



RULES and REGULATIONS

These **Rules and Regulations** state the basic duties and responsibilities of the members of the Holmdel Township Police Department. The guidelines introduced are to be used by all Police Officers in the performance of their duties.

The Police organization is comprised of Divisions and Units which are collectively and individually responsible for certain elements of the Police function. To coordinate these general and specialized duties towards a common goal, it is necessary that each Police Officer knows the type of conduct expected of him in the performance of his duties. Therefore, each Officer has the responsibility to thoroughly familiarize him/herself with all of these Rules and Regulations so that s/he may effectively fulfill their obligation to the residents of the Township of Holmdel and the Department.

FOREWORD

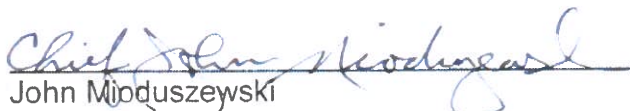
The purpose of these **Rules and Regulations** are threefold:

- 1) To set forth the Rules and Regulations governing the conduct of sworn and civilian employees of the Holmdel Township Police Department,
- 2) To define personnel procedures, and
- 3) To provide guidance for members of the Department in carrying out the duties required of them by law.

The success of a Police Department in the performance of its duties is largely measured by the degree of support and cooperation it receives from the people of the community it serves. It is of paramount importance that we secure the confidence, respect, and approbation of the public. The cultivation of such desirable attitudes is dependent upon proper performance of duty by all members of the Department.

A professional responsibility, no less grave than that of other administrators of the law, is imposed upon members of this Department. Professionalization of Police can win universal acclaim only if the actions of the Police are reflected in intelligent, sincere, efficient, and courteous service. The Police profession must embody the highest attributes of every other profession without regard for private profit or personal reward. Service to the community is the earmark of today's professional Police Officer.

These Rules and Regulations have been developed to guide and assist members in reaching these goals. Adherence to these principles and guidelines by all members and employees of the Holmdel Township Police Department will eliminate the need for disciplinary action and will ensure our acceptance by the community as a truly professional Police Department.


John Moduszevski
Chief of Police

LAW ENFORCEMENT CODE OF ETHICS

As a Law Enforcement Officer my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception; the weak against oppression or intimidation; the peaceful against violence and disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in official capacity, will be kept ever secret unless revelation is necessary in the performance of duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as public trust to be held so long as I am true to the ethics of Police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, **Law Enforcement**.

GENERAL PROVISIONS AND DEFINITIONS

These Rules and Regulations shall become effective on November 24, 2015.

Police Rules and Regulations are applicable to all officers of the Holmdel Township Police Department, and where specified to civilian employees as well.

All existing Orders, Instructions, SOPs, Rules, and Policies in conflict with these Rules and Regulations are canceled.

All General and Special orders, Instructions, and Manuals not in conflict with these Rules and Regulations shall have the same authority as these Rules and Regulations.

Failure of an employee, whether willfully or through negligence or incompetence, to perform the duties of his rank and assignment, or violation by any employee of any Police Regulation may be considered sufficient cause for discharge, demotion, suspension, or other penalty.

At the time of issuance of these Rules and Regulations, each employee of the Holmdel Township Police Department is required to acknowledge receipt, and then, 30 days later, officially certify that they have read and understand them. In addition, each Supervisory Officer is required to acknowledge his personal responsibility for enforcing Rules and Regulations. (This procedure is to assure individual familiarity with all Rules and Regulations and thereby minimize the possibility of violations arising from lack of knowledge.)

HOLMDEL TOWNSHIP POLICE DEPARTMENT

RULES AND REGULATIONS

1.0 Establishment of Police Department rules and regulations

1.1 Police Department Authority

- 1.1.1 The Police Department of the Township of Holmdel is established pursuant to N.J.S.A. 40A:14-118 and Section 2-26 of the Code of the Township of Holmdel. The Holmdel Township Police Department shall after this be called the "Department."

1.2 Department Rules

- 1.2.1 Rules and Regulations Established. The appropriate authority of the Township of Holmdel hereby adopts and promulgates the Department Rules and Regulations, known as the Holmdel Township Police Department Rules and Regulations, and after this called the "rules."
- 1.2.2 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 to revoke any of the rules contained herein.
- 1.2.3 Previous Rules, Policies, and Procedures. All rules previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked to the extent of any inconsistency. All other policies and procedures shall remain in force.
- 1.2.4 Application. These rules are applicable to all Police Officers of the Department and to all civilian employees of the Department where appropriate.
- 1.2.5 Distribution. One copy of these rules shall be distributed to each employee of the Department.
- 1.2.6 Responsibility for Maintenance. It is the continuing responsibility of each employee to maintain a current copy of the rules, including all additions, revisions, and amendments as issued.
- 1.2.7 Familiarization. Employees shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule which is not fully understood.

2.0 Definitions

- 2.1 **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.
- 2.2 **Chain of Command.** Vertical lines of communication, authority, and responsibility within the organizational structure of the Department.
- 2.3 **Commanding Officer.** Any officer appointed to the rank of Lieutenant or higher who is in command of a Bureau or a Division.
- 2.4 **Day Off.** Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- 2.5 **Directive.** A document detailing the performance of a specific activity or method of operation. "Directive" includes:
 - 2.5.1 General order: Broadly based directive dealing with policy and procedure and affecting one or more organization subdivisions of the Department.
 - 2.5.2 Special order: A directive dealing with a specific circumstance or event that is usually self-canceling.
 - 2.5.3 Personnel order: A directive initiating and announcing a change in the assignment, rank, or status of personnel.
- 2.6 **Employee.** All employees of the Department, whether sworn regular or Special Police Officers, or civilian employees.
- 2.7 **May/Should.** As used herein words "may" and "should" mean that the action indicated is permitted.
- 2.8 **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 to duty at the time and place designated; unnecessary absence from the beat during the tour of duty; failure to perform duties or comply with provisions prescribed in the Police manual; failure to conform to the department operating procedures.
- 2.9 **Order.** Any written or oral directive issued by a superior Officer to any subordinate or group of subordinates in the course of duty.

