

PRINCETON POLICE DEPARTMENT



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RULES AND REGULATIONS

BY THE ORDER OF:

Appropriate Authority

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CHAPTER 1

INTRODUCTION

1:1. ESTABLISHMENT OF THE PRINCETON POLICE DEPARTMENT

1:1.1 Legal Authorization

The Police Department of Princeton is established pursuant to N.J.S.A. 40A:14-118 and Municipal Police Ordinance. The Princeton Police Department shall hereinafter be called the "Department".

1:1.2 Rules and Regulations Established

The appropriate authority of the municipality hereby adopts and promulgates the Department Rules and Regulations, known as the Princeton Police Department Rules and Regulations and hereinafter called the "rules and regulations."

1:1.3 Right to Amend or Revoke

In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority to amend or revoke any of the rules and regulations contained herein.

1:1.4 Previous Rules, Policies and Procedures

All rules and regulations previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and number. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 Subsection Sequence

The number placed to the right of the decimal point shall designate the subsection.

1:2.4 Series Lettering

Letters listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 Flexibility of System

This system shall provide a simple and quick method of referral to material contained herein. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 RULES AND REGULATIONS MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn members and all civilian employees of the department where appropriate.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department through the PowerDMS® software. Each employee shall acknowledge in writing receipt of these rules and regulations.

1:3.3 Responsibility for Maintenance

Employees shall be responsible for maintaining a current copy of the rules and regulations, including all additions, revisions, and amendments as issued.

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations.

1:3.5 Ignorance of Manual Content

In the event neglect of duty is charged against an employee for failure to observe the rules and regulations, department directives, ignorance of any provision of this manual or any department directive, will not stand as a defense to the charge(s).

1:3.6 Severability

If for any reason any section of these rules and regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to affect any other sections or provisions of this document.

1:4 DEFINITIONS

1:4.1 Appropriate Authority

The Business Administrator as defined and designated by authority of Municipal Ordinance of Princeton pursuant to N.J.S.A. 40A:14-118.

1:4.2 Authority

The right to issue orders, give commands, enforce obedience, initiate action, and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies, and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

1:4.3 Chain of Command

Vertical lines of communications, authority, and responsibility within the organizational structure of the department.

1:4.4 Days Off

Those days, as determined by the Chief of Police or designee, on which a given employee is excused from duty, as normal days of rest included in the employee's regular work schedule.

1:4.5 Employee

All employees of the department, whether sworn regular or special law enforcement officer or civilian employees.

1:4.6 Gender

The use of the masculine gender in any directive or manual includes the female gender, when applicable.

1:4.7 Incompetence

Incapable of satisfactory performance of police duties.

1:4.8 Insubordination

Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Acts including, but not limited to, being disrespectful; mutinous; insolent or abusive language toward a superior officer will be considered insubordination.

1:4.9 Lawful Order

Any written or verbal directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

1:4.10 May/Should

As used herein, the words "may" and "should" mean that the action indicated is permitted.

1:4.11 Member

Any duly sworn police officer of the department.

1:4.12 Neglect of Duty

Failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from the zone/post during the tour of duty; failure to perform duties, comply or conform with provisions prescribed in the Rules and Regulations and department written directives.

1:4.13 Off-Duty

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.

1:4.14 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.

1:4.15 Plurality of Words

The singular includes the plural and the plural includes the singular.

1:4.16 Probationary Period

Each member shall be required to serve a probationary period prior to permanent appointment to the department. The probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment, as pursuant to N.J.S.A. 52:17B-66 et seq.

1:4.17 Shall/Will

As used herein, the words “shall” and “will” mean the action required is mandatory.

1:4.18 Special Law Enforcement Officer

Persons vested with special police authority pursuant to N.J.S.A. 40A:14-146.8 et seq.

1:4.19 Staff Supervision

An advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.

1:4.20 Subordinate

A member lower in rank than his superior officer.

1:4.21 Superior Officer

A person holding a rank of Lieutenant and above.

1:4.22 Supervisor

Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

1:4.23 Tense of Words

The words used in the present tense include the future.

1:4.24 Tour of Duty

The shift during which an individual member is on duty.

1:4.25 Zone/Post

A geographical area administratively designated for purposes of investigation, supervision or patrol.

1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 **AS A LAW ENFORCEMENT EMPLOYEE**, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately 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 never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...**LAW ENFORCEMENT.**

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 Mission Statement

The Princeton Police Department mission is to protect the lives, property, and rights of all people; maintain an ethical environment of mutual respect, trust and dignity; foster a partnership with the community we serve; and, improve the quality of life for all within the community.

1:6.2 Core Values

The employees of the Princeton Police Department are committed to its mission. We are accountable for our actions and we conduct ourselves accordingly in pursuit of our core values of:

Integrity: We place the highest value on honesty and an adherence to a strict code of ethics; we will always engage in behavior that is beyond ethical reproach to maintain public confidence.

