

ERIE TOWNSHIP ORDINANCE NO. 68

An Ordinance enacted pursuant to Public Act 1951, No. 181 (Section 41.855, Michigan Compiled Laws Annotated), to create a Police Department in the Township of Erie, Monroe County, Michigan; to establish a Chief of Police to be in charge thereof; to establish the qualifications for employment thereof; to establish the duties which shall be carried out by said Chief of Police by all other officers of said Township Police; to make and establish rules and regulations for the government of said Police Department, employees and officers thereof, and to repeal all Ordinances and parts of Ordinances in conflict herewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, AND STATE OF MICHIGAN, HEREBY ORDAINS:

1. There is hereby created a Police Department for the Township of Erie which shall consist of the Chief of Police and such other policemen, detectives or members as may be provided for by resolution of the Township Board of the Township of Erie.
2. The Chief of Police shall be appointed by the Township Board of the Township of Erie and shall serve at the pleasure of said Board. All other appointments to or promotions within the said Police Department of the Township of Erie shall be recommended by the Chief of Police to the Township Board which shall affirm or deny such appointment or promotion.
3. The Chief of Police shall be the head of the department and have supervision over all officers and members thereof.
4. It shall be mandatory under the provisions of this Ordinance that the Chief of Police, before assuming his duties of employment, to have completed at least 240 instructional hours at an approved police instructional training school. As a further condition precedent to said employment, said Chief of Police shall comply with all provisions of the so-called "Law Enforcement Officers Training Council Act", that being Section 28.601, Michigan Compiled Laws Annotated, and all amendments thereto.
5. The Chief of Police shall have the custody of all persons incarcerated by virtue of arrest and other legal process issued by the Erie Township Police Department. He shall keep such records and make such reports concerning the activities of his department as may be required by statute, ordinance, or direction of the Township Board of the Township of Erie. The Chief of Police shall be responsible for the performance by the Police Department of its functions and all persons who are members of the Police Department shall be subject to the order of the Chief of Police.
6. It shall be the duty of the members of the Police Department to see to the enforcement of all ordinances of the Township, including Erie Township Ordinance No. 35, and all state statutes applicable therein; and to preserve order and prevent infractions of law and arrest violators thereof.
7. It shall be the duty of every member of the Police Department to conduct himself or herself, in a proper and law-abiding manner at all times, and to avoid the use of unnecessary force. Each member of the department shall obey the order and directions of his superior.

8. Every member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an Ordinance or statute of any state or federal law. No such member shall retain any witness fee for services witnessed in any action or suit to which the Township is a party; any fees paid for such services shall be turned over to the Chief, who shall deposit the same with the Township Treasurer.

9. The Chief of the Police Department may make and prescribe such rules and regulations as he shall deem advisable; such rules, when approved by the Township Board of the Township of Erie, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and all other similar matters necessary or desirable for the better efficiency of the Department.

10. Any person of good character having duties which require it may be appointed a special policeman by the Township Supervisor, provided that, upon authorization by the Township Board, no such special policeman shall be entitled to any compensation from the Township, nor shall such policeman be considered an employee of the Township by reason of such appointment. Special policemen shall obey all rules of the Police Department applicable to them, and may be deprived of their appointment by the Chief at any time, subject to approval by the Township Board. In the event compensation may be paid, it shall be first determined by resolution of the Township Board to that effect.

11. The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered in the Township.

12. The Township Supervisor, with the consent of the Township Board, may appoint a police matron, who will perform such duties as may be assigned to her by the Chief of Police or by the Township Supervisor.

13. With the approval of the Township Supervisor and the Township Board, the Chief of Police may establish a Detective Division or such other special division within the Police Department, assigning such policemen to such division and designating such duties thereof as deemed necessary.

