



Pittsfield Charter Township

Department of Public Safety

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DEPARTMENT OF PUBLIC SAFETY RULES OF CONDUCT

- 4:1 Purpose of Rules of Conduct: The following Rules of Conduct are generally adopted from model rules published by the International Association of Chiefs of Police and other professional police associations as accepted national standards. The purpose of the rules is to enhance the integrity, transparency, and level of professionalism of the Department.
- 4:2 Requirement for Compliance: All personnel of the Pittsfield Township Police Department shall be responsible for adhering to all Rules of Conduct, including all departmental policies and procedures. Failure to comply shall be cause for disciplinary action.
- 4:3 Violation of Rules: Personnel shall not commit a violation of any of the rules of conduct or policies and procedures of the Department.
- 4:4 Conduct Unbecoming of Department Personnel: Personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect positively and professionally on the Department and the employee. Conduct unbecoming of Department personnel shall include that which brings the Department into disrepute or reflects discredit upon the employee of the Department and that which impairs the efficient operation or public image of the Department.
- 4:5 Conformance to Laws:
- A. Personnel shall obey all laws of the United States and of any State or local jurisdiction.
 - B. A conviction of a violation of any criminal act shall be prima facie evidence of a violation of this section.
- 4:6 Reporting for Duty:
- A. Personnel shall report for duty at the times and place required by assignment or orders and shall be physically and mentally fit to perform their duties.
 - B. Personnel shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties.
- 4:7 Neglect or Inattention to Duty:
- A. Personnel shall not perform their duties negligently, carelessly, or in an inattentive manner. They shall not engage in any activities or personal business on duty which would cause them to neglect or be inattentive to duty.

4:8 Fictitious Illness or Injury Reports: Personnel shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any employee of the Department as to the condition of their health.

4:9 Sleeping on Duty: Personnel shall remain awake while on duty. If unable to do so, they shall so report to their supervisor who shall determine the proper course of action.

4:10 Leaving Duty Post: Personnel shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority.

4:11 Meals: Personnel shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during the tours of duty, but only for such period of time and place, as established by departmental policies.

4:12 Unsatisfactory Performance:

A. Personnel shall maintain sufficient competency to properly perform their duties in a manner that will maintain the highest standards of efficiency in carrying out their duties and the objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of law or Department policy; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.

B. The following will be considered prima facie evidence of unsatisfactory performance: Repeated poor evaluations or a written record of repeated infractions of Department policy.

4:13 Employment Outside of Department.

A. Personnel may engage in off-duty employment subject to the following limitations:

(1) Such employment shall not interfere with the employee's duties, responsibilities and/or employment with the Department;

(2) Personnel shall submit a written request for off-duty employment to the Director of Public Safety whose approval must be granted prior to engaging in such employment; and

(3) Personnel shall not engage in any employment or business involving the sale or distribution of alcoholic beverages, bail bond agencies, or investigative work for insurance agencies, collection agencies, or attorneys.

B. Approval may be denied where it appears that the outside employment might:

(1) Render the employee unavailable during an emergency;

- (2) Conflict with their employment with the Pittsfield Township Department of Public Safety;
- (3) Physically or mentally exhaust the employee to the point that their performance may be affected;
- (4) Require that any special consideration be given to scheduling of the personnel's regular duty hours; or
- (5) Bring the Department into disrepute or impair the operation or efficiency of the Department or employee.

C. Personnel are subject to revocation from off-duty employment privileges for violation of department policies, procedures or written directives.

4:14 Alcoholic Beverages and Drugs in Township Installations: Personnel shall not store, or bring into any Township facility or vehicle, alcoholic beverages, controlled substances, or narcotics; except such alcoholic beverages, controlled substances, or narcotics held as evidence.

4:15 Possession and Use of Drugs: Personnel shall not possess or use any controlled substances or narcotics, except when prescribed in the treatment of an employee by physician or dentist. When controlled substances or narcotics are prescribed for personnel while on duty, a supervisory officer shall be notified.