Respect: We realize the importance of respecting each other as well as the individuals we come into contact with in our community and commit to treating others with respect and dignity. We value each employee's contributions to the organization and are committed to each employee's personal and professional growth.

Professionalism: We are committed to the mission of the Princeton Police Department and realize that each of us is accountable for our actions and we conduct ourselves accordingly.

Pride: We take pride in the service we provide to the community as well as our collective and individual achievements.

CHAPTER 2

ORGANIZATION

2:1 GENERAL DUTIES AND RESPONSIBILITIES

2:1.1 Chief of Police

Pursuant to N.J.S.A. 40A:14-118 and Princeton Municipal Police Ordinance, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for its efficiency and overall operation. Pursuant to policies established by the appropriate authority, the Chief of Police shall:

1. Administer and enforce the rules and regulations of the police department and any special emergency directives for the disposition and discipline of the department and its members and personnel;
2. Have, exercise and discharge the functions, powers and duties of the police department;
3. Prescribe the duties and assignments of all members and officers;
4. Delegate such authority as may be deemed necessary for the efficient operation of the police department to be exercised under the Chief's direction and control; and
5. Report at least monthly to the appropriate authority on the operations of the police department during the preceding month and make such other reports as may be requested by the appropriate authority.
6. Responsibilities; the Chief of Police is responsible to:
 - a. Establish and maintain the efficient operation of the department.
 - b. Organize, control, and maintain all property and resources of the department.
 - c. Develop the written organizational structure of the department, including chain of command and duty assignments.
 - d. Develop and implement policies and procedures necessary to govern and direct the day to day operations of the police department.
 - e. Provide for the proper training of all department employees.
 - f. Provide for periodic inspections of all police operations to ensure compliance with department rules, policies, and procedures.
 - g. Maintain the overall discipline of the department.
 - h. Maintain a constructive relationship with the public, community organizations, the media and other law enforcement agencies.
 - i. Prepare and submit the annual budget, which is appropriated by the governing body.
 - j. Allocate funds within the budget, which are appropriated by the governing body.

- k. Provide for performance evaluations of all department employees.

2:1.2 Supervisors

Supervisors shall be able to perform all of the general duties of a police officer. Supervisors shall:

1. Enforce department rules and insure compliance with department policies and procedures.
2. Exercise proper use of their command, within the limits of their authority, to assure efficient performance by their subordinates.
3. Exercise necessary control over their subordinates to accomplish the objectives for the department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use department disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the department disciplinary process.

2:1.3 Police Officers

Police officers shall:

1. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department.
2. Abide by all rules, regulations and department procedures and directives governing police officer employees.
3. Be accountable and responsible to their supervisor for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for their current assignment.
8. Perform their duties promptly, faithfully and diligently.
9. Perform all related work as required in a timely fashion.
10. Take appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;

- c. Detect and arrest violators of the law;
- d. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
- e. Safeguard the rights of individuals as provided by the United States Constitution and Constitution of the State of New Jersey;
- f. Regulate traffic safely and expeditiously;
- g. Aid citizens in matters within police jurisdiction;
- h. Take appropriate police action in aiding fellow officers as needed;
- i. Provide miscellaneous services.

2:1.4 Civilian Employees

Civilian employees shall:

1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
3. Be accountable and responsible to their supervisors for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.
8. Abide by all rules, regulations and department procedures and directives governing civilian employees.
9. Perform all related work as required.

CHAPTER 3
RULES OF CONDUCT

3:1 GENERAL CONDUCT

3:1.1 Performance of Duty

All employees shall promptly perform their duties as required or directed by law, department rule, policy, or directive, or by lawful order of a superior officer.

3:1.2 Action Off-Duty

While off-duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department directives.

3:1.3 Obedience to Law and Rules

Employees shall obey all laws, ordinances, rules, policies, and procedures as well as any other directives of the department.

3:1.4 Withholding Information

Employees shall report any and all information concerning suspected criminal activity of others. Employees shall not, at any time, withhold any police related information that an employee knows, or should know, is desired or needed by proper law enforcement authorities. Withholding any of the information set forth above shall constitute a violation of these Rules.

3:1.5 Reporting Violations of Law or Rules

Employees knowing of other employees violating laws, ordinances, or rules of the department, shall report same to the Chief of Police through official channels. At the receiving supervisor's discretion, the reporting officer may be required to submit a written report. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, official channels may be bypassed.

3:1.6 Insubordination

Employees shall not:

1. Fail or refuse to obey a lawful order given by a superior officer or supervisor;
2. Use any disrespectful or abusive language/action towards a specific superior officer or supervisor.
3. Encourage other employees to refuse to obey a lawful order given by a superior officer or supervisor, or encourage other employees to engage in disrespectful, mutinous, insolent or abusive language or action toward a superior officer or supervisor.

3:1.7 Conduct Toward Other Department Employees

Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on-duty and in the presence of the public, an officer shall be referred to by rank.

3:1.8 Compromising Criminal Cases/Investigations

Employees shall not interfere with the proper administration of criminal justice.

