiate disciplinary charges; take other appropriate action.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Reprimand to 3 Days	3 to 10 Days or	10 to 20 Days Or	2 Years

4.06	Knowingly fail to comply with any departmental order, directive, regulation, etc., whether oral or written.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Reprimand	Reprimand to 2 Days	3 to 10 Days	1 Year

4.07	Failure to conduct a proper, thorough and complete investigation.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Reprimand	Reprimand to 2 Days	3 to 10 Days	1 Year

4.08	Failure to report a hazardous condition.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Reprimand	Reprimand to 2 Days	3 to 10 Days	1 Year

4.09	Failure to report as a witness or prosecutor when duly notified or subpoenaed.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Reprimand	Reprimand to 1 Day	2 to 5 Days	1 Year

4.10	Allowing prisoner to escape through carelessness or negligence.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
1 to 3 Days	3 to 5 days	5 to 15 Days	2 Years

4.11	Failure to submit, if capable, or cause to be submitted in writing within a reasonably prescribed period of time, a report regarding any injury incurred in the line of duty.		
1st Offense	2nd Offense	3rd Offense	Reckoning Period
Reprimand	Reprimand to 1 Day	2 to 5 Days	1 Year

4.12	Knowingly withhold any evidence of criminal activity of any nature.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	2 to 5 Days	5 to 10 Days	Dismissal	2 Years

4.13	Failure to thoroughly search for, collect, preserve and identify evidence.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	Reprimand to 1 Day	2 to 5 Days	1 Year

4.14	Failure to properly patrol zones; unauthorized absence from assignment; failure to respond to a radio call or other request for service.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	Reprimand to 1 Day	2 to 5 Days	1 Year

4.15	Failure to remove keys from police unit when running and unattended.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	Reprimand to 1 Day	2 to 5 Days	1 Year

4.16	Damage to department property resulting from negligent or intentional action or from failure to properly care for same or failure to report same in writing.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

4.17	Loss of service weapon, badge, and/or I.D. Card.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

4.18	Failure to willfully take proper action concerning any illegal activity, including 'vice conditions' and/or to make a written report of the same under Department policy guidelines.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

4.19	While absent from duty because of sickness or injury, engage in any activity that would otherwise allow them to perform their duty.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 to 5 Days	5 to 10 Days	15 to 30 Days	1 Year

4.20	Leave the jurisdiction of the department while on duty without authorization, unless travelling from one point in jurisdiction to another			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	Reprimand to 1 Day	2 to 5 Days	1 Year

CONDUCT UNBECOMING AN OFFICER-DISOBEDIENCE OF ORDERS

5.01	Soliciting money or any valuable item for the department or ones self without authorization from the Chief of Police.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 to 5 Days	5 to 10 Days	15 to 30 Days	2 Years

5.02	Instituting civil action arising from police duty without notifying the Chief of Police.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.03	Giving a verbal or written report of any accident or incident containing sensitive information to an unauthorized person without the approval of the Chief of Police or his designee.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.04	Circulating a petition or statement for the candidacy of anyone for public office while on duty.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.05	Knowingly fail to follow departmental procedures for the handling of evidence, personal effects and all other property taken into custody.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.06	Flagrant misuse, handling or display of firearms.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.07	Failure to submit properly written required reports, within a reasonable or prescribed period of time required by statute, Rules of Criminal Procedure, or departmental policy.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.08	Failure to carry or wear badge, authorized duty weapon, body armor (when required), or other required equipment when on duty.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days
			Reckoning Period
			1 Year

5.09	Excessive tardiness		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.10	Changing residence and/or phone numbers without prompt and proper notification to the department.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days
			Reckoning Period
			1 Year

5.11	Permitting any unauthorized persons in the police unit.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.12	Improperly using the character, position, or authority resulting from officership in the department for one's own personal advantage or for that of any acquaintance.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.13	Smoking in public view or in department vehicles.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.14	Untidy appearance and dress while in uniform under normal circumstances, or otherwise violating the appearance policies of the department.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.15	Not in full prescribed authorized uniform as required.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.16	Failure to give prescribed identification when answering the phone when requested.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.17	Refusal or improperly giving name when properly requested.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.18	Reading newspapers, books or periodicals not related to police work while on duty and not on break.		
	1st Offense	2nd Offense	3rd Offense
	Reprimand	1 Day	2 to 5 Days
			Reckoning Period
			1 Year

