

Upper Gwynedd Township Police Department  
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Upper Gwynedd Township Police Department  
General Order 1.1.1 Law Enforcement and Authority

**PURPOSE**

To provide the officers of Upper Gwynedd Police a clear understanding of the law enforcement agency role, the significance and the solemnity of the oath of office and the importance of comprehending and adhering to the oath of office.

**POLICY**

It will be the policy of the Upper Gwynedd Police to have all sworn members adhere and subscribe to the oath of office. Each member of the Upper Gwynedd Police, prior to assuming sworn status, is required to take and subscribe to an oath of office.

**PROCEDURE**

**A. Oath of Office**

1. Said oath shall at a minimum include the language, "I do solemnly swear or affirm that I will support, obey, and defend the Constitution of the United States, and the Constitution of this Commonwealth, and I will enforce the laws of the Commonwealth of Pennsylvania and the ordinances of Upper Gwynedd Township, and that I will discharge the duties of my office with fidelity".
2. In this oath, sworn officers shall acknowledge that they will uphold, obey and enforce the law without consideration to a person's race, color, sex, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability.
3. This oath will be administered orally by the District Magistrate. A signed and notarized copy will be placed in the officer's personnel file.
4. Any person failing or refusing to take this oath shall be discharged immediately by the proper appointing authority. All newly hired officers will be on a one year probationary period.

Effective: May 24, 2005

Revised: March 10, 2013

By order of:



David W. Duffy  
Chief of Police



# Upper Gwynedd Township Police Department

## General Order 1.2.1 Limits of Authority

### **PURPOSE**

The purpose of this general order is to provide for the recognition of police authority and the associated limitations of authority. Policing is an extraordinarily dynamic and complex endeavor.

This policy is established to define an officer's authority through governmental legitimacy by defining that authority in terms of constitutional requirements, statute, case law, and the rules of criminal procedure.

### **POLICY**

It shall be the policy of the Upper Gwynedd Police to provide for and promote the delivery of police services corresponding to the provisions of this general order.

### **PROCEDURE**

#### **A. Legal Authority Defined**

1. Upper Gwynedd Township was established in accordance with the act of June 24<sup>th</sup>, 1931 (Pennsylvania Law 1206, Number 331) cited as "The First Class Township Code"; reenacted and amended May 27<sup>th</sup>, 1949 (Pennsylvania Law 1955, Number 569)
2. The First Class Township Code in article XV: Corporate Powers, Section 1502, General Powers, grants to the elected Board of Commissioners the corporate powers of townships of the first class to adopt resolutions and ordinances prescribing the manner in which powers of the township shall be carried out and generally regulating the affairs of the township.
3. Article V: Police Force Section 1502, Appointment of Police to establish, equip and maintain a police force and to define the duties of same. Including article VI Lock-ups and Commitments, Article VII Committing Magistrate, Article VIII Vagrants, Article IX Disorderly Practices, Article X Public safety.
4. The Upper Gwynedd Police Department is a legally constituted police department of a government entity, having been organized in 1951 by the township of Upper Gwynedd under the provisions of the First Class Township Code. Article XIV, Sections 1401 thru 1408 authorizes the Department of Police and sets forth its function. Section 1402 provides for a department head, the Chief of Police. Section 1403 outlines the powers of the Policemen.

## **B. Police Certification**

1. As employees of a municipal police department, Upper Gwynedd Police Officers are certified as municipal police officers under L. 1974, Act 120, effective, 6/18/74, establishing the "Municipal Police Officers' Education and Training Commission" (MPOETC).
  - a. Under the Act, a "police officer" is any full or part-time employee of a city, borough, town, township, or county police department assigned to criminal and/or traffic law enforcement duties.
  - b. Police officers who are certified by the MPOETC are eligible to carry and use weapons in the performance of their duties, make arrests and/or otherwise enforce the laws of the Commonwealth of Pennsylvania and their respective municipalities.

Effective: May 24, 2005

Revised: March 10, 2013

By Order of:



David W. Duffy  
Chief of Police

# Upper Gwynedd Township Police Department

## General Order 1.2.2 Constitutional Requirements

### **PURPOSE**

The purpose of this General Order is to establish guidelines for Officers conducting interviews and interrogations, both custodial and non-custodial. Guidelines regarding a subject's access to counsel and search / seizure, of a subject in custody, are also addressed.

### **POLICY**

It is the policy of the Upper Gwynedd Township Police that officers follow the following guidelines to ensure a subject is interviewed or interrogated in accordance with current law.

### **PROCEDURE**

#### **A. Interviews and Interrogations**

##### **1. Interviews**

###### **a. Defined**

A non-accusatory conversation in which through questions and answers, the police interviewer tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim or witness.

###### **b. Procedures**

- (1) Interviews may occur in a variety of circumstances and locations.
- (2) Officers shall conduct interviews in the same manner as if they were engaging in any normal conversation.
- (3) Officers conducting interviews shall be aware of the nature of questions, their location, the interviewed persons' location, and the conditions present when conducting interviews so that the subject does not have any reason to believe s/he is in custody.

##### **2. Interrogations**

###### **a. Defined**

An accusatory procedure designed to elicit from the subject a confession, or an acknowledgment that s/he did not tell the truth during an initial statement, whether that person is a suspect who originally denied

involvement in an incident, or a victim who fabricated the nature of the alleged offense.

**b. Procedures**

Officers shall consider the following criteria when initiating interrogations:

**(1) Non-custodial interrogations**

- (a)** Miranda warnings are not required if a subject is not in custody when they are interrogated by an officers.
- (b)** A statement form shall be used when taking non-custodial statements from victims, witnesses and suspects, when conditions permit.

**(2) Custodial interrogations**

- (a)** The test for determining whether a person is being subjected to custodial interrogation, so as to require Miranda warnings, is whether s/he is physically deprived of his/her freedom in any significant way or is placed in a situation in which a reasonable person would believe that his/her freedom of action or movement is restricted by such interrogation.
- (b)** Officers shall provide, verbally and/or written, Miranda warning advisements whenever a person in custody is subjected to custodial interrogation or its equivalent.
- (c)** When providing written Miranda warnings during custodial interrogations, officers shall use the department "Waiver of Rights" form, when conditions permit.
- (d)** When receiving written statements from detainees during a custodial interrogation, officers should use the Q & A format. Each page of the statement should be signed by the person giving the statement.
- (e)** All original rights forms and written statement(s) received, shall be submitted with the investigation report and placed in the arrest folder or investigation file.

**B. Access to Counsel**

Officers shall consider the following procedure when safeguarding a detainee's access to counsel during interrogation:

**1. Right to counsel**

- a. When an officer has placed a subject under arrest, and the subject is being subjected to a custodial interrogation, she/he shall be advised of the right to speak to counsel through the Miranda warning advisement. If they do not waive the right, the interrogation shall not proceed, unless the detainee waives the right at a later time.
  - b. When a detainee requests to speak to an attorney before, or during, a custodial interrogation, the interrogator shall cease questioning and provide the detainee the opportunity to confer with counsel.
2. Waiver of right to counsel
- a. Detainees may waive their right to counsel following the Miranda warnings, however, interrogators shall document that the waiver was a knowing and intelligent waiver, e.g., that the detainee knew of his/her right to consult with counsel before answering questions and s/he freely chose to proceed with the interrogation without exercising that right.
  - b. Documentation of the waiver shall be on the department's "Waiver of Rights" form, when conditions permit, and/or in an incident report filed by the interrogating officer.
    - (1) If the suspect waives his/her right to counsel after receiving the Miranda warnings, law enforcement officers are free to question him/her. But if a suspect requests counsel at any time during the interview, the interrogating officer shall not subject him/her to further questioning until a lawyer has been made available or the suspect freely reinitiates conversation. Caution should always be used when a suspect freely reinitiates conversation. A call may be made to an ADA to determine if the interview shall continue.
    - (2) The interrogating officer must ensure that the suspect clearly requests counsel. A suspect must articulate his desire to have counsel present sufficiently enough that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney. If the statement fails to meet the requisite level of clarity, interrogating officers are not required to stop questioning the suspect.

## **C. Search and Seizure (in-custody)**

Officers should consider the following procedures when searching a person in custody and seizing property:

1. Search
  - a. An officer shall search all subjects taken into custody. When possible, a search will be conducted on scene. In the case that a subject who was not searched is turned over to another officer, that officer shall be informed that the subject was not searched. If circumstances on scene do

not allow for a search to be conducted, one will be completed as soon as reasonable. If the subject is returned to the police station, a search will be conducted in the station prior to the start of processing, regardless of whether the subject has already been searched.

- b. All efforts shall be made for a same gender search conducted by an officer. In the case of a female subject, a sworn police matron can conduct the search when no female officer is available. When reasonable, officers from another department may be requested. Officer safety is always the primary consideration. If a same gender search is not possible, the search should be conducted in front of another officer/witness. When possible, the back of the hand should be used during the search, if it does not interfere with officer safety.

## 2. Seizure

- a. All property taken from a person in custody and subject to detainment shall be seized. The officer shall inventory the property on a "property form". The form shall identify the property taken and the officer connected with the arrest/search. The form will be kept with the property until returned. After the property is returned, the officer releasing the property and the detainee or a representative of another agency, if the detainee is being turned over, will sign the form. It will be placed in the arrest folder.
- b. All contraband/evidence located on a subject searched shall be seized. The contraband/evidence shall be properly tagged and an evidence inventory form completed. The evidence shall then be turned over to the criminal investigative division for storage and/or testing. (As per General Order 3.5 regarding handling of evidence)

Effective: May 24, 2005

Revised: March 10, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.2.3 Search and Seizure Without a Warrant

**PURPOSE**

The purpose of this General Order is to establish guidelines and procedures to follow when a situation necessitates a search and/or seizure without a warrant.

**POLICY**

It shall be the policy of the Upper Gwynedd Police Department that officers adhere to all Constitutional and statutory requirements of the United States and the Commonwealth of Pennsylvania, as well as pertinent case law when they conduct searches and seizures without a warrant.

**PROCEDURE**

**A. Search by Consent**

Officers shall consider the following when initiating searches by consent:

1. Voluntariness of Consent

Consent to search must be voluntarily given and not the result of duress or coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances. Officers shall ensure that consent searches are, in fact, voluntary and that consent has been freely given prior to initiating any such search.

2. Awareness of the Subject's Right to Refuse

Any officer initiating a consent search shall ensure the subject is made aware of his/her right to refuse; otherwise the consent has not been made intelligently.

3. Authority to Consent

a. In order for a consent to be valid, it must be given by the one possessing control over the area searched.

b. Any officer initiating a consent search shall ensure the subject giving consent has ownership or other authority to consent to the area or item to be searched, i.e., person in charge may not consent to the search of another person's item(s) if that person is present.

4. Reasonable Suspicion for a Stop

a. An officer initiating an investigative stop shall have reasonable suspicion.

- b. If an officer does not have reasonable suspicion to conduct an investigative stop to begin with, then any consent to search would be considered fruits of an illegal stop and the consent is invalidated.

5. Scope

- a. A person has a right to limit the scope of a consent search.
- b. Officers conducting consent searches shall ensure that the subject granting consent has extended that consent specifically, voluntarily, and unequivocally to the area(s) and/or item(s) searched.

**B. Stop and/or Frisk of an Individual**

1. Investigative stop

- a. Investigative stops by officers shall be supported by reasonable suspicion that a particular person has committed, is committing, or is about to commit a crime. The reasonable suspicion shall be based on the officer's personal observations and/or information supplied by another.
- b. Officers may detain that person briefly in order to investigate the circumstances that provoked the suspicion. Officers will diligently pursue a means of investigation that is likely to confirm or dispel his/her suspicions quickly when detaining a suspect.

2. "Terry Stop"

- a. Officers may conduct a limited search for weapons if they observe unusual and suspicious conduct on the part of an individual that leads to a reasonable belief:
  - (1) There is criminal activity afoot and;
  - (2) *The person may be armed and dangerous.*
- b. Handcuffs
  - (1) Officers conducting "Terry" searches shall consider controlling and securing the subject(s) with handcuffs first, prior to initiating a search under the "Terry" criteria.
  - (2) Officers shall advise any person handcuffed for a "Terry" search that they are being handcuffed for officer safety, that they are not under arrest, and that the handcuffs will be removed when officer safety is ensured.



3. "Plain feel" doctrine

Officers conducting cursory frisks may seize an object when it becomes immediately apparent, with knowledge gained from the officer's sense of touch, that probable cause exists to believe the object to be contraband.

**C. Automobile Exception to the Warrant Requirement**

1. Federal and State law allows for warrantless searches of moveable vehicles. Officers shall consider the following procedures when initiating searches under the moveable vehicle exception:

- a. A warrantless search has to be supported by articulable probable cause to believe there is contraband inside the vehicle and the vehicle must be capable of being moved.
- b. The scope of the search extends to every part of the automobile and its contents that might conceal the object of the search.
- c. The facts relied upon to conduct the search must be memorialized in the police report.
- d. A search warrant supported by probable cause remains the strongest option for searching a vehicle.

2. Vehicles, lawfully stopped spontaneously on a highway, may also be searched without a warrant under Pennsylvania law by:

a. Consent

Officers may search a vehicle upon the knowing and voluntary consent of the owner.

b. Plain view

An officer, who is lawfully in position to observe, may seize items in plain view, which are obviously contraband.

c. Protective Searches

A protective search of a vehicle limited to areas where a weapon may be hidden is permissible if the officer has a reasonable belief, based on specific and articulable facts, that the subject is dangerous and may gain immediate control of a weapon provided the driver and/or occupants have not been removed from the vehicle and restricted from further access to the compartment.

d. Exigent circumstances

- (1) Officers who have probable cause to search a vehicle, and an exigency exists, may search without first obtaining a warrant.

- (2) The exigency needs to be apart from the vehicle's potential mobility.
- (3) The exigency, which is cited, as the necessity for conducting the search cannot be created by any action of the officer(s).

**D. Search at the scene of a crime**

Officers shall consider the following procedures when initiating a search at the scene of a crime:

1. Officers may conduct a warrantless entry of residences under the following conditions:
  - a. Consent by tenant or owner.
  - b. Probable cause:
    - (1) To believe someone in the premises is armed and dangerous.
    - (2) To believe someone's life or personal safety is in danger.
    - (3) To believe a serious crime is being committed in your presence and the likelihood the offender would escape if time is taken to get a warrant or that evidence of crime would be destroyed.
2. Officers shall secure a search warrant in all cases where circumstances do not provide for exceptions to the warrant rule.
3. Officers may contact the on-call Assistant District Attorney to provide an opinion in all cases, which may be questionable.

**E. Inventory searches of seized vehicles or other property.**

Officers shall consider the following procedures when initiating an inventory search of seized vehicles or other property:

1. All vehicles impounded will have an inventory search conducted and an inventory search form completed, unless the sole purpose for the impound is to seize evidence.
2. Officers shall conduct inventory searches for the purpose of looking for valuables contained in the vehicle to assure the safekeeping of any such valuables and documenting any damage. When the sole purpose of the impound is to seize evidence a visual inspection of areas in plain view will be completed.
3. Officers shall check and complete a property report for any property being seized until it can be returned to the owner.

**F. Situations authorized by statute and federal constitutional provisions**

Upper Gwynedd Township Police Officers will adhere to all Commonwealth and Federal statutory and case law provisions in the course of searches and seizures.

Effective: August 1, 2008

Revised: July 13, 2015

By Order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.2.4 Arrest With/Without a Warrant

**PURPOSE**

The purpose of this general order is to provide officers with a guideline of the current laws governing arrests with and without a warrant.

**POLICY**

It is the policy of the Upper Gwynedd Township Police that officers follow the guidelines herein to ensure arrest procedures are in accordance with the laws governing such.

**PROCEDURE**

**A. Arrest with a Warrant**

Officers shall arrest persons by warrant in accordance with the Title 234, The Pennsylvania Rules of Criminal Procedure (Pa. RoCP), Chapters 4 & 5. Title 234 governs criminal proceedings in all courts, including courts not of record. All actions involving arrests by warrant for the Penal Laws of the Commonwealth of Pennsylvania must follow these rules.

1. Summary Cases- Chapter 4, Rule 430, Issuance of Arrest Warrant.

Provides that the issuing authority shall issue a warrant of arrest when:

- a. The citation or summons is returned undelivered.
- b. The issuing authority has reasonable grounds to believe the defendant will not obey a summons.

2. Court Cases- Chapter 5, Rule 509, Use of Summons or Warrant of Arrest in Court Cases.

- a. Provides that the issuing authority shall issue a summons and not a warrant of arrest in cases in which the most serious offense charged is a misdemeanor of the second degree or a misdemeanor of the first degree in cases arising under 75 Pa.C.S. §3802, except as set forth in paragraph (b).
- b. Provides that the issuing authority shall issue a warrant of arrest when:
  - (1) One or more of the offenses charged is a felony or murder.
  - (2) Reasonable grounds exist to believe that the defendant will not obey a summons.

- (3) Reasonable grounds exist that the defendant poses a threat of physical harm to any other person or to him/herself.
  - (4) The summons has been returned undelivered.
  - (5) The identity of the defendant is unknown.
- c. Rule 513, Requirements for Issuance
  - (1) No arrest warrant shall be issued, but upon probable cause supported by one or more affidavits sworn to before the issuing authority.
  - (2) Officers shall submit an affidavit of probable cause, under the provisions of the Pa. Rules of Criminal Procedure, with all criminal complaints where an arrest warrant is required or being requested.

## **B. Arrest Without a Warrant**

Officers shall arrest persons without a warrant in accordance Title 234, the Pa. RoCP, which governs criminal proceedings in all courts, including courts not of record. All actions involving warrantless arrests for violations of the Penal Laws of the Commonwealth of Pennsylvania must follow these rules.

- 1. Summary Cases- Rule 440, Arrest Without Warrant.
  - a. Title 18 P.S., Chapter 39, Theft, §3904.
 

Officers shall have the same right of arrest without a warrant for any grade of theft that exists or may hereafter exist as in the case of the commission of a felony.
  - b. Title 75 Pa.C.S.A, Chapter 63, Enforcement, §6304, Authority to Arrest Without a Warrant.
    - (1) Officers may arrest any non-resident who violates any provision of this title in the presence of the officer making the arrest.
    - (2) Upon arrest of a non-resident under this section, the officer shall proceed in accordance with the provisions of Section 6305 of the Vehicle Code.
  - c. Title 42 Pa.C.S.A, Chapter 89, Commencement of Proceedings, §8902
 

Officer shall, upon view, have the right of arrest without a warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property:

- (1) Disorderly Conduct (18 Pa. C.S. §5503)
- (2) Public Drunkenness (18 Pa. C.S. §5505)
- (3) Obstructing Highway (18 Pa. C.S. §5507)
- (4) Underage Purchase/Possession of Liquor (18 Pa. C.S. §6308)

2. Rule 400, Procedure Following Arrest Without Warrant in Summary Cases

Criminal proceedings in a summary case shall be instituted by:

- a. Issuing a citation to the defendant
- b. Filing a citation
- c. Filing a complaint
- d. Arresting without a warrant, as authorized by law.

- (1) When making such warrantless arrests, police officers are to follow Rule 441, Procedure Following Arrest Without a Warrant

3. Court Cases- Rule 502, Instituting Proceedings in Court Cases.

- a. A warrantless arrest is authorized when the offense is a felony or misdemeanor committed in the presence of the officer making the arrest.
- b. A warrantless arrest is authorized based upon probable cause when the offense is a felony or murder.
- c. A Warrantless arrest is authorized upon probable cause when the offense is a misdemeanor not committed in the presence of the officer making the arrest, when such arrest without a warrant is specifically authorized by statute:

- (1) Title 18, Crimes Code of Pennsylvania, Chapter 27, Probable Cause Arrests in Domestic Violence Cases, §2711.

Officers shall have the same right of arrest without a warrant as in a felony whenever s/he has probable cause to believe the defendant has violated crimes code sections 2504 (related to involuntary manslaughter), 2701 (related to simple assault), 2702 (a)(3), (4) and (5) (related to aggravated assault), 2705 (related to recklessly endangering another person), 2706 (related to terroristic threats), or 2709.1 (related to stalking) against a family or household member, although the offense did not take place in the presence of the police officer. The officer must first observe recent physical injury to the victim or other corroborative evidence of the offense(s).

- (2) Title 18, Crimes Code of Pennsylvania, Chapter 39, Theft, §3904.

Officers shall have the same right of arrest without a warrant for any grade of theft that exists or may hereafter exist, as in the case of the commission of a felony.

- (3) Title 18, Crimes Code of Pennsylvania, Chapter 65, Scattering Rubbish, §6501.

A police officer shall have the same right of arrest without a warrant as in a felony whenever the officer has probable cause to believe the defendant has violated subsection (a)(3), although the offense did not take place in the officer's presence. The officer must first observe recent evidence of the offense or other corroborative evidence.

- (4) Title 75, Vehicle Code of Pennsylvania, Chapter 38, Driving Under Influence of Alcohol or Controlled Substance, §3802.

A police officer is hereby authorized to arrest without a warrant any person who the officer has probable cause to believe has violated provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer.

4. Rule 519, Procedure in Court Cases Initiated by Arrest Without Warrant.

- a. When an officer has arrested a defendant without a warrant in a court case, the officer shall file a criminal complaint, with an affidavit of probable cause, against the defendant and he/she shall be afforded a preliminary arraignment before the proper issuing authority without unnecessary delay.
- b. The arresting officer, or his/her designee, will contact the District Magistrate for the jurisdiction of arrest, or the on-call magistrate, and schedule or arrange for the defendant's preliminary arraignment under this rule.
- c. Prompt release of the defendant following a warrantless arrest, instead of preliminary arraignment, shall be considered by officers in the following circumstances, when all conditions are met, as provided for in this rule:
  - (1) When the most serious offense charged is a misdemeanor of the second degree.
  - (2) When the defendant has been arrested without a warrant for cases arising under 75 Pa.C.S. §3802.
  - (3) When the defendant poses no threat of immediate physical harm to any other person or to himself or herself.

(4) When the arresting officer has reasonable grounds to believe that the defendant will appear as required if the charges are instituted by summons.

d. In cases where the defendant is released pursuant to Rule 519, officers shall file a complaint against the defendant within five (5) days of the defendant's release. Thereafter, a summons, not a warrant of arrest, shall be issued and the case shall proceed as provided for in Pa.R.Crim.P. Rule 510.

### **C. Alternatives to Arrest**

1. In lieu of formal action, an officer may exercise discretion, consistent with the laws of the Commonwealth and the provisions of this General Order, and choose informal action to solve a given problem, such as referral, informal resolution, and written or verbal warning.

#### **a. Referrals**

The officer shall offer referrals to other agencies and organizations when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the victim.

#### **b. Informal resolution**

An officer, at his/her discretion, may offer informal resolutions to situations and conflicts when in the officer's judgment they can be adequately resolved by the use of verbal warning, informing a proper agency or organization, advising parents of juvenile activity, etc.

#### **c. Warnings**

A warning may be issued by an officer when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the victim.

### **D. Release without charges**

If an individual is arrested on probable cause and further investigation by the arresting officer determines that sufficient probable cause no longer exists, a supervisor will be immediately notified. Once insufficiency of probable cause is determined, the suspect must be released.

1. A detailed report shall be submitted immediately by the arresting officer, if a situation such as this would ever arise, detailing the events that led to the probable cause arrest and the information which subsequently required the release.
2. The shift supervisor will also submit a report including a review of the events and circumstances surrounding the arrest and the release.



3. Reports involving this incident shall be submitted.

**E. Use of Discretion**

Discretionary power is the power of free decision or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias or corruption.

Therefore, it is imperative that when exercising discretionary power officers take into consideration the goals and objectives of the department, the best interests of the public they serve, any mitigating or aggravating circumstances, and the volatility of the situation at hand.

Effective: May 24, 2005

Revised: April 6, 2015

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.2.5 Strip Searches and Body Cavity Searches

**PURPOSE**

The purpose of this general order is to provide officers with guidelines on performing searches on detainees, specifically strip and body cavity searches. These searches are controversial and should be completed only when necessary and reasonable and with a search warrant when such is legally required. Detainees may view strip searches and body cavity searches as demeaning & embarrassing, therefore officers should be mindful of the subject's dignity & privacy and how they may react to such searches.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department that officers follow these guidelines herein in order to balance the recovery of evidence, officer/detainee safety and a detainee's privacy & dignity.

**PROCEDURE**

**A. Strip Searches**

This is a procedure wherein an arrested person is required to remove all clothing. The arrestee is then searched by visual observation of the body, along with a complete search of the clothing. Rules for strip searches:

1. A strip search shall be done by officers, or other sworn police personnel, of the same sex. The search should be witnessed. Officer(s) or personnel of the opposite sex shall not be allowed in the room or cell where the search is being conducted.
2. The CCTV camera will not be activated, unless recording for the purpose of evidence. This shall be approved by a supervisor and documented in the incident report as to the reason(s) for the recording.
3. Strip searches shall only be done in areas that provide privacy from outside observation.
4. Searching officers or personnel shall ask the arrestee if there are any medical conditions or other factors, which may affect the search, and if any, the search must be careful not to interfere with any such condition.
5. Officers shall consider the balance between officer safety, safety of the arrestee, and appropriate regard to the dignity of the suspect.

## **B. Body Cavity Search**

A body cavity search is a procedure whereby an arrested person's body openings (anus, vagina, etc) are actually examined to look for contraband, weapons, drugs, evidence, etc. Rules for body cavity searches:

1. A body cavity search, which involves manual probing of body cavities, should be done by qualified medical personnel in a hygienic setting, except in the most urgent circumstances which include life and death.
2. Officers shall consider the balance between officer safety, safety of the arrestee, and appropriate regard to the dignity of the suspect.
3. A body cavity search shall first be approved by a supervisor.

## **C. Authority to Complete a Strip and/or Body Cavity Search**

1. A search warrant is required for a strip search or body cavity search if the suspect is not under arrest.
2. If the subject is under arrest, strip searches and body cavity searches shall never be done randomly or at the whim of the officer or his/her immediate supervisor. The mere fact of an arrest does not allow a strip search or body cavity search. Additional factors must be considered. Take into consideration the following circumstances:
  - a. The nature and seriousness of the offense- arrestee was arrested for a crime that involved weapons, violence or contraband.
  - b. An open warrant for the arrestee and/or a criminal record that includes previous felony and misdemeanor arrests involving weapons or contraband or a history of hiding contraband.
  - c. When an officer has reasonable suspicion to believe that the person arrested has contraband, weapons, drugs, evidence of a crime, etc.
  - d. When the arrestee is going to be held in police custody for an extended period of time prior to arraignment, release, or transport to another agency.
  - e. When an officer has a reason to believe the arrestee is a danger to himself or others or if they will be held with another detainee.
  - f. Whether the arrestee physically resisted arrest or otherwise used violence or force toward the arresting officer(s) or others.
  - g. When there is a valid search warrant.

3. Body cavity searches are controversial, even when legally permissible. These searches shall only be conducted when legally necessary and reasonable.

**D. Documentation Required**

1. Whenever a suspect is subject to a strip search or body cavity search, the same shall be documented in the incident report.
2. The officer shall document all reasons and suspicion for the search.
3. The officer shall document the starting and ending time of the search, along with the location of the search.
4. The officer shall document other officers and police personnel that were present during the search.
5. The officer shall document any evidence, contraband, drugs, etc found during the search and the location where it was found.

Effective: May 24, 2005

Revised: March 10, 2013

By order of:



David W. Duffy  
Chief of Police

# Upper Gwynedd Township Police Department

## General Order 1.3.1 Response to Resistance

### **PURPOSE**

The purpose of this general order is to provide officers with a clear understanding of their performance expectations when they are confronted with situations where to protect the public safety; control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. There are varying degrees of officer response that may be justified, depending upon the dynamics of a situation, and these degrees of response are established herein utilizing a response to resistance continuum. Officers are not required to deliberate and/or use every step in the response to resistance continuum, as the situation and urgency of their actions may require an immediate escalation of response.

### **POLICY**

It is the policy of this department that all personnel comply with the provisions of this general order. All personnel shall be trained in this general order.

It is the policy of Upper Gwynedd Township Police that officers follow these guidelines herein to ensure an officer's decision to respond to resistance is lawful and justified. The justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decided to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

### **PROCEDURE**

#### **A. Policy Disclaimers**

1. This general order is explanatory in nature and is intended as a guide for personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher standard than provided by law.
2. Although the response to resistance continuum generally ascribes to the process whereby an officer can escalate the response to resistance 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.

## **B. Response to Resistance**

1. 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 actions. Officers and civilian employees of this department shall always maintain a professional bearing. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. Personnel shall not mentally or physically abuse any person that they contact or take into custody or control.
2. Personnel shall never use a greater degree of response than that which is lawful, reasonable, and necessary for the specific situation. When response to resistance is necessary, the degree of response employed should be in direct relationship to the amount of resistance employed by the person or the imminent threat the person poses to the officer or others. Officers shall use de-escalating levels of response when resistance has de-escalated or ceased.
3. Reasonable and necessary response to resistance may be used to affect an arrest, to detain for safety, to overcome unlawful resistance, to prevent an escape from custody, to neutralize an unlawful resistance, or to neutralize an unlawful assault upon an officer or another person and or other lawful objectives. Emphasis shall always be on obtaining control over the situation.
4. Justification for the response to resistance is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use a response to resistance. Facts unknown to the officer, no matter how compelling, cannot be considered in determining whether the action was justified.
5. Officers responding to resistance must be able to articulate the need and justification for the response to resistance and the reason(s) why the level of response utilized was selected. Full disclosure of the circumstances requiring the response to resistance, and the type and the extent of response, shall be thoroughly documented in an incident report. Officers shall also complete a response to resistance report.

## **C. Response to Resistance Justification**

1. The Pennsylvania Crimes Code, Title 18, Chapter 5, "General Principles of Justification," describes those circumstances in which the response to resistance is justified. These provisions and the related case law, including Federal case law made binding on Pennsylvania through the 14<sup>th</sup> Amendment to the United States Constitution, shall establish the only

legally binding restrictions regarding the use of force by Upper Gwynedd Police personnel, as it relates to criminal or enforceable civil matters.

2. In any necessary response to resistance, all Upper Gwynedd Police personnel shall utilize a response which is justifiable to accomplish the lawful objectives.
  - a. If an officer points a firearm at a person with the purpose of gaining compliance and protecting life, a use of force form will be completed.
  - b. Unholstering a firearm without it being pointed at a person does not require a use of force report.

#### **D. Diagram - Response to Resistance Continuum**

The diagram used to illustrate the concepts and protocols contained in this policy is intended to be a guide and a learning tool for command staff, supervisors, officers, and instructors.

The diagram does not require officers to begin at the lowest level of response and step through each level until the appropriate response is reached. The diagram does depict the bi-directional nature of an officer's response to resistance as it relates to the level of resistance the officer is confronted with at any given moment during an incident. (Meaning an officer may escalate and/or de-escalate their response as necessary relative to the amount of resistance encountered throughout the confrontation.)

Use of a police canine to deliver a response to resistance is considered commensurate to "Impact Weapons" on the diagram.

It is recognized that this diagram, while helpful, cannot cover all circumstances and situations as they apply to response to resistance decisions.

##### **1. Officer Presence in Uniform**

While not a response to resistance, an officer's uniformed presence may diffuse a situation.

##### **2. Verbal Control**

- a. In dealing with people, each officer must make a reasonable attempt to make his/her contact one which inspires respect and generates cooperation and a feeling of goodwill between the citizens and the department.

# Upper Gwynedd Township Police Department

## General Order 1.3.1 Response to Resistance

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The purpose of this general order is to provide officers with a clear understanding of their performance expectations when they are confronted with situations where to protect the public safety; control must be exercised to affect arrests, overcome active physical resistance, and neutralize assaults. There are varying degrees of officer response that may be justified, depending upon the dynamics of a situation, and these degrees of response are established herein utilizing a response to resistance continuum. Officers are not required to deliberate and/or use every step in the response to resistance continuum, as the situation and urgency of their actions may require an immediate escalation of response.

### **POLICY**

It is the policy of this department that all personnel comply with the provisions of this general order. All personnel shall be trained in this general order.

It is the policy of Upper Gwynedd Township Police that officers follow these guidelines herein to ensure an officer's decision to respond to resistance is lawful and justified. The justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decided to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

### **PROCEDURE**

#### **A. Policy Disclaimers**

1. This general order is explanatory in nature and is intended as a guide for personnel in accomplishing their mandated lawful objectives. It shall not be considered or construed to create a higher standard than provided by law.
2. Although the response to resistance continuum generally ascribes to the process whereby an officer can escalate the response to resistance 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.



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##### **2. Verbal Control**

- a. In dealing with people, each officer must make a reasonable attempt to make his/her contact one which inspires respect and generates cooperation and a feeling of goodwill between the citizens and the department.

- b. The way an officer speaks to an individual can be an effective means of exerting control and de-escalating the situation, to prevent the need for any higher level of response. Verbal control may be in the form of advice, persuasion, admonitions, or orders.

### 3. Escort

- a. Most arrests handled by officers of this department are made peacefully. Generally, the arrestee is handcuffed, searched, and transported without incident.
- b. Under these circumstances, some form of physical maneuvering may be required to escort the individual from one location to another.

### 4. Control and Compliance

- a. When officers are faced with an uncooperative individual or one who refuses to be placed in custody or detained and other alternatives would be inappropriate or have been ineffective the officer may be required to use some combination of strength, leverage, takedowns, holds, and come alongs with sufficient response to make the lawful arrest and gain control.
- b. The objective of this level of response is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
- c. The BolaWrap 150 device is a remote restraint device that may be used for immobilizing and controlling resistive/non-compliant persons and persons with known or suspected mental issues. The purpose of this device is to facilitate a safe and effective outcome to minimize injury to suspects, subjects, and officers.

### 5. Chemical Agents

*PLEAC 1.3.4*

- a. Chemical agents, i.e., Oleoresin Capsicum (O.C.) may be utilized by Upper Gwynedd Police personnel as an appropriate and effective use of force in certain circumstances. Personnel using O.C. shall be trained and certified in its use.
- b. The use of Oleoresin Capsicum shall be restricted to the following situations:
  - (1) When necessary for the officer to defend himself/herself or others against threats of imminent assault, or physically

offensive actions, active resistance, and/or combative actions by any individual or animal.

- (2) To effect a lawful arrest when confronted with a non-compliant or non-submissive individual.
- (3) When higher levels response are not necessary and lower levels of force would be inappropriate or have been ineffective.

6. Unarmed Striking Techniques

- a. This level of unarmed response involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary.
- b. These striking techniques may be used by officers to defend themselves against unlawful assaults where higher levels of response are not necessary and lower levels of response would be inappropriate or have been ineffective.

7. Conducted Electrical Weapon

*PLEAC 1.3.4*

- a. Conducted Electrical Weapon, i.e., Tasers may be utilized by officers as an appropriate and effective use of force in certain circumstances. Officers using a Taser shall be trained and certified in its use.
- b. The use of a Taser shall be restricted to the following situations:
  - (1) When necessary for the officer to defend himself/herself or others against threats of imminent assault, or physically offensive actions, active resistance, and/or combative actions by any individual or animal.
  - (2) To quell physical confrontations, where higher levels of response are not necessary and lower levels of response would be inappropriate or have been ineffective.

8. Striking Implement

*PLEAC 1.3.4*

- a. Striking implements, i.e., expandable batons, specifically designed for that purpose, shall only be utilized by personnel certified in its use.
- b. The use of an expandable baton shall be restricted to the following situations:

- (1) When necessary for the officer to defend himself/herself or others against threats of imminent assault, or physically offensive actions, active resistance, and/or combative actions by any individual or animal.
  - (2) To quell physical confrontations, where higher levels of response are not necessary and lower levels of response would be inappropriate or have been ineffective.
9. Use of Police Canines as a Response to Resistance Against a Person or an Animal
  - a. General Order 6.51.9 will be followed regarding police canines.
  - b. Use of a police canine to exert a response is permitted:
    - (1) When necessary for the officer to defend himself/herself or others against threats of imminent assault, or physically offensive actions, active resistance, and/or combative actions by any individual or animal.
    - (2) To quell physical confrontations, where higher levels of response are not necessary and lower levels of response would be inappropriate or have been ineffective.
    - (3) When a police canine is used as a method of response, the suspect who was the recipient of that response shall be examined and treated by emergency medical first responders and, if deemed necessary, taken to the nearest hospital for evaluation and appropriate treatment.
10. Deadly or Potentially Deadly force
  - a. In the performance of their duties it may be necessary for officers to use deadly force for the protection of society and themselves.
  - b. An officer will utilize deadly force only when legally justified, and 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.

## **A. Definitions**

1. Police Officer - terminology utilized herein to indicate a "peace officer" as defined in 18 Pa.C.S.A, Chapter 5, Section 501.
2. 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.
3. 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.
4. Forcible felony - the crimes of murder, voluntary manslaughter, rape, robbery, theft of nuclear source material (radioactive material RAM), kidnapping, involuntary deviate sexual intercourse, arson, endangering persons, and aggravated assault causing serious bodily injury.
5. Deadly force - force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

## **B. The Pennsylvania Crimes Code**

18 Pa.C.S.A., Chapter 5, § 508(a), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer when he/she believes that:

1. He/she believes that such force is necessary to prevent death or serious bodily injury to himself/herself or such other person, or when he/she 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. Where feasible, the officer shall identify himself/herself as a law enforcement officer and warn of his/her intent to use deadly force.

3. Shoot to Stop

- a. Officers may fire their weapon to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.

**C. Use of Deadly Force to Destroy an Animal**

- 1. A police officer is justified in using deadly force to destroy an animal 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 a humanitarian measure.
- 2. Use of deadly force with a firearm in the destruction of an animal will only be utilized after the officer ensures the area is deemed safe to discharge a firearm.

**D. Duty to Intervene**

- 1. In addition to the procedures detailed in GO 1.8.4, the following guidelines will be followed:
  - a) At-risk populations will be treated with appropriate consideration regarding response to resistance.
  - b) Using a taser from heights or next to bodies of water will be avoided whenever possible, dependent on the urgency and level of response to resistance needed.
  - c) Limit to three cycles of taser whenever possible and target those areas most appropriate for the level of resistance presented by the subject.
  - d) High or moderate areas of unknown risk areas for impacts (impact weapons) will be avoided unless the resistance of the subject warrants targeting such areas.
  - e) No response to resistance shall be used punitively.

Effective: March 13, 2024

By order of:



David W. Duffy  
Chief of Police

- b. The way an officer speaks to an individual can be an effective means of exerting control and de-escalating the situation, to prevent the need for any higher level of response. Verbal control may be in the form of advice, persuasion, admonitions, or orders.

### 3. Escort

- a. Most arrests handled by officers of this department are made peacefully. Generally, the arrestee is handcuffed, searched, and transported without incident.
- b. Under these circumstances, some form of physical maneuvering may be required to escort the individual from one location to another.

### 4. Control and Compliance

- a. When officers are faced with an uncooperative individual or one who refuses to be placed in custody or detained and other alternatives would be inappropriate or have been ineffective the officer may be required to use some combination of strength, leverage, takedowns, holds, and come alongs with sufficient response to make the lawful arrest and gain control.
- b. The objective of this level of response is to gain control and compliance while minimizing the risk of injury to the officer, the person being placed in custody, or innocent bystanders.
- c. The BolaWrap 150 device is a remote restraint device that may be used for immobilizing and controlling resistive/non-compliant persons and persons with known or suspected mental issues. The purpose of this device is to facilitate a safe and effective outcome to minimize injury to suspects, subjects, and officers.

### 5. Chemical Agents

*PLEAC 1.3.4*

- a. Chemical agents, i.e., Oleoresin Capsicum (O.C.) may be utilized by Upper Gwynedd Police personnel as an appropriate and effective use of force in certain circumstances. Personnel using O.C. shall be trained and certified in its use.
- b. The use of Oleoresin Capsicum shall be restricted to the following situations:
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- a. This level of unarmed response involves the use of the officer's fists, hands, elbows, knees, feet, etc. in striking the adversary.
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8. Striking Implement

*PLEAC 1.3.4*

- a. Striking implements, i.e., expandable batons, specifically designed for that purpose, shall only be utilized by personnel certified in its use.
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10. Deadly or Potentially Deadly force
  - a. In the performance of their duties it may be necessary for officers to use deadly force for the protection of society and themselves.
  - b. An officer will utilize deadly force only when legally justified, and 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.

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4. Forcible felony - the crimes of murder, voluntary manslaughter, rape, robbery, theft of nuclear source material (radioactive material RAM), kidnapping, involuntary deviate sexual intercourse, arson, endangering persons, and aggravated assault causing serious bodily injury.
5. Deadly force - force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

## **B. The Pennsylvania Crimes Code**

18 Pa.C.S.A., Chapter 5, § 508(a), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer when he/she believes that:

1. He/she believes that such force is necessary to prevent death or serious bodily injury to himself/herself or such other person, or when he/she 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. Where feasible, the officer shall identify himself/herself as a law enforcement officer and warn of his/her intent to use deadly force.

3. Shoot to Stop

- a. Officers may fire their weapon to stop and incapacitate an assailant from completing a potentially deadly act as described in this general order.

**C. Use of Deadly Force to Destroy an Animal**

- 1. A police officer is justified in using deadly force to destroy an animal 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 a humanitarian measure.
- 2. Use of deadly force with a firearm in the destruction of an animal will only be utilized after the officer ensures the area is deemed safe to discharge a firearm.

**D. Duty to Intervene**

- 1. In addition to the procedures detailed in GO 1.8.4, the following guidelines will be followed:
  - a) At-risk populations will be treated with appropriate consideration regarding response to resistance.
  - b) Using a taser from heights or next to bodies of water will be avoided whenever possible, dependent on the urgency and level of response to resistance needed.
  - c) Limit to three cycles of taser whenever possible and target those areas most appropriate for the level of resistance presented by the subject.
  - d) High or moderate areas of unknown risk areas for impacts (impact weapons) will be avoided unless the resistance of the subject warrants targeting such areas.
  - e) No response to resistance shall be used punitively.

Effective: March 13, 2024

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.3.2 Use of Deadly Force

**PURPOSE**

The purpose of this general order is to provide officers with guidelines on the lawful and justified use of deadly force in the performance of their duties.

**POLICY**

It is the policy of Upper Gwynedd Township Police that officers follow these guidelines herein to ensure an officer's decision to use of deadly force is lawful and justified. The justification for the use of deadly force is limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decided to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the action was justified.

**PROCEDURE**

**A. Definitions**

*Police Officer*- terminology utilized herein to indicate a "peace officer" as defined in 18 Pa.C.S.A, Chapter 5, Section 501.

*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.

*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.

*Forcible felony* - the crimes of murder, voluntary manslaughter, rape, robbery, theft of nuclear source material (radioactive material RAM), kidnapping, involuntary deviate sexual intercourse, arson, endangering persons and aggravated assault causing serious bodily injury.

*Deadly force* - force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

**B. The Pennsylvania Crimes Code**

18 Pa.C.S.A., Chapter 5, § 508(a), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer when he/she believes that:

1. Such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he 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
  - a. Officers may fire their weapon 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.

**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.
2. Use of deadly force with a firearm in the destruction of an animal or rodent will only be utilized after the officer conducts a scene survey.

Effective: April 19, 2006

Revised: March 10, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.3.5 Medical Attention Required Following Use of Force

**PURPOSE**

The purpose of this general order is to establish guidelines for providing medical attention to detainees.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department that officers follow the guidelines herein to ensure that proper medical attention is provided to detainees.

**PROCEDURE**

**A. Medical attention after use of force**

Officers shall arrange for an emergency medical service (EMS) to examine, treat and if necessary transport a subject to a medical facility under the following conditions:

1. After force is used by police personnel, *and*
2. The subject request medical attention, *or*
3. Police personnel suspect or know an injury requires medical attention.

**B. Medical release required**

When an arrestee is examined, treated and subsequently released from medical care, a written medical release shall be obtained from the attending physician. In the event the arrestee refuses EMS, this shall be documented in the incident report.

Effective: May 24, 2005

Revised: September 9, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.3.6 Written Reports and Investigation Required Following  
Use of Force

**PURPOSE**

The purpose of this general order is to establish guidelines for reporting and investigating any level of force used by agency personnel.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department that officers follow the guidelines herein to ensure the proper response to an officer's use of force.

**PROCEDURE**

**A. Use of Force Report**

1. Upper Gwynedd Township Police Officers shall complete a Use of Force Report, in addition to an incident report, whenever any level of force is used, to include:
  - a. The discharge of a firearm for any use, other than training or recreational purposes.
  - b. Any action that results in, or is alleged to have resulted in, any injury or death of another person.
  - c. Force by means of a lethal or less-than-lethal weapon.
  - d. Use of physical force, or is alleged to have used physical force, on another person.
  - e. The discharge of a Taser or use of Oleoresin Capsicum, for purposes other than training.
2. The incident report will include a narrative description of the incident describing the actions of both the suspect and the officer(s). Each additional officer will complete and sign a supplement as to his/her involvement in the incident.
3. The incident report shall be completed prior to the officer(s) concluding his/her shift during which the use of force occurred. The completed report(s) shall be provided to the shift supervisor to be forwarded through the chain of command to the Chief of Police or Deputy Chief of Police.

- a. If the officer involved is injured or unable to make the report, the officer's supervisor 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.
- 4. In the event the shift supervisor is not present when any level of force has been applied, they shall be notified to respond to the scene of the incident.

**B. Investigation Requirements for Firearm Discharges (non-training) and Officer Involved Shooting Incidents.**

- 1. As soon as practical following a non-training or officer-involved shooting incident, irregardless of the location or on-duty/off-duty status, the officer shall notify, or cause to be notified, the shift supervisor of the occurrence.
- 2. Upon notification by the officer, or another person, of an occurrence specified under this section, the shift supervisor shall proceed with the following notifications:
  - a. The Deputy Chief, who will then notify the Chief of Police, either then, shall notify the Township Solicitor and the Township Commissioner responsible for the Police department.
  - b. The Sergeant in charge of detectives and on-duty or on-call detective.
  - c. The Office of the District Attorney, as may be required by the circumstances.
- 3. A complete investigation will be conducted into any accidental discharge of a firearm. Also, a complete investigation will be conducted any time an officer deliberately discharges a firearm in the line of duty, except when firing to destroy a wounded or suspected rabid/distempered animal or on the police firing range, unless an injury results from such discharges. This includes both on-duty and off-duty incidents, regardless of where they occurred. Such investigations will consist of:
  - a. On-scene preliminary investigation by the shift supervisor when the incident occurred within Upper Gwynedd Township.
    - (1) If the shift supervisor is directly involved in the circumstances related to the firearms incident, the scene shall be stabilized and protected by other responding officers until the Deputy Chief, or his/her designee, can be notified to respond to the scene and conduct the preliminary investigation.
  - b. On-scene and/or follow-up investigation will be conducted by officers, as determined by the Deputy Chief or his designee.
  - c. On-scene and/or follow-up investigation will be conducted by detectives, as designated by the Deputy Chief or his designee.