- 2.10 **Policy.** A statement of Department principles that provides the basis for the development of procedures and directives.
- 2.11 **Procedure.** A written statement providing specific direction for performing Department activities. Procedures are implemented through policies and directives.
- 2.12 **Rules and Regulations.** Department legislation consisting of detailed directives binding members and employees of all ranks in terms of authority, responsibility, and conduct.
- 2.13 **Seniority.** Seniority in the Department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the highest position on the New Jersey Civil Service Commission eligibility list from which the appointments were made is deemed to be senior.
- 2.14 **Shall/Will.** The words “shall” and “will” as used herein, indicates that the action required is mandatory.
- 2.15 **Superior Officer.** A person holding a higher rank or position.
- 2.16 **Supervisor.** Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.
- 2.17 **Zone/Sector.** A specific territorial assignment of a Patrol Officer.

3.0 General duties and responsibilities

3.1 Police officers shall:

- 3.1.1 Take appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;
 - c. Prevent crime;
 - d. Detect and arrest violators of the law;
 - e. Enforce all federal, state, and local laws and ordinances coming within Department jurisdiction;
 - f. Safely and expeditiously regulate traffic;
 - g. Aid citizens in matters within Police jurisdiction;
 - h. Take appropriate Police action in aiding fellow officers as needed;
 - i. Provide miscellaneous services.
- 3.1.2 Support and defend individual protections, rights, and privileges guaranteed by the Constitutions of the United States and the State of New Jersey.

- 3.1.3 Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department.
- 3.1.4 Abide by all rules, regulations and Departmental procedures and directives governing Police Officer employees.
- 3.1.5 Be accountable and responsible to their supervisors for obeying all lawful orders.
- 3.1.6 Coordinate their efforts with other employees of the Department to achieve department objectives.
- 3.1.7 Conduct themselves in accordance with high ethical standards, on and off-duty.
- 3.1.8 Strive to improve their skills and techniques through study and training.
- 3.1.9 Familiarize themselves with the area of authority and responsibility for the current assignment.
- 3.1.10 Perform their duties promptly, impartially, faithfully, and diligently.
- 3.1.11 Perform all related work as required.

3.2 Supervisors in the Department shall:

- 3.2.1 Enforce Department rules and ensure compliance with Department policies and procedures.
- 3.2.2 Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.
- 3.2.3 Exercise necessary control over their subordinates to accomplish the objectives of the Department.
- 3.2.4 Guide and train subordinates to gain effectiveness in performing their duties.
- 3.2.5 Use Department disciplinary procedures when necessary.
- 3.2.6 When using discipline, comply strictly with the provisions of the Department disciplinary process.

3.3 Chief of Police

3.3.1 Pursuant to N.J.S.A. 40A:14-118 and municipal 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 day-to-day operations. Pursuant to policies established by the appropriate authority, the Chief of Police:

- a. Administers and enforces 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 officers;
- b. Has, exercises, and discharges the functions, powers, and duties of the Police Department;
- c. Prescribes the duties and assignments of all members and Officers;
- d. Delegates 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
- e. Reports at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and makes such other reports as may be requested by the appropriate authority.

3.3.2 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 and proposed expenditure programs to the appropriate authority or other designated officials.
- j. Allocate funds within the budget which are appropriated by the governing body.
- k. Provide for performance evaluations of all Department employees.

3.4 Civilian employees shall:

- 3.4.1 Take appropriate action to perform the duties of their positions promptly, faithfully, and diligently.
- 3.4.2 Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the Department.
- 3.4.3 Be accountable and responsible to their supervisors for obeying all lawful orders.
- 3.4.4 Coordinate their efforts with other employees of the Department to achieve Department objectives.
- 3.4.5 Conduct themselves in accordance with high ethical standards, on and off-duty.
- 3.4.6 Strive to improve their skills and techniques through study and training.
- 3.4.7 Familiarize themselves with the area of authority and responsibility for the current assignment.
- 3.4.8 Abide by all rules, regulations, and Departmental procedures and directives governing civilian employees.
- 3.4.9 Perform all related work as required.

4.0 Rules of conduct

4.1 General conduct

- 4.1.1 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.
- 4.1.2 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 policy.
- 4.1.3 Obedience to Laws and Rules. Employees shall obey all laws, ordinances, rules, policies and procedures, and directives of the Department.
- 4.1.4 Withholding Information. Employees shall report any information concerning suspected criminal activity of others.
- 4.1.5 Reporting Violations of Law or Rules. Employees knowing of other employees violating laws, ordinances, or rules of the Department, shall report same in writing to the Chief of Police through the chain of command. 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. Additionally, employees who report such claims in good faith shall not be subject to discipline should the claim prove to be unfounded.
- 4.1.6 Insubordination. Employees shall not:
 - a. Fail or refuse to obey a lawful order given by a superior Officer;
 - b. Use any disrespectful or abusive language or action toward a superior Officer.
- 4.1.7 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, Officers should be referred to by rank.
- 4.1.8 Compromising Criminal Cases. Employees shall not interfere with the proper administration of criminal justice.
- 4.1.9 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 their conducting Police business.

