

A COMPARATIVE EVALUATION OF FORMAL
DISCIPLINARY PROCEDURES OF
POLICE DEPARTMENTS OPERATING
UNDER AND IN THE ABSENCE OF
CIVIL SERVICE

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A COMPARATIVE EVALUATION OF FORMAL DISCIPLINARY
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OPERATING UNDER AND IN THE
ABSENCE OF CIVIL SERVICE

By

Ronald Houston Rogers

AN ABSTRACT OF A THESIS

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(Chairman)


(Member)


(Member)

ABSTRACT

A COMPARATIVE EVALUATION OF FORMAL DISCIPLINARY PROCEDURES OF POLICE DEPARTMENTS OPERATING UNDER AND IN THE ABSENCE OF CIVIL SERVICE

by Ronald Houston Rogers

This thesis deals with the formal disciplinary procedures of medium-sized police departments operating under the jurisdiction of a Civil Service system and outside such a system. The purpose of this research was to determine if the formal disciplinary procedures of the police departments operating in the absence of Civil Service are more consistent with principles of discipline identified from the literature reviewed on the subject, than are the formal disciplinary procedures of the departments operating under Civil Service.

The literature pertaining to the subject of discipline in the fields of police administration, business and industry, personnel administration, and the military service was reviewed focusing upon the theoretical aspects of discipline. Principles considered basic to any disciplinary procedures were identified from the review of the literature and are presented.

A field study was conducted in which the chief administrators of four Michigan police departments were

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interviewed to ascertain what formal disciplinary procedures are followed by their departments.

The information gathered in these interviews, using an interview guide based on the principles of discipline which were identified, attempted to determine how the departments are organized with respect to the disciplinary process; what policies and procedures are followed; and, what limitations are imposed upon the authority and discretion of the chief administrator.

The existing differences between the Civil Service departments and the Non-Civil Service departments were identified and the procedures of both groups were evaluated in terms of their consistency with the principles of discipline. It was found that the lack of quantitative data prevented a more precise evaluation, and that a more sophisticated methodology than that used in this study should be employed. It was also concluded that any future study of this type should involve a larger sample from the concerned population.

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CHAPTER I

THE PROBLEM AND DEFINITIONS OF TERMS USED

One of the most important functions of the chief administrator of a police department is to administer discipline. It is generally agreed that "every police department has a direct and nontransferable responsibility for enforcing proper conduct by its members."¹ Inasmuch as there is no way to insure that each individual police officer will, at all times, behave properly and perform to the best of his ability, it is necessary that procedures be established and used by the police administrator in fulfilling this particular responsibility.

Misconduct by members of a police department, regardless of the degree of visibility of that misconduct, limits the effectiveness of that department as agency of social control and public service. The illegal or improper actions of a few officers which receive wide notoriety tends to reflect unfavorably upon the entire department. It may be pointed out that the ultimate solution to disciplinary problems does not lie in elaborate disciplinary procedures, but that an organized approach to the problem "designed to provide the necessary authority for the

¹The Challenge of Crime in a Free Society. A Report by the President's Commission on Law Enforcement and Administration of Justice. (Washington: Government Printing Office, 1967), p. 115.

supervisor, with due regard for the rights of the individual officer, is a goal worth seeking."²

I. THE PROBLEM

Statement of the problem. It was the purpose of this study (1) to review the existing literature on the subject of discipline; (2) to identify from the review of the literature principles which should be used to establish guidelines for the administration of formal disciplinary procedures; (3) to compare the formal disciplinary procedures of police department operating under the jurisdiction of a civil service system with the procedures of departments operating in the absence of such a system; and, (4) to evaluate the formal disciplinary procedures of the departments studied in terms of the principles identified from the literature.

Importance of the study. It is noted that many of our municipal police organizations are subject to the jurisdiction of an independent civil service commission or board in personnel matters. Under such systems some of the decisions of a chief departmental administrator are subject to review by an authority outside the

²Bruce C. Young, "An Evaluation of the Formal Disciplinary Procedures of Three Metropolitan Police Departments With a Recommended Procedure Guide" (unpublished Master's thesis, Michigan State University, East Lansing, 1963), p. 1.

organizational framework of the department. Some departments, however, retain complete control over all personnel matters within the department, including discipline.

This study provides information regarding the formal disciplinary procedures followed by departments operating under the jurisdiction of a civil service system; and, departments operating in the absence of such jurisdiction. The basic principles of discipline supported by authorities in the fields of business and industry, personnel administration, and military service, as well as police administration, are identified. The study then identifies the formal procedures of police departments under both categories, which are either consistent or inconsistent with these principles.

In the final analysis, the value of this study will be determined by the extent to which the principles offered in Chapter III are followed in the future by police administrators as guidelines in the administration of discipline.

Limitations of the study. It is recognized that informal disciplinary procedures may exist in the departments studied, as well as in the administration of discipline in other fields. This thesis limits itself to study of the formal procedures only, bearing in mind that the informal practices may have an effect upon the formal procedures.

The field study was confined to four police departments in the state of Michigan and its findings and conclusions do not necessarily hold for all departments, even in similar circumstances.

With respect to those police departments operating under Civil Service, this study does not attempt to determine if the formal procedures which they follow are wholly consistent with Civil Service law. It is concerned only with the actual practices.

II. DEFINITIONS OF TERMS USED

To provide a better understanding of the thesis, several general terms are operationally defined at this point. These definitions are not referenced as they are combinations of ideas incorporating the views of the author.

Civil service. A legally constituted system of procedures governing personnel matters in governmental agencies under its jurisdiction, and which has the power to invalidate the personnel actions of a departmental administrator, or chief municipal administrator.

Discipline. The process, either positive or negative in nature, by which conformity to authoritative norms, is sought.

Discretion. The degree of flexibility which an administrator or supervisor has in his choice of actions in dealing with a situation within the scope of his responsibility.

Formal disciplinary procedures. For the purposes of this study, those measures for the administration of discipline which are clearly set forth in either rules or policy.

Morale. A sense of common purpose and degree of dedication on the part of each employee.

III. ORGANIZATION OF THE REMAINDER OF THE THESIS

Chapter II, Review of the Literature, discusses the literature pertaining to the subject of discipline in the field of police administration, business and industry, the military service, and personnel administration.

Chapter III, Identification of Principles for the Administration of Discipline, presents and explains the principles abstracted from the literature which should serve as guidelines for the administration of formal disciplinary procedures in any size police department.

Chapter IV, Comparison of the Formal Disciplinary Procedures of Four Michigan Police Departments, describes

the formal disciplinary procedures of the departments studied, and identifies the differences between the procedures of the departments under civil service, and those not under civil service.

Chapter V, Summary and Conclusions, analyzes and evaluates the procedures of the departments studied in terms of the principles model offered in Chapter III. A summary of the study, development of the conclusions, and recommendations also appear in this chapter.

CHAPTER II

REVIEW OF THE LITERATURE

The literature which directs itself to a discussion of discipline is generally concerned with the examination of formal rules of conduct and sanctions for the violation of these rules. This review of the literature, however, will deal with the more theoretical aspects of discipline and discuss some of the principles which should be considered in developing formal procedures for the administration of discipline in police organizations.

I. POLICE ADMINISTRATION LITERATURE

O. W. Wilson, until recently Superintendent of the Chicago, Illinois, Police Department, discusses discipline as function of command in his book Police Administration. He points out that it is a function which must be exercised in order to develop a police organization which responds positively to direction and control.³ Accordingly, Wilson's approach to discipline is positive rather than negative. He regards it as "a form of training and an important constructive leadership tool for eliminating weakness and preventing their development."⁴ The

³O. W. Wilson, Police Administration (New York: McGraw-Hill Book Company, Inc., 1963), p. 173.

⁴Ibid.

department which is undisciplined is, in his view, one which is lacking in training. The responsibility for this organizational weakness lies not only in the shortcomings of the formal training program, but upon the failure of superior officers to require their subordinates to observe formal departmental procedural guidelines and rules of conduct.⁵

He indicates that discipline, as a control and direction tool, is intended "primarily for the weak and deficient, although it affects all members of the force because all are potentially subject to it."⁶

Wilson distinguishes between discipline and punishment. He feels that properly administered discipline results in voluntary conformity to department rules and regulations. Punishment, however, is a sanction which must be applied when conformity is not forthcoming. Wilson's concept of the relation of discipline, training and punishment is summed up in his statement: "The best disciplined forces are the best trained and therefore the least punished."⁷

Wilson makes the observation that "members of an undisciplined force lack esprit de corps; they suffer from a damaged morale and have a lackadaisical attitude

⁵Ibid.

⁶Ibid.

⁷Ibid.

toward their work, their supervisors, their department, and the public."⁸ In the final analysis he places the responsibility for the state of discipline within a department upon the supervising officers. He identifies three primary responsibilities of an immediate superior officer in the administration of discipline.

(1) to discover the weakness, deficiency, failure, or overt act of a subordinate that indicates the need for corrective action; (2) to analyze all the factors involved in order to decide the most suitable actions; and (3) to initiate and, in most instances, carry out the disciplinary action.⁹

In order for subordinates to understand what is expected of them, Wilson indicates that supervision must "provide their subordinates with clear and concise instructions."¹⁰ Further, it is the supervisor's responsibility to see that all disciplinary action of a serious nature should be recorded.¹¹

Wilson states that the final review of disciplinary action should be retained within framework of the department itself in the office of the chief.¹²

Clifford Scott, writing in Leadership for the Police Supervisor, comments that there are few words which have been more generally misunderstood and misused than

⁸Ibid.

⁹Ibid., p. 174.

¹⁰Ibid., p. 176.

¹¹Ibid.

¹²Ibid., p. 174.

the word "discipline."¹³ He points out that the root of the word means to teach but that its careless use has made it virtually synonymous with some type of punitive action.¹⁴ Scott goes on to discuss the relationship between the discipline of a police department and the level of morale, in terms of cause and effect.¹⁵ He regards the clear transmission of orders as essential in avoiding misunderstandings which may necessitate disciplinary action.¹⁶

Gocke also commented upon the relationship between morale and discipline.

The purpose of building morale is to make the men more efficient, to create a discipline that is voluntary and enthusiastic rather than enforced, and to stimulate their minds and wills toward desired ends. Morale work is calculated to bring out, encourage, and develop the best there is in the men. It aims to stimulate and assist the weak, direct the strong, correct the erring, educate the uninformed, and further encourage the successful. It brings enjoyment to work and pride in accomplishment. Morale work is designed to take the men's thoughts away from their troubles. It is not intended to reform offenders, though it frequently does so. Its primary purpose is to strike at any possible source of inefficiency and disorder, and thereby prevent conditions that result in a state of mind wherein the individual is willing to commit offenses against the rules and regulations of the department.¹⁷

¹³Clifford L. Scott and Bill Garrett, Leadership For The Police Supervisor, (Springfield: Charles C Thomas, 1960), p. 50.

¹⁴Ibid.

¹⁵Ibid., p. 52.

¹⁶Ibid., p. 53.

¹⁷B. W. Gocke, "Morale in a Police Department," Journal of Criminal Law, Criminology and Police Science, 36:216, September-October, 1945.

G. Douglas Gourley, in an article dealing with discipline in police administration, also discusses the positive and negative forms of discipline. He comments that positive discipline is possible only when the objectives of an organization or group, and the procedures for attaining the objectives are known to all personnel concerned.¹⁸ He feels that if a police organization fails to supply its members with current copies of rules and regulations which clearly define the rules of conduct, methods of procedure, and the authority of various ranks, problems of discipline are inevitable.¹⁹

"Whatever authority is considered desirable to give to each level of supervision should be established in writing and made known to all."²⁰

Bruce Smith, Jr., in the revised edition of his father's book Police Systems in the United States recognizes that the control which any administrative head is able to exercise is determined by his power to discipline "the members of the rank and file." He goes on to point out that the mere existence of such powers is usually sufficient for its support of the executive's authority

¹⁸G. Douglas Gourley, "Police Discipline," Journal of Criminal Law, Criminology and Police Science, 41:85, May-June, 1950.

¹⁹Ibid., p. 87.

²⁰Ibid., pp.98-99

and for this reason the powers are rarely used. However, he states that this rationale does not obtain in the case of police service.

The very nature of the work--the large powers entrusted to police, the fact that they often operate alone and far from supervision, and the corrosive influence of almost continuous association with criminals and delinquents--tends to make infractions of disciplinary rules a matter of more frequent occurrence and of more serious moment. Hence the disciplinary powers of the police administrator need to be kept in good working order because there is likely to be frequent need for their exercise.²¹

Smith goes on to discuss the limitations which civil service regulations impose upon the executive discretion of the police administrator in disciplinary matters.

"Either by law or by regulation, the police administrator is told in no uncertain terms that he cannot take major disciplinary action with decision and vigor."²²

Citing a number of studies which indicated a high percentage of offending policemen who have been reinstated repeatedly after being dismissed in a disciplinary action, Smith regards the disciplinary methods of most city forces as grossly inadequate to meet the special requirements of police work. His views on the matter are best summarized in his statement: "a sound discipline will probably

²¹Bruce Smith, Jr., *Police Systems in the United States*. (New York: Harper and Brothers, 1960), p. 136.

²²Ibid.

contribute more to the solution of our municipal police problems than any other single recourse now available."²³

A most interesting discussion of discipline in the literature within the field of police administration is found in Police Personnel Management by A. C. Germann.²⁴ Germann expresses the thought that "the most delicate internal problem facing the police executive is that of discipline."²⁵ He points out that some of the lesser offenses are not viewed favorably by most police administration but at the same time they often react to such conduct by covering up or glossing over it.²⁶

Germann regards the primary objective of discipline in a police department as an aid "to the officer in knowing his duty and performing it with the same careful obedience as in the military."²⁷ He cautions, however, against the detrimental effect of a discipline which is overly strict and rigid in nature, upon both the police and the public.²⁸

²³Ibid., p. 138.

²⁴A. C. Germann, Police Personnel Management. (Springfield: Charles C Thomas, 1963), pp. 164-174.

²⁵Ibid., p. 164.

²⁶Ibid.

²⁷Ibid., p. 165.

²⁸Ibid.

He also discusses both the positive and negative approach to discipline. The positive approach is achieved by what he terms development of "the intellect"--through education, training, and instruction.²⁹ Negative discipline is achieved through the control of "the will", by the techniques of admonitions and punishment.³⁰ He succinctly points out that the negative approach is the one most easily understood by some administrators.

The role of the supervisor is regarded by Germann as the key to effective discipline.³¹ These are the decision-makers in the choice of either positive or negative measures, with the negative being recommended as the last resort after all positive discipline has failed.³²

Germann discusses the use of trial boards as part of formal departmental disciplinary procedures. He recommends its use in order "to relieve the chief of police of some of the onus for disciplinary action, and provides protection against ill-advised peremptory disciplinary decisions."³³ Bruce Young implies that this procedure

²⁹Ibid.

³⁰Ibid.

³¹Ibid., p. 169.

³²Ibid., p. 170.

³³Ibid.

suggests that the chief who utilizes a trial board procedure "is unwilling to personally and solely accept the responsibility for his action and cannot be depended upon to act with judgment and consideration."³⁴ However, Germann recommends that trial board recommendation be just that--recommendation, with the final decision on the action to be taken residing in the Chief of Police.³⁵

An internal investigation unit with the assigned task of investigating all complaints made against members of the department is recommended also by Germann.³⁶

The polygraph, or "lie detector" is also recommended for use in disciplinary investigation, but only by a trained polygraph examiner.³⁷

It is noted that both the internal investigation unit and the polygraph can serve the best interests of both the legitimate complainant and the accused.³⁸

The text Municipal Police Administration, published by the International City Manager's Association, also recognizes the positive and negative approach

³⁴Young, op. cit., p. 9.

³⁵Germann, op. cit., p. 171.

³⁶Ibid.

³⁷Ibid.

³⁸Ibid.

to discipline.³⁹ It regards the primary aim of discipline as "a change in the attitude and action of the individual officer whose work has not been in conformance with department standards, so that he performs as he should."⁴⁰

Other purposes of discipline are: to serve as a deterrent to potential offenders; and, to bring about a public awareness that all members of the department are expected to conform.⁴¹

In the administration of discipline, in order that these purposes be accomplished, speedy, positive, and just disciplinary action must be taken. It is felt that "two principal deterrents to dereliction are swiftness and certainty of action."⁴² It is recommended that any disciplinary action requiring more than a minor reprimand be recorded by some type of memorandum which should include:

- (1) The situation calling for an interview with the employee;
- (2) specific reasons for the interview;
- (3) summary of employee's statement or explanation;
- (4) summary of supervisor's statement; and
- (5) mutual

³⁹International City Manager's Association. Municipal Police Administration. (Chicago: International City Manager's Association, 1961), p. 167.

⁴⁰Ibid.

⁴¹Ibid.

⁴²Ibid.

understanding of what employee and supervisor will do to improve performance or prevent a recurrence with an understanding of future disciplinary action if the employee fails to correct.⁴³

The text goes on to recommend that the employee concerned be required to read the memorandum and sign a statement acknowledging that he has read it and understands it.⁴⁴

Municipal Police Administration also discusses the problem encountered in the jurisdiction of various types of bodies or agencies which exercise review power over a police department's disciplinary actions. It points out that in spite of the faults of many of these agencies, some administrators and reviewing commissions or agencies, have effected "a balance between complete administration efficiency and the complete protection of the individual against disciplinary action."⁴⁵

A contrasting view of the effect of Civil Service on disciplinary procedures in police administration was expressed by Raymond Fosdick in his book American Police Systems.

Civil service laws and regulations have gone to extreme lengths in the United States in safeguarding policemen against unjust disciplinary action. In

⁴³ Ibid., pp. 167-168.

⁴⁴ Ibid., p. 168

⁴⁵ Ibid., p. 169.

some cities the civil service system itself assumes sole responsibility; in others, the commission have the right to review the action of the police administrative authority, and may order reinstatement in case of dismissals, or lesser penalties than those imposed. In most police departments when disciplinary action is taken, charges must be preferred in writing and the case submitted for trial. The trial may be conducted along the lines of a criminal proceeding as in New York with due regard for legal rules of evidence and all the technicalities of regular court procedure, or it may be a more or less formal method observed by an administrative officer in enforcing discipline. The various practices that are employed differ from city to city, and there is no standardized arrangement.⁴⁶

Fosdick goes on to discuss the limitations of

Civil Service:

In its application to a police department civil service has serious limitations. In the endeavor to guard against abuse of authority, it frequently is carried to such extremes that rigidity takes the place of flexibility in administration, and initiative in effecting essential changes in personnel is crippled or destroyed. Too often, as we have already seen, in connection with the chiefs of police, civil service is a bulwark for neglect and incompetence, and one of the prime causes of departmental disorganization. Too often does the attempt to protect the force against the capricious play of politics compromise the principle of responsible leadership, so that in trying to nullify the effects of incompetence and favoritism, we nullify capacity and intelligence too.⁴⁷

Fosdick comments that if most businessmen attempted to operate under such limitations, they would be "foredoomed to failure from the start."⁴⁸

⁴⁶ Raymond B. Fosdick, American Police Systems. (New York: The Century Company, 1920), pp. 281-282.

⁴⁷ Ibid., p. 284.

⁴⁸ Ibid., p. 285.

In his book Police Planning, Wilson also comments upon the effect of Civil Service on formal police disciplinary procedures:

When evidence is discovered of lax discipline, a review of the disciplinary machinery and the procedures used in dealing with disciplinary cases may reveal the cause. When lax discipline is found in spite of the fact that the police chief has requisite disciplinary authority, the blame is his. Recommendations should then be made to strengthen discipline. When the police chief lacks essential authority, the blame rests with the device that has deprived him of his natural and necessary power. This device is found outside the police department, usually in the form of a civil-service charter provision or law.⁴⁹

The police chief should have sufficient authority to "remove policemen from service, subject to the direction of the administrative head of the city."⁵⁰

The police chief should have a clear cut prior understanding with his supervisor regarding:

(1) matters that may require pre-action consultation and approval; (2) action that the chief may take without prior clearance but on which a report is desired; and (3) other matters on which no report is desired.⁵¹

Dr. John Kenney, in his book Police Management Planning, regards discipline as a mental attitude. This particular definition is positively oriented and implies that it goes beyond the scope of "an arbitrary enforcement

⁴⁹O. W. Wilson, Police Planning. (Springfield: Charles C Thomas, 1962), p. 227.

⁵⁰Ibid.

⁵¹Ibid.

of rules and regulations laid down by authority."⁵² He goes on to point out that conditions in the police service in general necessitates a practical application of discipline which is most suitable for the weakest and more inefficient as O. W. Wilson pointed out.⁵³

However, Dr. Kenney answers in the affirmative the question: Is it possible for a police department to establish a positive approach to discipline? Citing G. Douglas Gourley, he proposes a code of ethics for the police which he feels would standardize the rules governing the official conduct of police officers.⁵⁴ In the absence of such a code, uniform disciplinary policies of a department could still be approached positively.⁵⁵ Dr. Kenney expresses the opinion that these policies should place most of the responsibility for disciplinary actions upon immediate supervisors with only the more serious situations referred to the upper echelon.⁵⁶ Kenney emphasizes that the "corrective measures taken should be regarded generally as an action "to further train officers in the department."⁵⁷

⁵²John P. Kenney, Police Management Planning. (Springfield: Charles C Thomas, 1959), p. 79.

⁵³Ibid., p. 70.

⁵⁴Ibid

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷Ibid., p. 71.

Dr. Kenney also recognizes the problem of referring disciplinary action to a Civil Service Commission for an appeal hearing as a major one.⁵⁸ With regard to procedure, he recommends that:

In initiating any type of disciplinary proceeding, it is fundamental that the accused should be informed in writing of the charge against him. Stenographic records should be made of the proceedings. Opinions supporting the guilt or innocence of the accused officer should be included.⁵⁹

The only reference to discipline made by V. A. Leonard, in Police Organization and Management, concerns the recording of all disciplinary actions concerning an officer in his personnel record.⁶⁰

In his study, Bruce Young, evaluated the formal disciplinary procedures of three metropolitan police departments. He discusses at length the importance of good supervision in maintaining discipline.

The general responsibility of a supervisor concerning discipline is to maintain orderly conduct among his subordinates and to apply disciplinary measures which will eliminate conditions interfering with efficiency, insure cooperation, and protect the rights of the group. To accomplish this his goals are: (1) to foster a feeling of mutual respect between himself and his organization; (2) to keep his officers satisfied while at the same time having them conduct themselves in accordance with the established rules

⁵⁸Ibid., p. 70.

⁵⁹Ibid., pp. 72-73.

⁶⁰V. A. Leonard, Police Organization and Management. (Brooklyn: The Foundation Press, 1964), p. 136.

of conduct; and (3) to train the police officers within his control to perform their duties efficiently.⁶¹

Young lists eleven principles which he feels should serve as guides to achieve these goals. They are:

1. Make instructions simple and understandable.
2. The supervisor must know and follow the rules.
3. The principles of organization must be known and followed.
4. Take prompt action on disciplinary violations.
5. Investigate before acting.
6. Permit the accused officer an opportunity to present his side before any decision is made.
7. Decide what action to take.
8. Inform the offender of the disciplinary action taken or recommended.
9. Keep records of all formal and informal disciplinary actions taken.
10. Follow established disciplinary procedures.
11. Disciplinary actions of the chief or superintendent should not be subject to review other than for dismissal from the service.⁶²

Rex R. Andrews of the Burbank, California Police Department, in a paper presented at an institute for police supervisors at Los Angeles State College listed some steps which he felt a line supervisor should follow in

⁶¹Young, op. cit., p. 38.

⁶²Young, op. cit., pp. 38-50.

deciding what corrective measures, if any, were required in disciplinary problems. Briefly, they are concerned with four major questions.

