

Excerpts from: Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook

The Swissvale Police are sworn to adhere to the following Code of Ethics (taken from Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook):

- I shall never arrest or cite a person strictly because of their attitude, race, ex, or religion
- I shall never arrest or search a person without legal justification

SECTION 802 COURTESY TO THE PUBLIC (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states: Courtesy and civility towards the public are demanded of all members and employees of the police department. Any conduct contrary will not be tolerated. Members and employees in their conduct and demeanor shall be quiet, civil and orderly; and at all times attentive and zealous in the discharge of their duties, controlling emotion and exercising the utmost patience and discretion. At all times, they must refrain from using coarse, violent, profane or insolent language; but when required, they must act with firmness and sufficient energy to perform their duties.

SECTION 805 TRUTHFULNESS (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states, in part: All members, when directed by the Chief of Police, will be required to submit to and cooperate with a polygraph examination regarding any statement, action, or accusation concerning them in the performance of their duties as a police officer...Truthfulness is a prerequisite for the police service. Members and employees are required to speak the truth at all times, under all circumstances, whether under oath or otherwise, except in cases where they are not allowed but the rules of the service to divulge facts within their knowledge, in which case, they will say nothing.

SECTION 814 MISFEASANCE, MALFEASANCE OR NEGLECT (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states, in part:

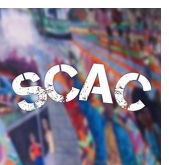
1. A member who in the performance of official duty displays ineptitude or incompetence in performing such duty or fails to assume responsibility for effective law enforcement, or engages in misconduct, or willfully neglects the performance of official duties, or acts in any manner which will bring discredit upon the police department may, after a hearing before the Mayor and Swissvale Borough Council, be deemed incompetent and subject to punitive and/or disciplinary action.

SECTION 905 RESPONSIBILITY FOR DEPARTMENT RECORDS/REPORTS (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states, in part:

1. No member of the police shall knowingly make false reports or enter or cause to be entered into any police department records, any inaccurate, false or improper bookings or registrations of police information or matter.

SECTION 1011 DEMEANOR (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states: All members of the police department shall at all times, conduct themselves in a polite, courteous manner while dealing with the public. However, they must act firmly when the situation demands it. The use of profane or vulgar language by a police officer at any time while in view of the public or in the police station is prohibited.

SECTION 1503 SEARCHING OF FEMALE PRISONERS (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and



Regulations Handbook) states: When a complete search of a female prisoner is necessary, the prisoner is to be transported immediately, in handcuffs, to an area of the police station where privacy can be maintained while the search is made by a female employee. In cases where there is not a female employee available for the search, the prisoner is to be transported to the woman's lock-up of the Allegheny County Jail to be searched by a female detention officer.

SECTION 1509 WELL BEING OF PRISONERS (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states: Any prisoner being held in detention or holding cells shall be checked at least every thirty minutes to make sure that they are secure and well. A written record of such check will be made. When a prisoner is being detained, an employee of the police department shall be present in the physical building at all times. The supervisor shall be charged with carrying out the provision of this section. No prisoner at any time shall be left in a Swissvale lockup without an officer present in the police station area of the borough building.

SECTION 1510 JUVENILE CUSTODY POLICY/PROCEDURE (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states, in part:
Status Offenders:

1. Status offenders are defined as juveniles, who have been charged with or adjudicated for, conduct which would not, under the law, be an offence if committed but an adult. Examples include runaways; truants; dependent/neglected juveniles; underage alcohol offenses; or abused juveniles
2. Status offenders may not be placed in secure custody; handcuffed to a stationary object or cuffing rail; placed in a holding cell or placed in a locked room under an circumstances
3. Status offenders shall be placed in a non-secure area such as the lobby, an office, interview room or general purpose room until release arrangements can be made and the juvenile leaves the facility.
4. The officer shall immediately notify the parent, guardian or other custodian of the apprehension of the child and his/her whereabouts.
5. The child must be under continuous visual supervision by a law enforcement officer or other facility staff during the period of non-secure custody.