4:16 Use of Alcohol on Duty or in Uniform:

A. Personnel shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a supervisory officer.

B. Personnel shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

4:17 Use of Alcohol Off Duty: Personnel while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior which discredits them or the Department, or renders the personnel unfit to report for their next regular tour of duty.

4:18 Use of Department Radios: Personnel shall operate Department radio equipment in a concise and professional manner in conformance with Department policy. Unnecessary radio transmissions shall be strictly prohibited.

4:19 Insubordination: Personnel shall promptly obey any lawful orders of:

- A. A Department supervisor including orders relayed from a supervisor by an employee of the same or lesser rank.
- B. Personnel shall be respectful and non-defiant to all supervisory personnel of the Department.

4:20 Conflicting or Illegal Orders:

- A. Personnel who are given an otherwise proper order in conflict with a previous Department policy, shall respectfully inform the supervisor issuing the order of the conflict.
- B. If the supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the supervisor.
- C. Personnel shall obey the conflicting order and shall not be held responsible for disobedience of the previous order.
- D. Personnel shall not obey any order which they know or should know would require them to commit any illegal, immoral, or unethical act. If in doubt as to the legality of an order, personnel shall request the supervisor to clarify the order or to confer with higher authority.

4:21 Gifts, Gratuities, Bribes or Rewards: Personnel shall not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of personnel or the Department, if it may reasonably be inferred that the person, business or organization:

- A. Seeks to influence action of an official nature;
- B. Seeks to affect the performance or nonperformance of an official duty; or
- C. Has an interest that may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

4:22 Abuse of Position:

- A. Use of Official Position or Identification: Personnel shall not use their official position, official identification cards, or badges for:
 - (1) Personal or financial gain;
 - (2) Obtaining privileges not otherwise available to them except in the performance of duty; or
 - (3) Avoiding consequences of illegal acts.

- B. Personnel shall not lend to another person their identification cards or badges, or permit them to be photographed or reproduced, without the approval of the Director of Public Safety.
 - C. Use of Name, Photograph or Title: Personnel shall not authorize the use of their names, photographs, or official titles that identify them as officers in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Director of Public Safety.
- 4:23 Endorsements and Referrals: Personnel shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service.
- 4:24 Identification: Personnel shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information, when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- 4:25 Citizen Complaints: Personnel shall courteously and promptly refer all citizen complaints to a supervisor. Personnel shall never attempt to dissuade any citizen from lodging a complaint against any employee of the Department. Personnel shall follow established Departmental policies for processing complaints.
- 4:26 Courtesy:
- A. Personnel shall be courteous to the public.
 - B. Personnel shall be professional and tactful in the performance of their duties, controlling their tempers and exercising the utmost patience, including not engaging in argumentative discussions even in the face of extreme provocation.
 - C. In the performance of their duties personnel shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice pertaining to lifestyle, race, religion, gender, culture, or similar personal traits or characteristics.
- 4:27 Requests for Assistance: When any person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in a professional and courteous manner and will be properly and judiciously acted upon consistent with established Departmental policies.
- 4:28 Associations: Personnel shall avoid regular or continuous association with those individuals who engage in criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of other personal relationships of the employee.

- 4:29 Visiting Prohibited Establishments: Personnel shall not knowingly visit, enter, or frequent a house of prostitution, gambling house, or establishment, wherein the laws of the United States, the State, or the local jurisdiction are violated, except in the performance of duty or while acting under proper and specific orders from a supervisor.
- 4:30 Gambling: Personnel shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty conducting an investigation and while acting under proper and specific orders from a supervisor.
- 4:31 Public Statements and Appearances:
- A. Personnel shall not publicly criticize or ridicule the Department, its policies, or other personnel by speech, writing, or other expression, where such speech, writing or other expression is defamatory, obscene, and unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.
 - B. Personnel shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority. Personnel may lecture on "police" or other related subjects only with prior approval of the Director of Public Safety.
- 4:32 Personal Appearance:
- A. Personnel on duty shall wear uniforms or other clothing in accordance with established Departmental policies.
 - B. Personnel on duty shall maintain a neat, well-groomed appearance.
- 4:33 Political Activity: Personnel are prohibited from using their official capacity as an employee with the Pittsfield Township Department of Public Safety to influence, interfere with, or affect the results of an election.
- 4:34 Labor Activity:
- A. Personnel shall have the right to join labor organizations, but nothing shall compel the Department to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.
 - B. Personnel shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privilege obligations or employment.