14. The Chief of Police shall serve for such term as may be provided by the resolution of the Township Board, and he may be removed in such manner as provided by law. Terms of employment shall be spelled out in an agreement of employment to be entered into by the Township Board of the Township of Erie to be executed for and on behalf of said Township by the Township Clerk and the Township Supervisor, and by the Chief of Police. Approval of such a contract shall be made by the Township Board at a regular meeting of said Board. The Chief of Police shall be specifically charged with the supervision of all members of the Department and shall be held strictly responsible for the conduct, and efficiency of all such members for the general order of the department. He shall be responsible to the Township's Supervisor and the Township Board. The Chief of Police shall have a thorough knowledge of all sections of the Township, and when going on duty shall immediately familiarize himself with all police business transacted since his last tour of duty. It is the duty of the Chief of Police to inform the Commanding Officer coming on duty of all important matters which have occurred and which may require attention. The Chief of Police may diligently inquire into all complaints and charges of

taxity and misconduct and performance of duty by members under his command and shall take such steps as set forth in these rules and regulations, or as deemed necessary when not in conflict with the rules and regulations:

a. The Chief of Police in the exercise of his duty shall have the power to establish and enforce rules and regulations for the government of and members of and employees of the Department, which rules shall, however, be consistent with the ordinances of the Township and laws of the State. It shall be the duty of the Chief of Police to cause the public peace to be preserved and enforce the ordinances of the Township of which the Police Department must take cognizance. The Chief of Police shall give proper attention to complaints of all persons referred to him and perform such other duties that may be required from time to time as described by rules and regulations. The Chief of Police has full power and authority to reprimand any member of the Police Department, and to file charges against any member or members of the Police Department with the Township Board for a hearing, for non-conformance with these rules and regulations.

b. The Chief of Police shall have the custody and control of all books, records, machines, tools, apparatus, or equipment of every kind necessary for the use of the Department.

c. Further, all the following rules and regulations which are applicable to the members of the Police Department are also applicable to the Chief of Police.

15. Every policeman in carrying out the functions of the Police Department, namely, the preservation of the public peace, protections of life and property, the prevention of crime, the arrest of violators of the law, proper enforcement of all the laws and ordinances of which the department take cognizance, shall be consistently direct in their efforts to accomplish that end and intelligently and effectively, and to hold themselves in readiness at all times to answer the calls and obey the orders to their superiors, and shall be accountable to their officer(s) for the general condition of the Township during the hours assigned to them.

16. All original appointments shall be for a probationary period of one year. Continuance in service shall be dependant upon the conduct of the appointee and the fitness for the performance for the duties for which he is assigned as indicated by the quality of his work and reports and recommendations of his superior officer(s). If, during said year, the appointee proves unfit, he will be dismissed from the service by the Chief of Police with the approval of the Township Board and shall not be entitled to appeal from such dismissal.

17. Patrolmen, unless otherwise ordered, shall wear regulation uniforms in keeping with the specifications, including materials, designated and adopted by the Department and approved by the Township Board.

18. The Patrolmen assigned to work in a motor vehicle shall at the completion of his (their) tour of duty check the vehicle used and see that the same is left in a clean condition and refueled and ready for the incoming officer(s).

19. Members of the Police Department will have regular hours assigned to them for active duty of each day, and when not so employed they shall be considered off duty. They shall, however, be subject to duty at all times, and

Although practically relieved from the routine performance, are at all times subject to orders from the proper authorities and calls from their superior(s). The fact that they may be technically off duty shall not relieve them from taking proper action in any matter coming to their attention at any time. In order to be able to fully execute this responsibility, all police officers, other than special appointees, shall carry their firearms at all times or when in the Township. No member of the Police Department shall be absent from his regular hours of duty without permission. In the event of sickness, notice will be given to the superior officer, allowing him ample time to cancel days off or make other necessary changes to fill the vacancy of such persons reporting sick.

20. All members of the Department, regardless of rank, shall at all times be attentive to their duties.

21. Sleeping and loafing on duty is a serious dereliction and any member or employee of the Department found guilty of such conduct is subject to neglect of duty, and is just cause for disciplinary action or removal from employment.