- 4.1.10 Posting Bail. Employees shall not post bail for any person in the custody of the Holmdel Police Department, except relatives.
- 4.1.11 Use of Force. Employees shall follow Department policy and procedure on the use of force.
- 4.1.12 Fitness for Duty. Police officers shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of a law enforcement Officer. Any Officer who is advised by a treating or consulting physician that he/she is unable to fulfill the duties of a Police Officer will immediately advise his/her supervisor.
- 4.1.13 Driver's License. Employees operating Department motor vehicles 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.
- 4.1.14 Address and Telephone Numbers. Employees are required to have a telephone in the place where they reside, or a cellular telephone registered in their name and are required to answer the telephone when contacted by anyone on behalf of the Police Department. When employees miss a call on behalf of the Police Department they are required to return that call as soon possible. Information regarding address and telephone number(s) must be available to the Police desk at all times. Changes in address or telephone number (including cellular phone number) shall be reported in writing to the appropriate supervisor within 24 hours of the change.

4.2 Orders

- 4.2.1 Issuing Orders
 - a. Manner of Issuing Orders. Orders from a supervisor to a subordinate shall be in clear and understandable language.
 - b. Unlawful Orders. No supervisor shall knowingly issue any order which is in violation of any law or ordinance.
 - c. Improper Orders. No supervisor shall knowingly issue any order which is in violation of any Department rule, policy, or procedure.
- 4.2.2 Receiving Orders
 - a. 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.

- b. Obedience to Unlawful orders. 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.
- c. Obedience to Improper Orders. Employees who are given any order which is contrary to Department rule, policy, or procedure must first obey the order to the best of their ability, and then report the improper order as provided.
- d. 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.
- e. Reports of Unlawful or Improper Orders. An employee receiving an unlawful or improper order 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 by the Chief of Police.
- f. Criticism or 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.

4.3 Police Records and Information

- 4.3.1 Release of Information. Employees shall not release any information nor reveal any confidential business of the Department to the public or the press except as provided in Department policy and procedure.
- 4.3.2 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 policy and procedures.
- 4.3.3 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, the Township of

Holmdel or any other State, Federal, County or municipal agency or entity.

4.4 Gifts, Rewards, Etc.

- 4.4.1 Soliciting or Accepting Benefits. Employees shall not directly or indirectly solicit, accept, or agree to accept any benefit not allowed by law to influence the performance of their official duties.
- 4.4.2 Rewards. Employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty, except that which may be authorized by law and Department policy.
- 4.4.3 Disposition of Unauthorized Gifts, 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.

4.5 Alcoholic Beverages and Drugs

- 4.5.1 Consuming Alcoholic Beverages Before Duty. Employees shall not consume alcoholic beverages within eight hours prior to reporting for duty.
- 4.5.2 Being Under the Influence. Employees shall not report for duty under the influence of any alcoholic beverage.
- 4.5.3 Consuming Alcoholic Beverages on Duty. Employees of the Department shall not consume any alcoholic beverage while on duty.
- 4.5.4 Exception. Employees while assigned to duty in civilian clothes may consume alcoholic beverages only if such consumption:
 - a. Is absolutely necessary in the performance of duty, and
 - b. Has been approved by the appropriate supervisor, and
 - c. Does not render the employee unfit for proper and efficient performance of duty.
- 4.5.5 Consuming Alcoholic Beverages Off Duty in Uniform. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.
- 4.5.6 Alcoholic Beverages in Police Buildings. Alcoholic beverages shall not, at any time, be consumed in Police buildings or facilities.

- 4.5.7 Supervisors' Responsibility. Supervisors shall not assign to duty, or allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or medication.
- 4.5.8 Possession of Alcoholic Beverages. Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any Police Department building or vehicle, except for evidential or other authorized purpose.
- 4.5.9 Entering Licensed Premises. Employees in uniform shall not enter any licensed premises where alcoholic beverages are sold or stored, except in the performance of duty and in compliance with Department policy.
- 4.5.10 Taking Medication on Duty. Employees of the Department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
- 4.5.11 Notification about Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor to the fact that they are required to take such medication and the effect such medication may have on their ability to perform their duties. The employee may be required to provide documentation from the treating physician with respect to the need for said medication and an explanation of how the medication may interfere with the employee's ability to perform the duties of their position.. The required notification shall be made prior to the employee reporting for duty. The information so provided shall be confidential.
- 4.5.12 This Department shall conduct random drug testing of Police Officers in accordance with THE DRUG TESTING POLICY of the Attorney General.

4.6 Duty Conduct

- 4.6.1 Reporting for Duty. Employees shall report for duty at the time and place specified, properly uniformed, and equipped.
- 4.6.2 Absence from Duty. An employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor any employee who is absent without leave.

- 4.6.3 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 (e.g. sleeping, conducting private business, or gambling, etc.).
- 4.6.4 Smoking While on Duty. Employees shall not smoke except in authorized areas. Employees shall not smoke on duty while in direct contact with the public.
- 4.6.5 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.
- 4.6.6 Relief. Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.
- 4.6.7 Meals. All meals are to be consumed within authorized areas, subject to modification by the supervisor.
- 4.6.8 Training. Employees shall attend training at the direction of the appropriate supervisor.
- 4.6.9 Inspections. Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

4.7 Uniforms, Appearance, and Identification

- 4.7.1 Regulation Uniforms Required. All police officers and uniformed civilians shall maintain uniforms prescribed in Department policy and procedure. Uniforms shall be kept neat, clean, and well-pressed at all times.
- 4.7.2 Manner of Dress on Duty. Employees shall wear the uniform or civilian clothing on duty as prescribed by Department policy and procedure for the employee's current assignment.
- 4.7.3 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. This provision shall not prohibit non-uniform Officers on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with Department policy.