4:35 Payments of Debts:

- A. Personnel shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. Filing for a voluntary bankruptcy position shall not, by itself, be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken.

4:36 Telephone: Personnel shall have telephones in their residences, or shall furnish a telephone number where contact may be made by the Department and shall immediately report any changes of telephone numbers or addresses to their supervisor and to such other persons as may be appropriate.

- A. Employees who choose to use their personal cellular phones for work purposes (i.e., telephone calls, texting, emails, photographs, videos, etc.) understand that their personal cellular phone records, including content retained on their cellular phones, may be subject to the Freedom of Information Act (FOIA), court subpoena, and other state or federal laws.
- B. If a lawful request is received, employees must preserve and make their personal cellular phone available for the Department/Township and its attorneys to review and retain/copy phone records and/or content related to the lawful request.
- C. If an employee chooses to use their personal cellular phone for any Departmental or Township-related business, regardless of whether the employee receives the Personal Cellular Phone Stipend, the employee acknowledges/accepts that their personal cellular phone may be retained, reviewed, and copied for purposes of complying with lawful requests.

4:37 Dissemination of Information:

- A. Personnel shall treat the official business of the Department as confidential.
- B. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Department policy.
- C. Personnel may not, without the authorization Director of Public Safety or the Director's designee, remove original records or reports from a police installation.
- D. Personnel shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

4:38 Intervention:

- A. Personnel shall intervene with incidents, arrests, and/or investigations being handled by other officers of the department or by any other governmental agency when:
 - (1) Ordered to intervene by a superior officer; or

- (2) The intervening officer reasonably believes that a manifest injustice would result from failure to take immediate action; or
 - (3) The intervening officer has information or is witness to another officer's actions being taken that are clearly outside the scope of lawfulness or department policy and procedures, when the failure to intervene may result in unnecessary use of force or injury, unlawful arrest, potential litigation, or other similar negative or improper outcomes.
- B. Under this provision, any officer, regardless of tenure or rank, who witnesses another officer use unauthorized force, shall safely intervene by verbal and/or physical means to safeguard the wellbeing of all persons involved.
 - (1) Personnel shall report the incident to their supervisor immediately following the taking of intervening action, as well as when there is a failure to intervene, as outlined above.
- C. Personnel shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the situation requires immediate action.

4:39 Departmental Reports:

- A. Personnel shall submit all necessary reports on time and in accordance with established Departmental policies.
- B. Reports submitted by employees shall be truthful and complete, and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

4:40 Processing Property and Evidence:

- A. Property or evidence that has been discovered, gathered or received in connection with Departmental responsibilities will be processed in accordance with established Departmental policies.
- B. Personnel shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental policies.

4:41 Abuse of Process: Personnel shall not make false accusations of a criminal or traffic charge.

4:42 Use of Department Equipment:

- A. Personnel shall utilize Department equipment only for its intended purpose, in accordance with established departmental policies, shall not abuse, damage or lose Department equipment.
- B. All Department equipment issued to personnel shall be maintained in proper order.

4:43 Operating Vehicles:

- A. Personnel shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all Departmental policies pertaining to such operation.
- B. Loss or suspension of any driving license shall be reported to the Director of Public Safety or the Director's designee immediately.

4:44 Carrying Firearms: Personnel shall carry firearms in accordance with law and established Departmental policy.

4:45 Truthfulness: Upon the order of the Director of Public Safety, the Director's designee or a Department supervisor, personnel shall truthfully answer all questions specifically directed and related to their employment and operations of the Department which may be asked of them, and their specific conduct or actions as related to such.