3:1.9 Recommending Attorney and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business, unless authorized by the Chief of Police.

3:1.10 Posting Bail

Employees shall not post bail for any person in custody, except relatives.

3:1.11 Use of Force

Employees shall follow the United States Constitution, the Constitution of the State of New Jersey, New Jersey State Law, and Police Department Policy and Procedure on the use of force.

3:1.12 Physical and Mental Fitness for Duty

Police officers are required to be capable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Officers, who are aware of any reason why they are incapable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others, shall notify their supervisors. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other action. The department reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties.

3:1.13 Driver's License

Employees shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost the employee shall immediately notify the appropriate supervisor giving full particulars.

3:1.14 Address and Telephone Numbers

Employees are required to have a telephone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change. Upon receipt of this information, the supervisor will immediately forward the change to the Chief's office.

3:2 ISSUING ORDERS

3:2.1 Manner of Issuing Orders

Orders from a superior officer or supervisor to a subordinate shall be in clear and understandable language, civil in tone, and issued in pursuit of department business. When conveying policies, procedures, directives, orders, etc., superior officers and supervisors shall adopt a positive approach and impart the information in a manner most likely to gain acceptance and compliance.

3:2.2 Unlawful Orders

No superior officer or supervisor shall knowingly issue an order which is in violation of any law or ordinance.

3:2.3 Improper Orders

No superior officer or supervisor shall knowingly issue an order which is in violation of any department rules, or any department directive.

3:3 RECEIVING ORDERS

3:3.1 Questions Regarding Orders

Employees, in doubt as to the nature or detail of an order, shall seek clarification from their supervisors by going through the chain of command.

3:3.2 Obedience to Unlawful Orders

Obedience of an unlawful order is never a defense to an unlawful action. Therefore, employees are not required to obey any order which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

3:3.3 Obedience to Improper Orders

Employees, who are given any order which is contrary to department rule, directive, must first obey the order to the best of their ability, and then report the improper order as provided.

3:3.4 Conflicting Orders

Upon receipt of an order, conflicting with any previous order, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the department.

3:3.5 Reports of Unlawful or Improper Orders

An employee receiving an unlawful or improper order shall advise the issuing supervisor of his/her belief that the order in question is unlawful or improper. If the matter is not resolved, the officer shall at first opportunity, report in writing to the next highest-ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted at the direction of the Chief of Police or designee.

3:3.6 Improper Criticism of Official Acts or Orders

Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

3:4 POLICE RECORDS AND INFORMATION

3:4.1 Release of Information

Employees shall not release any information nor reveal any confidential business of the department to the public or the media except as provided in department directives.

1. Information as used herein shall include, but is not limited to, technical, economic, private or personal data within the custody and/or control of the department, data and/or details pertaining to all forms and types of financial, business, criminal and civil actions, strategic and department plans, financial information, records, reports, recommendation, police procedures, findings, evaluations, forms, computer programs and data, specifications, methods, processes, research and development efforts, and all other information in the broadest sense of the word, whether stored, compiled or memorialized physically, electronically, digitally, photographically or in writing.
2. Information as used herein shall be interpreted broadly.

Employees shall not make known to anyone any department order that they may receive unless so required to do so by the nature of the order.

3:4.2 Department Records

Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under department directives.

3:4.3 Reports

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.

3:4.4 Recordings – Video/Audio/Photographic

Employees shall not:

1. Take any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence with any personal analog or digital device, camera or cellular telephone;
2. Release any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police;
3. Electronically record any conversation which is not connected with an official investigation or duties.

- a. Employees are forbidden to secretly videotape or record personal conversations with other employees anywhere in any police building, facility or vehicle. The exception to this is for an Internal Affairs investigation or otherwise authorized by the Chief of Police.

3:5 GIFTS, REWARDS, ETC.

3:5.1 Soliciting Gifts, Gratuities, Fees, Rewards, Loans

Employees shall not, under any circumstances, solicit any gift, gratuity, loan, reward or fee where there is any connection between the solicitation and their department membership or employment without written permission from the Chief of Police. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Mercer County Prosecutor's Office.

3:5.2 Acceptance of Gifts, Gratuities, Fees, Loans

Employees shall not directly or indirectly solicit, accept, or agree to accept any personal benefit, gift, gratuity, loan, fee, food and drink or any other object of value arising from or offered because of police employment or any activity connected with said employment. No employee of the department shall receive any gift or gratuity from other employees junior in rank without the express permission of the Chief of Police.

3:5.3 Other Transactions

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their department employment except as may be specifically authorized by the Chief of Police. Employees are further prohibited from bidding, purchasing, or having any financial interest in any property and equipment available for sale by the municipality.

3:5.4 Rewards

Employees shall not accept any gift, gratuity or reward in money or other compensation for services rendered in the line of duty to the community or any person, business or agency except lawful salary and that which may be authorized by law.

3:5.5 Disposition of Unauthorized Gifts and/or Gratuities

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.