1. Are all the necessary facts known to the supervisor?
2. Does the supervisor actually consider these facts before deciding upon the disciplinary measure?
3. Is the corrective measure administered in the proper manner?
4. Is the disciplinary action followed up?⁶³

II. DISCIPLINE IN BUSINESS AND INDUSTRY

In the study of the literature concerning discipline in business and industry, there exists a relationship which parallels that of the public service executive and a Civil Service Commission. This parallel is the labor-management relationship, wherein the authority of the employer has been limited. The basic difference between the two relationships is that in business the limitations on the employer's authority is by agreement through a negotiated contract with a union. In his book, Employee Discipline, Lawrence Stessin provides an interesting and informative study of this limitation of executive authority. Considerable emphasis is placed upon

⁶³ Rex R. Andrews, "A Discipline Check List," Readings in Police Supervision. (Los Angeles: Los Angeles State College Foundation, 1963)

the role of an independent arbiter in determining if the exercise of authority by management in applying discipline was proper. Stessin's description of the arbitration process leads one to believe that there is considerable similarity between the labor management relationship and that of police administrator and a civil service commission.

In another book, The Practice of Personnel and Industrial Relations, Stessin identifies some administrative principles of discipline. The first is equal treatment, meaning that one set of standards applies to all employees. The second principal identified applies the "rule of reason." Determining "what is fair" leaves much to the discretion of the supervisor invoking the disciplinary process as Stessin indicates. A third principle involves the timing of the disciplinary action.⁶⁴ As Stessin puts it:

Correction should take place soon after the act, but not when the manager is upset, angry, or in a "boiling mood." There are few offenses so serious that discipline cannot wait for investigation of facts and cooling off of heads. This does not mean that the worker should not be put on notice that what he has done is wrong and that he might be punished.⁶⁵

⁶⁴Lawrence Stessin, Employee Discipline. (Washington: BNA Incorporated, 1960).

⁶⁵Lawrence Stessin, The Practice of Personnel and Industrial Relations, A Casebook. (New York: Pitman Publishing Corporation, 1964), p. 71.

Lawrence Appley in his book, Management in Action, also emphasizes that one of the basic principles of discipline involves letting employees know what is expected of them.⁶⁶

In The Principles of Organization, James Mooney states that the discipline which is achieved in accordance with principles which are known to the organization is more likely to be effective than the discipline which is dependent upon the strength of the leader and the rules he sets forth.⁶⁷

Orme W. Phelps in his book, Discipline and Discharge in the Unionized Firm, states that procedure in administering discipline is of paramount importance "because the machinery of enforcement is in the hands of management, with the latter acting in the capacity of both prosecutor and judge."⁶⁸ He views a correct procedure as one which assumes that the employee is innocent until proven guilty, and which permits him every opportunity to defend himself.⁶⁹

⁶⁶Lawrence A. Appley, Management in Action. (New York: Stratford Press, Inc., 1956), pp. 120-122.

⁶⁷James D. Mooney, The Principles of Organization. (New York: Harper and Brothers, 1947), p. 177.

⁶⁸Orme Wheelock Phelps, Discipline and Discharge in the Unionized Firm. (Berkeley: University of California Press, 1959), p. 141.

⁶⁹Ibid., p. 141.

Pfiffner and Sherwood, in their text Administrative Organization, state that the kind of discipline which one finds in a military bootcamp has limited usefulness in a free civilian society. They suggest that a different manner of motivating people to the accomplishment of organization goals is in order. They envision a system or procedures in which

People will become more sensitive to the effect of their behavior on their fellow men, and this will help to ameliorate and minimize the individual's subordination to large-scale organization as a standardizing enemy of human dignity.⁷⁰

III. PERSONNEL ADMINISTRATION LITERATURE

In the fourth edition of Public Personnel Administration, O. Glenn Stahl devotes a chapter to the subject of discipline.⁷¹ The forms of disciplinary action, their significance and the responsibility of the public service executive for discipline and some of the limitations placed on him by civil service, are discussed at length.⁷² Stahl states that "disciplinary control is effective only if it is firmly, promptly, and consistently exercised."⁷³ He feels that this is most effectively

⁷⁰John M. Pfiffner and Frank P. Sherwood, Administration Organization. (Englewood Cliffs: Prentice-Hall, Inc., 1966), pp. 202-203.

⁷¹O. Glenn Stahl, Public Personnel Administration. (New York: Harper and Brothers, 1956), pp. 451-460.

⁷²Ibid.

⁷³Ibid., pp. 456-458.

exercised when the original disciplinary authority is vested in one executive.⁷⁴ Accordingly, he should possess "authority commensurate with responsibility."⁷⁵ The limitations upon his discretion should be defined by a minimum of basic legal provisions in order to guard "against arbitrary procedure and punishment without just cause being duly shown."⁷⁶

Pigors and Myers, in Personnel Administration, emphasize that most employees want to perform in the manner which is expected of them. The conditioning of family and school life develops considerable self-discipline and this majority of employees will not break rules or fail to accept instruction if the basic conditions conducive to good discipline are present in their organization.⁷⁷ The focus of corrective disciplinary procedures is upon those few who do not conform. If a disciplinary policy with sufficient and clearly defined penalties, is not formulated and implemented, this small group can "spread dissatisfaction and poor conduct throughout the organization."⁷⁸

⁷⁴Ibid.

⁷⁵Ibid., p. 460.

⁷⁶Ibid.

⁷⁷Paul Pigors and Charles A. Myers, Personnel Administration. (New York: McGraw-Hill Book Company, Inc., 1961), p. 199.

⁷⁸Ibid.

In order to provide a framework which is conducive to the development of self-discipline and deal with the troublesome minority, Pigors and Myers recommend a policy which includes:

1. A clear and reasonable list of plant rules, with uniform penalties for their violation.
2. Instruction of all employees in what is expected of them, in terms of both observance of plant rules and established standards of job performance.
3. A procedure for telling employees how well they are meeting job standards and rules of conduct.
4. Careful investigation of the background and circumstances of each case before taking disciplinary action, which apparent breaches of conduct or expected performance do occur.
5. Prompt, consistent application of disciplinary measures by the employee's immediate superior, when guilty has clearly been established.⁷⁹

Pigors and Myers devote the remainder of their chapter on discipline and discharge to a discussion of the procedures to be followed by those who are responsible for the handling of disciplinary problems. Considerable emphasis is placed upon the responsibility of supervisors to inform the employees of disciplinary policies, and an objective assessment of situations requiring the invocation of disciplinary action before applying corrective or punitive measures.⁸⁰

⁷⁹Ibid., pp. 199-200.

⁸⁰Ibid., pp. 200-211.

Ordway Tead held that "good discipline is essential for the orderly conduct of any organization where any considerable number of people are working together."⁸¹ He then poses two questions: What is "good" discipline; and, how can it best be achieved?

He views the desired end result of discipline to be, in part:

....general and willing adherence to a certain minimum of reasonable rules or regulations which are necessary to assure promptness and regularity in attendance....freedom from gross insubordination to the reasonable requests of designated leaders.... avoidance of conduct which involves hazard to life and limb of fellow employees as well as to the property of the company.⁸²

Tead comments on two widely different attitudes toward discipline which he describes as autocratic and democratic. The basic approach of the autocratic was founded in the motive of fear in controlling behavior with punishment as the primary device for transgressions.⁸³ He enumerates some of the shortcomings of the autocratic

⁸¹Ordway Tead, "The New Discipline," Readings in Personnel Administration, ed. Paul Pigors and Charles A. Myers, (New York: McGraw-Hill Book Company, Inc., 1952), p. 355.

⁸²Ibid.

⁸³Ibid., p. 356.

Briefly they are:

1. The desires of those commanded are never considered.

2. The sole appeal is to the fear motive thereby excluding any other motives which may produce better results.

3. Constant supervision is required because an attitude develops which encourages those commanded to "get away with" anything they can in the absence of the commander.⁸⁴

This autocratic approach relies upon influence and power sources which lie outside the group in order to influence the group's behavior. The potential of the sources of power which lie within the group are in large part disregarded.⁸⁵

The democratic or "new discipline" which Tead refers to, concerns itself with the motives of group approval, individual creativity, and a desire for improved status. "It aims to capitalize on those inner forces of thought and emotion which spontaneously give rise to individual application, group loyalty, and reasonable subordination of individual will to group achievement."⁸⁶

In answer to his own question--what is good discipline?--Tead answers this by:

⁸⁴Ibid., p. 350.

⁸⁵Ibid., p. 356.

⁸⁶Ibid., pp. 337-358.

....that orderly conduct of affairs by the members of an organization who adhere to its necessary regulations because they desire to cooperate harmoniously in forwarding the ends which the group has in now and willingly recognize that to do this their own wishes must be brought into reasonable unison with the requirements of the group in action.⁸⁷

Tead suggests that such discipline "is achieved only by conscious educational effort."⁸⁸ The remainder of the chapter provides an excellent discussion of procedures which are most likely to do this. These procedures require that management systematize the activities of the organization taking care to assure "that all regulations adopted are (a) as explicit as possible; (b) as few and simple as possible; (c) as clear as possible as to penalties."⁸⁹ These rules should be applied to individual cases consistently and fairly with agreed procedures utilized.⁹⁰ The success of the "new discipline" approach is dependent not on a "new attitude" alone, "but upon specific procedures for adopting, interpreting, and applying rules and orders in a cooperative way."⁹¹

⁸⁷Ibid., pp. 359-360.

⁸⁸Ibid., p. 360.

⁸⁹Ibid., p. 361.

⁹⁰Ibid.

⁹¹Ibid., p. 362.

Keith Davis, in discussing disciplinary policies, emphasizes that consistency of action is the key to the whole problem.

Research has shown that employees are more secure when they are able to predict how management will react to breaches of discipline, whether committed by themselves or by others. For themselves, employees want to know what they can or cannot do without having to ask like children. For others, they want the assurance that treatment will be equal under equal circumstances and that no one is likely to get either a better deal or a raw deal.⁹²

In Governmental Manpower for Tomorrow's Cities, a report of the Municipal Manpower Commission, the problem of discipline is discussed briefly.

Dismissal and disciplinary procedures should be established and made known to all personnel. Responsibility for their application should be vested in department heads, subject to final review by the chief executive.⁹³

Discipline as an integral element of management "should not be subject to control by an independent commissioner or by political influences."⁹⁴ The lack of flexibility in a personnel system, as is often the case under the independent Civil Service Commission, has forced

⁹²Keith Davis, "Steps Towards A More Flexible Disciplinary Policy," Personnel. 38:55, May-June, 1961.

⁹³Municipal Manpower Commission, Governmental Manpower for Tomorrow's Cities. (New York: McGraw-Hill Book Company, Inc., 1962), p. 11.

⁹⁴Ibid., p. 106.

some managers into developing their skills "in outwitting the rules."⁹⁵

IV. MILITARY DISCIPLINE

Arthur H. Miller in his book Leadership, emphasized the necessity of proper instructions in securing good discipline.

When I find a man failing to comply with orders (said an officer), before criticizing him blindly for his failure, I look into the character of the instruction he has received. More than once I have found that an individual, who was supposedly failing to comply with instructions, had in fact done all or more than might have been expected when the nature of the instructions was taken into consideration. We should find out how the other fellow saw the situation. He may honestly have seen it very differently from another.⁹⁶

Miller goes on to recommend that the simplicity of the language used in instruction is of basic importance.⁹⁷

William E. Hocking in Morale and Its Enemies, regards discipline as an important ingredient in the mental unity of an army. It involves the loss of personal freedoms in order to achieve this unity.⁹⁸ Hocking also

⁹⁵ Ibid., p. 67.

⁹⁶ Arthur H. Miller, Leadership. (New York: G. P. Putnam's Sons, 1920), pp. 138-139.

⁹⁷ Ibid.

⁹⁸ William E. Hocking, Morale and Its Enemies. (Yale University Press, 1943), pp. 118-119.

discusses the arbitrary stress which is placed upon performing certain tasks a certain way if for no other reason than to develop the conditioned acceptance of action based solely on an arbitrary criteria which may be involved in carrying out common purposes.⁹⁹ However, he does recognize that all conduct is not governed by this theory and comments that "....the habit which is formed by an act of series of acts depends on the motive of the act more than on the external shape of it."¹⁰⁰

The Psychology of Military Leadership by L. A. Pennington, Romeyn B. Hough, Jr., and H. W. Case, discusses the role of discipline in a military organization. Discipline is recognized as an absolute necessity in any organized society with the codes of conduct, both formal and informal, providing for the "greater good of society."¹⁰¹

According to this text, the early use of discipline was concerned with the instruction of soldiers in the various skills necessary to enable a military unit to function effectively in combat. The actions of soldiers in performing such tasks as loading and firing weapons

⁹⁹Ibid., pp. 119-120.

¹⁰⁰Ibid., pp. 124-125.

¹⁰¹L. A. Pennington, Romeyn B. Hough, Jr., and H. W. Case, The Psychology of Military Leadership. (New York: Prentice-Hall, Inc., 1943), p. 127.

which were bulky or cumbersome required rigid and precise movements in order to produce effective firepower.¹⁰²

With the development of weapons which were easier to operate after the War Between The States, discipline took on a different dimension. The initiative required of an individual soldier, acting as a part of a group seeking to achieve a common goal, required a change in the character of discipline.¹⁰³ But the modern as well as the earlier concepts of discipline in the military regarded unquestioning obedience to orders as essential. Asking why an order is given is not compatible with military discipline.¹⁰⁴

This book echoes O. W. Wilson's views regarding the positive and negative aspects of discipline, with punishment as a negative aspect. The author points out that the organization which is well-disciplined requires few punitive actions.¹⁰⁵

¹⁰²Ibid., pp. 128-129.

¹⁰³Ibid., p. 132.

¹⁰⁴Ibid.

¹⁰⁵Ibid.

CHAPTER III

IDENTIFICATION OF PRINCIPLES FOR THE ADMINISTRATION OF DISCIPLINE

In order to evaluate the formal disciplinary procedures of the departments selected for study, the criteria for evaluation must be identified. It is primarily for this reason that a set of principles have been abstracted from the review of the literature in Chapter II and are presented in this chapter. A secondary purpose for offering this set of principles is that they can be used by police administrators in reviewing and improving their own disciplinary procedures.

These principles do not concern themselves with the substance of the rules of conduct governing the individual behavior of police personnel. Neither do they concern themselves with the requirements of highly sophisticated organizational structures and procedures. These principles are concerned with the fundamental considerations which should serve as basic guidelines in the administration of formal disciplinary procedures.

It is felt that the review of the literature presented in Chapter II from which these principles are abstracted, substantially supports these principles.

I. PRINCIPLES FOR EVALUATION OF PROCEDURES

1. Communication

a. Each member of the department should be furnished with a copy of all departmental rules and directives.

b. Each member of the department should be instructed in terms of what is expected of them in the observation of the rules and directives in a clear and understandable manner.

2. Organization

a. Each member of the department should know and understand the organization of the department regarding the chain of command.

b. The formal disciplinary procedures should be made known to all personnel.

3. Action

a. After either observation of an infraction by a supervisor or upon receipt of a complaint regarding misconduct from outside the department, prompt action regarding the case should be initiated in which:

(1) A thorough and objective investigation is made as soon as possible after knowledge of a complaint or allegation.

(2) The accused officer is permitted to

present his side of the issue before any final decision is made.

(3) The accused officer is advised as to the disposition of the issue, citing the reasons for the disciplinary action taken or recommended, or exoneration from the charges made.

4. Record

a. Records of all disciplinary actions should be kept.

b. Statistics of departmental disciplinary action should be kept and published.

5. Consistency

a. Those formal procedures which have been established for the administration of discipline should be used exclusively.

6. Authority

a. The decision of the chief administrator should not be subject to review by any authority outside the department, except for dismissal from the department.

Regardless of the size of a police department or the need for elaborate and complex machinery to administer discipline, these principles should obtain.

Adherence to these principles would constitute an organized approach to the problem of administering discipline. It would be a step toward the goal to which Young referred, the balance between the regard for individual rights, and preservation of necessary authority of supervisors and administrators.¹⁰⁶

¹⁰⁶Young, op. cit., p. 1.

CHAPTER IV

COMPARISON OF THE FORMAL DISCIPLINARY PROCEDURES OF FOUR MICHIGAN POLICE DEPARTMENTS

This chapter concerns the field research conducted in connection with this study. It is divided into four sections: Section I, which discusses the methodology used; Section II, which contains the empirical data obtained from departments operating under Civil Service; Section III, which contains the empirical data obtained from departments not operating under Civil Service; and, Section IV, which identifies the procedural differences between the departments described in Sections II and III.

I. METHODOLOGY

The empirical studies described in Sections II and III were conducted through personal interviews in four police departments within the state of Michigan. The population of the cities selected is in the 25,000--50,000 range. The police departments of two of the cities operate under the provision of Public Act 78, Public Acts of 1935. The other two cities do not. The police administrators interviewed all occupied positions at the top management level who were familiar with the disciplinary procedures of their respective departments.

The purpose of this field research was to determine if the formal disciplinary procedures followed by the selected police departments were consistent with the principles presented in Chapter III.

The author conducted all of the interviews using an interview guide which was based upon the principles presented in Chapter II.¹⁰⁷ The author did not ask the questions in the guide verbatim; but instead phrased his questions in keeping with the degree of rapport established and developed as the interview progressed.

The guide itself was constructed in such a way as to enable the author to ascertain:

1. How each department is organized with respect to the disciplinary process?
2. What policies and procedures are followed in formal disciplinary actions?
3. What limitations are imposed upon the authority and discretion of the chief administrator?

The administrator interviewed was encouraged to do most of the talking. The interview guide enabled the author to direct the interview into those areas in which he desired information. Once the author felt that sufficient rapport was established, he asked the administrator

¹⁰⁷Appendix A.

if he minded the author taking notes. No discernible effect upon the free flow of conversation was noted during any of the interviews conducted when the author commenced to take notes.

Each administrator was asked to provide a specific case which required invocation of the Department's disciplinary procedures. All but one was able to do this.

The information gathered was organized in such a way as to provide a comprehensive picture of the formal disciplinary procedures followed by each department. After these procedures have been described, they are compared to identify the existing differences between Civil Service and Non-Civil Service departments.

II. DEPARTMENTS OPERATING UNDER CIVIL SERVICE

The two Michigan police departments operating under Civil Service jurisdiction were selected from a list of six cities within the 25,000--50,000 population range furnished by the Michigan Law Enforcement Officers Training Council. These departments operate under the provision of Act 78, Public Acts of 1935.¹⁰⁸ This particular piece of legislation has been the subject of considerable controversy since its passage.¹⁰⁹

¹⁰⁸Appendix B.

¹⁰⁹For a detailed study of Act 78, see The Saginaw Study of Public Acts of 1935, by A. C. Germann, Michigan State University, August, 1957.

Police department "A". Police Department "A" provides police service for a city of approximately 40,000. It is staffed by 108 sworn officers and 14 civilian employees.

Disciplinary organization. The department is organized as seen in Chart 1. A Police and Fire Commission is responsible for the control and management of the Department;¹¹⁰ for the adoption of rules and regulations for the organization of the Department; and has appointive and removal authority over all members of the Department, subject to the provisions of the city charter and Act 78; and sits as a trial board in disciplinary cases. Its five members are appointed by the Mayor who is the chief administrative officer of the city.

The Chief of Police is the executive head of the Department.¹¹¹ Under present circumstances the Captain in command of the Uniform Division is second in command of the Department. While there are seven Lieutenants in the Department it is noted that the first significant reference to disciplinary duties of supervisors to be found in the Rules, refers to the responsibility of the Sergeant.¹¹²

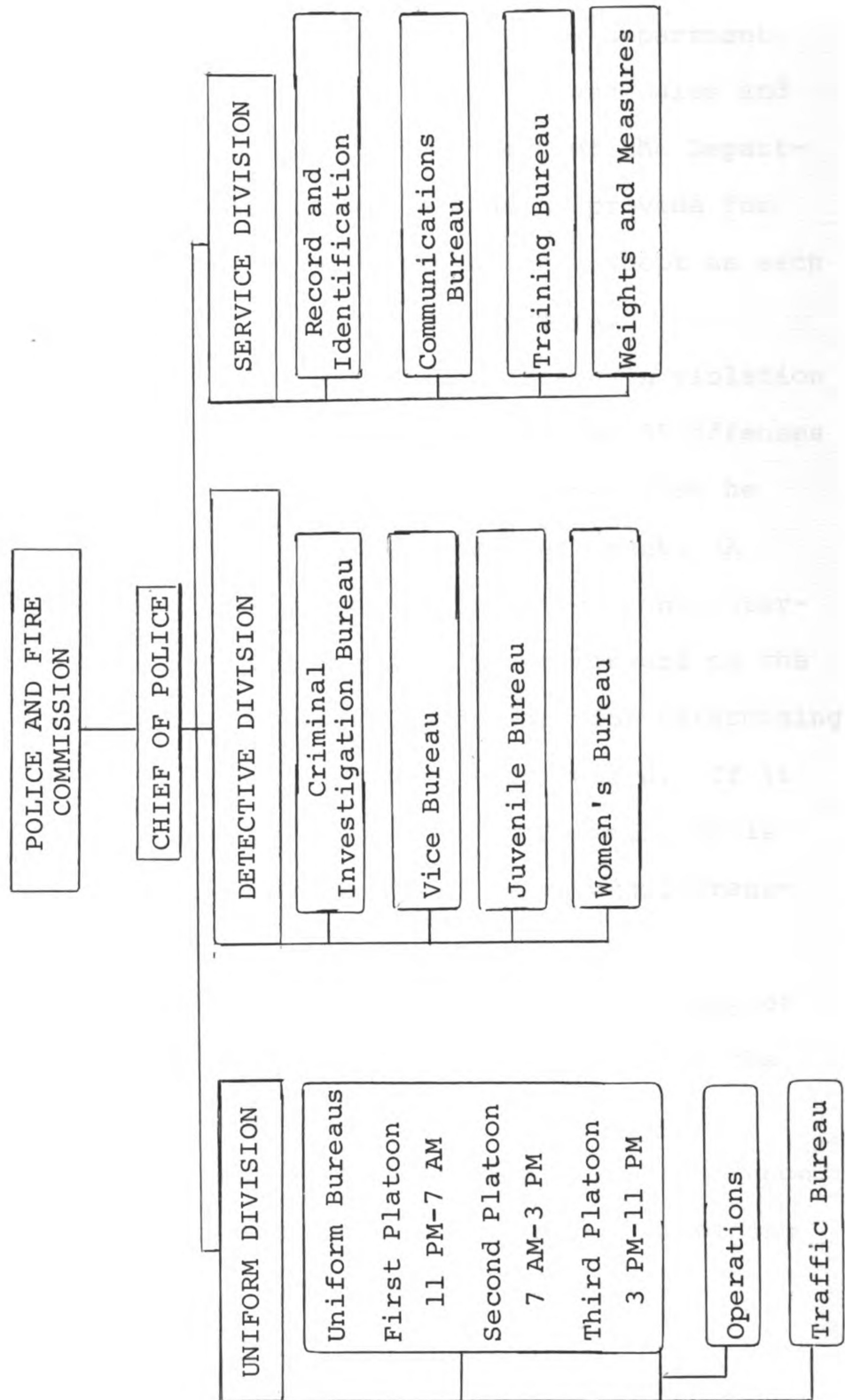
¹¹⁰Appendix C. Chapter I., Section I.

¹¹¹Ibid., Chapter II., Section I.

¹¹²Ibid., Chapter IV., Section VI.

CHART 1

TABLE OF ORGANIZATION
Police Department A



Disciplinary procedures. The Rules and Regulations of the Department were first adopted November 2, 1931. They are currently issued to members of the Department, with amendments, in mimeographed form. These Rules and Regulations are reviewed with new members of the Department but no special provisions are made to provide for additional instructions or interpretations except as each individual officer requests such instruction.