5.19	Without prior written approval of the Chief of Police, appear or give testimony as a character witness for any defendant in a criminal or civil proceeding.		
	1st Offense	2nd Offense	3rd Offense
	1 Day	2 to 5 Days	5 to 10 days
			Reckoning Period
			2 Years

5.20	Engages in any unauthorized remunerative occupation other than the duties of said employment. Examples of Unauthorized Work would be other Municipal Law Enforcement not authorized by the Chief of Police or a Security Position within that could cause a conflict with police employment duties; or, any position where the sale or use of alcohol may result in a conflict, etc.		
	1st Offense	2nd Offense	3rd Offense
	1 Day	2 to 5 Days	5 to 10 days
			Reckoning Period
			2 Years

5.21	Willfully or negligently damaging department property and/or equipment.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 Day	2 to 5 Days	5 to 10 days	2 Years

5.22	Willful interference with police radio broadcasting and/or tampering with police radio or other equipment.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	1 Day	2 to 5 Days	1 Year

5.23	Failure to possess and maintain a current Pennsylvania Motor Vehicle Operator's License.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to Dismissal	Dismissal	****	2 Years

5.24	Without proper authority, communicate to the news media or to any unauthorized person(s) any information from a police investigation.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 Day	2 to 5 Days	5 to 10 days	2 Years

5.25	Without proper authority, communicate to any person other than an officer of the department, information obtained from CLEAN, NCIC, JNET, the department's Record Management System (RMS), or any other source made available through employment with the department.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.25a	Obtain from CLEAN, NCIC, JNET, the department's Record Management System (RMS), or any other source made available through employment with the department, any information for reasons other than law enforcement purposes (i.e. celebrities, self, etc....)			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 20 Days	1 Year

5.26	Use any department vehicle or other property for other than department business purposes without proper authorization.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	1 Day	2 to 5 Days	5 to 10 days	2 Years

5.27	Connive in or knowingly be an accessory to any offense against discipline under this Code of Conduct, for which they may be punished to the extent of the principal offender.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand to 5 Days	5 to 10 Days	10 to 15 Days	2 Years
5.28	Neglect of ones' physical condition so as to impair their ability to perform active police functions and failure to take corrective action when advised by competent medical authority.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	Reprimand to 5 Days	5 to 10 Days	2 Years
5.29	Take any active part in a regular or primary election that affects the jurisdiction in which employed as a police officer, except to vote therein.			
	1st Offense	2nd Offense	3rd Offense	Reckoning Period
	Reprimand	Reprimand to 5 Days	5 to 10 Days	2 Years



**LOWER GWYNEDD TOWNSHIP
POLICE DEPARTMENT
SPRING HOUSE, PENNSYLVANIA
GENERAL ORDER 2.4**



Subject		
Traffic Enforcement		
Date of Issue	Effective Date	Expiration Date
October 1, 2013	October 1, 2013	Until Amended or Rescinded
PLEAC STANDARD Reference		
2.4.1		
Amends		Revisions
GO 09-70		4/15/18;3/5/20
Distribution		Forms
All Personnel		LG-20; LG-70

This order consists of the following sections:

- 2.4.1 Vehicle Enforcement Procedures
- 2.4.2 Audio/Video (AV) Recordings

I. Purpose

The Traffic Safety Triad of Education, Engineering, and Enforcement is an essential part of ensuring the highways of communities and the Commonwealth are safe for the motoring public as well as pedestrians and cyclists. Proactive traffic enforcement is the responsibility of all police officers for both traffic safety and crime suppression objectives. The purpose of this order is to establish policies and procedures for the department's effective enforcement of traffic laws.

II. Policy

It is the policy of the Lower Gwynedd Police Department that all personnel shall adhere to the provisions of this general order. Fair and impartial enforcement of the Pennsylvania Vehicle Code and local traffic ordinances is a vital function of law enforcement agencies.

The Lower Gwynedd Township Police Department utilizes the WatchGuard Vista style Body Worn Cameras (BWC) and 4RE Digital HD Panoramic Mobile Video Recorders (MVR). WatchGuard systems are approved under 18 Pa. C.S. 5706(b)(4) to record the communication that occurs in the course of law enforcement duties.

The BWC and MVR systems, collectively known as the Mobile Audio/Video Recording Equipment (MAVRE), provide persuasive documentary evidence for the prosecution of criminal offenses and serious traffic violations, allows members to more accurately document events, actions, conditions and statements made during incidents, aids officer safety training, assists with investigations of alleged misconduct, and may serve as a resource for civil litigation.