3:5.6 Intercession – Soliciting

Members and employees shall not attempt to circumvent, undermine or improperly influence department procedures for determining promotions, assignments, disposition of disciplinary charges, appeals from departmental hearings, or related matters. Examples of circumventing, undermining or improperly influencing such procedures include, but are not limited to, soliciting unauthorized persons to intercede in such procedures, and communicating or supplying information in a manner not authorized or permitted under such procedures. Members and employees may utilize the review, appeal and grievance procedures provided by statute, ordinance, department rules, directives and collective bargaining agreements.

3:6 ALCOHOLIC BEVERAGES AND DRUGS

3:6.1 Under the Influence

No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage or drugs, or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence or has alcohol or drugs in the employee's system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol as tested by blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of intoxicants and shall immediately relieve of duty and service weapon any employee found on duty in such condition. Supervisors shall not allow to remain on duty, any member or employee whose fitness for duty is questionable due to the use of alcoholic beverages or medication. The superior officer shall submit a written report of the incident to the Chief of Police.

3:6.2 Consume or Use

Employees of the department, shall not drink any kind of intoxicating beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink any kind of intoxicating beverage while in uniform. An employee, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons therefore and the amounts consumed.

1. No employee shall report for regularly scheduled duty, with the odor of an alcoholic beverage on their breath.

3:6.3 Medication

Taking Medication on Duty/Notification about Medication - Members of the department shall disclose to their supervisors that they are taking medication (prescription or non-prescription) that may affect their ability to use a firearm or operate a motor vehicle, or may affect their ability to perform the essential function of their assigned positions without posing a direct threat to their own health and safety, or that of others. Such members shall also disclose the expected duration of their use of said medication. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other appropriate action. The department reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties. The department reserves the right to take appropriate action in case of any member or employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication.

3:6.4 On Premises

Intoxicating beverages may not be consumed at or in the police station or ancillary facilities. Employees shall not bring into or keep any alcoholic beverages or drugs on department premises except when necessary in the performance of a police related task. Alcoholic beverages or drugs brought into department premises in the furtherance of a police related task shall be properly identified and stored according to department directives.

3:6.5 In Uniform

No sworn member of the department shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which intoxicating liquor is served/sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcoholic beverages is not the primary function (e.g. certain diners and restaurants which have a liquor license).

3:6.6 ABC Regulation

1. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.
2. The Division of Alcoholic Beverage Control (ABC) prohibits the employment of police officers who are employees of the local force in the municipality where the licensed business is located. Hence, members of the Princeton Police Department may not be employed by a business located in the municipality which is licensed to sell alcoholic beverages in this State. However, ABC laws and regulations do not prohibit members of the Princeton Police Department from being employed by such licensed businesses which are located outside the municipality.
 - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

3:6.7 Substance Testing

1. Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the following procedure.
 - a. The Chief of Police or Mercer County Prosecutor must approve any reasonable suspicion test.
 - b. A written report shall be prepared to document the basis for the reasonable suspicion. The report will be reviewed by the Chief of Police or Mercer County Prosecutor before the reasonable suspicion test may be ordered.
 - c. The drug test must be administered in accordance with the procedures contained in the Attorney General's Law Enforcement Drug Testing Policy then in effect.
 - d. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test.
 - e. A negative test result is a condition of employment as a sworn officer. A positive result will result in: a) the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State

Police; and, c) the officer being permanently barred from future law enforcement in New Jersey.

2. Random drug screening may be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and any directive mandated by the Mercer County Prosecutor. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.

3:7 DUTY CONDUCT

3:7.1 Reporting for Duty

Employees shall report for duty at the time and place specified, properly uniformed and equipped.

3:7.2 Absence from Duty

Every employee who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence must be reported in writing to the supervisor immediately. Absences without leave in excess of one day must be reported in writing to the Chief of Police. Any member who is absent without leave for a continuous period of 5 days shall forfeit their position in the department, pursuant to N.J.S.A 40A:14-122.

3:7.3 Harassment in the Workplace

All employees of the department shall adhere to the directives established by the Chief of Police and the municipality regarding Harassment in the Workplace.

3:7.4 Civil Rights

All employees shall observe and respect the civil rights of all persons.

3:7.5 Work Expectation

Employees are expected to perform their duties to the best of their abilities at all times.

3:7.6 Retaliation

No employee shall take any official action or initiate or engage in any legal conduct with the intention to retaliate against any person for criticizing or complaining about any employee.

3:7.7 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees shall be transferred to another position. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the supervisor's commander. Failure to report such a relationship may subject the involved employees to discipline.

3:7.8 Smoking

P.L. 2005, C.383 "NJ Smoke-Free Air Act" approved January 15, 2006. It provides for an employer's obligation to establish a directive protecting the health, welfare and comfort of employees from those employees who smoke. That directive must establish designated non-smoking areas. It is the policy of this department not to allow smoking in any office or vehicle assigned to the Princeton Police Department. Employees desiring to smoke may do so outside or in an area designated for smoking. It is the rule of this department not to allow smoking in any designated crime scene area.