- 4.7.4 Personal Appearance. Employees, while on duty, shall be neat and clean in person, with uniform or clothes clean and pressed. Hair will be short and neatly groomed. Mustaches will be neatly groomed. Due to safety concerns beards are forbidden. Tattoos will not be visible while on duty and/or in uniform. This provision shall not prohibit non-uniform Officers on duty from dressing appropriately for the conditions of their current assignment in accordance with Department policy.
- 4.7.5 Wearing or Carrying Identification. Employees shall wear or carry their Department identification at all times, provided that it is practical under the circumstances.
- 4.7.6 Identification as Police Officer. Except when impractical or where the identity is obvious, Police Officers shall identify themselves by displaying the official badge or identification card before taking Police action.

4.8 Department Equipment and Property

- 4.8.1 Equipment On Duty. Employees shall carry all equipment on duty as prescribed in Department policy and procedure based on their assignment.
- 4.8.2 Equipment Off Duty. Employees shall carry equipment off duty as prescribed in Department policy and procedure based on their assignment.
- 4.8.3 Firearms. Employees shall follow Department policy and procedure on the care and handling of firearms.
- 4.8.4 Department Property and Equipment. Employees are responsible for the proper care of Department property and equipment assigned to them or used by them in the course of duty.
- 4.8.5 Use of Department Property and Equipment. Employees shall not use any Department property or equipment for personal business or pleasure.
- 4.8.6 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.
- 4.8.7 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 a specific authorization from the appropriate supervisor.

- 4.8.8 Notices. Employees shall not mark, alter, or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining units.
- 4.8.9 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 policy.
- 4.8.10 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 policy and procedure regarding same.
- 4.8.11 Transporting Citizens. Citizens will be transported in Department vehicles only in conformance with Department policy.
- 4.8.12 Reporting Accidents. Accidents involving Department personnel, property, equipment, and vehicles must be reported in accordance with Department policy and procedure.
- 4.8.13 Inspection. Department property and equipment is and remains the property of the Department and is subject to entry and inspection without notice.
- 4.8.14 Liability. If Department property is damaged or lost as a 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.
- 4.8.15 Surrender of Department Property.
 - a. 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.
 - b. Under Suspension. Any employee under suspension shall immediately surrender their identification(s), firearm(s) (if applicable), and all other Department property to the

appropriate supervisor pending disposition of the case or completion of any mandated period of suspension.

4.9 Communication, Correspondence

- 4.9.1 Restrictions. Employees shall:
 - a. Not use Department letterheads for private correspondence.
 - b. Only send correspondence out of the Department under the direction of the appropriate Supervisor.
- 4.9.2 Forwarding Communications. Any employee who receives a written and/or oral communication for transmission to another employee shall forward same without delay.
- 4.9.3 Use of Department Address. Employees shall not use the Department as a mailing address for private purposes. The Department address shall not be used for any private vehicle registration or driver license.
- 4.9.4 Telephones. Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.
- 4.9.5 Radio Discipline. Employees operating the Police radios shall strictly observe the procedures and restrictions for such operations as set forth in Department policy and procedure and by the Federal Communications Commission.

Unauthorized Recording by members or employees of the Police Department. No member or employee of the Department may openly or secretly tape or otherwise surreptitiously record or videotape, any conversation, communication, activity or event while in the performance of their duties, on Township property or during work time. This prohibition applies to any conversation, activity, or event which in any way involves the Township or employees of the Township or any official of the Township or any individual with whom the Township is doing business or intending to do business in any capacity All personal recording devices are prohibited on Township property or in Township vehicles. Exceptions to this policy will be made where the taping or recording is authorized by the Chief of Police or where such taping or recording is conducted as part of an investigation into allegedly unlawful or unethical activities in conjunction with law enforcement, regulatory or other enforcement authorities.

4.10 Conduct Toward Public

- 4.10.1 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.
- 4.10.2 Request for Identification. Upon request, employees are required to supply their name and badge number (if applicable) in a courteous manner.
- 4.10.3 Impartiality. Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, influence, political affiliation or other legally protected classification.
- 4.10.4 Use of Derogatory Terms. Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or other legally protected classification.
- 4.10.5 Affiliation with Certain Organizations Prohibited. No employee shall knowingly become a member of any organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.
- 4.10.6 Representing the Police Department. Employees shall not give public speeches or demonstrations on behalf of the Department, nor shall they endorse any product or service as a representative of the Department without prior approval from the Chief of Police.

4.11 Political Activities

- 4.11.1 Employees shall not be candidates for, or hold office, in elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the County Prosecutor.
- 4.11.2 Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.
- 4.11.3 Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.

- 4.11.4 Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
- 4.11.5 Employees shall not engage in any polling duties except in the performance of their official duties.
- 4.11.6 Employees shall not display any political material on any government property or on their person while on duty or in uniform.

4.12 Judicial Appearance and Testimony

- 4.12.1 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, or the State Commission of Investigation.
- 4.12.2 Subpoena. 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 official.
- 4.12.3 Court Appearance. When appearing in court on Department business, employees shall wear either the Department uniform or appropriate business attire.
- 4.12.4 Testifying for the Defendant. Any employee subpoenaed to testify for the defense or against the municipality or the Department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena. Employees may not testify for, or on behalf of, a defendant as a character witness in any criminal prosecution.
- 4.12.5 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.
- 4.12.6 Truthfulness. Employees are required to be truthful at all times whether under oath or not.
- 4.12.7 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 to a civil action arising out of Department employment, they shall immediately notify the appropriate supervisor.