- d. If the incident occurred outside of Upper Gwynedd Township, an internal affairs investigation will focus on compliance with general orders and policies.
- e. When the situation has occurred within Upper Gwynedd Township, the shift supervisor shall assume command of the incident scene and will be in charge of the preliminary investigation, until such time as the scene is turned over to a higher-ranking officer.
- f. The first supervisor at the scene, following incident stabilization and hazard elimination, will determine which officer(s) fired their weapon, take custody of that weapon(s) and secure it/them in accordance with established procedures for safeguarding the evidentiary chain of custody.
  - (1) The firearm(s) will not be unloaded or cleaned prior to forensic examination.
- g. The shift supervisor will insure that the officer(s) involved, if not incapacitated, is removed from the scene and returned to the station for subsequent interview, by the assigned investigator.
- h. The shift supervisor will further insure that the officer(s) involved makes no statements except to the designated investigator.
- i. The shift supervisor and detective assigned to the investigation will continue to discharge their responsibilities as they relate to any criminal investigation.
  - (1) The shift supervisor and detective assigned to the investigation will provide for the scene to be secured and processed, evidence collected, interviews conducted with witnesses/victims, and fulfill their obligations as they would in any shooting investigation.
  - (2) The Detective Division will be responsible to pursue prosecution of suspects involved in the shooting incident.
  - (3) Copies of all investigative reports, sketches, pictures, etc., from an officer-involved shooting incident will be forwarded to the lead investigator.
  - (4) Copies of all reports pertaining to the investigation of the discharge of a firearm shall be forwarded to the Chief of Police or Deputy Chief of Police for review.

### **C. Review of Written Reports**

1. All incident reports pertaining to an officer's Use of Force, submitted in accordance with this general order, shall be reviewed by the Chief of Police or Deputy Chief of Police for consideration of compliance with this general order.
  - a. Determination of Compliance
    - (1) Reports establishing actions, which are compliant with this general order, shall be maintained by the Chief of Police.
  - b. Determination of Non-Compliance
    - (1) Reports establishing actions, which 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 on the circumstances of the non-compliance:
      - (a) Remedial training
      - (b) Internal affairs investigation, as per General Order 2.3.1

Effective: January 17, 2007

Date: January 17, 2007

Revised: May 25, 2011

By Order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.3.7 Removal of Officer from Field Duty Pending  
Administrative Review

**A. When a Death or Serious Injury has Resulted from an Officer's Use of Force**

1. When a death or serious bodily injury resulted from an officer's use of force, that officer will, as soon as practical, be released from field duty by the shift supervisor pending a full investigation into the incident by the department in accordance with the provisions of 1.3.6 of this general order.
2. During the period of time an investigation into the incident is being conducted, the Chief of Police may, at his/her discretion, assign the officer involved to office related duties. Such relief from duty shall not be considered a suspension or disciplinary action taken against the officer, but rather an administrative course of action relieving the officer from further performance of field duties while undergoing the extreme emotional stress of having used deadly force or causing serious injury and permitting the department time to conduct an objective investigation into the matter. The period of time spent on administrative leave or office assignment will be determined by the Chief of Police.


**B. Counseling to be Provided**

1. It shall be the policy of Upper Gwynedd Township Police Department that when an officer discharges a firearm for his/her own defense or to defend another 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 of the incident, at the township's expense.
2. Any follow-up treatment which the psychologist deems necessary shall be provided at the township's expense.
3. The officer shall not be returned to full duty until the examination and/or treatment is completed and a certificate of fitness is provided to the township.
4. This action is not punitive and is separate and apart from the departmental investigation.

Effective: May 24, 2005

Date: March 31, 2005

By Order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Police Department  
General Order 1.3.9 Training & Proficiency Required to Carry Approved  
Weapons

## **PURPOSE**

The purpose of this general order is to establish guidelines for training officers on all approved lethal and less lethal weapons as well as the department's Use of Force and Deadly Force policies. This training should help prepare an officer to act decisively and to the best of their ability in a broad spectrum of situations and circumstances.

## **POLICY**

It is the policy of this department that officers follow the guidelines herein to ensure proper training in those areas relating to lethal weapons, less lethal weapons, use of force and deadly force. Documentation of training activities will be maintained, and requirements for developmental and remedial training will be implemented in accordance with this policy.

## **PROCEDURE**

### **A. Required Training**

*PLEAC 1.3.10*

1. Annual in-service training shall be conducted, as a minimum requirement, for all personnel on the agency's Use of Force and Deadly Force Policies.
2. Biennial training, demonstrated proficiency and testing shall be successfully completed on the following less lethal weapons issued and authorized to personnel for use on and off duty. Proficiency and training shall be evaluated by a certified instructor. Those weapons include:
  - a. Oleoresin Capsicum (O.C.)
  - b. Striking Implement (Expandable Baton)
3. Annual training, demonstrated proficiency and testing shall be successfully completed for Conducted Electrical Weapons (Tasers) issued and authorized to personnel for use on and off duty. Proficiency and training shall be evaluated by a certified instructor.
4. Only those firearms approved and authorized may be carried on and off duty. Firearms training, demonstrated proficiency and qualifications, evaluated by a certified instructor, shall occur at least once per year for the following:
  - a. Department issued handgun
  - b. Backup (personal) handgun

c. Off-duty handgun

d. Rifle

5. Newly sworn officers

PLEAC 1.3.9

- a. Newly sworn officers will be required to achieve a qualifying score on a prescribed course of fire that is approved and meets or exceeds standards set forth by the Municipal Police Officers' Education and Training Commission (MPOETC) for any approved firearm prior to being equipped with or given authorization to use the firearm on or off duty.
- b. Newly sworn officers will be required to pass a written test and demonstrate skill and proficiency on all less lethal weapons prior to being equipped with or given authorization to use those weapons on or off duty.
- c. Officers will receive training on authorized use of force options, their appropriate application and the legal requirements on the justified use of force and deadly force.

6. Change in weapon(s) authorized

- a. Officers will be required to achieve a qualifying score on a prescribed course of fire that is approved and meets or exceeds standards set forth by MPOETC when there has been a change and/or addition in the firearms authorized by the department.
- b. Officers will be required to pass a written test and demonstrate skill and proficiency when there has been a change and/or addition in the less lethal weapons authorized and issued by the department.

**B. Remedial Training**

PLEAC 1.3.10

- 1. Any supervisor or certified instructor may recommend, and the Chief may require, any officer to submit to remedial training when circumstances indicate that the officer has violated any provision of this policy or may otherwise benefit from remedial training.
- 2. Certified instructors, for the specified weapon, may be assigned by the Chief to conduct remedial training as required for personnel to maintain the knowledge, skills and abilities necessary to maintain proficiencies commensurate with the requirements of this general order.
- 3. Supervisors and/or certified instructors shall report any incidents involving an officer's inappropriate or unsafe handling of weapons for consideration for remedial training.

**C. Neck Restraints and Similar Control Techniques**

PLEAC 1.3.10

The use of neck restraints, choke holds or any similar control techniques are not authorized unless the hold is used as a last resort technique in a deadly force situation.

**D. Documentation**

PLEAC 1.3.10

1. Firearms training shall be documented and maintained by the firearms instructors.
2. Less lethal weapons and policy training shall be documented and maintained by the individual instructor(s) responsible for that training.
3. Remedial training, and its outcome, shall be documented and maintained by the instructor providing the remedial training.
  - a. The officer's direct supervisor shall be made aware of their progress.
  - b. The supervisor and Deputy Chief shall be made aware of an officer's inability to successfully complete remedial training.

Effective: May 24, 2005

Revised: May 2, 2016

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.3.11 - De-Escalation of Use of Force Incidents

## **PURPOSE**

The purpose of this general order is to establish procedures for the de-escalation of incidents where a use of force is possible.

## **POLICY**

It shall be the policy of the Upper Gwynedd Township Police Department to follow the procedures outlined in this policy.

## **DE-ESCALATION**

- A. De-escalation in Law Enforcement - the concept of de-escalation tactics is in the central part of the framework that officers used to assess and manage risk through justifiable and reasonable intervention. The officer selects an appropriate option for control, based on the situation.
  - 1. De-escalation includes acting or communicating either verbally or nonverbally during a potential use of force encounter to stabilize the situation and reduce the immediacy of the threat(s) involved with the encounter.
  - 2. Officers shall apply the use of de-escalation techniques and other alternatives to force consistent with his or her training whenever feasible and appropriate before resorting to force applications to reduce the need for force or the level of force applied.
  - 3. Officers will whenever possible and when such a delay is without bad outcomes (will not compromise the safety of the officer or another person and will not result in the destruction of evidence, enhance or allow for the risk of escape or promote further criminal commission or crimes), the officer should attempt to allow the individual who force is to be directed the time and opportunity to submit to verbal commands prior to the time force is applied.
- B. Successful uses of De-escalation - This process forms a small but critical portion of what is known as the officer's risk assessment and plan. The process where an officer clearly, concisely, and effectively analyzes and later explains the events that occurred before, during and after a use of force incident is called "legal articulation." Officers will not necessarily be judged by what they believe. Their intervention will be measured against what a reasonable, trained, prudent police officer would do faced a similar set of circumstances. Police officers are also trained to continually monitor risk during an

interaction with the public as things can change very quickly. Police officers must always be ready to shift tactics.

C. De-escalation Techniques - De-escalation techniques may include one or more of the following techniques:

1. Advisements and identification.
2. Warnings.
3. Command presence.
4. Tactical repositioning.
5. Verbal persuasion.
6. Containment.

D. Potential for De-escalation - The list below is a partial list of events where de-escalation techniques may be applied when situationally appropriate:

1. Mental health crisis.
2. Personal crisis.
3. Developmental disabilities.
4. Victims and witnesses.
5. Arrestees.

E. Factors in Decision to De-escalate –

1. Medical conditions.
2. Physical limitations.
3. Language or communications barrier.
4. Drug interaction or influence of substances.
5. Mental impairment.



6. Developmental disability.
7. Behavioral crisis.
8. Environmental.
9. Time.

F. Essential Understandings by Officers in the De-escalation Process:

1. Tactical repositioning does not equate to total retreat by the police from the "hot zone" or require surrender of any tactical advantage. Instead this is a technique where officers create a "buffer" allowing more distance between the subject and the responding officers. This enlarged area has many benefits including increased time for decision-making and increase time for compliance with commands.
2. De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
3. When safe and feasible under the totality of the circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options, and resources are available for incident resolution.
4. De-escalation may take the form of scene management, team tactics, and/or individual engagement. Even when individual engagement is not feasible, de-escalation techniques including some scene management and team tactics such as time, distance and shielding should still be used unless doing so would create undue risk of harm to any person due to the exigency/threat of the situation.
5. The overall goal of de-escalation is to promote thoughtful resolutions to situations and to reduce the likelihood of harm to all persons involved. De-escalation is reviewed and evaluated under the totality of the circumstances present at the time of the incident.

Effective: September 2, 2020

Revised:

By order of:

A handwritten signature in cursive script, appearing to read "David W. Duffy". The signature is written in dark ink and is positioned above the printed name and title.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.4.1 Direction

## **PURPOSE**

This general order is established to set policy guidelines for direction, chain of command, obedience of orders and agency communication and cooperation. In order to provide employees with a clear understanding of the constraints and expectations relating to performance of their duties, a written directive system is required. This order establishes such a written directive system by defining and differentiating between types of directives, by developing format definitions for all written directives, by establishing authority to issue various directive types, by establishing procedures for indexing, purging, updating, revising, and disseminating directives.

## **POLICY**

It is the policy of Upper Gwynedd Police Department to implement and maintain a written directives system which is thorough, consistent, reality based and establishes reasonable standards and guidelines for the appropriate performance of employees' duties and responsibilities. It is the policy of Upper Gwynedd Police Department to follow the guidelines of this general order.

## **PROCEDURE**

The Chief of Police is the Chief Executive Officer of the Upper Gwynedd Police Department and is responsible for the protection of lives and property in Upper Gwynedd Township through the supervision of all police functions. The Chief is responsible for organizing, controlling, and the directing of personnel and resources of the police department.

- A. In the event of an emergency, and until the Chief of Police can be notified, respond, and assume command, the highest ranking officer on the scene shall be responsible for incident command system (ICS) functions.
- B. In emergency or exceptional situations, the sequential order of command will be as follows:
  - 1. In the absence of the Chief of Police, unless otherwise designated by the Chief of Police, the Deputy Chief of Police will, upon notification, respond to the incident and perform ICS functions until relieved by the Chief of Police.
  - 2. In the absence of the Deputy Chief, the Sergeant will, upon notification, respond to the incident and perform ICS functions until relieved by the Deputy Chief or Chief.
  - 3. In the absence of the Sergeant, the Officer in Charge will upon notification, respond to the incident and perform ICS functions until relieved by a higher ranking officer.

4. In the absence of a ranking shift supervisor, another responding ranking officer will perform ICS functions until relieved by a higher ranking officer.
5. In the absence of a shift supervisor and higher ranking officer, an initially responding officer on the scene will assume command and perform ICS functions until relieved by a higher ranking officer.

C. Single operation command involving personnel of different functions

1. Incidents involving different departmental functions operating simultaneously will generally be commanded in accordance with an accountability plan.
  - a. Each employee will be accountable to only one supervisor at any given time.
  - b. Occasions may arise requiring a supervisor to issue an order to an employee outside the supervisor's immediate responsibility. Nothing in this section shall prevent this.
  - c. When an order is issued to an employee who is in conflict with any other issued order, General Order 1.4.1, General Order 1.4.2 shall be used in resolving the conflict.

D. Direct command of organizational components

1. During normal day-to-day operation, command responsibilities shall be as follows:
  - a. Each division, section, unit, or functional area of responsibility of Upper Gwynedd Police Department is under the direct command of only one supervisor.
  - b. Command delegation protocol

1. Chief of Police

In the absence or incapacitation of the Chief of Police, the Deputy Chief of Police shall perform the duties and responsibilities of the Chief of Police, unless prior to his absence, the Chief delegates otherwise.

In the absence or incapacitation of the Deputy Chief of Police, the senior Sergeant with time in grade shall perform the duties and responsibilities of the Chief of Police. In the absence or incapacitation of the senior Sergeant, the junior Sergeant shall perform the duties and responsibilities of the Chief of Police. Unless prior to his/her absence, the Deputy Chief delegates otherwise.

In the absence or incapacitation of all Sergeants, the senior Officer with time in grade shall perform the duties and responsibilities of the Chief of Police. Unless prior to his/her absence, the Sergeant delegates otherwise.

Command delegation shall thereafter follow the list of Officers with time in grade seniority unless otherwise delegated. Definition: Time in grade is determined by the length of time within a given grade/rank as determined by the appointment date to that specific grade/rank. In the event of the same appointment date, time of service to the department is the determining factor.

2. Deputy Chief of Police

In the absence or incapacitation of the Deputy Chief of Police, the senior Sergeant with time in grade shall perform the duties and responsibilities of the Deputy Chief of Police. This shall be followed by the junior Sergeant with time in grade. The command delegation shall thereafter follow the list of Officers with time in grade seniority, unless otherwise delegated by a higher command authority.

3. Sergeant of Police

In the absence or incapacitation of the Sergeant of Police, the senior Officer with time in grade shall perform the duties and responsibilities of the Sergeant, unless otherwise delegated by the Sergeant prior to his absence, or by a higher ranking officer. The command delegation shall thereafter follow the list of Officers with time in grade seniority, unless otherwise delegated by higher command authority.

4. Shift Command

Command of a given shift shall be delegated to the Sergeant whose platoon is assigned for that shift as the primary scheduled platoon. In the absence or incapacitation of the platoon's Sergeant, the Officer in Charge shall assume command of the shift. In the absence or incapacitation of the Officer in Charge, the next officer in line (as set up by the Sergeant's line up) shall assume command of the shift.

5. Section Command

The Upper Gwynedd Police Department has two section commands. They are the Patrol Unit and the Criminal Investigation Division. The command for section personnel under these two commands is delegated to the section Sergeant. In the absence or incapacitation of the section Sergeant, there may be an appointed designee, who shall assume command. If there is no appointed designee, the patrol supervisor shall assume command of the section.

6. Special detail or assignment command

In cases where special details or assignments are implemented, command authority shall be delegated in accordance with the provisions of a plan or special order as established for the detail or assignment.

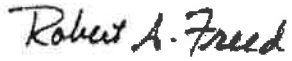
7. Secretaries and clerks.

Secretaries and clerks report to the Chief for administrative and organizational issues.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.4.2 Obedience to Orders and Conflicting Orders

**A. Supervisory Accountability**

Supervisors will be held accountable for the performance of the employees under their immediate supervision. Although supervisors may free themselves of the actual performance of a given task, a supervising officer cannot excuse himself/herself from responsibility for the accomplishment of the task.

**B. Obedience to Orders**

Employees are required to obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or lesser rank.

**C. Conflicting or Unlawful Orders**

1. Any employee who receives an order that conflicts with any previous order or instruction will advise the supervisor or person who issued the second order.
2. Responsibility for countermanding the original order rests with the supervisor who issued the second order.
3. If an officer believes that an order is unlawful, he will bring it to the attention of the issuing supervisor. If it is not resolved, and if there is any urgency regarding the order, the Chief of Police will be notified, regardless of the hour. Final authority rests with the Chief of Police, who may consult with the District Attorney's Office and / or Township Solicitor on the issue.
4. In the event neither issuing supervisor can be readily advised, the employee shall advise a supervisor in the next level of the chain of command. If that supervisor cannot be readily advised, the employee will carry out the most recent order and advise a supervisor of the conflict as soon as possible.

Effective: May 27, 2008

Date: May 27, 2008

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.4.3 Written Directive System

**PURPOSE**

This general order provides a system for establishing written directives in order to implement policies, procedures, rules and regulations that provide command direction to the agency personnel relating to their duties and responsibilities. It also provides personnel with the agency's Mission and Core Values.

**POLICY**

It shall be the policy of the department that all personnel adhere to the provisions of this general order.

**PROCEDURE**

**A. Agency Mission and Values Statement**

1. Mission

The mission of the Upper Gwynedd Police Department is to perform police services in a highly professional and ethical manner, in partnership with the community we serve, and to whom we are accountable.

2. Core Values

- a. To effectively perform our mission, we must maintain the confidence, trust, and respect of our community. The following core values will be strictly adhered to at all times:

- (1) Dedication- All personnel are expected to serve our community with the highest degree of professionalism. As individuals, members and employees will constantly strive towards improving themselves and the unique talents and skills that they apply to the performance of their duties. As a department, as a team, all personnel will combine their skills and abilities in ways that strengthen and greatly enhance the police services provided to our community. All personnel will commit to excellence in the performance of duty.
- (2) Integrity- Nothing less than total candor and honesty is required, of all personnel, when making official reports, providing testimony, and dealing with any and all internal matters.
- (3) Fairness- Members will act with justice and equity when exercising their endowed legal authority to uphold the Constitution of the United States, the laws of the Commonwealth of Pennsylvania, and the ordinances of Upper Gwynedd Township.



No employee or member will be governed by feelings, save zeal, to do what the law commands. We will act not for ourselves, but for the public, which we serve.

- (4) **Courage-** When faced with danger, we will take calculated risks to protect savable lives and put the safety of innocent persons before our own. Courage will be demonstrated not only by physical acts, but by intellectual and moral acts, which will be pursued, despite adversity, to uphold the law.

**B. Authority and Responsibility to Issue, Modify, or Approve Written Directives**

The Chief of Police is the Chief Executive Officer of the agency. The Chief of Police serves in accordance with the provisions of the First Class Township code. The Chief of Police functions in accordance with general policy established by the Board of Commissioners and the Civil Service Commission, with considerable latitude in the exercise of independent judgment and discretion in the management of the Upper Gwynedd Township Police Department. The Chief of Police shall solely issue, modify, and approve the following directive types:

1. General Orders
2. Plans

**C. Additional Issuing Authorities**

1. The following directive types may be issued at the described level or higher:
  - a. Special Orders  
Command Staff- Chief or Deputy Chief.
  - b. Memorandums  
An individual having authority/control over the topic.

**D. Established Written Directives**

1. General Orders
  - a. Issued to establish policy, rules and procedures affecting more than one subordinate to the issuing authority for the indefinite future.
  - b. Numbering of General Orders
    - (1) General Orders will be numbered in accordance with the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) standards manual when the order involves directives required by PLEAC.

- (2) General Orders not required by PLEAC will be added to the chapter covering the directive's topic and utilizing the next subsequent numbering sequence.

c. General Order format

- (1) Title
- (2) Purpose
- (3) Policy
- (4) Procedure
- (5) Effective Date & Revised Date (if applicable)
- (6) "By Order of" followed by the Chief of Police's signature (electronic), printed name & title.

2. Plans

- a. Issued to provide procedures for the accomplishment of one or more objectives related to an anticipated or potential event so that personnel, equipment, and other resources may be deployed and utilized economically, in a systematic and orderly manner, to achieve the desired planned outcome(s).

- (1) No plan shall contradict any general order. The plan shall describe the purpose and objectives intended to be accomplished by the implementation of the designated plan.
- (2) Plans may be issued for events such as VIP protection details, special events (Upper Gwynedd Carnival), and civil disturbances.

b. Numbering of Plans

Plans shall be numbered consecutively beginning with "P", followed by a hyphen, a two digit year code, a hyphen, and then a numerical order of issuance beginning with "01". For example the third Plan issued in 2012 would be P-12-03.

c. Plan format

- (1) Cover page
  - (a) Upper Gwynedd Police Department
  - (b) Plan number
  - (c) Title

(2) Second page

- (a) Title
- (b) Plan number
- (c) Issue date
- (d) Effective date
- (e) Total number of pages
- (f) Author
- (g) Event Commander

(3) Third page (and following pages)

(a) Procedures

To include, but not limited to: officers assigned, reporting and estimated finishing times, post assignments, listing of outside agencies assisting, list of supervisory duties, procedures for mass arrest, changes to dispatch/communication, important contact information, disaster procedures that may relate to the event.

(b) Related maps

(c) "By Order of" followed by the Chief of Police's signature (electronic), printed name & title.

3. Special Orders

- a. A directive affecting only a specific segment of the organization or a statement of policy or procedure, regarding a specific circumstance or event that is of a temporary nature.

b. Numbering of Special Orders

Special orders will be numbered in the same format as Plans, replacing the "P" with "SO". For example the third Special Order issued in 2012 would be SO-12-03.

c. Special Order format

- (1) Title "Upper Gwynedd Township Police Department" & "Special Order".

- (2) Effective Date, number, subject, reference, reevaluation date and number of pages are to be included.
- (3) Purpose
- (4) Procedure
- (5) "By Order of" followed by Command Staff's signature, printed name & title.

#### 4. Memorandum

- a. This type of directive is an informal, written document that is used to disseminate information. Generally, it is used to clarify, inform or inquire.
- b. Memorandum format
  - (1) "To: From: Subject: and Date:" format
  - (2) The body of the memorandum.
  - (3) "Enclosures / Attachments" when applicable

### **E. Indexing, Purging, and Modifying Directives**

#### 1. Indexing

- a. General orders shall be indexed chronologically in a "html" or "pdf" format in conjunction with the capabilities of the department's computer software program. All hard copy general orders shall be indexed chronologically with a table of contents.
- b. Special Orders shall be indexed chronologically with a table of contents maintained at the beginning of the designated codification.

#### 2. Purging

- a. All orders shall be purged in accordance with an expiration date or the replacement of the order by a subsequent order, which revises or rescinds a preceding one.
- b. Following the expiration, revision, or rescinding, copies of the order shall be removed and/or replaced from any designated codification location within the department. The original expired, revised or replaced order shall then be filed in a historical file maintained by the Accreditation Manager at the direction of the Chief of Police. The Accreditation Manager shall maintain a documented list of all purged orders.

### 3. Modifying

- a. All written orders shall be modified under the same authorities provided for their original issuance as indicated in this general order.
- b. Updated original and codified copies of modified copies shall be filed and placed in hard copy manuals.
- c. Additions to policies shall have the text readily identifiable as an amendment to the original text. This may be done by underlining, highlighting, or by an attachment.
- d. Deletions shall be struck from the text. As above, deletions shall be readily identifiable by an attachment.

### **F. Statements of Department Policy, Rules and Regulations**

1. All statements of policy, rules and regulations of the Upper Gwynedd Police Department shall be contained in the General Orders, Special Orders, and Plans formulated and issued as written directives under the authorities delineated by this general order.
2. Employees of the Upper Gwynedd Police Department shall also be responsible for compliance with any federal law, state law, local ordinance; federal, state, or local court ruling; federal, state, or local administrative law rule or regulation; and lawful orders of employers or orders by command staff consistent with established policy.

### **G. Carrying Out Agency Activities**

1. Directives are formulated and issued as policy and procedural guidelines to carry out agency objectives and activities.
2. Employees are required to comply with all orders issued under proper authority provided for in this general order.

### **H. Review of Proposed Policies, Procedures and Rules**

1. All proposed general order drafts, whether new or amended, will be distributed to all members of the department by the Accreditation Manager. This shall be completed by posting the general order on a board for a specific time period and notifying personnel of such posting.
2. All personnel are encouraged to review all general orders.
3. Personnel are to copy the general order and write comments and recommendations on the draft document and return same to the Accreditation Manager within the specified time.

4. Upon the return of the critiques, the draft will be returned to the drafter for revisions, and then formatted for final approval and issuance by the Chief of Police.
5. At the Chief's discretion, a proposed order may be disseminated to the command staff and reviewed or discussed at a staff meeting in addition to the review group process.
6. Following draft review and any revisions in accordance with the provisions required by this general order, the policy shall be forwarded to the Chief of police for final approval, signature, and issuance.
7. Review exception  
  
Amendments to orders which involve format changes, statutory, case law requirements imposed upon the department as legally binding, or minor language changes which do not change employee responsibilities under the authority of the order, need not be submitted to a review process as otherwise required by this general order.
8. The general orders shall be reviewed each year and updated as needed. The Accreditation Manager shall maintain documentation of such review.

**I. Training**

1. Officers will receive training on any new or revised general orders.
2. This will take place during general meetings or squad trainings and will be documented in a report.

Effective: May 24, 2005

Revised: March 13, 2014

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.4.4 Dissemination and Storage of Written Directives

**A. Dissemination of written directives**

1. General orders shall be disseminated to all department personnel, who will be held responsible for the knowledge of and compliance with, the provisions contained within the general orders.
  1. General orders shall be issued in hard-copy form to each employee.
  2. General orders shall be maintained on the department's computer system. This shall be in a view only file.
2. Special Orders and Memoranda shall be distributed by having a copy posted in a designated location accessible to all employees of the department. All employees will be held responsible for the knowledge of, and compliance with, the provisions contained within the special orders and memoranda.
3. Plans shall be distributed to each member of the department who operationally may need to perform the procedures which the plan implements.
  - a. Copies of plans shall be distributed to every field operating officer or civilian who would not readily have immediate access to the plan by computer or hard-copy access.
4. Retrieval of written directives
  - a. All written directives, whether general orders, special orders, plans or memoranda, are property of the Upper Gwynedd Police Department.
  - b. All expired, updated or outdated directives an employee may possess shall be turned over to their supervisor or properly shredded at the police station.
  - c. All employees shall turn over any or all written directives at the request of their supervisor or a staff officer.
  - d. Upon termination of employment, all written directives shall be turned back over to the police department.

## **B. Storage of written directives**

### **A. General Orders**

- a. Original documents shall be maintained in the accreditation files by the Accreditation Manager at the direction of the Chief of Police.
- b. All current and effective general orders shall be maintained on computer by the Accreditation Manager under the direction of the Chief of Police.
- c. Hard copy backup shall be maintained in a notebook codification at the following location(s) within the department:
  3. Office of the Chief
  4. Office of the Deputy Chief
  5. Office of the Sergeant
  6. Accreditation Manager's file
  7. The Patrol room
  8. By each employee of the department. The department will provide every employee a three-ring notebook titled, General Orders. It is each employee's responsibility to maintain the book and keep the general orders current. It is each supervisor's responsibility to periodically check their employees' general order books.
    - (a.) A historical file system shall be maintained by the Accreditation Manager, which files all amended or rescinded general orders so as to provide for a general order archive.

### **B. Special Orders**

- a. Original documents shall be maintained by the Accreditation Manager at the direction of the Chief of police.
- b. Codification - a notebook containing all active orders shall be maintained in the dispatch area. This is in addition to the posting of the special order at the designated location.



- c. A historical file shall be maintained by the Accreditation Manager, which files all amended or rescinded special orders so as to provide for a special order archive.

#### C. Plans

- a. Original documents shall be maintained by the Deputy Chief at the direction of the Chief of Police.

#### D. Memoranda

- a. Original Documents shall be maintained at the discretion of the sender and receiver(s).
- b. Memoranda documents posted at the designated area will be retrieved by the Accreditation Manager after all personnel have viewed the memoranda. A historical file will be maintained.
- c. Acknowledgment of receipt and review of written directives

#### 1. Review of written directives by employees

- a. All departmental personnel shall review issued written directives so as to develop a clear understanding of the knowledge, skills, and abilities required of them for achievement and/or compliance with the directive.
- b. Any employee not having a clear understanding of any issued directives is required to make appropriate inquiries through the chain of command for clarification of the directive prior to acknowledging receipt as in number "2" below.
- c. All personnel will be provided classroom training each year to review and refresh their knowledge pertaining to the general orders.

#### 2. Acknowledgment of receipt of directives by employees

- a. Copies of all general orders will be provided to each employee by their supervisor or the Accreditation Manager. Each employee shall sign a form acknowledging they have read, understand, and are capable of achieving compliance with the general order. These forms shall be kept by the Office of the Chief of Police.
- b. Special Orders and memoranda will be posted for all employees. There will be a sheet next to the posting with the corresponding special order

or memoranda and each employee's name. Each employee shall initial in the corresponding location acknowledging they have read, understand, and are capable of achieving compliance with the special order or memoranda. The completed initialed sheets shall be kept in a file by the Office of the Chief.

Plans shall be provided to each individual who operationally may need to perform the procedures in which the plan implements. All personnel who are assigned to an event shall read the plan as soon as possible after it is received. Any employee not having a clear understanding of the plan or any part of the plan is to make the appropriate inquiries through the chain of command for clarification.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.4.5 Change of Command – Authority of Orders

**A. Change of Command**

1. On March 10, 2008, David W. Duffy will become Chief of Police of the Upper Gwynedd Township Police Department and assumes all command and administrative duties of that position.
2. All duties of the Deputy Chief of Police will remain as they are currently written in the General Orders. As such, in the absence of the Chief of Police, the Deputy Chief of Police will be in command.

**B. Authority of Orders**

1. General and Special Orders that were issued under the signature and authority of (retired) Chief Robert A. Freed will remain in effect and carry the same weight and authority as those issued by Chief David W. Duffy with the following exceptions:
  - a. All new General Orders and any current General Orders that are amended will be issued under the authority and signature of Chief David W. Duffy or other person so authorized by Chief Duffy.
  - b. Any Special Orders and Plans that no longer serve a legitimate purpose and / or have been replaced or updated by other orders or plans will be considered obsolete. On and after March 10, 2008, Special Orders and Plans will be issued under the authority and signature of Chief David W. Duffy or other person so authorized by Chief Duffy.

Date Issued: February 25, 2008

Effective: March 10, 2008

By order of:

A handwritten signature in black ink, appearing to read 'David W. Duffy', written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.5.1 Selection Standards and Hiring Criteria

**PURPOSE**

The Upper Gwynedd Police Department will, in its recruitment and selection process, identify and employ the best candidates available. The selection process is designed to insure that the police department has an efficient, effective and fair selection process. This should result in the appointment of those individuals who best possess the skills, knowledge and abilities necessary for a professional police agency.

**POLICY**

It is the policy of the Upper Gwynedd Police Department to adhere to the guidelines of this general order.

**PROCEDURE**

**A. Selection Standards and Public Notice of Hiring**

1. The Township of Upper Gwynedd and the Upper Gwynedd Police Department is an equal opportunity employer. It is the department's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status or non-job related physical or mental handicap or disability.
2. The Civil Service Commission (hereinafter referred to as commission) and the Upper Gwynedd Police Department's recruitment and selection procedures are designed for finding and appointing the highest quality of individuals to serve as police officers, while adhering to the guidelines of applicable law, including but not limited to:
  - a. Equal Employment Opportunity Commission (EEOC)
  - b. Title VII- Civil Rights Act of 1964
  - c. Age Discrimination Act of 1967
  - d. Pennsylvania Human Relations Act, as amended
  - e. Americans with Disabilities Act (ADA)
  - f. MPOETC guide to the hiring of police officers
  - g. Advertisements

3. Announcement of the position of entry level police officer.
  - a. The commission shall conspicuously post in the Upper Gwynedd Township building an announcement of the hiring process for the position of entry level police officer.
  - b. At least two weeks prior to the close of the application period, publication of the notice shall occur on the Township website and police social media page(s).
  - c. All department personnel are encouraged to help identify potential police applicants who may then be actively recruited.

**B. Applications**

1. All prospective applicants are required to complete an application. Applications are approved by the Commission and the Chief of Police and are designed to be non-discriminatory.
2. Applications are to be picked up in person at the Upper Gwynedd Police Department as designated by the Commission.
3. Applications are to be returned by a specified date to the Upper Gwynedd Police Department or another designated location as specified by the Commission.
4. Normally, the applicant has six weeks to submit the application after public notice of the department's intention to hire an entry level police officer.
5. The Commission may refuse to examine or if examined, may refuse to consider after examination, any applicant who is found to lack any of the minimum qualifications for employment prescribed in this general order. In addition, the police department may not accept applications that are not fully and/or properly completed.

**C. Position Requirements**

1. The commission and Chief of Police have the discretion to require applicants possess certification through MPOETC at the time they apply for the position. When certification is not required prior to applying the applicant must possess the ability to obtain certification through MPOETC.
2. Officers, at the time of their appointment, must be at least 21 years of age.
3. Applicants considered for employment must be of good moral character.
4. Applicants must be physically and psychologically able to perform the duties of the position of an Upper Gwynedd Police Officer, as per the job description.

5. Officers, at the time of their appointment, must be a resident of Pennsylvania and possess a valid Pennsylvania driver's license.
6. Applicants must possess visual acuity acceptable for performing all functions and responsibilities of a police officer.
7. Applicants must possess a diploma from an accredited high school or graduate equivalency diploma.
8. Applicants must be a United States citizen.
9. Applicants may not have any misdemeanor or felony convictions.
10. Applicants may not be a current or recent illegal substance abuser.

**D. Written Examination**

1. All applicants will be invited, in writing, to undergo a written examination. Applicants will be given a minimum of three weeks' notice.
2. The written examination for police officer will be given to the applicants. The exam will be graded on a 100 point scale, with a score of 70 points being the minimum passing grade.
3. The exam shall be administered in conjunction with an independent, non-departmental testing agency approved by the Commission.
4. The exam will be graded by the independent, non-departmental testing agency.
5. Candidates will receive written correspondence with the test results within 30 days of the exam.

**E. Oral Interview**

1. After the tabulation and ranking of the written examination scores, an oral interview will be offered to a minimum of the top 25 candidates, to include all candidates tied for the 25<sup>th</sup> position. The exact number will be determined by the Commission taking into consideration the number of job openings.
2. The oral interview board is to consist of, at a minimum, 3 sworn members of the Upper Gwynedd Police Department chosen by the Chief of Police.
3. Each candidate will be asked identical questions and be judged on his/her responses, appearance, alertness and judgment.
4. Each member of the oral interview board will score each candidate separately in writing. The candidates' oral interview score will be the average of the scores submitted by the board's members.

5. The candidates will receive written notification within 30 days if he/she continues onto the next step in the hiring process.

**F. Conditional Offer of Employment**

1. Successful candidate(s) will be given a written offer of employment, conditional upon successful completion of a background, medical and psychological examination.

**G. Background Investigation**

*(PLEAC 1.9.1)*

1. A background investigation shall be completed for every candidate prior to appointment as a probationary police officer through a conditional offer of employment agreement.
2. The background investigation will be completed by the Detective Division of the police department. However, some aspects of the background investigation may be obtained from other law enforcement agencies.
3. Fair Credit Reporting Act requirements:
  - a. Consumer Reports- credit reports, arrest and conviction records, driving records, drug test reports and lie detector test, etc.
    - (1) A disclosure must be made in writing to the candidate that a consumer report will be requested in a document that consists solely of the disclosure, that a consumer report may be obtained for employment purposes.
    - (2) Written authorization from the candidate must be obtained before requesting the consumer report.
    - (3) See the FCRA 15 U.S.C. §1681 et seq., for additional requirements regarding taking adverse actions against a candidate based on the consumer report.
  - b. Investigative Reports- a report in which information on a candidate's character and reputation are obtained through personal interviews with neighbors, friends, associates or others.
    - (1) An investigative report may not be obtained unless it is clearly and accurately disclosed to the candidate that such a report may be made. The disclosure must be in writing and mailed or otherwise delivered to the candidate not later than three days after the report was first requested.
    - (2) The disclosure must also include a statement informing the candidate that s/he has a right to request in writing the nature and scope of the investigation.

(3) See the FCRA 15 U.S.C. §1681 et seq., for additional requirements regarding additional rights of the candidate.

4. The background investigation shall, at the minimum include, but not limited to:
  - a. Verification of qualifying credentials.
  - b. A complete review of any criminal record.
  - c. Verification of at least three personal references provided by the candidate.
  - d. Verification of at least three personal references not provided, such as; neighbors, teachers, co-workers, etc.
  - e. Credit/financial responsibility check.
  - f. Education records check.
  - g. Verification of prior employment.
5. The completed background investigation file will then be turned over to the Chief of Police for final review.

**H. Medical Examination**

(PLEAC 1.9.2)

1. A medical examination and a drug screening shall be conducted after a conditional offer of employment of each candidate for a sworn position to certify his/her general health.
2. The medical examination and drug screening shall be completed prior to the candidate's appointment as a probationary police officer.
3. The medical examination will be performed by a licensed physician determined by the Commission with assistance from the Chief of Police or his/her designee.
4. The completed medical examination and drug screening results will then be turned over to the Chief of Police for final review.

**I. Psychological Examination**

(PLEAC 1.9.3)

1. A psychological fitness and an emotional stability examination shall be conducted after a conditional offer of employment of each candidate for a sworn position to certify his/her mental health and emotional stability.
2. The psychological fitness and emotional stability examination shall be completed prior to the candidate's appointment as a probationary police officer.



3. The psychological examination will be performed by a licensed psychologist determined by the Commission with the assistance from the Chief of Police or his/her designee.
4. The completed psychological fitness and emotional stability examination results will then be turned over to the Chief of Police for final review.

**J. Final Offer of Employment**

1. Upon review of all medical reports and background reports by the Chief of Police, a successful candidate will receive a written final offer of employment.
2. The candidate must accept or deny the offer within 10 days. If there is no response, the Chief of Police or his/her designee shall attempt to make verbal contact with the candidate.
3. Once it is known that the candidate has received the offer, but has not responded within the 10 days, no response from the candidate will be considered a decline to the employment offer.

**K. Oath of Office**

1. The Oath of Office is administered in accordance with the provisions of General Order 1.1.1.

**L. Probationary Period**

1. All newly hired officers shall serve a one year probationary period.
2. This period shall commence when the Oath of Office is administered, unless the officer has to complete training under Act 120, in which case, the probationary period begins upon completion of such training.

**M. Part-time Sworn Police Officers**

1. The Upper Gwynedd Police Department does not hire or employ any part-time sworn police officers or reserve police officers.

Effective: May 24, 2005

Revised: October 11, 2018

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.5.5 Hiring and Training of Non-sworn Personnel

**PURPOSE**

The purpose of this general order is to establish hiring criteria and training for non-sworn personnel working for the police department.

**POLICY**

It is the policy of the Upper Gwynedd Police Department that personnel follow the guidelines herein to ensure the proper hiring and training of this department's non-sworn member.

**PROCEDURE**

Non-sworn personnel are classified as civilian personnel and are staffed and trained based on current departmental needs. These positions are normally classified as records clerk and secretary.

**A. Hiring Criteria**

1. Qualifications

- a. Applicants must possess excellent communication skills.
- b. Applicants must possess a high school degree or a GED.
- c. Applicants shall not have any misdemeanor or felony convictions.
- d. Applicants must possess computer and typing skills.

2. Applications

All candidates for a civilian position shall complete a non-discriminatory application. The Chief of Police or his/her designee shall review applications. Incomplete or improperly completed applications may be rejected.

3. Interview

All qualified applicants shall be scheduled for an oral interview. This interview shall be conducted in a manner designated by the Chief of Police.

4. Additional Testing

The Chief of Police reserves the right to administer additional testing requirements for civilian positions. Any testing requirement must be non-discriminatory and job related.

5. Background Investigation

The Criminal Investigation Division shall conduct a background investigation on all successful candidates. It shall include, but not limited to:

- a. Criminal history check
- b. Education records check
- c. References check
- d. Past work history check

The results of the background investigation shall be turned over to the Chief of Police for review.

6. Final Offer of Employment

Successful candidates shall receive a written offer of employment. Candidates shall have 10 days to accept or reject the offer. If there is no response from the candidate, the Chief of Police or his/her designee shall attempt to make verbal contact with the candidate. Once it is known that the candidate has received the offer and has not responded within the require time period, no response will be considered a rejection of the employment offer.

**B. Training of Non-sworn personnel**

All newly hired civilian records clerks and secretaries shall receive training appropriate for their duties and/or anticipated duties. All current non-sworn personnel in these positions shall receive training on a continual basis as needed to remain proficient and professional in their duties.

Effective: May 24, 2005

Revised: August 26, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.6.1 Fiscal Management and Agency Owned Property

**PURPOSE**

To document the accounting process and practices of the Upper Gwynedd Township Police Department in situations where cash funds are received, maintained and disbursed. This requires that all cash transactions be handled in an appropriate manner in accordance to accepted business practices.

**POLICY**

It is the policy of the Upper Gwynedd Police Department to meet and adhere to the provisions of this general order.

**ACCOUNTING**

Employees of the Upper Gwynedd Police Department receive and disburse cash in the performance of normal duties in accordance with the provisions of this general order.

**A. Receiving cash, checks, money orders or other negotiable currency.**

1. When an officer, clerk or secretary takes custody of any type of cash or other currency, they shall be responsible to place the currency into a cash box with an itemized receipt attached. This receipt indicates the date, type of currency and amount. This cash box is located in the copy room and is contained in a locked file cabinet.
  - a. Receipts along with cash or other currency shall be initialed and dated by the receiving officer, clerk or secretary prior to placement in the lockbox.
  - b. The police secretary shall be responsible for removing the contents of the lockbox biweekly and accounting for the cash and/or currency according to the established accounting practices of the department. A ledger/balance sheet shall be maintained which identifies initial balance, income received, funds disbursed and balance on hand.
2. All money received, whether currency or other, will be deposited into the appropriate fund account or sent to the appropriate agency.
  - a. Cash and/or other negotiable funds may be received in the following revenue account categories:
    - (1) Alarm Permits
    - (2) Accident report copy fees

- (3) Solicitor Permits
- (4) Miscellaneous police revenues
- (5) Complaint report and incident report fees
- (6) Parking Tickets
- (7) Fingerprinting
- (8) Alarm Response Fees
- (9) Photographs
- (10) Public Donations
- (11) PSP Reimbursement
- (12) Montgomery County Court
- (13) District Court
- (14) Montgomery County Bureau of Narcotics reimbursements (BNI)

**B. Receipts will be issued for any and all revenues received in cash.**

- 1. Exception
  - a. The agency copy of the warrant shall serve as the receipt for any cash received in the warrant service process.

**C. Petty Cash**

- 1. The Upper Gwynedd Police Department will maintain a petty cash amount not to exceed \$200.00 at any given time and will be maintained by the police secretary.
- 2. The police secretary may authorize all expenditures from petty cash, with final approval coming from the Chief of Police.
- 3. A receipt shall document all cash expenditures.
- 4. A ledger/balance sheet shall be maintained which identifies initial balance, income received, funds disbursed and balance on hand.

**D. Cash disbursements or acceptance**

1. Officers, secretaries and administrative personnel are authorized to accept cash.
2. The police secretary is permitted to disburse cash.
3. Cash funds are to be considered a priority in the overall integrity of the Department. A ledger/balance sheet shall be maintained which identifies initial balance, income received, funds disbursed and balance on hand.

**E. Reporting of Funds**

1. The police secretary shall prepare a line item report for each category of revenue received recording deposit information, which shall be provided to the township bookkeeper on a biweekly basis.
2. A monthly revenue report and/or ledger for the monthly activity of all account revenues shall be completed by the police secretary; which shall be provided to the Chief of Police and the township bookkeeper.
3. Monthly accounting statement for revenue accounts is to be completed by the Township Accounting Department.
4. All records and documentation shall be maintained by the police secretary and available for review by the Chief of Police or his designee.

Effective: May 24, 2005

Revised Date: April 6, 2015

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.7.1 Compensation, Benefits and Conditions of Work

**PURPOSE**

To provide sworn officers with guidelines on the department's extra/off duty employment policy, where the actual or potential use of police powers is possible or expected.

**POLICY**

It is the policies of the Upper Gwynedd Police Department to have all sworn officers adhere to this general order.

**PROCEDURES**

**A. Departmental Approval**

Sworn personnel must receive agency permission to engage in extra/off duty employment, where the actual or potential use of police powers is possible or expected. All requests are to be submitted through the chain of command. Any personnel in any off – duty employment shall use no equipment, uniforms or sundry materials issued by the Police Department.

1. Approval– The Chief of Police or his/her designee shall approve all extra/off duty employment under the provisions of this general order.
2. Review- Prior to approval, the Chief of Police or his/her designee shall review employment requests and consider the following:
  - a. Procedural and operational issues
  - b. Liability issues
  - c. Jurisdictional issues
  - d. Supervisory issues
  - e. Personnel and management issues
3. Revocation-The Chief of Police shall reserve the right to revoke the department's participation in an extra duty detail. Upon just cause, the Chief of Police reserves the right to revoke off duty employment, where the actual or potential use of police powers is possible or expected.

## **B. Behavior and Demeanor during Extra/Off Duty Employment**

Sworn personnel working off duty (no connection to the Upper Gwynedd Police Department) in a position, in which the actual or potential use of police powers is possible or expected, are not granted the protection/benefits provided to on duty Upper Gwynedd Police personnel. Personnel are expected to display high ethical standards and subscribe to the agencies value/ethics statement regarding off duty behavior. Any personnel in any off – duty employment shall use no equipment, uniforms or sundry materials issued by the Police Department. Violation of this policy will be investigated thoroughly and could result in removal of approval to work the off-duty employment.