3:7.9 Distracters

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.

3:7.10 Prohibited Activity On-Duty

Employees who are on-duty are prohibited from engaging in activities which are not directly related to the performance of their duty with exceptions as noted:

1. Meeting with other officers (except in performance of their police duties) without permission of supervisor, sleeping, loafing, idling;
2. Reading material other than department required materials (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking in public view;
6. Sexual conduct;
7. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
8. Conducting secondary employment activities while on duty.

3:7.11 Suspending Patrol for Meal or Break

All meals are to be consumed within authorized areas, within the time frame specified by directive, subject to modification by the supervisor.

3:7.12 Loitering

Sworn employees on duty or in uniform shall not enter public places except to perform a police related task. Loitering and unnecessary conversation in such locations are forbidden. Employees off duty and not on any official standby shall not loiter in police department areas.

3:7.13 Relief

Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.

3:7.14 Training

Employees shall attend in-service training as directed by the Chief of Police. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.

3:7.15 Inspections

From time to time the Chief of Police may call for full dress inspections of the department or any part thereof. Sworn employees directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as absence without leave.

3:7.16 All Other Conduct

Conduct not specifically addressed by law, department directives, public policy, philosophy, rule or regulation shall be consistent with existing law, department directives, public policy, philosophy, rule or regulation.

Misconduct by an employee need not be predicated on the violation of any particular department rule or regulation. Employees are called upon to exercise tact, restraint and good judgment in their relationship with the public and must present an image of personal integrity and dependability in order to have the respect of the public. The department will take appropriate disciplinary action against any employee whose actions violate this standard of good behavior.

3:8 UNIFORMS, APPEARANCE, AND IDENTIFICATION

3:8.1 Regulation Uniform Required

All police officers and uniformed civilians shall maintain uniforms prescribed by department directives. Uniforms shall be kept neat, clean, and well pressed at all times.

3:8.2 Manner of Dress

Employees shall wear the uniform clothing as prescribed by department directives for the employee's current assignment/position.

Employees shall wear proper civilian attire to meet the task objective such as court, and training assignments. The employees may wear corporate casual or traditional business attire as prescribed by the Chief of Police. Civilian clothing worn by police personnel while on duty shall be appropriate to their assignment. Civilian clothing worn by police personnel while traveling to and from their place of assignment, shall be neat, clean, and compliment the professional image of the Princeton Police Department.

3:8.3 Wearing or Carrying Identification

Police officers shall wear or carry their department identification at all times, provided that it is practical under the circumstances.

3:8.4 Identification as Police Officer

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or police identification before taking police action.

3:8.5 Wearing Jewelry On-duty

Police officers on-duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. While on-duty, officers are specifically prohibited from wearing earrings. This provision shall not prohibit non-uniform officers on-duty from wearing jewelry appropriate for the conditions for their current assignment in accordance with department directives.

1. Body Piercing/Earrings - Employees are prohibited from attaching, affixing or displaying objects, articles, jewelry or ornamentation to or through the ear, nose, tongue or any exposed body part.

3:8.6 Personal Appearance

Every employee of the department, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the Rules and Regulations of this department. The Grooming Standards will not be deviated from without the written permission from the Chief of Police.

1. Male Employees

- a. Hair shall be neatly trimmed, combed, or brushed. It shall be cut to present a tapered appearance and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. The hair shall not interfere with the proper wearing of any authorized uniform headgear. Unusual, outrageous, faddish haircuts, such as hair cut in a Mohawk style or in the shape of an arrow, etc., are strictly prohibited. Unnatural hair coloring is prohibited.
- b. Moustache shall be trimmed and clean. No portion shall extend below the corners of the mouth, or one-half inch beyond the corners of the mouth. Mustaches shall not be twirled or curled.
- c. Sideburns shall be straight and of even width (not flared) and end in a clean-shaven horizontal line. The sideburns shall not extend below a point level with the middle of the ear opening.
- d. Other Facial Hair - Facial hair below the top lip, on the chin, or below the sideburns on the jaw, is not permitted.

2. Female Employees

- a. Hair length, bulk, or appearance of natural hair shall not be excessive, ragged, or unkempt. The hairs shall be neatly groomed and shall not be worn longer than the bottom of the shirt collar at the back of the neck when standing with the head in a normal posture. Hair shall be groomed in front so that it does not fall below the band of properly worn uniform headgear. The hair may be worn over the ears, but in no case shall the bulk or length of the hair interfere with the proper wearing of authorized uniform headgear. Long ponytails or platted hair is not permitted. A bun or twist will be permitted on the top or back of the head provided it is worn in a neat manner and does not interfere with the wearing of uniform headgear. No ribbons or ornaments shall be worn in the hair except for neat, inconspicuous bobby pins or conservative barrettes which blend with the hair color. Hair coloring, if used, must appear natural.

- b. Cosmetics, if worn, cosmetics shall be subdued. False eyelashes are not permitted.
- c. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers. Fingernail polish, if worn, shall be clear or pale. French manicure is permitted.