4:46 Medical Examinations, photographs and line-ups: Upon the order of the Director of Public Safety or the Director's designee, personnel shall submit to any medical, ballistics, chemical or other tests, photographs, or line-ups. All procedures carried out under this subsection shall be specifically directed and related to a particular internal investigation being conducted by the Department.

4:47 Financial Disclosure: Upon the order of the Director of Public Safety or the Director's designee, personnel shall submit financial disclosure statements in connection with a complaint in which this information is material to the investigation.

4:48 Treatment of Persons in Custody: Personnel shall not mistreat persons who are in their custody. Personnel shall handle such persons in accordance with law and Departmental policy.

4:49 Use of Force:

- A. Personnel shall use de-escalation tactics to avoid using force whenever possible.
- B. When/if force is necessary, personnel will use the minimum level of force that is reasonably necessary under the circumstances.
- C. When applying/using force, personnel shall use force in accordance with law and Departmental policy.

4:50 Use of Weapons:

- A. Personnel shall not use or handle weapons in a careless or imprudent manner.

- B. Personnel shall use weapons in accordance with the law and Departmental policy.
- 4:51 Arrest, Search and Seizure: Personnel shall not make any arrest, search or seizure that they know, or should know, is not in accordance with law and Departmental policy.
- 4:52 Remaining on Duty: Department personnel are to remain on assignment and on duty until properly relieved by another employee or until dismissed by competent authority.
- 4:53 Visibility: Personnel on duty shall be immediately and readily available and visible to the public, not concealing themselves, except for an authorized official purpose (i.e., report writing, evidence processing, case investigation, lunch break, etc.).

DISCIPLINARY ACTION SANCTIONS AND PENALTIES

5:1 Internal Discipline – General Policy

5:1.1 Definition of Terms: The term “discipline” and “internal discipline” refer to the conduct of employees of the Department. All personnel, including civilian employees, are subject to the policies of the Pittsfield Township Department of Public Safety.

5:1.2 Basis for Disciplinary Action: All personnel are responsible for upholding their duty and proper conduct by observance of all laws and ordinances and by complying with the rules, regulations, policies and procedures of the Department and lawful orders of a supervisor. Any employee, regardless of rank, who violates these requirements is subject to disciplinary action.

5:1.3 Basis not Limited: Existence of credible information establishing a violation of law, ordinance, rule, policy or order is all that is necessary to support an allegation of a violation as a basis for disciplinary action; an alleged illegal act, act of misconduct, neglected dutiful act or other offense which does not specifically appear in this rule manual, in a Departmental order, in a Departmental policy/procedure or in laws and ordinances within the cognizance of the department, may nevertheless constitute a violation. Thus, employees must exercise judgment in their actions.

5:1.4 Penalties:

- A. The term “Disciplinary action” refers to the assessing of corrective action, measures and/or penalties for violations that are determined to be substantiated or partially substantiated.
- B. Progressive discipline will normally be followed, except in severe violations that require suspension or dismissal, or when mitigating circumstances justify otherwise.
- (1) Written Reprimand
 - (2) Suspension without pay

- (3) Reduction in rank.
 - (4) Removal/discharge from employment.
- C. Policy on Severity of Penalties: Repeated violations of Department requirements or any courses of conduct shall be cause for dismissal, regardless of the severity or types of the violations.
- D. Non-disciplinary corrective action: When it is deemed proper to take a non-disciplinary form of corrective action, or it is done in conjunction with disciplinary action, the Department may take measures that include training, counseling, verbal warnings, etc. that are used to correct behavior, but are not recognized as formal disciplinary action or penalty.

5:1.5 Authority to Discipline:

- A. Within the limitations set forth in the Township ordinances, disciplinary authority and responsibility rests with the Director of Public Safety or the Director's designee. Except for counseling, warnings, training, and emergency suspensions, disposition of complaints after due investigation and any resultant disciplinary action, must be taken or approved by the Director of Public Safety or the Director's designee, subject to laws, ordinances and appeal. Discipline shall be administered in accordance with any collective bargaining agreement that applies.
- B. Emergency Suspensions: Shift Commanders have the authority to impose emergency suspensions until the next business day against an officer or employee of the department when it appears such action is in the best interest of the Department.
 - (1) Department personnel receiving an emergency suspension shall report to the Director of Public Safety or the Director's designee on the next business day, as instructed by a Department supervisor.