## **C. Extra Duty Employment Coordination**

The coordination of extra duty/details shall be the responsibility of a designee of the Chief of Police.

## **D. Documentation**

### **1. Off Duty Employment**

a. Officers request's for off-duty employment approval shall be documented on Department Letterhead. The form shall include the following information.

- (1) The secondary employers name, address, phone number and type of business.
- (2) A complete accurate, unambiguous and detailed description of the work to be performed.
- (3) The number of anticipated hours of work per month.
- (4) Include the name, numbers and expiration dates of any required licenses.

b. All correspondence, or other documentation, concerning the approval, review or revocation of off duty employment shall be maintained by the Office of the Chief.

2. Extra Duty Details- All correspondence and documentation between approved organizations, shall be maintained by the designee assigned by the Chief of Police.



Effective: May 24, 2005

Date: March 31, 2005

Revised: January 17, 2011

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 1.7.5 Social Networking and Personal Websites

## **PURPOSE**

The purpose of this policy is to provide guidance to the employees of the Upper Gwynedd Township Police Department concerning their personal webpages and websites or any social networking or communication media that may be viewed by the public.

## **POLICY**

While employees have a right to maintain personal webpages and websites, their status as a member of the Police Department requires that the content of those postings not be in violation of existing agency policy and directives.

## **PROCEDURES**

### **A. Personal web pages or websites include, but are not limited to, Facebook, MySpace, YouTube, Twitter or any similar media.**

1. Employees have the potential to be called as a witness in court proceedings related to their employment as a member of this agency. Credibility and character is subject to challenge and potential impeachment based upon the nature of postings on personal web pages or websites from any time, past or present.
2. Employees must be cognizant of the potential adverse consequences of Internet postings such as their credibility during cross-examination in court, future employment, and possible embarrassment in the media.
3. Conduct both on and off duty is subject to the rules and regulations of this agency. Any activity that brings discredit to the Police Department or to an employee's status as a member of this department is prohibited.
4. Employees shall not express personal opinion as official agency policy or position, nor shall they use agency websites, computers, emails, copiers, or other media to convey personal opinions to another that could be reasonably construed to be a message from a member of the Police Department.
5. Any item, object or material that could be used or misconstrued as official agency sanctioned property shall not be used or depicted on any personal internet posting or any other public media without the express written permission of the Chief of Police.
  - a. These items, objects or materials include, but are not limited to: letterhead, photographs, images, reproductions or other depictions of agency uniforms, badges, patches, equipment, weapons, marked or unmarked units, reports, evidence, crime or crash scenes, etc.

6. All employees must promptly report any information they may have concerning any violation of this order.
7. At the request of the Chief of Police or his designee, officers will be required to provide access to their personal websites and/or social networking or communications sites when the Chief has reason to believe that this policy may have been violated.

**B. APPROVAL PROCESS**

1. An employee seeking approval to use any item, object or material described above on a personal webpage or other media, or to provide said material or object to another shall:
  - a. Submit a request for approval to the Chief of Police through the chain of command.
  - b. Describe the proposed reference to the agency and purpose.
  - c. Provide a list of media to be used on the web page.
  - d. Provide a printed layout of the material that is the subject of the request.
  - e. The Chief of Police will approve or deny the request based upon its compliance with existing agency policy or directives.

Effective: July 18, 2011

Date: July 18, 2011

By order of:



David W. Duffy  
Chief of Police

# Upper Gwynedd Township Police Department

## General Order 1.8.1 Disciplinary Procedures

### PURPOSE

Discipline is an ongoing process used to train; provide direction and supervision; implement corrective actions; and maintain accountability. As such, it is important to correct unacceptable behavior so that it is not repeated and/or to preserve the integrity of the police department and the Township and/or hold those in violation accountable.

### POLICY

The Upper Gwynedd Police Department takes exceptional pride in being a well-disciplined police organization. This General Order serves to maintain this high level of achievement. It is the policy of this department that members shall conduct themselves in a manner, both on and off duty, which does not damage or bring into disrepute the public image and integrity of the Upper Gwynedd Police Department. Any employee is subject to disciplinary action if he/she fails to conduct him/herself as prescribed by: Federal, State, and Township laws; the rules and policies of this department; the Oath of Office; Code of Ethics; the Civil Service Commission regulations; the Township policies and rules; and the First Class Township Code.

### PROCEDURE

#### 1.8.1 Code of Conduct and Appearance

##### CODE OF DISCIPLINE

- I. **POLICY:** The First Class Township Code establishes the authority of the Civil Service Commission and the Chief of Police. It shall be the policy of the Chief of Police, the Civil Service Commission, and the Township Board of Commissioners to insure, in the interest of uniformity and fairness, that all penalties recommended and implemented be reasonable and consistent with the need to preserve the integrity and reputation of both the police department and the Township and to hold accountable those in violation.
- II. **OFFENSES:** The offenses defined in the First Class Township Code, which may result in loss of wages, demotion of rank or dismissal are: *Conduct Unbecoming an Officer, Intoxication, Neglect of Duty, Insubordination and Disobedience of Orders*. The list of infractions that are defined as part of this Order and the penalties listed are drafted as *guidelines* for all members of the department.

### III. PROCEDURE

#### A. Offenses:

1. Offenses not included or specifically defined in the following list or in other rules, policies, etc. shall result in penalties similar to those specified for listed offenses of comparable seriousness. Nothing in this General Order prohibits the Township from imposing disciplinary actions for misconduct that may not be specifically defined herein or in other policies, rules, codes, etc.

2. Serious violations or repeated offenses of rules, regulations, etc. or other courses of conduct or act indicating an officer has little or no regard for his/her obligations as a member of the police department shall be cause for dismissal. This shall apply of any reckoning period and regardless of whether or not these violations are of the same type.

B. Reckoning Period: For those violations that have a reckoning period (all but Dismissal), the time of the reckoning period will be dependent on the circumstances and nature of violation(s), up to 2 years.

If no similar violations or courses of conduct or acts that are unbecoming an officer occur during the reckoning period, violations after the reckoning period will be considered as first offenses.

The reckoning period, if applicable, will be listed in the final notice of Disciplinary Action.

C. Lesser Discipline: Actions not included in these guidelines include, training, oral reprimands or corrections, and written (documented) counseling. The Chief of Police or his designee may impose these lesser disciplinary actions as deemed appropriate based on the totality of circumstances of violations. However, these lesser disciplinary actions may be considered regarding penalties for repeated offenses, regardless of whether or not they are of the same type.

There is no obligation for (or expectation of) the Chief of Police to impose discipline that is less than what is detailed in these guidelines. It is a managerial prerogative.

"Reprimand" refers to a written reprimand titled as such on the disciplinary documents. "Days" as listed below refers to days without pay, loss of paid time, or suspended from duty.

<u>ARTICLE I</u>		<u>CONDUCT UNBECOMING AN OFFICER</u>		
SECTION	CHARGE	OFFENSE 1 <sup>st</sup>	OFFENSE 2 <sup>nd</sup>	OFFENSE 3 <sup>rd</sup>
1.01	Accepting bribes or gratuities for permitting illegal acts	Dismissal		
1.05	Failure to report, in writing offers of bribes or gratuities to permit illegal acts	3 days to Dismissal	Dismissal	
1.10	Involved in a crime of moral turpitude	3 days to Dismissal	Dismissal	
1.15	Knowingly and willfully making a false entry in any departmental report or record	5 days to Dismissal	Dismissal	
1.20	Improper association with known illegal gamblers, on or off duty	5 to 9 days	9 to 20 days	Dismissal
1.25	Associating, fraternizing or conducting business transactions at any time, or in any manner, with known criminals or persons engaged in unlawful activities	3 days to Dismissal	Dismissal	
1.30	Participating in illegal games of chance or illegal gambling while on duty	Reprimand to 9 days	9 to 20 days	20 days to Dismissal
1.35	Physically fighting (on duty) with other members of the department: mutual combatants	3 to 9 days	10 days to Dismissal	Dismissal
	Single aggressor	9 days to Dismissal	10 days to Dismissal	Dismissal
1.36	Publicly quarreling or arguing with other members of the department on duty	Reprimand to 3 days	4 to 9 days	9 days to Dismissal
1.40	Actively soliciting for attorneys, bondsmen, other businesses or firms on duty or in official capacity	3 to 9 days	9 days to Dismissal	Dismissal
1.45	Using rude or insulting language or conduct offensive to the public: oral, written, electronically or in any form of social media or communication or expression that may be viewed and/or heard by public	Reprimand to 5 days	6 to 15 days	16 days to Dismissal
1.50	Publicly criticizing the official action of a superior officer	Reprimand to 9 days	9 to 20 days	20 days to Dismissal
1.60	Odor of alcohol on breath	3 to 9 days	9 days to Dismissal	Dismissal

1.70	Failure to recognize and satisfy any just debts	Reprimand to 5 days	6 to 10 days	11 days to Dismissal
1.80	Arrested for any offense greater than a summary offense	9 days to Dismissal	Dismissal	
1.85	Arrested for a criminal summary offense	3 days to Dismissal	Dismissal	
1.90	Repeated violation of departmental rules and regulations, or any other course of conduct or act indicating little or no regard for the department and his responsibility as a member of the police department	9 days to Dismissal	Dismissal	

## **ARTICLE II**

### **SECTION CHARGE**

## **INTOXICATION**

### **OFFENSE 1<sup>ST</sup> OFFENSE 2<sup>ND</sup> OFFENSE 3<sup>RD</sup>**

2.01	On Duty	9 days to Dismissal	Dismissal	
2.05	Off Duty and in Police Uniform	9 days to Dismissal	Dismissal	
2.10	Off Duty and arrested for D.U.I.	9 days to Dismissal	Dismissal	
2.15	Off Duty and arrested for summary offense	3 days to Dismissal	Dismissal	
2.20	Off duty, in part of, or out of uniform, where conduct unbecoming an officer requires official action or becomes a matter of record	Reprimand to 9 days	9 days to Dismissal	Dismissal

## **ARTICLE III**

### **SECTION CHARGE**

## **INSUBORDINATION**

### **OFFENSE 1st OFFENSE 2nd OFFENSE 3rd**

3.01	Refusal to obey proper orders from superior officer	5 to 9 days	9 to 20 days	Dismissal
	Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
3.05	Using profane or insulting language to a superior officer	Reprimand to 9 days	9 to 20 days	20 days to Dismissal

**ARTICLE IV****SECTION CHARGE****NEGLECT OF DUTY****OFFENSE  
1<sup>st</sup>****OFFENSE  
2<sup>nd</sup>****OFFENSE  
3<sup>rd</sup>**

4.01	Failure to take police action when necessary, at any time, on duty, and/or failure to make a written complaint and/or report about same	3 to 9 days	9 to 20 Days	Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.05	Asleep while on duty	Reprimand to 9 days	9 to 20 days	20 days to Dismissal
4.10	Unexcused absence from duty or other assignment	Reprimand to 5 days	6 to 20 days	20 days to Dismissal
4.15	Failure to properly supervise subordinates, refer disciplinary charges, report misconduct or poor performance or take other appropriate disciplinary action	Reprimand to 9 days	9 to 20 days	20 days to Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.20	Failure to comply with any order of the Chief of Police, directives, regulations, oral or written; and also those of superior officers	3 to 9 days	9 to 20 days	20 days to Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.25	Failure to conduct proper, thorough and complete investigations	Reprimand to 5 days	6 to 20 days	20 days to Dismissal
4.30	Failure to report a hazardous condition	3 to 9 days	9 to 20 days	20 days to Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.35	Failure to report to court when duly notified or subpoenaed	Reprimand to 5 days	6 to 9 days	10 days to Dismissal
4.40	Allowing a prisoner to escape through Carelessness	3 to 9 days	9 to 20 days	20 days to Dismissal



	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.45	Failure to thoroughly search for, collect, preserve & identify evidence of persons, property, and locations in any arrest or investigation	2 to 9 days	10 to 20 days	20 days to Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.50	Failure to properly patrol assigned beat, zone, or sector; or failure to respond to a radio call; or failure to cover assignment or detail, or post	Reprimand to 5 days	6 to 20 days	20 days to Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
4.60	Failure to properly care for assigned equipment and vehicles, damaging same due to neglect or carelessness	Reprimand to 5 days	6 to 10 days	11 days to Dismissal
4.65	Failure to report damages to police property, equipment or vehicles	Reprimand to 3 days	4 to 9 days	9 days to Dismissal
4.70	Failure to meet the mandates of the MPOETC, or maintain a valid PA OLN and/or have point violations on OLN record, or qualify with firearms, or meet mandatory training standards or certifications at the standards set by the Township	Adm. leave without pay until recertified and/or meet standards and/or OLN status is restored	Dismissal if not recertified and/or can not meet standards	

#### ARTICLE V

#### SECTION CHARGE

#### DISOBEDIENCE OF ORDERS

		OFFENSE 1 <sup>st</sup>	OFFENSE 2 <sup>nd</sup>	OFFENSE 3 <sup>rd</sup>
5.01	Soliciting money or valuables without proper identification and/or with false pretenses	Reprimand to 9 days	9 to 20 days	20 days to Dismissal


5.02	Giving of any police equipment to unauthorized persons without approval of the Chief of Police	Reprimand To 9 days	9 to 20 days	20 days to Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	9 days to Dismissal	Dismissal	
	- Item is a weapon	Dismissal		
5.03	Being found in any alcoholic beverage licensed establishment, at or in close/ immediate proximity to the bar area, in full or in part uniform while not in the performance of police duty	Reprimand to 9 days	9 to 20 days	20 days to Dismissal
5.04	Possession of alcoholic beverages for personal use on the person, in the police vehicle, or where prohibited by Township Ordinance	Reprimand to 9 days	9 to 20 days	20 days to Dismissal
5.05	Failure to comply with the sick leave order	Reprimand 3 days	4-10 days	9 days to Dismissal
5.06	Failure to follow departmental procedures for the handling of evidence, personal effects, and all property taken into custody	Reprimand to 5 days	6 to 20 days	20 days to Dismissal
5.07	Flagrant misuse of firearm	20 days to Dismissal		
5.08	Misuse, mishandling, display or securing of firearms	3 to 9 days	9 to 20 days	Dismissal
	- Resulting in death, injury to any person (including offending officer) and/or damage to any property	Dismissal		
5.09	Failure to submit a properly written report, within a reasonable or prescribed time period	Reprimand to 5 days	6-10 days	11 days to Dismissal
5.10	Failure to carry required forms and/or equipment while on duty	Reprimand to 5 days	6 to 20 days	20 days to Dismissal
5.11	Unexcused lateness for duty, detail, court, or assignment	Reprimand to 5 days	6-10 days	11 days to Dismissal
5.12	Unauthorized persons in patrol car	Reprimand to 5 days	6 to 10 days	11 days to Dismissal

5.13	Untidy appearance and dress while in uniform or prescribed apparel and clothing standards	Reprimand to 5 days	6 to10 days	11 days to Dismissal
5.14	Not in full prescribed uniform	Reprimand to 5 days	6 to10 days	11 days to Dismissal
5.15	Communicating or imparting confidential police information either in writing, verbal form, electronically, in any form of social media, or any other type of communication or expression that may be viewed and/or heard by public, and/or by unauthorized persons, or other unauthorized entities	20 days to Dismissal	Dismissal	
5.16	Refusal to give name and badge number when properly requested.	Reprimand to 5 days	6 to 10 days	11 days to Dismissal
5.17	Reading newspapers, books, or periodicals or excessive use and review of the Internet or electronic devices/sources that are not work related, while on duty (excluding authorized breaks)	Reprimand to 5 days	6 to 10 days	11 days to Dismissal
5.18	Appearing as a witness in any proceeding to give testimony as a character witness for any defendant in a criminal trial or inquiry, without prior written approval from the Chief of Police	3 to 9 days	9 days to Dismissal	Dismissal
5.19	Willfully damaging Police Department property and/or equipment	Dismissal		
5.20	Willful or malicious interference with police Radio broadcasting and tampering with police radio equipment	Dismissal		

Effective: May 24, 2005

Revised: April 25, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 1.8.2 Discrimination and Sexual Harassment

## **PURPOSE**

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. Federal law provides for the protection of classes of persons based on race, color, sex, religion, age, disability and national origin. Not protected by federal law but protected by this policy are persons based on their sexual orientation.

## **POLICY**

It is the policy of the Upper Gwynedd Township Police Department that all members have the right to work in a healthy work environment free of all forms of harassment. Members have a duty to be business like, non-hostile, and professional to each other. This department will not tolerate, condone, or allow harassment by members, whether sworn, civilian, volunteer or other non-members who conduct business with this department. This department considers harassment and discrimination of others a form of serious member misconduct. Therefore, the department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this department policy can lead to discipline up to and including termination.

## **PROCEDURES**

### **A. Prohibited Activity**

1. No member shall either explicitly or implicitly ridicule, mock, deride or belittle any person regarding race, color, gender, religion, age, disability, sexual orientation or national origin.
2. Members shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by this department.
3. Members shall not use certain words and phrases that are in and of themselves offensive, inflammatory or considered derogatory toward persons regarding race, color, gender, religion, age, disability, sexual orientation or national origin.
4. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

- b. Submission to or rejection of such conduct by a member is used as the basis for employment decisions affecting the member; or
- c. Such conduct has the purpose or effect of unreasonably interfering with a member's work performance or creating an intimidating, hostile or offensive working environment.
- d. This policy applies to all department members defined as members and applicants for employment with the department, whether sworn, civilian, full time, part time, and all volunteers.

**B. Member Responsibilities**

1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
  - a. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
  - b. Counseling all members on the types of behavior prohibited, and the department procedures for reporting and resolving complaints of harassment;
  - c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved members are within his/her line of supervision; and
  - d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation.
    - (1) If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
    - (2) Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
  - e. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.
2. Each supervisor has the responsibility to assist any member of this department, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the internal investigations authority or other investigatory authority as designated by this department.

3. Each member of this department is responsible for assisting in the prevention of harassment through the following acts:
  - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
  - b. Reporting acts of harassment to a supervisor; and
  - c. Encouraging any member who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
4. Failure of any member to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

**C. Complaint Procedures**

1. Any member encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The member is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any member who believes that he or she is being harassed shall report the incident(s) to their immediate supervisor as soon as possible so that steps may be taken to protect the member from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, such as when the harassing party is the immediate supervisor, the member may instead file a complaint with another supervisor or with the appropriate internal investigations authority, or the Chief of Police.
  - a. The supervisor or other person to whom a complaint is given shall meet with the member and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
  - b. The department member taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Chief of Police.
3. The Chief of Police shall be responsible for assigning an internal investigative authority that will be responsible to investigate any complaint alleging harassment or discrimination.
  - a. The internal investigative authority shall immediately notify the Chief of Police who shall then notify the District Attorney's office if the complaint contains evidence of criminal activity, such as assault, rape or attempted rape.

- b. The investigator shall include a determination as to whether the person is harassing other members, and whether other department members participated in or encouraged the harassment.
  - c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
  - d. The Chief of Police shall maintain a file of harassment and discrimination complaints in a secure location.
- 4. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- 5. Complainants or members accused of harassment will have the normal grievance and appeal process available to them.
- 6. In the event that the Chief of Police is the person conducting the harassment, the member will notify the Township Manager of the complaint, who will conduct an investigation.
- 7. This policy does not preclude any member from filing a complaint or grievance with an appropriate outside department.

**D. Harassment by Non-Employees**

- 1. The Township policy prohibits harassment from any source. The above procedures will be followed in cases of alleged harassment of Township employees by suppliers, vendors, contractors or any member of the public.
- 2. If investigation substantiates the charge, the Township Manager will take appropriate remedial action. Possible remedial steps range from a letter of objection to the alleged harasser, to refusal to continue the business relationship.
- 3. Individuals filing complaints against suppliers, vendors, contractors or other members of the public should be aware of the limits of the Townships ability to control such behavior.

**E. Retaliation**

- 1. Retaliation against any member for filing a harassment or discrimination complaint, or for assisting, testifying, participating in the investigation of such a complaint, is illegal and is prohibited by this department and by federal statutes.
- 2. Retaliation is a form of member misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

3. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, Division Commanders, supervisors and appropriate internal investigative authority.

Effective: April 21, 2011

Date: April 21, 2011

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police



# Upper Gwynedd Township Police Department

## General Order 1.8.3 Bias Based Policing

### **PURPOSE**

The purpose of this general order is to define bias based policing, which is strictly prohibited by Upper Gwynedd Township Police Department. Also addressed are guidelines when there is an accusation of bias based policing made against a member of this department.

### **POLICY**

Upper Gwynedd Township Police Department prohibits bias based policing and will immediately and with expediency investigate all complaints of employee misconduct. Under no circumstances will bias based policing be condoned and such conduct may result in disciplinary action up to and including dismissal.

### **PROCEDURE**

#### **A. Bias Based Policing Prohibited**

1. Bias based policing, also known as "racial profiling or bias based profiling", is any enforcement action based solely on a person's race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation or cultural group.
2. A detention or search of any person, traffic stop, field contact, vehicle search, asset seizure / forfeiture or any other enforcement action shall not be motivated solely by race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation or cultural group.
3. All enforcement actions shall be based on factors relating to information about alleged violations of or investigations of federal law, Pennsylvania statutes, local ordinances or a combination thereof.

#### **B. Bias Based Policing Complaints**

1. Any supervisor, acting supervisor (OIC) or officer who receives a complaint should follow General Order 2.3.1 Internal Affairs, and follow the procedures for documenting and directing the reported bias based policing complaint for investigation and adjudication.
2. Any supervisor, acting supervisor (OIC) or officer who does not act upon a report of bias based policing according to the procedures of this policy will also be subject to discipline, including dismissal.
3. There will be an immediate response and corrective measures taken if bias based policing occurs.

**C. Training and Review**

1. An initial training and in-house refresher training on agency policy and bias based policing issues will be provided at least, once every three years for sworn personnel in a format determined by the agency.
2. There will be an annual administrative review of data related to agency compliance to its bias based policing directives and any citizen concerns or complaints that have been received. The review should indicate what data was reviewed and present a conclusion based on that data.

Effective: September 13, 2006

Revised: October 31, 2016

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, sweeping "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.10.1 Training and Career Development

**PURPOSE**

Upper Gwynedd Police Department personnel perform their job responsibilities in a social environment, which is multi-dimensional and dynamic. The complexities with which personnel are presented in their problem-solving and enforcement activities are often plagued with uncertainty. Therefore, education through training, as a specific component of the learning process, is paramount in the continuous development of employees' knowledge, skills, and abilities. Training provides for employees to be better prepared to act decisively and correctly in a broad spectrum of situations. This general order will provide guidelines for the documentation of all training and certifications received.

**POLICY**

It is the policy of the Upper Gwynedd Police Department to follow the provisions of this general order; to ensure the proper documentation of training and certifications completed by department personnel. .

**PROCEDURE**

**A. Employee training records**

1. The Upper Gwynedd Police Department will record, maintain, and update all training programs and courses that police personnel attend. This information shall be recorded for each employee and it shall include the type of training, the date(s) of the training, any certificates received, and any available test scores.
2. The office of the Chief of Police shall be responsible for maintaining accurate and updated training records. Training certificates and other training records may be included in the employees' personnel file.
3. It shall be the responsibility of each employee to provide the Deputy Chief of Police with a copy of any training certificates, as soon as possible, following the employees receipt of that information.

Effective: May 24, 2005

Revised: September 9, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.10.2 Training Records of In-House Classes

**PURPOSE**

Upper Gwynedd Police Department personnel perform their job responsibilities in a social environment, which is multi-dimensional and dynamic. The complexities with which personnel are presented in their problem-solving and enforcement activities are often plagued with uncertainty. Therefore, education through training, as a specific component of the learning process, is paramount in the continuous development of employees' knowledge, skills, and abilities. Training provides for employees to be better prepared to act decisively and correctly in a broad spectrum of situations. This general order will provide guidelines for the documentation of all in-house training.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department to follow the provisions of this general order, to ensure the proper documentation of all in-house training completed by department personnel.

**PROCEDURE**

**A. Employee In-House Training**

The Deputy Chief of Police shall maintain records of training programs conducted in-house. Records of any in-house training classes shall include at a minimum:

1. Course topic and content (lesson plans).
2. Name of all attendees.
3. Performance of individual attendees and the measuring instruments/tests used, if applicable.
4. Any certificates of training issued to the attendees, if applicable.

Effective: May 24, 2005

Revised: September 9, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.10.3 Recruit Training

The Upper Gwynedd Police Department shall maintain full compliance with all of the requirements of the Pennsylvania Municipal Police Officer's Education and Training Commission, as defined by the Pennsylvania Municipal Police Officer's Education and Training Act (53 Pa. C.S.A. § 2161-2167).

All newly sworn Upper Gwynedd Police Officers are required to successfully complete a certified basic law enforcement/police training course prior to assuming their law enforcement duties. All training shall be accomplished by certified instructors at a location approved by the Commission. A certificate of completion shall be maintained in each officer's personnel file. (Also see General Order 4.1.9) In addition, each new police officer must successfully complete field training within the first year of employment. Failure to do so shall result in termination from the department.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 1.10.4 Training and Career Development

**PURPOSE**

The purpose of this general order is to establish guidelines for a field training program and field training officers to insure the proper training of newly sworn officers hired by Upper Gwynedd Township Police Department.

**POLICY**

It is policy of the Upper Gwynedd Township Police Department that upon successful completion of a certified basic law enforcement/police training course (Police Academy/Act 120), new recruits, regardless of prior experience, will begin the field training program. The field training program is divided into three phases, each of which the recruit must successfully complete. New recruits must complete a minimum of 160 hours of training while in the field training program.

**PROCEDURE**

**A. Police Academy (Act 120)**

1. The Deputy Chief of Police will maintain liaison status with the training academy throughout the training period. During this time, the Deputy Chief may request reports from the academy staff to determine the status of the recruit.
2. Recruits attending the academy will report directly to the Deputy Chief concerning scheduling, activities, or other issues which may arise as a result of their academy attendance or police department employment.

**B. Phase 1**

1. Assignment to a Field Training Officer (FTO) - The new recruit will spend his/her first two weeks becoming acquainted with the members of the FTO program, as well as becoming familiar with the following items:
  - a. Orientation with the schedule
  - b. Employee benefits- salary, medical, dental, vision and vacation, etc.
  - c. General Orders
  - d. Department procedures- CLEAN/NCIC instruction, telephone operation, reporting system, radio operation, MDC instruction, filing system, forms bin, etc.
  - e. Township Code

- f. Weapons familiarization & qualifications
- g. Detective division- evidence procedures, lab submission, narcotics test kits, fingerprint dusting, night vision/thermal imaging, other miscellaneous equipment.
- h. Arrest procedures- processing, arrest report, criminal complaint, juvenile petitions, arrest folders, court book/board, case preparation, etc.

**C. Phase 2**

1. Patrol- The new recruit will spend time observing and participating in answering calls while riding with, and under close supervision of, a FTO. During this time they will become familiar with the following:
  - a. Patrol car- operation, radios, emergency lights and siren, equipment and maintenance.
  - b. Calls for service
  - c. Making arrests
  - d. Completing a Daily report
  - e. District Court- arraignments, preliminary hearings, summary hearings.
  - f. County Court- trial, summary appeal, DUI refusal hearings
  - g. Prisoner handling
    - (1) Adult- handcuffs, shackles, transport belt, transportation, processing, cell block, prisoner monitoring, meals and prisoner processing sheet.
    - (2) Juveniles- secure detention, non-secure detention and youth aid panel.
  - h. Township roads, schools, apartment complexes, local hospitals, dog kennel, etc.
  - i. Montgomery County Correctional Facility
  - j. Montgomery County Emergency Services (Building 50)

2. Traffic Unit- The new recruit will spend time observing and participating in traffic enforcement while riding with, and under close supervision of, a FTO. During this time they will become familiar with the following:
  - a. Investigating traffic violations and issuing citations or warning cards.
  - b. Investigating and completing reportable and non-reportable accidents.
  - c. ACUTRAK, VASCAR, LPR and MVRS
3. Extensions- The FTC shall notify the Chief of Police if he believes the new recruit would benefit from an extension of this phase. Extensions will be at the discretion of the Chief of Police. Failure to correct noted weaknesses will result in the dismissal of the new recruit.

**D. Phase 3**

1. Mirror patrol- The new recruit will begin his/her mirror patrol. During this time, the FTO will observe and allow the recruit to take charge of calls. The FTO will step in when a safety issue arises; there is a violation of department policies, procedures, directives, state law, federal law, or civil rights.
2. Solo patrol- The FTC will notify the Chief of Police, in writing, of a recruit's successful completion of field training. The recruit will be assigned a squad and begin regular patrol duties as a probationary officer.
3. Remedial training- During the probationary period the FTC may recommend remedial training for the new recruit. This may be in the form of verbal discussion, informal classroom instruction, formal classroom instruction, and practical field application of techniques. Failure to correct noted weaknesses may result in the dismissal of the new recruit.
4. Termination of employment- Any probationary employee who is unable to successfully complete field training within the first year of employment will be terminated.

**E. Goals of the Field Training Program**

1. Provide highly trained and positively motivated police officers capable of meeting or exceeding the standards required by this department.
2. Provide equal and standardized training for all new recruits.
3. Provide remedial training for those areas where deficiencies are identified.
4. Provide an appraisal system which is job related, utilizing a standardized and systematic approach to document progress and evaluate the recruit.



5. Identify individuals that are unable or unwilling to fulfill the job tasks required to successfully complete the field training program.

**F. Field Training Coordinator (FTC)**

1. A Field Training Coordinator will be designated to oversee the field training program. This individual shall be in a supervisory position and hold the rank of Sergeant or above.
2. The FTC will be responsible for updating the training program, scheduling meetings with the FTOs, settling disputes between the FTO and recruit, and coordinating the successful completion of field training for each new recruit.

**G. Field Training Officer (FTO)**

1. Qualifications

- a. Minimum of two years of continuous service with the police department.
- b. Possess qualities such as leadership, maturity, patience, fairness, dependability, self-discipline, good judgment and decision making ability.
- c. Possess good communication skills and facilitate a coach/pupil relationship.
- d. New field training officers will be selected by the Chief of Police.

2. Training

- a. The FTC will provide in-house initial training to new FTOs instructing them on all aspects of the field training program and what will be expected of them as a FTO.
- b. The Deputy Chief may assign new FTOs to attend any available FTO training courses as they come available.
- c. The FTC will review any significant program changes with all FTOs. Changes, which will affect the training program, include training goals, objectives, and protocols.
- d. FTOs are encouraged to seek and complete training that may further their abilities as an FTO. The Deputy Chief may assign, if the situation permits, FTOs to attend training on various law enforcement topics, which will enhance their skills, therefore benefitting new recruits.
- e. The FTC coordinator will provide in-service training to all field training officers at least once every three years.

### 3. Responsibilities

- a. Supervision
- b. Evaluation of recruit- FTOs shall evaluate all activities involving the recruit and:
  - (1) Complete the Field Training Daily Evaluation form
  - (2) Complete the Personnel Evaluation form (weekly/bi-weekly)
  - (3) Provide verbal reports to the squad supervisor & Deputy Chief
  - (4) Continuously update the recruit on their progress
- c. Ensure recruit is receiving exposure to all aspects of the job
- d. Provide formal and informal training and feedback sessions
- e. Review the Pennsylvania Crimes Code, Vehicle Code and the Rules of Criminal Procedure
- f. Review Township Ordinances
- g. Review Department's Policy & Procedures
- h. Provide instruction, guidance, encouragement, coaching and counseling
- i. Listen and help solve problems that are related to personal, social and career concerns
- j. Provide written notification to the Chief of Police, through the field training coordinator, as to the successful or unsuccessful completion of field training

### H. Scheduling

- 1. It will be the Deputy Chief's responsibility to schedule each recruit, and the assigned FTOs, for the rotation of field assignments required during the phases of the field training program.
- 2. Rotation of assignments shall insure training in various aspects of the job such as Patrol, Detective Division, Traffic Unit, Range, Defensive Tactics, Communications, Records, Accreditation, etc.

Effective: May 24, 2005

Revised: October 11, 2018

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy". The signature is fluid and cursive, with a large, stylized initial "D".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police  
General Order 1.10.5 In-Service Training

**PURPOSE**

The purpose of this policy is to ensure the Upper Gwynedd Township Police are in full compliance with all of the requirements of the Pennsylvania Municipal Police Officer's Education and Training Commission (MPOETC), as defined by the Pennsylvania Municipal Police Officer's Education and Training Act (53 Pa. C.S.A. § 2161-2171).

**POLICY**

It is the policy of the Upper Gwynedd Township Police that all sworn members complete the training necessary for MPOETC certification.

**PROCEDURE**

All sworn members shall successfully complete an annual in-service training course, which may include materials on federal and Pennsylvania court cases and legal updates.

Records of an officer's annual in-service training shall be maintained by the Office of the Chief of Police.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 1.10.6 Specialized In-Service Training

**PURPOSE**

The purpose of this general order is to establish additional training for officers who participate in specialized units, which due to their nature require training beyond that of other officers who do not participate in such units.

**POLICY**

All personnel assigned to a specialized unit, such as the Motor Unit, Bicycle Unit, or North Penn Tactical Response Team (NPTRT) shall receive training appropriate to the responsibilities of the specified unit the officer is a member of.

**PROCEDURE**

**A. Initial training for specialized units**

1. Initial entry-level training is required prior to an officer assuming the duties in the following units:
  - a. Motor unit
  - b. Bicycle unit
  - c. NPTRT (to include negotiators)

**B. In-service training for specialized units**

1. NPTRT members are required to train, at a minimum, quarterly. It is recommended that members attend each monthly training and readiness exercises.
  - a. All training is recorded by NPTRT
  - b. The team leader retains NPTRT training records.
2. Motor and Bicycle unit members will receive training and participate in readiness exercises at least once during the department's Accreditation period.
  - a. The specific training will be at the discretion of the Unit's Coordinator.
  - b. All training will be documented, retained by the department, and placed in the officer's training file.

Effective: May 28, 2008

Revised: August 26, 2013

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.1.1 Routine and Emergency Call Response

**PURPOSE**

The purpose of this general order is to provide officers with guidelines, in conformance with the Pennsylvania Vehicle Code, as to when emergency lights and siren should be used and the method of response to an incident. All personnel operating department vehicles should exercise due regard for the safety of all persons.

**POLICY**

All department personnel who operate police vehicles will comply with safe driving procedures outlined herein. It is the policy of the Upper Gwynedd Police Department to have all personnel adhere to this general order.

**PROCEDURE**

**A. Routine Driving**

All Upper Gwynedd Township police vehicles should be driven safely and properly in full compliance with all traffic laws. Police vehicles are highly visible symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior.

1. Circumstances permitting, the driver must check the safety features of his/her vehicle before commencing operation. The check should include (but not be limited to) all lights, siren, horn, brakes and steering. All windows should be cleared of materials which may obstruct the driver's view. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and tail-light lenses are kept clean, as circumstances permit.
2. Officers should immediately report any police vehicle which he/she believes to be unsafe to a supervisor. A repair order shall be completed and vehicle placed out of service if so needed.
3. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts or any part of the vehicle which affects its operation. Seat belts shall be worn by all police personnel and front seat passengers during vehicle operation. Prisoners should be strapped in with seat belts whenever possible.
4. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and should govern the operation of the vehicle accordingly.

5. Whenever an operator parks a police vehicle, the vehicle should be secured by removing the keys from the ignition, rolling up all windows and locking the doors. A police vehicle should not be left unattended with its engine in operation except for the following:
  - a. Vehicle accident scenes
  - b. The police vehicle is being used for traffic direction with the officer in close proximity.
  - c. Traffic stops
  - d. Adverse conditions
6. Investigation of Accidents involving Police Vehicles:

Should any police vehicle become involved in an accident during a tour of duty, the Sergeant or OIC shall be immediately notified. If the accident involves another vehicle and/or a pedestrian, an officer from a neighboring police department shall be requested to respond to the accident location and investigate and complete a report on same. Requests should be based on an officer's availability and the location of the accident in the township. If an accident involves **MINOR DAMAGE TO PROPERTY ONLY**, the accident may be investigated by an officer from our department at the discretion of the Sergeant or OIC.

## **B. Emergency Driving**

Under certain emergencies, the Pennsylvania Vehicle Code authorizes the breaking of traffic regulations by police personnel. However, both the operator and the Department are not released from civil liability for failure to use reasonable care. Recognizing that protection of human life is paramount, the responding officer must remember that his/her objective is to get to the location of the occurrence as soon as possible, safely, without danger to the officer or to others.

1. Title 75, section 3105(b) Exercise of special privileges - The driver of an emergency police vehicle may:
  - a. Park or stand, irrespective of the provisions of this code.
  - b. Proceed past a red light or stop sign after slowing down as necessary for safe operation.
  - c. Exceed the maximum speed limits, so long as driver does not endanger life or property.
  - d. Disregard regulations governing direction of movement or turning in specific directions.



2. Title 75, section 3105(c) Audible and visual signals required -“The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals or meeting the requirements and standards set forth in regulations adopted by the department, except that an emergency vehicle operated as a police vehicle need not be equipped with or display the visual signals.”
3. Title 75, section 3105(e) Exercise of care “This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.”
4. Title 75, section 3105(g) Emergency vehicle preemption devices “The department may promulgate regulations for the operation and use of preemptive traffic devices by emergency vehicles.”
5. Officers operating a police vehicle in the emergency response mode should consider the following:
  - a. Seriousness of the call
  - b. Distance they are from the scene
  - c. Number of closer police units responding
  - d. Vehicular and pedestrian traffic
  - e. Weather and roadway conditions
6. Upon approaching a controlled intersection or other location where there is greater possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of his/her vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the officer should stop the vehicle and assure by careful observation that the way is clear before proceeding through the intersection.
7. Upon approaching an intersection controlled by a traffic light with a preemption device, the driver should activate the vehicle’s preemptor. A driver will never assume the preemption device will activate prior to the officer reaching the intersection; therefore, the officer must still use caution.
8. Officers should not drive on the wrong side of a divided or controlled access highway.
9. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways.

10. Officers should look and listen for other emergency lights and sirens, so as not to encroach the path of another responding emergency vehicle.
11. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle should be parked in such a manner so as not to create a hazard to other traffic. The emergency lights and four-way flashing lights should always be used to warn other drivers approaching the location.
12. The nature of certain crimes-in-progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence and the visual signal may be turned off within visual proximity of the scene. No driver should violate any laws of the Commonwealth when in this mode of response.
13. Police vehicles not equipped with emergency lights and sirens should not make an emergency response.
14. Once the information is received that the emergency situation has been determined to be under control, all other responding units should reduce speed and discontinue emergency response mode.

**C. Use of Emergency Warning Devices While in Emergency Response Mode.**

1. During an emergency response, emergency lights and/or siren and other emergency signal devices should be activated as required by law.
2. When responding in the emergency mode, the headlights of the emergency vehicle should be activated to augment the emergency vehicle's visibility.
3. During an emergency response, four-way flashers should not be used when the emergency vehicle is in motion because they may interfere with brake lights and turn signals.
4. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and should at no time be directed at the windshield or vision of oncoming traffic.
5. When expediency is required, law enforcement officers may activate emergency warning devices to allow safe transit through heavily congested roadways.
6. When emergency signal devices are deactivated, the operator of the emergency vehicle should comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.

**D. Method of Response**

1. Routine response mode:

Officers should respond in routine response mode, in a timely manner obeying all traffic laws, to the following type calls:

- a. Any reported crime, not in progress, of a non-emergency nature
- b. Vehicle accident without injuries that is not creating a hazard
- c. Disabled vehicle
- d. Suspicious person/vehicle/occurrence with no aggravating circumstances
- e. Reckless driving
- f. Any call for service of a non-urgent nature to include unsubstantiated alarm calls

2. Emergency response mode:

Officers may respond in emergency mode, utilizing emergency lights and siren when tactically prudent. In the event that Officers feel that it is tactically prudent to change from an emergency response mode to a routine response mode then they will abide by all Pennsylvania Vehicle Code requirements. The following type calls are authorized for an emergency response mode:

- a. Personal crimes in progress
- b. Serious property crimes in progress
- c. Officer needs assistance
- d. Domestic disputes in progress
- e. Disturbances/fights in progress
- f. Vehicle accidents with injuries or entrapment
- g. Vehicle accident creating a traffic hazard
- h. Medical emergencies (of a critical or life threatening nature)
- i. Suicide attempts/psychiatric emergencies
- j. Hold-up/panic/duress alarms with confirmed emergency information
- k. Vehicle or foot pursuit
- l. Working fires

3. The above response mode lists are meant to be guidelines for responding officers. Due to the diverse nature of police work, no list can exclusively cover all situations. Officers must use their discretion each time they respond to a call. Above all, officers should always first consider the safety of all people in their response mode decision.

Effective: May 24, 2005

Date: March 31, 2005

Revised: June 9, 2014

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

# Upper Gwynedd Police Department

## General Order 2.3.1 Internal Affairs

### **PURPOSE**

The integrity of the Upper Gwynedd Police Department depends on the personal integrity and discipline of all department personnel. The police department must thoroughly and professionally investigate all citizen complaints and internal complaints against its members. In addition, the department must respond to the results of the investigation by clearing the involved member if the complaint is determined to be unfounded, or by providing discipline and/or training if the complaint is sustained. This general order will outline procedures for handling complaints against department members, investigating complaints and disposition of the complaints.

### **POLICY**

It shall be the policy of this department to immediately and with expediency investigate all complaints of employee misconduct for the purpose of preserving internal order and individual employee accountability, which is necessary for maintaining public respect for this department, while preserving the individual employee's Bill of Rights. A public notice will be posted in the lobby of the Police Department to provide citizens with information in regard to the department's commitment to being a professional and well-disciplined law enforcement agency.

### **PROCEDURE**

#### **A. Internal Affairs**

(PLEAC 2.3.1)

1. The function of internal affairs is to ensure that the integrity of the Upper Gwynedd Police Department is maintained through an internal system where objectivity, fairness and justice are assured by intensive and impartial investigations to clear the innocent, establish guilt of wrongdoers and facilitate fair, suitable and consistent disciplinary action.
2. Internal Affairs investigations are conducted by the Deputy Chief of Police or supervisor authorized by the Chief of Police for all members of the police department, except when the complaint is directed at, or involves the Chief of Police or Deputy Chief. In this situation, the Township Solicitor at the direction of the Board of Commissioners, or his designee, will assume the responsibility to coordinate the investigation.

#### **B. Types of Complaints**

1. Formal Complaints
  - a. A formal complaint will include allegations of illegal, immoral or improper behavior, violation(s) of law, brutality, failure to take proper action or failure to follow procedures.

- b. The investigation of formal complaints shall be conducted by the Deputy Chief and based upon jurisdiction. The Deputy Chief may ask an investigator from another agency to assist in the investigation with approval of the Chief of Police and the Township Solicitor.
- c. There is nothing to prevent a formal complaint from becoming an inquiry when facts are presented to a complainant that explains away his/her concerns.

## 2. Inquiries Concerning a Member's Actions

- a. Questions regarding a member's conduct, behavior or actions where the complainant is looking for clarification and/or they do not wish to make a formal complaint may be handled by the member's supervisor.
- b. The supervisor will do their best to clarify questions regarding the member's actions in relationship to federal, state and local laws, rules of criminal procedure and/or procedures of this department.
- c. Supervisors shall not try to influence a complainant's decision regarding filing a formal complaint.
- d. There is nothing to prevent this type of inquiry from becoming a formal complaint, should the information warrant such.

## C. Receipt of Complaints

The police department encourages citizens to bring forward legitimate grievances regarding misconduct by members. Department members shall receive complaints courteously and shall handle them efficiently and keep all information confidential to protect the integrity of the investigation and privacy rights of all parties. All members are obligated to explain to inquiring citizens the complaint procedure.

- 1. Complaints, regardless of nature, can be logged in person, by mail, or by phone at any time. As part of the follow up investigation, persons making complaints by mail or phone shall be interviewed and, if possible, a written, signed statement may be prepared. Anonymous complaints shall be followed up to the fullest extent possible.
- 2. Every effort shall be made to facilitate the convenient, courteous and prompt receipt and processing of citizen complaints. Any member of the department who interferes with, discourages or delays the making of such complaints will be subject to disciplinary action.
- 3. Normally, complaints will be referred to a police supervisor, who shall record the complaint on a police incident report. The report shall indicate the date/time the complaint was received, the supervisor receiving the complaint and the entire complainant's information. The only information in the narrative section will be the fact that a complaint is being made. The report will not list the accused member's name or the allegation. The report will be forwarded to the Deputy Chief.

4. Complaints received by telephone will be courteously and promptly referred to a supervisor. If a supervisor is not immediately available, the department member shall record the name and telephone number of the complainant and state that a supervisor will call back as soon as possible. The department member will then immediately notify a supervisor who will return the call and complete an incident report, as stated in section 3 above.
5. Any department member receiving a citizen complaint through the U.S. mail or electronic mail shall forward the mail directly to the Deputy Chief. In this instance an incident report shall be completed as stated in section 3 above. The documentation and investigation shall be the same as complaints received by phone and in person.
6. If the initial supervisor taking the complaint determines the alleged misconduct is of a serious nature and/or needs immediate attention, the supervisor shall notify the Deputy Chief. The Deputy Chief shall notify the Chief of Police who will determine if the accused member may still perform his/her duties during the investigation or must be removed from duty. In the absence of the Deputy Chief, the Chief of Police shall be notified. The Chief of Police will direct the Deputy Chief of Police on further notifications and investigative requirements.
7. If the supervisor determines that the complainant is apparently under the influence of an intoxicant or drug, or apparently suffers from a mental disorder, or displays any other trait or condition bearing on his or her credibility, the supervisor shall note such conditions. The supervisor will document the complaint regardless of the complainant's condition. Any visible marks or injuries relative to the allegation shall be noted and photographed.
8. Prisoners or defendants may also file complaints, although circumstances may require supervisor to meet the complainant at a jail or prison to receive the complaint. If appropriate, the supervisor will have photographs taken of any prisoner's injuries.

#### **D. Investigation**

1. The department recognizes that its members are often subject to intense pressures in the discharge of their duties. The members must remain neutral under circumstances that are likely to generate tension, excitement and emotion. In such situations, words, actions and events frequently result in misunderstanding and confusion. It is to the advantage of all members to have a procedure for the investigation of the more serious allegations and underlying circumstances, so that complaints can be resolved in light of the complicated pressures of police work.
2. In addition, the department recognizes that all members enjoy the rights and protections provided by laws and the Constitution of the United States and the Commonwealth of Pennsylvania. In addition, sworn and non-sworn members may receive other rights and privileges under their labor contract or agreement.