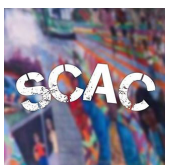
Accused Delinquents (Criminal Type Offender):

1. Accused delinquents are juveniles who have been charged with or adjudicated for conduct that would be a crime if committed by an adult.
2. It is the practice of this department to detain accused delinquents non-securely while in custody. Exceptions include violent or combative juveniles who cannot be subdued and pose a threat to the officer or themselves. Those exceptions must be documented

Secure Custody:

1. Secure custody is defined as an accused delinquent being cuffed to a stationary object or cuffing rail, being placed in a holding cell, or being placed in a locked room.
2. Should a juvenile be placed in secure holding, a Juvenile Summary Information Log Form will be submitted to PCCD for that month.
3. The secure holding shall only be for the purpose of identification, investigation, processing, releasing or transferring the child to the parent, guardian, juvenile court or county children and youth official, or to shelter care.
4. The secure holding shall be limited to the minimum time necessary to complete the above listed procedures, but in no case may such holding exceed six hours.
5. 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.
6. If it appears that a securely held juvenile will not be released within the six-hour limit, assistance should be requested by calling the Department of Public Welfare ChildLine at (800)932-0313

ARTICLE XVI COMPLAINTS AGAINST POLICE OFFICERS (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and



Regulations Handbook) states:

SECTION 1601 TAKING OF COMPLAINTS Any person making a complaint against a police officer/department member for any reason shall be given full opportunity to do so. Such complaint shall be taken by the highest ranking officer on duty, The complaint shall be in writing on a form supplied by the police department. The complete complaint shall then be directed without delay to the Chief of Police.

SECTION 1602 INVESTIGATION OF COMPLAINTS Upon receipt of a complaint against any police officer/department employee, the Chief of Police is to cause a full and complete investigation to be conducted as soon as possible, Such investigation may be conducted by the Chief of Police, a police officer designated by the Chief of Police or other that has the expertise to conduct such an investigation. All complaints charging Civil Rights violations, excessive force or other major complaints of a criminal nature, will be turned over to the appropriate agency for investigation and none of these type of investigations will be done in house.

Section 1604 REFERRAL AND NOTIFICATION The Swissvale Borough Council must be notified of any complaints made against any police officer/member as well as the results of an investigation thereof. Such notification shall not be more than thirty days from the receipt of the complaint without extenuating circumstances.

SECTION 1605 DISPOSITION OF COMPLAINTS Upon completion of an investigation against a police officer/member of the police department, the Chief of Police shall review the findings and designate one of the following categories:

1. UNFOUNDED The investigation indicates that the act complained of did not occur or failed to involve police personnel.
2. EXONERATED Acts did occur, but were justified, lawful and proper
3. NOT SUSTAINED Investigation fails to discover sufficient evidence to clearly prove or disprove the allegations made in the complaint.
4. SUSTAINED Investigation disclosed sufficient evidence to clearly prove the allegations in the complaint.
5. UNREPORTED MISCONDUCT The Investigation indicated discovery of sustained acts of misconduct that were not alleged in the original complaint

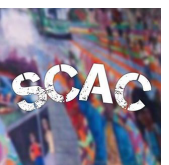
The findings of such investigation shall be reported to the Swissvale Borough Council, Police Committee, and Mayor and to the person making the complaint. In cases where the complaint is sustained or unreported misconduct is uncovered, the Mayor shall impose the necessary disciplinary action.

USE OF FORCE (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states, in part: The use of force in effecting an arrest will be solely governed by the Pennsylvania Crimes Code and the United State Criminal Code.

1. Pennsylvania Crimes code Sections: Chapter 5: General Principles of Justifications
2. United States Criminal Code Civil Rights: United States Department of Justice Chapter 13 - Civil Rights Section 241: Conspiracy Against Civil Rights; Section 242: Amendments against Civil Rights Violations

Violations of any provision of this Policy in addition to any remedy or charge brought by the State of Pennsylvania, District Attorney, Grand Jury or Federal Authority will further be disciplined by the Borough of Swissvale Officials including dismissal from employment depending upon the seriousness of the violation(s). Any misunderstandings of this policy or questions should be presented to the Chief of Police.

REASONABLE SUSPICION (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states: An officer's suspicious based on SPECIFIC FACTS and INFERENCES, that would lead a REASONABLE person to conclude that, someone being stopped, MAY HAVE committed, MAY BE committing, MAY BE about to commit a crime. You must be able to point to specific facts which, taken together with rational inferences from those facts realistically form the basis of the requisite for reasonable suspicion. It is not based on your mere suspicion or a "hunch," but to

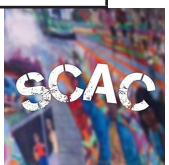


the specific reasonable inferences which you are entitled to draw from the facts in light of your experiences.

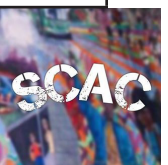
PROBABLE CAUSE (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states: FACTS or CIRCUMSTANCES that would LEAD a REASONABLE PERSON to BELIEVE that an OFFENSE has been COMMITTED; or that SEIZABLE OBJECTS are IN the PLACE TO BE SEARCHED.