3 **All Police Personnel**

Tattoos, Scarifications, Branding - Defined

- a. Tattoo - the act or practice of marking the skin with designs, forms, figures or art.
- b. Scarification - the act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.
- c. Branding- the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

The following tattoos, scarifications and brands are prohibited:

- a. Any tattoo, scarification or brand located on the head, face or neck.
- b. Depictions of nudity or violence; sexually explicit or vulgar art work, phrases or profane language; symbols likely to offend other members, employees, or members of the public, e.g., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, e.g., AB, KKK, SS, MM, BGF, HA, 666 or any street gang names, numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department..

The Chief of Police retains the right to have any employee cover visible tattoos while on duty.

4. **Eyeglasses**

Eyeglasses worn by sworn police personnel while on duty or in uniform shall be conservative in design. The wearing of any adornments attached to any part of the head, with the exception of eyeglasses is prohibited. Sunglasses may be worn providing they are not extra ornamental.

5. **Wigs or Hairpieces**

Employees will not wear wigs or hairpieces in uniform except for cosmetic reasons to cover natural baldness or physical disfiguration.

3:9 DEPARTMENT EQUIPMENT AND PROPERTY

3:9.1 Equipment On-Duty

Employees shall carry all equipment on-duty as prescribed by department directives based on their assignment.

3:9.2 Equipment Off-Duty

Employees shall carry equipment off-duty as prescribed by department directives.

3:9.3 Weapons

Employees shall follow department directives and procedures on the care and handling of weapons.

3:9.4 Department Property and Equipment

Employees are responsible for the proper care of department property and equipment assigned to them.

3:9.5 Use of Department Property and Equipment

Employees shall not use any department property or equipment for personal business or pleasure.

3:9.6 Damaged or Inoperative Property or Equipment

Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment or property.

3:9.7 Care of Department Buildings

Employees shall not mark or deface any surface in any department building. No material shall be affixed to any wall in department buildings without specific authorization from the appropriate supervisor.

3:9.8 Notices

Employees shall not mark, alter, or deface any posted notice of the department. No notices or announcements shall be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining unit. The posting of non-police related material is prohibited unless supervisory approval is granted.

3:9.9 Use of Department Vehicles

Employees shall not use any department vehicle without the permission of a supervisor. Department vehicles shall never be used for personal business or pleasure except as provided for in department directives.

3:9.10 Operation of Department Vehicles

When operating department vehicles, employees shall not violate traffic laws except in cases of emergency and then only in conformity with state law and department directives regarding same.

3:9.11 Transporting Citizens

No citizen shall be transported in department vehicles except when in conformance with department directives.

3:9.12 Reporting Accidents

All accidents involving department personnel, property, equipment, and vehicles must be reported in accordance with department directives.

3:9.13 Inspection

Departmental property and equipment is subject to entry and inspection without notice. This includes, but is not limited to any vehicle, desk, filing cabinet, and/or locker the use of which is provided to the employee by the department.

3:9.14 Liability

If department property is damaged or lost as result of misuse or negligence by an employee, that employee will be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.

3:9.15 Presumption of Responsibility

In the event that municipal property is found bearing evidence of damage which has not been reported, it shall be prima-facie evidence that the last person using the property or vehicle was responsible.

3:9.16 Surrender of Department Property

1. Upon Separation from the Department - Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.
2. Under Suspension - Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

3:10 COMMUNICATIONS, CORRESPONDENCE

3:10.1 Restrictions

1. Employees shall not use department letterhead stationary for private correspondence.
2. Employees shall only send official correspondence out of the department over the signature of, or for the Chief of Police with proper authorization.

3:10.2 Forwarding Communications

Any employee who receives a written communication for transmission to another employee shall forward same without delay.

3:10.3 Use of Department Address

Employees shall not use the department as a mailing address or delivery drop site for private purposes. The department address shall not be used for any private motor vehicle registration or

driver license. Employees may, with the permission of the Chief of Police, have items delivered to the police department.

3:10.4 Telephones/Electronic Devices

Department telephone equipment and electronic devices may not be used for the transmission of messages involving toll charges without the express approval of a superior officer. Employees must identify their name, rank & assignment when answering the telephone.

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.

3:10.5 Contracts

No employee shall make any contract on the part of or purchase any articles for use by the department without first having obtained the authorized consent of the Chief of Police.

3:10.6 MDT & Static Terminal Discipline

All employees of the department operating the MDT or the Static Terminal shall strictly observe regulations for such operations as set forth in department directives, as well as, those set forth by the Mercer County Prosecutor's Office and any other governmental agency.

3:10.7 Radio Discipline

Employees operating the police radios shall strictly observe the procedures and restriction for such operations as set forth in department directives and by the Federal Communications Commission.

3:11 CONDUCT TOWARD PUBLIC

3:11.1 Courtesy

Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, avoiding profane language and shall always remain calm regardless of provocation.

3:11.2 Request for Identification

Upon request, employees are required to supply their identification in a courteous manner. Employees shall provide their full given name along with their department personnel number.