- a. When an anonymous complaint is made against a Police Officer and after an investigation no corroborative evidence is obtained, the complaint shall be classified as unfounded.
- b. When a complaint is made against a Police Officer by any person other than the person directly involved with the Officer in the incident, and after investigation no corroborative evidence is obtained, the complaint shall be classified as unfounded.
- c. When a complaint is brought against a police officer and it is classified as unfounded, no reference to the complaint will be placed in the Officer's personnel file.
- d. When a serious complaint is made, a reasonable effort can be made to have the complainant submit a written and signed account of said complaint. If a written complaint is obtained it shall be made available to the Police Officer upon completion of the investigation, at the request of the Officer.
- e. The officer interviewed must be informed of the nature of the interview at the beginning of the interview.
- f. The Officer being interviewed shall be informed of the name, rank and command of the Officer or municipal officer in charge of the interview, and the name, rank and command of any and all persons who will be present during the interview.
- g. All interviews shall be for a reasonable period and shall be timed to allow such personal necessities and rest periods as are reasonably called for.
- h. The officer being interviewed shall not be subject to offensive language or threatened with transfer, dismissal or disciplinary action, provided, however, that those conducting the interview may disclose the possible sanctions/discipline.
- i. The officer being interviewed may be provided with a written order directing him/her to provide any statement.
- j. If the interviewed police officer writes a written statement, transcript is taken or mechanical record is made, a copy of it must be given to the interviewed Officer, without cost, upon request.
- k. At the request of the Officer being interviewed, he/she shall have the right to be represented by a member of the Department who shall be present as a witness at all times during the interview. The interview shall be suspended for a reasonable time until a member of the Department can be obtained.



- l. Unless agreed to by the Officer, the Police Department, Township or the Officer or his representative shall not make any public statement on the specifics of any disciplinary action taken against the Officer.
- m. Interviews shall be conducted when the Police Officer is on duty, unless the seriousness of the investigation is such that an immediate interview is necessary. The officer shall be compensated at the appropriate overtime rate if such interview is made during his off-duty hours.

**E. Complaint Disposition**

- 1. After completion of all investigations, the Deputy Chief shall forward to the Chief of Police a full report containing a synopsis and any evidence.
- 2. The Chief of Police shall make the disposition of complaints as follows:
  - a. Sustained - Indicates that the accused employee committed all or part of the alleged acts of misconduct.
  - b. Not Sustained - Indicates that the investigation produced insufficient information to prove clearly or disprove the allegations.
  - c. Exonerated - Denotes that the alleged act occurred but was justified, legal and proper.
  - d. Unfounded - Shall be used when the alleged act did not occur.
  - e. Misconduct Not Based on the Original Complaint - Shall be used to indicate the discovery of sustained acts of misconduct that were not alleged in the original complaint.
  - f. Policy Failure - Flaw in policy or training caused the incident.
- 3. When the investigation shows that a member has violated the Code of Ethics, General Orders, Oath of Office or Civil Service Rules, the Chief of Police will determine the appropriate corrective action, as per General Order 1.8.1.

**F. Formal Documentation**

(PLEAC 2.3.3)

- 1. If it is determined that a member violated the Code of Conduct, this shall be documented in the member's personnel file for the duration of the reckoning period. The violation(s) shall be documented, along with any disciplinary action and/or training. The internal affairs investigation does not go into the member's file.
- 2. All paperwork from a completed internal affairs investigation, no matter what the finding, will be maintained in an internal affairs file within a locked cabinet in the Administrative Secretary's office.

- a. The Chief, Deputy Chief and Administrative Secretary are the only department members permitted to have access to these internal affairs files.
  - b. During an on-going investigation the internal affairs file will be maintained by the Deputy Chief and stored within a locked cabinet in his office.
  - c. Internal affairs records, including complaints and all subsequent investigation files and documents, shall be confidential.
3. Employees will be notified of a complaint filed against them and the disposition. Employees do not have access to the confidential internal affairs investigation files.

#### **G. Notifying Complainants**

The Chief of Police or his/her designee will notify all complainants who make allegations of misconduct of the outcome of the investigation. In longer investigations, the Deputy Chief or his/her designee may update the complainant but shall keep the officer apprised of the progress of the complaint.

#### **H. Internal Complainants**

Police personnel knowing of other members violating departmental general orders, policies and procedures or sanctioned laws, etc. shall convey the information in writing to the Deputy Chief, via the chain of command. The reporting member's supervisor shall complete an incident report and forward it to the Deputy Chief along with the member's report. If the complaint involves the member's supervisor, the chain of command may be bypassed. The investigation, disposition, and documentation of an internal complaint shall be the same as in a citizen complaint.

#### **I. Training**

(PLEAC 2.3.2)

Because special knowledge of the legal parameters within which internal affairs investigations are conducted is a necessity, personnel assigned to conduct these investigations must be trained in such matters. This training will be in a manner determined by the Chief of Police.

Effective: May 24, 2005

Revised: October 31, 2016

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Police Department  
General Order 2.4.1 Traffic Enforcement

**PURPOSE**

The purpose of this general order is to establish policies and procedures for the enforcement of traffic laws. Officers assigned to patrol shall be proactive in targeted areas and utilize selective traffic enforcement whenever possible. Patrol officers should be aware of high accident locations within their assigned zone, as well as, current citizen complaints in regard to vehicle violations.

**POLICY**

It is the policy of this department that all officers adhere to the guidelines set forth in this general order.

**PROCEDURE**

**A. Physical Arrest**

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.
2. Officers may arrest without a warrant any nonresident (not a resident of this Commonwealth) who violates any provision of Title 75 in the presence of the officer. The defendant will be transported to the local magistrate's office or the on-call District Justice for a hearing or payment of the fine and costs, unless the defendant chooses to mail the amount of the applicable fine(s) (or maximum fine in the case of a sliding fine) and costs in the mail in the presence of the officer (in accordance with Title 75 §6305).
3. Operators may be detained when they have no identification, their identity is unable to be verified and the Officer intends to have the operator Live-Scanned for the purpose of identification.

**B. Traffic Citations**

1. A traffic citation should 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.

2. 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.
3. Appropriate and unbiased officer discretion will be used in the issuance of citations. Officers may issue citations for “lesser” violations than listed in this order, at their discretion. However, if citations are not issued for the below violations, the officer will be required to provide an explanation, via memo to the Deputy Chief, as to why that decision was made for the specific situation / violation.
  - a. §1301, Registration and Certificate of Title Required that is one month or more out of date
  - b. §1371, Operation Following Suspension of Registration
  - c. §1501, Drivers Required to be Licensed, that is one month or more out of date.
  - d. §1543, Driving While Operating Privilege is Suspended or Revoked
  - e. §1786, Required Financial Responsibility
  - f. §3331, Required Position and Method of Turning
  - g. §3322, Vehicles Turning Left
  - h. §3345, Meeting or Overtaking School Bus – always when viewed by officer and whenever possible with reliable witness and/or other evidence
  - i. §3362, Maximum Speed Limits, that are 20 mph or more and 10 mph or more for school zones (note: a citation for 5 mph over may be issued in lieu of the actual speed, as appropriate and as per officer discretion)
  - j. §4703, Operation of Vehicle without Official Certificate of Inspection, that are 3 or more months out of date.
  - k. §4730, Violations of Use of Certificate of Inspection
  - l. §3112(a)(3)(i), Violation of Traffic Control Signals (specifically no turn on red)
  - m. §3111(a), Obedience to Traffic Control Devices (specifically no left turns; i.e. North Penn Market Place, TD Bank).

- n. §3709(a), Depositing waste and other material on highway, property, or waters.

**C. Traffic Ordinance Violations**

- 1. Officers shall enforce all township ordinances regarding traffic violations. These are listed in Chapter 185 (Vehicles and Traffic) of the Code of the Township of Upper Gwynedd.
- 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.
- 3. When a violation is chargeable under the PA Vehicle Code, Title 75, and an Ordinance, the Vehicle Code charge shall supersede the ordinance violation; except parking violations.

**D. Parking Violations**

- 1. Officers shall enforce parking violations in Upper Gwynedd Township. These are listed in Chapter 185 (Vehicles and Traffic) of the Code of the Township of Upper Gwynedd as well as Title 75 Chapter 33 Subchapter E (Stopping, Standing and Parking) of the Pennsylvania Vehicle Code.
- 2. This shall be done on an Upper Gwynedd Township Parking Citation. Officers may issue the citation by handing it to the defendant, by conspicuously placing it on a vehicle, or by U.S. mail. If the parking citation is not paid within 48 hours of issuance, a Commonwealth traffic citation shall be written and submitted to district court for mailing to the defendant.

**E. Written and/or Verbal Warnings**


- 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 Pennsylvania Department of Transportation's written warning form (MV-433a).
  - c. Written warnings may be issued for various violations.
    - (1) Violators may receive written warnings for moving violations, equipment violations and other non-moving violations (e.g., license, registration and inspection).

- (2) Violators issued a written warning should have the proper response to the warning card explained to them in order to avoid a traffic citation.
- (3) Officers will retain their copy of the written warning card to assure that a proper response is completed (where required), and if not completed, issue a citation for the violation.

2. Verbal warnings

- a. A verbal warning is also an appropriate alternative to a traffic citation or written warning based on the officer's discretion, professional judgment, training, and/or experience.
- b. 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.

**F. Motor Vehicle Stops**

1. Officers may conduct motor vehicle stops when he/she suspects there is a violation(s) of the vehicle code or the officer has reasonable suspicion the vehicle or occupants are or have been involved in criminal activity.
  - a. Vehicle stops by non-uniform personnel will not be made, unless emergency circumstances exist, i.e., matters of public safety, serious crimes when no marked vehicles are available. Preferably, a non-uniform officer in an unmarked vehicle should follow and monitor a subject's movements until a uniformed officer arrives.
  - b. 
  - c. If an officer intends to remove occupants from a vehicle he/she should request a backup officer respond.
    - (1) If a second police vehicle responds to assist in the traffic stop, caution must be used in positioning the second vehicle. The second vehicle should be placed to provide additional warning to other motorists and protection for the stopping officer and stopped subject(s).
    - (2) A second officer should approach the subject's vehicle and assume a position to cover the initiating officer and be able to observe any activity inside the vehicle.

### G. High Risk Vehicle Stops

1.

[REDACTED]

\_\_\_\_\_

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]



#### **H. Driver's Biographical Information**

Officers shall record on their daily logs the disposition of all vehicle stops and the race (W = white or M = minority) and gender (M = male or F = female) of all drivers stopped. This information plus ethnicity and age range will be added in ALEIS.

Effective: May 24, 2005

Revised: May 10, 2019

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy", with a stylized flourish at the end.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.5.1 Prisoner Transport

**PURPOSE**

This general order is established to provide for the safety and security of the transporting officer(s), defendant(s), and the general public.

**POLICY**

It shall be the policy of the Upper Gwynedd Police Department that all personnel comply with the provisions of this general order.

**PROCEDURE**

**A. Prisoner Search**

Before placing a prisoner in a police vehicle for transportation, the transporting officer will search the prisoner, making sure no weapons or contraband were overlooked. The officer should never assume a search was made by another officer. Prisoners will be searched each time they come into the transporting officer's custody, including transports to and from court appearances.

**B. Documenting Transport**

**1. Radio Communications**

- (a). Upon beginning the transportation, the officer will advise the dispatcher of the starting location and mileage (within 1/10 of a mile) and the destination.
- (b). Upon arrival at the destination, the officer will advise the dispatcher of the ending mileage (within 1/10 of a mile) and the exact location.

## 2. Incident Report Documentation

Officers shall document the time, location of each transport and the starting and ending mileage at each location.

Effective: May 24, 2005

Revised: August 26, 2013

By Order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.5.2 Vehicle Search

A. Every time a prisoner is transported in a police vehicle, an opportunity arises for the introduction of contraband or weapons into that vehicle. Therefore, officers will thoroughly search their patrol vehicles prior to and after transporting prisoners. This is in addition to inspecting the vehicle at the beginning and end of their shifts.

B. All contraband or evidence seized from a transport vehicle shall be listed on a property receipt. It shall also be documented in the incident report.

C. Officers checking their vehicle are required to notify the shift supervisor if there is new damage to the vehicle, there is equipment failure or contraband is found within the vehicle. The appropriate report shall then be prepared.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.5.5 Security Hazards

**PURPOSE**

The purpose of this general order is to establish guidelines for proper notification of agency personnel and court officials when a prisoner is considered an unusual security risk.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department to notify the appropriate agency or court officials when a prisoner is considered an unusual security risk.

**PROCEDURE**

1. When a prisoner who is to be transported to any agency or court is considered a high security risk, the transporting officer(s) will notify agency personnel, the presiding Judge or District Justice of such condition and request additional safeguards. In such cases, the Judge or District Justice may allow or direct the use of restraining devices in the court and/or may request the assistance of additional personnel.
2. It is the responsibility of each employee to properly document all information received regarding a high security risk prisoner.

Effective: May 24, 2005

Revised: February 3, 2014

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 2.5.9 Communicable Diseases

**PURPOSE**

The purpose of this general order is to provide employees with up to date safety procedures and information that will assist in minimizing potential exposure to communicable disease health risks.

**POLICY**

It shall be the policy of the Upper Gwynedd Police Department that all personnel comply with the provisions of this general order.

**PROCEDURE**

**A. DEFINITIONS**

1. BODILY FLUIDS – Liquid secretions including blood, semen and vaginal or other secretions that might contain these fluids such as saliva, vomit, urine or feces.
2. COMMUNICABLE DISEASES – Those infections and illnesses that are transmitted through contact with bodily fluids of an infected individual. These diseases include but are not limited to Tuberculosis, Hepatitis, Aids and HIV related illnesses.
3. FIRST RESPONDER – Police, Fire, Rescue personnel or any other person who provides emergency response, first aid or other medically related assistance whether in the course of their occupational duties or as a volunteer, which may expose them to contact with a person's bodily fluids.

**B. PROCEDURES**

1. Prevention

- a. Officers must assume that all persons, including those known to you and co-workers, are potential carriers of a communicable

disease.

- b. Disposable gloves shall be worn when handling a person, clothing or equipment with bodily fluids on them.
- c. Authorized barrier/resuscitation devices shall be used whenever an officer performs CPR or rescue breathing techniques.
- d. Sharp instruments shall be handled with extraordinary care, and should always be considered as contaminated.
  - (1) Officers should not place their hand in areas where sharp instruments may be hidden prior to an initial visual and pat-down search of the area has been conducted.
  - (2) Needles shall not be recapped, bent, broken, removed from a syringe or otherwise manipulated by hand.
- e. Officers shall not smoke, eat, drink or apply makeup around body fluid spills.
- f. Any evidence contaminated with bodily fluids will be dried, double bagged and marked to identify potential or known communicable disease contamination.

## 2. Transportation and Custody

- a. Where protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may have a communicable disease.
- b. Individuals with body fluid on their persons shall be transported separately from other individuals.
- c. Officers have an obligation to notify support personnel during a transfer of custody when a suspect has body fluids present upon his/her person, or has stated that they have a communicable disease.
- d. Suspect taken into custody with body fluids on their persons shall be directly placed into a holding cell. The holding cell area will then be posted with an "ISOLATED AREA. DO NOT ENTER" sign until properly disinfected.

- e. Officers shall document on the appropriate incident or arrest form when a suspect has body fluids on his/her person, or has stated that they have a communicable disease.

### 3. Disinfection Procedures – Personnel

- a. Any skin surfaces that come into contact with body fluids shall be immediately and thoroughly washed with soap and hot water for a minimum of 15 seconds before rinsing and drying. Alcohol or antiseptic wipes may be used when soap and water are unavailable.
- b. When possible, disposable gloves should be rinsed before removal. The hands and forearms should also be rinsed before removal. Once removed, the hands and forearms should then be thoroughly washed.
- c. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
- d. Officers shall remove clothing that has been contaminated with body fluids as soon as practical. Any contacted skin area should then be cleansed in the prescribed fashion. Contaminated clothing should be handled carefully, bagged separately and laundered separately.

### 4. Disinfection Procedures – Vehicles/Building

- a. Disinfection procedures shall be initiated whenever body fluids are spilled, or an individual with body fluids on his/her person is transported in a police vehicle.
- b. A Supervisor shall be notified that a vehicle or area has been contaminated and the vehicle shall be placed out of service until properly disinfected.
- c. Affected vehicles or areas shall be immediately designated by the posting of an "INFECTIOUS DISEASE CONTAMINATION" sign while awaiting disinfection as follows:

- (1) Disposable Gloves shall be worn.



- (2) Any excess body fluids should first be wiped up with disposable absorbent materials.
- (3) A freshly prepared solution of one part bleach to ten parts water or fungicidal/mycobacterium disinfectant shall be used to clean the area or equipment.
- (4) All disposable equipment or cleaning materials contaminated with body fluids shall be packaged and marked "BIOLOGICALLY HAZARDOUS WASTE MATERIAL" and placed in an evidence locker to be disposed of.

#### 5. Line of Duty Exposures to Communicable Disease

- a. Any Officer having cause to believe they have had a high-risk exposure in the performance of police duties shall immediately notify the Supervisor. The Supervisor shall ensure that a report is completed documenting the exposure.
- b. Any Officer who experiences a high-risk exposure during the performance of their duties shall be transported to a health care facility for an examination by a physician. The physician will determine if there was a significant exposure as defined in Title 35. This must be done within Seventy-two (72) hours of the exposure. If the physician determines that the police officer has experienced a significant exposure, the officer has the option of requesting clinical/serological testing for evidence of infection.
- c. Unless disclosure to a department official is authorized by the officer or by the state law, the officer's test results shall remain confidential.
- d. Examples of "HIGH RISK EXPOSURE" include but are not limited to:
  - (1) The handling of items wet with body fluids where scratches, cuts or open sores are noticed in the contact area.
  - (2) Direct contact with body fluids from a person where there is an open sore or cut.
  - (3) Direct mouth-to-mouth resuscitation.

- (4) The receiving of a cut or puncture wound as a result of searching or arresting a suspect.
- e. Criminal Charges should be filed against any person who intentionally acts to expose and officer to a communicable disease.
- f. Any Officer who experiences a high-risk exposure that requires access to confidential HIV-related information must follow the procedures outlined in Title 35, P.S. 7608.
- g. Any Officer who obtains information pursuant to confidential HIV-related information, which concerns whether an individual has been the subject of an HIV-related test or has HIV, HIV-related illness or AIDS, shall keep such information confidential as required.

Effective: May 6, 2010

Date: May 6, 2010

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.7.1 Legal Process

**I. PURPOSE**

The purpose of this general order is to provide members with guidelines on Legal Process Record Procedures.

**II. POLICY**

N/A

**III. PROCEDURE**

**A. Recording Legal Process Information**

1. The Upper Gwynedd Township Police Department serves traffic and criminal warrants. The Montgomery County Sheriff's Department and State Constables control all other legal processes in support of the judicial function.

2. Upon request, Upper Gwynedd Township Police Department members will assist State Constables and/or the Montgomery County Sheriff's Department in the serving of other legal processes.

3. The following information is recorded by the assisting officer on the complaint or incident report:

- a. Date and time received;
- b. Type of legal process, i.e. civil or criminal
- c. Nature of document;
- d. Source of document;
- e. Name of plaintiff/complainant or name of defendant/respondent;
- f. Officer assigned for service;
- g. Date of assignment;
- h. Court docket number;

i. Date service due.

**B. Recording Execution/Attempt of Service**

1. When a warrant, summary, misdemeanor, or felony, is served or service is attempted such service or attempted service shall be noted on the complaint or incident report and shall include the following information:

- a. Date and time service was executed/attempted;
- b. Name of officer(s) executing/attempting service;
- c. Name of person on whom legal process was served/executed;
- d. Method of service/reason for non-service;
- e. Address of service/attempt.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.7.2 Documentation of Service of Legal Process  
Documents

1. All officers serving legal process of any type shall record the following information as part of their incident or supplemental report:
  - a. Date and time service was executed or attempted
  - b. Name of officer(s) attempting service
  - c. Name on person on whom process was served or attempted
  - d. Method of service or reason for non service
  - e. Address of service or attempt

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

# Upper Gwynedd Township Police Department

## General Order 2.7.3 Service of Civil Process

### **PURPOSE**

The purpose of this general order is to provide members with guidelines on Civil Process Procedures.

### **POLICY**

The policy of the Upper Gwynedd Township Police Department will be that all members will adhere to the procedures provided within this general order.

#### **Definitions**

Complete eviction - Eviction and removal of a tenant and all members of the tenant's household.

Partial eviction - The eviction and removal of specified persons other than the tenant from leased residential property.

### **PROCEDURE**

#### **A. Service of Civil Processes**

1. Any civil processes shall be served by at least two sworn members.
2. In general, the only civil processes that may be the responsibility of Upper Gwynedd Township Police Department members are the following:
  - a. Protection from Abuse Orders (PFA's).
    - (1) PFA's will be served on defendants living within Upper Gwynedd Township under the following circumstances:
      - (a) Emergency PFA's issued by a District Magistrate.
      - (b) When requested to serve, or assist in serving, PFA's normally handled by the Sheriff.
    - (2) When serving PFA's from a County other than Montgomery, the PFA must first be verified through a check of the Pa State Police Registry or by viewing a copy of the order.
  - b. Child Custody Orders
    - (1) The Upper Gwynedd Township Police Department will not serve child custody orders.

- (2) Enforcement of child custody orders will generally be reserved to the arrest of persons actively attempting to remove a child from the custody of the court appointed custodian.

- (a) Charges to be filed, if any, are at the discretion of the investigating member.

- c. Model Expedited Eviction of Drug Traffickers Act, Title 35 Health and Safety, Chapter 6A

- (1) Civil action under this act may be brought by the landlord, tenant organization, district attorney, or the attorney general, if requested by the district attorney.
  - (2) Any removal or eviction order issued by a court under this act shall be enforced by the person or entity bringing the action. The appropriate law enforcement agency shall, upon request of the person bringing the action, assume responsibility for the actual execution of the removal or eviction.

**B. Civil Process Requires Sworn Service**

1. The service of all civil processes authorized by this general order shall be executed only by sworn members of the Upper Gwynedd Township Police Department.
2. Sufficient resources shall be provided by the shift supervisor to maintain order and provide for the safety and security of the serving members.

Effective: May 24, 2005

Revised: March 13, 2014

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.7.4 Legal Process – Accounting; Disposition, Seizure of  
Real or Personal Property

**PURPOSE**

The purpose of this general order is to provide members with guidelines on Legal Process Property Accounting and Disposition Procedures.

**POLICY**

It shall be the policy of the Upper Gwynedd Township Police Department to follow the procedures set forth within this policy.

**PROCEDURE**

**A. Accounting: Disposition**

1. All property obtained through the civil process will be accomplished by a sworn law enforcement officer and submitted to the Evidence Room as outlined in General Order 3.6.1.
2. This property is maintained by the Evidence Custodian who ensures an accurate record keeping system. The Evidence Custodian will dispose of the property in accordance with established procedures (see General Order 3.6.1).

Effective: May 24, 2005

Revised: February 3, 2014

By order of:



David W. Duffy  
Chief of Police



Upper Gwynedd Township Police Department  
General Order 2.7.5 Record of Attempting Service

**PURPOSE**

The purpose of this general order is to provide members with guidelines on criminal process procedures.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department that officers follow these guidelines relating to criminal process procedures.

**PROCEDURE**

**A. Procedure, Criminal Process**

1. The following procedures shall apply to the service or attempted service of all warrants; summary, misdemeanor, or felony.
  - a. When attempting warrant service outside of Upper Gwynedd Township, the police department responsible for the municipality where service is being attempted shall be notified as per the Municipal Police Officer's Jurisdiction Act.
  - b. Two sworn members will be present when serving warrants on subjects not in custody.
  - c. The ranking on-duty police supervisor will determine the number of sworn members required when serving warrants on subjects already in police custody, or in a secure facility.
  - d. If the sworn member serving a warrant anticipates the defendant will, or may attempt to flee or could be violent, additional assistance should be requested from the appropriate agency.

2. Recommended procedures for the service of summary warrants.

- a. At the discretion of the ranking patrol supervisor, phone contact may be attempted at the defendant's home or place of business and arrangements made to satisfy the warrant either by mail or in person.

3. Recommended procedures for the service of misdemeanor and/or felony warrants.

- a. At the discretion of the police supervisor or the member bringing the charges, phone contact may be attempted and arrangements made for the defendant to appear and surrender.

- (1) Such arrangements, whether made by the police supervisor or the member bringing the charges should be noted in the incident report.

- b. Due diligence for misdemeanor and/or felony warrants will be completed on a regular basis and should consist of the following:

- (1) Check of last known address.
  - (2) Check with U.S. Post Office for forwarding address.
  - (3) Check of Upper Gwynedd Township Police records for updated information.
  - (4) Check of PA Department of Transportation records for updated operators/vehicle registration information.
  - (5) Check of C.L.E.A.N. and N.C.I.C. criminal history for recent arrests.
  - (6) Check of local probation/parole lists.
  - (7) Check of local prison lists if available.

- c. Due diligence will be performed by the arresting officer.

- d. Due diligence will be noted on the warrant routing form.

- e. So long as due diligence is performed as noted above misdemeanor and/or felony warrants may remain active indefinitely.
- 4. When misdemeanor and/or felony warrants are served outside Montgomery County, the defendant must be afforded the opportunity to an arraignment in the county in which they are arrested.
  - a. The defendant may waive the right to arraignment in the county of arrest.
    - (1) Such waiver must be obtained in writing on the waiver of arraignment form prior to transport to Montgomery County.
    - (2) If the defendant requests arraignment in the county of arrest, arrangements should be made with a local District Justice for such arraignment.
- 5. Criminal charges should be prepared in accordance with the Pennsylvania Rules of Criminal Procedure.

## **B. Outside Agency Warrant Service**

- 1. Upper Gwynedd Township members will make all attempts to assist an outside agency with the service of warrants, but in no event shall the Upper Gwynedd Township Police Department serve as a repository for other agency warrants unless all of the following criteria are met:
  - a. The outside agency provides a contact phone number for twenty four (24) hours a day and clearly understands that they are required to come for the defendant in a reasonable amount of time.
- 2. Service of Outside Agency Summary Warrants
  - a. If contact is made with an individual for whom another agency has an active summary warrant, the agency shall be notified and asked what they wish done.
  - b. If the agency wishes the warrant served, arrangements should be by the requesting agency to collect the fine and costs from the defendant and/or serve the warrant.

- c. If the defendant is unable to pay the warrant, arrangements should be made for the outside agency to either pick up or accept the defendant if we are able to deliver the defendant.

3. Service of Outside Agency Warrants Misdemeanor, Felony, Capiases, Parole Detainer

- a. In the case of a C.L.E.A.N. or N.C.I.C. hit Communications Center personnel will send, via the C.L.E.A.N. terminal, a confirmation request to the agency holding the warrant.

- (1) Communications Center will obtain confirmation that the warrant is active and provide contact information to the officer.

- b. It is the responsibility of the outside agency to arraign the defendant if they are able to respond immediately and pick up the defendant.

- (1) If the warrant is from an agency within Pennsylvania that is unable to accept the defendant, arrangements should be made to arraign the defendant on the charges.

- c. A fax copy of an arrest warrant is sufficient to be presented to the District Justice for arraignment on Pennsylvania warrants only.

- (1) If a fax copy is not available, and the only information is from a computer hit for an M2 or above, an additional criminal complaint is necessary based on section 9161 of Title 42.

- d. A fax copy should be sufficient for arraignment, on Pennsylvania warrants if a capias or parole detainer is found for a defendant.

- (1) If a fax copy is not available, and the only information is from a computer, an additional criminal complaint is necessary based on section 9161 of title 42.

- e. If the warrant is from a state other than Pennsylvania verify that the arresting agency will extradite and then

follow the guidelines of the Montgomery County District Attorney's Office.

- f. In any of the above cases the warrant service should be documented on the incident report.

#### 4. Miscellaneous Warrant Service Provisions

- a. Summary warrants may not be served on Sundays. However, they may be served on holidays, as long as the holiday is not on a Sunday.
- b. Misdemeanor and felony warrants may be served on any day of the week.
- c. Forcible entry may be made into a residence based on an arrest under the following circumstances.
  - (1) The address on the warrant is the address at which forcible entry is to be made.
  - (2) The serving officer has probable cause to believe the defendant is in the residence.
- d. If information is received that a defendant for whom the Police Department has an active warrant is in a secure facility the following steps should be followed:
  - (1) Notify the arresting officer.
  - (2) Document the location of the defendant on the incident report.
  - (3) During normal business hours of the District Justice office, request a detainer be sent to the facility holding the defendant with such request noted on the incident report.
    - (a) If after hours of the District Justice office, ensure that the arresting officer knows that a detainer must be requested.
- e. If the warrant is entered in C.L.E.A.N. or N.C.I.C., such entries shall be canceled at the time the information is received.

### **C. Arrest Warrants Require Sworn Service**

1. Upper Gwynedd Township Police Department arrest warrants shall only be served by sworn law enforcement personnel.

Effective: May 24, 2005

Revised: March 13, 2014

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.7.6 Service of Arrest Warrants

**A. Arrest Warrants Require Sworn Service**

1. Upper Gwynedd Township Police Department arrest warrants shall only be served by sworn law enforcement personnel.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in black ink that reads "Robert A. Freed". The signature is written in a cursive style with a large initial 'R'.

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.7.7 Legal Processes

**I. PURPOSE**

The purpose of this general order is to provide members with guidelines on Legal Process Property Accounting and Disposition Procedures.

**II. POLICY**

N/A

**III. PROCEDURE**

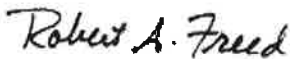
**A. Accounting; Disposition**

1. All property obtained through the civil process will be submitted to the Evidence Room as outlined in General Order 3.6.1
2. This property is maintained by the Evidence Custodian who ensures an accurate record keeping system. The Evidence Custodian will dispose of the property in accordance with established procedures (see General Order 3.6.1).

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police



Upper Gwynedd Township Police Department  
General Order 2.7.8 Mental Health

**PURPOSE**

The purpose of this general order is to establish procedures for officers when dealing with the mentally ill. Officers should view mental illness emergencies as being within the scope of police service responsibility and to ensure that mental health emergencies are managed appropriately with compassion, empathy and sensitivity to the individual and/or their family, while maintaining the security of the situation.

**POLICY**

It is the policy of this department to comply with the provisions of the Mental Health Procedures Act of 1976 as well as the procedures herein when confronting and managing persons with mental health related issues.

**PROCEDURES**

**A. Mental Health Act**

1. Voluntary examination and treatment.
  - a. A person 14 years of age or over who believes they are in need of treatment and substantially understands the nature of voluntary treatment may submit themselves to examination and treatment provided that the decision to do so is made voluntarily.
  - b. A parent, guardian, or person standing in loco parentis to a child less than 14 years of age may subject such child to examination and treatment, and in so doing shall be deemed to be acting for the child.
  - c. Officers responding to calls for service involving mental health issues shall provide assistance to individuals, families, or other persons seeking voluntary services under the mental health act to the extent possible.
  - d. This assistance may include, but not be limited to, engaging in dialogue of encouragement to seek treatment, transporting or arranging transportation to a mental health facility, arranging for contact with Montgomery County Emergency Services or other mental health referrals.

2. Involuntary examination and treatment

a. Application for examination

- (1) Officers shall provide the necessary assistance to family members, or anyone with standing, who has observed the conduct necessary for an "application for examination", in contacting Montgomery County Emergency Services, a physician, or other authorized person, required to process an application when indicated by a person's behavior.

b. Emergency examination without a warrant

- (1) Officers, upon personal observation of the conduct of a person constituting reasonable grounds to believe that they are severely mentally disabled and in need of treatment, and when no other family or authorized person is able to make application, shall take custody of such person and transport, or arrange for their transport, to an approved facility for an emergency examination.
- (2) Upon arrival at the approved facility, the custodial officer shall complete the "Application for Involuntary Emergency Examination and Treatment" form, as provided for in the Mental Health Procedures Act of 1976, section 302.

c. In addition to the application, officers shall provide information to the receiving facility concerning the identity and observed behaviors of the person and assist with any other intake procedures required of the facility.

3. Criminal Proceedings not barred by proceeding with mental health examination.

- a. Although alternatives to arrest should be considered in managing persons with mental illness in order to keep them out of the criminal justice system, nothing in the general order requiring mental health processes shall bar an officer from instituting any criminal proceeding for acts committed in violations of criminal or other statutory laws of the Commonwealth or municipality when such proceedings are necessary and appropriate.

**B. Training Requirements**

1. Initial training

- a. Officers in the field training program will receive training, in a manner determined by this department, on recognizing and responding to suspected mentally ill persons.

- b. The training will include a review of this General Order.
- 2. In-service training
  - a. All officers will receive updated training, in a manner determined by this department, in the area of mental illness recognition and response at least once every three years.
  - b. However, if there are changes to the mental health statute that are relevant to an officer's duties or there are changes to this policy, training must be provided within 90 days or as required by statute.

Effective: January 21, 2010

Revised: June 8, 2016

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 2.9.1 Eyewitness Identification

**PURPOSE**

The purpose of this general order is to provide guidelines in the use of show-ups and sequential photographic arrays in the identification of suspects. It is important to conduct suspect identifications in a manner that would best safeguard the integrity of the identification.

**POLICY**

It is the policy of this department that all officers follow the guidelines set forth in this general order.

**PROCEDURES**

**A. Show-up Identifications**

1. A physical show-up identification may be utilized under the following conditions:
  - a. A crime has just occurred.
  - b. A reasonable description of the suspect has been provided to officers by a witness/victim (herein referred to as witness) who had the opportunity to view the suspect committing the crime.  
  
Note: Utilizing a show-up for a witness who cannot provide identifying characteristics of the suspect may be unduly suggestive and may be excluded at trial.
  - c. Officers have a suspect, matching the prior description, detained at a location where the suspect could reasonably have arrived during the course of the investigation.
2. Transportation of the witness to the suspect's location.
  - a. Witnesses should be transported by officers of this department unless the situation requires the assistance of an officer(s) from a neighboring department.
  - b. Where more than one witness is available they should be transported to the suspect's location separately and the identifications should take place independently.

3. Procedures at the show-up.
  - a. Witnesses should remain in the police vehicle, if possible, while at the location where the suspect is being detained. Every effort should be made to conceal the identity of the witness.
  - b. Officers should consider utilizing their Mobile Video Recording Systems to record the identification whenever possible and in accordance with General Order 6.30.
  - c. Officers conducting the show-up shall ask the witness if they see the suspect. In the event there is more than one person at the location, due to uncontrollable circumstances, the officer shall ask the witness to identify which individual they observed committing the crime.
  - d. Following the identification, the officer shall ask the witness their level of confidence in their selection, i.e. positive, probable, or uncertain.
  - e. If the witness is unable to identify the suspect and no other reason for continued detention exists, the individual shall be promptly released.
4. Documentation
  - a. The use of the show-up shall be thoroughly documented in the incident report to include such things as the location of the show-up, the officer conducting it, the results and confidence level of the witness when a suspect is identified.
  - b. If possible, a written statement regarding the incident should be obtained from the witness.

**B. Sequential Photographic Array**

1. The sequential photographic array is the preferred format of the Montgomery County District Attorney's Office and the format to be used by this department.
  - a. A sequential photographic array is a series of at least (8) individual photographs which will be displayed to a witness in sequential order.
  - b. The array will contain a single photograph of the potential suspect and at least (7) additional individuals known as "fillers".
    - (1) The "fillers" shall be similar in appearance to the suspect.
    - (2) The "filler" photographs shall be consistent in size and background appearance to that of the suspect photograph.

- (3) The photographs will be numbered (1) through (8) and placed in sequential order.
  - c. Separate arrays with different “fillers” will be used when there is more than one potential suspect.
  - d. When there is more than one potential suspect the suspects’ positions in the arrays should not be the same, e.g., if suspect John Doe is photograph (4) in his array than suspect Jane Doe should not be photograph (4) in her array.
2. Procedures for presentation
- a. Each witness shall view the array separately. Witnesses shall not communicate with each other until all identification procedures are complete.
  - b. Blind administration of the sequential photographic array should be conducted when practicable.
    - (1) A “blind” administrator is an investigator/officer who does not know the identity of the suspect photograph contained in the array.
  - c. Prior to the presentation the investigator/officer will give the witness the following verbal instructions:
    - (1) You will be asked to view a set of individual photographs.
    - (2) Individuals may not appear exactly as they did on the date of the incident. Head and facial hair are subject to change.
    - (3) The person who committed the crime may or may not be shown.
    - (4) Regardless of whether an identification is made, the police will continue to investigate the incident.
    - (5) Even if you make an identification, the remaining photographs will be displayed to you.
  - d. Following the identification, the officer shall ask the witness their level of confidence in their selection, i.e. positive, probable, or uncertain.

3. Documentation

- a. The use of the sequential photographic array shall be thoroughly documented in the incident report to include the officer presenting the array, the number assigned to the suspect photograph, the number assigned to the photograph identified by the witness, if any, and the confidence level of the witness when a photograph is selected.

Effective: February 1, 2016

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 3.1.3 Holding Cell Area- Conditions, Safety & Sanitation

**PURPOSE**

The purpose of this general order is to establish minimum physical conditions in the holding cell area, provide guidelines on the maintenance of fire alarms/detection devices, fire equipment, evacuation plans and cell supplies and to maintain proper sanitary and safety conditions.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department that department personnel follow the guidelines herein to ensure the safety of detainees and staff members.

**PROCEDURE**

**A. Minimum Conditions**

*PLEAC 3.1.2*

The following minimum physical conditions will be provided in the holding cell:

1. Adequate lighting inside the cells and cell block area.
2. A ventilation system that provides circulation of fresh or purified air.
3. Each cell is equipped with a functioning toilet.
4. There is a source of potable drinking water.
5. Access to wash basin or shower for a detainee held in excess of 8 hours.
6. Bed and bedding for each detainee held in excess of 8 hours.
7. Any other standards required under the laws and regulations of the Commonwealth of Pennsylvania and/or Upper Gwynedd Township.

**B. Fire Alarm System**

*PLEAC 3.1.3*

The holding cell areas are equipped with the following systems, approved by the Upper Gwynedd Township Fire Marshal:

1. Automatic fire alarm
2. Heat and smoke detection system
3. Firefighting equipment



## **C. Inspections**

*PLEAC 3.1.3*

### **1. Firefighting equipment**

- a. Fire equipment shall be visually inspected once a week by department personnel.
  - (1) Deficiencies shall be corrected immediately, if possible, and brought to the attention of the ranking on duty supervisor. These deficiencies and any corrective measure taken shall be reported to the Deputy Chief.
- b. Annual documented testing of fire equipment shall occur, to ensure its operational and functional design.

### **2. Fire detection & alarm system**

- a. The fire detection & alarm system shall be electronically monitored.
- b. The system shall be visually inspected daily by department personnel.

Deficiencies shall be corrected immediately, if possible, and brought to the attention of the ranking on duty supervisor. These deficiencies and any corrective measure taken shall be reported to the Deputy Chief.
- c. The fire alarm and detection equipment shall be tested and documented in accordance with the law and local fire code.

## **D. Fire Prevention and Evacuation**

*PLEAC 3.1.4*

### **1. Fire prevention procedures**

- a. No smoking will be allowed in the holding facility area or cell blocks.
- b. In the event of a fire or fire alarm Montgomery County Department of Public Safety (County Radio) shall be immediately notified by department personnel. County Radio will dispatch the appropriate fire companies, in accordance with their established procedures.
- c. Members may attempt to extinguish the fire if controllable. However, first responsibility is the safety of any detainees and reporting the fire. Fire extinguishers are located directly outside the cell area.

### **2. Evacuation**

- a. The cell area shall have postings of emergency evacuation routes.
- b. Illuminated emergency exits shall be posted.

- c. In the event of an emergency requiring evacuation personnel shall follow these guidelines:
  - (1) Immediately notify County Radio and request whatever additional personnel are deemed appropriate to safeguard detainees.
  - (2) Detainees will be evacuated from the cell area through the closest exit and escorted to the rear parking lot.
  - (3) Once the detainees have been evacuated the supervisor, or his designee, will check for any injuries and, if necessary, make arrangements for treatment or transport of the detainee to a medical facility.
  - (4) If the detainees are not able to be returned to the cell area in a reasonable amount of time arrangements will be made with surrounding police departments to house the detainees.

**E. Safety and Sanitation Inspections**

- 1. Weekly, documented, inspections of the cell area shall occur to determine the following conditions:
  - a. Sanitary conditions
    - (1) Insects, rodents, or other vermin
    - (2) Waste from prior detainees
  - b. Security concerns
    - (1) Wear and/or tampering of doors, locks, windows, floors, walls, ventilation, access panels, etc.
  - c. Supplies
    - (1) Proper and/or adequate First Aid equipment, blankets, toilet paper, etc.
- 2. Any deficiencies found shall be corrected or, in the event that cannot be done, the supervisor on duty shall be notified to correct the problem. If an immediate remedy cannot occur the supervisor shall notify the Deputy Chief so arrangements can be made at a later date.

Effective: May 24, 2005

Revised: February 10, 2020

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy". The signature is fluid and cursive, with the first name "David" being the most prominent.

David W. Duffy  
Chief of Police

Upper Gwynedd Police Department  
General Order 3.3.1 Communication Operation, Facility and Equipment

**PURPOSE**

Emergency communications and radio transmissions are an essential element of the police function and critical to the safety of officers and the public. The purpose of this general order is to provide officers with information pertaining to the police department's dispatching agency, as well as their procedures and policies, which may be relevant to police department incidents/investigations. The use of approved communication equipment is also address.

**POLICY**

It shall be the policy of the Upper Gwynedd Police Department to follow the guidelines of this general order.

**PROCEDURE**

**A. Continuous Communication**

1. The Montgomery County Department of Public Safety, Emergency Communications Center (hereinto referred to as MCDPS) is responsible for 911 and dispatching services for the Upper Gwynedd Police Department.
  - a. MCDPS provides continuous 24 hour, two-way radio communication between the communication center and the officers on duty. (PLEAC 3.3.1)
  - b. MCDPS personnel provide first aid/lifesaving instructions and are appropriately trained and have immediate access to approved emergency medical guidelines and materials. (PLEAC 3.3.2)
2. Portable radios will be available for officers on duty to communicate with MCDPS as well as other officers and/or supervisors.
  - a. Portable radios will be stored in the equipment room when not in use.

The Chief and Deputy Chief will each be assigned a portable radio and are expected to have access to the radio whether on or off duty.
  - b. Officers may take a second portable radio with them on patrol to assist with scanning, channel switching and communicating on other channels.
    - (1) Some portable radios will be excluded as a second radio, at certain times, and will be specifically marked to indicate such.

- (2) The Chief of Police will approve when officers may be allowed to take a portable radio with them while off duty, for specific reasons and certain times.
- c. Portable batteries will be removed from the radios and placed in the charging station at the end of an officer's shift. When charging portable batteries in the patrol vehicle the battery may remain attached to the radio.
3. Patrol vehicles are also equipped with secondary radios, which can be used to communicate with the police station, the township's Public Works department, as well as officer's working in surrounding departments.

**B. Recording / Playback Capabilities of Radio and Telephone Communications**  
(PLEAC 3.3.3)

1. MCDPS records emergency telephone communications as well as radio transmissions with the capability of immediate playback of these communications.
2. MCDPS retains all radio and telephone communications for a minimum of thirty days.
  - a. These files are securely stored and accessible by the Director of Public Safety and their designee(s) per MCDPS's policy.
  - b. In the event a radio or telephone communication is needed, for an investigation or prosecution, officers will follow MCDPS's request procedures to obtain copies.
    - (1) These communications are only to be used for such purposes and shall not be released to unauthorized persons/agencies.
    - (2) Current MCDPS request forms are maintained in the police department's forms area.

**C. Alternate Source of Electrical Power**

(PLEAC 3.3.4)

1. MCDPS is equipped with several alternate sources of power, which provide uninterruptible power supplies, and dual 375 kW generators.
2. The police department utilizes an alternate source of electrical power that is sufficient to ensure continued operation of emergency communication equipment during a power emergency.
  - a. An emergency generator starts automatically when there is a failure of the primary power source.

- b. On-duty personnel are provided with department cell phones that may assist with communications with supervisors, detectives and township maintenance workers.

Effective: January 12, 2015

Revised: November 1, 2017

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 3.4.1 Records Management and Field Reporting

**PURPOSE**

This general order will establish procedures for the field reporting, management, review, and distribution of all calls for service and incidents handled by officers of the Upper Gwynedd Township Police.

**POLICY**

It shall be the policy of the Upper Gwynedd Police Department that all personnel comply with the provisions of this general order.

**PROCEDURE**

**A. Reports to Be Completed**

Any call for service, criminal complaint, non-criminal report, accident, public service request, and any other type of activity requiring documentation received through the dispatch center, along with any officer initiated activity, that fall within these categories shall be documented in the records management system.

1. Pennsylvania accident report and necessary supplement reports for all reportable accidents.
2. Police call for service incident reports of a minor nature, public service calls, and other non-criminal complaints.
3. Police call for service incident reports that are criminal in nature, involve an arrest, and/or require more detail, such as a DOA.
4. Pennsylvania criminal complaint and affidavit of probable cause for prosecution of offenders and filing through a District Justice for felony and misdemeanor charges.
5. Juvenile petition and related paperwork for felony and misdemeanor charges against a juvenile.
6. Upper Gwynedd Police Department non-reportable accident report for accidents not meeting state reporting standards.

## **B. Required Information**

The information required for field reports will vary depending on the type of report.

1. Reports of a minor nature, non-criminal activity, and public service reports require a completed call for service incident report. It is the officer's responsibility to supply the necessary information and review for accuracy.

The incident reports will at a minimum include:

- a. Complainant's / reporting person's name, address and phone number(s) or "anonymous male/female" if the complainant refuses to provide the information.
  - b. Initial investigating officer, assisting officers & zone of occurrence.
  - c. Date, Dispatch time, arrival time, and clearing time of the officer(s).
  - d. Address or location of incident, time of suspected occurrence, type of incident reported and appropriate coding for that incident.
  - e. A narrative of the complaint and/or information provide, along with the action taken to satisfy the complaint.
2. The information required for criminal reports, arrest reports and incidents requiring more detail, will vary depending on the type of report. It is the officer's responsibility to provide all necessary information and review for accuracy.

The incident reports shall be completed in its entirety, but at a minimum shall include:

- a. Victim's name, DOB, age, race, sex, ethnic origin, address of victim, and phone number(s).
- b. If known, suspect's name, DOB, race, sex, ethnic origin, OLN, address, Social Security number, physical description, as well as any other information available.
- c. Crime location, time of suspected occurrence, type of crime or incident being reported and appropriate coding for that crime.
- d. Property Report for any found property, evidence seized, losses or damage, type of loss or damage, dollar amount of loss or damage, and serial and model numbers of items involved in the loss, if known. Notation of an NCIC entry, if applicable.
- e. Vehicle Report for stolen, damaged, or associated vehicles involved in the incident.