- 4.12.8 Civil Depositions and Affidavits. Employees shall confer with the appropriate supervisor before giving a deposition or affidavit on a civil case relating to their Police employment.
- 4.12.9 Civil Action, Expert Witness. Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Chief of Police or County Prosecutor.
- 4.12.10 Civil Process. Employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate supervisor.

5.0 Personnel Regulations

5.1 Hours and Leave

- 5.1.1 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 needed.
- 5.1.2 Scheduled Days Off. Employees are entitled to days off pursuant to appropriate collective bargaining agreements and are to take such days according to a schedule arranged by the appropriate supervisor.
- 5.1.3 Vacation Leave. Employees are entitled to vacation days off pursuant to appropriate collective bargaining agreements, Department policy and procedure, and approval of the vacation schedule by the appropriate supervisor.
- 5.1.4 Other Leaves. Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by Department policy and procedure, subject to approval of the schedule by the appropriate supervisor.
- 5.1.5 Sick leave. Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and Department policy and procedures.
- 5.1.6 Abuse of Sick Leave. Employees who take sick leave in violation of Department policy shall be subject to disciplinary action.

- 5.1.7 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 that requires utilization of additional employees who are not scheduled to work.

5.2 Secondary Employment.

- 5.2.1 Employees may engage in secondary employment consistent with Department policy.

5.3 Resignation.

- 5.3.1 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.

6.0 Discipline

- 6.1 **Disciplinary Action.** Employees, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for:

- 6.1.1 Committing an offense punishable under the laws, statutes or regulations of the United States, the State of New Jersey or municipal ordinances;
- 6.1.2 Failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment;
- 6.1.3 Violation of any rule, policy, procedure, or directive of the Department; or
- 6.1.4 Failure to obey any lawful instruction, order, or command of a supervisor.

- 6.2 **Disciplinary Code.** The offense herein shall guide the Chief of Police in administering fair and uniform penalties for violations of the **Holmdel Township Police Department Rules and Regulations**. Penalties for offenses listed are guidelines only: The listed penalties shall in no way limit any penalty which the Chief of Police may impose. In administering penalties, the Chief of Police may consider the degree of the offense, the officer's work history, years of service, past disciplinary actions, and any other factors which the Chief deems pertinent to the case. Offenses not included in the following list shall result in penalties similar to those specified for similar offenses of comparable seriousness.

- 6.2.1 **Repeated Violations.** Repeated violations of the **Rules and Regulations** shall be indicative of the employee's disregard of the obligations of all members and may be cause for dismissal. This shall apply regardless of the severity of the offenses, regardless of any reckoning period, and regardless of whether these violations are of the same type.

- 6.2.2 Suspension, Fine, and Demotion for Disciplinary Purposes. The appointing authority may suspend without pay, or with reduced pay, fine, or demote an employee due to inefficiency, incompetence, misconduct, negligence, insubordination, or for sufficient cause.
- 6.2.3 Causes for Removal. Any one of the following shall be cause for removal from the service, although removals may be made for sufficient causes other than those listed:
- a. Neglect of duty.
 - b. Incompetence or inefficiency.
 - c. Incapacity due to mental or physical disability.
 - d. Insubordination or serious breach of discipline.
 - e. Intoxication while on duty.
 - f. Chronic or excessive absenteeism.
 - g. Disorderly or immoral conduct.
 - h. Willful violation of any of the provisions of the Civil Service Statutes, Rules or Regulations, or other statutes relative to the employment of public employees.
 - i. The conviction any criminal act or offense.
 - j. Negligence of, or willful damage to, public property or waste of public supplies.
 - k. Conduct unbecoming an employee in the public service.
 - l. The use or attempt to use one's authority or official influence to control or modify the political action of any person.

6.2.4 Penalties

- (1) Charge: Accepting bribes or gratuities for permitting illegal acts
- 1st Offense: Dismissal
 - 2nd Offense:
 - 3rd Offense:

- (2) Charge: Failure to report, in writing, offers of bribes or gratuities to permit illegal acts
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (3) Charge: Involved in a crime of moral turpitude that negatively affects the operation of the Department
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (4) Charge: Idle conversation with known illegal gamblers while on or off duty
 - 1st Offense: Reprimand to 5 days
 - 2nd Offense: Reprimand to 10 days
 - 3rd Offense: Reprimand to 20 days
- (5) Charge: Association with known illegal gamblers while on or off duty
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Reprimand to dismissal
- (6) Charge: Participating in illegal games of chance or illegal gambling while on duty.
 - 1st Offense: Reprimand to 20 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Dismissal
- (7) Charge: Associating, fraternizing, or conducting business transactions at any time or in any manner whatsoever with known criminals or persons engaged in unlawful activities.
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Dismissal
- (8) Charge: Failure to recognize and satisfy any just debts which negatively affects the Department
 - 1st Offense: Reprimand to 4 days
 - 2nd Offense: Reprimand to 10 days
 - 3rd Offense: Reprimand to 20 days
- (9) Charge: Soliciting money or other valuable things without proper authorization
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 20 days