If a Sergeant observes a subordinate in violation of the General Rules in Chapter XVIII, or the 65 offenses listed in Chapter XIX, he advises the officer that he is in violation and then notifies the Lieutenant. A written report is submitted to the Lieutenant who determines if the offense is serious enough to forward to the Captain. There are no specific guidelines for determining the "seriousness" of the offense in this regard. If it is decided to forward the report to the Captain, it is at this level that the formal charge is made and transmitted to the Chief of Police.

The accused officer is furnished with a copy of the charge and is permitted to present his side of the issue at any level of the process.

The Chief of Police may impose a suspension upon any member of the Department for a period not exceeding fifteen days without a hearing before the Police and

Fire Commission. However, this does not preclude an appeal to the Civil Service Commission established by Act 78 under the provisions of Sections 1 and 2 of Act 78.¹¹³ The Civil Service Commission has the authority to reverse the actions of both the Chief of Police and the Police and Fire Commission.

In the event a citizen files a complaint against an officer, he is notified and requested to make a detailed report on the matter. Usually the complaint is made to a Division Commander and from there on it is handled in the same manner as a charge by a supervisor.

All disciplinary actions requiring a hearing or in which the officer accepts the penalty are recorded in the officer's personal file. No provisions are made for keeping statistics of Departmental actions however.

An example of how the procedures of Department "A" operate was cited by the administrator interviewed. This case stemmed from the ill-advised and improper actions of a group of police officers in the use of tear gas during a gambling raid on a residence. In this instance the ranking officer in the group, a lieutenant, was held responsible. The captains in command of the patrol and detective divisions made the investigation after a citizen complained and the lieutenant was formally charged under

¹¹³Appendix B.

the provisions of Chapter XIX of the Rules of the Division of Police with failure to make an official report to superior officers. He was suspended for 11 days without pay and forfeited all regular off days for a period of six months (totaling 48 days), and lost all of his accumulated furlough time.

At the time of the incident the lieutenant was on probationary status, having been promoted only a few weeks previous to this incident. The Police and Fire Commission attempted to extend his probationary status in addition to the suspension and loss of leave days and furlough. This attempted extension of his probationary status was the only aspect of the action of the Police and Fire Commission which the lieutenant appealed to the Civil Service Commission. In this case the Civil Service Commission reversed the ruling of the Police and Fire Commission regarding his probationary status and ordered that he be given permanent status when he completed his regular probationary period.

The administrator interviewed indicated that the only exception made in invoking the formal disciplinary procedures were those cases in which an officer failed to appear in court.¹¹⁴ No reason was given for this exception, nor was an alternative method of discipline indicated.

¹¹⁴Ibid., Chapter XIX., Section I (61).

Police department "B". Police Department "B" provides police service for a city of approximately 27,000 people. It is staffed by 35 sworn officers and 4 civilian employees.

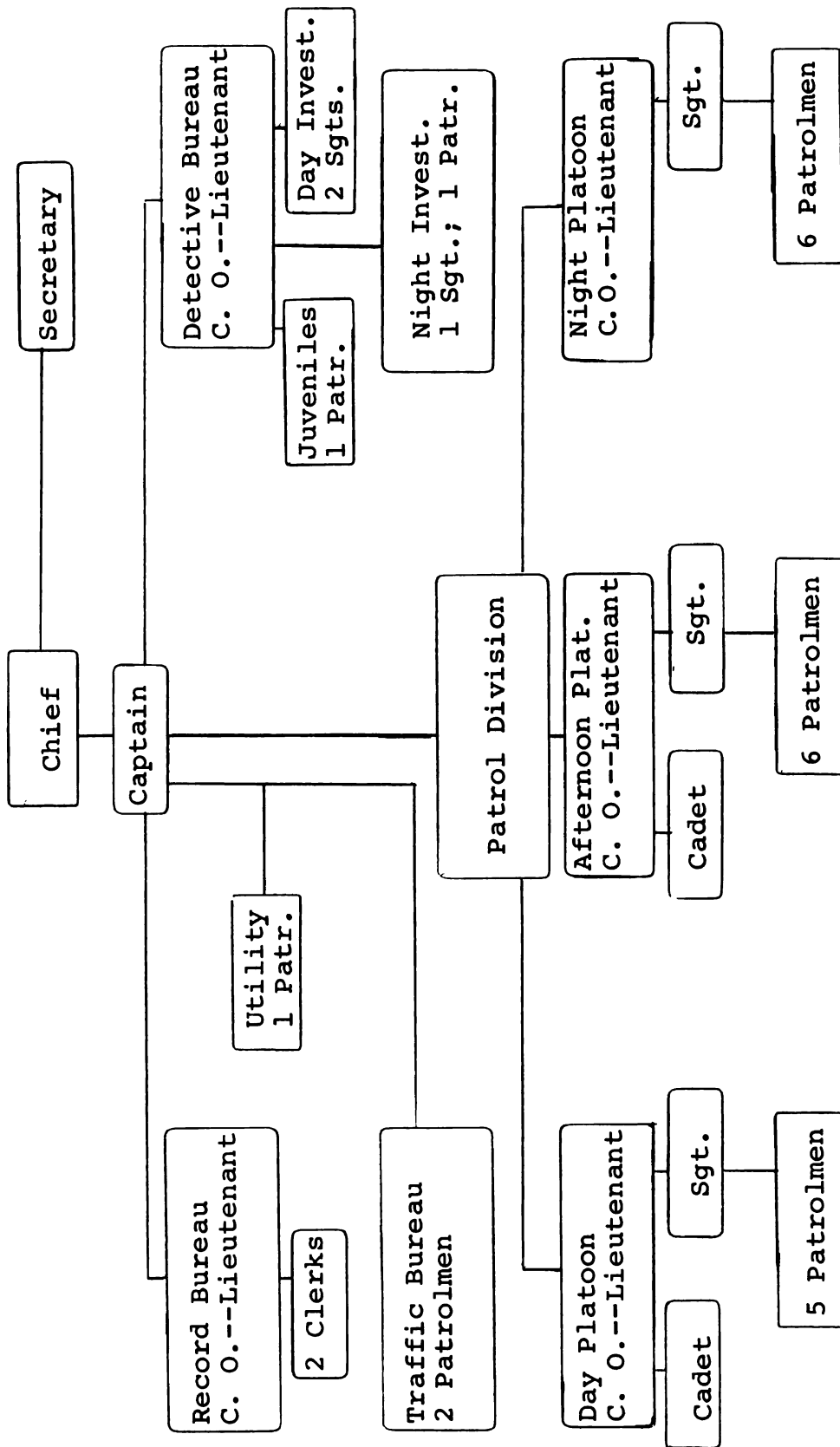
Disciplinary organization. The Department is organized as illustrated in Chart 2. The chief administrative officer of the city government is the city manager. The Chief of Police answers directly to him.

The present Chief took command of the Department in May, 1967 and is in the process of reorganizing the Department. Under the previous Chief, the administration of formal discipline was confined to preferring charges against an officer under a set of Rules and Regulations first written in 1937. Only one copy of these Rules and Regulations was available and the author was unable to obtain a copy.

The present Chief regards the system which he inherited as totally inadequate. No records were kept except in cases which required a hearing and in the Chief's opinion the system was one in which the approach to discipline was completely negative. Since taking command of the Department he has instituted an ad hoc board of inquiry composed of the Captain and two Lieutenants to conduct investigations into serious disciplinary charges. This board makes recommendations to the Chief regarding disciplinary action.

CHART 2

TABLE OF ORGANIZATION
Police Department B



Disciplinary procedures. The Chief was the first to point out that for all practical purposes formal procedures for administering discipline in his Department are nearly non-existent. He is in the process of re-writing the Rules and Regulations and during the interim he issues special orders dealing with the conduct of members of the Department.

He expressed considerable concern over the limitations imposed upon his discretion by the Act 78 Civil Service Commission which is empowered to reverse any disciplinary decision he may make under present conditions. Presently the authority to discipline possessed by middle-management supervisors is not clearly defined and clear cut choices of action on their part do not exist.

In the event of citizens complaint against a member of the Department or if a supervisor makes any type of disciplinary charge against a subordinate, the ad hoc board of inquiry previously referred to conducts an investigation and makes recommendations to the Chief. No specific guidelines currently exist for determining what charge to make or what action to recommend. The officer is advised that a complaint has been made against him and he may or may not be required to submit a detailed statement telling his side of the issue.

The chief of Department "B" provided an example of the manner in which disciplinary problems are handled by citing a case in which an officer had been attempting to force his attentions upon a married woman who was a former city employee. The officer was drinking intoxicants in a local bar while off duty, which is a violation of Departmental rules according to the chief. He called the woman at her home from the bar and told her that he was coming over. When he hung up she in turn called police headquarters and shortly thereafter this individual was apprehended by fellow officers near the woman's residence. He was charged immediately with conduct unbecoming an officer and was dismissed from the Department. He requested a hearing before the Civil Service Board and hired an attorney to represent him in the matter. The Civil Service Board upheld the action of the Department in discharging him.

The author was advised that other than the procedures described above, no other means of discipline existed therefore they are used exclusively.

III. NON-CIVIL SERVICE DEPARTMENTS

The two Michigan police departments not operating under Civil Service jurisdiction, were selected arbitrarily from a list of cities within the 25,000--50,000 population

range which was furnished by the Michigan Law Enforcement Training Council.

Police department "C". Police Department "C" is part of an integrated Police-Fire Public Safety Department serving a city with a population of approximately 40,000. The Department's personnel number 76 sworn officers and 6 civilian employees.

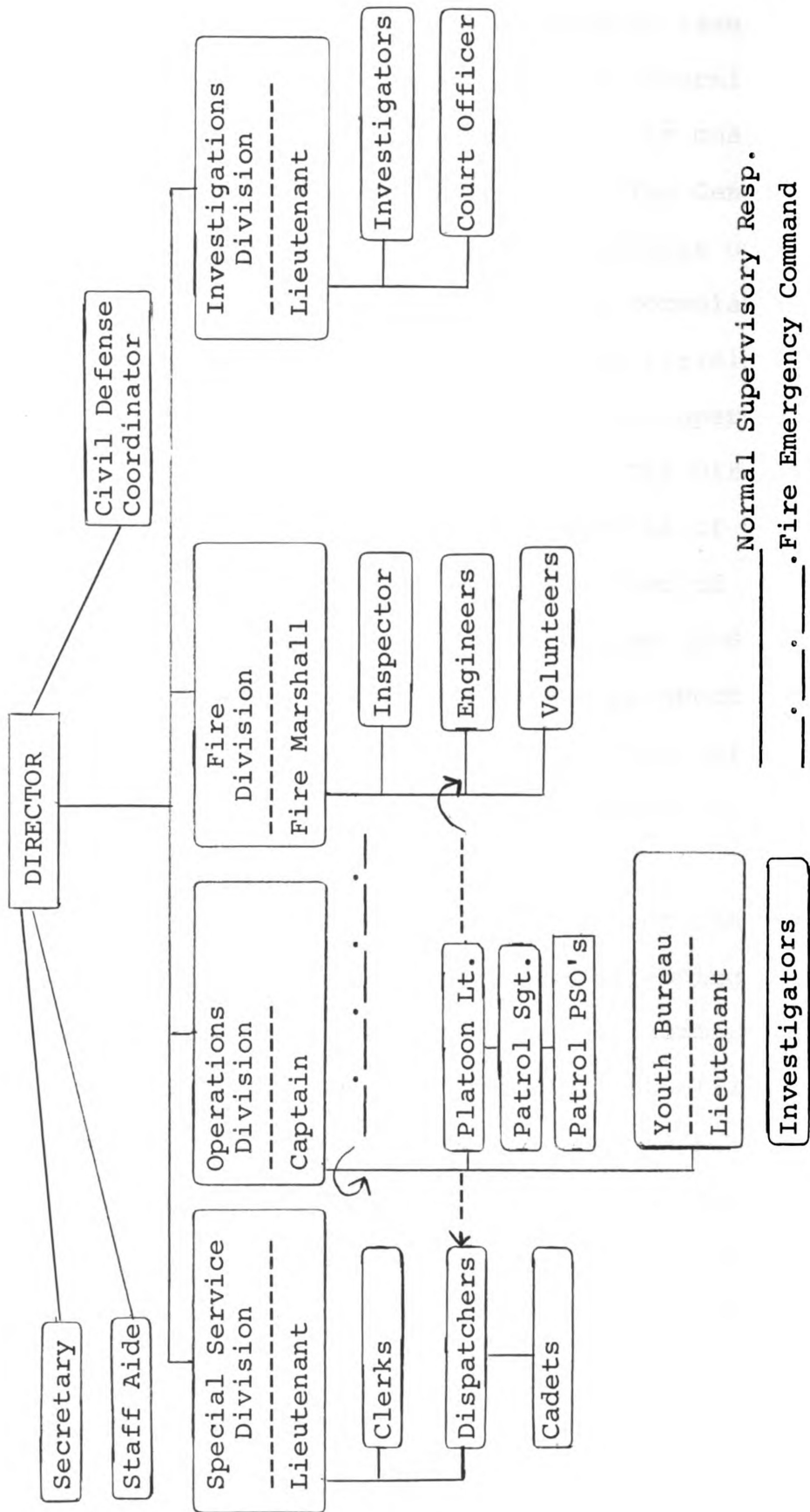
Disciplinary organization. The chief administrator of the city government is a city manager. To aid him in personnel matters there is a local Personnel Board whose members are appointed by the City Council. By ordinance the members of the Personnel Board must be professional people in the community who hold managerial positions in their respective fields of endeavor.

The Department of Public Safety is organized as seen in Chart 3. The Department is administered by a Director of Public Safety. The commander of the Operations Division is second in command of the Department. All division commanders, platoon Lieutenants and patrol Sergeants are authorized to issue formal (written) reprimands, and suspend their subordinates from duty.

Written into the job descriptions of supervisory positions is a provision which holds the supervisor directly responsible for the conduct of subordinates. Sanctions may be applied if they are derelict in their responsibility.

CHART 3

TABLE OF ORGANIZATION Police Department C



_____ Normal Supervisory Resp.
 _____ Fire Emergency Command
 _____ Shift Supervision

Disciplinary procedures. The Department issues each member a manual of rules and regulations governing the conduct of all its members. Additions to, or changes in this manual are issued from time to time. The General Rules currently in effect are ones in which members of the Department, of all ranks, participated in formulating.¹¹⁵

In pre-service training and in-service training, and by means of instructions from all levels of supervision, these General Rules are interpreted. The Director of Public Safety informed the author that several of the Public Safety Officers, a rank equivalent to that of Patrolman, had recently completed a 40 hour course in Supervision. He felt that this would broaden the perspective of some of these personnel at the end of the chain of command, and would be conducive to the development of self-discipline on their part.

If a supervisor observes an infraction of the General Rules by a subordinate officer, the offending officer is advised that he is in violation and summary disciplinary action may be taken by the superior officer. The observation of an infraction on the part of a Public Safety Officer by a ranking officer such as the Director of Public Safety or the Captain in command of the Operations Division is normally referred to the offending

¹¹⁵Appendix D. Chapter V.

officer's immediate supervisor if it does not warrant a dismissal, demotion, or suspension exceeding fifteen days.

The offending officer is always informed of the charge, in writing, and the disciplinary measure, corrective or punitive, which will be forthcoming.

If there is a complaint against an officer by a citizen, or supervisor officer has reason to believe that behavior or performance of an officer falls under the provisions of the General Rules, an investigation is made. Normally the immediate supervisor is responsible for making the investigation but the Director may appoint an ad hoc committee to conduct an inquiry. This committee is usually headed by the Director of Public Safety. The Captain of the Operations Division or a Lieutenant, and an officer of the same rank as the officer under investigation comprise the remainder of the committee.

In the absence of a committee, any summary disciplinary action may be appealed in writing to the Director through the appealing officer's commanding officer.¹¹⁶ Any member of the Department may make a final appeal to the Personnel Board if Departmental disciplinary action results in dismissal from the Department, a demotion in

¹¹⁶Ibid., Chapter V, Section V. 14.

rank, a suspension exceeding fifteen working days, or unless the employee has received a previous suspension within the previous six months.¹¹⁷ The Personnel Board may reverse the Director's decision only by unanimous action. A two-thirds vote may recommend review of the disciplinary action by the appointing authority, the city manager.

An example of how Department "C" handles its disciplinary problems was provided to illustrate how its procedures operate. A complaint was made to a member of another police department regarding the conduct of a member of Department "C", who in turn contacted the Director of Department "C". A sergeant was assigned to handle the investigation. When the complainant, a young married woman, was interviewed she charged that the officer in question had attempted to force his attentions upon her following a traffic violation incident. The officer attempted to make a date with her at that time. He did not issue a citation for the traffic offense but secured her phone number under the pretense of routine procedure. He called her home later and again attempted to make a date with her. The complainant made a tape recording of her charge at the request of the investigating officer.

¹¹⁷ Ibid., Chapter XIX, Section 19.3.

The offending officer was called in and advised that a complaint had been made against him and asked for his side of the story. He denied all of the allegations at first but after the tape recording was played he admitted certain portions were true. The admissions which he made were sufficient to warrant his dismissal from the Department and no appeal was made to the Personnel Board. The Director informed the author that there had never been an appeal made to the Personnel Board to his knowledge.

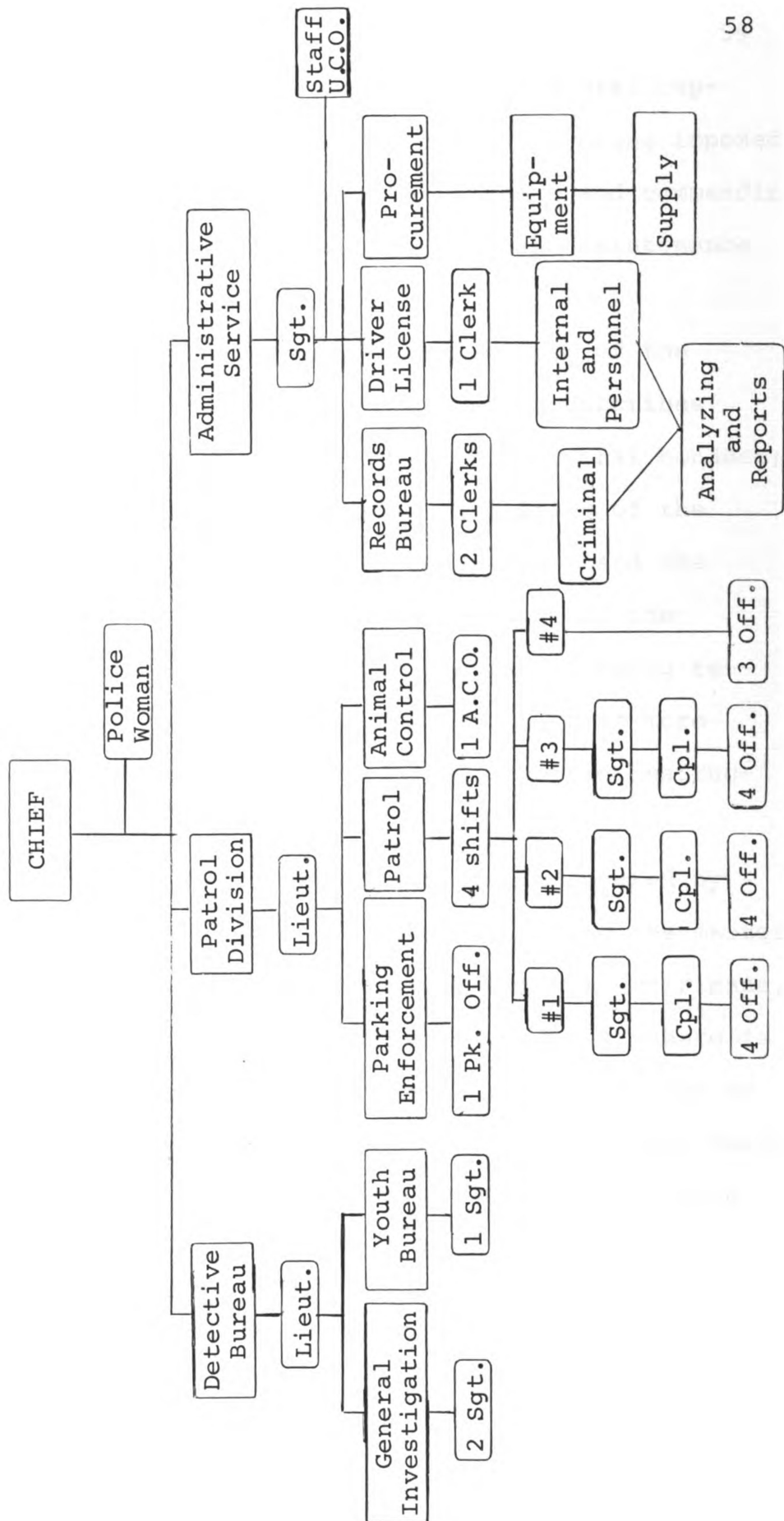
The only exception to the use of the established procedures indicated to the author concerned the dismissal or suspension of an officer following a finding of negligence in an auto accident by the city's Accident Review Board. This has been used to determine disciplinary action instead of the procedures described above.

Police department "D". Police Department "D" operates in a city of approximately 32,000 people according to census figures. It employs 34 sworn officers and 8 civilian employees.

Disciplinary organization. The Department is organized as graphically illustrated in Chart 4. The city is governed by a Mayor-Council-City Manager form of government with the City Manager as the chief administrative officer. The Chief of Police answers directly

CHART 4

TABLE OF ORGANIZATION
Police Department D



to him. All disciplinary actions other than oral reprimands must be approved by the Chief before being imposed. The responsibilities of supervisory officers and commanding officers are clearly defined, among them the maintenance of discipline.¹¹⁸

Disciplinary procedures. Each member of the Department is furnished with a Manual which describes in detail what is expected in the way of personal conduct; duty requirements; duties and responsibilities of the various ranks; the Departmental organization; and the functional responsibilities of each division of the Department. This Manual is in the process of being revised and put into a loose-leaf form in order to more easily update amendments, changes, and specific instructions regarding orders.

If a supervisor observes misconduct covered by the Manual he makes a recommendation concerning the matter if he feels that the offense warrants a written reprimand, suspension, forfeiture of pay, or dismissal. If there is a charge made against an officer by either a superior or a citizen which in the Chief's opinion requires more facts, the commanders of the Patrol Division and the Detective

¹¹⁸Appendix C. Duties and Responsibilities of the Ranks and Departmental Organization.

Division are assigned to make an investigation and make a written report to the Chief. The officer involved is always informed of a charge or complaint made against him.

If an officer feels he has been unfairly treated he may appeal to the City Manager and then to a committee composed of the Mayor, the City Attorney, and the Chief of Police. Either of these levels of appeal may reverse the Chief's decision.

The Chief indicated to the author that such appeals were rare and in fact could not recall when the last one was made. Even further, he stated that it was rare that a disciplinary problem ever reached his level and could not cite any specific case. While all disciplinary actions are noted in each officer's personal file, no statistics have been kept regarding the number of times formal procedures have been invoked. Based on this information the author must conclude that: (1) some other means are used to maintain discipline; or, (2) there are no discipline problems in this department.

IV. PROCEDURAL DIFFERENCES

Based upon the information received from the Chiefs who were interviewed it appears that the differences which exist between the formal disciplinary procedures of police departments under Civil Service and

those not under Civil Service, are differences in degree rather than in kind including a significant degree of difference in the limitations on the authority or discretion of the chief administrator in disciplinary actions.

For example, all of the departments studied make some effort to communicate to their members what is expected in terms of performance and conduct. Some may be more effective in their efforts than others. All of them, even Department B, which is in the midst of reorganization under a new chief, do provide some information regarding behavior.