- f. Date and time call was received, initial investigating officer and assisting officer(s), zone of occurrence, dispatch time, arrival time and clearing time.
  - g. Call status, such as, closed, open, cleared, or pending assignment for investigation. This is to be completed by the Deputy Chief, or his designee, during review and approval.
  - h. Complainant / reporting person's name, address and phone number(s). Witnesses' name, address and phone number(s).
  - i. Any other information that is required, depending on the type of incident.
  - j. A detailed narrative.
3. Accident reports will be completed accurately and as required. All accident reports shall bear an incident number.
- a. Reportable accidents will be completed on a Pennsylvania State accident form or completed through the States online crash reporting system.
  - b. Non-reportable accidents, requested to be investigated, can be completed on the department's non-reportable form or through the States online crash reporting system, with the Officer indicating the report as a non-reportable.
- If the involved parties do not request an investigation, the officer will notify the dispatcher of the registrations involved, so they may be recorded in an incident report.
4. Criminal complaints, affidavit of probable cause, and juvenile petitions shall be filled out accurately and completely using the current state form. Officers shall provide all requested information, if known.

### **C. Procedures for Completing Reports**

- 1. All calls for service received will be documented by the Officer, who will complete an incident report and assign a complaint number, via the in-house reporting system.
- 2. Officers will provide all required information for the call for service being investigated.
- 3. It is preferred that Officers complete reportable accident through the states online crash reporting system. However, handwritten reportable accidents are acceptable. Non-reportable accidents can be completed in either manner.

4. All reports should be completed prior to the end of the officer's tour of duty, when possible. If a report cannot be completed, as much information as possible should be provided. The officer will note when the report is expected to be completed.
5. Officers and supervisors shall verify spelling of all names and addresses, and spell-check all report narratives.

**D. Procedures for Submitting Field Reports**

1. All hard copy accident reports will be submitted through the incident bin in the roll call area.
2. After submission, the officer's supervisor will review and approve all calls for service incidents for the shift for completeness and accuracy. The supervisor will also review criminal complaints, affidavits, and juvenile petitions prior to filing.
3. A hard copy of an arrest incident, once approved, will be placed into an arrest folder.
4. A hard copy of a call for service incident report, once approved, will be forwarded to the appropriate division when necessary, i.e. Highway, Zoning, Fire Marshal, etc.
5. The Records section staff will begin the process of final review and any necessary data entry into the department's computer system. The records section will be responsible for the following:
  - a. Review of information and submission for UCR/NIBRS and final placement into the computer.
  - b. Entry of all information compiled from reports to a year end report and other reports as may be required by the Chief of Police.
  - c. Distribution of reports as needed.
  - d. Completion and submission of fingerprints cards to PSP and FBI.
  - e. Submission of accident reports as required.
  - f. The records section shall keep all reports and forms as mandated by the Municipal Records Manual.

**E. Destruction of Records**

1. Records that do not include information about personnel, arrests, or criminal history information will not be kept for more than seven (7) years. After seven (7) years, all non-essential records and records not required to be kept by law will be destroyed.

2. E-mails will be permanently destroyed after fifteen (15) days unless a Right to Know request was made for specific e-mail(s) prior to the fifteen (15) day period or another order or law requires that the e-mail be retained.

**F Pennsylvania Uniform Crime Reporting Act**

The Upper Gwynedd Township Police Department shall comply with the requirements of the Uniform Crime Reporting Acts and will report crime statistics on a monthly basis to the Pennsylvania State Police.

Effective: July 1, 2009

Revised: March 10, 2013

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 3.6.1 Property & Evidence- Collection, Preservation & Control

## PURPOSE

The purpose of this general order is to provide guidelines on the availability of qualified personnel on a 24-hour basis for crime scene processing; along with administrative and operational guidelines for property and evidence control. These procedures will maintain the integrity of the chain of custody.

## POLICY

It is the policy of this department to ensure that evidence and property in the department's custody is properly documented, secured, and readily retrievable for court, analysis or final disposition.

## DEFINITIONS

Audit- Selected individual records adequate to ensure policy compliance. In the case of irregularity in the evidence process the audit shall be in compliance with the Evidence Irregularity Audit Table included with this General Order.

Inspection- Review of the physical condition and records of the property and evidence room.

Inventory- Review of reasonable, representative groups of records to ensure policy compliance.

Exceptional Property- Currency, drugs, guns, valuable jewelry, explosive material or any other items determined to be exceptional by the receiving officer and/or the shift supervisor.

## PROCEDURE

### A. 24-Hour Crime Scene Processing

PLEAC 3.5.1

1. The detective division of the Upper Gwynedd Police Department is responsible for crime scene processing. Detectives may be utilized for all types of crime scenes if requested by the shift supervisor. Qualified personnel will be available on a 24-hour basis to process crime scenes.
2. Detectives are normally on duty from 0700 hours and 1700 hours. In the event that an incident requires crime scene processing between 1700 hours and 0700 hours, or in the event a scheduled detective is not available, the shift supervisor may authorize notification to the on-call detective. The on-call detective's schedule will be posted in the roll call area.

3. The on-call detective will typically be notified by the shift supervisor; however the supervisor may ask the Montgomery County Communication Center to contact the on-call detective. In the event of a major crime the detective supervisor will also be notified.

## **B. Crash Investigation**

*PLEAC 3.5.1*

1. All members of the Upper Gwynedd Police Department receive training on accident scene investigation and evidence collection as part of basic recruit school.
2. The department maintains a pool of officers who receive additional basic accident investigation training, advanced accident investigation training, and accident reconstruction training. These officers are assigned to the patrol division.
3. If a serious or fatal accident occurs and no officer is on duty that possesses the level of training that the situation requires, the shift supervisor may have additional, qualified officers, notified. The detective division may be used as necessary, along with qualified officer(s) from other squads.
4. In the event of a fatal vehicle crash where criminal charges may be warranted, the shift supervisor shall have the Montgomery County Detective's Crash Team notified. This can be accomplished through the Montgomery County Communications Center.

## **C. Sexual Assault Investigations**

*PLEAC 4.14.1*

1. Sexual assault examinations.
  - a. A sexual assault examination shall be conducted by a Sexual Assault Nurse Examiner (SANE).
  - b. A sexual assault examination can preserve evidence such as semen and other bodily fluids, which may remain for up to 72 hours. The examination may also document trauma corroborating a victim's statements.
2. The Pennsylvania Sexual Assault Testing and Evidence Collection Act (SATEC) requires law enforcement agencies to take possession of any sexual assault evidence collected by health care facilities for sexual assaults reported to have occurred in the agency's jurisdiction.
  - a. This department shall take possession of a sexual assault kit (SAK) within 72 hours of being notified of its existence.
  - b. In the event a detective is not on duty when this agency is notified of a SAK, the on-call detective should be contacted to determine if the SAK can be picked up when the detectives return to duty.

3. Property and evidence control procedures for SAKs.
  - a. The SAK shall be stored in compliance with the Storage and Preservation Policy for Sexual Assault Evidence, pursuant to Act 27 of 2015, as disseminated in the Pennsylvania Bulletin by the State Police. The original publication of this policy can be found in Vol. 46, No. 51, December 17, 2016.
  - b. In order to store the sexual assault kits according to the established protocols, the following questions should be asked:
    - (1) Does the SAK contain any liquid blood sample?
    - (2) Does the SAK contain any urine sample?
    - (3) Does the SAK contain any wet items that cannot be dried (for example, tampons, used condoms)?
  - c. In the event a detective is not on duty when a SAK is obtained, the officer who obtained the kit shall contact the on-call detective to ensure the SAK is stored according to the established policy.
  - d. All other property and evidence control procedures described in this General Order shall be followed.
4. SATEC requires the submission, upon receipt of consent from the victim, of sexual assault evidence to a laboratory for testing or analysis.
  - a. After receiving the SAK officers will ask for **written** consent from the victim to have the kit tested.
    - (1) If the victim provides consent for forensic testing the department shall submit the SAK within **15 days** utilizing the Pennsylvania State Police Bureau of Forensic Services sexual assault information sheet.
    - (2) If the victim does not provide consent to testing, the evidence shall be preserved and stored for a period of no less than two years, unless written consent is provided within the two years.
  - b. The SAK will be submitted to an approved laboratory pursuant to Act 27 of 2015 as disseminated in the Pennsylvania Bulletin by the Department of Health.
5. The supervisor of the detective division shall submit Biannual reports, regarding sexual assault evidence, in accordance with SATEC.
  - a. The reports must be submitted by January 31<sup>st</sup> and July 31<sup>st</sup> of each year.

- b. The reports will be submitted to PSP, in a form and manner prescribed by their agency.

**D. Receiving Recovered Property and Evidence**

*PLEAC 3.5.2 / 3.6.1*

1. All property and evidence obtained by department personnel for retention shall be logged into department records as soon as possible. Documentation of the property and evidence shall be completed in an incident report and department "property report". These reports shall include the following information, when applicable:
  - a. Name of the person possessing the property or evidence collected for processing or storage.
  - b. A description of the property or evidence and the location obtained or the person obtained from.
  - c. The circumstances under which the property or evidence came under the department's control.
  - d. Name of the person receiving the property or evidence.
  - e. Any details regarding the handling of the property or evidence.
  - f. The property or evidence owner's name when known or applicable.
  - g. Name and location of any laboratory and/or agency where evidence was transferred.
  - h. Type of examination(s) requested or the reason for the transfer of evidence.
  - i. All information requested on the property report. Documentation of the following information is paramount:
    - (1) Incident number.
    - (2) Itemized listing of all evidence collected.
    - (3) Date and time the property or evidence was obtained, received, transferred or released by department personnel.
    - (4) The signature or initials/badge, where applicable, of the department member obtaining, receiving, transferring or releasing the property/evidence.
2. When an officer receives physical evidence they shall maintain a secure chain of custody of the evidence. A completed property report will remain with the evidence.

3. Packaging and labeling evidence.

a. All property/evidence should be packaged in materials provided by the Detective Division.

- (1) Packaging material includes plastic bags, paper bags, plastic tubes, cardboard boxes, blood kits, etc.
- (2) Any clothing or other items containing blood, semen or other body fluids shall be stored in paper bags, never plastic.
- (3) The packaging should be sealed, when applicable, with tape not staples.

b. All packaging shall contain on its exterior, at a minimum:

- (1) The incident number.
- (2) Officer's badge number.
- (3) Warnings of any associated hazard(s) inherent with the property, such as the item(s) being contaminated by communicable diseases, hazardous chemicals or waste products or the item itself is explosive, combustible or may cause physical injury, e.g., a knife.
- (4) The property report shall be attached to the packaging.

4. Exceptional property.

a. Should be recorded on a separate property report and packaged individually, e.g., in the same incident: first property report and packaging is completed for drugs collected, second property report and packaging is completed for money, third property report and packaging is completed for the remaining evidence.

b. The shift supervisor should be notified of the property.

c. It is recommended two officers be present during the inventory and securing of exceptional property.

**E. Securing Recovered Property and Evidence**

*PLEAC 3.6.1 / 3.6.2 / 3.6.3 / 3.6.4*

1. All property and evidence received shall be stored within designated and secure areas under the direct control of the department prior to the conclusion of the receiving officer's shift.

2. Designated lockers and storage areas:

a. Temporary lockers in the BCI room.



- b. Pass through lockers in the BCI room.
  - c. Evidence garage, with the key placed in a pass through locker.
  - d. Flammable storage cabinet in the evidence garage.
  - e. Secured to the bicycle rack outside the evidence garage.
  - f. C-100 garage, with the key placed in a pass through locker.
  - g. In some rare circumstances, officers may have to secure property in some other secured area, as approved by the shift supervisor or evidence custodian.
3. Once an item is secured in one of the designated locations listed the item will only be accessible to an evidence custodian, with the following exceptions:
- a. Items placed in temporary lockers will still be accessible to the placing officer.
  - b. Items placed in one of the evidence garages with the key to the garage being maintained by the placing officer or placed in a temporary locker. This will generally only occur under the following situations:
    - (1) When the placing officer is obtaining a search warrant in order to search the contents of the item (e.g., vehicle).
    - (2) When the officer intends on returning the property to the owner, within a reasonable amount of time.

## **F. Property and Evidence Room**

*PLEAC 3.6.1 / 3.6.4*

- 1. Access to the property and evidence storage room.
  - a. This area is controlled by limited key access and entry is to be documented on the "secure evidence room entry log".
  - b. The Detective Sergeant, or in the absence of a Detective Sergeant a detective authorized by the Chief of Police, is the primary evidence custodian with access to all secure evidence.
  - c. Access to the area by other members of the department, generally other officers assigned to the Detective Division, is at the discretion and authorization of the Chief of Police.
- 2. Record system.
  - a. Once property or evidence has been placed in a pass through locker it will be the responsibility of an evidence custodian to transfer the property to the secure evidence room.

- (1) The property report shall be signed by the receiving custodian.
  - (2) The property report shall be updated to include the location of the item(s) within the secure evidence room.
- b. All property/evidence turned over to the control of the evidence custodians shall receive a control number, which shall be documented on the property report. Exception: property being destroyed.
- c. An evidence log inventory sheet shall be maintained and include, at a minimum, the following information regarding the property/evidence: incident number, UCR code, receiving officer's badge number, control number, location, description, date placed into secure storage, date removed from secure storage and the disposition.
3. Exceptional property turned over to the control of the evidence custodians shall be stored in designated areas within the property and evidence room.

**G. Retrieving Evidence for Court Proceedings**

*PLEAC 3.6.3*

1. Officers shall make prior arrangements, when possible, with an evidence custodian to release evidence on the day of the court proceeding.
2. In the event an evidence custodian is unavailable the day of the proceeding an evidence custodian, at the request of the officer, shall secure the evidence in the officer's temporary evidence locker. Upon returning from court the officer shall place the evidence in a pass through locker to be returned to the secure evidence room.

**H. Returning/Disposing of Property and Evidence**

*PLEAC 3.6.1*

1. Returning Property and Evidence.
  - a. The officer taking control of property which is found and not needed as evidence shall make every attempt to determine the owner and have the property returned. Means used to identify the owner and attempts to return the property should be documented in the incident report.
  - b. Personal property, which was legally owned and seized as evidence, shall be returned to the owner once it is no longer needed for prosecution.
  - c. When deemed necessary by the Montgomery County District Attorney's Office an owner may need to obtain a court order before their property is returned, e.g., handguns, rifles.
  - d. When returning property to the owner the officer will have the claimant sign the property report indicating receipt of the property.
2. Disposal of property and evidence.

- a. At least on an annual basis, the property and evidence room shall be purged of contraband or other property for which the owner is unknown and the property/evidence is of little or no value.
- b. Such a purge shall be conducted after review of agency records for status of prosecution or lack thereof. If needed the DA's Office may be contacted for verification on the need to retain a piece of evidence for prosecution.
- c. An inquiry shall be made of the agency member who initially took control of the property to assist in determining its status.
- d. A minimum of two (2) evidence custodians shall participate in the purging of these items.
- e. Purged property shall bear a notation on the property report documenting, "DISPOSED PROPERTY." The custodians then shall sign the property report.

### 3. Escheat Procedures

- a. An escheat report must be completed every year; including years where there is no property to be turned over.
- b. The yearly report must be filed with Pennsylvania's Treasury Department by April 15<sup>th</sup>.
- c. All property, which is deemed acceptable under the Treasury Department's guidelines, must be turned over to them.
- d. The property shall be delivered to the Treasury Department and an incident report will be completed, documenting all the property turned over, and the Treasury Department's forms will be attached.

### 4. Forfeitures and Seizures

- a. Property obtained through forfeiture will be forwarded to the District Attorney Office or disposed of at their request.
- b. Property seized through civil process, i.e., firearms seized when serving PFA Orders shall be maintained in accordance with Pennsylvania statute.

## I. **Inspection, Inventory and Audit of the Property and Evidence Room**

*PLEAC 3.6.6*

- 1. Annually, an inspection to determine adherence to procedures used for the control of evidence/property is conducted.
  - a. The primary evidence custodian will conduct this inspection.

- b. A report, in the form of an inter-office memorandum, shall be completed stating an inspection was conducted and describing the findings, including any discrepancies found. Copies of the report shall be distributed to the Chief of Police, via the chain of command, and to the accreditation manager.
  2. An inventory of property occurs whenever the person responsible for the evidence/property control function is assigned to and/or transferred from that position to ensure that records are correct and properly documented.
    - a. This inventory shall be conducted by the newly designated custodian and by a designee appointed by the Chief of Police.
    - b. A report, in the form of an inter-office memorandum, shall be completed stating an inventory was conducted and describing the findings, including any discrepancies found. Copies of the report shall be distributed to the Chief of Police, via the chain of command, and to the accreditation manager.
  3. An audit in compliance with the Evidence Irregularity Audit Table is conducted when there is reason to believe that evidence has been tampered with, or if the evidence custodian has been removed for any irregularities.
    - a. This audit will be completed by a custodian appointed by the Chief of Police.
    - b. A report, in the form of an inter-office memorandum, shall be completed stating the audit was conducted and describing the findings, including any discrepancies found. Copies of the report shall be distributed to the Chief of Police, via the chain of command, and to the accreditation manager.
  4. Annually, an audit of property/evidence held by this agency will be conducted.
    - a. This audit shall be conducted by a supervisor/commander not routinely or directly connected with the control of the evidence and property.
    - b. A report, in the form of an inter-office memorandum, shall be completed stating an audit was conducted and describing the findings, including any discrepancies found. Copies of the report shall be distributed to the Chief of Police, via the chain of command, and to the accreditation manager.
    - c. The audit shall be conducted with an evidence/property custodian present.
  5. One or more annual unannounced inspections of evidence and property storage areas will be conducted as directed by the Chief of Police.

- a. A report, in the form of an inter-office memorandum, shall be completed stating an unannounced inspection was conducted and describing the findings, including any discrepancies found. Copies of the report shall be distributed to the Chief of Police, via the chain of command, and to the accreditation manager.
- b. The inspection shall be conducted with an evidence/property custodian present.

Effective: May 24, 2005

Revised: February 10, 2020

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 3.7.1 Physical Fitness Program

**Purpose:**

The purpose of this general order is to provide personnel with guidelines on the department's position on physical and mental fitness. In the line of duty, police officers are required to use their minds and bodies in difficult and strenuous activity. The outcome can result in either the injury or death of the officer, the assailant, or the citizen in need. The department recognizes that the total wellness of its personnel is a benefit to the community, individual officer, and police department.

**Policy:**

It is the policy of the Upper Gwynedd Township Police Department that all personnel are provided with this general order and encouraged to participate in a total wellness plan.

**3.7.1 Physical Fitness Program**

The very nature of law enforcement requires that personnel should maintain a high level of physical fitness in order to meet the physical demands of their profession. The goal of a physical fitness program is to assist members in staying healthy or getting back onto the track of a healthy and prosperous life by providing guidance in the area of physical fitness.

Although the Upper Gwynedd Township Police Department does not have a mandatory physical fitness program, personnel are expected to maintain a level of fitness to effectively perform duties, as per their job description. Personnel are encouraged to maintain their physical fitness. To promote fitness, the Township has provided a state of the art exercise facility within the Township Building and employees are encouraged to use the equipment.

Effective: May 29, 2008

Date: May 29, 2008

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 3.7.2 Wellness Program

**Purpose:**

The purpose of this general order is to provide personnel with guidelines on the department's position on physical and mental fitness. In the line of duty, police officers are required to use their minds and bodies in difficult and strenuous activity. The outcome can result in either the injury or death of the officer, the assailant, or the citizen in need. The department recognizes that the total wellness of its personnel is a benefit to the community, individual officer, and police department.

**Policy:**

It is the policy of the Upper Gwynedd Township Police Department that all personnel are provided with this general order and encouraged to participate in a total wellness plan.

**3.7.2 Wellness Program**

Wellness is a state of optimum health and well-being achieved through the active pursuit of good health and the removal of barriers to healthy living.

Employees have a personal responsibility for their health. There is widespread agreement, for example, about the dangers of smoking and substance abuse, the importance of physical and emotion fitness, and the effectiveness of good nutrition. The Upper Gwynedd Township Police Department encourages personnel to adopt behaviors that will continue to improve health.

The Upper Gwynedd Township Police Department participates in an Employee's Assistance Program. An EAP is a system designed to identify and help employees who are experiencing personal problems. The goal of the EAP is to help employees solve these problems.

The Upper Gwynedd Township Police Department encourages all personnel to make full use of all available resources and benefits in order to achieve maximum fitness and wellness.

Effective: May 29, 2008

Date: May 29, 2008

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police



Upper Gwynedd Police Department  
General Order 4.1.1 Accidents and Accident Reports

**PURPOSE**

The purpose of this general order is to establish procedures to comply with sections §3741-3755 of the Pennsylvania Vehicle Code (Title 75) in regard to the reporting requirements for crashes and crash reports.

**POLICY**

It is the policy of this department that officers follow the guidelines herein regarding Pennsylvania crashes and crash reporting procedures.

**DEFINITIONS**

Reportable Crash- Any crash involving death or injury of any person and/or damage to any vehicle to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.

Non-reportable Crash- A non-reportable crash involves a crash with no injury or death of any person, in which there is no towing due to the damage to the vehicle at the time of the crash. Furthermore, if the incident occurred on private property or was a result of deliberate intent or cataclysm, the crash is non-reportable.

**PROCEDURE**

**A. Crashes and Crash Reports**

1. Officers will respond to all reported crashes and then determine what type of investigation is to be conducted.
  - a. Reportable crashes shall be documented by way of Pennsylvania Department of Transportation's (PennDOT) Crash Reporting System.
  - b. Non-reportable crashes shall be documented on a Upper Gwynedd police department non-reportable accident form.
  - c. Non-reportable crashes, not investigated at the scene and not reported within 24 hours, shall be documented by way of an Upper Gwynedd incident report.
  - d. Nothing herein prohibits an officer from utilizing PennDOT's Crash Reporting System to document a non-reportable crash. An officer or the shift supervisor may determine PennDOT's form more appropriate due to the nature/severity of a crash.

2. Investigation of crashes involving police vehicles.
  - a. Should any police vehicle become involved in a crash, the shift supervisor shall immediately be notified.
  - b. If the crash involves another vehicle and/or a pedestrian, an officer from a neighboring police department shall be requested to respond to the crash location and investigate and complete a report on same.
    - (1) Requests should be based on an officer's availability and the location of the accident in the township.
    - (2) If a crash involves only minor damage to property only, the crash may be investigated by an officer from our department, at the discretion of the shift supervisor.
3. Officers investigating a crash involving the death, or likely death, of any person shall notify the Montgomery County Detectives and request the assistance of an investigator who has been specially trained in "Accident Investigation and Reconstruction".
4. This department has officers whom are trained to fully investigate an accident up to and including reconstruction of the accident, use of the trained accident investigators shall be determined by the shift supervisor, based on the seriousness of the accident.
5. All crash forms shall contain all the information required therein unless not available and in accordance with PennDOT's guidelines, as outlined in PennDOT's Publication 153 (Police Officers Crash Report Manual).
6. Crash reports shall be completed as soon as practicable upon completion of the investigation.
  - a. Reportable crashes must be submitted to PennDOT within 15 days of the crash as required under §3751.
  - b. If the crash investigation is not able to be completed within 15 days the report shall be completed as best as possible, the report shall be marked "not closed" in PennDOT's Crash Reporting System and then submitted to PennDOT.
  - c. Once the reportable crash investigation is complete the report shall be completed in full and resubmitted to PennDOT as a closed case.
7. Auxiliary services shall be responsible for submitting initial reportable crash reports to PennDOT within 15 days of the crash and submitting any updated reports. Officers shall notify auxiliary services when a previous "open" crash report is completed and "closed".

**B. Receipt of Crash Investigation**

Every crash reported to this department and required by law to be investigated, shall be investigated. Officers will provide each driver with written notification, as required by §3746, that the accident was reported.

**C. Copies of Reports**

All crash reports shall be available, upon request, for a fee of \$15.

Effective: May 24, 2005

Revised: January 30, 2017

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.1.2 North Penn Area Crash Team

**PURPOSE**

The Police Departments of the Townships of Towamencin, Hatfield, Montgomery, Upper Gwynedd, and the Boroughs of Lansdale and North Wales, will work cooperatively to create and maintain a "North Penn Area Crash Team" (Crash Team) to better serve citizens and motorists. The team will be comprised of police officers with a higher level of skills in investigating serious motor vehicle crashes involving: serious bodily injury, death; significant commercial vehicle crashes, significant officer involved crashes; assists to Montgomery County Detectives, or crashes involving other special circumstances.

**POLICY**

The execution of law enforcement power and authority outside the territorial limits of an officers primary jurisdiction is authorized by the Pennsylvania Municipal Police Jurisdiction, 42 Pa. C.S.A. § 8953; and the temporary exchange of law enforcement officers for the purpose of mutual assistance is also authorized by this statute; as well as the empowerment of law enforcement officers to exercise their powers outside their normal jurisdictions when a request for assistance is forthcoming from another law enforcement agency. Participating agencies and members of the Crash Team will adhere to the procedures that are outlined in this General Order.

**PROCEDURES**

**A. Participation**

1. Participation in the Crash Team is strictly voluntary in nature and places no police department participating in it under any obligations to respond to a request for the Crash Team services that it is unable or unwilling to honor.
2. Crash Team members will be selected and appointed by the Chief of Police of the member's department.
3. Remuneration for any activities involving the Crash Team will be at the discretion of the individual member's Chief of Police and in accordance with their own department policies and procedures.

**B. Structure and Oversight**

1. Supervising Chief- a Chief of Police assigned to supervise Crash Team operations and administration.

2. Team Coordinator- responsible for managing team members, coordinating reconstructionists, and handling the availability schedule, trainings, and procedures.
  - a. The Team Coordinator will also maintain a list of all members' training certificates and related information.
  - b. As appropriate, copies of crash reports conducted by the team will be maintained by the Team Coordinator.
  - c. The Team Coordinator will produce an annual report of the team's activities to be provided to the participating agency chiefs.
3. Asst District Attorney- responsible for legal advice and charging recommendations when applicable, including decisions regarding adding team members as co-affiants for charges as appropriate.
4. Crash Teams- consisting of Team Supervisors and reconstructionists.

**C. Applicable Crashes for Team Response**

1. Any motor vehicle crash or crash involving a pedestrian which has injuries, serious bodily injuries, a fatality or a likelihood of fatality in which the Montgomery County Detectives decline to investigate; or
2. Any motor vehicle crash which does not require notification of the Montgomery County Detectives, but has special circumstances which could result in charges and/or civil litigation to include, but not be limited to, significant commercial vehicle crashes or significant officer involved crashes.
3. The Team may also be activated to assist Montgomery County Detectives as requested.

**D. Availability of Team Members**

1. No team member will be considered to be on-call.
2. If on-duty Team Members are available to respond to a crash, they will be the first ones requested. On duty crash members will respond only with approval of the Officer in Charge (OIC) of their shift.
3. The Team Coordinator will provide the Montgomery Township Police Comm-Center (CC) with a list of Team Members.
  - a. The Team Coordinator will coordinate with Team Members to provide the CC with a schedule of when Team Members are likely to be available, whether on or off duty.

- b. The Team Coordinator will also facilitate information and response regarding which Team Members would be most appropriate to contact (based on their training and experience) to certain crashes, i.e. pedestrian, commercial vehicle, motorcycle, etc.
4. No Team Member will be compensated for being on the "available" schedule, which is voluntary on the part of the participating Team Member(s). However, if an off duty Team Member responds to a crash, they will do so in accordance with their own department policies and procedures and any remuneration for their time will be done in accordance with their own department policies and procedures, and with the approval of their Chief of Police.

**E. Team Activation**

1. The activation of the team is the responsibility of the on-duty OIC of the jurisdiction where the crash occurred.
2. The OIC will notify CC who will notify on-duty Crash Team members first and if necessary, the listed available off duty team members scheduled for response on that date and time.
3. Typically three officers will be requested to respond, with a minimum of two officers.

**F. Scene and Investigation Command**

Command of the scene and investigation will be the responsibility of the OIC of the jurisdiction where the crash occurred.

Effective: January 1, 2020

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.1.3 Missing Children - Amber Alert Plan

**Purpose:**

The purpose of this general order is to assist in the safe and timely return of missing children. This order will provide members with guidelines on law enforcement mandates in regards to missing children.

**Policy:**

It shall be the policy of the Upper Gwynedd Police Department to comply with this general order. Along with this general order, all personnel shall comply with Section 3701 (a) of the Federal Crime Control Act of 1990 (42 U.S.C. 5779 (a)), Section 2908 of the Pennsylvania Crimes Code (Title 18), Missing Children; and the statewide Amber Alert Plan.

**A. Missing Children**

The police department will complete the following duties with respect to missing children or persons under 21 years of age, in compliance with the Federal Crime Control Act of 1990, (Section 3701 (a)) and the Pennsylvania Crimes Code Title 18 (section 2908):

- (1) To investigate a report of a missing child immediately upon receipt of the report regardless of the age of the missing child or the circumstances surrounding the disappearance of the child. In no case, shall the department impose a mandatory waiting period prior to commencing the investigation of a missing child.
- (2) When conducting a missing child investigation, to record all information relevant to the missing child and the circumstances surrounding the disappearance of the missing child on the appropriate incident report.
- (3) To make an entry into the missing persons file through the Montgomery County Emergency Operations Center, the official data entry agent for the police department for the Commonwealth Law Enforcement Assistance Network (CLEAN) and the National Crime Information Computer (NCIC) in accordance with Pennsylvania State Police policy and procedures immediately upon receipt of sufficient identification information on the missing child.
- (4) To make an entry into the unidentified persons file through the Montgomery County Emergency Operations Center, the official data entry agent for the police department for the Commonwealth Law Enforcement Assistance Network (CLEAN) and the National Crime

Information Computer (NCIC) in accordance with Pennsylvania State Police policy and procedures immediately upon:

- a. Taking custody of an unidentified living child, such as an infant, or a physically or mentally disabled child; or
- b. Discovering an unidentified deceased child.

(5) To insure timely cancellation of any entry made pursuant to this section, where the missing child has returned or is located.

(6) Officers responding to reports of missing children shall at the minimum:

- a. Respond in a timely manner
- b. Gather essential information
- c. Identify those at scene and the legal guardian
- d. Make an at-risk assessment
- e. Advise the supervisor and other surrounding officers
- f. Commence a search if warranted (non-runaway), to include residence and surrounding areas (research any area already searched prior to officers' arrival)
- g. Update notifications
- h. If not located, enter child into CLEAN/NCIC
- i. Complete required reports, such as, missing person worksheet and incident report
- j. Preserve scene

(7) Supervisors responding to the scene of a missing child shall at a minimum:

- a. Assess the situation
- b. Update notifications
- c. Arrange logistics for search efforts commence search and assist in the search



- d. If the child is not located, notify administration and request additional personnel if needed
- e. If needed, establish a command post
- f. Document and control volunteer searches
- g. Assist in victim support
- h. Begin activity log
- i. Notify Chief
- j. Notify Investigators
- k. Direct media inquires
- l. Complete reports

(8) Detectives assigned to a missing child case, shall at a minimum:

- a. Debrief first responders
- b. Interview witnesses
- c. Examine agency records relating to the child and family
- d. Obtain copies of all reports
- e. Use of missing child hotline
- f. Use of polygraph
- g. Prepare and distribute fliers
- h. Identify additional resources
- i. Document through proper reports
- j. Develop and utilize the media
- k. Continue investigation until case closeout
- l. Monitor search efforts and techniques

- m. Establish victim support
- n. Hotline operation
- o. Update NCIC-MPF

## **B. Unidentified deceased children**

- (1) The Police Department shall, with respect to unidentified deceased children, make an entry into the unidentified deceased person file through the Commonwealth Law Enforcement Assistance Network (CLEAN) in accordance with Pennsylvania State Police policy and procedures immediately upon observing or receiving any descriptive information on an unidentified deceased child.
- (2) All proper criminal investigative procedures apply.

## **C. Amber Alert Plan**

The Amber Alert Plan refers to a system that uses emergency alerts by radio and television stations to notify the public about child abductions statewide.

### **(1) Terms**

- a. Emergency alert system (EAS) - refers to a statewide emergency broadcast system.
- b. Emergency management agency (EMA) - refers to the agency that is mandated to transmit abduction information.
- c. Pennsylvania State Police (PSP) - the law enforcement agency that activates the emergency alert system through the Pennsylvania Emergency Management Agency.

### **(2) Criteria**

The following criteria have been implemented and will serve as strict guidelines when making a determination as to whether a child has been abducted by either a family member or a non-family member.

- a. The Amber Alert Plan is limited to abducted children, and therefore, the abduction may be believed to have been committed by a non-family member or a family member.
- b. The abducted child must be under the age of 16, or under the age of 18 and have a proven mental or physical disability.
- c. The police officer must believe the abducted child is in danger of serious bodily harm or death.

### (3) Procedures

Upon arrival to the scene, the responding officer, detective, or supervisor will make the following determination:

- a. The abducted child conforms to the established guidelines of the Amber Alert Plan.
- b. The investigating police officer must believe that the abducted child is in danger of serious bodily harm or death.
- c. The investigating officer must confirm that the child is under the age of 16 or is under the age of 18 and has a proven physical or mental disability.
- d. If all aspects of the criteria are met, the responding officer shall notify his/her supervisor and initiate a criminal investigation, while preserving all evidence.

### (4) Notification

The supervisor or his/her designee will notify the dispatcher on duty to immediately:

- a. Enter the abducted child into the CLEAN/NCIC system.
- b. Simultaneously request Amber Alert Plan implementation by using the clean missing persons involuntary entry screen, the dispatch center transmits the request for an Amber Alert to the Pennsylvania State Police.

The Pennsylvania State Police should:

- a. Activate the emergency alert system through the PA Emergency Management Agency. This agency will transmit all pertinent information regarding the abduction statewide.
- b. Pennsylvania State Police should post all the abduction information on the web site, [www.amber.state.pa.us](http://www.amber.state.pa.us). This web site is dedicated to the Amber Alert Plan.

(5) Cancellation

As with missing children, timely cancellation in CLEAN/NCIC is required when an abducted child is returned or located.

(6) Compliance with Act 106 Of 1990, Section 402:

- When the missing child is under 21 years of age:
  - a. The investigating officer shall notify the school district where the missing child last attended, including the child's Date of Birth and Place of Birth on the appropriate forms in case the child's school records are requested. **School District:** FAX 1-(215) 393-5841
  - b. The investigating officer shall notify the Pennsylvania Department of Health, Division of Vital Statistics *when the missing child was born in Pennsylvania* of the child's Name, Date of Birth and Place of Birth on the appropriate forms in case the child's birth certificate is requested. **Division of Vital Statistics:** FAX 1-(724) 656-3224
  - c. When the child returns home the Department of Health and School District shall again be notified of the return to clear their records.

(7) Follow-up Interviews - Children or juveniles who are short-term runaways, or who are habitual runaways shall be interviewed by the assigned officer who shall attempt to have the following inquiries answered in order to provide proper referral for the child:

- Why did you go?
- What happened to you while on the street?
- How can we help you?

Effective: May 24, 2005

Date: March 31, 2005

Amended: October 6, 2009

By order of:

A handwritten signature in black ink, appearing to read "James J. Kelly". The signature is written in a cursive, flowing style.

Chief of Police

# Upper Gwynedd Township Police Department

## General Order 4.1.4 Mandatory Fingerprinting

### **PURPOSE**

The purpose of this general order is to provide police department personnel with guidelines on mandatory fingerprinting requirements.

### **POLICY**

It is the policy of the Upper Gwynedd Police Department to comply with section 9112 of the Pennsylvania Crimes Code (Title 18) in regard to mandatory fingerprinting requirements.

### **PROCEDURE**

#### **A. Mandatory fingerprinting**

Fingerprints of all persons arrested for a felony, misdemeanor, or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense, shall be taken by the Upper Gwynedd Police Department. Within 48 hours of the arrest, completed fingerprint cards shall be forwarded to, and in manner and such a form as provided by, the central repository.

Where private complaints for a felony or misdemeanor result in a conviction, the court of proper jurisdiction shall order the defendant to submit for fingerprinting by the municipal police of the jurisdiction in which the offense was allegedly committed or in the absence of a police department, the State Police. Fingerprints so obtained by the Upper Gwynedd Police Department shall, within 48 hours, be forwarded to the central repository in a manner and in such form as may be provided by the central repository.

Where defendants named in police complaints are proceeded against by summons, or for offenses under section 3929 (relating to retail theft), the court of proper jurisdiction shall order the defendant to submit within 5 days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or, in the absence of a police department, the State Police. Fingerprints so obtained by the Upper Gwynedd Police Department shall, within 48 hours, be forwarded to the central repository in a manner and in such form as may be provided by the central repository.

## **B. Live Scan**

No police officer should release any defendant from custody before processing and identifying him/her accurately. Live Scan is a valuable tool in identifying a defendant. But remember, the information received from Live Scan is only as good as the information put into the system. Live Scan processing will provide AFIS criminal history, FBI criminal history, NCIC/CLEAN warrant and wanted person checks.

In most cases, police officers must use Live Scan for processing. Only under extenuating circumstances should an officer use conventional processing procedures.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.1.7 Juvenile Law Enforcement Records

**PURPOSE**

The purpose of this general order is to provide police department personnel with guidelines on the Pennsylvania Juvenile Act, as it relates to law enforcement records.

**POLICY**

It is the policy of the upper Gwynedd Police Department to comply with section 6308 of the Pennsylvania Juvenile Act (42 Pa. C.S.A. 6301, et seq.) in regard to juvenile law enforcement records.

**PROCEDURE**

**A. Law Enforcement Records**

Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 (relating to transfer to criminal proceedings), or the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public. Exception to public availability is found in subsection b of section 6308 of the Pennsylvania Juvenile Act. Inspection of the records is permitted by:

1. The court having the child before it in any proceeding.
2. Counsel for a party to the proceeding.
3. The officers of institutions or agencies to whom the child is committed.
4. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
5. A court in which the child is convicted of a criminal offense for the purpose of a persistence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he/she is committed, or by a parole board in considering his/her parole or discharge or in exercising supervision over the child.

**B. Fingerprints and Photographs**

Law enforcement officers shall have the authority to take or cause to be taken the fingerprints or photographs, or both, of any child who is alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth or of another state if the act occurred in that state or under Federal law. A Juvenile being of 16 years of age or older who has committed a violation of section 3929(g) (relating to



retail theft) can be fingerprinted. If a child is found to be a delinquent child pursuant to section 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony, or the child's case is transferred for criminal prosecution to section 6355 (relating to transfer to criminal proceedings), the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the central repository pursuant to section 6309(c) (relating to juvenile history record information). If a child was alleged to be delinquent by other than a law enforcement agency, the court shall direct the juvenile probation department to ensure that the delinquent child's fingerprints and photographs are taken by a law enforcement agency.

Fingerprint and photographic records may be disseminated to law enforcement officers of other jurisdictions, the Pennsylvania State Police and the Federal Bureau of Investigation and may be used for investigative purposes.

Fingerprints and photographic records of children shall be kept separately from adults and shall be immediately destroyed upon notice of the court as provided under section 6341(a) (relating to adjudication) by all persons and agencies having these records if the child is not adjudicated delinquent or not found guilty in a criminal proceeding for the alleged act(s).

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.1.9 Municipal Police Officers Education and Training Act

**PURPOSE**

The purpose of this general order is to provide police personnel with guidelines on the Pennsylvania Education and Training Act. It will outline various responsibilities, as related to mandatory basic and yearly training required by law.

**POLICY**

It is the policy of the Upper Gwynedd Police Department to comply with the requirements of the Pennsylvania Municipal Police Officers' Education and Training Act, as amended, (53 Pa. C.S.A. 2161, et seq.) in regard to municipal police officer training and agency responsibilities.

**PROCEDURE**

**A. Mandatory Training**

Mandatory training shall be attended by all police officers, as required by the Municipal Police Officers' Education and Training Commission. All training shall be accomplished by a certified instructor(s) at a location approved by the commission. Training shall include, at a minimum:

1. Entry Level Training

All newly sworn police officers will successfully complete basic recruit training in accordance with the Municipal Police Officers' Education and Training Commission (MPOETC). This will be accomplished prior to any routine assignment in any capacity in which the officer is allowed to carry a firearm or is in a position to make an arrest, except as part of a formal field training program.

2. Annual Retraining Program

All sworn officers shall attend and successfully complete all yearly Municipal Police Officers' Education and Training Commission (MPOETC) mandatory training requirements.

**B. Scheduling of Training**

The Deputy Chief will schedule all police officers for mandatory training that is required by the commission. This includes all annual retraining, as well as, basic recruit training for newly hired officers who have not yet completed the basic course.

Any officer who has not yet completed or has not yet been scheduled for yearly mandatory training by September 1<sup>st</sup> of each year, shall notify in writing, the Deputy Chief. Along with the Deputy Chief, it is each officers' responsibility to ensure that he/she has received the mandated training each year in order to remain a certified police officer.

**C. Documentation**

The Deputy Chief shall maintain all documentation and records in regard to mandatory training that is required by the commission.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

# Upper Gwynedd Township Police Department

## General Order 4.1.10 Protection From Abuse

### **PURPOSE**

The purpose of this general order is to provide police personnel with guidelines on the Pennsylvania Protection From Abuse Act. This general order will outline procedures for officers to assist victims of abuse in obtaining shelter, counseling, and a protection from abuse order. It will guide officers in the proper procedures when affecting an arrest for a protection from abuse violation.

### **POLICY**

It is the policy of the Upper Gwynedd Police Department to comply with the requirements of the Pennsylvania Protection From Abuse Act, as amended, (23 Pa. C.S.A. 6101, et seq.) in regard to the responsibilities of law enforcement agencies under the provisions of section 6105 of the Act.

### **PROCEDURE**

#### **A. Responsibilities of Law Enforcement Agencies**

##### **1. General rule**

The Upper Gwynedd Police Department shall insure that all officers and personnel are familiar with the provisions of the Pennsylvania Protection From Abuse Act and the provisions of this general order. The department shall adopt and maintain a written domestic violence policy.

##### **2. Notice of services and rights**

The Upper Gwynedd Police Department shall provide all abused persons with oral and written notice of the availability of a safe shelter and of domestic violence services in the community, including the hotline number for domestic violence services. The written notice shall be available in English and Spanish and be in the form prescribed by the Montgomery County District Attorney's Office. It shall include the following statement: If you are a victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to the Protection From Abuse Act (23 Pa.C.S. Ch. 61), which could include the following:

- a. An order restraining the abuser from further acts of abuse.
- b. An order directing the abuser to leave the household.
- c. An order preventing the abuser from entering your residence, school, business, or place of employment.

- d. An order awarding you or the other parent temporary custody of, or temporary visitation with, your child or children.
- e. An order directing the abuser to pay support to you and the minor children, if the abuser has a legal obligation to do so.

3. Mandatory report

The Upper Gwynedd Police Department shall make and submit an incident report, consistent with the report required by the Federal National Incident-Based Reporting System (NIBRS). The mandate for this report completion shall not be operative until the Pennsylvania State Police have implemented NIBRS.

4. Notice of arrest

The Upper Gwynedd Police Department shall make reasonable efforts to notify any adult or emancipated minor protected by an order, of the arrest of a defendant for violation of that order, as soon as possible. Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment.

5. Obtaining protection from abuse orders

- a. Normal business hours protection from abuse orders are handled in the Prothonotary's Office/Women's Center which is located on the first floor of the Montgomery County Court House. They will provide the victim with the appropriate paperwork and directions of where to file the paperwork. The Prothonotary's Office can be reached at (610) 278-5994.
- b. After normal business hours and weekends emergency protection from abuse orders are issued by the on call Montgomery County District Justice. The Montgomery County radio room will page the on call District Justice for the victim or the police officer. An emergency protection from abuse order will expire at the close of the next court business day.

6. Foreign protection orders

All foreign protection orders shall have the presumption of validity in this Commonwealth and officers shall make arrests for violations thereof, in the same manner, as set for violations of protection orders issued within this Commonwealth. Officers shall rely upon any copy of a foreign protection order which has been presented to the officer by any source. Officers should attempt to verify the existence of a protection order. The fact that a foreign protection order has not been filed with a Prothonotary or entered into the Pennsylvania State Police registry shall not be grounds for an officer to refuse to enforce the order.

## **B. Procedures**

### **1. Victims of abuse**

Officers investigating any form of abuse and/or domestic violence shall provide the victim with oral and written notice of services and rights available to the victim. This shall be accomplished by using the Upper Gwynedd Police Department's Domestic Violence Rights form. Officers shall explain the form and provide it to every victim. Officers will have the victim sign a second copy, acknowledging receipt and understanding. This copy shall be turned in along with the incident report. In addition, officers will provide victims with a permission form to release information to the Women's Center of Montgomery County, if the victim so desires. If the victim wants his/her name released and to be contacted by the Women's Center, the office staff shall fax the completed forms to the Women's Center. The original form and fax receipt will be attached to the original incident report. Notice provided to the victim should be documented in the incident report. (Also see the Domestic Violence policy)

### **2. PFA violations**

- a. Based upon probable cause, officers shall arrest a defendant for violating an order issued by a court within our judicial district, issued by a court in another judicial district within this Commonwealth, or a foreign protection order issued by a comparable court. The violation does not have to occur in the presence of the officer.
- b. A violation of a protection from abuse order (23 Pa. C.S. 6113) shall be on a separate criminal complaint charging the offender with indirect criminal contempt. This is in addition to any other charges that may be filed. The probable cause affidavit should refer to the issuing court and the number assigned to the PFA order. A copy of the order should be attached to the criminal complaint.
- c. When there is probable cause that a violation of a PFA order has occurred and the defendant is present, the officer shall immediately affect an arrest. When there is probable cause that a violation of a PFA order has occurred and the defendant is not present, the officer shall make a reasonable effort to apprehend the defendant. If the defendant cannot be located within a reasonable amount of time, the officer shall file a criminal complaint and request an arrest warrant be issued for the defendant.
- d. Following arrest, the defendant shall be taken for an arraignment before the Common Pleas Court in the judicial district where the contempt is alleged to have occurred. When the court is unavailable, the officer shall take the defendant before the local or on call District Justice.

- e. Subsequent to an arrest, the officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. As soon as it is reasonably possible, the confiscated weapons shall be delivered to the Montgomery County Sheriff's Office.
- f. Officers shall make every reasonable attempt to notify victims when a defendant has been arrested for a violation of a protection order. Officers should also provide victims with offender status information after the completion of the arraignment, such as, was the defendant released or committed.

3. PFA orders

A complaint shall be initiated whenever someone presents a PFA order to the police department. The complaint will document all pertinent information associated with the order and the parties involved. It is important to determine if the order has been served. A copy of the order will be turned over to the police department and maintained both with the incident and on the PFA board. This file will be accessible to all officers on a 24 hour a day basis.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.1.11 PA Legal Mandates - Pennsylvania Juvenile Act (Temporary  
Detention) 4.1.11

**Purpose:**

The purpose of this general order is to provide police personnel with guidelines on the Pennsylvania Juvenile Act in regards to the temporary detention of a juvenile.