3rd Offense: Reprimand to 30 days

- (10) Charge: Soliciting for attorneys, bondsmen or other business persons or firms
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (11) Charge: Using rude or insulting language or conduct offensive to the public while on duty
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 20 days
 - 3rd Offense: Reprimand to Dismissal
- (12) Charge: Publicly criticizing the official action of a Superior or Supervisory Officer
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 20 days
 - 3rd Offense: Reprimand to Dismissal
- (13) Charge: Refusal to obey proper orders from a Superior or Supervisory Officer
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Reprimand to dismissal
- (14) Charge: Using profane or insulting language to a Superior or Supervisory Officer
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Reprimand to dismissal
- (15) Charge: Conduct subversive of good order and the discipline of the Department
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Dismissal
- (16) Charge: Fighting or quarrelling with members of the Department.
 - 1st Offense: Reprimand to 30 days
 - 2nd Offense: Reprimand to Dismissal
- (17) Charge: Failure to comply with the Chief's orders, directives, regulations, etc., either written or oral; and also those of Superior and Supervisory Officers
 - 1st Offense: Reprimand to dismissal

2nd Offense: Reprimand to dismissal
3rd Offense: Reprimand to dismissal

- (18) Charge: Repeated violations of Departmental Rules and Regulations or any other course of conduct indicating that a member has little or no regard for his responsibilities to the Department
1st Offense: Dismissal
2nd Offense:
3rd Offense:
- (19) Charge: Consumption of alcoholic beverages while on duty or within eight (8) hours before duty
1st Offense: Reprimand to 9 days
2nd Offense: Reprimand to 20 days
3rd Offense: Reprimand to Dismissal
- (20) Charge: Intoxication on duty
1st Offense: Reprimand to dismissal
2nd Offense: Dismissal
3rd Offense:
- (21) Charge: Intoxication off duty – In uniform
1st Offense: Reprimand to dismissal
2nd Offense: Reprimand to dismissal
3rd Offense: Dismissal
- (22) Charge: Intoxication off duty, not in uniform, which negatively affects the Department
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 30 days
- (23) Charge: Intoxication off duty – in part of uniform
1st Offense: Reprimand to 10 days
2nd Offense: Reprimand to 20 days
3rd Offense: Reprimand to 30 days
- (24) Charge: Intoxication off duty, not in uniform, and arrested
1st Offense: Reprimand to 20 days
2nd Offense: Reprimand to dismissal
3rd Offense: Reprimand to dismissal
- (25) Charge: Possession of alcoholic beverages on the person, in Police vehicle, or on any Police property, not duty required
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days

3rd Offense: Reprimand to 30 days

- (26) Charge: Neglect of duty
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (27) Charge: Failure to take Police action when necessary, at any time, in or out of uniform, and/or failure to make a written report of same to commanding officer
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 20 days
 - 3rd Offense: Reprimand to Dismissal
- (28) Charge: Failure to conduct proper, thorough, and complete investigations, to include reports
 - 1st Offense: Reprimand to 5 days
 - 2nd Offense: Reprimand to 10 days
 - 3rd Offense: Reprimand to Dismissal
- (29) Charge: Failure to thoroughly search for, collect, preserve, and identify evidence; or person's property and locations in any arrest or investigation
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (30) Charge: Failure to submit properly written, required report within a reasonable or prescribed period of time as per regulations
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 20 days
 - 3rd Offense: Reprimand to 30 days
- (31) Charge: Knowingly and willfully making a false entry in any Departmental report or record
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (32) Charge: Asleep on duty
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 20 days
 - 3rd Offense: Reprimand to Dismissal
- (33) Charge: Absence without leave for less than five (5) consecutive working days

- 1st Offense: Reprimand to 5 days
- 2nd Offense: Reprimand to 10 days
- 3rd Offense: Reprimand to 20 days

- (34) Charge: Unexcused tardiness
 - 1st Offense: Reprimand to 5 days
 - 2nd Offense: Reprimand to 20 days
 - 3rd Offense: Reprimand to 30 days
- (35) Charge: Failure to properly supervise subordinate; or to prefer disciplinary charges; or take other appropriate disciplinary action
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (36) Charge: Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of the same to commanding officers
 - 1st Offense: Reprimand to dismissal
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Reprimand to dismissal
- (37) Charge: Failure to report as witness when duly notified and/or subpoenaed
 - 1st Offense: Reprimand to 10 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Reprimand to Dismissal
- (38) Charge: Appear and give testimony as a character witness for any defendant in a criminal trial or inquiry, without prior written approval of the Chief of Police or his designee
 - 1st Offense: Reprimand to 15 days
 - 2nd Offense: Reprimand to 30 days
 - 3rd Offense: Dismissal
- (39) Charge: Instituting civil action arising from Police duty, without notifying the Chief of Police
 - 1st Offense: Reprimand to 4 days
 - 2nd Offense: Reprimand to 10 days
 - 3rd Offense: Reprimand to 20 days
- (40) Charge: Allowing prisoner to escape through carelessness or neglect
 - 1st Offense: Reprimand to 30 days
 - 2nd Offense: Reprimand to dismissal
 - 3rd Offense: Dismissal

- (41) Charge: Failure to remove key from unlocked Department vehicle car when unattended
1st Offense: Reprimand to 4 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (42) Charge: If Department vehicle is stolen due to the above
1st Offense: Reprimand to 10 days
2nd Offense: Reprimand to 20 days
3rd Offense: Reprimand to 30 days
- (43) Charge: Unauthorized persons in Department vehicle
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (44) Charge: Failure to properly care for assigned equipment and vehicles, damaging same due to neglect
1st Offense: Reprimand to 30 days
2nd Offense: Reprimand to 60 days
3rd Offense: Dismissal
- (45) Charge: Willfully damaging Police Department property and/or equipment
1st Offense: Reprimand to dismissal
2nd Offense: Dismissal
3rd Offense:
- (46) Charge: Giving a verbal or written report of any incident without approval of the Commanding Officer
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (47) Charge: Failure to be home without legitimate reason after reporting sick
1st Offense: Reprimand to 10 days
2nd Offense: Reprimand to 20 days
3rd Offense: Reprimand to 30 days
- (48) Charge: Failure to obtain any required medical treatment or certificate while on sick leave
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 15 days
3rd Offense: Reprimand to 30 days