In order to comply with Pennsylvania law and achieve maximum benefit, officers shall follow the procedures in this policy.

III. Definitions

Body-Worn Camera (BWC): A Mobile Video Recording device worn on or about an officer's person.

Media: Audio-video signals recorded or digitally stored on a storage device or portable media.

Mobile Audio/Video Recording (MAVR): All recordings including, but not limited to criminal investigations, police activity, traffic enforcement, crash investigations or blocked-out portions of time.

Mobile Audio/Video Recording Equipment (MAVRE): The combination of BWC and MVR components that act independently or collectively to digitally record events.

Mobile Video Recorder (MVR): An in-car camera system (camera, microphone, recorder and monitor) that records audio and video.

Oral communication: Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation (18 Pa. C.S. 5701). The term does not include:

- an electronic communication
- communication made in the presence of a law enforcement officer who is using an electronic, mechanical or other device which has been approved under 18 Pa. C.S. 5706(B)4) to intercept the communication in the course of law enforcement duties.

2.4.1 Vehicle Enforcement Procedures

A. Physical arrest (PLEAC 2.4.1a)

1. Officers will affect a physical arrest on any person in violation of those traffic laws pertaining to driving under the influence of alcohol and/or drugs and all other violations of the law requiring physical arrest in the Commonwealth of Pennsylvania.
 - a. In the event that a traffic law violator resides outside the Commonwealth, or the arresting officer has reason to believe that the defendant will not appear for court, the violator may be taken into custody and transported to the local magistrate's office or the on-call District Justice for immediate adjudication.
2. There may be other incidents in which a violator should be physically arrested or detained:
 - a. To Live-Scan an operator who has no identification and the officer is unable to verify his/her identity.
 - b. The decision should be based upon sound legal principles, as opposed to peripheral issues such as the violator's attitude.
 - c. The decision shall be in accordance with Title 234 - Rules of Criminal Procedure and Title 75 - Vehicle Code, section 6304 - Authority to Arrest Without Warrant

B. Traffic Citations (PLEAC 2.4.1b)

1. Traffic citations may be issued to all violators who jeopardize the safety of vehicular and pedestrian traffic, including hazardous moving violations, and operating unsafe and/or improperly equipped vehicles or otherwise violate the Pennsylvania Motor Vehicle Code. Enforcement shall be accomplished by using a Commonwealth traffic citation. Within 5 days after the citation is issued, the original shall be filed with the proper issuing authority.

C. Traffic Ordinance Violations (PLEAC 2.4.1c)

1. Officers shall enforce all township ordinances regarding traffic and parking violations. These are listed in Part Four – Traffic Code of the Codified Ordinances of Lower Gwynedd Township.
2. Violations will be enforced using a Commonwealth Non-Traffic citation. Within 5 days after the citation is issued, the original shall be filed with the proper issuing authority.

D. Parking Violations (PLEAC 2.4.1d)

1. Officers shall enforce parking violations in Lower Gwynedd Township. This shall be done on a Lower Gwynedd Township Violation Notice. Officers may issue the ticket by handing it to the defendant or by placing it on a vehicle windshield.

E. Written and Verbal Warnings (PLEAC 2.4.1e)

1. Written warnings

- a. A written warning is a proper alternative to a traffic citation, which may be used based on the individual officer's discretion, professional judgment, training, and experience.
- b. All written warnings should be issued with the Lower Gwynedd Township Police Warning Notice.
- c. An equipment repair order is a proper alternative for officers to use for minor equipment violations and for operators who do not have in their possession their driver's license, registration card, and/or insurance card.
- d. All equipment repair orders should be issued with the Lower Gwynedd Township Police Warning Notice.
- e. Violators issued an equipment repair card should have the proper response to the repair card explained to them in order to avoid a traffic citation.
- f. Officers will retain their copy of the equipment repair card to assure that a proper response is completed, and if not completed, issue a citation for the violation.

2. Verbal warnings

- a. A verbal warning is appropriate when the violator commits an act which may be due to ignorance of Pennsylvania law or local ordinances, which may be unique or a violation of which the driver may not be aware.

2.4.2 MOBILE AUDIO/VIDEO RECORDINGS

A. Training requirements for all users (PLEAC 2.4.2a)

1. All officers authorized to use MAVRE shall undergo initial training with the proper use of the BWCs, MVRs, departmental policy and the Pennsylvania Wiretapping and Electronics Surveillance Control Act. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates or other revisions in policy and equipment.