22. Stationery issued to the Police Department of the Township of Erie cannot be used for any personal correspondence, nor shall any Department property, whatsoever be used for private purposes.

23. No member of the Department shall knowingly make a false statement or false report.

24. Members of the Department shall notify the Chief of Police of any change in their residence address or telephone number.

25. Members and employees of the Police Department shall treat their Superior Officer(s) with respect, and their demeanor toward other associates in their Department shall be courteous and considerate, guarding themselves against jealousy and other unfriendly feelings. It is their duty to inform the Superior Officer(s) of neglect or disobedience of orders that may come to their knowledge. Members and employees shall not, under any circumstances, or in any manner whatsoever, speak critically or derogatorily to any member of the Department, or any person outside the Department regarding orders or instructions issued by the Superior Officer(s); provided, however, in any case where there is sound reason to believe that such orders or instructions are inconsistent or unjust, it is the right of any member or employee to appeal to a higher party.

26. Courtesy and civility toward the public are demanded from all members and employees of the Department. Any conduct to the contrary will result in disciplinary action or removal from employment.

27. Police officers shall furnish such information or render such aid to all persons as requested as is consistent with his duties. He should at all times be in uniform, keep his badge in sight and give his name and badge number in a respectful manner when requested.

28. Members and employees of the Department are responsible for the good care of the Department property whenever fixed or movable, assigned to their use or keeping, and shall promptly report to their commanding officer the loss or damage to, or unserviceable condition of such property. Roughness or

carelessness in handling of such property will not be tolerated and will be made subject to charges of Superior Officers who will be responsible for the strict enforcement of this rule.

Any member found guilty of damages to or destruction of Township property, either through willfulness or negligence, shall be required to pay all costs of repairs or replacements thereto, besides suffering any penalty for violation of this section.

29. All members of the Department shall immediately report to the Chief of Police, the loss of any Township equipment which has been furnished to the individual.

30. Police Officers shall not engage in any illegal game of chance.

31. Members of the Police Department shall not drink any intoxicating liquor while either on duty or in uniform.

32. No member of the Department shall aid any prisoner in obtaining an attorney or bondsman.

33. Members of the Department shall refrain from physical altercations except for line of duty and shall not maltreat any person or prisoner.

34. No member of the Department shall conduct himself in a disorderly or other manner as to bring discredit upon himself and the Department.

35. No member of the Department shall give out or release any information covering the affairs, business, or operation of the Police Department without the consent of the Chief of Police.

36. Members of the Department, when subpoenaed or requested to appear for the defense in the prosecution of a criminal case, shall report to the Commanding Officer whose duty it shall be to notify the Prosecuting Attorney.

37. It will be the duty of all officers, upon the finding or the recovery of any abandoned property, or stolen property, or abandoned vehicle to bring such vehicle or property to the Township Hall, placing such vehicle or property in the care of the Chief of Police.

38. No member of the Department shall accept any fee, reward, or gift of any kind, from persons or relatives or friends on his behalf, while he is in custody or after his release and discharge. Members of the Department shall not accept gifts, presents or bribes of money or other articles of apparent or actual value from other members of the Department, groups, clubs, association societies, lodges, or political parties. Members of the Department shall not solicit contributions for a fund for the purposes of presenting other members of the Department with a gift, unless authorized by the Chief of Police.

39. All regular full time members of the Police Department shall devote their entire and exclusive time to the business of the Police Department. Any outside employment or business interests that do not interfere with the efficiency of the Police Department may be submitted in writing to the Chief of Police for his approval. In no event shall such outside work be for a full eight hour day or period, and in all cases the police officer should be available for emergency duty.

40. In addition to the within rules and regulations established by the Township Board, the laws of the State, Ordinances of the Township, and Federal Laws pertaining to and effecting Police Officers shall be the governing factors in the conduct of all members of the Police Department, and they shall at all times be subject to same.