As previously stated the most significant difference which can be identified in comparing the two systems, Civil Service and Non-Civil Service, is the difference in the amount of authority which the Chief of Police has and the discretion he may exercise within that authority. Those Chiefs which operate under the jurisdiction of Act 78 may exercise only that authority which a Civil Service Commission will permit if disciplinary actions are appealed to the Commission. In reality only the Civil Service Commission itself has authority in matters of dismissal, suspension or other punitive disciplinary procedures. This is the case in Departments A and B. Departments C and D are permitted

substantially more discretion within the framework of city government. The Chief's decision may be appealed but the power to reverse it is limited.

In the cases of C and D, the body which hears the appeal is either appointed by the city government or composed of members of the city government, as in the case of Department D in which the Chief sits on the appeal board. These appellate bodies are made up of individuals who are responsible to the city government for their decisions.

The system under which A and B must operate finds their Chiefs responsible for the administration of their respective departments, but with limited authority to fulfill his responsibility. This situation, in theory, reduces the Chiefs to the status of "recommenders" rather than executives.

The authority of the Chiefs of Departments C and D is also limited but in a different degree.

CHAPTER V

SUMMARY AND CONCLUSIONS

I. SUMMARY

There can be little doubt that the problem of discipline is one which police administrators must contend with. As a governmental administrator responsible for police service he has both a duty and an opportunity to make use of the resource of personnel in ways which will in the most humane and efficient manner carry out those programs and policies necessary to permit the activities of the community to proceed in an orderly and safe manner.

Discipline as a necessary aspect of personnel management cannot be ignored. Neither can it be viewed in its negative aspect alone. Large police departments such as those evaluated by Bruce Young in his study have developed elaborate systems and procedures for administering discipline. Very little has been done to identify the problems of small police departments such as the ones described in this study.

The departments studied herein do have some formal procedures for administering discipline. Some procedures are more sophisticated than others, but they are better than no system at all.

II. EVALUATION OF PROCEDURES

The principles of discipline identified in Chapter III serve as the criteria for evaluation of the disciplinary procedures of the departments studied.

1. Communication. All four departments studied do provide their personnel with copies of Rules and Regulations governing their performance and conduct. Some of these may be dated but at least they are furnished. Some are more comprehensive than others but in general the department's procedures are consistent with the communication principle.

2. Organization. All four departments have provided their personnel with some information regarding the organization of the department, specifically the chain of command. Department A (a Civil Service department), and Department C, (a Non-Civil Service department) provide specific information concerning the formal disciplinary procedures of the Departments whereas Departments B and D do not.

3. Action. In all four departments if an infraction is observed or a complaint is received some action is initiated in which some type of investigation may be made and the accused officer is permitted to present

his side of the issue before a final decision is rendered.

Neither the promptness of the action initiated nor the objectivity of the investigation were amendable to assessment through the research technique used by the author. The only fact which could be identified was that some investigation was made in some instances.

4. Record. All four departments studied advised the author that all disciplinary actions, including investigations in which the accused officer was exonerated, are recorded in his personal file, however, none of the departments keep any statistics regarding disciplinary actions.

5. Consistency. With the exceptions indicated by Departments A and C, the Chiefs interviewed indicated that the established formal procedures were used exclusively. If this be true then all of the departments studied do adhere to the consistency principle.

6. Authority. All disciplinary actions of Departments A and B are subject to review by an authority outside both the Department and the city government. The actions of the Chief of Department C is subject to review only if the action involves dismissal, demotion, a suspension in excess of fifteen days, or a second suspension within

a six month period. The reviewing body in this case is not totally outside the framework of the city government being appointed by the city council.

All decisions of the Chief of Department D are subject to review by the City Manager and/or a board composed of the Mayor, the City Attorney, and the Chief himself. So while all his decisions are subject to review, he is permitted to participate in their review.

III. CONCLUSIONS

After careful analysis of the data gathered in the field research which appears in Chapter IV, the author is of the opinion that in terms of the principles of discipline which served as criteria for the evaluation of the formal disciplinary procedures of police departments operating under civil service and those operating in its absence, the only differences which exist are differences in degree rather than of kind.

In order to evaluate the procedures of the departments studied in terms of degree would require a more sophisticated instrument than the interview technique used by this author. This technique relies solely upon the information which the administrator interviewed permitted the author to obtain.

Additional conclusions. There are some inconsistencies between the existing formal disciplinary procedures of the departments studied, and the principles advocated by the authorities in Chapter II, Review of the Literature. For example, as previously noted, none of the departments studied keep any statistics on disciplinary action. It is very difficult to evaluate a department's discipline in terms of Wilson's statement: "The best disciplined forces are the best trained and therefore the least punished."¹¹⁹ The departments studied simply do not compile data on any types of punitive actions.

Some observations. While authorities cited in the literature reviewed in Chapter II speak of a positive approach to discipline, and its relationship to morale, the interviews conducted in the field research produced only one reference to positive discipline, or better yet, self-discipline. This occurred in the interview with the Director of Department B in which he told of putting his lowest ranking officers through a supervisory course and he hoped a positive attitude towards discipline would be the result.

A by-product of the interviews conducted which is not included in Chapter IV, is that the departments

¹¹⁹Wilson, Police Administration op. cit., p. 173.

studied are of a size that permits everyone to know each member of the department personally. It would appear that such an informal relationship could cover all levels of rank and make it difficult for an objective investigation to be made in a disciplinary matter without personal friendships or animosities entering in.

IV. RECOMMENDATIONS

In view of the summary, evaluation, conclusions and observations which have been made, the following recommendations are offered.

1. Further study of the means for administering discipline, formal and otherwise, used by police departments which serve cities of approximately the same size as those selected for this study, should be conducted.

A larger sample should be selected for study. It is felt that more than four departments should be selected, still using the variable of Civil Service.

A more sophisticated instrument should be developed for comparing and evaluating the two groups, and more detailed research should be conducted in order to more precisely identify variables.

2. If such a study indicates that Civil Service is indeed an obstacle to the administration of discipline based on sound principles, the chiefs of the departments

affected should take steps, as a group, to have the system modified or abolished.

3. It is recommended that the chiefs of all departments of the size of those selected for this study, consider designating one or more officers within their departments as Internal Investigations Officers. These officers would not conduct disciplinary investigations of a serious nature within their own departments, but would be available on an exchange basis with other police departments of comparable size. Such an arrangement would not be overly expensive and would assure a more objective investigation in departments which are small enough to enable each member of the department to personally know every other member.

This is a recommendation that could be implemented by agreement among the chiefs themselves. It is the author's belief that such a system would be considerably more palatable to the chiefs and their subordinates than such devices as civilian review boards. This procedure would be a more acceptable means of "policing the police."

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APPENDICES

APPENDIX A

INTERVIEW GUIDE

I. Communication

- A. What means are utilized to inform personnel of the Department what is expected of them.
- B. Are provisions made to instruct members of the Department in the observation of existing rules and policies?

II. Organization

- A. Is there a table of organization made available to members of the Department in which the chain of command is clearly discernible?
- B. Are Departmental personnel informed of what formal disciplinary procedures are used?

III. Action

- A. Are personnel always informed immediately of a charge or complaint made against them?
- B. Is an investigation made in which the accused is permitted to tell his side of the issue?

IV. Record

- A. Are records of all disciplinary actions maintained, including statistics?

V. Consistency

- A. Are the established procedures used exclusively?

VI. Authority

A. What decisions of the chief administrator are subject to review and reversal?

APPENDIX B

ACT NO. 78

PUBLIC ACTS OF 1935, STATE OF MICHIGAN

CIVIL SERVICE FOR FIRE AND POLICE DEPARTMENTS

An Act to establish and provide a Board of Civil Service Commissioners in cities, villages and municipalities having full paid members in the fire and police departments; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men appointed in said fire and police departments and respective cities, villages and municipalities; to regulate the transfer, reinstatement, suspension and discharge of said officers, firemen and policemen: and to repeal all acts and parts of acts inconsistent therewith.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Municipal Civil Service Commission: Creation.

Section 1. Within 30 days after this act shall take effect there may be created a civil service commission in each city, village or municipality of any population whatsoever having a fire and/or police department, any of the members of which are full paid by said city, village or municipality.

Municipal Civil Service Commissions: Members, Selection, Terms: President.

Section 2. The civil service commission shall consist of 3 members, 1 of whom shall be appointed by the principal elected officer of the city, village or municipality with the approval of the legislative body; and he shall serve for a period of 6 years from the date of his appointment. The second member of the commission shall be selected by the paid members of the fire and/or police department and he shall serve for a period of 6 years from the date of his appointment. The second member of the commission shall be selected by the paid members of the fire and/or police department and he shall serve for a period of 4 years from the date of his appointment; a majority vote of the members of the fire and/or police department shall be necessary to select such member. The third member of the commission shall be selected by the aforesaid

members of the commission and he shall serve for a period of 2 years from the date of his appointment. Thereafter all appointments shall be made for a period of 6 years each; each commissioner to serve until his successor is appointed and qualified by the appointing power hereinbefore designated.

The 3 members of the commission shall together elect 1 of their number to act as president of the commission, who shall serve for 1 year. Each year thereafter the commissioners shall elect 1 of their number president, the member so elected to serve 1 year.

Municipal Civil Service Commissions: Qualifications, Eligibility to Other Office or Position.

Section 3. No person shall be appointed a member of said commission who is not a citizen of the United States and who has not been a resident of said city, village or municipality for a period of 1 year and an elector of said county for a period of at least 3 years immediately preceding such appointment. No commissioner shall hold any other elective office, place or position under the United States, State of Michigan, or any city, county or other political subdivision thereof: nor shall any commissioner serve on any political committee or take any active part in the management of any political campaign. Not more than 2 of the said commissioners, at any 1 time, shall be adherents of the same political party.

Same: Vacancies, Removal.

Section 4. In event that any commissioner of said civil service commission shall cease to be a member thereof by virtue of death, removal or other cause, a new commissioner shall be appointed to fill out the unexpired term of said commissioner within 10 days after said commissioner shall have ceased to be a member of said commission. Such appointment shall be made by the officer or body who in the first instance, appointed the commissioner who is no longer a member of the commission. The mayor or principal executive officer shall at any time remove any commissioner for incompetency, dereliction of duty, malfeasance in office or any other good cause, which shall be stated in writing and made a part of the records of the commission, and a copy of the removal shall be served on said commissioner forthwith: Provided, however, that once the mayor or principal executive officer has to remove any commissioner, such removal shall be temporary only and shall be in effect for a period

of 10 days. If at the end of said period of 10 days the said commissioner shall fail to make answer thereto, he shall be deemed removed, otherwise the mayor shall file in the office of the clerk of the Circuit Court of said county a petition setting forth in full the reason for said removal and praying for the confirmation by said Circuit Court of the action of the mayor in so removing the said commissioner. A copy of said petition, in writing, shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the Circuit Court and shall have precedence on the docket of the said court and shall be heard by said court as soon as the removed commissioner shall demand. All rights hereby vested in said Circuit Court may be exercised by the judge thereof during a vacation. In event that no term of court is being held at the time of filing of said petition, and the judge thereof cannot be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said Circuit Court, whether regular or special, and the commissioner so suspended shall remain suspended until a hearing is had upon the petition of the mayor. The court, or the judge thereof, in vacation, shall be rendered, shall have the right of appearing in person and by counsel and presenting his defense and to petition the Supreme Court for a review of the decision of the Circuit Court, or the judge thereof in vacation, as in chancery cases. In event that the mayor shall fail to file this petition in the office of the clerk of the Circuit Court, as hereinbefore provided, within 10 days after removal of said commissioner, such commissioner shall immediately resume his position as a member of the civil service commission.

Same: Clerk.

Section 5. The city clerk or city recorder of any city, village or municipality under the terms of this act shall "ex officio" be clerk of the civil service commission and shall supply to the commission without extra compensation all necessary clerical and stenographic services for the work of the civil service commission.

Fire, Police Department Employees: Continuation In Office.

Section 6. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this act, all persons holding a position in the fire and/or police department, including the chief thereof, when this act takes effect, who shall

have served in such position for a period of at least 6 months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation: and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation: Provided, however, that any employee with less than 7 months' service shall be classed as probationer under this act.

Same: Appointments, Promotions and Discharges to be in Manner Prescribed in Act.

Section 7. On and after the date this act takes effect, appointments to and promotions in all paid fire and/or police departments of cities, villages or municipalities of any population whatsoever shall be made only according to qualifications and fitness to be ascertained by examinations, which shall be competitive, and no person shall be appointed, reinstated, promoted or discharged as a paid member of said departments regardless of rank or position, in any fire, or police department of any city, village or municipality in the State of Michigan, in any manner or by any means other than those prescribed in this act.

Commission: Assistance by Executive Officers, Supplies and Printing.

Section 8. It shall be the duty of the mayor, or principal executive officer, and heads of departments of every city, village or municipality to aid the civil service commission in all proper ways in carrying out the provisions of this act, and to allow the reasonable use of public buildings and to cause suitable and convenient rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted for carrying on the work and examinations of the civil service commission and in all proper ways to facilitate the same. The civil service commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied and the necessary printing to be done for its official use.

Same: Rules and Regulations, Records, Investigations, Reports.

Section 9. The civil service commission in each city, village or municipality, within the terms of this act, shall

First, Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prepared may, from time to time, be added to, amended or rescinded.

Second, Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office, received by the said commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of 10 years, and all such records, recommendations of former employers accepted and all written causes of removal filed with it, shall, subject to reasonable regulation be open to public inspection. It shall keep a roster of the members of the fire and police department, together with a record of service. Military or naval experience, file statements on all matters relating to the character and quality of the work done and the attitude of the individual to his work and such other matters as may have a bearing on promotion, transfer or discharge.

Third, Make investigations, either sitting in a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the commission, or any person in the public service in respect to the execution of this act: and, in the course of such investigation, each commissioner shall have the power to administer oaths and affirmations, and to take testimony.

Fourth, Have power to subpoena and require the attendance of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the Circuit Courts and shall be paid from the appropriations for the incidental expenses of the commission. All officers in the public service and their deputies, clerks, subordinates and employees shall attend and testify when required to do so by said commission. Any

disobedience to, or neglect of, any subpoena issued by the said commissioners, or any 1 of them, to any person, shall be held in contempt of court, and shall be punished by the Circuit Court, within the county in which the said subpoena has been issued. Any judge of any of said courts shall, upon the application of any 1 of said commissioners, in such cases cause the process of said court to issue to compel such person or persons, disobeying or neglecting any such subpoena, to appear and give testimony before the said commissioners: any 1 of them shall have power to punish any such contempt.

Fifth, Make an annual report to the mayor or principal executive officer showing its own action, and rules and regulations and all exceptions thereto in force and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishments of the purpose of this act. Such reports shall be available for public inspection 5 days after the same shall have been delivered to the mayor or principal executive officer of any city, village or municipality.

The People of the State of Michigan Enact:

Section 10. (a) The civil service commission, in each city, village or municipality shall require persons applying for admission to any examination provided for under this act or under the rules and regulations of the said commission, to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

First, His full name, residence and post office address.

Second, His citizenship, age and the place and date of his birth.

Third, His health, and his physical capacity for public service.

Fourth, His business and employments and residence for at least 3 years previous; he must have been a resident of said city, village or municipality for at least 1 year immediately preceding his application. The commission shall establish educational requirements but in no case shall the requirements call for less than an eighth grade education. After his acceptance by the civil service commissions, the applicant shall be governed as to residence by the provisions of any city or village charter.

Fifth, Such other information as may reasonably be required, touching the applicant's qualifications and fitness for the public service.

(b) Blank forms for such applications shall be furnished by the said commission, without charge to all persons requesting same. Said commission may require in connection with such application such certificate of citizens, physicians or others, having knowledge of the applicant as the good of the service may require. The said commission may refuse to examine an applicant, or after examination, to certify as eligible, one who is found to lack any of the established preliminary requirements for the examination of position or employment for which he applied; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who may have been guilty of any crime, or infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility; or who refuses to comply with the rules and regulations of the commission. If any applicant feels himself aggrieved by the action of the commission in refusing to examine him, or after an examination, to certify him as an eligible, as provided in this section, the commission shall, at the request of such applicant, appoint a time and a place for a public hearing; at which time such applicant may appear, by himself or counsel, or both, and the commission shall then review its refusal to make such examination or certifications, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the commission shall file the testimony taken, in its records and shall again make a decision, which decision shall be final.

(c) All applicants for any position in the fire or police department shall undergo a physical examination which shall be conducted under the supervision of a commission composed of 2 doctors of medicine appointed for the commission by the mayor or principal executive officer of the city, village or municipality. Said commission shall certify that an applicant is free from any bodily or mental defects, deformity or diseases that might incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations. No applications will be received if the person applying is less than 21 years of age or more than 31

years of age at the date of his application, for a period of more than 10 years, and has resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against such applicant, within a period of 2 years next preceding the date of his application, and is a resident of the city, village or municipality or the area authorized by city charter, then such person shall be eligible for reinstatement in the discretion of a civil service commission, even though such applicant shall be over the age of 31 years. Such applicant, providing his former term of service so justifies, may be reappointed to the fire or police department, without examination other than a physical examination; if such person shall be reinstated to the fire or police department, he shall be the lowest in rank in the department next above the probationers of the department.

Civil Service Examinations:

Section 11. (a) The civil service commission in each city, village or municipality, shall make rules and regulations providing for examinations of positions in the paid fire or police departments in each city, village or municipality under this act, for appointments, and for such other matters as are necessary to carry out the purposes of this act. The minimum passing grade for any examination shall be at least 70%. Due notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season, to appointing officers affected thereby, and said rules and regulations and modifications thereof shall also be printed for public distribution. All original appointments to any positions in the fire or police departments, within the terms of this act, shall be for a probationary period of 6 months; provided, however, that at any time during the probationary period the appointee may be dismissed for such cause, in the manner provided in this act. If at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory, to the appointing officer, the probationer shall be notified, in writing, that he will not receive permanent appointment, whereupon his employment shall cease; otherwise his retention in the service shall be equivalent to his final appointment: Provided, however, that the probationer shall be entitled to a hearing before the commission as provided in Section 14.

(b) Every position, unless filled by reinstatement, shall be filled only in the following manner: The appointing officer shall notify the civil service commission of any vacancy in the service which he desires to fill, and

shall request the certification of eligibles. The commission shall forthwith certify from the eligible list, the name of the person who received the highest average at preceding examinations held under the provisions of this act within a period of 2 years next preceding the date of such appointment. The appointing officer shall thereupon, with sole reference to the relative merit and fitness of the candidate, make the appointment so certified. As each subsequent vacancy occurs, precisely the same procedure shall be followed. When an appointment is made under the provisions of this section, it shall be, in the first instance for the probationary period of 6 months, as provided in this act. The term "appointing officer" as used in this act shall be construed to mean the mayor or principal administrative or executive officer in any city, village or municipality.

(c) Whenever there are urgent reasons for filling a vacancy in any position in the fire or police department and there is no list of persons eligible for appointment the appointing officer may nominate a person to the civil service commission for a non-competitive examination; and if such nominee shall be certified by the said commission as qualified, after such non-competitive examination, he may be appointed temporarily, to fill such vacancy until a selection and appointment can be made after a competitive examination, and in the manner prescribed in this act; but such temporary appointment shall not continue for a longer period than 3 months, nor shall successive temporary appointments be made to the same position, under this provision. In the event of an emergency due to a war in which our country is involved, the civil service commission may make temporary appointments to fill vacancies, when appointments cannot be made under the provisions of this act, such appointments to be temporary, and only during hostilities, and 6 months thereafter.

(d) In event any position as an electrician, mechanic, radio engineer, fire inspector or fire alarm operator is to be filled upon a paid fire or police department, then the examination to be given to applicants for either the positions of electricians, mechanics, radio engineers, fire inspectors or fire alarm operators shall be so drawn as to test only the qualifications of such applicants in regard to their ability as an electrician, mechanic, radio engineer, fire inspector or fire alarm operator, such examinations to be special examinations.

Content of Examinations: Notice: Fire, Police Department Promotions.

Section 12. (a) All examinations for positions shall be practical in their character and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements, stated in other sections of this act. Notice of the time and place and purpose of every examinations shall be given by the commission by publication for 2 weeks preceding such examination in the official paper of the city, village or municipality and such notice shall be posted by the commission in a conspicuous place in the office and on the bulletin boards of the city, village or municipality, for 2 weeks before such examination. Such further notice of examinations may be given as the commission shall prescribe: Provided, that in an examination for a promotion, no newspaper advertisement shall be required. The said commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examination. The commission shall post, in a public place at its office, the eligible list, containing the names and grades of those who have passed examinations for positions or promotions in fire and police departments, under this act, and shall indicate thereon such appointments as may be made from said list. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations; and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened, or promised by any person in the fire or police department against, or in favor of an eligible applicant or employee in fire or police departments under this act because of his political or religious opinions or affiliations.

(b) Vacancies in positions in the fire and/or police department above the rank of fireman or patrolman shall be competitive and filled by promotions from among persons holding positions in the next lower rank in the departments, who have completed 2 years in such rank and at least 5 years in the department; Provided, however, if no person or persons have completed 2 years in the next lower rank, the commission may hold examinations among persons in such rank as to all intent and purposes as though 2 years of service had been completed by such persons. Promotions shall be based upon merit to be ascertained by tests to be provided by the civil service commission and upon the superior qualifications of the persons promoted as shown by his previous service and

experience. In the event of only 1 person in the next lower rank, person or persons in the second lower rank may compete for the vacancy, if such person or persons have completed at least 5 years in the department. Whenever a position becomes vacant for which examinations are held, the appointing power shall make requisition upon the commission for the name of the person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list at preceding examinations held under the provisions of this act within a period of 2 years preceding the date of such appointment for the class to which the vacant position has been allocated, who is willing to accept employment. If more than 1 vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such position. To enable the appointing power to exercise a choice in the filling of positions of promotion in the fire or police service, no promotion shall be deemed complete until after the expiration of a period of 6 months probationary service, and if at the end of the probationary period, the appointing authority finds that the conduct or capacity of the probationer has not been satisfactory, the appointing authority shall notify the probationer and the commission in writing, that he will not receive regular employment in the higher position he shall resume the duties of his former position, and the appointing power shall be entitled to another certification of eligibles in accordance with the provisions of this act.

Reduction of Pay: Suspensions and Discharges.

Section 13. No person shall be reduced in pay or position, laid off, suspended, discharged or otherwise discriminated against by any appointing officer for religious or political reasons or affiliations. In all cases of reduction, layoff, or suspension of an employee or subordinate, whether appointed, for a definite term or otherwise, the appointing authority shall furnish such employees or subordinate with a copy of reasons for layoff, reduction, or suspension and his reasons for the same, and give such employee or subordinate a reasonable time in which to make a file and explanation. Such order together with the explanation, if any, of the subordinate shall be filed with the commission; Provided, However, That the employee or subordinate shall be entitled to a hearing before the commission as provided in Section 14. Nothing in this act contained shall limit the power of an appointing officer to suspend without pay, for purposes of discipline, an employee or subordinate for a reasonable period not exceeding 30 days; Provided, however, That successive suspensions shall not be allowed, and after such

suspension, employees shall be entitled to a hearing as provided for in this section and in section 14: And provided, further, that the provisions of this act shall not apply to temporary and exceptional appointments made under the authority of this act.

Tenure, Dependent on Good Behavior, Efficient Service, Right to Public Hearing Before Discharge, Suspension, Loss of Privileges: Burden of Proof: Appeal: Right to Counsel. Suspension for Sake of Economy.