B. Time periods when MAVRE shall be in operation to make audio and/or video recordings (PLEAC 2.4.2b)

1. In 2017, an exception was made to the Pennsylvania Wiretapping and Electronic

Surveillance Control Act, Title 18, Chapter 57 as to the expectation of privacy concerning law enforcement officers (Act 22). **Under Act 22, officers following the four requirements in above listed Section 6.9.04(B)(2) are no longer required by Pennsylvania law to announce any recording or to switch off their devices upon entering a residence.** Officers can record any oral communication provided that:

- a. the communication is made in the presence of a law enforcement officer,
- b. the officer is officially on duty,
- c. the officer is in uniform or otherwise clearly identifiable as a law enforcement officer,
- d. the officer is using recording equipment approved under section 5706(b)4) to record the communication that occurs in the course of law enforcement

2. Use of Mobile Audio/Video Recording Equipment

- a. Officers must synchronize BWCs with the vehicle's docking base at the beginning of their shift and after each time the transmitter is manually turned off. This is done by inserting the BWC into the docking base until the BWC indicates it is synced.
 - i. In the event that a vehicle does not have a docking base or the docking base is malfunctioning, the BWCs will still be utilized and activated/deactivated manually by the officer.
- b. MAVRE shall be used by personnel assigned to patrol duties, when the equipment is available. Detectives shall consider using the MAVRE when conducting investigations in the field, under the same criteria outlined in this General Order. Administrative personnel may utilize MAVRE while performing their official duties.
- c. Personnel utilizing BWCs shall ensure that:
 - i. they are in uniform or clearly identifiable as a law enforcement officer.
 - ii. the cameras are properly aimed and focused in order to record an event
 - iii. the BWC is properly attached to the uniform
 - iv. the BWC is attached to the outermost garment being worn when it is in use
- d. MAVRE will be activated when handling, but not limited to, the following situations:
 - i. on all traffic or pedestrian stops;
 - ii. during all vehicle or foot pursuits;
 - iii. during any on-view arrest or citation;
 - iv. during all emergency responses;
 - v. during the transport of any civilian or prisoner;
 - vi. when following a suspected DUI offender prior to making the traffic stop, the field sobriety tests and when taking the offender into custody;
 - vii. when handling disturbance or crisis related incidents;
 - viii. when inventorying evidence, contraband or personal belongings;

- ix. when executing any type of warrant and during any conversation with the occupants of the premises regarding the entry, the reason for the search, or the scope of the search;
 - x. during vehicle and personal searches, searches incident to arrest or consent searches;
 - MAVRE will not be used during strip or body cavity searches
 - xi. to record victim injuries and interviews;
 - xii. when conducting a show-up identification of a suspect.
 - A view of the suspect shall be recorded during the identification
 - xiii. any time a recording may prove useful in later investigations and judicial proceedings, provided the recording does not violate a reasonable expectation of privacy;
 - xiv. when through their training and experience, the officer believes MAVR is necessary
- e. Officers should make every effort to capture probable cause for traffic stops. Keep in mind that there is a pre-event record feature that will capture action before recording is activated.
- f. Officers have the discretion to keep their MAVRE off during conversations with persons who wish to report or discuss criminal activity, but do not wish to be video and/or audio taped. If the officer feels the importance of obtaining information and/or a statement outweighs the need to record it and the absence of a BWC recording will not affect the investigation. The request shall be captured prior to deactivation and officers should note this request in their report.
- g. Officers shall indicate in all reports when video recordings were made during the incident in question.

3. PROHIBITED ACTIVITY

- a. Tampering with the MAVRE, altering any preset/default settings, deleting any recordings, intentionally obscuring the view of the cameras or muffling the microphone.
- b. Allowing non-authorized persons to view recordings in the field or post incident
- c. Using an external device to copy any event recorded or displayed by the MAVRE.
- d. Editing, deleting, copying, sharing or otherwise distributing in any manner an MAVRE recording without approval of the Chief of Police.
- e. Allowing any MAVRE recording to be used or shown for the purpose of officer ridicule or embarrassment. This includes any portion of a video recording to a media organization, web site or other outlet.
- f. BWCs generally shall not be used to record
 - i. Personal communications with other police personnel
 - ii. Encounters with undercover officers or confidential informants

- iii. When the recording officer is on break or otherwise engaged in personal activities
- iv. In any location where individuals have a reasonable expectation of privacy, such as a restroom or a locker room.