41. It shall be the duty of the Chief of Police and the Township Board to enforce the foregoing laws and regulations.

42. The provisions of Erie Township Ordinance No. 45 are hereby repealed.

43. This Ordinance, and the various sections, paragraphs and clauses hereof, are hereby declared to be severable. If any section, paragraph or clause is adjudged invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

44. This Ordinance shall become effective at the earliest time permitted by law.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF
ERIE, MONROE COUNTY, MICHIGAN

By (signed) Margaret M. Dusseau
MARGARET M. DUSSEAU, TOWNSHIP CLERK

ATTEST:

(signed) William D. Frey
WILLIAM D. FREY, TOWNSHIP SUPERVISOR

Date of Adoption: September 13, 1977

ERIE TOWNSHIP ORDINANCE NO. 68-A

An ordinance to amend Erie Township Ordinance No. 68, being the Police Department Ordinance, by amending the text of Sections 4, 14, 16, 20, 21, 23, 26, 28, 30, 33, and 40 of said ordinance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. That the text of Erie Township Ordinance No. 68, being the Police Department Ordinance, is hereby amended in the following particulars.

A. That Section 4 is hereby amended to read as follows:

4. As a condition precedent to employment, the Chief of Police, and all other persons employed as officers of said Police Department, shall comply with all provisions of the so called "Law Enforcement Officers Training Council Act", being Act No. 203 of 1965 (being Section 28.601 of the Michigan Compiled Laws Annotated), as amended from time to time, and shall further comply with all rules and regulations promulgated from time to time pursuant to said Public Act No. 203 by the Law Enforcement Officers Training Council. As a further condition precedent to employment, said Chief of Police and all other officers and employees of said Police Department, shall comply with any and all statutes, rules, and regulations enacted or promulgated from time to time by the State of Michigan, or any departments, divisions, or agencies thereof, which in any way pertain to minimum employment standards of Chiefs of Police, officers, and employees of any Police Department of any township in the State of Michigan.

B. That Section 14 is hereby amended to read as follows:

14. The Chief of Police shall serve in such capacity at the pleasure of the Township Board. He may be laid off, suspended, dismissed, or removed in such manner as provided by law. At the discretion of the Township Board, the term of employment of the Chief of Police may be detailed in a written agreement of employment to be executed for and on behalf of the Township of Erie by the Township Clerk and the Township Supervisor, and by the Chief of Police. Approval of any such contract shall be made by the Township Board at a regular meeting of said Board. The Chief of Police shall be specifically charged with the responsibility of supervising all officers and employees of the Police Department and shall be held strictly responsible for the conduct and efficiency of all such employees for the general order of the Department. The Chief of Police shall be responsible to the Township Supervisor and the Township Board. The Chief of Police shall have a thorough knowledge of all Sections of the Township. When going on duty, he shall immediately familiarize himself with all police business transacted since his last tour of duty. It is the duty of the Chief of Police to inform the commanding officer coming on duty of all important matters which have occurred during his tour of duty and which may require the attention of the commanding officer. The Chief of Police shall diligently inquire into all complaints and charges of laxity and misconduct and performance of duty by employees under his command and shall take such steps as set forth in this Ordinance or as deemed necessary, in his discretion, when not in conflict with the terms of this Ordinance.

a. The Chief of Police in the exercise of his duty, shall have the power to establish and enforce rules and regulations for the government of officers and employees of the Department, which rules shall, however, be consistent with all ordinances of Erie Township and the laws of the State. It shall be the duty of the Chief of Police to cause the public

peace to be preserved and enforce the ordinances of the Township and laws of the State. The Chief of Police shall review all complaints of all persons referred to him and perform such other duties as may be required from time to time as prescribed by the ordinances of Erie Township. The Chief of Police has full power and authority to reprimand any officer or employee of the Police Department, and to file charges against any such officer or employee with the Township Board for a hearing and review pursuant to State law, for noncompliance with this ordinance and other ordinances of Erie Township.

b. The Chief of Police shall have the custody and control of all books, records, machines, tools, apparatuses, and equipment of every kind necessary for the use of the Police Department.

c. Further, all rules and regulations of this Ordinance which are applicable to officers and employees of the Police Department are also applicable to the Chief of Police.