Section 14. The tenure of every one holding an office, place, position or employment under the provisions of this act shall be only during good behavior and efficient service; and any such person may be removed or discharged, suspended without pay, deprived of vacation privileges or other special privileges, by the civil service commission, for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment to the public, neglect of duty, violation of the provisions of this act or the rules of the commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance or nonfeasance in office; Provided, however, No member of any fire or police department within the terms of this act shall be removed, discharged, reduced in rank or pay, suspended or otherwise punished except for cause, and in no event until he shall have been furnished with a written statement of the charges and the reasons for such actions, and all charges shall be void unless filed within 90 days of the date of the violation, except in the case of a probationer, whose violations may accumulate for the probationary period. In every case of charges having been made a copy of the statement of reasons therefore and answer thereto, if the person sought to be removed desires to file such written answer, shall be furnished to the civil service commission and entered upon its records. Such answer shall be filed by the member within 5 days after service of the charges upon him. If the person sought to be removed or reduced shall demand it, the civil service commission shall grant him a public hearing, which hearing shall be held within a period of 10 days from the filing of the charges in writing and a written answer thereto. Pending the period between the making of the charges as a basis for removal and the decision thereon by the commission the member shall remain in office. At such hearing the burden shall be upon the removing officer to justify his action. In event that the removing officer fails to make charges to the satisfaction of a member or members of a fire or police department in a city, village or municipality, such members of a fire or police department in a city, village or municipality,

such member or members of a fire or police department may present the information to the civil service commission. In event that the civil service commission fails to justify the action of the removing officer then the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment, and no charges shall be officially recorded against his record. A written record of all testimony taken at such hearing shall be kept and preserved by the civil service commission, which record shall be sealed and not be available for public inspection. In event that no appeal shall be taken from the action of the commission. In event that the civil service commission shall sustain the action of the removing officer the person removed shall have an immediate right to an appeal to the circuit court of the county wherein the city, village or municipality is situated. Said appeal shall be taken within 90 days from the entry from the civil service commission of its final order; upon such appeal being taken and docketed with the clerk of the circuit court of said county, the circuit court shall proceed to hear the appeal upon the original record taken therein and no additional proof shall be permitted to be introduced. The circuit court's decision shall be final, saving the employee, however, the right to petition the supreme court for a review of the court's decision. The removing officer and the person sought to be removed shall at all times, both before the civil service commission and upon appeal, be given the right to employ counsel to represent either of them before said civil service commission and upon appeal; should the person removed elect to appeal to the circuit court as hereinfore provided.

If for any reasons of economy it shall be deemed necessary by any city, village, or municipality to reduce the number of paid members of any fire or police department, then said municipality shall follow the following procedure:

Such removals shall be accomplished by suspending in numerical order commencing with the last man appointed to the fire or police department, all recent appointees to said fire or police department until such reductions shall have been accomplished: Provided, further, however, that in event the said fire or police department shall again be increased in numbers to the strength existing prior to such reductions of members the said firemen or policemen suspended last under the terms of this act shall be first reinstated before any new appointments to said fire or police department shall be made.

Misdemeanors.

Section 15. Any commissioner or examiner, or, any other person who shall willfully, by himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his right of examination or registration according to this act, or to any rules or regulations prescribed pursuant thereto, or who shall willfully or corruptly, falsely, mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, or to be examined, registered or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application or request to be examined or registered, shall, for each offense be deemed guilty of misdemeanor.

Wrongful Appointment, Other Violations of Act: Penalty.

Section 16. Whoever makes an appointment to office, or selects a person for employment contrary to the provisions of this act, or willfully refuses or neglects otherwise to comply with, or conform to, any of the provisions of this act, or violates any of such provisions, shall be deemed guilty of a misdemeanor. Misdemeanors under the provisions of this act shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00, or by imprisonment in state prison for a term not exceeding 2 years, or by both fine and imprisonment, in the discretion of the court.

Definitions.

Section 17. As used in this act, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any 1 of the 3 commissioners of that commission. The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, promotion, appointing or employing any person to hold any office, place, or position of employment subject to civil service.

The term "city" includes all cities, villages and municipalities having a full paid fire and/or police department or a fire or police department having paid members. The term "full paid fire and/or police department or fire or police department having paid members" means a fire or police department the officers, firemen and policement employed in which are paid regularly by the city and devote their whole time to fire fighting and law enforcement.

The term "member" shall be construed as meaning both the male and female sex.

The term "municipality shall be construed to include townships, charter townships, cities and incorporated villages.

Referendum.

Section 17a. The foregoing provisions of this act shall not take effect in any city, village or municipality until approved by a majority of the electors voting thereon at an election at which the question of adoption of this act for that city, village or municipality is properly submitted.

The governing body of any city, village or municipality may by resolution submit the same to the electors of such city, village or municipality at any regular or special election: Provided, that the governing body of any city, village or municipality shall be resolution submit the same to the electors of such city, village or municipality at any regular or special election on the filing of a petition requesting such submission with said governing body signed in accordance with the provisions of the city, village or municipal charter for referendums on ordinances; Provided, that if there be no provisions in such city, village of municipal charter governing the submission of ordinances by referendum petition, then such petition signed by 10 per cent of the registered voters in such city, village or municipality.

The form of ballot shall be:

Shall Act No. 78 of the Public Acts of 1935, entitled as amended "An act to establish and provide a board of civil service commissioners in cities, villages and municipalities having full paid members in the fire and police departments; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of

all officers and men appointed in said fire and police departments and respective cities, villages and municipalities: to regulate the transfer, reinstatement, suspension and discharge of said officers, firemen and policemen; and to repeal all acts and parts of acts inconsistent therewith," as amended, be adopted?

Yes ()

No ()

Such ballots shall be cast and canvassed and the result of the election certified in the same manner as ballots on any question submitted to the electors of such city, village or municipality. If the majority of the qualified electors of such city, village or municipality vote in favor of the adoption of this act, then the provisions thereof shall be in full force and effect in such city, village or municipality and not otherwise.

Referendum as to Rescission and Repeal of Act.

Section 18. The foregoing provisions of this act shall continue in full force and effect in any city, village or municipality at which it has been properly adopted until rescinded and repealed by a majority of the electors voting thereon at an election at which the question of rescission and repeal of this act for that city, village or municipality is properly submitted.

The governing body of any city, village or municipality may by resolution submit the question of rescission and repeal of this act as it relates to the fire department and/or police department to the electors of said city, village or municipality at any regular or special election.

The form of ballot shall be:

"Shall Act No. 78 of the Public Acts of 1935, entitled as amended 'An act to establish and provide a board of civil service commissioners in cities, villages and municipalities having full paid members in the fire and/or police departments; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men appointed in said fire and police departments and respective cities, villages and municipalities; to regulate the transfer, reinstatement, suspension and discharge of said officers, firemen and policemen; and to repeal all acts and parts of acts inconsistent therewith,'

as amended, be rescinded and repealed as it related to the fire department and/or police department?"

Yes ()

No ()

Such ballots shall be cast and canvassed and the results of the election certified in the same manner as ballots on any question submitted to the electors of such city, village or municipality. If the majority of the qualified electors of such city, village or municipality vote in favor of the rescission of this act, then the provisions thereof shall be rescinded and repealed in such city, village or municipality, and not otherwise.

APPENDIX C

RULES OF THE DIVISION OF POLICE
HIGHLAND PARK, MICHIGAN¹²⁰

CHAPTER I.

Organization and Membership

SECTION I. The Police and Fire Commission has general control and management of the Division of Police under the provisions of the Charter of the City of Highland Park. The Rules hereby enacted, insofar as they may be applicable, shall govern the conduct of all Members of the Department whether they are on or off duty.

SECTION II. The Division of Police shall include:

1. Members of the Police Force
 - (a) Regular members
2. Special Police
3. School Crossing Officer
4. Civilian Employees

SECTION III. The Police Force shall consist of the Chief of Police, and such number of Captains, Lieutenants, Sergeants, and Policement as the Council of the City shall authorize and the Commission shall appoint. The function of the Police Force is to enforce the penal laws of the State of Michigan within the corporate limits of the City; the penal provisions of the City Charter and to suppress all riots, disturbances and breaches of the peace, and to promote law observance. (Amended 3-22-45, as above)

SECTION IV. There shall be the following subdivisions and Bureaus in the Division of Police of the City of Highland Park:

1. Patrol Division
2. Detective Bureau
3. Traffic Bureau
4. Weights and Measures Bureau
5. Policewomen

SECTION V. The Word "Commission" as used herein shall mean "Police and Fire Commission;" "Division" shall mean "Division of Police;" "Force" shall mean "Police Force;" and "Chief" shall mean "Chief of Police;" "Officer" shall mean above that of patrolman.

¹²⁰This information was obtained from the Highland Park, Michigan Police Department through the courtesy of Captain Edmund Usher.

CHAPTER II.

Chief of Police

SECTION I. The Chief of Police shall be the executive head of the Division of Police and shall be the commanding officer of the Police Force. He shall devote his entire time to the discharge of the duties of his office. All assignments to the various duties within the Division shall be made by the Chief, by and with the consent and approval of the Commission. The Chief shall be responsible for the enforcement of these rules. (As amended 2-7-38)

SECTION II. He shall make a monthly report to the Commission of the work performed by the Division during the preceding month.

SECTION III. In case of injury to any Member or Employee of the Division and in case of any accident wherein any of the Police cars are involved the Chief shall send a written report with all known facts to the City Attorney and to the Commission at its next regular meeting.

SECTION IV. In the absence or disability of the Chief, the next Senior Officer in rank shall assume the duties and responsibilities of the Chief. Such Officer while acting as Chief shall not countermand the orders of the Chief without written permission from the Commission.

SECTION V. The Chief of Police shall provide and maintain a school for the instruction of Members and prospective Members of the Force. He shall provide for target practice by Members of the Force.

CHAPTER III.

Captain

SECTION I. A Captain shall assume the responsibility of the various executive details of the Division as shall be authorized by the Chief of Police.

SECTION II. It shall be the duty of a Captain to promptly report to the Chief any violation of the Police Rules.

SECTION III. A Captain shall at least once a month inspect or cause to be inspected the personal dress and equipment of each Member of his Command.

SECTION IV. A Captain shall at regular periods make inspections of beats, districts and assigned posts and personally observe the manner in which subordinates are performing their duties.

SECTION V. A Captain shall also cause to be assigned Members of a Platoon to regular beats, districts or other assigned duties.

SECTION VI. A Captain shall frequently test the knowledge of the Members of his Command as to the condition upon their beats, districts or assignments, as to the persons residing or doing business there and the nature of the business that is being transacted.

SECTION VII. A Captain shall have supervision of patrol drivers, Members of the Uniform Force and also persons assigned to care and maintenance of police cars.

SECTION VIII. A Captain shall be responsible for the condition of the Station House, its fixtures and equipment and shall be accountable for all supplies and replacements purchased for the use of the Division.

SECTION IX. It shall be a Captain's duty to cause Probationary Patrolmen to be distributed among the various platoons and to cause the Police Duty performed by such Probationary Patrolmen to be observed and a written report made monthly to the Chief.

SECTION X. A Captain shall have supervision of Special Officers on school crossings.

CHAPTER IV.

Lieutenants

SECTION I. Lieutenants of the Patrol Division shall, during their period of duty, inspect all platoons before they go on Patrol or other duty and shall see that they are properly uniformed and equipped. They shall note all absentees, communicate all necessary information, and require their respective sergeants to carefully read and explain all orders to Members of their Platoons.

SECTION II. They shall keep a written record of all police business during their period of duty.

SECTION III. They shall without delay refer to the Detective Bureau all matters of arrests for police authorities outside of the City.

SECTION IV. When any violations of law are committed during their period of duty, they shall immediately report the same to the proper Bureau or Division, together with all facts in their possession.

SECTION V. Lieutenants shall be held responsible for the treatment received by prisoners while in the station. They shall at least once every thirty minutes visit or cause to be visited all prisoners in their care.

SECTION VI. When crimes are committed under circumstances which indicate that it might have been prevented by the Patrolman on the beat, the Lieutenant shall immediately assign the patrol Sergeant to investigate and report whether there was neglect on the part of the Patrolman in not discovering or preventing it.

SECTION VII. Lieutenants shall take charge of and be held responsible for the safekeeping of all property turned over to them by Members of the Division, as well as all property taken from prisoners, until same is turned over to property clerk. Property turned over to them by Members of the Division shall be promptly inventoried. Prisoners personal property shall be placed in envelopes provided for the purpose and receipt given for same, which shall be taken up when the property is returned to the prisoner. They shall see that the prisoners examine their property and receipt for same. Should prisoners claim discrepancies in money, valuables or property returned to them, the Chief of Police shall be at once notified.

SECTION VIII. Lieutenants shall see that all complaints by citizens either by telephone or in person are courteously received, properly recorded and immediately assigned to the Division of Bureau designated to handle such matters peculiar to each case.

SECTION IX. Lieutenants shall not permit the confinement in a cell of unconscious prisoners. They shall cause their removal to the hospital under guard.

SECTION X. They shall not permit canvassers and salesmen to solicit members of the Force in Station House.

SECTION XI. They shall not permit solicitation of prisoners by attorneys or their representatives.

SECTION XII. They shall not permit anyone to personally interview a prisoner charged with, or held for investigation of a felony, or as a fugitive for another Department, except the following:

1. Superior Officers
2. Members of the Detective Bureau
3. City Attorney
4. City Physician
5. Prisoners' attorney, friends and relatives upon request, providing it is in each case with the consent of the Chief or the Commanding Officer in charge of the Detective Bureau.

SECTION XIII. In cases where prisoners are held on a charge amounting to a misdemeanor, every reasonable courtesy shall be allowed them to receive visitors and notify friends immediately of their detention by telephone.

SECTION XIV. Lieutenants, in all cases on occasions of arrest made solely by officers of this Department of any person charged with, or wanted for, investigation for a major crime, shall hold such prisoner in custody for the Detective Bureau and shall turn them over to other Police Departments only by and with the consent of the Commanding Officer of the Detective Bureau or the Chief of Police. When arrests are made at the direction of officers of other Police Departments and such officers personally participate in the arrest, the prisoner may be turned over to other Police Departments immediately.

In cases of arrest for misdemeanors when there is no apparent evidence of the prisoner being wanted by this Department for a similar crime, a turnover as a fugitive prisoner may be made to other Police Departments or Peace Officers without further investigation.

CHAPTER V.

Sergeants

SECTION I. Sergeants of the Patrol Division are charged with exacting the proper performance of Patrol and other Police Duty by Members of their platoon.

SECTION II. They shall note and promptly report any misconduct or violation of the rules and regulations on the part of any subordinate.

SECTION III. They shall instruct and assist the Patrolmen under their supervision in the proper performance of their duties.

SECTION IV. They are strictly enjoined at all times to require from their subordinates a proper attitude of respect and obedience.

SECTION V. They shall set an example for their subordinates in sobriety, discretion, skill, industry and the observance of proper discipline, and shall at all times appear neatly attired, clean in person and equipment.

SECTION VI. If a Patrolman cannot be found on his beat, they shall notify their Commanding Officer and follow his instructions.

SECTION VII. They shall daily record in their memorandum book the manner in which their Patrolmen perform their duties; the time and place of meeting each Patrolman; and such other matters as are required by the rules and by the Chief. A copy of such record shall be filed with their respective Lieutenants at the expiration of their period of duty.

CHAPTER VI.

Patrol Division

SECTION I. This Division shall be composed of the Uniformed Members of the Force. The function of its Members shall be to patrol the various beats and districts of the City and to perform other assigned police duties.

SECTION II. Patrolmen shall proceed to their designated beats or districts along the prescribed routes and shall as soon as possible inspect their beats. They shall be constantly alert--observe everything within their sight and hearing--and shall note any conditions thereon requiring police attention and take immediate action.

SECTION III. The members of this Division shall familiarize themselves with the location of fire and police signal boxes on their respective beats.

SECTION IV. They shall report to their Commanding Officer whenever they have reasonable grounds to suspect that any building is being used in violation of the law.

SECTION V. They shall not leave their beat, except in line of duty or upon permission from a Superior Officer or until they are relieved.

SECTION VI. While on patrol at night, Patrolmen shall frequently examine all doors, low windows and areaways of buildings on their beats. Should they find any such places left open, they shall securely fasten them and cause

information of the fact to be conveyed to the Police Station without delay. They shall take proper precaution to discover whether any person has illegally effected an entrance to same, and take appropriate action. Patrolmen shall endeavor to become acquainted by sight with all persons living or doing business on their beats; learn the time of closing of business places, where lights are ordinarily left burning and the location of safes.

SECTION VII. They shall immediately report to their Lieutenant all unlighted streets, traffic and safety zone lights, and note same in their memorandum books, together with time and location.

SECTION VIII. They shall note the opening of all new places of business on their beats for which licenses are required, and report the same to their superior officer and record all information in regards to same in their memorandum book.

SECTION IX. (Missing).

SECTION X. They must not use their batons or revolvers, except in urgent cases of self-defense or for necessary enforcement of authority.

SECTION XI. They shall strictly watch the conduct of all persons of known bad character and note the time such persons frequent their beat. They shall investigate all suspicious circumstances that may present themselves, such as automobiles standing on their beat with motor running, or passing over their beat without lights burning; persons passing late at night with bundles, or persons loitering about or acting in a suspicious manner.

SECTION XII. Patrolmen when on patrol shall report to the station house, and at stated signal boxes at designated periods.

SECTION XIII. They shall obtain the names of all witnesses in case of crimes and in accidents evidencing crime.

SECTION XIV. Proper action will be taken against any Patrolman who shall through neglect of duty, fail to discover, report and take appropriate action in the cases of homicide, burglary, accident, fire, serious breach of the peace, violation of City Ordinances, or other action or condition on his beat requiring police attention, during his tour of duty, or who shall neglect to take proper measures to arrest any person guilty of such offenses.

CHAPTER VII.

Detective Bureau

SECTION I. The Commanding Officer of the Detective Bureau is particularly charged with the prevention of crime, the detection and arrest of criminals, the location of missing persons, the recovery of lost and stolen property, the compilation and comparison of criminal records, the taking of finger prints and photographs of criminals, proper cooperation with other authorities and the proper conduct of extradition proceedings.

SECTION II. Members of the Detective Bureau shall be careful in their inquiries so as not to unnecessarily endanger the reputation of any person who may be the subject of their investigation.

SECTION III. No one except a Member of the Detective Bureau shall have access to the Criminal or other Records of the Detective Bureau unless authorized by the Commanding Officer or Chief of Police.

SECTION IV. A member of the Detective Bureau shall follow up all cases assigned to him. He shall interview complainants and witnesses without delay, and carefully ascertain the full facts and pertinent information concerning each case and obtain an accurate and complete description of property lost or stolen and persons wanted. Unless a case has been officially closed, he shall consult the complainant from time to time concerning the status of the case and shall keep in touch with all witnesses.

SECTION V. Detectives on extradition duty shall telegraph to the Chief of Police upon arrival and departure from their destination and shall inform the Chief of the status of the case.

SECTION VI. Detectives shall have all cases properly prepared for trial and in State Cases shall make the necessary reports to the Prosecuting Attorney.

SECTION VII. Members of the Force assigned to the duty of taking finger prints and photographs of criminals and keeping a record of the same shall be under the supervision of the Commanding Officer of the Detective Bureau.

SECTION VIII. Unless by written order to the contrary by the Commanding Officer of the Detective Bureau or the Chief, no finger print, records, photographs or information

pertaining thereto, shall be furnished anyone excepting such person be a Member of the Department or an Officer of the Court.

CHAPTER IX.

Bureau of Weights and Measures

SECTION I. The Members of this Bureau shall enforce all laws and ordinances relating to Weights and Measures, make complaints in Court and keep such records as are required by Ordinances of the City Highland Park and such Federal and State Laws pertaining to Weights and Measures.

SECTION II. They shall be responsible to the Chief of Police and such other Members of the Department as he shall designate.

CHAPTER X.

Women's Division

SECTION I. This Division shall be composed of Police Women and Matrons.

SECTION II. The duties of Police Women shall be:

1. To enforce the laws enacted for the protection of public morals and for the prevention of delinquency among children.
2. Have charge of female prisoners and be responsible for their safe keeping while confined in the Station House.
3. Visit female prisoners at intervals of at least thirty minutes and report their physical conditions. Such reports shall be made to the Commanding Officer at the desk.
4. Search all female prisoners delivered into their custody.
5. Perform such other duties as shall be assigned to them.

SECTION III. They shall not permit any person to interview prisoners in their custody without a written order from the Chief or their Commanding Officer.

SECTION IV. The Chief of Police shall designate the Commanding Officer of such Division who shall be responsible for the proper functioning of the Division and the keeping of all records in connection therewith.

SECTION V. Matrons shall perform such duties as shall be assigned to them from time to time by the Chief of Police or their Commanding Officer.

SECTION VI. Police Matrons may be appointed Special Police Officers by the Commission with full power to arrest. They shall not be Members of the Police Force.

CHAPTER XI.

Radio

SECTION I. The Police Radio is established for the purpose of supplying, maintaining and operating radio communications throughout the City for the purpose and business of the Division.

SECTION II. Persons assigned to the duties of operating the Radio Station are chargeable with the correct and prompt transmission of official police business and are responsible to the Chief.

SECTION III. Persons so assigned shall have charge of all radio equipment on Police cars and shall be responsible for their operation.

SECTION IV. They shall comply with all orders of the Federal Radio Commission.

CHAPTER XII.

Property Clerk

SECTION I. The Property Clerk is the custodian of lost, stolen, abandoned and unclaimed property, property held as evidence, and property left by deceased persons who at the time of their death were in the custody of the Police Force. He shall perform such other duties as may be assigned him by the Chief of Police.

SECTION II. Any such property coming into the possession of a Member of the Police Force shall be delivered to the Property Clerk, except the following:

1. Horses, mules, or domestic cattle, cats.
2. Dogs.

which shall be delivered to the Member of the Police Force assigned to enforce the provisions of Ordinances Nos. 376 and 448, as amended, of the Ordinances of the City of

Highland Park, and disposed of in the manner provided by those Ordinances.

Vehicles shall be stored and disposed of in the manner provided by Ordinance No. 433, as amended, of the Ordinances of the City of Highland Park.

SECTION III. Lost, stolen, abandoned and unclaimed property, except that described in Section II, hereof, shall be disposed of in the manner provided by Ordinance No. 375 of the Ordinances of the City of Highland Park.

SECTION IV. The Property Clerk is accountable for all property delivered into his custody, and is responsible for the safekeeping, proper disposition and accurate record of same.

SECTION V. Property held as evidence shall be retained by the Property Clerk until the final disposition of the case, and then disposed of as provided by law.

SECTION VI. He shall furnish a surety company bond. The Commission will determine the conditions and amount of the bond.

CHAPTER XIII.

Chapter XIII has been omitted, since subject matter contained therein is no longer in effect, having been superseded by provisions in Civil Service Act 78, adopted in April, 1953.

CHAPTER XIV.

SECTION I. All Members of the Force and all applicants for the force shall, when required to, attend such School of Instructions as shall be designated by the Commission.

SECTION II. Each Probationary Patrolman shall on appointment and before being assigned to any police duties take and subscribe to such oath of office as shall be prescribed by the Commission or Charter. Said oath of office shall be administered by the City Clerk and a copy filed with the record kept of such Probationary Patrolman.

CHAPTER XV.

Leave of Absence

SECTION I. The Chief shall not be absent from duty more than one day without leave of absence granted by the Chairman of the Commission, or in his absence or inability by the Vice-Chairman. Such leave of absence may be terminated by a majority of the Commission. No other Member of the Division shall be absent from duty without leave of absence from the Chief, provided that no leave of absence granted by the Chief shall exceed the furlough period without the consent of the Commission.