4. Deactivation of MAVRE

- a. MAVRE shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area otherwise restricted by this policy.
- b. Officers shall not stop recording an active event, incident or circumstance at their own discretion or by the demand of anyone other than a supervisor. In the event the recording is stopped before the completion of the incident, the officer will:
 - i. Document the reason(s) for this action on video prior to its deactivation
- c. When deactivating the MVR, the officer must select the appropriate incident type for which the MVR was activated.

C. Storage of MAVRE (PLEAC 2.4.2c)

- 1. BWCs, when not in use, will be stored in the charging bank in the patrol room.

D. Maintenance of MAVRE (PLEAC 2.4.2d)

- 1. All MAVRE malfunctions or items requiring maintenance shall be documented on a Request for Action form and forwarded to the Lieutenant for repair or replacement.

E. Inspection of MAVRE (PLEAC 2.4.2e)

- 1. It is the responsibility of all officers to inspect the MAVRE at the beginning of each shift or as soon as possible at the beginning of each shift to ensure all of the equipment is functioning properly.

F. Auditing of recorded material (PLEAC 2.4.2f)

1. Review of MAVRs

- a. Sergeants shall, on a quarterly basis, review five (5) random MAVRs by officers on their squad. The Chief or his designee shall, on a quarterly basis, review five (5) random MAVR recordings by Sergeants. Review of these recordings is to ensure;
 - i. MAVR devices are being used appropriately and in accordance with this policy
 - ii. officers are acting in accordance with Lower Gwynedd Township Police Department General Orders, Pennsylvania law and basic officer safety.
- b. Reviews will be documented on an Audio/Video Review Log (LG-70).
 - i. Minor infractions can be treated as training opportunities and addressed with the officer by the reviewer. Continued infractions will be referred to the Lieutenant.
 - ii. The Lieutenant will be advised of any major infraction(s). The Lieutenant and the Sergeant will review the infraction(s) to determine if any corrective action is needed.
- c. Non-random AV recordings may be reviewed;
 - i. in response to a citizen complaint

- ii. when there has been a request for the recordings by an outside agency
- iii. when there are articulable reasons to review specific incident(s) by specific officer(s).
- d. Should an officer believe they are being unfairly targeted for review, he/she may request a conference with the Lieutenant or Chief and reviewer to discuss the concerns or follow the grievance procedure.

G. Procedures to address malfunctioning equipment (PLEAC 2.4.2g)

- 1. If the MAVRE fails to activate for any reason, fails to record the entire contact, or terminates the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.
- 2. If the MAVRE is not operational in an assigned vehicle or becomes inoperable during a shift, this does not cause the vehicle to be placed out of service; however, the OIC may assign the officer to another vehicle with operational MAVRE.
- 3. Damage or operational problems related to AV equipment shall be reported to the Lieutenant via e-mail and a request for action form and noted on the vehicle status board.

H. Storage of information collected from MAVRE recordings (PLEAC 2.4.2h)

- 1. MAVRE recordings automatically download to a secure serve located within the IT room via a secure access point located at the police station. IN the event that an issue arises with the access point, the recording(s) can be manually downloaded by the Lieutenant or his designee via a WatchGuard thumb drive.
- 2. MAVRE media stored on a secondary storage device (i.e., USB flash drives, DVD-Rs, etc.) shall be maintained by the Evidence Custodian and secured in the same manner as any other evidence collected by this department, as outlined in General Order 3.5.

I. Access and retrieval of recordings (PLEAC 2.4.2i)

- 1. MAVRE recordings are the exclusive property of the Lower Gwynedd Township Police Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited, except as determined by the Chief, the Township solicitor or the Right to Know Officer.
- 2. MAVRE recordings are for internal Department operations and evaluations and shall not be distributed or reviewed outside the Department without specific and articulable cause.
- 3. Access to MAVRE recordings must be specifically authorized by the Chief or Lieutenant. All access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- 4. Access to MAVRE recordings beyond regular criminal investigative and prosecutorial activities must be specifically authorized by the Chief or Lieutenant, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- 5. Non-authorized persons shall not be permitted to view MAVRE recordings in the field or post incident.