**Policy:**

It shall be the policy of this department that all officers comply with section 6326 of the Pennsylvania Juvenile Act (42 Pa. C.S.A. §6321, et. Seq.) in regards to the detention of a juvenile. This General Order shall supplement General Order 3.1 and 3.2.

**Procedures:**

I. Pennsylvania Juvenile Act (Temporary Detention)

A. Juvenile Separation from Adults

1. 42 Pa. C.S.A. §6326(b) - Detention in a police lockup is generally prohibited. – Unless a child taken into custody is alleged to have committed a crime or summary offense or to be in violation of conditions of probation or other supervision following adjudication of delinquency, the child may not be detained in a municipal police lockup or cell or otherwise held securely within a law enforcement facility or structure which houses an adult lockup. A child shall be deemed to be held securely only when physically detained or confined in a locked room or cell or when secured to a cuffing rail or other stationary object within the facility.

**Note: The cuffing of detainees to fixed objects is PROHIBITED per General Order 2.5.6 (II) (E) and General Order 3.2.3 (I) (B) unless clearly articulated exigent circumstances exist.**

B. Circumstances for Juvenile Detention

1. 42 Pa. C.S.A. §6326(c) - Detention in a police lockup under certain circumstances – A child alleged to have committed a crime or summary offense or to be in violation of a condition of probation or other supervision following adjudication of delinquency, may be held securely in a municipal police lockup or cell or other facility which houses an adult lockup only under the following conditions:
  - a. The secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to a parent, guardian, other custodian, or juvenile court or county children and youth official, or to a shelter care or juvenile detention center.
  - b. The secure holding shall be limited to the minimum time necessary to complete the procedures listed in (b), but in no case may such holding exceed six (6) hours. If a



juvenile remains at your police department for more than six hours, call the DPW Child Line toll free number 1-800-932-0313 and report the following:

1. Your Name
  2. Your telephone number
  3. The name and location of your police department
  4. report that a juvenile has been held at your police department more than six hours
- c. If so held, a child must be separated by sight and sound from incarcerated adult offenders and must be under the continuous visual supervision of law enforcement officials or facility staff.

C. Separation of Secured Adults and Non-Secured Juveniles

1. 42 Pa. C.S.A. §6326(d) Conditions of detention – Notwithstanding other provisions of law, a child held in non-secure custody in a building or facility which houses an adult lockup may be so held only under the following conditions:
  - a. The area where the child is held is an unlocked multi-purpose area which is not designated or used as a secure detention area; or if the area is a secure booking or similar area, it is used only for processing purposes
  - b. The area is limited to providing non-secure custody only long enough for the purposes of identification, investigation, processing or release to parents or for arranging transfer to another agency or appropriate facility.
  - c. The child must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.

D. Required reports

1. 42 Pa. C.S.A. §6326(e) Reports regarding children held in custody – Law enforcement agencies shall provide information and reports regarding children held in secure and non-secure custody under subsections (B) and (C) as requested by the Pennsylvania Commission on Crime and Delinquency.
2. Due to the infrequent occurrence of these situations, the arresting officer shall notify the Deputy Chief *and* Administrative Secretary at the earliest opportunity to insure that the Pennsylvania Commission of Crime and Delinquency is notified promptly.

Effective: May 24, 2005     Date: March 31, 2005     Revised: July 23, 2020

By Order Of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.1.12 Protection Orders – PSVI Act

**PURPOSE**

The purpose of this general order is to provide police personnel with guidelines on the Pennsylvania Protection of Victims of Sexual Violence or Intimidation (PSVI) Act.

**POLICY**

It is the policy of this department to comply with the requirements of the Pennsylvania Protection of Victims of Sexual Violence or Intimidation Act (42 Pa. C.S.A. 62A01, et seq.) in regard to the responsibilities of law enforcement agencies under the provisions of §62A04 of the Act.

**PROCEDURE**

**A. Protection Orders Under the PSVI Act**

1. The PSVI Act provides victims of sexual violence or intimidation with a civil remedy that requires the offender to stay away from the victim regardless of whether the victim seeks criminal prosecution.
2. Sexual Violence Protection (SVP)- available to victims of sexual violence under any of the following provisions when the victim and offender are not family or household members:
  - a. Sexual Offenses (18 Pa. C.S.A Ch. 31)
    - (1) Not including §3129 (Sexual Intercourse with Animals) or §3130 (Conduct Relating to Sex Offenders)
  - b. Endangering the Welfare of Children if the offense involved sexual contact with the child (18 Pa. C.S. 4304)
  - c. Corruption of Minors (18 Pa. C.S. 6301(a)(1)(ii))
  - d. Sexual Abuse of Children (18 Pa. C.S. 6312(b))
  - e. Unlawful Contact with a Minor (18 Pa. C.S. 6318)
  - f. Sexual Exploitation of Children (18 Pa. C.S. 6320)
3. Protection from Intimidation (PFI)- available to minors who are victims of Harassment (18 Pa. C.S. 2709(a)(4),(5),(6), or (7)) and/or Stalking (18 Pa. C.S. 2709.1) and the perpetrator is an adult and the parties are not family or household members.

## **B. Relief Available**

1. PSVI Orders provide identical remedies as PFA Orders except the PSVI Act does not allow for relinquishment of weapons. However, the court does have the authority to impose an additional condition in the PSVI Order and direct the defendant to relinquish his/her weapons.
2. Orders can be entered to preclude contact, exclude or evict a defendant from the victim's temporary or permanent residence, and any other appropriate relief.
3. A final order may remain in effect for up to three years.

## **C. Obtaining a PSVI Order**

1. During normal business hours protection orders are handled in the Prothonotary's Office at the Montgomery County Court House.
2. After hours or on weekends the on-call Magisterial District Justice may issue an emergency Order on an ex parte basis when necessary to protect the victim from immediate and present danger. Emergency Orders expire at the end of the next business day that court is available.

## **D. Enforcement of PSVI Orders**

1. Officers are required to enforce valid PSVI Orders issued by a court within the Commonwealth. Officers must determine whether a PSVI Order is in effect for any party by obtaining a hard copy directly from the victim, inquiring the Pennsylvania State Police through CLEAN or contacting the local police department where the hard copy of the Order was filed.
2. Officers have a mandatory arrest obligation for Indirect Criminal Contempt (ICC) upon determining that a valid PSVI Order is in effect, and there is probable cause that a violation occurred.
  - a. Probable cause for PSVI Order violations can be established solely by a credible victim statement.
  - b. In addition to ICC, all other applicable criminal offenses should be charged by the responding officer as well.
3. Upon finding probable cause that a valid PSVI Order has been violated, the responding officer must effectuate a warrantless arrest for ICC.
  - a. Similar to ICC arrests for PFA Order violations, the officer must arrest the offender even when the victim has not provided consent.

4. If a warrantless arrest cannot be made before the end of the officer's shift, the officer shall file a complaint for ICC at District Court. If after hours, the complaint should be filed with the on-call Magisterial District Judge.
  - a. Upon filing of the ICC complaint, an arrest warrant will be issued. The Court will send the original warrant to the Sheriff's Department and provide copies to the officer.
  - b. If an arrest warrant for a PSVI violation is delivered to this department from another jurisdiction for execution, officers shall make every reasonable effort to execute the warrant and arrest the defendant as soon as possible.

**E. Victim Notification**

Officers shall make reasonable efforts to notify any person protected by a PSVI Order that the defendant has been arrested for ICC based upon a PSVI Order violation. Unless the person cannot be located, notice of the arrest shall be provided no more than 24 hours after the defendant's preliminary arraignment.

**F. Training**

The Upper Gwynedd Police Department shall provide training to all officers to ensure familiarity with the provisions of the Pennsylvania Protection of Victims of Sexual Violence and Intimidation Act (Title 42, Chapter 62A).

Effective: October 31, 2016

Revised: October 11, 2018

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 4.1.13 PA Legal Mandates - UCR

**Purpose:**

To provide guidelines and procedures concerning the collection and reporting of U.C.R.

**Policy:**

It will be the policy of the Upper Gwynedd Police Department to comply with the requirements of the Uniform Crime Reporting Acts, (20 P.S. §§20.301-20.305 and 20.501-20.509) and (Act 2004 180 (S.B. 668), § 301), as applicable, requiring all Commonwealth law enforcement agencies to report crime statistics to the Pennsylvania State Police.

**Procedures:**

- A. This agency shall submit UCR reports monthly to the Pennsylvania State Police electronically .
- B. Review and submission is the responsibility of the Administrative Secretary or their designee.

Effective: July 9, 2009

Date: July 9, 2009

By order of:

A handwritten signature in black ink, appearing to read "David Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 4.1.14 Clearing and Closing of Incident Reports

**Purpose:**

To provide guidelines and procedures concerning the clearance and closing of police incident reports, including Uniform Crime Report (UCR) classified offenses.

**Policy:**

In conjunction with General Order 4.1.13, it will be the policy of the Upper Gwynedd Police Department to comply with the requirements of the Uniform Crime Reporting Act. This policy clarifies the manner in which crimes which fall under the UCR and all police incidents will be cleared and closed by department personnel.

**Definitions:**

**Part One Offenses:**

1. Criminal Homicide
2. Forcible Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Larceny/Theft (Except Motor Vehicle Theft)
7. Motor Vehicle Theft
8. Arson

**Part Two Offenses:**

1. Other Assaults
2. Forgery and Counterfeiting
3. Fraud
4. Embezzlement
5. Stolen Property: Buying, Receiving, Possessing
6. Vandalism
7. Weapons: Carrying, Possessing
8. Prostitution and Commercialized Vice
9. Sex Offenses
10. Drug Abuse Violations
11. Gambling
12. Offenses against the Family/Children

13. Driving Under the Influence
14. Liquor Laws
15. Drunkenness
16. Disorderly Conduct
17. Vagrancy
18. All Other Offenses
19. Suspicion
20. Curfew and Loitering Laws – (Persons under 18)
21. Runaways – (Persons under 18)

**Procedures:**

- A. The review and submission of UCR information to the Pennsylvania State Police remains the responsibility of the Administrative Secretary or their designee(s).
- B. During the first business day of each month, the Administrative Secretary or her designee will provide via e-mail a list of all open cases to the assigned investigating officer and their Sergeant. A copy of this list will be provided to the secretaries. Said list will also be provided to the Chief or Deputy Chief upon request.
- C. **UCR coded offenses 0110-2660:** these will be cleared and closed (using UCR guidelines) on a regular basis by the Detective Sergeant and / or their designee(s). Upon the monthly receipt of the open case list, the Detective Sergeant or their designee(s) will review the list and clear / close any cases which are inactive. The Chief and Deputy Chief may also periodically review and clear / close cases as they deem appropriate. However, UCR codes 0110-2660 are primarily the responsibility of the Detective Division.

Dispositions will only be left blank for non-UCR offenses / incidents coded 2662- "WARR".

- D. **Offenses and Incidents coded 2662-"WARR":** these will be cleared and closed (using UCR guidelines) on a regular basis by the Administrative Secretary or their designee(s). Upon the monthly receipt of the open case list, the Administrative Secretary or their designee(s) will clear / closes any cases coded 2662-"WARR" which are inactive. The Chief, Deputy Chief, and members of the Detective Division may also periodically review and clear / close cases as they deem appropriate. However, Incidents and offenses coded 2662-"WARR" are primarily the responsibility of the Administrative Division.

- E. Patrol Division members will not change status or disposition of incidents in the records management system.
- F. Case and incident report review will be conducted regularly by the Deputy Chief of Police. If the Deputy Chief is not available, members of the Detective Division will conduct case and incident reviews.

Effective: October 8, 2010

Date: October 8, 2010

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police



Upper Gwynedd Police Department  
General Order 4.5.1 Responsibilities of Police in Regard to Crime Victims

**Purpose:**

The purpose of this general order is to provide police personnel with guidelines on the Pennsylvania Crime Victims Act. This will assist in the dissemination of relevant information to victims of crime.

**Policy:**

It is the policy of the Upper Police Department to comply with the Pennsylvania Crime Victims Act (18 P.S. 11.101 et seq.) in regard to responsibilities of state and local law enforcement.

**A. Responsibilities of local law enforcement agencies**

**A. Training**

The Upper Gwynedd Police Department shall insure that all of its officers and employees are familiar with crime victims' compensation, as provided in the Pennsylvania Crime Victims Act. Instruction concerning crime victims' compensation shall be made part of the training curriculum for all trainee officers.

(1.) Written notification of benefits

The Upper Gwynedd Police Department shall, within 48 hours of reporting, give notice to the victim or, if appropriate, a member of the victim's family of the availability of crime victims' compensation. The notice for all domestic violence victims shall be in writing. The written notification provided for shall be accompanied by one copy of the application form for crime victims' compensation. The Upper Gwynedd Police Department shall maintain a record of all notifications.

(2.) Information

The Upper Gwynedd Police Department is responsible for providing basic information on services available for crime victims. The information shall be available in writing and provided to the victim within 24 hours of the first contact with the victim.

(3.) Notice

In personal injury crimes, the Upper Gwynedd Police Department shall make reasonable efforts to notify the victim of the arrest of the suspect as soon as possible. Unless the victim cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment.

In personal injury crimes, the Upper Gwynedd Police Department, when known, shall notify the victim of an inmate's escape from the custody of any holding facility.

## **B. Procedures**

- (1.) Officers who come in contact with a serious crime victim(s) (sexual assault, simple and aggravated assault, robbery, burglary, harassment, stalking, hate crimes, attempted homicide, DUI accident victim) that was injured or suffered a loss, are required to provide the victim(s) with information on victims' compensation and available services. Both notifications shall be in writing. The victims' compensation notification will be provided within 48 hours of contact with the victim. The available services notification will be provided within 24 hours of contact with the victim.
- (2.) The Upper Gwynedd Police Department shall accomplish this notification in cooperation with the Pennsylvania Commission on Crime and Delinquency. Officers shall use the pamphlet provided by the PCCD. This pamphlet will meet the criteria for both notifications. The form will direct victims to the centers, who in turn, will provide free assistance in filing victim compensation claim forms and provide information on available services.
- (3.) Officers shall give the victim one copy of the pamphlet and return the back page, signed by the victim, and attach to the incident report. If the victim wants the police department to make the notification to the Victims' Center, the officer shall fax over the signed copy.
- (4.) Incident reports shall document the fact that the victim was provided with the proper notification paperwork, along with other pertinent information.
- (5.) In personal injury crimes, officers shall notify the victim when an arrest is made. Officers will provide the victim with the results of the arraignment, including bail conditions and status, i.e. released or committed. When known by the officer, the victim shall be notified of any escape by the suspect or release from a holding facility. This will be documented in the incident report.
- (6.) If the victim has property seized as evidence and the prosecutor determines that the evidence is no longer needed then the property will be returned to the victim.

Effective: April 18, 2011

Date: April 18, 2011

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Police Department  
General Order 4.6.1 Reporting Suspected Child Abuse

## PURPOSE

The purpose of this general order is to provide department personnel with guidelines on the Pennsylvania Child Protective Services Law.

## POLICY

It is the policy of this department to comply with sections §6311- persons required to report suspected child abuse and §6313- reporting procedure of the Pennsylvania Child Protective Services Law (23 Pa. C.S.A. §6301, et seq.).

## PROCEDURES

### A. Reporting Suspected Child Abuse

1. Law enforcement officers are mandated reporters of suspected child abuse under 23 Pa.C.S.A. §6311(a)(9).
2. As a mandated reporter officers shall make a report of suspected child abuse under any of the following circumstances:
  - a. The officer comes in contact with a child in the course of their duties and has reasonable cause to suspect the child is a victim of child abuse.
  - b. A person makes a specific disclosure to the officer that a child is the victim of child abuse.
  - c. An individual makes a specific disclosure to the officer that they have committed child abuse.
3. Officers shall follow the reporting procedures established under 23 Pa.C.S.A. §6313(a), which are as follows:
  - a. Once the investigating officer has gathered all pertinent information, and the immediateness of the incident is resolved, officers should notify Pennsylvania's Department of Human Services of all suspected/ reported child abuse. This notification should be done immediately via ChildLine's online reporting portal ([www.compass.state.pa.us/cwis](http://www.compass.state.pa.us/cwis)).
  - b. In the event notification cannot be made through the online portal a phone call shall be placed to ChildLine at 1-800-932-0313 **and** a written report shall be submitted **within 48 hours** to Montgomery County's Office of Children and Youth (OCY).

- (1) Written notification shall be completed by faxing OCY the initial incident report.
- (2) If OCY is contacted during the investigation the officer may direct the written report as requested by the caseworker involved otherwise the report should be faxed to OCY (attention screening department) at 610-278-5898.

**B. Responsibilities of Investigating Officers**

1. An officer's primary concern shall be the safety and welfare of the child.
  - a. The officer shall ensure the child receives proper and appropriate medical attention if such is indicated.
  - b. An officer may take a child into protective custody if there are grounds to believe that the child is suffering from injury or is in imminent danger from his surroundings, and that his removal is necessary, 42 Pa.C.S.A. §6324(3).
2. All officers who come in contact with a suspected abused child or receives a report of a child being abused shall start or cause to be started, an investigation into the suspected abuse. All normal criminal investigative procedures shall be followed including gathering the following information:
  - a. The names and addresses of the child, the child's parents and any other person responsible for the child's welfare.
  - b. Where the suspected abuse occurred and the time or time period of the suspected abuse.
  - c. The age and sex of all the subjects in the investigation.
  - d. The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child.
  - e. The name and relationship of the person(s) responsible for causing the suspected abuse, if known.
  - f. Information in regards to the family composition.
  - g. Identify the source of the report and all contact information for the reporting person.
  - h. Any actions taken by the person reporting the suspected abuse and/or the investigating officer, to include the taking of photographs, performance of medical tests and x-rays, the taking of the child into protective custody and notifications made to other agencies.

- i. All other information required for a complete and detailed investigation.

Effective: April 15, 2011

Revised: April 6, 2018

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy". The signature is fluid and cursive, with a large, stylized initial "D".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.8.1 Pennsylvania Megan's Law Requirements

**PURPOSE**

The purpose of this general order is to provide police personnel with guidelines on complying with the written notification requirements when a sexually violent offender or sexually violent delinquent child lives in Upper Gwynedd Township. The primary goal of the department in regards to sexual predators is the protection and safety of the children and citizens in the community.

**POLICY**

It is the policy of this department to comply with §9799.26 and §9799.27 of the Pennsylvania Judicial Code (Title 42) in reference to written notifications made by this department when a sexually violent offender or sexually violent delinquent child resides in the Township as required by 42 Pa.C.S.A. §9799.11.

**PROCEDURES**

**A. Community Notification**

1. Community notifications will be performed by this department in cases where the convicted sex offender is found to be a sexually violent predator or sexually violent delinquent child and the offender:
  - a. Resides in Upper Gwynedd Township, or
  - b. The individual's last known habitat was in Upper Gwynedd Township and they have failed to establish a residence and are transient.
2. The Pennsylvania State Police will provide information to the Chief of Police, on how to perform community notification. In accordance with 42 Pa.C.S.A §9799.27(a) the notification shall contain the following:
  - a. The name of the individual.
  - b. The address(es) at which the individual resides. If the individual is a transient notice shall consist of the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park, and a list of the places the transient eats, frequents and engages in leisure activities.
  - c. The offense for which the individual was convicted, sentenced by a court, adjudicated delinquent or court martialled.
  - d. A statement that the individual has been determined to be a sexually violent predator or sexually violent delinquent child, which determination has or has not been terminated as of a date certain.

- e. A photograph of the sexually violent predator or sexually violent delinquent child, if available.
  - f. The notice shall not include any information that might reveal the victim's name, identity and residence.
3. Upon notification of a sexually violent predator or sexually violent delinquent child having residence or being transient in Upper Gwynedd Township, the Chief of Police, or his/her designee, is responsible as per §9799.27(b), for providing written notification to the following persons:
- a. Neighbors of the individual.
  - b. The director of Montgomery County's Office of Children and Youth.
  - c. The North Penn School District Superintendent and the equivalent official for each private and parochial school in Upper Gwynedd Township.
  - d. The superintendent of each school district and the equivalent official for each private and parochial school within a one-mile radius of where the individual resides.
  - e. The licensee of each certified daycare center, licensed preschool program, and owner/operator of each registered family daycare home in Upper Gwynedd Township.
  - f. The president of each college, university and/or community college located within 1,000 feet of the individual.

**B. Notification Time Frame**

- 1. Upon receiving notice of a sexually violent predator or sexually violent delinquent child's release date and residence the Chief of Police shall direct that notice be provided within the following time frames:
  - a. Neighbors shall be notified within 5 days. Verbal notification shall be used if written notification would delay meeting this time requirement.
  - b. All other persons specified under section 3 of Community Notification, in this general order, shall be notified within 7 days.
- 2. All information provided under section 2 of Community Notification, in this general order, shall be made available, upon request, to the general public. The information may be provided by electronic means.



**C. Documentation**

All notifications pursuant to this general order and as required by law will be documented in an incident report. Written notification sheets for sexually violent predators or sexually violent delinquent children, residing in Upper Gwynedd Township, will be maintained in a file in the auxiliary service area in the event the information is requested.

Issued: May 24, 2011

Amended: December 18, 2017

Effective: December 31, 2017

By order of:

A handwritten signature in cursive script, appearing to read "David W. Duffy".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.9.1 Immigration Status

**PURPOSE**

The purpose of this general order is to provide guidelines to officers when encountering persons who are not citizens of the United States. The enforcement of civil federal immigration laws falls exclusively with the authority of the United States Immigration and Customs Enforcement agency. Nothing in this policy is intended to violate 8 U.S.C. §1373 or 8 U.S.C. §1644.

**POLICY**

It shall be the policy of this department that all members adhere to the guidelines of this general order.

**DEFINITIONS**

ICE – U.S. Immigration & Customs Enforcement, a federal law enforcement agency under The Department of Homeland Security (DHS).

Illegal Immigrants – citizens of other countries who have entered the United States without permission or entered legally but subsequently lost legal status.

Immigration Detainer – (I-247) a notice that DHS issues to federal, state and local law enforcement agencies to inform them that ICE intends to assume custody of an individual in that agencies custody.

287(g) Agreement – An agreement between state/local agencies and ICE as provided by the Immigration & Nationality Act. This agreement requires specific training and oversight by ICE in order for state/local law enforcement to enforce immigration laws.

**PROCEDURES**

**A. Protecting and Serving a Diverse Community**

1. Immigrants, regardless of their status in the United States, have numerous rights protected under the U.S. Constitution as well as local, state and federal laws.
  - a. Many provisions under the U.S. Constitution refer to “persons” rather than “citizens” and as such apply to all regardless of immigration status.
  - b. For over a century the Supreme Court has upheld noncitizens’ rights under various provisions, to include the Fourth, Fifth and Sixth Amendments and the due process and equal protection clauses of the Fourteenth Amendment.

2. All members of this department shall provide the same level of service and protection to any person regardless of their immigration status.
3. All members of this department shall adhere to the guidelines of General Order 1.8.3 Bias Based Policing.
4. Fostering trust with the immigrant community is beneficial to this department and the public we serve.

**B. Immigration Enforcement**

1. The federal government and its designated agencies such as ICE and the Department of Justice have authority and responsibility to regulate and enforce immigration laws.
2. The Supreme Court has ruled that the federal government cannot force state or local officials to enforce federal law. As such, local police agencies are not required to enforce immigration laws and Congress has limited state and local authority to enforce such laws.
  - a. Local agencies that enforce immigration laws without a formal agreement, 287(g), with federal immigration authorities risk making arrests outside the scope of their actual legal authority and open themselves and their agency up to civil liability.
  - b. This department has not entered into a "287(g) Agreement" with ICE and therefore shall not enforce immigration laws.

**C. NCIC Hit Response from ICE**

1. When a NCIC Hit Response is received from ICE (ORI VTICE0900) officers will need to determine if the NCIC entry is for a criminal or civil warrant.
2. Civil Warrant (Administrative)
  - a. An ICE administrative warrant is not reviewed or issued by a court or judicial officer; they are signed by an ICE agent and there is no probable cause requirement for these warrants.
  - b. An ICE administrative warrant serves to authorize any ICE agent to take custody of an individual. Local law enforcement officers are not authorized to serve or execute these warrants.
  - c. A Hit Response will include a NIC number. ICE administrative warrants will have a NIC number that starts with N and will appear on the response as NIC/N (followed by nine numerical characters).
  - d. Civil warrants will not reflect a criminal conviction or criminal charge.

- e. Other indicators, of a civil warrant, which may be seen on the Hit Response, include terms such as:
  - (1) Administrative warrant
  - (2) Civil deportation order
  - (3) Immigration violation- failure to appear for removal or deported felon.
- 3. Criminal Warrant
  - a. An ICE criminal warrant is issued by a judge and the authority of local law enforcement to seize a person based on this warrant is equal to any other criminal warrant.
  - b. The NIC number for a criminal warrant will start with W and will appear on the response as NIC/W (followed by nine numerical characters).
  - c. A Hit Response for a criminal warrant will typically indicate violations of federal law (USC).
  - d. The response will ordinarily identify the name of the judge and the court issuing the warrant.
- 4. When an ICE Hit Response is received County Radio's policy is to contact ICE before requesting a Hit Confirmation. Hit confirmations shall be reviewed to determine the nature of the warrant.

**D. Subjects with Administrative Warrants or Detainers Filed**

- 1. When an officer has routine contact with an individual and there is an administrative warrant, for that person, the officer is not to detain the person any longer than needed for the original purpose of the contact.
  - a. Since administrative warrants are not based on probable cause detaining someone beyond the initial lawful encounter would constitute a seizure and would require probable cause not found in the administrative warrant.
  - b. This seizure, however slight, would be in violation of the Fourth Amendment.
- 2. If an officer has an individual in custody, for a state or local crime, and the person is found to have an administrative warrant or ICE files an immigration detainer, the officer *shall not detain the person any longer than what is required by law for the charges being brought by this department.*
  - a. These documents do not provide local officers the authority to prolong detention; in doing so the original legal seizure, if prolonged beyond its

natural completion, can become unlawful. Such detention would constitute a warrantless arrest.

- b. Pretextual delays or processing delays, designed to slow the release of an individual in order to permit ICE to arrive in time to encounter and apprehend an individual may create liability to the officer for unlawful seizure.
- c. ICE can take custody of an individual when they are released from our custody and walk out of our station of their own accord.
  - (1) This also applies when the person is being held, on our charges, at another police department. Should that police department decide to handle the release differently, doing so is their prerogative; however this department shall not ask them to hold the person any longer than necessary on our charges.
  - (2) Releases from Montgomery County Correctional Facility (MCCF) will be determined by their policy.

#### **E. Subjects with Criminal Warrants**

- 1. If a NCIC Hit Response from ICE appears to be for criminal charges have County Radio send the Hit Confirmation Request. Instruct County to fax/email the NCIC transmissions to this department and attach them to the report.
- 2. Contact ICE to determine their ETA and inform them where the person will be lodged. ICE's response time, travel time for the duty officer, will likely be less than four hours.
- 3. If needed, request Lansdale Police Department house the person until ICE responds.

Note: Lansdale PD will lodge someone for 12 hours. Montgomery County Correctional Facility will not hold any persons based solely on an ICE warrant.

#### **F. Immigration Status**

- 1. A person's immigration status is generally not relevant to calls for service or investigations conducted by this department
- 2. Officers may determine the immigration status of a person is pertinent in other circumstances, such as:
  - a. Background information relevant to an investigation conducted by a member of this department for a violation of state or local law, e.g., Title 18, §6105 Persons not to possess, use, manufacture, control, sell or transfer firearms.

- b. Determining the flight risk of a person arrested by this department for a violation of state law.
3. This department does not require officers to notify ICE when we have contact with an illegal immigrant, nor does this department prohibit such notification.
4. If ICE requests information on a person, this department had contact with, the information shall be provided as it would be to any law enforcement agency regardless of the person's citizenship.

**G. Cooperation with ICE**

1. As indicated above, any request for information this department may have for any persons will be provided to ICE.
2. Officers shall not support or assist in civil immigration enforcement operations, including but not limited to:
  - a. Assist in home or work raids
  - b. Establish a perimeter around a building/home
  - c. Establish traffic perimeters
  - d. Conduct traffic stops on a person(s), who is the target of a civil immigration enforcement action, at the behest of ICE agents

Note: If ICE report safety concerns, such as a high risk individual(s), officers may, with the approval of the shift supervisor, sit *inconspicuously* in the vicinity, and respond to assist ICE agents should a criminal violation occur.

3. If ICE produces a valid criminal warrant for an individual and they are requesting assistance, officers may assist ICE, with the approval of the shift supervisor, as they would any other federal, state or local agency.
  - a. Officers shall obtain a copy of the arrest warrant from ICE and verify the warrant is for criminal charges and is signed by a judge.
  - b. If ICE agents are unwilling to provide a copy, for verification, officers shall not assist in serving the warrant.

Effective: February 10, 2020

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 4.10.2 Relinquishment of Weapons

**PURPOSE**

The purpose of this general order is to provide guidelines on the requirements of Act 79 of 2018, which amended 18 Pa C.S. §6105, et seq and 23 Pa C.S. §6102, et seq. Act 79 of 2018 addresses the relinquishment of firearms, other weapons, ammunition, and any firearm license. This general order will provide guidelines on accepting and documenting relinquishments, ensuring the subject of a relinquishment is complying with the order, and how to ensure the proper lawful return of firearms, ammunition or other weapons when authorized by law.

**POLICY**

It is the policy of the Upper Gwynedd Police Department that officers comply with the legal requirements of law enforcement as it pertains to relinquishment orders following convictions of misdemeanor crimes of domestic violence and/or certain protection from abuse orders.

**PROCEDURE**

**A. Order of Relinquishment Following a Conviction**

1. An order of relinquishment following a conviction for a misdemeanor crime of domestic violence pursuant to 18 Pa.C.S. §6105(c)(9) (relating to person not to possess, use, manufacture, control, sell or transfer firearms) will be forwarded by the court of conviction to the law enforcement agency and the county sheriff's office where the defendant resides.
  - a. Relinquishment orders relevant to this department will be sent to Montgomery County Department of Public Safety, who will in turn, forward the notification to this department.
  - b. Officers are to document the date and time the order was received.
  - c. Relinquishments received from Montgomery County Court of Common Pleas will include a list of the firearms within the defendant's possession or control, "Attachment A", or a "No Firearms Verification" form. The officer taking custody of the firearms shall insure these forms are completed according to their instructions.
2. The defendant shall relinquish any firearms under their possession or control or ammunition to the law enforcement agency of the municipality in which they reside or sheriff of the county in which they reside. The defendant is also required to relinquish to the county sheriff any firearm license issued.

3. Relinquishment shall be made within 24 hours following conviction, except for cause shown, in which case the court will specify the time for relinquishment of any or all of the defendant's firearms.
4. A person subject to a relinquishment order may relinquish the firearms to a licensed dealer pursuant to 18 Pa.C.S. §6113 (relating to licensing of dealers).
  - a. The person shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police, which shall include the information required under 18 Pa.C.S. §6105.2(c)(3).
  - b. Any person relinquishing firearms to a dealer shall, within the specified time frame, provide the affidavit to the appropriate law enforcement agency or sheriff's office.

**B. Relinquishment Pursuant to a Protection from Abuse Order (PFA)**

1. If a final PFA order is issued or a temporary PFA order requires a defendant to relinquish firearms, ammunition, other weapons and/or firearms license an automatic message will be sent from the Protection from Abuse Database (PFAD) through CLEAN to notify the law enforcement agency and the county sheriff's office where the defendant resides.
  - a. PFAD notifications relevant to this department will be sent to Montgomery County Department of Public Safety, who will in turn, forward the notification to this department.
  - b. Officers are to document the date and time the order was received.
2. A relinquishment pursuant to a temporary PFA order shall be made within 24 hours of service of a temporary order, except for cause shown at the hearing, in which case the court will specify the time for relinquishment of any or all of the defendant's firearms.
  - a. If a defendant, subject to a temporary order requiring relinquishment, cannot reasonably retrieve the firearms, other weapons or ammunition within the time frame due to their location, the defendant shall provide this department or the county sheriff with an affidavit listing the firearms, other weapons or ammunition and their current location.
  - b. The defendant shall not possess any firearms, weapons or ammunition specifically listed in the affidavit provided to this department for the duration of the temporary order.
3. A relinquishment pursuant to a final order of protection shall be made within 24 hours of the issuance of the final order, except for cause shown at the



hearing, in which case the court will specify the time for relinquishment of any or all of the defendant's firearms.

- a. A defendant who is the subject of a final PFA order may relinquish to a licensed dealer pursuant to 18 Pa.C.S. §6113 (relating to licensing of dealers) any firearms, other weapons or ammunition for consignment sale, lawful transfer or safekeeping.
  - (1) The defendant shall obtain an affidavit from the dealer on a form prescribed by the Pennsylvania State Police, which shall include the information required under 23 Pa.C.S. §6108.2(b).
  - (2) A defendant who relinquishes firearms to a dealer shall, within the specified time frame, provide the affidavit to the appropriate law enforcement agency or sheriff's office.
- b. A defendant wishing to relinquish firearms pursuant to 23 Pa.C.S. §6108.3 (relinquishments to third party for safekeeping), must report to the sheriff's office in the county where the order was entered with the third party in order to fulfill the requirements of the relinquishment.

**C. Accepting Firearms, Other Weapons and Ammunition**

- 1. Order of relinquishment following a conviction.
  - a. When an Order of Relinquishment is received for a defendant who resides in Upper Gwynedd Township this department shall accept any firearms, ammunition and/or affidavit from a licensed dealer and any firearms license from the defendant. 18 Pa.C.S. §6105.2(b)(1) & (c)(4)
  - b. The officer securing custody of the relinquished firearms shall provide the person with a signed and dated written receipt, which shall include a detailed description including the serial number and condition of each firearm. §6105.2(b)(2)
  - c. The officer taking custody of the relinquished firearms and ammunition shall have the defendant complete the department's "notice of abandonment" form.
- 2. Relinquishment pursuant to a PFA.
  - a. When a PFA requiring relinquishment is received for a defendant who resides in Upper Gwynedd Township this department shall secure any firearms, other weapons, ammunition and/or affidavit and any firearm license ordered to be relinquished for the duration of the order or until otherwise directed by court order. 23 Pa.C.S. §6108(a)(7)(ii)
  - b. The officer securing custody of the relinquished firearms shall provide the person with a signed and dated written receipt, which shall

include a detailed description including the serial number and condition of each firearm. The receipt shall also provide a detailed description of the other weapons or ammunition relinquished. 18 Pa.C.S. §6105(f)(4) & 23 Pa.C.S. §6108(a)(7)(ii)

- c. The officer taking custody of the relinquished firearms, weapons or ammunition shall have the defendant complete the department's "notice of abandonment" form.
3. All firearms, weapons, ammunition, and firearms license relinquished to this department will be documented and secured pursuant to General Order 3.6.1- Property and Evidence- Collection, Preservation and Control.

#### **D. PFAD Entry and Tracking**

1. To facilitate the statutory mandate, the Pennsylvania State Police (PSP) and Pennsylvania Coalition Against Domestic Violence have developed a process within the PFAD system to help record, monitor and track relinquishments.
2. The police department has designated officers who will meet data entry requirements. These officers will be responsible for inputting the firearms, ammunition, and other weapons into PFAD in the event a defendant relinquishes these items to the police department.
3. The PFAD entry does not substitute entry into the department reporting system and property/evidence management system or other statutory requirements.
4. Subjects relinquishing firearms, ammunition or other weapons may do so at any time and the police department will be required to update the PFAD system as soon as reasonably practical.

#### **E. Investigation of a Defendant's Failure to Relinquish**

1. Officers are required to provide immediate notice when a defendant fails to provide an affidavit or fails to relinquish any firearms, other weapons, or ammunition (or fails to relinquish those items not listed in the affidavit).
  - a. When a defendant fails to relinquish the required firearms, ammunition, etc. pursuant to a conviction the court, victim, prosecutor, and sheriff are to be notified. 18 Pa.C.S. §6105.2(d)
  - b. When a defendant fails to relinquish the required firearms, ammunition, etc. pursuant to a PFA the court, plaintiff and other appropriate law enforcement authorities are to be notified. 23 Pa.C.S. §6108(a)(7)(iv)

2. A person who intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to the appropriate law enforcement agency commits a misdemeanor of the second degree. 18 Pa.C.S. §6105(a.1)(2)
  - a. The person must be the subject of a relinquishment order under:
    - (1) An active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108; or
    - (2) Any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which provided for the relinquishment during the time the order is in effect; or
    - (3) 18 Pa.C.S. §6105(c)(9) the person is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8).
  - b. Unless, in lieu of relinquishment, the person provides an affidavit which lists the firearms or other weapons or ammunition to the police department or sheriff in accordance with:
    - (1) 23 Pa.C.S. § 6108(a)(7)(i)(B)
    - (2) 23 Pa.C.S. § 6108.2 (relinquishment to a dealer)
    - (3) 23 Pa.C.S. § 6108.3 (relinquishment to third party) or
    - (4) 18 Pa.C.S. §6105.2(c) (relinquishment to a dealer)
3. This department will initiate an investigation of a violation of 18 Pa.C.S. §6105 when a defendant, who resides in this jurisdiction, fails to comply with an order of relinquishment.

**F. Disposition and Return of Firearms, Other Weapons and Ammunition**

1. Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order. The defendant may take custody of the firearms, other weapons, and ammunition provided that the defendant is otherwise eligible to lawfully possess the relinquished items. 23 Pa.C.S. §6108.1(a)
  - a. The following conditions must be satisfied prior to the firearms, other weapons or ammunition being returned to the defendant:
    - (1) The firearms, other weapons or ammunition relinquished must not be evidence of a crime.

- (2) The defendant or owner must not be otherwise prohibited by applicable Federal or State law, or another condition, including, but not limited to, bail, from taking possession of the firearms, other weapon or ammunition seized.
    - (3) The defendant or owner must have been given a clearance by the Pennsylvania State Police Instant Check System (PICS) Unit or through the National Instant Criminal Background Check System (NICS), requested by the sheriff's office.
  - b. The plaintiff of a protection from abuse order shall be notified of the defendant's request to return the firearms, other weapons, or ammunition.
2. Abandonment of firearms, weapons, or ammunition. *18 Pa.C.S. §6128*
  - a. Any firearms, other weapons or ammunition shall be deemed abandoned when the following conditions are satisfied:
    - (1) Relinquishment was made by the lawful owner pursuant to court order or executed warrant, and no written request to return or otherwise dispose of the firearms, weapons or ammunition is made by the lawful owner or the lawful owner's attorney or duly appointed representative after a period of one year from the date an order of relinquishment or seizure has expired; and
    - (2) This department has made notification to the lawful owner by certified mail to the address where the owner is now known to reside, the last known address of the owner, the address provided at the time of relinquishment or the address found after searching other available sources of address data; and
    - (3) The owner fails to respond within 20 days to the notice.
  - b. If firearms, weapons, or ammunition are deemed abandoned the department may dispose of the firearms, weapons, or ammunition by:
    - (1) Arranging for the sale of the firearms, weapons, or ammunition to a federally licensed firearms dealer by sealed bid with proceeds of the sale to be retained by the department.
    - (2) Arranging for the lawful and complete destruction of the firearms, weapons, or ammunition. Firearms, weapons, or ammunition that cannot lawfully be sold to a federally licensed firearms dealer in this Commonwealth shall be destroyed.
3. In all instances where firearms, ammunition or other weapons are returned or disposed of, the returning officer shall document the transaction in a supplemental report, complete a property release form and update the

information in the property/evidence management system for proper accounting.

Effective: June 10, 2020

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy". The signature is fluid and cursive, with a large, stylized "D" at the beginning and a long, sweeping underline.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order: 4.11.1 Public Information and Right to Know

## **PURPOSE**

On January 1, 2009 Act 3 of 2008, Pennsylvania's Right to Know Law, became effective. This Act provided for access to public information, for a designated opens records officer in each local agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records. The purpose of this general order is to establish compliance with the Pennsylvania Right to Know Law (RTKL).

## **POLICY**

It shall be the policy of this department that all personnel comply with the provisions of this general order.

## **PROCEDURES**

### **A. Definitions**

Agency – A Commonwealth, local, judicial or legislative agency.

Local Agency – Any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.

Public Record – A record, including a financial record, of a Commonwealth or local agency that:

- (1) is not exempt under section 708 of the Right to Know Law.
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
- (3) is not protected by a privilege

Record – Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

Requester – A person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.

### **B. Providing Public Records**

1. The department shall provide public records in accordance with Pennsylvania's Right-to-Know Law.

2. Public records within the possession, custody or control of the police department can be requested by submitting a Right-to-Know request form to the open records officer.
  - a. The Right-to-Know request form can be found on the department's website or located in the police department lobby.
  - b. Anonymous requests will not be accepted.
  - c. Each request must identify or describe the records sought with sufficient specificity to ascertain which records are being requested.
  - d. A request for public record will not be denied due to the intended use of the public record by the requester unless otherwise provided by law.
  - e. Requests for records that do not fall under the scope of the police department will be directed to the Township Manager or the appropriate persons in another agency.
3. A record in the possession of this agency shall be presumed to be public record. The presumption shall not apply if:
  - a. the record is exempt under section 708 of the Right-to-Know Law;
  - b. the record is protected by a privilege; or
  - c. the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.
4. The provisions of Chapter 67A of Act 22 of 2017, and not the Right-to-Know Law, shall apply to any audio recording or video recording made by this agency.

**C. Open Records Officer**

1. The Chief of Police is the open records officer for the Upper Gwynedd Police Department.
2. The open records officer shall track the agency's progress in responding to requests and issue interim and final responses under the Right-to-Know Law.
3. Upon receiving a request for a public record, the open records officer shall do all the following:
  - a. Note the date of receipt on the written request.

- b. Compute the day on which the five-day period to respond, under section 901 of the RTKL, will expire and make a notation of that date on the written request.
- c. Maintain an electronic or paper copy of a written request, until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued, under section 1101(b) of the RTKL, or the appeal is deemed denied.

#### **D. Appeals**

1. If a request for public records is denied or deemed denied, the requester may file an appeal within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial.
2. Requesters can file an appeal with the Montgomery County District Attorney's Office, under their guidelines, by submitting the appeal to:

Montgomery County Deputy District Attorney  
Open Records Appeals Officer  
Montgomery County District Attorney's Office  
P.O. Box 311, Norristown, PA 19404  
Phone: 610-278-3090

#### **E. Posting Requirements**

The following information will be posted in the police department's lobby and on the department's website:

1. Contact information for the open records officer
2. Contact information for the appropriate open records appeals officer
3. The Right-to-Know request form
4. Regulations, policies and procedures of this department relating to the Right-to-Know Law.

#### **F. Prohibition**

No policy or regulation of this department shall include any of the following:

1. A limitation on the number of records which may be requested or made available for inspection or duplication.
2. A requirement to disclose the purpose or motive in requesting access to records.



Effective: April 26, 2011

Revised: February 10, 2020

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy". The signature is fluid and cursive, with the first name "David" being the most prominent.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 5.2 Directed Patrols

## **PURPOSE**

The purpose of this general order is to establish policies and procedures for directed patrols. Officers assigned to patrol should be proactive in self-initiated contacts, foot patrols, business checks and directed selective enforcement.

## **POLICY**

It is the policy of this department to maintain a progressive and proactive approach to patrol. All personnel are expected to prioritize calls for service effectively and efficiently. Patrol time will also be managed effectively and will be guided by the following procedures.

## **PROCEDURES**

### **A. Self-Initiated Contacts**

1. Given the volume of traffic that passes through the Township daily, it is not unreasonable for every officer assigned to patrol duties to average at least two traffic contacts per shift, per month. As such, officers are required to conduct and document (via citations, arrests or warnings) an average of two traffic contacts per patrol shift, per month. Again, you may make arrests or issue either citations or warnings for the violations that you observe. Of course, by law, vehicles may only be stopped based on a reasonable belief or suspicion that a violation or violations have occurred.
2. Officers may substitute traffic contacts with self-initiated suspicious person, vehicle, or incident investigations / contacts. These contacts may result in arrests, citations or warnings / other non law-enforcement dispositions. Such contacts and investigations will be initiated and conducted in accordance with the law. Such matters will be documented in incident reports and daily logs. The weighting / credit of these contacts will be determined as follows:
  - a. Traffic contacts that result in citation(s) or warning(s) will be counted or "weighed" as one self-initiated contact per vehicle stopped, regardless of the number of summary violations detected.
  - b. Pedestrian "Terry Stops", suspicious circumstance, person or vehicle contacts, etc. will be counted as one contact per event, regardless of the number of persons stopped or detained.
  - c. Warrant services count as two contacts per person arrested.
  - d. Traffic and non-traffic contacts that result in an arrest or arrests, including warrant services, count as two contacts per event.

Issued: May 13, 2008

Amended: December 18, 2017

Effective: December 31, 2017

By order of:

A handwritten signature in cursive script, appearing to read "David W. Duffy".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
Special Order 5.4.1 Towing of Vehicles

**POLICY**

It shall be the policy of this department for all vehicles requiring removal from the highways or to a facility for security or for other investigations to use a specified order of request for the towing of vehicles.

**PROCEDURES**

The specified order of request for the towing of vehicles as approved by the Board of Commissioners is as follows:

- A. If an automobile is disabled by reason of accident or mechanical failure and the owner requests a specific towing agent, then the requested agent shall be notified for a timely response. If a timely response cannot be provided and no other alternative towing agent is promptly available then the Duty Tow Agent shall be notified for response.
- B. The Duty Tow Agent will be the primary towing agent and shall be requested first.
- C. If the Duty Tow Agent is unavailable then any local towing agent may be used as requested by the on scene officer.

**RESPONSIBILITY**

It shall be the responsibility of each officer to adhere to the above policy.

Effective: May 24, 2005

Revised: January 17, 2011

By order of:

A handwritten signature in black ink, appearing to read 'David W. Duffy', written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
Special Order 5.4.2 Injured Dog Procedures

The following agreement has been formed with Dr. Rogatz of the Gwynedd Veterinary Hospital, 1615 West Point Pike, Lansdale, PA 19446 at (215) 699-9294.