SECTION II. All leaves of absence to Members below the Chief shall be without pay: except in the case of death in the Member's immediate family, when three (3) days, with pay, may be allowed by the Chief; and also except in case of sickness or injury, arising from or sustained in the service. When such injury or illness is certified by the City Physician, in which case a leave of absence with pay may be granted by the Chief for not to exceed ten days, and thereafter by the Commission, with the consent of the Council, not to exceed six months; provided, that the granting of the same shall not, in proceedings brought under the pension provisions of the Charter of the City of Highland Park, be construed as a presumption or determination that such illness or injury arose from or was sustained in the service, nor shall the granting of such leave of absence be evidence that such illness or injury arose from or was sustained in the service. Leaves of absence granted to the Chief may be with or without pay, the same to be determined by the Chairman of the Commission, subject to termination by the majority of the Commission.

SECTION III. When any Member of the Force who is off duty becomes sick, he shall cause that fact to be reported to the Chief at least one (1) hour before he is to report for duty. The Chief may grant a leave of absence, as herein provided, and shall notify the City Physician who shall report in writing to the Chief, the condition of such Member.

SECTION IV. Members of the Force while on leave may, in case of emergency, be called to active duty by the Chief.

SECTION V. All applications for leave of absence to the Chief, except in cases of sickness or injury shall be (Policy re., see P & FC min., Pl545 (275) in writing.

CHAPTER XVI.

Leave days and Furloughs

SECTION I. All Members of the Force are entitled to a leave of absence with pay of one day of twenty-four hours in every seven days.

SECTION II. All regular members of the force are entitled to twenty days furlough with pay in each twelve month period from January 1st to December 31st inclusive. At least ten days shall be consecutive unless otherwise ordered by the Chief. Furlough days may not be taken between December 15 and December 24 inclusive. Civilian employees shall be granted such vacation as provided by the City Charter. (Amended 4-19-51)

SECTION III. All leave days and furloughs shall be assigned by the Chief, but no more than one-fifth of each squad or shift shall be granted a furlough at any one time without express permission from the Commission.

SECTION IV. Each Member shall leave his furlough address with the Chief.

SECTION V. Each day's leave of absence, except regular leave days, Members' sickness or death in Member's family shall be deducted from the Member's furlough period.

CHAPTER XVII.

Resignations

SECTION I. No Member may withdraw from the Force except by permission of the Chief, under penalty of forfeiting the salary which may be due him.

SECTION II. An unexplained absence without leave of any Member of the Force for a period of one day shall be deemed and held a resignation by such Member and accepted as such and the Member shall forfeit all accrued salary.

SECTION III. A resignation by a Member of the Force who is under charges shall be treated as a confession that each and every charge made is true and that the person charged pleads guilty to the same.

SECTION IV. A Member of the Force on resigning or upon dismissal or retirement shall immediately surrender all Police

property to his Commanding Officer who shall at once report the same to the Chief and forward such property to the proper officer.

SECTION V. In the case of the death of a Member of the Force his Commanding Officer shall obtain his badge and all other police property in his possession and make proper disposition of it.

CHAPTER XVIII.

General Rules

SECTION I. Members of the Police Force shall familiarize themselves with the rules and regulations and memorize all orders. A plea of ignorance of such rules and orders shall not be accepted as an excuse for the violation of the same, but such acknowledgement will be considered in itself a violation of the Rules and Regulations.

SECTION II. All Members are prohibited from engaging directly or indirectly in any other gainful occupation.

SECTION III. Members of the Police Force are on active duty at stated periods, but shall be subject to be called for duty at any time.

SECTION IV. No Member of the Division shall disclose any Police information to the public, but general information may be given to the press by Commanding Officers.

SECTION V. No Member of the Division shall speak before a public gathering without first obtaining the consent of the Chief.

SECTION VI. All Members of the Division shall avoid all religious or political discussions in the Station House or elsewhere while on duty, and they shall not speak slightly of the nationality, religion, character or reputation of any person.

SECTION VII. No Member of the Division shall contribute money or other things to any person for any political purpose, or take any active part in assisting candidates for political office.

SECTION VIII. No Member of the Division shall influence, attempt to influence, or threaten or otherwise interfere with the legitimate business of any citizen.

SECTION IX. No Member of the Division shall receive or share in any present, fee or other emolument for police or public service other than his regular salary, except by the consent of the Commission. The Commission, for Meritorious Service rendered by any Member in a case for which a reward is paid, may permit such Member to receive the reward.

SECTION X. Any Member of the Division may apply for an interview with the Chief either directly or through a Superior Officer in writing.

SECTION XI. Smoking in public while in Uniform is prohibited.

SECTION XII. Any Member entering any so claimed disorderly house in the performance of duty shall report the facts in writing to his Superior Officer within twenty-four hours.

SECTION XIII. Members of the Division shall report punctually at least ten minutes before roll call for regular or special duty and thoroughly acquaint themselves with all matters of importance on the bulletin board.

SECTION XIV. Each Member of the Force shall at all times have with him a memorandum book, in which he shall enter all the facts and circumstances of importance on his tour of duty, also the names of persons taken in charge by him and such particulars in each case as will be important in the trial of the case.

SECTION XV. Each Member of the Division, at the expiration of his tour of duty each day shall leave with his Commanding Officer on prescribed slips a detailed report of his police activities unless otherwise authorized by the Chief of Police.

SECTION XVI. Each Member of the Division shall reside within the City Limits and shall promptly report a change of address to his Commanding Officer.

SECTION XVII. Members of the Force shall at all times present a neat and tidy appearance and shall have in their possession all assigned and necessary equipment while on duty.

SECTION XVIII. Members shall be responsible for the condition of all equipment issued to them and shall keep the same well cared for and in good condition.

SECTION XIX. All Members of the Force, when responding to telephone calls, shall give rank, surname and the Bureau of Division to which they are attached.

SECTION XX. Every Member of the Division shall be polite, considerate and courteous to citizens at all times, either when using the telephone or addressing them in person and shall avoid all arguments and discussions with a display of temper that reveals conduct unbecoming an Officer.

SECTION XXII. Members of the Force shall be constantly alert to see and shall respond immediately to flash signals on signal boxes. They shall not interrupt while an alarm or description is being transmitted, but shall immediately lift the receiving apparatus and listen in to obtain the message. If they have not obtained complete alarm or description, they shall obtain it from the operator after the completion of the alarm.

SECTION XXIII. Members of the Force shall exercise the utmost precaution in handling firearms, tear gas bombs and explosives on all occasions, with a view of safety to themselves and others.

SECTION XXIV. Members of the Force shall render no assistance whatever in civil cases, except to prevent a breach of the peace or to quell a disturbance actually commenced, and shall not testify in civil cases unless legally summoned to do so.

SECTION XXV. Members of the Force making raids on premises used in connection with the illegal possession of intoxicating liquors, vice, gambling or other illegal purposes, shall make a report in writing of such raid to the Chief, together with the names and addresses of the persons arrested and the occasion for the arrest.

SECTION XXVI. No male Member of the Division shall visit the cell block in the Women's Detention quarters unless accompanied by a Police Woman or Matron, and then only on specific police business.

SECTION XXVII. A careful search of each prisoner shall be made at the station by the Member of the Force who presents the prisoner for registration to the Commanding Officer in charge.

SECTION XXVIII. In cases when females are arrested or held, they shall be searched in private by a Police Woman or Matron.

SECTION XXIX. Members of the Division shall not suggest, recommend or hire any attorney to act as counsel for any prisoners. They shall not be concerned in any agreement or arrangement proposed or entered into between offenders and complainants.

SECTION XXX. No Member of the Division shall go on the bond of or furnish bail for any person arrested, nor shall he accept any fee or gift.

SECTION XXXI. No Member of the Division shall taunt or persecute exconvicts. If a man has been convicted of a crime and has paid the penalty, he is entitled to start life anew and should receive encouragement and cooperation from the Members of the Division in his endeavor to live a proper life.

SECTION XXXII. Members of the Division shall not, without the consent of the Commission, endorse notes or become surety for anyone or borrow money from any person or company whose business is subject to regulation by the police.

SECTION XXXIII. No Member of the Division shall assign his salary to secure any debt nor contract debts which he is unable or unwilling to pay, nor shall he neglect or refuse to pay a just indebtedness within a reasonable time.

SECTION XXXIV. When an alleged crime or a suspicious death occurs, the first Members on the scene or to discover the crime or circumstances shall then take every precaution to preserve finger prints and avoid destroying, lessening, or interfering with incriminating evidence or clues that might lead to a solution of the circumstances of the case or the apprehension of criminals.

SECTION XXXV. The first Member upon the scene shall make an immediate and thorough preliminary investigation into the circumstances of the crime and shall obtain the names and addresses of witnesses and all other important details and as soon thereafter as possible, notify his Commanding Officer, who will be held responsible for the completion of the investigation.

SECTION XXXVI. When the perpetrator of a crime is apprehended a member of the Detective Bureau shall assist in the prosecution, if such is necessary. If the perpetrator is not apprehended at the time, all evidence shall be furnished to the Detective Bureau, who shall assume charge of the case immediately.

SECTION XXXVII. The First Member of the Force to receive articles valuable as evidence in connection with any case, shall mark such articles with a personal identification mark and keep such articles secure against tampering until they are turned over to the Commanding Officer in charge.

SECTION XXXVIII. Whenever any Member of the Division shall send or cause to be sent any unknown person to a hospital or morgue, he shall immediately report to his Commanding Officer, or any Officer in charge, and in his report of same shall give an accurate description of the body and clothing of such person, approximate age, height, and weight, together with the color and make of clothing worn and all the important details relative to the circumstances in the case. The Commanding Officer shall then cause inquiry to be made as to the name, residence and such other facts as may be necessary.

SECTION XXXIX. In all cases where a person suspected of being insane is picked up by a Member of the Force, the Officer in Charge shall call the City Physician who will come to the station and examine the person and make arrangements with the hospital authorities to have the person admitted to the psychopathic ward, if necessary.

SECTION XL. In cases of serious or fatal traffic accidents, the Member of the Force first arriving on the scene shall take charge of the case, and he shall determine whether the car or cars participating in the accident should be kept intact until photographs are taken.

SECTION XLI. The delegation of the enforcement of certain laws and ordinances to particular division does not relieve Members of other Divisions from taking proper police action in connection with violation of such laws and ordinances coming to their notice.

SECTION XLII. All Members of the Division shall give special attention to the condition of street lights, traffic light signals, stanchions, safety zones and all warning signals, and shall promptly report any misplacement, disorder or damage to them.

SECTION XLIII. A complete report of all accidents resulting in damage to city property and accidents caused or claimed to be caused by traffic light signals, failing to function properly, shall be sent to the City Attorney's office. Members of the Division having knowledge of such accident shall give written statements to the City Attorney.

SECTION XLIV. It shall be the duty of Members of the Force to know the number of every call box and its location, and to answer all calls or signals transmitted from a call box on all occasions.

SECTION XLV. It shall be deemed a neglect of duty on the part of a Member to lose any of his equipment or to fail

to report such loss immediately thereafter to his Commanding Officer.

SECTION XLVI. Members of the Division shall not litter with refuse or other elements any room or place in the Police Station, but shall be individually responsible in contributing to the cleanliness and sanitation thereof.

SECTION XLVII. Members and Employees of the Division shall be careful in the use of all city property whether fixed or movable. Roughness or carelessness shall not be tolerated and each Offending Member shall be held strictly responsible for his actions and execution of this rule.

SECTION XLVIII. In all instances when Members of the Division use police cars which are not regularly assigned to them, they shall leave a report of same on a sheet left in the garage for the information of the Commanding Officer in charge.

SECTION XLIX. No member of the Division shall circularize subscription papers or sell tickets or collect money from citizens for any purpose whatsoever without permission from the Commission.

SECTION L. No member of the Division, on any occasion whatsoever, shall sympathize with, encourage, aid, or take sides with any group or organization engaged in any demonstrations or cause that they may be endeavoring to foster, that can be generally construed as unpatriotic, detrimental to public peace and welfare or radical in its nature.

SECTION LI. Any Member of the Force when traveling in Uniform shall not occupy a seat in a public conveyance to the exclusion of a pay passenger.

SECTION LII. No Member of the Division while on duty, or when in Uniform off duty, shall be allowed to wear or display any badge, button or other insignia other than department badge or shield, unless by the order of the Chief of Police.

SECTION LIII. Members of the Force, not lower in rank than that of Lieutenant, shall have authority to suspend any Subordinate Member for cause, but in event thereof, shall immediately report his action to the Chief.

SECTION LIV. Command Officers are responsible for the general discipline and efficiency of their respective commands; and Lieutenants and Sergeants likewise covering special details authorized within their respective platoons or assignments.

SECTION LV. Punctual attendance, prompt obedience to orders and conformity to all rules of the Division by Members will be rigidly enforced upon the pain of dismissal or such other punishment as the Chief of Police or the Commission may adjudge.

CHAPTER XIX.

Offenses for which Charges may be Preferred

SECTION I. Every Regular Member of the Division shall, after a hearing as provided in Chapter 20, be subject to reprimand, suspension, forfeiture of pay, or to dismissal from the Division by the Commission, or such other lawful punishment as the Commission may direct, for any of the causes herein enumerated; provided, however, that the Chief may suspend any such Member without a hearing for a period not to exceed Fifteen (15) days without pay.

Upon a plea of guilty, the Chief may, without a hearing by the Commission, deprive a Member of his furlough or leave days or cause a Member to perform extra hours of duty. All suspensions by the Chief and all penalties imposed by him shall be reported by the Chief to the Commission at its next regular meeting.

(Adopted as Amended by Police and Fire Commission, November 2, 1936.)

(Approved by Council action December 7, 1937.)

1. Laziness
2. Cowardice
3. Dishonesty
4. Immorality
5. Lounging on beat
6. Inattention to duty
7. General incompetency
8. Sleeping while on duty
9. Shirking responsibility
10. Making a false official report
11. Absence from duty without leave
12. Being under influence of liquor
13. Carelessness in attending to duty
14. Conduct unbecoming a police officer
15. Refusing to salute superior officers
16. Absent from beat without proper reason
17. Drinking intoxicating liquors while on duty
18. Any misconduct to the injury of the service
19. Feigning sickness or otherwise shirking duty
20. Neglecting to wear proper uniform on duty
21. Lack of dignity and bearing becoming an officer

22. Receiving bribes in money or other valuable things
23. Contracting debts under false or fraudulent pretenses
24. Careless or unlawful use of firearms or other weapons
25. Neglecting to keep uniform properly buttoned in public
26. Not properly patrolling or guarding a beat or district
27. Insubordination or disrespect towards a superior officer
28. Disorderly conduct detrimental to public peace and welfare
29. Conviction by a court of competent jurisdiction of a felony
30. Corrupt or wilful malfeasance or misfeasance in the service
31. Mental or physical incapacity or inefficiency in the service
32. Displaying unnecessary violence to prisoners or other persons
33. Associating with lewd women or those of questionable character
34. Neglecting to assist a fellow officer in making a legal arrest
35. Any breach of discipline or act or conduct prejudicial thereto
36. Having any kind of intoxicating liquors in their possession illegally
37. Violating any criminal laws or ordinances of the City of Highland Park
38. Failing to secure police information when the opportunity is presented
39. Failing to report known violations of the law or of the City Ordinances
40. Disobedience of the rules of the police force or orders of a Superior Officer
41. Interfering in the domestic affairs of others without reason of police authority
42. Making a false statement or report or any misrepresentation to a Superior Officer
43. Writing anonymous or unauthorized letters or telegrams detrimental to the service
44. Neglecting to wear full uniform while attending court unless so instructed by the Chief
45. Being absent from duty or absent from the city without permission from the Chief of Police
46. Assigning salary due or to become due to any person, except by permission of the Commission
47. Suggesting, recommending, or employing any attorney for any prisoners with a view of his defense

48. Critizing the official action or orders given by a Superior Officer, except to the Chief of Police
49. Neglecting to wear badge and other emblems of office in accordance with the rules of the Police Force
50. Neglecting to turn all property recovered or taken from the persons arrested, over to the Proper Officer
51. Refusing to display badge and properly identify self when requested by a Superior Officer or citizen to do so
52. Using loud and boisterous, vulgar or indecent and profane language to any citizen or about the Police Station
53. Gambling or entering a place where gambling is allowed, except while in the immediate discharge of police duty
54. Borrowing money upon endorsement or guaranty of any elected or appointed officer of the City of Highland Park
55. Neglecting to furnish persons arrested on criminal charges with correct inventory of all property taken from them
56. Neglecting to treat court officers, public officials and citizens in a courteous and respectful manner on all occasions
57. Using profane, coarse, or insolent language to a Superior Officer or to other Members of the Division or to any civilian
58. Being unable, to the satisfaction of a Superior Officer, to use reasonably good judgment and intelligence in performing Police Duty
59. Gossiping about a member of the Police Force concerning his personal character, religion or his conduct to the detriment of such Member
60. Withholding from a Superior Officer any material information of importance or information that the Superior Officer should be informed of
61. Failure to promptly respond to matters pending before the court, or to be brought before the court, in which such officer is a complainant or witness in the case
62. Entering a saloon or a place where intoxicating drinks are sold, kept or given away in violation of the law, excepting in the immediate discharge of police duty.
63. Communicating any information which may aid a person to escape arrest or to delay the apprehension of criminals or to aid or secure the removal of stolen or embezzled goods or money

64. Neglecting to promptly report to the Chief of Police or Commanding Officer in charge any Member of the force known to be guilty of violating any rules, regulations or any orders by a Superior Officer
65. All Commanding Officers are required to report any violations of the Rules and Regulations by Members of their command. Civility, Sobriety, neatness, punctuality, prompt obedience to orders and compliance with the Rules and Regulations is demanded of all Members of the Division. Superior Officers are responsible for bad, questionable, or unethical conditions existing within or under the jurisdiction of their respective commands.

CHAPTER XX.

Trials

SECTION I. Charges preferred against a Member of the Force shall be in writing. They shall be addressed to the Commission and filed with the Secretary of the Commission who shall furnish the accused Member with a copy thereof. Charges may be preferred by any Member of the Council, any Member of the Commission, or the Chief of Police, without oath, or by petition of twenty-five (25) registered electors under oath. The Commission shall have the power to compel the attendance of witnesses and the production of papers by subpoena or written order. If said Member shall neglect to appear and answer such charges at the meeting designated by the Commission to hear and determine the same, which shall not be less than five days after a copy of the charges have been personally served upon the accused, his default shall be deemed a good cause for his dismissal; provided, however, the Commission may adjourn the hearing from time to time.

SECTION II. The mode of trial will be by taking testimony under oath, first of witnesses against the accused and then of the defense. The testimony shall be taken down by a stenographer. The accused may be represented by counsel. If the Member is found guilty as charged by a majority of the Commission, the verdict shall be entered upon the records of the Commission, and sentence imposed as prescribed by the Chairman of the Commission or by the Chief of Police as authorized by the Commission.

SECTION III. Any member of the Force who may have been dismissed from the Division for cause or who may have resigned from the Force may at any time thereafter petition the

Commission for reinstatement. Such petition shall be in writing and shall be filed with the Secretary of the Commission. Upon such filing the Commission shall designate a date for a meeting to act on such petition and notice of the date of such meeting shall be given in writing to the petitioner and to the Chief of Police, and in case such dismissal was based on charges made by twenty-five (25) electors under Section 1 of this chapter, notice in writing shall be given by mail to such twenty-five (25) electors at the addresses set forth on the petition containing such charges. The Commission may adjourn the hearing on such petition for reinstatement from time to time. At such hearing the Commission shall hear any testimony that may be presented and may compel the attendance of witnesses and the production of papers by subpoena or written order. The petitioner and any interesting parties may appear in person and may be represented by counsel. If the Commission shall determine that it is in the best interest of the City that such member be reinstated, the Commission may reinstate such member either to the same rank held by him immediately prior to dismissal, or to such lesser rank as the Commission shall deem proper. Any order of reinstatement entered by the Commission shall require the suspended member to repay into the Firemens' and Policemens' Pension Fund the amount withdrawn by him at the time of his dismissal, and shall require such suspended member, as a condition precedent to reinstatement, to sign a waiver of any claim he may have against the City for Compensation during the period between dismissal and reinstatement. The order for reinstatement shall specify the effective date of such reinstatement. No member of the Force shall be reinstated unless at the time of reinstatement he possesses all the qualifications specified in Chapter XIV, Part 3, Sections 2 and 3 and shall apply to in the order of reinstatement. The provisions of this section shall also apply in case a member of the Division shall have been suspended and desired to be reinstated prior to termination of his suspension. (Amended 8-29-41)

CHAPTER XXI.

Official Communications and Correspondence

SECTION I. Any communication containing matter relating to the official business of the Division or a Member of it, is an official communication.

SECTION II. A communication shall deal with only one subject. It shall be written on official stationery and signed with pen and ink. The title only of the Member of

the Division addressed shall be used. When reference is made in the body of the communication to a Member of the Force, his rank or title, his first name in full, the shield number, if any, and command shall be given.

SECTION III. Any official communication addressed to a Mayor, Member of the City Council or the Head of a Department of the Municipal, County, State or Federal Government shall be signed by the Chief, unless otherwise ordered by him.

SECTION IV. Members of the Force receiving communications directly from the public on police business, shall after consulting the Chief, promptly acknowledge either in writing or through an Investigating Officer.

CHAPTER XXII.

Orders

SECTION I. The Chief is empowered to issue orders to be known as general and special orders, which shall be dated and numbered consecutively. Such orders shall not conflict with or change the Rules and Regulations of the Force.

SECTION II. Instructions to be known to the entire membership of the division shall be issued as general orders.

SECTION III. Appointments, promotions, assignments, resignations, retirements, suspensions, dismissals, parade orders, police details, and orders concerning individual Members of the Force or relating to matters that need not be known to the whole of the Force, or which are to be in effect temporarily shall be issued as special orders.

SECTION IV. Officers not lower in rank than Lieutenants may issue orders to Members of their respective commands, but such orders shall not conflict with or change the orders of a Superior Officer or the Rules and Regulations of the Division.

CHAPTER XXIII.

Arrests

SECTION I. To arrest a person is to subject him to your control, detain him in your custody, or compel him to go with you. Whenever this has been done, whether by force

or by voluntary submission on the part of the arrested, an arrest has been effected.

SECTION II. Arrests are made either with or without a warrant. The difference in the two cases is this: a warrant is issued by a magistrate, who, after passing upon the facts, orders the arrest of the accused person. An arrest without a warrant is made upon the judgment of the Arresting Officer, based upon facts communicated to him or upon things which occur in his presence.

SECTION III. In this State, Police Officers may, without a warrant, arrest a person--

- a. For the commission of any felony, misdemeanor or violation of a city ordinance in their presence.
- b. When such person has committed a felony although not in their presence.
- c. When a felony in fact has been committed and they have reasonable cause to believe that such person committed it.
- d. When they have reasonable cause to believe that a felony has been committed and reasonable cause to believe that such person has committed it.
- e. When they have received positive information by written, telegraphic or other authoritative source that another officer holds a warrant for such arrest.

SECTION IV. An arrest may be made on any day at any time of the day or night.

SECTION V. When arresting a person, the Officer making the arrest shall inform the person arrested of his authority and the cause of the arrest, except when the person arrested is engaged in the commission of a criminal offense, or if he flees or if he forcibly resists arrest before the Officer has time to inform him.

SECTION VI. To make an arrest, a Police Officer with a warrant or in case of felony when authorized without a warrant, may break open an inner or outer door of any building in which the person to be arrested is or is reasonably believed to be, if after he has announced his purpose, he is refused admittance.

SECTION VII. All persons arrested shall be taken immediately before the Commanding Desk Officer at the station house where they shall be searched before being placed in cells.

CHAPTER XXIV.