- a. If an involved party requests to view the recordings, they will be instructed to contact the Lieutenant. The officer shall inform the Lieutenant of the involved party's request.
 - b. If, at the same time of request to view the recording, the Lieutenant is not working, the involved police officer shall notify the Lieutenant via e-mail of the date and time of the incident, the requesting party's name and the involvement in the incident.
 - c. After consultation with the Chief shall render a decision regarding an outside review of the recordings. The decision to allow a review shall take into consideration several factors to include whether the incident is a criminal matter or the subject of potential civil litigation. Except in the most extreme circumstances, the review will not be permitted.
6. Police officers may privately review the media in the field for their own analysis or report accuracy at their discretion.
7. If an officer believes a recording contains pertinent information which needs to be preserved for training, investigation or criminal or civil proceedings, the officer shall submit a request via email to the Lieutenant requesting it be preserved and of the reason why.
8. If MVR media is needed for a judicial proceeding other than Magisterial District Court, only the portion of the incident pertinent to the proceeding shall be duplicated for the judicial proceeding.
 - a. The duplicated media shall be used for the judicial proceeding.
 - b. The original media shall be retained at the Department as evidence.
 - c. Documentation shall be made on an Incident Comment Report with the chain of custody being followed.
9. No AV recording will be tampered with, altered, erased or removed in any manner.
10. Officers shall not change preset / default settings on the MVR system.
- J. Electronic records retention (**PLEAC 2.4.2j**)
 1. All MAVRE media shall be retained in accordance with state law and the following department retention periods.
 - a. Accident investigation 90 days
 - b. Criminal investigation 90 days
 - c. Emergency response 90 days
 - d. Non-custodial encounter 90 days
 - e. Transport 90 days
 - f. All other 90 days
 - g. Default 365 days
 - h. Pedestrian stop 365 days
 - i. Traffic stop – Citation 365 days
 - j. Traffic stop – Warning 365 days

k. Criminal arrest 731 days

2. Archived MAVRE recordings will be retained consistent with procedures established for evidence retention.
 - a. The retention of the archived recording shall be done following established chain of custody procedures.
 - b. The archived recording will be retained until no longer needed for any judicial proceeding.
 - c. Archived recordings can be retained indefinitely for training purposes.
 - d. It will be the responsibility of the Police Officer who initiated the investigation or situation which caused the media documentation, to determine if the recording can be destroyed.
 - e. Video purging shall occur as programmed by the WatchGuard Evidence Library Evidence Management System or at the direction of the Chief of Police or Lieutenant.
 - f. The Evidence Custodian is responsible for destruction of secondary MAVRE recordings.
 - i. Requests for deletion of the recording (e.g. in the event of a personal recording) must be submitted in writing and approved by the Chief of Police in accordance with the state retention laws. All requests and final decisions will be kept in the officer's personnel file.

K. Use of facial recognition software or programs (PLEAC 2.4.2k)

1. The Lower Gwynedd Township Police Department uses the facial recognition system provided through JNET.
2. JNET Facial Recognition Search (JFRS) uses innovative computer technology to analyze and compare digital images for the purpose of identifying offenders when their identity is otherwise unknown. JFRS provides the means for an originator to compare a suspect's photo to those archived in the Commonwealth of Pennsylvania's Photo Imaging Network (CPIN)
3. Operators of the JFRS must have received the following JNET training;
 - a. JNET overview,
 - b. Web CPIN, and
 - c. JNET Facial Recognition Search (JFRS) Training

L. Violation of the policy subjects the violator to the agency's disciplinary policy (PLEAC 2.4.2l)

1. Any violation of this policy will subject the violator to disciplinary action as defined in General Order 1.8.1 - Conduct, Disciplinary Procedures and Appearance

M. Supervisory responsibilities (PLEAC 2.4.2m)

1. Supervisory personnel shall ensure that:
 - a. officers are utilizing MAVRE in accordance with the policy and procedures defined herein.

- b. all officers follow established procedures for the use and maintenance of AV equipment and the completion of AV documentation.
 - c. the Lieutenant is notified of any violations of this directive, misuse of equipment, or defects of the equipment.
2. In the event of a critical incident, an officer involved shooting, use of force involving serious injury or death, or vehicle pursuit involving serious injury or death, supervisors shall take possession of the BWC of the involved officer(s) and ensure the data surrounding the incident is down loaded as soon as practical following the incident.

By Order of:

Electronically signed in PowerDMS

Paul Kenny

Chief of Police