This agreement provides police officers the option to take ***injured*** dogs or owner identified cats depending on the condition of the animal, whose owners cannot be immediately located, to Gwynedd Veterinary Hospital (GVH). **GVH will not accept any sick animals due to risk of rabies and/or infectious diseases.**

**PROCEDURES:**

1. GVH will due minimal supportive care for pets until owners can be located and it is **incumbent upon Upper Gwynedd Police officers to diligently locate owners to assume the fiduciary responsibility for the veterinary care.** The care provided by GVH will be limited to catheter, fluids, +/- oxygen, pain meds antibiotics, X-rays, euthanasia. If the attending doctor determines that the patient's chance of survival does not outweigh their immediate suffering they will have the option to euthanize immediately.
2. Upper Gwynedd Police officers shall make every effort to locate the pet's owner as soon as possible, not to exceed two to three days. When an owner can be located all GVH services will be billed to that owner. If an owner cannot be located within two to three days (3 days if over a weekend), GVH shall have the option to euthanize, adopt the animal out to one of their employees, or transfer the animal to the SPCA as they see fit.
3. Is an owner can not be located, GVH will invoice Upper Gwynedd P. D. for services rendered, not to exceed \$300.00.

Effective: May 24, 2005

Date: May 16, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
Special Order 5.4.3 Law Enforcement Officers' Safety Act of 2004  
[SPECIAL ORDER: 2004 – 02]

The new Federal law identified above, passed and made effective in July 2004 enables police officers to carry firearms throughout the United States when off-duty. The law is applicable to active police officers that have the power to enforce the laws of the Commonwealth and who "meets or during the most recent 12-month period, has met the State's standards for training and qualification to carry firearms".

**POLICY**

Officer may, at their discretion, carry concealed firearms, including department issued handguns, in other states. Officers shall follow all applicable laws in those states and carry their firearms discretely. Officers should be mindful that there are certain areas in all states, ie. Courthouses, casinos, etc., where concealed firearms are prohibited.

**RESPONSIBILITY**

It will be the responsibility of each officer to adhere to the above policy.

Effective: May 24, 2005

Revised: July 1, 2008

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
Special Order 5.4.4: Restraint of Patients Using EMS Ambulance Service  
[Prior Directive: 2003-02]

**POLICY:**

Until further notice, in accordance with the policy of the Volunteer Medical Service Corps, the procedures for persons under arrest and requiring medical transport shall be followed by all personnel.

**PROCEDURES:**

1. Should handcuffs or other means applied by any member of this Department restrain any person under arrest, the officer shall accompany the arrestee in the ambulance to the hospital, after securing the patrol vehicle and arranging for their transportation back to duty.
2. Under no circumstance shall any member of this Department restrain any patient using handcuffs or other means without either probable cause resulting in arrest or probable cause resulting in emergency mental health 302 commitments the arrest or committal actually being performed by the officer of this Department.
3. Under no circumstance shall any officer of this Department restrain any patient because it has been simply requested by EMS (Emergency Medical Service) personnel.

**RESPONSIBILITY:**

It will be the responsibility of each officer to adhere to the above policy.

Effective: May 24, 2005

Date: April 17, 2003

By order of:

*Robert A. Freed*

Robert A. Freed  
Chief of Police

## Upper Gwynedd Police Department General Order 6.1 Law Enforcement Code of Ethics

### **Purpose:**

To provide the officers of Upper Gwynedd Police Department a clear understanding of the law enforcement officers role, the significance and personal integrity to commit to a lifestyle in the public trust.

### **Policy:**

It will be the policy of the Upper Gwynedd Police Department to have all sworn members adhere and subscribe to a Law Enforcement Code of Ethics. Each member of the Upper Gwynedd Police Department, after assuming sworn status, is required to take and subscribe to a Law Enforcement Code of Ethics.

#### **6.1.1 Code of Ethics**

“As a law enforcement officer, my fundamental duty is to serve the community to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit my personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately wither fear or favor, malice or will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in the acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.”



Upper Gwynedd Township Police Department  
General Order 6.2 Establishment of Operation Manuals

**Purpose**

This order is established to define the regulatory, training and operational manuals that govern the day-to-day operation of the police department.

**Policy:**

It will be policy of this department that all members shall follow the procedures and instructions in the various manuals AND TOWNSHIP POLICIES that are established to govern the day-to-day operations of the police department. The manuals will be expected to change or be added to on a regular basis. All personnel shall familiarize themselves with the manuals and refer to them as required in the performance of their duties.

**Definitions of Manuals:**

The established listed manuals are supported by policy and resolutions and when modified, as they are expected to change, will be subject to enforcement by the order establishing their use.

- A. The RULES AND REGULATIONS (POLICY) MANUAL
- B. The PERSONNEL EVALUATION MANUAL
- C. The FIELD/FIELD TRAINING MANUAL
- D. The CIVIL SERVICE RULES AND REGULATIONS
- F. TOWNSHIP POLICY MANUAL
  - 1. Upper Gwynedd Township Exposure Control Plan (Township Policy)
  - 2. Upper Gwynedd Township Resolution No. 6-89: Provisions of the Clean Air Act Regarding Smoking. (Township Policy)
  - 3. Upper Gwynedd Township Resolution No. 8-96: Sexual Harassment. (Township Policy) (see also General Order 1.8.2)
- G. Upper Gwynedd Township Emergency Management Plan

Other manuals or policy resolutions may be developed and added as required by the evolution of the management process.

Upper Gwynedd Township Police Department  
General Order 6.3 Job Descriptions

**A. CHIEF OF POLICE**

1. The Chief of Police is the administrative head of the Police Department. In this capacity, he assumes responsibility for and command of all operational and administrative functions of the police department.
2. The Chief of Police reports to the Board of Commissioners as to operations and to the Township Manager as to budgetary matters.

**B. DEPUTY CHIEF OF POLICE (SECOND IN COMMAND)**

1. Is appointed by the Board of Commissioners to assume responsibility for the organizational, operational and administrative functions of the department under the direction of the Chief of Police. Command Delegation Protocol:
  - a. In the absence or incapacitation of the Chief of Police, the Deputy Chief shall perform the duties and responsibilities of the Chief of Police unless otherwise delegated by the Chief prior to his absence.
  - b. The Deputy Chief shall be responsible for the operational and administrative functions of the Department as assigned by the Chief of Police. These duties include but are not limited to the following:
    - To supervise the Patrol Division.
    - To assist the Chief of Police as directed with the supervision of all personnel assigned to the investigations unit.
    - To investigate or refer investigations of complaints against personnel and direct the results to the Chief of Police or take appropriate action in the absence of the Chief of Police.
    - To prepare assigned portions of the budget for approval of the Chief of Police, prepare purchase orders for approval, and develop with the Chief of Police a strategic plan for the future of the Department.
    - To assist in the preparation of the annual work schedule, and training and educational requirements for personnel.
2. Takes necessary disciplinary action against any personnel in the absence of the Chief of Police, as may be required, who violate the Code of Discipline.

**C. PATROL SERGEANT**

1. Is the immediate supervisor of a patrol squad, and is responsible for the efficient performance, quality of service(s), and evaluation of all personnel under his supervision and direction.
2. Assigns personnel to their duties.

assigned to specific functions and cases within the investigation unit as determined by the policies and procedures of this unit. He will coordinate investigations department-wide.

3. By identifying, locating and questioning witnesses, complainants, and suspects, he shall obtain records and detailed information concerning an investigation in order to obtain the identification of and the apprehension of suspect(s).
4. Searches for, locates, identifies, preserves and then transports items of physical evidence from the scene of a crime to the appropriate agency for examination and analysis. This includes arrangements for technical assistance such as that provided by the specialists in identification, ballistics, narcotics, firearms, or toxicology when / as required by the investigation or prosecutorial direction.
5. Maintains current sources of information to aid in investigations.
6. Prepares and submits all required investigative reports and case summaries as required in accordance with departmental policies and procedures.
7. Assists prosecuting authorities in the preparation of court cases and testifies in all judicial hearings and trials when required.
8. Conducts background investigations for police applicants, township applicants, or others as directed by the Chief or his assigned supervisor.
9. When assigned, patrols his assigned zone, responds to calls for service and performs other patrol related duties as required.
10. Assists law enforcement officers from other agencies or jurisdictions with any investigations in our township. When required, he/she conducts investigations in other outside jurisdictions.
11. Maintains contact with the Chief and Deputy Chief to keep him advised of all significant or unusual conditions or activities being investigated by this unit.
12. Reports directly to the scene of major crimes and discusses pertinent aspects of the crime with the reporting officer. Takes charge of the investigation until otherwise ordered.
13. Records or directs the investigation of the scene of any major crime scene by insuring that photographs, video-tape, fingerprints, and other measuring details are properly taken and maintained by all assigned personnel. As supervisor of the, unit directs or assists searching the crime scene for all items of evidence.
14. Reports and recommends to the Deputy Chief any necessary disciplinary action against any personnel who violate the Code of Discipline for adjudication by the Chief of Police.

#### **E. OFFICER IN CHARGE (OIC)**

1. Assumes all supervisory control of a squad, in the absence of any ranking officer, after being specifically assigned to this position by the Chief of Police.

10. Informs or advises his immediate supervisor of any significant or unusual condition(s) found to be existing within his assigned patrol zone.
11. Complies with and see that all current orders, policies and procedures of the department are adhered to.
12. Performs other related duties as required.
13. Reports for duty, in proper uniform and with proper equipment, at the required time in accordance with departmental policies and procedures.
14. Serves as a member of a special unit as assigned by the Chief of Police and performs the duties and functions of this special unit in addition to the duties and functions required as a member of his regularly assigned squad.

#### **H. SCHOOL CROSSING GUARD (Part-Time)**

1. Shall report to his/her assigned school crossing location at the prescribed times each day when school is in session for his/her assigned location.
2. Shall remain on the side of the roadway at the assigned location until children reach to location where they are to cross. At that time, keeping the children on the sidewalk or the side of the roadway, shall go to the middle of the roadway and **STOP ALL TRAFFIC IN BOTH DIRECTIONS**. After doing so, shall instruct the children to cross in an orderly and safe manner.
3. Upon completion of the crossing of the children, shall return to the side of the roadway from which the children will be walking to await additional children to cross.
4. **AT NO TIME**, shall the crossing guard direct traffic except to stop vehicles for the safe crossing of the children.

#### **I. ADMINISTRATIVE SECRETARY**

Is the primary sworn civilian employee of the police department and serves as assistant to the Chief of Police in confidential personnel and department matters. This employee is responsible for supervising the other civilian employees who perform many of the same job functions or who are delegated to perform certain functions as deemed necessary by the Administrative Secretary with the approval of the Chief of Police.

1. Reports to the Chief of Police and assists with administrative functions including the proper preparation of all required correspondence, reports, and memos.
2. Reviews certain reports submitted by officers on a daily basis for thoroughness and accuracy as directed by the Chief of Police.
3. Serves as the primary sworn matron for the police department and is "on-call" on a 24 hour per day basis to assist police officers with the guarding, transporting and/or searching of any female prisoners.
4. Prepares payroll records and maintains overtime records for submittal to the Chief of Police for approval.

- Supervises the Alarm Permit Manager who maintains the alarm registration file as mandated by Township Ordinance (registers all alarm installers and users in the township, sends out annual registration, update forms and alarm bills to all alarm owners/users, and maintains accurate records of all alarms.
  - Who enter computer records of evidence placed in the custodial control of the police department.
12. Transcribes all tape-recorded statements, which are obtained or received by the Detective Sergeant, Detective, or other member of the department during the course of any investigation.
  13. Provides maintenance and support services for the police department's computer system. Verifies "Backs-up" of the computer system on a daily basis and maintains all back-up tapes in a secure location.
  14. Issues office items and related paperwork to all police personnel as required and maintains an accurate count of all such items and places orders as required for large office equipment items including but not limited to the photocopier, computers, printers, adding machines, FAX machines, and etc.
  15. Assists with the completion of "Special Projects" as may be required or requested of the police department from time to time. These would include, traffic accident report surveys, and other statistical surveys where copies of actual reports from several previous years must be retrieved, copied, and sent to the requesting person and/or agency.

## **J. SECRETARY**

Is a sworn civilian employee of the police department that assists the Investigative Unit in preparing incident reports for criminal and civil litigation purposes. This employee is also responsible for supervising the other part-time civilian employees who perform many of the same job functions or who are delegated to perform certain functions as deemed necessary by the Administrative Secretary with the approval of the Chief of Police.

1. Reports to the Administrative Secretary and assists with administrative functions including the proper preparation of all required correspondence, reports, and memorandums.
2. Serves as another sworn matron for the police department and is "on-call" on a 24 hour per day basis to assist police officers with the guarding, transporting and/or searching of any female prisoners.
3. Prepares payroll records and maintains overtime records for submittal to the Chief of Police for approval as directed by the Administrative Secretary.
4. Prepares and submits departmental purchase orders to the Chief for approval.
5. Enters and verifies the accuracy of the daily time records submitted by all police officers for efficient management analysis of and by review of the Chief of Police.
6. Prepares the monthly report of police department activities for approval and submission to the Board of Commissioners by the Chief of Police.

20. Maintains and orders supplies as required for large office equipment items including but not limited to the photocopier, computers, printers, adding machines, FAX machines, and etc.
21. Assists with the completion of "Special Projects" as may be required or requested of the police department from time to time. These would include, traffic accident report surveys, and other statistical surveys where copies of actual reports from several previous years must be retrieved, copied, and sent to the requesting person and/or agency.
22. Performs all of the functions of the Administrative Assistant to the Chief of Police in that person's absence.

Effective: May 13, 2008

Date: March 13, 2008

By Order Of:

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.4 Notification of Chief of Police

NOTIFICATION OF CHIEF OF POLICE ON INCIDENTS

**POLICY:**

It shall be the policy of this department that the Chief of Police or his designate shall be notified by the Sergeant or OIC on duty at the time when defined specific incidents occur.

**PROCEDURE:**

The incidents for which the Chief of Police shall be notified are as follows:

- SHOOTING OF OR BY POLICE
- The Police Chiefs' Association of Montgomery County Mutual Aid Plan.
- Any duty related injury to police personnel which renders an officer incapable of continuing or completing his assigned tour of duty, or which requires any form of hospitalization for any period of time.
- Homicides or suspicious deaths.
- Any "reportable" auto accidents involving any police vehicles or personnel.
- Any incident which requires that an outside agency be called in to assist our department, for example: a Federal Enforcement Agency, the Montgomery County Detectives, PSP Criminal Unit or PSP Fire Marshall, exclusive of Coroner on vehicular or accidental deaths.
- Any situation where it is necessary to have a prolonged or extended evacuation of civilians, for example: major structure fires, major flooding conditions, explosions of buildings etc.
- Whenever a Municipal, County or State Official is arrested, or involved in a serious incident with the police department.
- Activation of the Tactical Response Team.
- Activation of the C100 Mobile Communications Van.
- Reports of an abducted child or missing child at risk requiring immediate action to ensure the safe recovery of the at risk child.

**RESPONSIBILITY:** It shall be the responsibility of the Sergeant or OIC to maintain compliance with this policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.5 Investigation of Serious Crimes

INVESTIGATION OF SERIOUS CRIMES

**POLICY:**

It will be the policy of this department that investigation division personnel be notified of serious crimes or unusual incidents to insure that proper procedures are followed in those cases and where persons have been arrested who may attempt to use undue political influence or pressure on members of this department. The Sergeant or OIC shall make the final determination to have the investigator(s) respond to the scene or to headquarters.

**PROCEDURE:**

On all felony cases reported to this department, i.e., Part I Crimes, or felony arrests the Sergeant or OIC shall immediately notify or cause to be notified a member of the detective division assigned to duty. During the time when no detective is on duty, the Sergeant or OIC in major felony cases shall make the determination, and if he feels it necessary for a detective to take immediate action, to notify or cause to have notified the duty detective.

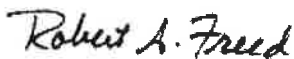
1. Major felony crimes are defined as follows:
  - a. All homicides and manslaughter's or deaths of a suspicious nature;
  - b. all rapes, either forcible or statutory, and attempted;
  - c. all robberies;
  - d. all burglaries which necessitate immediate follow-up;
  - e. all arsons, as requested by the Montgomery County District Attorney, the Fire Chief or his agent;
  - f. Any other situations as dictated by special or unusual circumstances.
  - g. ALL SHOOTING OF AND BY POLICE
2. The Chief of Police shall be notified consistent with procedures established in General Order 6.4.

**RESPONSIBILITY:** It shall be the responsibility of the Sergeant or OIC to maintain compliance with this policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police



Upper Gwynedd Township Police Department  
General Order 6.6: C-100 Mobile Communications and Command Post  
Activation

**DEFINITION:**

C100, a mobile Communications and Command Post, is maintained by Upper Gwynedd Township under the authority of the Police Department to support field activities of area Police Departments, Fire Departments, and Emergency Management Coordinators. The unit is a specially equipped vehicle to be a command post and communications facility with assigned, specially trained personnel to provide a field office in a variety of emergency situations and public event management.

**POLICY:**

**EMERGENCY RESPONSE:**

The C-100 unit will be activated and respond for HIGH RISK situations, HAZARDOUS RISK emergencies, FIRE or HEALTH RISK emergencies upon the request of an on duty shift supervisor or OIC, Fire Chief or a designated officer, or Emergency Management Coordinator.

**NON- EMERGENCY/PUBLIC EVENTS:**

Scheduling for a Non-Emergency/Public Event must be pre-arranged and coordinated through the Upper Gwynedd Police Department.

**PROCEDURE:**

The request for a response of the C100 unit shall be made through the Police Radio Room. The on-duty dispatcher shall page all personnel and contact those not responding to the page by telephone.

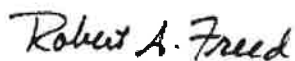
**RESPONSIBILITY:**

It shall be the responsibility of the Sergeant or OIC on duty to insure that all personnel under their command comply with the aforementioned policy and procedures when involved in one of the specified situations.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.7: Agreement to Provide Assistance to Other Departments

**POLICY:**

It shall be the policy of this police department when operating under the provisions of Ordinance No. 81-5, Township Code Chapter 35, Article II, and Article III to remain consistent with the regulations and procedures set forth in the Upper Gwynedd Township Code to insure compliance with the adopted Ordinances authorizing the police department's participation in a cooperative agreement with regard to receiving and/or providing assistance during emergency situations that confers upon each individual police officer (member of another law enforcement agency) the powers of arrest in each respective municipality when operating under the authority of this agreement executed by the municipalities.

**DEFINITION:**

The cooperative agreement, by the respective Reciprocal Ordinances executed on behalf of Lansdale Borough, Hatfield Township, Towamencin Township and Upper Gwynedd Township (Article II of the Upper Gwynedd Code) and the Police Chiefs' Association Montgomery County (Article III of the Upper Gwynedd Township Code). Member of another law enforcement agency shall mean any sworn member of a police jurisdiction, a member of the mutual aid agreement jurisdiction, and any sworn member of any County, State or Federal agency.

**PROCEDURE:**

Every member will adhere as closely as possible to the regulations and procedures of Police Chiefs' Association of Montgomery County Mutual Aid Plan and those of the Upper Gwynedd Township Police Department for providing or requesting assistance from other departments. Where a specific situation necessitates deviation from these procedures all personnel should seek prior clearance from the Sergeant or OIC who may need authorization from the Chief of Police or Deputy Chief of Police. This will insure uniformity of action by all police personnel either when requesting assistance from or providing assistance to a member or members of another police department or other law enforcement agency regardless of any mutual aid agreement. In emergency situations the Chief of Police is authorized to provide up to 25% of the Department's manpower and shall be notified of the activation of the Mutual Aid Plan (see also General Order 6.4).

Normal assistance for a non-emergency support for routine day-to-day actions shall be through clearance from the Sergeant or OIC. It will be the responsibility of each officer to adhere to the above policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

## Upper Gwynedd Township Police Department General Order 6.8: Stray Dog Procedures

### **POLICY:**

The policy and procedure concerning the seizure, detention and subsequent release of all stray and/or unlicensed dogs shall be according to the policy and the procedures that are consistent with the regulations set forth in Act # 1982-225, also known as the Pennsylvania Dog Law.

### **PROCEDURES:**

#### **SEIZURE**

As per Section 302 of the PA Dog Law, it shall be the responsibility of any police officer to seize and detain any dog, licensed or unlicensed, which is found to be running at large, either upon the highway or on the private property of any person at any location within the township at any time.

#### **DETENTION**

It shall be the procedure of this police department to detain all such dogs that are taken in custody pursuant to Section 302 of the PA Dog Law, in the Towamencin Township stray dog kennel facility. These kennels, located in the rear of Bustard Park, shall be maintained solely for the detention of any stray and/or unlicensed dogs by Towamencin Township which is taken into police custody for any reason. Any police officer taking a stray dog into custody and placing him in the kennel, shall immediately complete an incident report noting on same that this dog has been placed in the Towamencin Township kennel.

Between the hours of 8:30 AM and 5:00 PM this officer shall immediately notify Towamencin Township headquarters that a dog was placed in the kennel, or an on-duty Towamencin officer as a secondary contact. The officer shall also notify Upper Gwynedd headquarters to notify the SPCA and to advise that agency that we have a dog in custody. Dogs that are picked up after 5:00 PM shall be detained overnight and the SPCA will be contacted the next day by one of the police secretaries. Dogs taken into custody over any weekend shall also be placed in the kennel, and a Towamencin Township officer shall be notified and this be documented in the body of the incident report. However, it shall be the responsibility of the reporting officer to notify the SPCA of the dog being in custody. In all cases, the SPCA at Collegeville, PA shall be notified as soon as possible that a dog is in custody and is being detained for them at our township kennel.

#### **RELEASE OF DOGS -**

- 1) Any dog which has been taken into the custody of the police department for any reason shall only be released to a representative of the SPCA or to the owner or claimant of the dog. For any dog that has been taken into custody which is released back to his owner and/or claimant, there will be a fee of \$20.00 charged to this owner and/or claimant at the time that the dog is released from custody. This fee is authorized under Section 302 of the PA Dog Law and shall be collected regardless of the length of time which the dog has been in the custody of the police and will be retained by Towamencin Township for all dogs taken into

Upper Gwynedd Township Police Department  
General Order 6.9 Care of Police Vehicles and Equipment

**PURPOSE**

To provide the officers of Upper Gwynedd Police a clear understanding of procedures relating to the care of police vehicles and equipment.

**POLICY**

It shall be the policy of this department that police vehicles and all related equipment are kept in good operating condition according to the procedures specified in this order. Each senior officer or O.I.C. shall be responsible and accountable for the cleanliness and condition of his assigned vehicle and equipment. It will be the responsibility of each officer to adhere to this policy.

**DEFINITION**

Police Vehicle- any marked or unmarked vehicle owned or leased by this municipality, operated by a member of this department.

**PROCEDURE**

**A. Inspection**

1. Upon beginning a tour of duty, **each** officer shall check his assigned vehicle for cleanliness and equipment, both inside and outside of the vehicle. When faulty equipment is observed, an internal memo shall be completed and forwarded to the appropriate personnel, i.e., the vehicle maintenance officer or Public Works Department. If a vehicle is placed "in service" and leaves Police Headquarters without a submitted report or notification of a supervisor of the damage to that vehicle or its equipment, the officer shall then be held responsible for such damage. Any damage not previously reported shall be reported on an Incident Report under code 4510.
2. Any damages which result to a vehicle or equipment during tour of duty shall be noted on the officer daily and an incident report shall also be completed by the officer.
3. At the end of a tour of duty, each officer shall again check his assigned vehicle making sure to remove all reports, papers and personal items and equipment. Any debris or contraband that may have been accumulated during the tour of duty shall be removed by the officer before leaving the vehicle to his relief officer.

- b. Officer's should have the vehicle owner/driver sign the Release of Claim for Damage form prior to pushing a vehicle with their patrol vehicle.

Effective: May 24, 2005

Revised: June 8, 2016

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.10: Inventory Search of Towed or Impounded Vehicles

**NOTE:** Nothing in this order is intended to hamper or interfere with the scope of a search lawfully conducted by an officer when such search is based on consent, exigent circumstances, probable cause, or a motor vehicle being used or having been reported stolen or where the officer has probable cause to believe the vehicle is stolen.

**POLICY:**

It is the policy of the Upper Gwynedd Township Police Department that lawful and necessary custody of any vehicle towed or impounded at the direction of an officer of this Department from public or private property within or outside the Township requires that the vehicle is to be inventory searched for valuables.

**EXCEPTIONS:** In motor vehicle accidents or abandoned vehicle removal where a legal operator, owner or passenger is present and the officer instructs them to remove any valuables from the vehicle before it is towed, an Inventory Search need not be done.

**AUTHORIZATION:**

Officers are authorized to have vehicles towed under variety of circumstances which shall include but not be limited to the following:

- A. Where the operator is not longer physically or mentally competent to safeguard the motor vehicle or its contents.
- B. Where the motor vehicle is illegally parked or obstructing the normal and safe movement of traffic.
- C. Where the operator has been lawfully arrested and taken into custody for a criminal or motor vehicle law violation, where the vehicle may be lawfully seized for forfeiture, and/or the operator is unable or unwilling to provide for a reasonable and immediate alternative arrangement for the safety and security of the vehicle and its contents. EXAMPLES: DUI arrests, operating under suspension or revocation, recovered stolen vehicles, lawful custodial arrest where the vehicle must be removed from public or private property, defined Act 64 violations subjecting the property to forfeiture, abandoned vehicles removed from highways by police order, motor vehicle accidents where the operator has been physically removed from the scene and no other passenger/responsible person is available to take control of the vehicle and its contents.

**PROCEDURE:**

The inventory search will be conducted either immediately before the vehicle is towed, or as soon as is practically possible with the time noted on the VEHICLE CUSTODY/INVENTORY RECORD. When vehicles are towed other than by Township authorized towing services the vehicle will be towed to and stored at Police Headquarters until it can be released to either the legal owner or storage agency. This is to ensure that uniform guidelines are followed when conducting a warrant-less inventory search of a motor vehicle towed or impounded at police direction to:

Effective: May 24, 2005

Date: March 31, 2005

By order of:

*Robert A. Freed*

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.11: Controlled Substances Forfeiture Confiscation  
Procedures

**POLICY:**

Based on the terms and conditions as set forth in the amended version of Act 64, it is the policy of this department that all police officers may seize any assets and property that are connected with any violation of Act 64, other than violations of Section 13(A)(31), which involves mere possession and non-sale distribution of small quantities of marihuana or hashish. All seizures of such assets and property will be done in accordance with the amended version of this Act, which became effective June 30, 1988 and by following the following procedures for the seizure of any assets or property that is connected with violations of Act 64, the Controlled Substance, Drug, Device and Cosmetic Act of Pennsylvania under the guidelines of the Montgomery County District Attorney.

**PROCEDURE:**

The procedures of this police department, with regard to any seizures of assets or property under Act 64, shall be as follows:

1. Any assets or property that are determined to be involved in the transporting, delivering, concealing, possessing, manufacturing or processing of any controlled substance, other than a small amount of marihuana or hashish, shall be immediately seized and taken into the immediate custody of the Upper Gwynedd Township Police Department.
2. All items, regardless of type, shall be immediately transported to and kept at the Upper Gwynedd Township Police Department. A departmental property receipt shall be completed on all items that are seized. Any vehicles that are seized shall be completely inventoried by the confiscating officer, listing all items found in the vehicle on the property receipt as directed by General Order 6:10. All items of a personal nature belonging to the owner or operator of the vehicle shall also be removed at that time by the confiscating officer. After this, all vehicles shall also be locked and rendered inoperable, if possible.
3. Photographs, or if necessary, video-tape of large or valuable items, shall be taken of all seized items as soon as possible after being brought to the police station.
4. The Sergeant In-charge of investigations or assigned criminal investigator shall be notified of the seizure, and the circumstances involved with the seizure, as soon as practically possible. In any event this notification must be made before the beginning of the next business day (Monday through Friday).
5. The Detective Sergeant or assigned criminal investigator shall then be responsible for immediately notifying the District Attorney's Office of the seizure. After that, the District Attorney's Office will be responsible for preparing all of the necessary documents relevant to this seizure and will also advise the detective or assigned investigator what to do with the seized assets and/or property.



Upper Gwynedd Township Police Department  
General Order 6.13: MOBILE TELEPHONE USE

MOBILE TELEPHONE USE

**POLICY:** It will be the policy of this department, to ensure proper accountability, use, and financial economy for mobile telephones for official police business that all members are to follow the procedures established by this order. Additionally, the divided attention of the responding officer to telephone and police radio may compromise his and/or his fellow officers' safety.

**DEFINITIONS:**

Mobile telephones shall mean those cellular units issued for patrol use with the chargers for the respective telephones placed in the equipment room.

**PROCEDURES:**

- A. Telephone calls are to be placed when related to either an incident or inquiry where radio or land telephone use is not convenient or of a nature that requires an immediate response.
- B. The officer is to note the telephone call on his Daily Activity Report and / or the incident report that it is related to, to verify the automated records by the computerized billing service of the telephone company.
- C. Calls of a personal nature will not be placed or received by mobile telephone unless of a nature authorized by the Sergeant or OIC where circumstances justify the call or where approved by the Chief of Police or his designee.
- D. Mobile telephone numbers are not to be given out without proper authorization.
- E. No calls are to be received unless authorized by the Sergeant or OIC where circumstances justify the call or where:
  - 1. a police emergency/crisis condition exists and the calls are necessary, or
  - 2. the Chief of Police or his designee authorize calls to be received.
- F. The Sergeant/OIC shall receive Nextel radio messages for and pertinent messages relayed to the appropriate personnel for their response.
- G. Officers are to place the cellular units for recharging at the end of their shift and spare battery(s) are available in order to use the telephone on a 24-hour basis

**ACCOUNTABILITY:**

For unauthorized use of the cellular telephone each individual officer will be held accountable.

**RESPONSIBILITY:**

It will be the responsibility of each officer to adhere to the above policy.

Upper Gwynedd Township Police Department  
General Order 6.14: Police Reports

**POLICY:**

It is the policy of the Upper Gwynedd Township police department that all reports, shall be reviewed by the Sergeant or OIC, or in their absence, by the next senior officer on that squad or individuals assigned by the Chief of Police.

**DEFINITIONS:**

Police reports shall mean all reports filed with record section concerning incidents received, traffic citations, parking tickets, police activity reports, and other required forms and reports that are submitted by members of the department to maintain an accurate record system.

**PROCEDURE:**

All reports concerning the activities of and officers' tour-of-duty shall be completed, correct and hand printed, in standard black or blue ink, by the reporting officer. The reports shall be submitted for review throughout the tour of duty at the discretion of the Sergeant or OIC for review by the Sergeant or OIC, or in their absence, by the next senior officer on that squad or individuals assigned to by the Chief of Police.


**RESPONSIBILITY:**

It shall be the responsibility of the Sergeant or OIC to maintain compliance with this policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.15: Providing Information to the News Media

**PURPOSE**

The purpose of this general order is to provide direction to all officers for the dissemination of information to news media, social media or similar means.

**POLICY**

It will be the policy of this department to encourage the release of information to recognized members of the news media under the directives specified in this order. It is necessary that the police cooperate as much as possible, with all news media personnel to have the support and cooperation of the general public for whom they work. The public must understand the calls, problems and needs of the police and must be aware of required police activities.

**PROCEDURE**

Investigative reports prepared by officers are in support of litigation by the District Attorney's Office or other prosecutorial agencies. Unless we are compelled to turn the reports over by subpoena or through an order of discovery through the District Attorney or Court system, they are not public records open for review. Only prosecutorial instruments that are filed in District Justice's Offices are public records.

**A. Responsibilities In Releasing Information**

1. It is the ultimate responsibility of the Chief of Police to release information to the public. That responsibility shall be delegated to the following personnel:
2. Public Information Officers. (P.I.O.)
3. Command Officers and Supervisors – Command officers and supervisors with responsibility for a specific case/incident may be the secondary contact for the news media in the absence of the P.I.O.
4. Other Employees – Other employees may respond to media inquiries when directed within the guidelines of this General Order.

**B. Establishment Of Public Information Officer**

1. The designated P.I.O. is the primary contact for the news media.
2. Personnel serving in the capacity of the P.I.O. will support the agency and its personnel in matters involving the news media. To accomplish this, the P.I.O. will be available during emergencies and critical incidents.

5. Access to Crime Scenes and Critical Incidents

- a. Agency personnel should be courteous to news media representatives at crime and critical incident scenes.
- b. At such scenes, agency personnel shall ensure that the media respect the established perimeter. Members of the media have no greater or lesser access to an incident scene than members of the general public.
- c. The P.I.O., with approval of the scene commander, may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
- d. No member of this agency shall prohibit the media from news gathering practices, including photography and interviews, outside the established perimeter.
- e. Information at crime/critical incident scenes will be released by the Chief of Police or the designated P.I.O.
- f. At critical incident scenes, the Chief of Police or designated P.I.O will establish a media briefing area as close to the scene as safety and operational requirements allow.
- g. At critical incident scenes, members of the agency will work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.

6. Public Records – This agency and its members will abide by all local, state and federal laws governing the release of public records. (Covered in detail in general order 4.11.1)

7. Joint Investigations/Other Agency Involvement

- a. In a multi-jurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information.
- b. The P.I.O. or designee for the lead agency will share that information with all involved agencies in advance of public dissemination.

**D. Information Release Guidelines**

The release of information is subject to the restrictions of applicable local, state and federal laws. Further, any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons will not be released.

- j. Home address, telephone numbers and family information of law enforcement personnel.
- k. Names of undercover personnel.
- l. Any other information that could jeopardize the successful conclusion of an investigation and prosecution.
- m. Any other information prohibited by state law from being publicly disclosed.

3. Information concerning juveniles

The question of releasing information to the public about juvenile delinquency cases continues to generate numerous questions. Under the provisions of the current Juvenile Act, the following information can be released:

The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if the child is 14 or more years of age at the time of the alleged conduct and if any of the following apply:

The child has been adjudicated delinquent by a court as the result of an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary, violation of section 13(a)(30) of the Act of April 14, 1972 (P.L. 233, No. 64), known as the Controlled Substance, Drug, Device and Cosmetic Act, or other act involving the use of or threat of bodily harm.

A petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include elements of rape, kidnapping, murder, robbery, arson, burglary, violation of section 13(a)(30) of the Act of April 14, 1972 (P.L. 233, No. 64), known as the Controlled Substance, Drug, Device and Cosmetic Act or other act involving the use of or threat of bodily harm and the child has been previously adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

The child is a dangerous juvenile offender.

If the conduct of the child meets the requirements for the disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name, age and address of the child, the offenses charged and the disposition of the case. The master or judge who adjudicates a child delinquent shall specify the particular offenses and counts thereof which the child is found to have committed and such information shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.

**I. Alternative Methods To Disseminate Information**

It is the policy of this agency to pursue alternative methods of disseminating information directly to the public. These may include community newsletters, government access cable television shows, web sites, public appearances by agency members, public area bulletin boards and others.

Effective: May 24, 2005

Date: March 31, 2005

Amended: January 27, 2013

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.17: Alarm Ordinance Procedures

**POLICY:**

It shall be the policy of this department to accept all applications for alarm systems within the township as stipulated by Ordinance. Those accepted and then given a permit, will by virtue of their approval, be expected to abide by the rules and regulations for the proper operation of their systems, in accordance with the Township Ordinance. Permits and User Numbers for all alarm systems shall only be given out by the Police Department's Alarm Permit Manager (sworn civilian staff), with the approval of the Chief of Police.

**PROCEDURES:**

All registrations shall be done at the police station and only between the hours of 8:00 AM to 4:30 PM, Monday through Friday.

- a. Alarm Installers will be registered on the required form and applicable fees set by Ordinance will be charged to alarm installers. Each installer will be given a license number.
- b. Alarm Users will also be registered on the required form. The appropriate annual fee, which is \$20.00 for automatic dialers, 10.00 for all central station or answering service alarms and local audible alarms will be collected by the Alarm Permit Manager. Each user will be given a registration number. Emergency contact numbers obtained shall be recorded in the automated data system.
- c. It shall be the responsibility of the Alarm Permit Manager to register all alarm installers and users in the township.
- d. All officers shall insure compliance with these alarm ordinances, by informing all NON-REGISTERED alarm installers and users to report to the station and register their alarm systems under penalty of violation of this ordinance.

**RESPONSIBILITY:**

It will be the responsibility of all administrative personnel and each officer to adhere to the above policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.20: Police Training

**POLICY:**

In order to maintain and assess training pertinent to the Department and its personnel, all training courses and attendance of the training by officers of this Department shall have prior approval of the Chief of Police.

**PROCEDURES:**

- A. Attendance at training courses shall be scheduled by the Chief of Police or his designee.
- B. Officers wishing to attend training that occurs on off-duty time shall notify the Chief of Police of the course, time, date, location, sponsors and trainers before enrolling or attending for approval. The training will be evaluated on a case-by-case basis and, if given approval, discussed with the officer.

**RESPONSIBILITY:**

It will be the responsibility of each officer to adhere to the above policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police



Upper Gwynedd Township Police Department  
General Order 6.21: Police Correspondence

**POLICY:**

In order to account for inquiries and correspondence from personnel of the Upper Gwynedd Township Police Department, all letters, documents, or forms written or completed by any officer shall be approved by the Chief of Police before they are sent.

**PROCEDURES:**

- A. All letters, memos, forms that are issued from the department represent an official position of the Chief of Police and the Department and shall be submitted for approval by the Chief of Police.
- B. Exceptions for Court Appearances or Continuances:
- Letters or memos to District Court(s) or Montgomery County Court issued by or at the request of an officer for a continuance or disposition related to an ***Incident*** shall be copied by cc: to the *Incident file* [use Incident Number]. The letter or memo shall be submitted to auxiliary services to be filed with the Incident Report.
  - Letters or memos in reference to a traffic citation by or at the request of an officer for a continuance or disposition shall be copied by cc: to *auxiliary services* who shall maintain the documents in a separate file when no incident number exists.
  - Letters or memos for continuances of hearings or summary trials for an officer who is suddenly assigned to training or leave shall be carbon copied (cc :) to the Chief of Police.

**RESPONSIBILITY:**

It will be the responsibility of each officer to adhere to the above policy.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.22: Continuance or Rescheduling of Hearing Requests

**POLICY:**

In order to provide proper representation of the Department and the rights of an accused or a victim, an officer who issues a citation or files charges with an agency or court that has jurisdiction over the issue, shall be prepared to attend the scheduled appearances. Should a conflict arise for vacation or leave purposes, an officer shall give timely notice in writing to the Court or agency of the need for a continuance, postponement or a reschedule request [see General Order 6.21 for notice compliance].

**PROCEDURES:**

- A. An officer who schedules a leave or vacation not on the work schedule that is sent to District Court shall immediately, upon approval of the leave by a supervisor or Chief of Police, notify in writing any Court or agency of the leave period. The officer shall make sure the Court or agency is aware that any scheduling for hearings should be avoided unless due process mandates an officer's appearance. The officer shall cooperate with the Court or agency to ensure proper rights of a defendant or victim are met.
- B. An officer shall not schedule a vacation or leave when the Courts or an agency has already mandated their appearance before them unless the officer has release from those responsibilities. The release should, preferably, be in writing prior to the leave request being presented to a supervisor or the Chief of Police. In all cases, the release from the Courts or agency shall be able to be confirmed by a supervisor or the Chief of Police.
- C. An officer shall, in the case of an emergency, immediately notify the supervisor, Chief of Police, and any Court or agency of the reason and leave period. The officer shall cooperate with the Court or agency to ensure proper rights of a defendant or victim are met.
- D. Supervisors may approve leave for an officer only after the Court or other agency obligations are met or changed by the Court or agency.

**RESPONSIBILITY:**

It will be the responsibility of each officer to adhere to the above policy.

Upper Gwynedd Township Police Department  
General Order 6.23: Reporting of Hazardous Road Conditions

**POLICY:**

It is the policy of the Upper Gwynedd Township Police Department to notify the Superintendent of the Public Works Department or his delegate to be notified immediately of any Township highway condition which is hazardous to the public and requires immediate attention to correct. This includes severe weather conditions where highways become hazardous due to weather or flooding conditions and includes all Penndot and Montgomery County highways under contract to the Township.

**PROCEDURES:**

1. If damage conditions should occur on any state or county maintained highway within the municipality notify appropriate Penndot or Montgomery County officials. This notification shall be the responsibility of the Sergeant, OIC or officer on duty at the time and shall be made either by telephone or via police radio and documented on an incident report.
2. At a time any weather alert is received, or conditions should arise which will impair safe traffic movement notify the Superintendent of Public works at that time.
3. At any time when it becomes necessary to notify the aforementioned officials of any hazardous condition(s) the notifying officer shall report same on the appropriate form, of the condition and the time and method of notification of highway officials. Spot problems that appear overnight and will become a hazard to early morning motorists should be brought to the Superintendent's attention by 0400 hours.
4. If, at any time, the condition of any road becomes a danger or extreme hazard to the public, the Sergeant or OIC shall immediately be notified of this condition. He shall make a determination as to whether or not the road in question should be closed to all vehicular traffic due to the conditions. Should such a decision to close the road be made, the Sergeant or OIC shall immediately notify the Superintendent to place barricades and the agency which is responsible for the maintenance of this road, either directly or via police radio, informing them that this road has been closed to all traffic. A separate complaint card shall be completed, noting the date, time, location and exact reasons for the closure.
5. If, at any time a traffic light bulb (or lighting instrument) is not illuminated when it is cycle for illumination, notify the Superintendent of Public Works or his delegate immediately.

**RESPONSIBILITY:**

It will be the responsibility of each officer to adhere to the above policy.

Upper Gwynedd Township Police Department  
General Order 6.24 Crash Review Boards

**Policy:**

The Crash Review Board is charged with investigating the circumstances of all incidents involving damage caused by any departmental motor vehicles. A Crash review board shall be impaneled for a period of six (6) months.

**Procedure:**

1. The Crash Review Board (CRB) shall be established by the Chief of Police.
2. The Crash Review Board shall consist of a minimum of three, non-involved, personnel to include one Sergeant, one OIC, and one patrolman, one of the CRB must be an accident Reconstructionist.
3. Upon completion of the CRB hearing, the findings will be passed on to the Sergeants who will meet as a panel. The Deputy Chief will serve as the chairman of the panel. The panel will make recommendations based on the findings of the CRB and a review of the previous 3 years of the driving and accident file. The Deputy Chief shall pass the findings and recommendations on to the Chief of Police.

The findings shall include:

- a. Overview of what occurred.
- b. Findings of whether the accident was preventable or non-preventable.

The recommendations shall include:

- a. Suggestions on discipline, if any
- b. Training deficiencies and recommended actions
- c. Restitution if accident deemed to result from negligence or serious violation of accepted practices.

A crash review board shall consist of five stages:

1. Appointment of the board:

Should a member of the CRB be the subject of the CRB review, an alternate of like rank or position shall be appointed for the specific CRB incident review.

2. Preliminary review of the facts:

The Sergeant shall chair the board and shall meet with the other members to conduct a preliminary review of the facts of the case, collect information, contact witnesses and establish a time for the board to convene.

Upper Gwynedd Township Police Department  
General Order 6.26 Law Enforcement Communications

**POLICY:**

This policy is to establish procedures for the use of communications and communications systems within the scope of duties at the Police Department.

**DEFINITIONS:**

Various "communications Systems" may be utilized by, or provided to our employees. They are for the mutual benefit of employees and the police department. The systems include both contemporaneous and pre-recorded communications; some of these are:

- a. Telephone and tele-facsimile (fax) devices;
- b. Electronic mail (e-mail) systems;
- c. Voice and video recorders and players;
- d. Radio and paging systems;
- e. Bulletin boards;
- f. Places where documents, paper mail and messages are posted or stored;
- g. Personal Computer (PC) workstations;
- h. Internet access;
- i. System and Application software;
- j. Network cabling, hardware and software;
- k. Mobile Data Computers

Ordinarily, an employee should not access communications intended solely for another employee or person unless requested to do so by the intended recipient, or directed to do so by a management representative. Unless the other party does not speak or read the language, all communications shall be in English, and no encryption program shall be used without management approval.

1) Ownership

All Township computing resources and related temporary and permanent files are the property of the Township of Upper Gwynedd. These include, but are not limited to any of the following, which reside on any Township electronic system. As a result, there should be no expectation of privacy on the part of the employees.

- a. Computers, network equipment
- b. Software
- c. Electronic mail
- d. Voice mail
- e. Documents

1. \*Appropriate computer usage includes, but is not limited to, the following:
  - a. Using Township computing resources for Township related business and activities
  - b. Protecting individual user accounts and passwords from unauthorized use
  - c. Accessing data and files that are owned by the user, or data and files to which the user has been given explicit authorized access
2. \*Inappropriate use of Township computing resources includes, but is not limited to, the following:
  - a. Using computing programs to decode passwords or access control information
  - b. Attempting to circumvent or subvert system security measures
  - c. Accessing data and files to which explicit authorized access has not been given
  - d. Intentionally engaging in any activity that causes harm to the systems or to any information stored thereon, such as creating or propagating viruses, disrupting services, or damaging files.
  - e. Making or using illegal or unauthorized copies of copyrighted software, or storing or transmitting such copies on Township systems.
  - f. Sending electronic mail or posting network news messages which are obscene, abusive, threatening, or harassing, or otherwise objectionable.
  - g. Intentionally crashing or otherwise interfering with the normal operation of the Township's computer systems
  - h. Loading unauthorized personal software on Township computers
  - i. Utilizing computing resources for unauthorized personal use
  - j. Wasting work time by accessing non-work related information
  - k. Misrepresenting an individual's opinion as Township policy

## 5) Electronic Mail (E-Mail)

Under Pennsylvania Law, e-mail messages may be considered public records. Unless otherwise required by law, all e-mail sent and received will be permanently destroyed after 15 (fifteen) days (unless a Right to Know request of a specific e-mail or e-mails was made within that 15 (fifteen) day period). Questions about whether an e-mail message should be released, as well as the release procedure should be directed through the Chief of Police

The Township cannot insure the confidentiality of e-mail messages. If an employee determines that e-mail is the appropriate means to communicate sensitive or privileged information, or information that may otherwise be exempt from public disclosure under the Pennsylvania Right to Know Act, care should be taken to include in the "subject" field of the e-mail heading language that indicates that the e-mail is protected from disclosure. Language such as, NOT

Internet resources of any kind, for which there is a fee, must not be accessed without prior approval by the Chief. Network compatibility must be verified by the Network Administrator.

Approved users shall use the Internet for business related purposes only during work hours, but they may access the Internet for professional development and research outside their normal work hours.

Intentional misuse shall subject the user to termination of access rights and disciplinary action.

The Internet system may not be used to solicit and/or communicate outside, commercial ventures, religious or political causes, matters or organizations not connected to police department business, or other non-job related solicitations.

The Internet access system is not to be used to create any offensive or disruptive messages, or content that violates other Township or internal departmental policies. Offensive messages include, but are not limited to:

- a. Messages which contain sexual implications
- b. Racial slurs
- c. Gender-specific comments
- d. Any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origins, or disability.

Any employee who discovers a violation of this policy shall notify his immediate supervisor who will in turn notify the Chief of Police.