3:11.3 Impartial Attitude

All employees must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1 et seq.) is conduct unbecoming a public employee. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming a public employee.

3:11.4 Disparaging Nationality, Race, or Creed or Protected Class

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class. (N.J.S.A. 10:5-1 et seq.)

3:11.5 Affiliation with Certain Organizations Prohibited

Employees may become members of a fire department, auxiliary corps, first aid unit or other civic organization provided such membership does not interfere with their obligation as a department employee. Employees shall not affiliate themselves with any organizations whose constitutions impose provisions which might in any way exact prior consideration and prevent the proper and efficient functioning of the department. This prohibition does not apply to the active military or naval services of the United States or of this State, in time of war, in an emergency, or for or during any period of training, or pursuant to or in conjunction with the operation of any system of selective service. (N.J.S.A. 38:23-4)

3:11.6 Affiliation with Radical Group

No employees except in the discharge of police related duties shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in fostering hatred, prejudice or oppression against any individual or group.

3:11.7 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without permission of the Chief of Police. No employee shall utilize the department name, affiliation, patch, badge, emblem, logo or reasonable facsimile thereof, in furtherance of any personal business, outside employment venture or objective without the express permission of the Chief of Police.

3:11.8 Public Appearance Requests

All requests for public speeches, demonstrations, and the like, will be routed to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that a party submit their request to the Chief of Police.

3:12 POLITICAL ACTIVITIES

3:12.1 Election to Public Office

Employees wishing to be candidates for elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed shall first notify the Chief of Police. Employees engaged in such activity shall conduct themselves in accordance with all applicable federal and state laws and/or regulations.

3:12.2 Contributions

Employees may contribute funds or any other thing of value to candidates for public office subject to the provisions of law governing such contributions.

3:12.3 Polling Duties

Employees shall not engage in any polling duties in Princeton, except in the performance of their official duties.

3:12.4 Political Activities Prohibited

Employees shall not engage in any political activity, while on-duty, in uniform, or at any other time, if to do so would conflict with their official duties or impair their ability to perform their duties. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.

3:12.5 Displaying of Political Material

Employees shall not display any political material on any department property or on their person while on-duty or in uniform.

3:13 JUDICIAL APPEARANCE AND TESTIMONY

3:13.1 Duty of Employee to Appear and Testify

Employees shall appear and testify on matters directly related to the conduct of their office, position, or employment before any court, grand jury, administrative agency or the State Commission of Investigation.

3:13.2 Subpoena

Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials.

3:13.3 Court Appearance

Attendance at a court or quasi-judicial hearing as required by subpoena, resulting from department employment, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials. When appearing in court, either the official uniform or business attire shall be worn. Employees shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.

3:13.4 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial/hearing or against Princeton in any hearing/trial, shall notify the Chief of Police through the chain of command upon receipt of the subpoena. The Chief of Police or designee shall also notify the appropriate attorney or competent court official.

3:13.5 Department Investigations

Employees are required to answer questions, file reports, or render material and relevant statements, in a departmental investigation when such questions and statements are directly related to job responsibilities. Employees shall be advised of, and permitted, to invoke all applicable constitutional and statutory rights, including consultation with their designated representative.

3:13.6 Truthfulness

Employees are required to be truthful at all times whether under oath or not. This does not take into account acceptable interviewing techniques used by officers during investigation.

3:13.7 Civil Action, Subpoenas

Employees shall not volunteer to testify in civil actions arising out of department employment and shall not testify unless subpoenaed. If the subpoena arises out of department employment or if employees are informed that they are a party of a civil action arising out of department employment, they shall immediately notify the Chief of Police or designee.

3:13.8 Depositions and Affidavits

Employees shall notify the Chief of Police before giving a deposition or affidavit on a civil or criminal case relating to their police employment.

3:13.9 Civil Action, Expert Witness

Employees shall not volunteer or agree to testify as expert witness in civil actions without the prior written approval of the Chief of Police and County Prosecutor.

3:13.10 Civil Process

Employees shall not serve civil process or assist in civil cases unless such service of process is approved by the appropriate supervisor. They shall avoid entering into civil disputes, particularly while performing their duties, but shall prevent or abate a breach of the peace or crime in such cases.

CHAPTER 4

PERSONNEL REGULATIONS

4:1 HOURS AND LEAVE

4:1.1 Hours of Duty

Employees shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off-duty. Employees are subject to be recalled to duty as specified in the collective bargaining unit.

4:1.2 Scheduled Days Off

Employees are entitled to scheduled days off pursuant to the appropriate collective bargaining agreement and are to be taken according to a schedule arranged by the Chief of Police or designee.

4:1.3 Vacation Leave

Employees are entitled to vacation days pursuant to the appropriate collective bargaining agreement, department directives, and approval of the vacation schedule by the appropriate supervisor.

4:1.4 Other Leave

Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by department directives, subject to approval of the schedule by the appropriate supervisor.