5:2 Complaints:

5:2.1 Sources of and Response to Complaints:

- A. Complaints regarding the conduct of an employee shall be investigated and the accused employee(s) informed of the charges against him/her and his/her.

5:2.2 Successive Advisories: The Director of Public Safety or the Director's designee will see that every person making a complaint alleging police misconduct receives verification it is being pursued by the Department. The Director of Public Safety or the Director's designee will also see that the person who made the complaint is notified of its final disposition, with the opportunity to discuss the outcome and review evidence that supports the disposition (for non-criminal dispositions).

5:2.3 Duty of Department Personnel to Report Violations: Department personnel who know or have credible information of other employees violating Departmental rules, regulations, orders, policies/procedures, laws or legal requirements shall convey the information in writing to the Director of Public Safety or the Director's designee through the Chain of Command. If the information is believed to be of such seriousness that it must be brought to the immediate attention of the Director of Public Safety or the Director's designee, the Chain of Command may be bypassed.

5:2.4 Citizen Complaints Against Police Personnel: Any officer or employee receiving the complaint shall notify the shift supervisor, who will receive the initial complaint information and secure any/all evidence, and then notify the division commander/lieutenant. The division lieutenant will conduct the complaint investigation or assign it to a supervisor to be completed without delay. Upon completion, the complaint investigator will submit a written report of his/her findings to the Director of Public Safety through the chain of command, unless the Director requested the report be submitted to him/her directly. or the Director's designee. If the division commander determines that the complaint is of sufficient gravity/seriousness, he/she will notify the Director of Public Safety prior to conducting the investigation for direction.

5:2.5 Investigation of Alleged Misconduct: The supervisor for division commander assigned to investigate an alleged misconduct shall conduct a thorough and accurate investigation. Such investigation shall include statements from all witnesses and concerned parties when necessary and pertinent. Alleged misconduct charges shall be investigated in accordance with any collective bargaining agreement that applies. The report shall include the investigator's findings listed below:

- A. SUSTAINED - The accused employee(s) committed the alleged acts of misconduct involving violations of general orders, policy/procedure, and/or rules/regulations.
- B. PARTIALLY SUSTAINED – The investigation produced sufficient information that sustains only a part of the allegation(s) against the accused employee(s).
- C. NOT SUBSTANTIATED – The investigation produced insufficient information to prove or disprove the allegations.
- D. EXONERATED – The alleged act occurred, but was justified, legal, and proper.
- E. UNFOUNDED – The alleged act did not occur or there was no basis of fact or evidence to indicate the alleged act occurred.

5:2.6 Duty of Supervisory Personnel to Act:

- A. When a supervisor observes or is informed of misconduct by another employee, indicating the potential need for an investigation that may result in disciplinary action, he/she shall take immediate and necessary action to receive and document the complaint, secure evidence, and document any/all available witnesses that will allow for a full and comprehensive complaint investigation. The supervisor will notify the division commander through normal departmental communications. If the

supervisor feels the matter is serious or emergent, he/she shall immediately notify the division commander or Director of Public Safety.

- B. Whenever disciplinary action is recommended, a written report must be submitted to the Director of Public Safety through the chain of command, unless previously instructed to submit the report directly to the Director of Public Safety. The report shall include the following:
- (1) Name and rank of person recommended for disciplinary action.
 - (2) Dates, times and locations of misconduct.
 - (3) Descriptions and section numbers of rules, regulations, orders, policies/procedures, and/or laws violated.
 - (4) Complete report of facts of the misconduct.
 - (5) Action taken.
 - (6) Whether disciplinary action is recommended.
 - (7) Name, date and signature of reporting supervisor or division commander.