- (49) Charge: Failure to follow Department procedures for the handling of evidence, personal effects and all other property taken into custody
1st Offense: Reprimand to 30 days
2nd Offense: Reprimand to 60 days
3rd Offense: Reprimand to dismissal
- (50) Charge: Improper use, handling or display of firearms
1st Offense: Reprimand to dismissal
2nd Offense: Reprimand to dismissal
3rd Offense:
- (51) Charge: Failure to carry badge, firearm, and other required equipment when on duty
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (52) Charge: Failure to give prescribed identification when answering telephone
1st Offense: Reprimand to 4 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (53) Charge: Refusal to give name and badge number when properly requested
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (54) Charge: Changing residence, home telephone number, or cellular telephone number without giving prompt and proper notification
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (55) Charge: Untidy appearance and dress while in uniform
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (56) Charge: Not in full prescribed uniform
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days

- (57) Charge: Unauthorized press releases and statements
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (58) Charge: Communicating or imparting confidential Police information either in writing or verbally to unauthorized persons
1st Offense: Reprimand to dismissal
2nd Offense: Dismissal
3rd Offense:
- (59) Charge: Using distracters while in view of public where it would represent an affront to same or when contrary to rules
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (60) Charge: Interference with Police radio broadcasting and tampering with Police radio
1st Offense: Reprimand to dismissal
2nd Offense: Dismissal
3rd Offense:
- (61) Charge: Removing official documents from the Department without permission
1st Offense: Reprimand to dismissal
2nd Offense: Dismissal
3rd Offense:
- (62) Charge: Having or operating private auto on duty or driving to or from post without authorization
1st Offense: Reprimand to 5 days
2nd Offense: Reprimand to 10 days
3rd Offense: Reprimand to 20 days
- (63) Charge: Failure of members and employees to remain at their assignments and on duty until properly relieved by other members or employees or until dismissed by competent authority
1st Offense: Reprimand to 30 days
2nd Offense: Reprimand to 60 days
3rd Offense: Reprimand to dismissal
- (64) Charge: Failure to properly patrol post or zone; unauthorized absence of assignment; failure to respond to radio calls; idle conversation or loafing
1st Offense: Reprimand to 30 days

- 2nd Offense: Reprimand to 60 days
- 3rd Offense: Reprimand to dismissal

(65) Charge: Failure to possess and maintain a current and valid New Jersey State vehicle operator's license

- 1st Offense: Reprimand to dismissal
- 2nd Offense: Reprimand to dismissal
- 3rd Offense: Reprimand to dismissal

6.3 Department Disciplinary Hearings

- 6.3.1 Preliminary Notice of Disciplinary Action. Whenever an internal investigation establishes that a member is guilty of violating a Departmental Rule or Regulation, and is subject to a major disciplinary penalty of more than five (5) days suspension a Preliminary Notice of Disciplinary Action form shall be prepared by the proper authority and personally served upon the respective member. The Preliminary Notice of Disciplinary Action Form shall contain:
 - a. The Bureau and Department instituting the action
 - b. The name, address and title of a member against whom the action is being instituted
 - c. The charges (Rules and Regulations) allegedly violated
 - d. Specification of the alleged facts upon which the charges are based
 - e. Notification as to whether the member is suspended pending the determination of the hearing
 - f. The time, date, and place of the hearing of the alleged charges.
 - g. The penalties to which the member is being exposed as a result of the alleged charges
 - h. The signature of the respective supervisor and his official title
- 6.3.2 Disciplinary Hearing. The disciplinary hearing shall be scheduled in accordance with time limitations set under applicable Civil Service Rules, State Statutes, Municipal Ordinance and existing collective bargaining agreements; subject to the granting of reasonable requests for postponements by said member.
- 6.3.3 Postponed Hearings. Where a Disciplinary Hearing has been postponed at the request of the respective member pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the division or bureau's charges, said hearing must be held within thirty (30) days after receiving notice of such disposition. The duty to advise

the Department that said judicial determination has been made is that of the respective member.

- 6.3.4 Public Hearings. Disciplinary Hearings may be public in nature; however, within the bounds of reasonableness and good order.
- 6.3.5 Testifying-Witnesses. Every member formally charged with a violation of a Department Rule or Regulation shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.
- 6.3.6 Prosecution. The Chief of Police may prosecute the complaint himself or delegate the duty to any member of the Department or a Township Official. The Chief of Police cannot be the Hearing Officer if he prosecutes the complaint.
- 6.3.7 Hearing – Informal Manner. In order that all parties may be afforded a fair and equal opportunity to be heard and that the Chief of Police may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules, all Hearings shall be conducted in an informal manner, without reference to any formal rules or procedures.
- 6.3.8 Closing the Hearing. The Hearing Officer may, at his discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any persons not party to the hearing, the Hearing Officer may exclude all persons not having a direct interest in the matter being heard.
- 6.3.9 Admissibility of Evidence and Testimony. The Hearing Officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- 6.3.10 Self-Incrimination. The Hearing Officer shall give effect to the rules or privilege as provided by law, but no Department member or employee shall be excused from testifying or presenting evidence on the grounds of possible self-incrimination.
- 6.3.11 Presumption of Innocence. The member is presumed innocent and the burden of proof is upon the Department to prove the

member's guilt by a preponderance of the credible evidence presented during said hearing. All hearings may (in the discretion of the respective Hearing Officer) be recorded by:

- a. A certified shorthand report
- b. Stenographers, duly sworn to make an accurate stenographic recording of the proceedings
- c. Sound recording device to be operated under the supervision and direction of the Hearing Officer

6.3.12 Rendering a Decision. After considering all evidence in support and in defense of the particular charge of misconduct, the respective Hearing Officer shall consider same and render his verdict within twenty (20) days from the conclusion of the hearing.