#### 7) Public Appearance Requests

All requests for public speeches, demonstrations, etc. will be routed to the Chief of Police for processing and approval. Personnel approached directly for this purpose shall suggest that the party submit their request to the Chief of Police.

#### 8) Security of Departmental Business

Personnel shall not reveal police or internal departmental information outside of the department except as required by law, other specific orders, or by other competent authority. Specifically, information contained in police records, other information easily accessible only to department personnel, and names of informants, complainants, witnesses and other persons known to the police are considered confidential. Other information to be considered highly confidential is police personnel information, including but not limited to: personal address and phone numbers, personal vehicle description information, personal status, etc.

Upper Gwynedd Township Police Department  
General Order 6.27 Mobile Data Terminals

**POLICY:**

The availability and use of mobile data terminals within the work environment provide many opportunities for enhancement of productivity and effectiveness. This technology also entails the opportunity for rapid transfer and broad distribution of sensitive information that can also have damaging effects on the Department, its members, and the public if not managed properly. Therefore, it is the policy of the Department that all personnel abide by the guidelines set forth herein when using mobile data terminals and the information services that accompany them.

**DEFINITIONS:**

Mobile Data Terminal (MDT) – Computers provided for use in Department vehicles, which are capable of transmitting and receiving electronic messages and data inquiries.

System Administrator – The person designated by the Chief of Police with the responsibility for managing the mobile data terminal system.

**PROCEDURES:**

A. Authority and Responsibility

1. The Maintenance Supervisor shall serve as the system administrator for the Mobile Data Terminal System and be responsible for functions, but not limited to:
  - a. Installation of computers and hardware in designated department vehicles;
  - b. Maintenance and repair of computers and hardware within the MDT System;
  - c. Password assignment and security in accordance with applicable Police Department Policy;
  - d. Software installation and upgrades as required; and
  - e. Acting as liaison with the Department Communications Center and for purposes of electronic messaging and access to criminal justice information data.
2. Before using mobile data terminals, personnel must successfully complete NCIC Criminal Justice Information Service training and pass a written exam.



D. Department Property

1. MDT's are property of the Department and intended for use in conducting official business.
2. Department members do not maintain any right to privacy on the MDT's.
3. The Department reserves the right to access any information contained on MDT's or in the history files of previously transmitted or received messages or data requests.

Effective: April 19, 2006

Date: April 5, 2006

By order of:

A handwritten signature in dark ink, appearing to read "Robert A. Freed". The signature is written in a cursive, slightly slanted style.

Robert A. Freed  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.30 Mobile Video Recording System and Body Worn  
Cameras

## PURPOSE

This general order provides instructions to officers on the proper use and care of mobile video recording systems and body worn cameras. Mobile video recording systems and body worn cameras are valuable tools in the prosecution of crimes by documenting statements, observations, behaviors and other evidence. The recordings ensure accountability and may protect officers by showing their honesty, integrity and professionalism when such is called into question.

## POLICY

It is the policy of this department that officers shall activate their mobile video recording systems or body worn cameras when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and laws of the Commonwealth of Pennsylvania. This policy does not govern the use of surreptitious recording devices used in undercover operations. Violation of this policy subjects the violator to this department's disciplinary policy (General Order 1.8.1).

## DEFINITIONS

Camera – the MVR component that records the visual events taking place outside the patrol vehicle and inside the patrol vehicle's cabin (typically the rear seat) or the BWC component that records the events taking place in a forward-facing viewable area of the officer wearing the camera.

Body Worn Camera (BWC) – a recording system worn on an officer's uniform designed to record visual and audible data wherever the officer goes. While worn by the officer the camera system shall be considered a physically secure location.

Data – any audio and/or video recording captured by a body worn camera or mobile video recording system.

Mobile Video Recording System (MVR) – a vehicle-mounted recording system installed in a police vehicle designed to record visual and audible data on a secure computer network designated for law enforcement purposes. Cameras mounted in police vehicles are considered to be located in a physically secure location.

System – when used in this policy, system refers to both the MVR and BWC.

Administrator – Those officers designated by the Chief of Police who have administrative access to the system for the purposes of insuring data retention, creating authorized copies and purging data that is no longer required for evidentiary purposes and retention guidelines.

BWC when conducting investigations in the field or interviews in the station.

3. Whenever feasible, officers should inform individuals that they are being recorded. However, the notification is not required if circumstances make notification impractical.

#### **C. Equipment Care and Inspection**

1. Officers will ensure the system is in good working order, by completing a function test, prior to going on patrol.
  - a. If it is determined the equipment is not functioning properly the officer shall notify their on-duty supervisor and notify, in writing, the officer responsible for the equipment of the malfunction in detail.
  - b. If the BWC equipment is not working properly the officer shall place the equipment out of service and utilize another, if available.
  - c. If there is a problem with the MVR that will directly affect the use of the BWC, officers should use another patrol vehicle if feasible.
2. Any devices that require charging shall be returned to their charging dock at the end of the officer's shift.
3. Officers shall not use any other non-department issued video or audio equipment, such as personally owned video or audio recorders, to record enforcement or investigative activities involving members of the public. Nothing in this provision precludes the use of audio and video recording devices routinely used in interviews or interrogations, or the use of electronic surveillance equipment.

#### **D. Use and Activation Periods**

1. Unless doing so would be unsafe, impossible or impractical officers shall begin a MVR event recording prior to any investigative or enforcement activity involving a member of the public, including all:
  - a. Calls for service where the officer, through training and experience, believes the incident should be recorded.
  - b. Vehicle stops
  - c. Pedestrian stops
  - d. Code (1) response, including vehicle pursuits
  - e. Foot pursuits

and experience; there is no value in continued recording. The recording shall re-start if an incident becomes active again and/or someone becomes confrontational.

- b. The system shall not be actively recording under the following circumstances:
  - (1) While conducting a strip search of a suspect.
  - (2) Interactions with confidential informants or undercover officers.
  - (3) Interactions with colleagues during routine activities, non-work-related activities or places where a reasonable expectation of privacy exists (e.g., bathrooms or locker rooms).
- c. The record function may be shut off during non-enforcement activities such as directing traffic, protecting accident scenes or an incident of extended duration where the officer is no longer involved in any investigative or enforcement activity involving a member of the public. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the system and continue recording.
- d. Once an event has stabilized, if it is necessary to discuss tactics or strategies surrounding the investigation with a supervisor or another officer in private, officers may turn off or mute the microphones thereby preventing their private audio conversation from being recorded.

#### 4. Documentation

- a. Once a recording is stopped the officer will categorize or tag the video according to the type of event or incident.
- b. Officers will document the use of the MVR and/or BWC in all police reports.
- c. Officers will document, in the report, why the system was not used or why it was turned off during an investigation.

### **E. Viewing the System Footage**

- 1. Officers
  - a. Officers are authorized to view any recorded event they captured on their system.
  - b. Recordings can be viewed on the system monitor in an officer's

**F. Record-After-the-Fact (RATF)**

1. Pre-event recordings will be created by the System Administrator(s) only.
2. The RATF feature may only be used under the following conditions:
  - a. The officer wearing the camera makes a request for the pre-event recording and/or,
  - b. The recording is in connection with an investigation and,
    - (1) The Chief approved the creation of the pre-event recording
    - (2) The officer is notified a recording will be made and the specific date/time of the pre-event recording
3. Using the RATF to investigate whether an officer is following department policies does not fall under "investigation", unless a specific complaint or concern was made for that specific time.

**G. Security, Access, Storage and Retention of Data**

1. MVR and BWC recorded events are automatically downloaded wirelessly to the Police Department's server when the patrol vehicle is within range of the station.
  - a. In the event the system data is not automatically downloading the officer shall notify their on-duty supervisor and notify, in writing, the officer responsible for the equipment.
  - b. Officers shall not tamper with the equipment or attempt to manually download the data.
2. Officers shall not copy, edit, alter, erase or otherwise modify in any manner system data except as authorized by this policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.
  - a. System Administrators may save an edited version of a recording to a CD for court proceedings, however a full unedited version will remain on the server until the retention is no longer required for evidentiary purposes.
  - b. This editing will be for the purpose of removing segments of a recording that have no evidentiary value such as post-event recordings when the system is unintentionally left recording.
3. Original recordings will be retained for a period of not less than ninety days unless a request is made for retention.

- b. Officers shall make a written request for a copy of a recording. The System Administrator shall be informed of the destination of said copy (police department assisted, arrest file, evidence, DA's office).
  - c. At the request of the District Attorney's Office a recorded event may be uploaded to Montgomery County's share website for their use in prosecution.
- 2. Per Act 22 of 2017, audio and video recordings made by BWC or MVR are not subject to the Right to Know Law.
  - a. Any request for data recorded by this department shall be made through the Open Records Officer.
  - b. The procedures established in Act 22, Chapter 67A (§67AO3 - §67A06) will be followed.
  - c. Before any recorded data is released to the public in an active or potential criminal prosecution, written or electronic approval of the District Attorney's Office must be obtained.

Effective: August 23, 2010

Revised: June 28, 2019

By Order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.31 Media Protection

## **PURPOSE**

The purpose of this general order is to ensure the protection of FBI Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (i.e. within a Court system or when presented in crime reports data), or is purged/destroyed in accordance with applicable record retention rules.

## **POLICY**

This policy applies to all Upper Gwynedd Township Police Department (UGPD) employees, contractors, and temporary staff involving any electronic or physical media containing FBI CJI while being stored, accessed, or transported from a secure location from the Upper Gwynedd Township Police Department. Transporting FBI CJI outside UGPD's assigned physically secure areas must be monitored and controlled.

Authorized UGPD personnel shall protect and control electronic and physical FBI CJI while at rest and in transit. UGPD will take appropriate safeguards for protecting FBI CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate FBI CJI disclosure and/or misuse will be reported to UGPD's Local Agency Security Officer (LASO) and Terminal Agency Coordinator (TAC). Procedures shall be defined for securely handling, transporting, and storing media.

## **PROCEDURE**

### **A. Media Storage and Access**

Controls shall be in place to protect electronic and physical media containing FBI CJI while at rest, stored, or actively being accessed. "Electronic Media" included memory devices in laptops and desktop computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, back-up medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical Media" includes printed documents and imagery that contain FBI CJI.

### **B. Protection**

To protect FBI CJI, all UGPD personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked room, a locked cabinet, or a locked drawer.

- b. New passwords will be submitted to the Deputy Chief and the Administrative Secretary, **in writing**, who will then submit the new passwords to the department's IT provider.
2. Personnel will update and maintain a JNET password as required by JNET's policy and procedures.
3. Personnel will update and maintain a RMS password as directed by Montgomery County Department of Public Safety.

Effective: October 31, 2016

Revised: February 10, 2020

By order of:

A handwritten signature in dark ink, appearing to read "David W. Duffy", with a stylized, flowing script.

David W. Duffy  
Chief of Police



Upper Gwynedd Township Police Department  
General Order 6.32 Disposal of Physical and Electronic Media

**PURPOSE**

The purpose of this general order is to outline the proper disposal of media (physical or electronic) at Upper Gwynedd Township Police Department. These rules are set in place in order to protect sensitive and classified information, employees, and the Upper Gwynedd Township Police Department. Inappropriate disposal of FBI Criminal Justice Information (CJI) and media may put employees, Upper Gwynedd Township, and the FBI at risk.

**POLICY**

All department personnel, contractors, and temporary staff, with access to FBI CJI systems and/or data, sensitive and classified data, and media will comply with procedures outlined herein. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leases by Upper Gwynedd Township Police Department.

**PROCEDURE**

**A. Disposal of Media**

1. When no longer usable, hard drives, diskettes, tape cartridges, CD's, ribbons, hard copies, print-outs, and other similar items used to process, store, and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by the Upper Gwynedd Township Police Department.
2. Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:
  - a. Shredding using Upper Gwynedd Township issued shredders
  - b. Placed into the secure evidence room for incineration using an agency approved incinerator and witnessed by Upper Gwynedd Township Police Department personnel at aforementioned incinerator site.
3. Electronic media (hard-drives, tape cartridges, CD's, printer ribbons, flash-drives, printer and copier hard-drives, etc.) shall be disposed of by one of the following methods:
  - a. Placed into the secure evidence room for incineration using an agency approved incinerator and witnessed by Upper Gwynedd Township Police Department personnel at aforementioned incineration site.

Upper Gwynedd Township Police Department  
General Order 6.40.1 Automatic License Plate Reader

## PURPOSE

This order establishes guidelines for the proper use and maintenance of the Automated License Plate Reader (ALPR).

## POLICY

It shall be the policy of the department that ALPR be used for the primary purposes of reducing stolen vehicles, stolen license plates, increasing the apprehension of offenders, the recovery of stolen vehicles and to deter terrorism within Upper Gwynedd Township. This will also provide law enforcement additional benefits to include, but not be limited to, detecting wanted persons, missing persons(Amber Alerts), sex offenders(Megan's Law Violators), investigative persons of interest, suspended and expired registrations, etc.

## DEFINITIONS

ALPR: Automated License Plate Reader- an electronic camera reader system installed in a patrol vehicle that records and displays to the operator, license plate tag data on vehicles for wanted persons and stolen registrations and other NCIC hits.

Scan File- Lists or data obtained by the ALPR of license plates viewed by the device including images of the plates and the vehicles that they were displayed on, and the information regarding the location it was viewed.

Extract Download- "Hot List" of license plates associated with vehicles of interest from the associated database.

## PROCEDURE

### A. Use of the Automatic License Plate Reader

1. Officers utilizing ALPR must be properly trained in both operation of the equipment and its operational procedures.
2. An alert received on the ALPR is NOT deemed to be reasonable suspicion to conduct a traffic stop. When the officer receives an alert from the ALPR, the officer shall personally VERIFY that the information on the ALPR display matches the registration plate information exactly, including both the license plate number and the state of issuance. The officer shall then conduct a CLEAN/NCIC check of the license plate to VERIFY THE STATUS before taking further police action.

Upper Gwynedd Township Police Department  
General Order 6.40.2 Administration of Naloxone (Narcan)

**PURPOSE**

The purpose of this general order is to establish guidelines governing the administration of Naloxone (a.k.a. Narcan) to opioid overdose victims by officers of this department. The objective is to reduce injuries and fatalities associated with opiate overdoses.

**POLICY**

It is the policy of this department that only officers who have completed department approved training in the proper administration of Naloxone be permitted to administer it in accordance with this general order.

**PROCEDURES**

**A. Training**

**1. Initial Training**

Officers are not permitted to administer Naloxone until they have completed initial training, department approved, on the administration of Naloxone.

- a. Department approved training consists of completing both Naloxone training programs at the following websites:

- (1) pavtn.net
- (2) getnaloxonenow.org

- b. Department approved training also includes a review of the following:

- (1) This General Order
- (2) Montgomery County Department of Public Safety's PowerPoint on Naloxone and opioid overdoses
- (3) The quick start guide at Narcan.com.

**2. In-service Training**

Officers shall repeat the initial Naloxone training requirements once every three years in order to refresh their skills.

### **C. Naloxone Administration**

1. When officers encounter a situation where it appears Naloxone might be beneficial, officers shall:
  - a. Perform a patient assessment; determine unresponsiveness, assess breathing and pulse.
  - b. Inquire of anyone present whether Naloxone/Narcan has been administered prior to police arrival and in what amount(s), and whether the subject has ever had an adverse reaction to Naloxone. Naloxone should not be administered to an individual who has previously had an adverse reaction to the drug.
  - c. Advise dispatch that the subject appears to be in a potential overdose condition and Naloxone will be administered and Emergency Medical Services (EMS) are required.
2. Following administration of Naloxone, officers shall remain with the subject and monitor them until EMS arrives and takes over care and treatment of the subject.
3. After the initial administration of Naloxone, the administering officer should evaluate the response of the subject. If the subject remains unresponsive and EMS has not arrived, additional doses of Naloxone may be administered after three (3) minute intervals.

### **D. Reporting Naloxone Use**

1. Officers shall complete a detailed incident report on the nature of the incident, care provided and the fact Naloxone was administered, to include the number of doses and the manner of administration.
2. Officers shall notify, via email, the department's NA of the kit's use and the following information:
  - a. The incident number.
  - b. The lot number and expiration date for each cartridge.
3. Officers shall complete the Overdose Contact Sheet and fax or email it to the Montgomery County Detective Bureau. The sheet should then be attached to the incident report.
4. Officers shall complete the Naloxone Administration form and fax or email it to the Montgomery County Department of Public Safety Emergency Medical Services office. The form should then be attached to the incident report.

*deliver, and manufacturing drug paraphernalia and (37) relating to possessing more than thirty doses of a labeled dispensed prescription or anabolic steroids listed as a Schedule III drug.*

*(c) Persons experiencing drug overdose events may not be charged and shall be immune from prosecution as provided in subsection (b) if a person who transported or reported and remained with them may not be charged and is entitled to immunity under this section.*

*(d) The prohibition on charging or prosecuting a person as described in this section is limited in the following respects:*

*(1) This section may not bar charging or prosecuting a person for offenses enumerated in subsection (b) if a law enforcement officer obtains information prior to or independent of the action of seeking or obtaining emergency assistance as described in subsection (a).*

*(2) This section may not interfere with or prevent the investigation, arrest, charging or prosecution of a person for the delivery or distribution of a controlled substance, drug-induced homicide or any other crime not set forth in subsection (b).*

*(3) This section may not bar the admissibility of any evidence in connection with the investigation and prosecution for any other prosecution not barred by this section.*

*(4) This section may not bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the prohibition on charging or prosecuting a person as provided for by this section.*

## **G. Regulatory Considerations**

35 P.S. §780-113.8 Drug Overdose Medication conveys immunity from criminal prosecution, professional sanction and/or civil liability to law enforcement in the event of an adverse outcome associated with the good faith administration of Naloxone. The receipt of training and instructional materials that meet the criteria of this statute and the prompt seeking of additional medical assistance shall create rebuttable presumption that the officer administering Naloxone acted with reasonable care.

Effective: May 2, 2016

Revised: October 11, 2018

By order of:



David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.50.1 Clothing and Equipment

## **PURPOSE**

The purpose of this General Order is to establish guidelines for the wear and use of the department's uniform and equipment to insure officers maintain a professional appearance. The uniform identifies an officer as a representative of this department and may contribute to the public's first impression of this department.

## **POLICY**

It is the policy of this department that all persons issued items of clothing and equipment are to keep them clean and in serviceable condition and shall comply with General Order 1.8.1 Disciplinary Procedures, Sections 5.13, 5.14, 4.60 and 4.65.

## **PROCEDURE**

### **A. Identification Cards**

1. Officers, while on duty, shall carry their police department identification card.
2. Proper identification shall be carried if an officer is carrying a firearm off duty.

### **B. Classes of Uniforms**

The uniform classes and manner of wear are designated as follows:

Class A: Pershing hat, dress blouse / coat, white shirt, navy trousers with stripe, gun belt with shoulder cross-strap.

Class B: Air force blue short sleeve shirts will be worn May through September. Long sleeve shirts will be worn November through March. Either short or long sleeve shirts can be worn in March, April, October and November, at the officer's discretion. This discretion may also be applied to the weeks before and after these transitional months, if there are unseasonably warm or cool temperatures.

Long sleeve shirts will be worn with turtlenecks by all personnel, except the Chief of Police will wear a tie. Air force blue ties may be worn for semi-formal duties/details.

The "conventional" or regular style uniform trouser will be worn year round, except as approved by the on duty sergeant or OIC under the parameters noted below for "Class C".

Pershing or other approved hats may be worn at the officer's discretion or at the direction of a supervisor or commanding officer.

Class C: The dark blue "rip stop"/BDU long sleeve shirts (with turtleneck) and the "rip stop"/BDU pants *may* be worn at the discretion of the on duty sergeant or OIC for severe weather, training, or other approved special details.

## **E. Inspection**

All items of issue shall be subject to inspection at any time at the discretion of the supervisor.

## **F. Availability**

Personnel shall have readily available in their assigned lockers a full complement of one uniform change.

## **G. Replacement**

1. Members of the department will receive periodic issues of clothing, generally before the spring-summer and fall-winter seasons begin.
  - a. Uniform personnel shall receive items of uniform clothing.
  - b. Non-Uniformed personnel and those recommended by the Chief of Police shall receive allowance for civilian type clothing.
2. Items of issue that are damaged or otherwise made unserviceable during the course of police duty shall be replaced by the department.
3. Items lost, damaged or otherwise made unserviceable through carelessness or neglect on the part of the person to whom issued shall be replaced at the expense of the person responsible.
  - a. Discovery of loss or damage to items shall be reported to the immediate supervisor in writing who shall investigate the circumstances surrounding such loss or damage. A report shall be made to the Chief of Police, through channels who will direct how the item should be replaced.
  - b. The item may be purchased from the department's authorized supplier for that item. The cost of the article shall be paid directly to this supplier by the purchasing officer.
4. Items of clothing and equipment that have become unserviceable through use and wear shall be discarded.
5. All issued items shall be returned to the department when a member leaves the police service.

## **H. Grooming and Appearance**

1. All personnel, whether in uniform or plain clothes, will present a professional appearance.
2. Hair will be properly trimmed and combed. Hair may not be worn over the ears or over the shirt collar.

Upper Gwynedd Police Department  
General Order 6.50.3 Daily Work Schedule and Procedures

**POLICY:**

It shall be the policy of this department that all personnel will follow uniform procedures for implementation of the change of shifts(s), roll call, inspections, absences, lunch, and personal breaks.

**DEFINITIONS:**

An officer ready for duty at the start of the officers scheduled shift shall mean that the police vehicle to be used by the officer was checked as by General Order 6.9, the officers' inspection and roll call duties have been completed by the officer and his supervisor and all information needing to be disseminated to go on duty will have been completed.

**I. SHIFT CHANGE**

**A. Procedure of Sergeant or OIC**

1. Sergeant or OIC shall report on duty, in complete uniform for roll call and/or squad briefing, and be prepared to assume command at the start of the scheduled shift.
2. The off-going Sergeant or OIC will also meet with the on-coming Sergeant or OIC prior to scheduled change of shift. This shall be for the dissemination of necessary information to the oncoming Sergeant or OIC prior to roll call.
3. Sergeant or OIC will hold roll call and/or briefing and inspections. Each officer will be inspected in thorough detail (as per B.3 of this order). Officers will also be checked for equipment as may be required for special details at roll call.
4. The Sergeant or OIC will also insure that a check of vehicles, for damage and equipment, is done by all on-coming personnel.
5. Each Sergeant or OIC will brief his own shift as to routine and special details, cases of interest, messages, etc. at the roll call/briefing.
6. The Sergeant or OIC will direct the officers of his squad to place all reports, citations, etc., in the station at least one-half hour before shift change. All reports will then be reviewed by the Sergeant or OIC at that time. Required corrections shall then be made by the reporting officer before completing his assigned shift.

**B. Responsibilities of Patrolmen**

1. All patrol officers shall report, in complete uniform and ready for



1. He will contact the member by telephone and instruct him to report to his appointed place of duty without further delay.
  2. If the member cannot be contacted by telephone, and lives within the patrol area, he shall go to his home and instruct him to report to his appointed place of duty without further delay.
  3. The member shall submit in writing, the details of the cause for the lateness to his immediate supervisor on his arrival for duty.
  4. The supervisor shall initiate a MEMO to the Chief of Police, stating details and express his recommendation(s).
- C. If the reason for being late is not acceptable to the supervisor or to the Chief of Police, the necessary procedures to bring action against the member shall be taken, in conformity with General Order 1.8.1 the Code of Discipline.
- D. The proper disciplinary action shall be brought against a member who violates this within a year from the last reported violation.

### III. LUNCH AND BREAK PERIODS

- A. It shall be the procedure of this department when two or more patrol officers are on duty at the same time that only one officer at a time shall take his lunch or personal break, if this officer desires to go "Out of Service" for this lunch or personal break period.
- B. The Supervisor or OIC may assign and shall approve or disapprove all break period requests whereby an officer will be "Out of Service" for that specific period.
- C. Each officer shall check with the supervisor or OIC to schedule a lunch or personal break.
- D. On calls of an emergency nature or when directed by the Supervisor or OIC the officer shall postpone his break, if scheduled at that particular time.
- E. Where two or more officers desire to have a lunch break, and do not go "Out of Service" for that period of time, these officers may be permitted to have their lunch break at the same time, with the approval of the Sergeant or OIC.
- F. Each officer shall be entitled to one (1) 30minute lunch break per shift.
- G. While on duty, no officer shall be permitted to leave the township for any lunch or personal break, unless approved by his supervisor, nor shall he leave for any reason unless it is duty related or in conjunction with official departmental business. Officers who will be required to leave the township shall advise the on-duty Sergeant or OIC, who will approve or disapprove same.

Upper Gwynedd Police Department  
General Order 6.50.4 Rank and Seniority Procedures

**POLICY:**

The policy of this Department shall be to follow the clear lines of rank and authority established by firm procedures regarding rank and seniority, as it pertains to departmental operations and also to all overtime and special details or events to insure clear lines of authority within the department and squads on those issues.

**PROCEDURE:**

**Rank:** All officers of the same grade should rank according to the date of appointment to that grade, unless otherwise ordered by the Chief of Police.

**Seniority:** Shall be determined by rank first and by continuous service in grade second.

**Second in Command:** Shall be the Deputy Chief of Police

**Sergeant:** Shall be in all instances the Shift Commander of the squad, to which he has been designated, during regularly scheduled tours of duty. His authority will not be superseded except by an officer of higher rank, never by seniority in rank.

1. In the event of special details or events, where two or more sergeants are specially assigned; the senior sergeant will prevail, unless otherwise ordered by the Chief of Police (in the absence of command personnel).
2. In the event a sergeant, on special assignment through overtime, assumes charge of another squad, his authority will be the same as that of the regularly designated sergeant in his absence.

**Officer-In-Charge:** Shall be assigned by squads and in each instance will be designated specifically by the Chief of Police. He will assume all supervisory authority and other responsibilities of the sergeant, in his absence, but ONLY on the squad to which he is assigned.

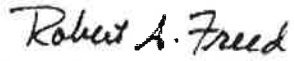
**F. Departmental Overtime**

1. Where an overtime situation becomes known or may be anticipated in advance every effort will be made to fill the void with personnel of like status on a rotating basis (to insure fairness), i.e. secretary by secretary, a sergeant by a sergeant, and a patrolman by a patrolman, whenever possible.

Effective: May 24, 2005

Date: March 31, 2005

By order of:

A handwritten signature in cursive script that reads "Robert A. Freed".

Robert A. Freed  
Chief of Police

# Upper Gwynedd Police Department

## General Order 6.50.5 Leave

### **POLICY**

It shall be the policy of this department to insure that every officer receives the required and allotted time off within the prescribed limits, January 1 through December 31 of each calendar year according to the contractual obligations regarding the annual vacation leave, personal days, and leave by reason of death in one's family. Each shift duty Sergeant shall grant said time off consistent with current police contracts. In case of manpower shortages and disputes the final decision for granting of said time off will lie with the Chief of Police consistent with current police contracts, work schedules, and administrative prerogative in insuring the efficiency and effectiveness of the department in servicing the community.

### **PROCEDURES**

#### **A. Vacation Period Requests**

The priority for scheduling vacation periods (at least two days and not more than ten days separated by regular days off) will be granted for all eligible officers on the basis of rank and seniority within the period sequence of the request according to the following requirements by the officer's Sergeant:

1. Each member of the department eligible for vacation will, prior to January 31st, will submit a complete list of the vacation time requested, in writing on the posted form, for the rank and seniority rule to apply, and for approval and scheduling by the officer's Shift Sergeant.
2. After January 31st and prior to February 28th, rank and seniority will apply for vacation requests only if the period is not in conflict with a period requested by another officer prior to January 31st. These requests will be scheduled by rank and seniority.
3. After February 28th, the right to select any vacation based on rank or seniority will be forfeited and selections shall then be made on a "first come - first serve" basis and compatibility with the schedule. Note: after February 28th a ranking or senior officer may not "bump" a junior officer who has already selected vacation dates.
4. Vacation requested by January 31st will be reviewed and either approved or disapproved by March 1st.
  - a. First Vacation Period will be assigned for all eligible officers before the scheduling of second and subsequent period requests.
  - b. Second Vacation Period will be assigned for all eligible officers before scheduling of third and subsequent period requests.

- c. In the event the Shift Commander or his designee is unavailable to approve the request for a personal day, another shift Sergeant or Chief of Police shall be consulted to authorize the request at the convenience of the schedule.

**C. Bereavement Leave**

Bereavement leave will be administered as per the current labor contract.

**D. Other Situations**

Any other situations for time off requests, including but not limited to compensatory time off, not covered above will be on the basis of extraordinary circumstances and need. This time off request will be determined by review and the approval of the shift supervisor or the Chief of Police.

**E. Responsibility**

It shall be the responsibility of all supervisory personnel to insure that this order is followed and adhered to.

Effective: May 24, 2005

Revised: June 8, 2016

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy", written in a cursive style.

David W. Duffy  
Chief of Police

Upper Gwynedd Police Department  
General Order 6.50.6 Reporting Sickness or Injury Absence

**POLICY:**

In determining of any reported illness or injury, not covered by Workmen's Compensation Insurance, it will be the responsibility of the Sergeant or OIC to which the officer is assigned, to visit or confirm with the officer on sickness or injury absence in his home as may be deemed necessary. An officer shall be required to submit a Doctor's excuse on his or her return to duty from an injury or illness for each absence from duty under the following:

- A. when an absence period exceeds 24 successive working hours; and
- B. at the discretion of the Chief of Police when absences reach an unusual level.

**DEFINITION:** An occurrence is any absence from duty due to illness or injury for any duration of time (e.g., one shift, two shifts, and three shifts).

**PROCEDURE:** To establish and clarify procedures to be followed by officers on sickness or injury absence, and the procedure to be followed by Command and Supervisory Personnel in determining any reported illness or injury, not covered by Workmen's Compensation Insurance:

**Circumstances:**

1. Each officer will have 240 sick time hours per year. Each officer's sick time will be applied toward the accumulated sick time for each officer. This provides that if an officer reports to work and then goes home sick, those hours of sick time will be applied toward the accumulated sick time for each officer. Officers reporting off as "sick" shall report that information directly to the on-duty Sergeant/OIC at least four (4) hours in advance (more if possible), unless circumstances prohibit a four- (4) hour notification.
2. It shall be the responsibility of the Sergeant or OIC of the squad to which the officer is assigned to speak to the officer by landline at his or her home during an absence period. It shall be the responsibility of the Sergeant or OIC of the squad to visit the officer in his or her home when there is no direct contact with the officer.
3. Any officer, reported off sick or injured will not leave his home during the duty tour period which began at the time that he reported off sick or injured, except to report to headquarters or attend to medical treatment and return home. Officers shall notify head- quarters when leaving and upon returning home. (This will not apply however, for a convalescence from an operation or similar type situation where the need to exercise, obtain fresh air, and the like is a required form of therapy ordered by the doctor, and the Chief of Police has been notified in advance).
4. Any officer found absent from home during his duty tour, with these orders shall be subject to disciplinary action.

Upper Gwynedd Township Police Department  
General Order 6.50.7 Department Medals and Commendations

**POLICY:**

Certain Department members may receive Department Medals and Commendations in recognition of and appreciation for outstanding acts of service. These are to be issued at the sole discretion of the Chief of Police.

All medals will be worn only when the "Class A" formal / dress uniform is worn or at other times as specified and directed by the Chief of Police. Officers who receive more than one of the same medals will be provided with number pins to affix to the medal(s) to indicate the plurality of medals received.

Department Medals are as follow:

- A. Valor- for an extraordinary act where a member takes a calculated risk to accomplish a law enforcement task, which protected the savable lives of innocent persons under unusual and/or particularly dangerous circumstances. A Medal of Valor is the highest official commendation in the Department. The Medal of valor will be worn directly above the badge, closest to the heart of the officer(s) who earned it.
- B. Meritorious Service- for an act of intelligent and valuable police service in the line of duty that significantly exceeded standards and enhanced the reputation of the Department and the service provided to the community. This medal shall be worn above the Medal of Valor.
- C. Community Service- for members who took initiative to excel in providing the community with special police services and assistance. This medal shall be worn above Meritorious Service.
- D. Officer of the Year- for a member whose overall performance during a one year period greatly exceeded standards and brought honor to the Department. Officer of the Year is to be determined by members of the department with final approval of the Chief of Police. This medal shall be worn above Community Service.

No other pins or medals, i.e, flags, DARE, Accreditation, FTO, etc., or patches, shall be worn without specific approval and authorization of the Chief of Police.

The departmental tie tac (lapel pin) for all officers below the rank of Deputy Chief is the small department badge replica, which shall be worn on ties in uniform, appx. at the mid point of the tie.

Upper Gwynedd Police Department  
General Order 6.50.8 Job Performance Evaluation

**POLICY:**

It shall be the policy of this department to evaluate the performance of every permanent employee using the evaluation procedures specified in the Personnel Evaluation Manual.

**PURPOSE:**

The purpose of performance evaluations is to improve employee performance. In addition, most supervisors realize that one of the major sources of job satisfaction is for him to know the work he does is considered worth while and essential, to know his efforts progress the department's work objectives; and above all, to know whether or not he is performing his job correctly.

Each Supervisor is entitled to know the foundation on which performance is based. The Supervisor must know if he is expected to do his best work, what he is expected to do, and what constitutes a job well done. Job performance statements are yardsticks for measuring performance. Expected performance is established using the criteria specified in the Personnel Evaluation Manual.

**DEPUTY CHIEF OF POLICE RESPONSIBILITY:**

The Deputy Chief of Police / Second in Command will personally evaluate Patrol and Investigation Sergeants and any assigned personnel and will submit the evaluation to the Chief of Police.

**SERGEANT'S RESPONSIBILITY:**

The Sergeant will personally evaluate Patrol OIC's and all assigned personnel and will submit the evaluation to the Chief of Police.

Effective: May 24, 2005

Date: March 31, 2005

By order of:



Robert A. Freed  
Chief of Police



Upper Gwynedd Township Police Department  
General Order 6.51.9 Police Canines

**PURPOSE**

The purpose of this Standard Operating Procedures is to establish the rules, regulations and procedures of the Upper Gwynedd Township Police Department's Canine Unit.

**POLICY**

It shall be the policy of the Upper Gwynedd Township Police Department that all officers in the Canine Unit adhere to the provisions of these Standard Operating Procedures.

**DEFINITIONS**

Canine Officer (or handler) – A person who has successfully completed a recognized course of canine handling, and maintains those abilities through field application, maintenance training, scheduled recertification, and continuing canine education.

Canine Team – A human and working dog who train and work together as an operational unit.

Police Canine - A dog handled by a police Canine Officer in the performance of his/her duties, used for law enforcement purposes and has received training as approved by the Chief of Police.

Canine Training Instructor: A person providing training who has demonstrated through education, training and operational experience, extensive skill and knowledge in the subject field.

- Obedience
- Agility
- Scent Work
- Tracking
- Building Searches
- Field Searches
- Evidence Searches
- Controlled Aggression
- Narcotics Detection
- Explosive Detection

Narcotic Detection Canine: A police canine trained to detect illegal drugs by smell.

Explosive Detection Canine: A police canine trained to detect explosives by smell.

Canine Sniff: A police canine trained to sniff the public airspace for illegal narcotics or explosives.

2. Self-motivated.
3. Requires a minimal degree of supervision in regards to general patrol duties and assignments.
4. Must be able to work as a team member and maintain a high degree of esprit-de-corps.
5. Must be available during off duty hours for special assignments.
6. Must be enthusiastic and display a sincere desire to work and train as a canine team.
7. Must possess the ability to make decisions with minimal guidance.
8. Must maintain an average or above average rating in their performance evaluation for two years prior to requesting canine training.
9. Exhibits a pride in the maintenance and care of all police and personal equipment.

#### B. Selection

1. The Chief of Police shall notify all department personnel when a position with the Canine Unit is available, either by a roll call announcement or separate memo or email.
2. Officers who meet the qualifications and desire to volunteer, shall submit a request for consideration to the Chief of Police.
3. All officers requesting assignment to the canine unit who meet the above criteria will be considered.
4. Canine Officer selection interviews may be conducted by personnel designated by the Chief of Police.
5. If an interview panel is used, the Canine Selection Interview Board will evaluate each officer interviewed and submit a recommendation to the Chief of Police.
6. The Chief of Police shall make the final selection of the officer for assignment to the canine unit.

### III. Training

- A. Officers assigned to duties in the Canine Unit shall attend monthly maintenance training with their assigned police canine. This training shall be conducted by a Canine Training Instructor. Canine Training records shall be maintained by the Canine Unit OIC.

G. Canine Handlers must have a working knowledge of this Annex. Failure to adhere to this policy shall result in disciplinary actions and/or removal from the Canine Unit.

H. The Canine Unit OIC shall be responsible for:

- 1 The scheduling of all police canine related activities to include but not limited to training, canine demonstrations and pre-planned assist other agency request.
  - a. Advise the Chief of Police and/or the Deputy Chief or Chief of Police as to the scheduled activity for approval and scheduling.
- 2 Recommending and supervising the procurement of needed equipment, supplies, and services for the unit.
- 3 Immediately advising the Chief of Police of any problems regarding any of the canine teams.
- 4 Supervision of Training:
  - a. It shall be the responsibility of the Canine Unit OIC to ensure that all canine teams are scheduled for monthly training.
  - b. It shall be the responsibility of the Canine Unit OIC to document canine team's deficiencies or a canine's team's failure to train.
  - c. It shall be the responsibility of the Canine Unit OIC to ensure a training record is maintained on each canine team.

V. Ownership of the Police Canine:

- A. All canines accepted for training and use by the Canine Unit are the sole property of the Upper Gwynedd Township Police Department. Department owned police canines are not available for breeding purposes without the approval of the Chief of Police. The police canines are to be considered a valuable tool, issued by the department. Proper care and maintenance of the police canine is the responsibility of the Canine Handler (s). The police canine may be subject to transfer between handlers to enhance the efficiency of the team and/or unit.
- B. Retired police canines may be placed with their Canine Handler upon request solely at the discretion of the Chief of Police.

VI. Police Canine Uses:

A. Canine Apprehension:

1. Canine Handlers may utilize their police canine to affect an arrest when physical resistance to the arrest is met and the use of his/her police canine

[illegible]

2. If a police canine causes an unintentional injury to any subject the OIC and Canine Unit OIC shall be notified. In addition, the Chief of Police shall also be notified. The Canine Unit OIC shall conduct an investigation of the incident and submit a report to the Chief of Police.

#### VIII. Off Duty Care of Police Canines

- A. The seminal case regarding the management of equitable compensation for the care of police canines by off duty Canine Officers is Garcia V. San Antonio Metropolitan Transit Authority 469 U.S. 528 (1985). The case that outlines the compensational structure of Garcia is Levering v. District of Columbia 869 F. Supp. 24 (D.D.C. 1994). As such, the below procedures will be followed:
  1. Canine Officers will be scheduled for six (6) twelve (12) hour shifts every two weeks plus eight (8) hours every two weeks for the care of their assigned police canine. The eight (8) hours are to be worked as necessary and appropriate; times are at the discretion of the Canine Officer.
  2. If a Canine Officer works, on duty, more than the scheduled seventy two (72) hours in a two week period, the officer may submit for and request approval of overtime or compensation time.
- B. The Canine Officer may be permitted to drive his or her assigned patrol vehicle home between shifts (but not between shifts and days off), as long as the vehicle is available and with approval of the Deputy Chief or Chief of Police.
- C. Food and other reasonable items for the home care of Police Canines will be provided by Upper Gwynedd Township with approval of the Chief of Police.

Posted for Review: December 18, 2019

Effective: January 1, 2021.

By Order of:



David W. Duffy  
Chief of Police

# Upper Gwynedd Police Department

## General Order 6.51 Motorcycle Patrol

### **PURPOSE**

The purpose of this general order is to provide the officers of Upper Gwynedd Police Department a clear understanding of Motorcycle Patrol Requirements.

### **POLICY**

It is the policy of the Upper Gwynedd Township Police Department that all personnel comply with this General Order regarding Motorcycle Patrol.

### **PROCEDURE**

Members authorized to conduct patrol on motorcycles will do so under the following conditions:

1. The motorcycles used will be Department owned and/or specifically approved by the Chief of Police. The Deputy Chief will oversee all maintenance on police motorcycles.
2. Only members who have or will receive proper training, as determined by the Chief of Police, will be allowed to utilize motorcycles. The Deputy Chief of Police will determine which members may receive training and utilize motorcycles.
3. The Deputy Chief of Police will revoke members' authority to utilize motorcycle patrol as deemed necessary or appropriate for Department operations.
4. Members utilizing motorcycles will wear helmets and other appropriate issued equipment at all times.
5. The use of a motorcycle for patrol may be authorized by the Deputy Chief for use at special events. The shift supervisor has the authority to initiate or terminate a motorcycle patrol based on Department needs.
6. In addition to approval by the shift supervisor, motorcycle patrols will only be conducted when there are two other members on duty, in uniform, on patrol, and operating marked police vehicles equipped for prisoner transport. Unless specific permission is given by the Chief of Police, motorcycles will only be operated from dawn to dusk, during fair weather and road conditions.
7. Motorcycles may be used for traffic enforcement in a safe manner.

8. Motorcycles may not be used to respond to crimes or emergency calls in any other manner than normal driving: except, the lights and sirens may be activated to safely pass very slow or stopped traffic. Motorcycles responding to emergency calls must stop at stop signs and red lights, and only proceed when it is clear and safe to do so.
9. The speed of the motorcycle when used for patrol, traffic enforcement, and response to calls must never be more than needed to operate safely and not more than 10 mph over the speed limit.
10. Motorcycles will not be involved in any motor vehicle pursuits.

Effective: September 30, 2008

Revised: June 9, 2014

By order of:

A handwritten signature in black ink, appearing to read "David W. Duffy". The signature is stylized with a large, looped "D" and a cursive "W".

David W. Duffy  
Chief of Police

Upper Gwynedd Township Police Department  
General Order 6.60 Domestic Violence Lethality Assessment Protocol

**PURPOSE**

To establish protocol and implement the use of a domestic violence lethality assessment at domestic violence calls for service.

**POLICY**

It is the policy of the Upper Gwynedd Township Police Department to attempt to identify victims of domestic violence in potentially lethal situations, and place those victims in immediate and direct contact with a domestic violence program counselor. The Domestic Violence Lethality Assessment shall be used at the scene of a domestic violence incident to assist officers in identifying high risk situations and follow the established criteria to place the victim in direct contact at the scene with a domestic violence program counselor. Officers conducting a Lethality Assessment will ask the victim the screening questions listed on the Domestic Violence Lethality Screen for First Responders form. When a victim is assessed as being in danger, the officer will call the Laurel House and ask the victim to speak with a counselor.

**PROCEDURES**

**A. INITIATING A LETHALITY ASSESSMENT**

1. The investigating officer will complete a lethality screen when he/she responds to a domestic violence incident involving intimate partners and one or more of the following conditions exist:
  - a. There is reason to believe that an assault or an act that constitutes domestic violence has occurred, whether or not there is an arrest.
  - b. There is a belief or sense on the part of the investigating officer that once the victim is no longer in the care or presence of the responding officers the potential for assault or danger is high.
  - c. Repeated calls for domestic violence incidents at the same location or involving the same parties.
  - d. The investigating officer believes one should be conducted based on his/her experience, training, and instinct.

**B. LETHALITY SCREENING QUESTIONS**

1. Questions are found on the Domestic Violence Lethality Screen for First Responders form.



2. The investigating officer should:
  - a. Advise the victim they will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
  - b. Ask the questions in the order they are listed on the form.
  - c. Ask all the questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

### **C. ASSESSING THE RESPONSES TO THE LETHALITY SCREEN QUESTIONS**

1. After the responding officer asks the questions on the Lethality Screening, they will handle the information as follows:
  - a. A single “yes” or positive response by the victim to questions 1, 2, or 3 reflects a high danger situation and automatically triggers the protocol referral.
  - b. If the victim gives negative responses to questions 1-3, but positive responses to four or more of questions 4-11, this reflects a high danger situation and triggers the protocol referral.
  - c. “No” or negative responses to all of the assessment questions, or positive responses to less than four of questions 4-11, may still trigger the referral if the investigating officer believes it is appropriate. The officer should ask the victim the following question: “Is there anything else that worries you about your safety? If yes, what worries you”? The response to the question may aid the investigating officer in their decision.
  - d. Trust your instincts. Use of the Domestic Violence Lethality Screen takes into account the “gut factor.” The protocol is flexible and relies on the investigating officer to act on their instincts. If the victim’s responses don’t trigger the referral, but the officers read of the situation indicates high danger, the officer should trigger the referral.

### **D. REFERRAL NOT TRIGGERED**

1. If the referral is not triggered or the victim does not answer the screening questions, the officer will:
  - a. Advise the victim that domestic violence is dangerous and sometimes fatal.

- b. Inform the victim to watch for the signs listed in the assessment because they may convey to the victim that they are at an increased level of danger.
- c. Refer the victim to the Laurel House.
- d. Provide the victim with the Domestic Violence Victim's Rights form.

#### **E. REFERRAL TRIGGERED**

1. If a high danger assessment is made or the officer believes it is appropriate, the referral will be implemented as follows:
  - a. Advise the victim that their situation has shown that the victim is at an increased level of danger, and that people in the victim's situation have been killed or seriously injured.
  - b. Advise the victim that you would like to call the Laurel House and have the victim speak with a counselor.
  - c. If the victim initially declines to speak with a counselor, the officer will:
    - 1) Tell the victim that the officer will contact the Laurel House to receive guidance on how to proceed with the situation.
    - 2) Tell the victim that they would like the victim to reconsider speaking with a Laurel House counselor.
    - 3) Ask the victim after conversing with the Laurel House counselor if they have reconsidered and would now like to speak with a Laurel House counselor.
  - d. If the victim continues to decline to speak with the counselor, the officer should do the same thing they would do for a victim that did trigger the referral, including conveying any information that the counselor has suggested and going over some safety tips when the victim does not want to leave.
  - e. If the victim agrees to speak with a counselor, the officer will advise the counselor that he/she has made a high danger assessment, or believes that the victim is in danger, and would like the counselor to speak with the victim.
  - f. The officer will not provide the name of the victim to the counselor without the consent of the victim.

- g. At the appropriate time during the conversation between the victim and the counselor, the counselor will ask the victim to speak with the officer about the situation.
- h. The officer will then be guided by the discussion with the counselor for further assistance. Officers will provide reasonable assistance to the victim if the victim wants to leave the residence.

**F. RECORDS REPORTING**

- 1. Officers are responsible for attaching all completed lethality screens to an incident report. Auxiliary services will fax all screens to the Laurel House within twenty-four hours.
- 2. Laurel House personnel will forward all completed screens to the Pennsylvania Coalition Against Domestic Violence.( PCADV)

Date Issued: February 3, 2014

Effective: February 3, 2014

By order of:



David W. Duffy  
Chief of Police