4:1.5 Sick Leave

Employees are entitled to sick days pursuant to the appropriate collective bargaining agreement and department directives.

4:1.6 Abuse of Sick Leave

Employees who take sick leave in violation of department directives shall be subject to disciplinary action.

4:1.7 Suspension of Leave

Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by appropriate department authority, and which unavoidably requires utilization of additional employees who are not scheduled to work.

4:2 SECONDARY EMPLOYMENT

4:2.1 Secondary Employment

Employees may engage in secondary employment consistent with department directives.

4:3 RESIGNATION

4:3.1 Resignation to be in Writing

All resignations of employees must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two weeks written notice.

CHAPTER 5

DISCIPLINARY REGULATIONS

5:1 DISCIPLINARY ACTION

5:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense, incapacity, misconduct or disobedience of established department Rules and Regulations punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank of assignment; or for violation of any directive or Rule or Regulations of the department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

5:1.2 Establishing Elements of Violation

A reasonable belief that facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such a basis for disciplinary action.

5:2 DEPARTMENT AUTHORITY TO DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey.

5:2.1 Corrective Actions/Disciplinary Dispositions

The following actions may be taken regarding any conduct found to be in violation of any directive, or rule and regulation of the police department.

1. In certain situations, formal discipline is not required in order to correct employee performance in various areas. All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee. Performance based issues may be corrected by using the following actions:

Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances when corrective action (training) may be necessary. Training includes:

- Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. There are no appeal rights for counseling notices except as may exist under applicable collective bargaining agreements. The final disposition notice regarding the discipline shall be filed in the employee's personnel file pursuant to department directives.

2. Repeat performance based issues or minor misconduct issues may be corrected through formal discipline by using the following actions:

Verbal Reprimand - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, a minor infraction may warrant more than counseling, but less than a written reprimand. In those instances, a report of the offense shall be documented and issued to the employee as a verbal reprimand. There are no appeal rights for verbal reprimands except as may exist under applicable collective bargaining agreements. The final disposition notice regarding the discipline shall be filed in the employee's personnel file pursuant to department directives.

Written Reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand. There are no appeal rights for written reprimands except as may exist under applicable collective bargaining agreements. The final disposition notice regarding the discipline shall be filed in the employee's personnel file pursuant to department directives.

3. Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:

Formal Charges - Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with department directives. The following disciplinary actions may be taken in accordance with N.J.S.A. 40A:14-147 et seq., and applicable case law.

- **Suspension** - the temporary removal of an employee/member from duty status with or without pay for cause. All disciplinary suspensions are without pay and for a specified period of time. In some disciplinary matters, in lieu of suspension, there will be allowed a voluntary surrender of benefit time such as compensatory time off, vacation or personal days.

- **Demotion** - the placement of an employee/member in a position in a lower rank/position for which a lower maximum rate of pay is authorized. As a disciplinary measure, the Chief of Police may recommend that an employee be demoted to a lower classification.
 - **Termination** - the removal of an employee/member from the service of the department. Once it has been determined that an employee's/member's conduct/behavior warrants termination, the Chief of Police shall recommend to the appropriate authority that the employee/member be dismissed/terminated.
4. All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee. The disciplinary document shall be filed in the employee's personnel file.

5:2.2 Appeals Procedure

The appeal of discipline imposed against a member or employee may be taken consistent with laws of the State of New Jersey and/or the grievance procedures of the current collective bargaining agreements and employee manuals.

1. Appeal to Superior Court
 - a. Any member or employee of the department who has been tried and convicted upon any disciplinary charge or charges involving formal discipline (above the level of a reprimand) may obtain review in Superior Court or, where permitted by law, a removal may be appealed to an arbitrator appointed by the Public Employment Relations Commission.
 - b. Such review shall be obtained by serving a written notice of an application therefore upon the officer or board whose action is to be reviewed within 10 days after written notice to the member of the conviction. The officer or board shall transmit to the court a copy of the record of such conviction, and of the charge or charges for which the member was tried.
 - c. The court shall hear the cause de novo on the record below and may either affirm, reverse or modify such conviction. If the member shall have been removed from his position, the court may direct that he be restored to such position and all his rights pertaining thereto, and may make such other order judgment as said court shall deem proper.
 - d. Either the municipality or the member may supplement the record with additional testimony subject to the rules of evidence.
 - e. Suspension or fines of five days or less may be appealed under a grievance procedure contained in a collective negotiations agreement if the collective negotiation agreement so provides, except where the employee has been suspended or fined for an aggregate of fifteen or more days in a calendar year, or more than three times in a calendar year.

5:2.3 Informing the Person Being Disciplined

Any employee or member being subjected to discipline where the penalty is suspension, removal, demotion from office, employment, or position therein, or a forfeiture of leave time, shall be informed of the charges, in writing, as provided by N.J.S.A.40A:14-147.

5:2.4 Misconduct Observed by Police Personnel

Whenever any supervisory officer observes or is informed of the misconduct of another member or employee which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his superior officer.