6.3.13 Final Notice of Disciplinary Action. Although the verdict may be verbal at the time of the hearing, the determination must be reflected upon a Final Notice of Disciplinary Action which must be personally served upon the respective member within twenty (20) days of the disciplinary hearing, pursuant to N.J.S.A. 11A:2-14.

6.3.14 Appeal. Although the verdict shall be rendered in the manner referred to above, where the sentence or penalty is in excess of five (5) days suspension without pay, or its monetary equivalent, said sentence or penalty shall not be imposed or carried out until the time for filing of an appeal as provided in 6:3 has elapsed.

6.4 Appeal Procedures

6.4.1 Appeal to the Civil Service Commission.

- a. Under New Jersey Civil Service Rules, any member who has received major discipline shall have the right of appeal to the Civil Service Commission. Minor discipline matters are also appealable to the Civil Service Commission for a member's last suspension or fine for five (5) working days or less when the aggregate number of days the member has been suspended or fined in a calendar year, including the last suspension or fine, is 15 working days or more, or for a member's last suspension or fine when the member receives more than three (3) suspensions or fines of five (5) working days or less in a calendar year.
- b. A petition or request to the Civil Service Commission for a hearing or other relief must be received by the commission within twenty (20) days after date of receipt of the notice by the petitioner and must be in the form and manner prescribed by

the Civil Service Commission through Title 4, New Jersey Administrative Code, Department of Civil Service.

6.5 Members' Rights During Departmental Investigations and Disciplinary Hearings

- 6.5.1 Entitled to Hearings. Each member is entitled to a hearing before the Chief of Police or his designee, for any charge which the punishment would be considered major discipline.
- 6.5.2 Finding of Guilty. No member shall be found guilty of violating a Department Rule or Regulation unless the hearing Officer finds that a preponderance of credible evidence substantiates the specific charges of the particular case.
- 6.5.3 Investigation in Process. Exclusive of normal reporting duties incidental to the performance of official duties, no member shall be expected to answer questions or submit to other forms of investigative efforts until he is advised of the following:
 - a. Whether he is being questioned or required to submit to investigative efforts as a suspect or witness.
 - b. The identity of the interrogator as well as the identity of all persons present at the time of the interrogation.
 - c. The nature of the investigation.
 - d. A Member may be advised of the above in writing as part of a request for a Special Report in the investigative effort.
- 6.5.4 Criminal Prosecution-Possible. Under circumstances where the alleged violation of Department Rules and Regulations involve or could possibly involve criminal prosecutions, the member shall be advised of his Constitutional right against self-incrimination (Miranda Warnings) before any questioning, which he may invoke with respect to possible criminal prosecutions. However, he must respond with respect to the "administrative" subject matter of the inquiry.
- 6.5.5 Inadmissibility of Evidence. All evidence obtained as a result thereof, accordingly could not be used in a subsequent criminal prosecution, but would be admissible during a Departmental Disciplinary Hearing.

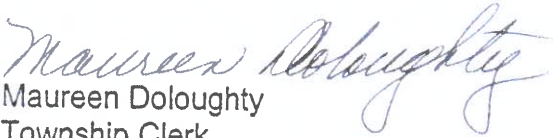
- 6.5.6 Suspension Without Pay. No suspension without pay in excess of six (6) months shall be imposed as a disciplinary penalty unless agreed to by the Officer.
- 6.5.7 Filing of Charges. A formal charge must be filed against a member within forty-five (45) days after the person filing the complaint obtains sufficient information to file the matter, unless there is a pending criminal investigation and/or prosecution.
- 6.5.8 Legal Counsel. Although a member is not entitled to legal counsel or organizational representation during the investigative stage of an internal investigation, every member will be permitted to have legal counsel and/or organizational representation present during a disciplinary hearing before a Hearing Officer.
- 6.5.9 Polygraph (Lie Detector) Tests. No member shall be ordered or asked to submit to a polygraph test for any reason. Such test may be given, however, if requested by the member.
- 6.5.10 Other Test. A member may be ordered or asked to submit to a blood test, a breathalyzer, or any other test to determine the percentage of alcohol or drugs in the blood for any reason with just cause, except as otherwise provided by specific statutory law (and Attorney General's ruling). Such test/tests must be administered if requested by the member.

RESOLUTION

BE IT RESOLVED by the Mayor and Township Committee of the Township of Holmdel that these Police Rules and Regulations be and hereby are adopted in accordance with 16-3. Appropriate Authority of the Code of the Township of Holmdel.

CERTIFICATION

I, Maureen Doloughy, Township Clerk of the Township of Holmdel, do hereby certify that the above is a true copy of a resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on November 24, 2015.


Maureen Doloughy
Township Clerk

SUPERVISORY OFFICER CERTIFICATION

This is to certify that I acknowledge and understand my responsibilities for enforcing the Rules and Regulations as contained herein.