C. That Section 16 is hereby amended to read as follows:

16. Continuance in employment by all police officers, including the Chief of Police, and any other employees of the Police Department, shall be dependent upon the conduct of the officer or employee, and the officer's or employee's fitness for the performance of the duties for which he or she is assigned as indicated by the quality of his or her work and reports and recommendations of his or her superior officer. All officers, including the Chief of Police, and other employees of the Police Department shall serve at the pleasure of the Township Board. Any such person may be laid off, suspended, dismissed, or removed from his or her position pursuant to law.

D. That Section 20 is hereby amended to read as follows:

20. All employees of the Police Department, regardless of rank or position, shall at all times be attentive to their respective duties.

E. That Section 21 is hereby amended to read as follows:

21. All employees of the Police Department, regardless of rank or position, shall not sleep or loaf while on duty.

F. That Section 23 is hereby amended to read as follows:

23. No employee of the Police Department shall knowingly make a false statement or false report to his or her superior, the Township Board, or any officer or employee of Erie Township.

G. That Section 26 is hereby amended to read as follows:

26. All employees of the Police Department, regardless of rank or position, shall at all times be courteous and civil toward the general public.

H. That Section 28 is hereby amended to read as follows:

28. All employees of the Police Department, including all officers and the Chief of Police, shall be responsible for the good care and safekeeping of property owned by Erie Township whenever assigned to their use or safekeeping, and shall promptly report to their superior the loss or damage to, or unserviceable condition of such property. No employee of the Police Department shall handle any such property in a rough or careless manner. Any employee of the police department who damages or destroys property of Erie Township, either through willfulness, negligence, or omission, shall pay all costs of repairs or replacements to Erie Township, and be subject to such other penalties as the Township Board may impose pursuant to law.

I. That Section 30 is hereby amended to read as follows:

30. No employee of the Police Department, regardless of rank or position, shall engage in any illegal game of chance.

J. That Section 33 is hereby amended to read as follows:

33. All employees of the Police Department, regardless of rank or position, shall refrain from physical altercations or abuse except as necessary while acting in the line of duty, and shall not maltreat or mistreat any person, including any prisoner or such other person as taken into custody of the Police Department.

K. That Section 40 is hereby amended to read as follows:

40. All employees of the Police Department, regardless of rank or position, shall at all times be governed by, and fully comply with, all laws, rules, and regulations enacted or promulgated by Erie Township, Monroe County, the State of Michigan, and the United States of America.

SECTION 2. All ordinances, or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective thirty (30) days after it has been published in a newspaper of general circulation in the Township of Erie.

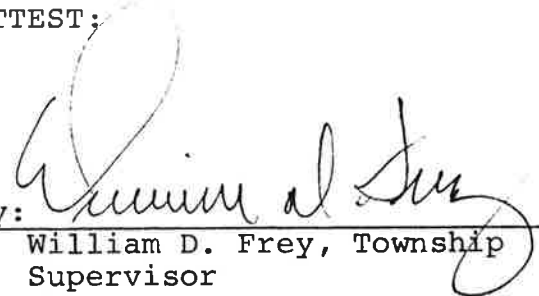
I, Margaret M. Dusseau, Clerk of Erie Township, do hereby certify that the above ordinance is approved and adopted

by the Erie Township Board at the regular meeting thereof, held on the 22nd day of December, 1980, the vote thereon being as follows:

In Favor of the Ordinance	<u>4</u>
Against the Ordinance	<u>1</u>

ATTEST:

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE IN THE
COUNTY OF MONROE, MICHIGAN

By: 
William D. Frey, Township
Supervisor

By: 
Margaret M. Dusseau, Township
Clerk