SECTION 1702 DISCIPLINARY ACTIONS FOR VIOLATIONS (Swissvale Police Department Policy and Procedure of the Police Department of the Borough of Swissvale Rules and Regulations Handbook) states, in part:

Section Number	Violation Article No.	1st Offense	2nd Offense	3rd Offense	4th or any additional violation of any category individually or collectively within a period of four years, the Swissvale Borough Police Committee May:
802 (COURTESY TO THE PUBLIC)	Failure to comply w/any part of section	5 days suspension	5 to 10 days suspension	10 to 20 days suspension	Place the officer on probation for a period up to one year; dismissal
805 (TRUTHFULNESS)	Failure to comply w/any part of section	10 days suspension	30 days suspension	Dismissal	Place the officer on probation for a period up to one year; dismissal
805 (TRUTHFULNESS)	Polygraph Refusal	1 day for each day of refusal Dismissal After 30 day	2 days for each day of refusal Dismissal After 30 days	Dismissal	Place the officer on probation for a period up to one year; dismissal
814 (MISFEASANCE, MALFEASANCE OR NEGLIGENCE)	Failure to comply Misfeasance, Malfeasance, or neglect	30 days suspension	Dismissal		Place the officer on probation for a period up to one year; dismissal
814 (MISFEASANCE, MALFEASANCE OR NEGLIGENCE)	Failure to report Misfeasance, Malfeasance, or neglect	10 days suspension	30 days suspension	Dismissal	Place the officer on probation for a period up to one year; dismissal
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Failure to submit legible, properly prepared or signed reports or applications, citations, summons or other documents as prescribed	1 day suspension	1 to 5 days suspension	10 days suspension	Place the officer on probation for a period up to one year; dismissal



Section Number	Violation Article No.	1st Offense	2nd Offense	3rd Offense	4th or any additional violation of any category individually or collectively within a period of four years, the Swissvale Borough Police Committee May:
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Failure to file a report as directed	1 to 10 days suspension	5 to 20 days suspension	30 days suspension	Place the officer on probation for a period up to one year; dismissal
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Making false, inaccurate or improper reports, bookings, log entries or other police information	30 days suspension	30 days to dismissal		Place the officer on probation for a period up to one year; dismissal
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Failure to affix signature to reports as required	Warning	Written reprimand	1 day suspension	Place the officer on probation for a period up to one year; dismissal
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Failure to review and initial reports of subordinates	1 day suspension	5 days suspension	10 days suspension	Place the officer on probation for a period up to one year; dismissal
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Giving a verbal or written report of any incident involving borough employees or equipment w/o the consent of the Chief of Police	1 day suspension	5 days suspension	10 days suspension	Place the officer on probation for a period up to one year; dismissal
905 (RESPONSIBILITY FOR DEPARTMENT RECORDS/ REPORTS)	Communicating or reporting confidential police information either in writing or verbally to any unauthorized person	5 to 10 days suspension	10 to 15 days suspension	15 to 30 days suspension	Place the officer on probation for a period up to one year; dismissal



Section Number	Violation Article No.	1st Offense	2nd Offense	3rd Offense	4th or any additional violation of any category individually or collectively within a period of four years, the Swissvale Borough Police Committee May:
1011 (DEMEANOR)	Failure to comply w/any part of section	1 to 5 days suspension	5 to 10 days suspension	10 to 30 days suspension	Place the officer on probation for a period up to one year; dismissal
1503 (SEARCHING OF FEMALE PRISONERS)	Failure to comply w/any part of section	1 day suspension	1 to 5 days suspension	5 to 10 days suspension	Place the officer on probation for a period up to one year; dismissal
1509 (WELL BEING OF PRISONERS)	Failure to comply w/any part of section	1 day suspension	5 days suspension	10 days suspension	Place the officer on probation for a period up to one year; dismissal
1510 (JUVENILE CUSTODY POLICY/ PROCEDURE)	NOTHING NOTED	NOTHING NOTED	NOTHING NOTED	NOTHING NOTED	NOTHING NOTED
1601 (TAKING OF COMPLAINTS)	Failure to comply w/any part of section	5 days suspension	10 days suspension	30 days suspension	Place the officer on probation for a period up to one year; dismissal
1602 (INVESTIGATION OF COMPLAINTS)	Failure to comply w/any part of section	5 days suspension	10 days suspension	30 days suspension	Place the officer on probation for a period up to one year; dismissal
1604 (REFERRAL AND NOTIFICATION)	Failure to comply w/any part of section	5 days suspension	10 days suspension	30 days suspension	Place the officer on probation for a period up to one year; dismissal
1605 (DISPOSITION OF COMPLAINTS)	Failure to comply w/any part of section	5 days suspension	10 days suspension	30 days suspension	Place the officer on probation for a period up to one year; dismissal