Special Police Officers

SECTION I. Special Police Officers may be appointed by the Commission at the request of an individual or corporation to watch and guard their property. Their police powers shall be confined to the performance of such duties. They shall be employees of such person or corporation. They shall not be Members of the Division of Police. The employee and the Special Officer shall file a joint bond with the City Clerk of the City of Highland Park, in which, the employer shall agree to have the City of Highland Park, harmless against all damages, losses or expenses, by reason of such appointment or by reason of any act or negligence of said Special Officer and in which the Special Officer shall agree to release the City of Highland Park from the payment of all claims of every nature resulting from said appointment. They shall hold their appointment at the pleasure of the Commission.

CHAPTER XXV.

Special Police Officers--School Crossings

SECTION I. Special Police Officers in the number authorized by the Council, may be appointed by the Commission for School Crossings in the City of Highland Park. Such Special Officers shall be employees of the City and on the payroll of the Division of Police. They shall not be Members of the Police Force. Their powers of arrest as such Special Police Officers, shall be confined solely to traffic accidents occurring at their place of assignment during their period of duty.

SECTION II. They shall wear and furnish at their own expense such uniforms, and equipment as the Commission shall determine. They shall hold their appointments at the pleasure of the Commission.

SECTION III. Qualifications for eligibility to appointment as Special Officers shall be determined by the Commission.

SECTION IV. Such officers shall be furnished with a badge, numbered and recorded in the Office of the Captain of the Patrol Division, which they shall wear on the left breast of the outer garment when on duty, and they shall surrender said badge at the end of their term of service, or when they resign or are discharged. In case a badge is lost,

the loser thereof shall immediately report such loss to the Captain of the Patrol Division who will furnish a new badge upon payment thereof.

CHAPTER XXVI.

Terminal Leave

(Amended 1-25-45 to include)

SECTION I. All applications for retirement shall be presented to the Police and Fire Commission through the Chief of their respective departments at least thirty days prior to the requested date of retirement.

SECTION II. In cases of retirement the following table of leave days with pay is hereby established for recommendation to the City Council.

Years of service	Leave days with pay to be granted
20	14
21	15
22	16
23	17
24	18
25	20
26	22
27	24
28	26
29	28
30 or more	30

SECTION III. In addition to leave days with pay the Police and Fire Commission may also recommend to the City Council, in cases of retirement, the granting of earned furlough days with pay. The effective day of retirement as requested by the applicant will determine the amount of earned furlough days that may be recommended. Such earned furlough days shall be computed from the first day of January of the year in which application for retirement is made, but in no case shall they exceed 1.66 days for each month worked in that year.

APPENDIX D

CHAPTER V

General Rules¹²¹

SECTION 5.1 A member must be quiet, civil and orderly. In the performance of his duty he must maintain command to temper, patience and discretion. He must refrain from coarse, boisterous, profane or insolent language but, when required, act with firmness and sufficient energy to perform his duty.

SECTION 5.2 A member shall be courteous to citizens and other officers; he shall give prompt response to requests for information or directions.

SECTION 5.3 A member shall be neat and clean in person and dress. Clothing shall be clean and well pressed and equipment shall always be in a serviceable condition. All Public Safety Officers shall have one set of standby clothes at the station at all times.

SECTION 5.3a Officers appearing in court shall be dressed in uniform or civilian shirt, tie and suit coat, or a sport shirt with closed collar and suit coat. Standby officers in fatigues will wear a tie.

SECTION 5.4 A member shall not drink any intoxicating liquor while on duty, unless in the performance of assigned duty, nor while off duty to an extent that would make him unfit for duty if called in.

SECTION 5.5 No intoxicating liquor will be kept in the department's vehicles or buildings unless it has been officially seized as evidence.

SECTION 5.6 No games of chance for stakes or wagers shall be played in Department Buildings.

SECTION 5.7 No member shall furnish bond or bail for any person arrested by the department, accept any fee or gift from any person who may furnish bail for any arrested or convicted person, or any fee or gift from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense.

¹²¹This information was furnished by Director of Public Safety, Glenn S. Leonard, Oak Park, Michigan.

SECTION 5.8 A member shall not suggest or recommend any attorney to any person in custody.

SECTION 5.9 A member shall treat as confidential all official business of the department. A commanding officer may impart information to official representatives of the press providing the case is not classified as confidential.

SECTION 5.10 Members shall not divulge the names of persons making complaints except to other members of the department who need the information for official purposes.

SECTION 5.11 A member must always have in his possession a memorandum book in which he shall record all information pertinent to carrying out his duties, as well as pencil or pen.

SECTION 5.12 A member shall report all dead and injured animals found in public places.

SECTION 5.13 Loss of personal equipment issued by the department or failure to report such loss shall be deemed neglect of duty.

SECTION 5.14 Any member feeling aggrieved at the treatment or orders by a superior officer, or wishing to make suggestions for the improvement of the department shall put in a written request to the Director. This request shall be forwarded to the Director through the commanding officer. Failure of a superior officer to forward requests to the Director shall be deemed a serious dereliction of duty.

SECTION 5.15 All officers must have a telephone available in their residence whereby they may be reached immediately if necessary.

SECTION 5.16 Members unable to report for work on time shall notify the desk officer at least one half (1/2) hour prior to the hour set for reporting for duty. The desk officer shall report this fact to the member's superior officer.

SECTION 5.17 No member shall enter the cell block with his sidearm on his person.

SECTION 5.18 Punctual attendance, prompt obedience to orders and conformity to rules of the department shall be rigidly enforced.

SECTION 5.19 Officers shall carry official department identification card with them at all times.

SECTION 5.20 Officers may be required to pay for lost equipment or department property, including library books, if loss is due to negligence.

SECTION 5.21 Officers shall be well groomed, and haircuts shall be of conservative style. Sideburns shall not extend lower than 1/2 inch above center lobe of the ear, and sides of hair shall be closely cut.

SECTION 5.22 Officers leaving City for period exceeding 24 hours shall notify their commanding officer of their absence and location.

SECTION 5.23 There shall be no discrimination against any person on the part of any officer because of any consideration of political or religious affiliation or belief, or race, sex, or marital status.

SECTION 5.24 (a) OFFENSES FOR WHICH CHARGES MAY BE PREFERRED--a member who violates a rule or regulation, ordinance, law, or provisions of general or special orders, whether on-duty or off-duty, as such rules, regulations, ordinances, laws, general orders, or special orders may apply; or upon conviction in a court having criminal jurisdiction of any criminal offense, shall be subject to reprimand, suspension, demotion, dismissal, or such other lawful penalty as the Director of Public Safety shall direct. All such actions of the Director shall be subject to review by the City Manager, the Personnel Board, or such other official or body as ordinance or statute may provide.

SECTION 5.24 (b) The following offenses shall be deemed official misconduct and/or serious neglect of duty, and a finding of guilt of the offense by the Director of Public Safety or other official as designated by ordinance or statute, shall subject the officer to the penalties prescribed in the immediately foregoing section:

- (1) Cowardice, whether on-duty or off-duty.
- (2) Wilful disobedience of rules, orders, ordinances, or laws, whether on-duty or off-duty.
- (3) Being under the influence of liquor in a public place, whether on-duty or off-duty.
- (4) Drinking any kind of intoxicating liquor while on-duty or in uniform unless in the performance of duty.

- (5) Wilful maltreatment of a prisoner or any other person.
- (6) Conduct unbecoming an officer, whether on-duty or off-duty.
- (7) Insubordination or disrespect to a superior officer, whether on-duty or off-duty.
- (8) Neglect of duty.
- (9) General incompetency.
- (10) Unauthorized sleeping on duty.
- (11) Being absent from duty without permission.
- (12) Using coarse, profane, or insolent language to a superior officer, another member, or a citizen, whether on-duty or off-duty.
- (13) Making a false statement or report, whether on-duty or off-duty.
- (14) Accepting bribes of money or other valuables, whether on-duty or off-duty.
- (15) Neglecting to wear proper uniform on duty.
- (16) Accepting any gift, fee, or reward from any person arrested, or from any person in behalf of said arrested person, while said person is in custody.
- (17) Gossiping about a member of the Department concerning his personal character or conduct, which is detrimental to such member, whether on-duty or off-duty.
- (18) Publicly criticizing orders given by a superior officer, whether on-duty or off-duty.
- (19) Communicating or giving information to any person concerning the business of the department, which is detrimental to the department, whether on-duty or off-duty.
- (20) Refusing to give name or badge number to a citizen when requested.

- (21) Neglecting to turn over all property taken from persons arrested, found, or seized, to the proper officer without delay.
- (22) Unjustified, negligent, or careless use of firearms, whether on-duty or off-duty.
- (23) Failure to report a known violation of law or a city ordinance, whether on-duty or off-duty.
- (24) Immorality, whether on-duty or off-duty.
- (25) Ignorance of rules or orders.

SECTION 5.25 STATEMENT OF CHARGES--Statement of charges shall conform to specifications of Section 19.4.

SECTION 5.26 A resignation by any department member who is under charges shall be treated as a confession that each and every charge made is true and that the person pleads guilty to the same.

SECTION 5.27 A member resigning, retiring, dismissed, or suspended shall immediately surrender all department property in his possession to his commanding officer or other superior. The commanding officer or other superior shall promptly report the facts to the Director of Public Safety and forward all surrendered property to him as soon as practicable. Failure to comply with this section shall be deemed serious neglect of duty and official misconduct.

SECTION 5.28 In the event of an officer's death his commanding officer shall obtain his badge and other department property and deliver the same to the Director within a reasonable length of time.

CHAPTER 19

Separations and Disciplinary Actions

SECTION 19.1 Tenure--Section I. 194 City Code.

The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. An employee may be temporarily separated by layoff or suspensions; or permanently separated by resignation or dismissal.

SECTION 19.2 Reduction of Forces--Section I. 194 City Code.

Whenever there is a lack of work or lack of funds requiring reductions in the number of employees in a department or division of the city government, the required reductions shall be made in such job class or job classes as the department head may designate, provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class all temporary employees shall be laid off before probationary employees, and all be laid off before any permanent employee.

SECTION 19.3 Suspension--Section I. 195 City Code.

When in the judgement of an appointing authority an employee's work performance or conduct justifies disciplinary action short of dismissal the employee may be suspended without pay. A suspended employee may not request a hearing before the Personnel Board unless the suspension is for more than fifteen working days, or unless the employee has already received a previous suspension within the six (6) months immediately prior thereto.

SECTION 19.4 Dismissal and Demotions, Permanent Employees--Section I. 196 City Code.

A permanent employee may be dismissed or demoted whenever in the judgment of the appointing authority the employee's work so warrants. When the appointing authority decides to take such actions he shall file with the employee and the Personnel Board a written notification containing a statement of the substantial reasons for the action. The employee shall be notified not later than the effective date of the action. The notice shall inform the employee that he shall be allowed thirty (30) days from the effective date of the action to file a reply with the appointing authority and to request a hearing before the Personnel Board.

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SECTION 19.5 Dismissal or Demotion, Hearings--Section I. 197 City Code.

If any employee files a reply and requests a hearing within the prescribed period, the Personnel Board shall schedule a hearing. At the discretion of the Board, the hearing may

be private or open to the public. At a hearing, the employee shall have the right to be represented by counsel.

SECTION 19.6 Garnishments--Rule 12.41 Personnel Rules.

In any case where an employee has had three (3) garnishments, except where extenuating circumstances exist, the employee shall be dismissed.

SECTION 19.7 Resignations.

- a. Section I.200 City Code. An employee may resign by filing his reasons with the appointing authority. An employee resigning in good standing may be reinstated to any position in the same class if there is need for his services within two years after the date of resignation.
- b. Rule 12.81 Personnel Rules. An employee resigning his position should, whenever possible, give sufficient advance notice of his intension to enable the City to make proper provisions for the filling of his position.
- c. Rule 12.82 Personnel Rules. All resignations must be in writing and submitted to the appointing authority who will forward the resignation to the City Manager. The City Manager will notify the employee in writing as to the acceptance of his resignation.
 1. The proportion of his expended uniform allowance which exceeds a similar proportion of the fiscal year served. That is; if he has spent \$100, and he resigns January 1, his terminal pay will be reduced \$50.00.
 2. The porportion of city expense for special outside department training during the current fiscal year which exceeds a similar proportion of the fiscal year served. Provided that after an officer has worked for 42 months, this provision does not apply.
 3. In the case of an extended special training program, an assigned officer may be required to sign a pay forfeiture agreement, under the terms of which his terminal pay would be reduced if he resigns prior to fulfillment of agreement terms.

SECTION 19.8 Records of the Personnel Board--Section I. 201 City Code.

The City Manager shall maintain adequate records of the proceedings of the Personnel Board, and of his own official acts, the examination record of every candidate, and the employment record of every employee.

SECTION 19.9 Investigations and Hearings--Section I.
202 City Code.

During the course of any investigation or hearings the Personnel Board or the City Manager may request any employee of the city to attend and testify. Any employee refusing to do so may be subject to disciplinary action as provided in Section I. 193 of the City Code.

APPENDIX E

INTRODUCTION
EAST LANSING POLICE DEPARTMENT
EAST LANSING, MICHIGAN¹²²

Herein are published the revised Rules and Regulations for the information and Guidance of the members of the East Lansing Police Department. The right is reserved, for the good of the service, to amend or revoke any of the Rules and Regulations or to make additions thereto from time to time as circumstances may require.

The work of the Police Department consists of the preservations of the public peace and order, the apprehension of offenders, the protection of persons and property under the laws of the State, and the enforcement of the ordinances of the City. For this purpose the Department is endowed with legal authority.

Efficiency being the first rule of an Officer's demeanor, all Officers are enjoined to know these rules and to conform to them in the performance of their duties. Officers are reminded, too, that in the execution of their duties, they act altogether for the public. The entire law regulating the discharge of their office turns on this principle. Likewise, it is required that they exhibit no feeling,

¹²² This Manual was provided through the courtesy of Chief Charles E. Pegg of the East Lansing, Michigan, Police Department.

except a zeal to enforce the law, and they should never allow their emotions to move them to brutality, nor their fear or sympathy to lead them to leniency. They shall exercise no more force than necessary to effect their legal purpose and duty.

Members of the Department will understand that no arbitrary rules can be established which will embrace all possible situations. In the general discharge of duty under our laws and these Rules and Regulations, something must necessarily be left to the discretion and sound judgment of the individual. Nevertheless, all members are reminded that they may be required by vested authority or discretion.

All previous rules, regulations, and orders in conflict herewith are hereby rescinded.

If, in any situation, these rules conflict with the General City Personnel Rules, the City Personnel rules shall take precedence.

LAW ENFORCEMENT CODE OF ETHICS

As a LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I will keep my private life unsullied as an example to all, 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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 personal feelings, prejudices, 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 without fear or favor, malice or ill 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 constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession--Law Enforcement.

DEFINITIONS

"EMPLOYEE"--When used alone shall include both peace officer personnel and civilian employees of the department, and any part hereof reading "Employees" shall also refer to both classifications.

"OFFICER"--When used alone shall mean peace officer personnel of the department (of all ranks including special officers) and shall not include civilian employees.

"COMMANDING OFFICER"--An officer appointed to the rank of Lieutenant or higher or assigned by the Chief of Police to act in such rank.

"SUPERVISORY OFFICER"--An officer appointed to the rank of Sergeant, Detective or Corporal, or assigned by the Chief of Police to act in such rank.

"SUPERIOR OFFICER"--An Officer of higher rank, than a specific officer.

The ranks in the East Lansing Police Department in descending order are:

Chief of Police

Lieutenants

Detective Sergeants

Sergeants

Corporals and Detectives

Patrolmen

In such situations where two officers of the same rank are concerned, the superior officer shall be the one with the greater seniority in that rank unless the other officer has been assigned to be in charge by a superior officer.

"GENERAL ORDER"--A written order issued by the Chief of Police applicable to the Department as a whole or to a division or bureau thereof, which establishes a principle, policy or procedure concerning a given subject and which shall be effective until revoked by a subsequent order.

"SPECIAL ORDER"--A written order issued by the Chief of Police applicable to the department as a whole, a division or bureau thereof, or an individual therein, which establishes a temporary principle, policy or procedure on a given subject, and which usually will be for a specified length of time. When the length of time of a special order is not specified, it automatically becomes inoperative with the termination of the incident or situation it relates to and which caused its' issuance originally.

"ADMINISTRATIVE INSTRUCTION"--A written order issued by a commanding officer establishing a principle, policy or procedure concerning a given subject not covered by a general or special order or a manual and which is directed to employees under the command of or within the responsibility of the issuing officer.

"ORDER"--An instruction, either written or verbal, issued by a superior officer.

"MANUAL"--A written series of administrative instructions, authorized by a general order and issued in pamphlet form, detailing operational procedure concerning a specific subject.

"DEPARTMENTAL ORDER"--An inclusive term embracing police regulations, general orders, special orders, administrative instructions, and manuals.

"SHALL AND MAY"--Shall is mandatory and may is permissive.

"SHOULD"--Should is advisory. Where used it is intended that while the procedure is not mandatory, it should be followed in the interest of the department.

"TENSE OF WORDS"--Words used in the present tense shall include the future.

"PLURALITY OF WORDS"--The singular includes the plural and the plural includes the singular.

PERSONAL CONDUCT AND DUTY REQUIREMENTS

ARRESTS, PRISONERS--SUSPECTS, CRIMINAL CASES

Arrest--Use of Force. Officers shall not use more force than is reasonably necessary in making an arrest.

Prisoners Property. Any property taken from prisoners shall be listed and recorded on the booking form. Any and all property taken from prisoners except that property held as evidence or properly confiscated, shall be returned to the prisoner upon his release.

Prisoners--Treatment during detention. Prisoners shall be treated in a fair and humane manner at all times as provided by law. They shall not be subjected to physical force other than as may be reasonably required in subduing violence or assuring detention. No officer shall strike a prisoner or suspect except when reasonably necessary in the prevention of an escape or in self defense, or in the prevention of violence to another person.

Prisoners--Suspects--Safeguarding. Officer shall be cautious in the arrest and detention of prisoners or suspects and shall take all necessary precautions to prevent: (a) an escape; (b) the carrying of weapons on the person of the prisoner after an arrest; (c) injury to the prisoner or any other person; or, (d) damage to property.

Prisoners--Suspects--Availability of weapons. Officers shall not place weapons, or objects adaptable for use as weapons and capable of inflicting serious bodily injury, or permit such weapons or objects to remain unattended, in any location normally accessible to a prisoner or suspect. This regulation shall not apply to fixtures of furnishings which are a part of the physical plant.

Prisoners--Suspects--Females--Handling. Female prisoners or suspects shall be touched only as necessary in taking them into custody and in determining that weapons are not being concealed on their person. This regulation shall not apply to a female conducting a search of the person of a female prisoner or suspect at the direction of an officer.

Prisoners--Suspects--Females--Transporting. Officers shall utilize the services of females to

assist in processing female prisoners or suspects whenever possible and practical. A male officer shall not talk to a female prisoner or suspect alone in an interrogation room unless there is visibility into the room through glass or an open door.

Compromising Criminal Cases--Taking part in. No officer shall interfere with the Courts, or for personal gain or benefit use his official position to make any arrangements for any person to escape prosecution.

Criminal Information--Revealing--Prohibited. Employees shall not reveal any information in their possession, however, obtained, which may enable anyone (a) to escape detection, arrest or prosecution; (b) enable anyone to destroy evidence, or, (c) to destroy or secrete stolen properties.

Withholding Criminal Information. Officers receiving or possessing facts or information relative to a criminal offense or case shall not retain such facts or information because of improper motives, desire for personal credit, or aggrandizement, but shall immediately report such facts or information in accordance with departmental procedures.

Prisoners--Suspects--Transactions with. No officer shall buy or accept any article from any suspect or prisoner, or from any associate of any suspect or prisoner.

Prisoners--Bail--Officer Posting. No officer shall become bail for persons under arrest, without the consent of a commanding officer.

Bondsmen--Arranging For. No officer shall recommend any person or firms engaged in the business of furnishing bail to any prisoner or person desiring bail except for a member of his immediate family.

Attorneys--Arranging For. No officer shall recommend any attorney to any prisoner or person involved in a criminal or civil case of interest to this department, except for a member of his immediate family.

REWARDS--GRATUITIES

Solicitation--Acceptance. Employees shall not solicit or accept rewards, presents, gratuities, or compensation other than that paid by the city, or as provided for by City Ordinance or Departmental Order, for services performed in the line of duty. Should any reward, gratuity, present or

unauthorized compensation come into an employees possession he shall notify the Chief of Police immediately.

Solicitation--Special Privileges. No employee shall use his badge, uniform, identification card or official position to solicit free admission to places of amusement, discounts on purchases, or other favors, except as expressly permitted in the departmental orders. An officer may use his badge or other official credential to obtain admission to public gatherings when such use is in furtherance of official duty.

Outside Employment.

1. A member of the Police Department shall devote his whole time and attention to the service of the department. He is expressly prohibited from engaging in any other business, employment or occupation during on or off duty hours, or while on leave or furlough, unless approval has been granted in writing by the Chief of Police.

2. Definition of outside employment. Outside employment includes the rendering of any services for pay or remuneration from any source other than the City of East Lansing for the performance of Police Duties.

3. Definition of business activity. Business activity includes participation in or affiliation with any commercialized business activity, except solely by investments, for purpose of financial gain.

4. Members desiring outside employment. Members of the department who desire to engage in outside employment or business activity must request authorization by submitting an application through their supervisor to the Chief. The application must give the following information: the nature of employment or business activity; the nature of duties to be performed; the amount of time to be devoted, including the number of hours involved and the exact time thereof; whether the officer submitting the request will be always available for return to emergency police duty; the anticipated length of time such member expects to engage in outside employment; and the reasons such member considers it necessary to engage in outside employment.

5. Certain types prohibited. Requests for permission to engage in outside employment or business activity will not be granted when such employment or business activity would be incompatible with the employees status in the department or

inconsistent with the employees return to duty as a police officer or in conflict with City personnel rules.

CIVIL ACTIONS--BY OR INVOLVING EMPLOYEES

Civil Actions--Institution of. Employees shall not institute any civil action arising out of or connected with their official duties without first notifying the Chief of Police.

Civil Cases--Misuse of Position. Officers shall not use their position with the department as a means of forcing or intimidating persons to settle a civil case involving the officer.

Civil Cases--Personal Injury Settlement. Employees shall not accept or agree to accept anything as payment for personal injury incurred in line of duty without first notifying the Chief of Police.

Civil Matters--Serving Papers. Officers shall not serve papers in civil cases except as directed by a commanding officer.

COURT APPEARANCES--OFFICERS

Court--Officers Personal Appearance. Officers who normally work in uniform shall appear in all Courts in uniform unless otherwise directed by a

commanding officer. All other members of the department shall appear in all Courts in conservative clothing.

Court--Manner of Testifying. Officers in Court shall avoid any indication of bias, prejudice, or anger. They shall testify in a clear, concise, and distinct manner. Questions shall be answered directly, promptly, truthfully, and without evasion. Personal behavior shall be exemplary both while in Court awaiting call and while on the witness stand.

Court--Punctuality. Officers required to be in Court by departmental order or subpoena shall be prompt in attendance and shall remain until excused by an authorized person.

COOPERATION WITH PRESS AND OTHER AGENCIES

Cooperation--Other public agencies. Officers shall cooperate with all law enforcement agencies, other city departments, and public service organizations, and shall give aid and information to them as is consistent with departmental orders.

Cooperation--Press. Officers shall extend full cooperation to members of the press consistent with departmental orders provided the proper and successful investigation or prosecution of a police

case is not thereby jeopardized. For information regarding complaints under investigation, or for information regarding serious accidents and/or major incidents, members of the press should be referred to a commanding officer. Any situation which involves a question of relationship with the press and which cannot be satisfactorily resolved by the officer shall be referred to a commanding officer.

DEPARTMENT

Department. Employees, whether on duty or off duty, shall be governed by the ordinary and reasonable rules of good conduct and behavior, and shall not commit any act tending to bring reproach or discredit upon the department or the City of East Lansing.

Drinking--Intoxicating Beverages. A member of the department shall not drink intoxicating beverages while on active duty, or while off duty to an extent that would make him unfit for duty. A member shall not drink intoxicating beverages while wearing his uniform or any part thereof. The odor of intoxicants on the breath of a member reporting for regulat duty, or while on active duty, shall be deemed sufficient evidence that he is unfit for

duty and in violation of this rule, and he shall be subject to dismissal or such other disciplinary action as the Chief may direct.

This section shall not prohibit an officer in plain clothes from consuming a reasonable amount of intoxicating beverages when necessary in connection with the conduct of an investigation. In the event it becomes necessary for an officer to consume intoxicating beverages in the conduct of an investigation, a written report shall be made to his commanding officer as soon as practicable.

Entering place where intoxicating beverages are sold. A member on duty or in uniform while off duty shall not enter, either directly or indirectly, any premises upon which intoxicating beverages of any kind are sold or stored for consumption on the premises, except in the immediate performance of a specific police duty, in which event the member shall promptly report such entry to the first superior officer who arrives or to the officer in charge of the station. For the purpose of eating he may enter a restaurant licensed to sell beer and wine only.

Intoxicating Beverages in Department Buildings.

No unsealed bottles of intoxicating beverages

shall be brought into or kept in any department building or part thereof, or vehicle, except when officially seized or kept for official purposes.

Intoxicants--In Uniform. No officer off duty and in uniform, or in any part of uniform dress shall drink any alcoholic beverages in public view or in a place open or accessible to the public.

Intoxicants--Off Duty. No officer while off duty shall drink an alcoholic beverage to an extent which renders him unfit to report for his next regular tour of duty; or which results in the commission of an obnoxious or offensive act which brings or might tend to bring discredit upon the department.

Smoking--In Uniform. Officers in uniform while outside of automobiles or while on motorcycles shall not smoke within view of the general public, except while they are patrons in restaurants. An officer in an automobile should not smoke in such a manner as to attract public attention.

Smoking--On Official Calls. Officers on duty, either in uniform or plain clothes, when calling at a residence or place of business shall not smoke unless permission has been received.

Controversial Discussion. Officers on duty shall not speak slightingly of any nationality, race or religion.

Respect Among Officers. Officers shall treat other members of the department with the respect due them as fellow officers.

Courtesy. Employees shall at all times be courteous and civil to the public and to one another. They shall be quiet, orderly, attentive and respectful, and shall exercise patience and discretion in the performance of their duties.

Acts--Statements by Officers. Officers shall not perform any acts or make any statements oral or written for publication or otherwise (a) which tend to bring the department or its administrative officers into disrepute or ridicule; (b) which destructively criticize the department or its officers in the performance of their official duties; (c) which tend to disrupt or impair the performance of official duties and obligations of officers of the department; (d) which tend to interfere with or subvert the reasonable supervision or proper discipline of officers of the department.

Amusement--Places of--Restrictions. Officers on duty shall not enter any place of amusement except when necessary in performance of duty or in making periodic inspection.

Political Activity. Employees shall not engage in any political activity; nor shall they engage in political activities or services of any nature during those hours they are employed by the Police Department; nor shall City funds, supplies, property or equipment be utilized in performing any services of a political nature, nor shall they take part in or contribute to a municipal political campaign, serve as a member of any political committee or organization active in a municipal election, or campaign for or against any candidate for election or nomination to City office; but nothing in the foregoing shall be deemed to prohibit attendance at a political meeting.

Organization Membership. Employees shall not belong to or participate in the activities of any organization, association, society or other group, the activities or purposes of which are subversive in nature; or which in any way may adversely influence or control the work or service of such employees in their official capacity.

Labor Unions--Officers--Membership. Officers shall not hereafter be, or become members of any police officers organization in any manner identified with any trade association or labor union which admits to membership persons who are not members of the East Lansing Police Department.

Prior Claim on Police Duties. A member of the department is prohibited from affiliating with any organization which shall in any way exact prior consideration from him and prevent him from performing full and complete police duty. A member of the department who affiliates with any such organization shall be subject to dismissal immediately.

Public Talks. Officers shall secure the permission of a commanding officer or the Chief of Police before attending a convention or filling speaking engagements as a representative of the department.

Business or personal cards. Business or personal cards which refer to the department shall be used by officers only in connection with official business and shall be limited to those provided by the department.

Department Keys. Employees shall obtain permission from a commanding officer before having duplicates made of any departmental key or before lending or furnishing departmental keys to any person not employed by the department.

Badge--Police Credentials--Lending of. Officers shall not use another officer's badge or official police credentials without permission of a superior officer; nor shall they knowingly permit any person not a member of this department to use East Lansing Police Department badge or official credentials at any time.

Personal Aggrandizement--Advertising. Employees shall not permit the use of their photographs or names for advertising purposes; or by testimonial, recommendation or other means participate in any advertising scheme or enterprise related to or based upon their employment with the department, without the written consent of the Chief of Police.

Payment of Debts. Employees shall so arrange their personal financial affairs that creditors and collection agencies will not have to make use of the offices of the City Manager, City Personnel Director or Chief of Police for the purpose of making collections.

Shopping in Uniform. Officers on duty in uniform shall not shop extensively or carry large quantities of merchandise unless directly connected with normal police activity or required in the line of duty.

Records and Information--Restricted Use of. Employees shall not divulge to any person not connected with the department information acquired by reason of his employment if the information might discredit or imperil the efficiency of the department, unless required by law, departmental order, or order of a commanding officer. Departmental records and reports shall be exhibited only in conformity with departmental orders.

Information--Misuse of. No employee shall knowingly permit the misuse of any police information either in his own interest or that of another person.

DUTY REQUIREMENTS--MISCELLANEOUS

Obedience--Laws and Orders. Employees shall obey the laws of the United States, the State of Michigan, Ordinances of the County of Ingham, and the City of East Lansing, Departmental Orders and the Lawful orders of Courts.

Obedience--Orders of Superior Officers. Officers shall obey the lawful orders of a superior officer at all times. Should an order conflict with any order given previously by another superior officer or with any department order, the officer to whom such order is given shall respectfully call attention

to the conflict. If the superior officer, giving such order, does not change it to eliminate the conflict, the order shall stand and the responsibility shall be the superior officer's.

Enforcement of Laws--Impartiality. Officers shall enforce laws in a fair and impartial manner.

Unnecessary Interference--Private Business. Officers shall not interfere unnecessarily with the lawful business of any person.

Truth--False Report. Employees shall not knowingly make any false report, either verbal or written.

Bulletin Information--Knowledge of. Officers, when on duty and immediately upon return from an absence, shall acquaint themselves daily with information on the police bulletin boards.

Bulletin Boards--Posting Information. Officers shall secure permission of a commanding officer before placing any material on a departmental bulletin board, and placing of notices on the bulletin board shall be in conformity with departmental orders.

Address--Telephone--Change of. Employees shall report any change of their telephone number or

address to the department as soon as possible after the change becomes effective.

Duty--Presence. Employees shall be present for duty as scheduled unless absence is authorized by competent authority.

Duty--Reporting For. Employees shall report for duty at the time, place, in the attire, and with the equipment by departmental orders or a superior officer. Inability to do so shall be reported prior to reporting time to the desk officer on duty or their superior officer.

Duty--Signing Off. All officers, when going off duty, shall notify the desk officer unless relieved of such obligation by a superior officer.

Duty--Sleeping On. Officers shall remain alert and awake during the time they are on duty. If unable to do so, they shall report to their superior officers who shall determine the proper course of action to be taken.

Duty--Communications--Maintenance of. Officers on duty, or when officially on call, shall be directly available to the department by normal communication or shall keep their office, headquarters

or superior officer informed of the means by which they may be reached if not immediately available.

Off Duty--Service Requirements. Officers off duty shall perform necessary police services in the City of East Lansing whenever they are aware of a serious criminal offense or a present threat to life, safety or property.

Off Duty--Response to Emergencies. Employees off duty shall report for duty immediately upon receipt of and in compliance with the directions given them at the time of notification.

Expenses--Departmental--Incurring. Employees shall not knowingly and intentionally incur any unauthorized departmental expense or liability except when absolutely necessary under emergency conditions.

Citizens--Directing. Officers shall comply whenever possible with requests by citizens for public information. If necessary they shall direct such persons to the nearest location where the information may be obtained.

Citizens--Complaint of. Officers on duty shall be attentive to reports and complaints by citizens

and either give personal attention or refer them to the proper person or agency.

Identification to Public. Officers on official business shall upon request identify themselves immediately by giving their names and displaying their badges or official credentials unless such action is likely to jeopardize the successful completion of a police assignment.

Reports--Submission Of. Officers shall submit written reports as required by and in conformity with departmental orders or instructions of a superior officer.

Property--Personal Use of. Officers shall not convert to their own use, or have any claim in any found, abandoned or recovered property, or property held as evidence.

Moneys--Acceptance of. Officers shall not accept money as bail or in payment of a fine except as provided by law and departmental orders.

Correspondence--Official Stationery--Use of. Officer shall not enter into correspondence with any persons concerning their official activities except as provided by departmental orders; nor shall

they use departmental stationery or forms for any purpose other than transaction of official business. Any official correspondence shall be reviewed by the Chief of Police or a commanding officer except in cases of emergency. Copies of all official correspondence shall be kept in the official files.

Time--Transfer of. Time accumulated by working overtime, Court Appearance, sick leave, vacation leave, or in any other manner is not transferrable from one member to another.

Other Offenses for which Charges May be Preferred.

A member of the department found guilty of violating a rule or regulation, a provision of a general or a special order, or who is convicted of a crime in a court having criminal jurisdiction or who commits one of the following listed offenses, shall be subject to reprimand, suspension, forfeiture of pay, dismissal, or other penalty as the Chief of Police may direct:

1. Cowardice.
2. Willful disobedience of rules or orders.
3. Being intoxicated.
4. Drinking intoxicating beverages while in uniform or drinking intoxicating beverages while on duty without the approval of proper authority.

5. Entering a place where intoxicating beverages are sold or kept, except as permitted by these rules and regulations.
6. Entering a disorderly house or a place where illegal commercial gambling is carried on unless in the performance of police duties.
7. Mistreatment of a prisoner or other person.
8. Conduct unbecoming an officer, which shall include any act or conduct not specifically mentioned in the rules and regulations which tends to bring the department into disrepute or reflects discredit upon the individual as an officer.
9. Insubordination or disrespect to a superior officer.
10. Neglect of duty.
11. Inattention to duty.
12. General incompetence.
13. Sleeping on duty except as provided in these rules and regulations.
14. Laziness.
15. Being absent from duty without permission.
16. Leaving post without proper relief or purpose.
17. Using coarse, profane or insolent language to a superior officer, or member of the department, or to any citizen.
18. Making a false statement of report.

19. Neglecting to wear proper uniform while on duty.
20. Accepting money or any other consideration for an improper or illegal purpose.
21. Accepting any money, reward or gift of any kind from any person arrested; or from any person in arrestee's behalf while in custody; or from any person for services rendered or pretended to be rendered as a member of the department without consent of the Chief of Police.
22. Gossiping about any member of the department concerning his personal character or conduct which is detrimental to such a member.
23. Publicly criticizing orders given by a superior officer.
24. Communicating or giving police information to any person concerning the business of the department, which is detrimental to the department.
25. Communicating or giving police information which may aid a person to escape arrest, or to delay the apprehension of a criminal, or to secure the removal of stolen or embezzled goods or other property or money.
26. Neglecting to pay a just debt incurred while in the service of the department within a reasonable time.
27. Refusing to give name, badge number, or display identification card when requested, except when identification as a police officer might jeopardize an investigation.

28. Neglecting to properly record without unnecessary delay all property taken from person arrested or which is found or seized.
29. Unjustified use of a firearm.
30. Neglecting to report a member of the department known to be guilty of a violation of any rule, regulation, or order issued for the guidance of the department.
31. Ignorance of rules and orders.
32. Immorality.

CARE AND USE OF FIREARMS

Firearms--Display of. Officers shall not unnecessarily display any firearm in any public place and shall not carelessly handle a firearm at any time. "Dry Snapping" of a firearm in departmental quarters shall be confined to the range.

Firearms--Discharge of--When Permitted. Officers shall not discharge firearms in connection with police duty except under the following circumstances:

1. At an approved range.
2. Killing animals seriously wounded or dangerous, when other disposition is impractical.

In the following situations, when all other reasonable means have failed.

3. In the defense of their own lives.
4. In the defense of another person's life.

5. To effect the capture of or to prevent the escape or release of a person the officer has reasonable cause to believe has committed a felony.

Firearms--Discharge of--File Report. Any officer who discharges a firearm accidentally or intentionally while performing any police function shall make a verbal report to the desk officer as soon as circumstances permit and shall file a written report with his superior officer forthwith before going off duty.

Firearms--Cleaning or Loading--Restrictions. Officers shall not clean, repair, load or unload firearms, except as noted below, any place in the police building other than those locations specified herein. This restriction shall not apply to sidearms when loading or unloading is ordered by a superior officer for inspection purposes. Rifles, shotguns, or other weapons which have been removed from the firearms locker for temporary police purposes shall be presented to a superior officer or the desk officer for inspection before being returned to the lockers.

Firearms--Weapons--Storage of. Officers shall not place or store any firearms in the police building except when the place of storage is locked.

Firearms--Selling--Restrictions. Officer shall not lend, give or sell any firearms to any persons who do not have a legal right to possess such firearms.

Automatic Weapons--Chemicals--Approval to Use. Officers shall not use sub-machine guns, gas or other types of chemical weapons except with the approval of a commanding officer and under the supervision of a member of the department designated by the commanding officer.

Ammunition--Replacement--Securing of. Officers shall be issued normal replacement ammunition by their superior officer. No ammunition for replacement purposes shall be obtained from the arms locker except for emergency police conditions.

POLICE VEHICLES

Police Vehicles--Accidents. When a member is involved in an accident while operating a department vehicle or as a pedestrian in the City of East Lansing, the Michigan State Police shall be requested to conduct the investigation of the accident. If State Police Officers are not available or such investigation is impractical, another police agency shall be requested to conduct the investigation. If no other police agency is available to investigate the accident, the investigation shall

be conducted by a member of the department of higher rank than the member involved in the accident.

Police Vehicles--Injury Accidents. Any time a department vehicle is involved in a personal injury accident it shall be the responsibility of the supervisory officer on duty to notify a commanding officer immediately.

Police Vehicles--Insurance Report. Any employee involved in an accident that results in damage to City owned equipment, shall complete the required reports for insurance purposes.

Police Vehicles--Defective Vehicles. Members operating department vehicles shall report any defects to the desk officer and file the proper form specifying the defect or defects. The desk officer shall thereupon notify the service garage.

Police Vehicles--Safe Operation. Members of the department while operating police vehicles shall drive in a reasonable and prudent manner.

Police Vehicles--Radio. Police vehicles shall have equipment furnished by the city as specified and ordered by the Chief of Police.

Police Vehicles--Permit to Operate. All personnel of the Police Department shall carry at all times a valid operator's license.

Emergency Vehicles--Passengers In. Officers operating police vehicles on duty shall not permit passengers to ride except when necessary to accomplish an essential police objective or when authorized by a commanding officer, or in the absence of a commanding officer by the ranking officer on duty.

CARE AND USE OF DEPARTMENTAL PROPERTY

Departmental Property--Location--Moving. Employees shall not move office equipment or furnishings outside of the division to which the equipment is assigned without permission.

Departmental Property--Care of. Employees using departmental equipment or property shall be responsible for its proper care and use.

Departmental Property--Loss or Damage--File Report. Employees shall promptly report in writing through channels to their commanding officer the loss of, damage to, or unserviceable condition of any departmental property or equipment issued for, or assigned to their use.

DUTIES AND RESPONSIBILITIES OF THE RANKS
AND DEPARTMENTAL ORGANIZATION

General Responsibilities of Officers and Employees. It shall be the duty and responsibility of each officer and employee to fulfill to the greatest extent possible the functions of the police department and the bureau, division, or unit to which he is assigned, and to perform any duty assigned by a superior officer.

Individual responsibilities of Officers. Each officer of the department is individually responsible for:

- A. The proper execution of assigned duties.
- B. The prevention of crime.
- C. The suppression of crime.
- D. The enforcement of the laws.
- E. The arrest of offenders, depending upon the nature of the officer's specific assignment.
- F. The maintenance of proper public relations.
- G. The maintenance of discipline.
- H. The adherence to rules, regulations, orders and departmental procedures.
- I. The enforcement of rules, regulations, orders and procedures among subordinates.
- J. The reporting promptly through channels of developments that may affect public or official relations in an adverse manner.

- K. The initiating of police action when necessary.
- L. Proper care and use of departmental equipment, supplies, and facilities.

Responsibilities of Supervisory Officers. Each supervisory officer, in addition to the general and individual responsibilities of each officer and employee, shall be responsible for:

- A. The detailed inspection of all activities of employees under his supervision.
- B. An intimate knowledge of the duties and responsibilities of his subordinates.
- C. Proper performance of duties, and adherence to policies and procedures by each member of his unit.
- D. The enforcement of rules and regulations among members of his unit.
- E. Working as closely with his subordinates as time and area permit.
- F. Providing leadership in carrying out police activities.
- G. Coordination of effort when more than one employee is involved, and the assignment of duties.
- H. Functional supervision of employees not being directly supervised.
- I. Detailed training on the job as necessary to insure efficient operation by subordinates.
- J. The effective operation of his unit.

- K. Providing command to members of his division as necessary in the absence of divisional command or a ranking officer.

Responsibilities of Commanding Officers. Each commanding officer, in addition to the general and individual responsibilities of each officer and employee, shall be responsible for:

- A. The direction and control of personnel under his command.
- B. The maintenance of discipline of members of his command.
- C. Proper performance of duties and adherence to policies and procedures by each member of his command.
- D. The enforcement of rules and regulations among members of his command.
- E. Providing supervision and command to members of other divisions as necessary in the absence of divisional command.
- F. The discharge of detailed divisional responsibilities.
- G. The proper condition and maintenance of quarters assigned to his division.
- H. The proper maintenance, use and operation of equipment, supplies and materials assigned for division use.
- I. The prompt initiation of employee, supervisory or administrative action when necessary to fulfill a functional responsibility of the department or division when such action is not otherwise being taken.

- J. The effective operation of his division or unit.
- K. Providing continuation of command and or supervision in his absence.
- L. Preparation of correspondence pertaining to activities of the division.

FUNCTIONAL RESPONSIBILITIES OF THE POLICE DEPARTMENT

The functions of the police department are: (a) the maintenance of law and order in the city; (b) the enforcement in the city of all laws of the United States, the State of Michigan and all ordinances of the City, except when enforcement by law, ordinance or the Charter of the City is made the responsibility of another officer or department, or when such enforcement is the responsibility of a state or federal agency or state or federal officers; (c) the administration of the city jail and the care, custody and control of prisoners; (d) the administration and performance of such other functions as may be assigned by the City Manager or prescribed by ordinance or applicable state or federal law.

The Chief of Police, subject to approval of the City Manager, shall organize and maintain such divisions within the Police Department as in his judgment may be required.

The Police Department is organized into three major units with subunits as indicated:

1. ADMINISTRATIVE DIVISION--UNITS
 - A. Chief of Police
 - B. The Commanding Officer of the Detective Division; and the Commanding Officer of the Uniform Division shall each act in an administrative capacity and assist the Chief of Police pursuant to his directions.
2. DETECTIVE DIVISION--UNITS
 - A. Investigation
 - B. Youth Bureau
 - C. Identification
 - D. Photo Lab
 - E. School safety education
 - F. Records bureau with exception of traffic records
 - G. Security of evidence and property
 - H. Criminal warrant service
3. UNIFORM DIVISION--UNITS
 - A. Patrol units
 - B. License Bureau (Operators, Bicycle, Taxi, etc.)
 - C. Traffic Law Enforcement
 - D. Traffic Records
 - E. Traffic Warrant Service
 - F. Department Communications

FUNCTIONAL RESPONSIBILITIES OF THE DIVISIONSADMINISTRATIVE DIVISION

Administered by the Chief of Police (assisted by the Commanding Officer of the Detective Division and the Commanding Officer of the Uniform Division under the direction of the Chief of Police).

Function: To set objectives for the department; make plans; develop procedures; organize and re-organize; provide for staffing and equipping the department; adopt rules and regulations for the administration, discipline, equipment and uniforms of the members and officers of the department, affixing powers and duties, and prescribing penalties for violations of any such rules and regulations, and providing for enforcement thereof; inspect and recommend promotion of personnel, coordinate efforts and relationships, establish policies, report on departmental activities or accomplishments; maintain good public, employee and official relations; present the departmental budget; provide general administration of the department; and inform the City Manager of incidents or developments that may affect public or official relations in an adverse manner.

The administration division shall provide for adequate training of department personnel.

UNIFORM DIVISION

Administered by the Lieutenant of the Uniform Division who is responsible to the Chief of Police and who is assisted by Sergeants and Corporals as assigned.

Function: To patrol the streets of the city; observe and investigate persons, situations or things which require attention and which affect enforcement of law or prevention of crime; preserve the peace; protect life and property; control public gatherings; perform miscellaneous services relative to public health and safety; examine doors and windows of commercial establishments; receive and process complaints by citizens; arrest offenders; prepare reports and testify in Court; investigate traffic hazards and initiate remedial measures; analyze collision reports; prepare and maintain charts and summaries for use by the uniform division in maintaining a selective enforcement program; conduct specialized traffic surveys and studies and prepare reports for the Chief of Police, City Manager or others as directed; cooperate with the traffic engineer in developing engineering plans for the solution of traffic problems; furnish traffic control at special functions.

DETECTIVE DIVISION

Administered by the Lieutenant of Detectives who is responsible to the Chief of Police, and who provides direct supervision over members of the Detective Division.

Function: To coordinate criminal investigations by uniform division officers and investigate as necessary all criminal offenses and all situations which may become criminal in nature for the purpose of apprehending, interrogating and prosecuting offenders, and recovering stolen property; interrogate arrested persons referred by the uniform division; investigate or arrest persons wanted for criminal offenses by other jurisdictions; maintain investigative liaison with other police agencies; supply information to merchants regarding criminal activities so as to aid merchants in the prevention of loss; to supply information necessary for effective uniform division operations in matters of interdivisional interest.

A. General Investigations.

Function: To prevent gambling, prostitution or illegal sale or use of narcotics and alcoholic beverages; prevent other forms of commercialized vice; give particular attention to places where

commercialized vice may be conducted and take all legal means to arrest any offender who may be engaged in such commerce; to investigate complaints of larcenies, burglaries, robberies and assaults.

B. Security and Frauds

Function: To investigate matters relating to national security; to maintain investigative liaison with outside departments, including state and federal agencies; to investigate cases of fraud, including bank check offenses.

C. Juvenile--Youth

Function: To develop police programs dealing with juvenile control and delinquency prevention; dispose of all cases involving juveniles as prescribed in departmental orders; maintain cooperative relationships with other agencies concerned with juvenile matters; present cases in court; coordinate with other divisions of the department working with juvenile cases; provide individual treatment in the disposition of juvenile offenders; provide for adequate consultation services in cases involving women and girls; to investigate sex offenses involving women and juveniles; cooperate with the public and parochial schools and other agencies in safety education; supervise the safety patrol activities of the city.

D. Identification

Function: To provide identification services, including fingerprinting, photography, maintenance of fingerprinting, identification and photograph files, examine crime scenes for identification and evidence and provide other technical services.

E. Warrant

Function: To serve criminal warrants on persons residing inside or outside the city, to serve certain criminal subpoenas on persons living inside or outside the city, to arrange for the extradition and return of persons apprehended in other jurisdictions on criminal warrants of the department.

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