

Dear Hightstown Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

1. Copy(s) of Hightstown Police Department SOPs/General Orders/Directives/Policies/Rules/Regulations referencing and in regards to the practice of police officers identifying themselves by name and/or badge number to members of the general public when requested, and/or by individuals the police officers make contact with in the course of their duties, when requested by those individuals.

Contained in department Rules and Regulations and policy 2.01 Code of Conduct

2. Copy(s) of Hightstown Police Department SOPs/General Orders/Directives/Policies/Rules/Regulations referencing and in regards to the display of name tags, name plates, name patches, badges, and/or badge numbers.

Contained in department Rules and Regulations and policy 2.01 Code of Conduct

3. Copy(s) of Hightstown Police Department SOPs/General Orders/Directives/Policies/Rules/Regulations referencing and in regards to the conduct of police officers when engaging/making contact with the public.

Contained in department Rules and Regulations and policy 2.01 Code of Conduct

4. A copy of all of the SOPs/General Orders/Directives/Policies/Rules/Regulations that are currently in place as of 8-1-2016 from the Hightstown Police Department regarding public photography and/or video recording of government buildings and within publicly accessible areas of Government Buildings.

No such document

5. A copy of all of the SOPs/General Orders/Directives/Policies/Rules/Regulations that are currently in place as of 8-1-2016 from the Hightstown Police Department regarding public photography and/or video recording of military facilities and critical infrastructures.

No such document

Yours faithfully,

ASK NJ Media Co.

Resolution 2003-258

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

ADOPTING REVISED RULES AND REGULATIONS OF THE HIGHTSTOWN POLICE DEPARTMENT

WHEREAS, Police Chief James Eufemia has submitted revised Rules and Regulations of the Hightstown Police Department for approval by the Mayor and Council; and

WHEREAS, said revised rules have been reviewed and approved by the Borough Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Rules and Regulations of the Hightstown Police Department, a complete copy of which is attached hereto and incorporated herein, are hereby adopted and promulgated; and

BE IT FURTHER RESOLVED that a full copy of the Rules as herein adopted be permanently filed in the Borough Clerk's office with a certified copy of this Resolution.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on September 15, 2003.

Candace B. Gallagher
Borough Clerk

Hightstown Borough 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 Borough of Hightstown is established pursuant to N.J.S.A. 40A: 14-118 and 2.9 of the Revised General Ordinances of the Borough of Hightstown. The Hightstown Borough 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 Borough of Hightstown hereby adopts and promulgates the department Rules and Regulations, known as the Hightstown Borough 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. 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.** These rules shall be made available to each employee of the department.
- 1.2.6 **Responsibility for Maintenance.** The Department shall be responsible for maintaining 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 that is not fully understood.

Hightstown Borough Police Department Rules and Regulations

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.** Lines of communication, authority and responsibility within the vertical organizational structure of the department.
- 2.3 **Day Off.** Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- 2.4 **Day.** For punitive purposes, a "day" is defined as an eight- (8) hour or twelve- (12) hour work block.
- 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 organizational subdivisions of the department.
 - 2.5.2 **Personnel Order:** A directive initiating and announcing a change in the assignment, rank or status of personnel.
 - 2.5.3 **Special Order:** A directive dealing with a specific circumstance or event that is usually self-canceling.
- 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 **Order.** Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.
- 2.9 **Policy.** A statement of department principles that provides the basis for the development of procedures and directives.
- 2.10 **Procedure.** A written statement providing specific direction for performing departmental activities. Procedures are implemented through policies and directives.
- 2.11 **Shall/Will.** The words "shall" and "will" as used herein, shall indicate that the action required is mandatory.
- 2.12 **Supervisor.** Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

Hightstown Borough Police Department Rules and Regulations

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 as required.

3.1.2 Exercise authority consistent with the obligations imposed by the oath of office and in conformity with the policies of the department.

3.1.3 Abide by all rules, regulations and departmental procedures and directives governing police officer employees.

3.1.4 Be accountable and responsible to their supervisors for obeying all lawful orders.

3.1.5 Coordinate their efforts with other employees of the department to achieve department objectives.

3.1.6 Conduct themselves in accordance with high ethical standards, on and off duty.

3.1.7 Strive to improve their skills and techniques through study and training.

3.1.8 Familiarize themselves with the area of authority and responsibility for the current assignment.

3.1.9 Perform their duties promptly, faithfully, judiciously and diligently.

3.1.10 Perform all related work as required.

3.2 Supervisors in the Department Shall:

3.2.1 Enforce department rules and insure 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.

Hightstown Borough Police Department Rules and Regulations

- e. Providing for the proper training of all department employees.
- f. Providing for periodic inspections of all police operations to ensure compliance with department rules, policies, and procedures.
- g. Maintaining the overall discipline of the department.
- h. Maintaining a constructive relationship with the public, community organizations; the media and other law enforcement agencies.
- i. Preparing and submitting the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- j. Allocating funds within the budget, which are appropriated by the governing body.
- k. Providing 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 conformity 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.

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- 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 2-19.4, 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 shall:
 - a. 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 officers;
 - b. Have, exercise and discharge the functions, powers and duties of the Police Department;
 - c. Prescribe the duties and assignments of all members and officers;
 - d. 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
 - e. Report 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 make such other reports as may be requested by the appropriate authority.

3.3.2 Responsibilities. The Chief of Police is Responsible for:

- a. Establishing and maintaining the efficient operation of the department.
- b. Organizing, controlling and maintaining all property and resources of the Department.
- c. Developing the written organizational structure of the department, including chain of command and duty assignments.
- d. Developing and implementing policies and procedures necessary to govern and direct the day-to-day operations of the police department.

Hightstown Borough Police Department Rules and Regulations

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 or a superior officer. A violation shall constitute a schedule 1 offense.
- 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. A violation shall constitute a schedule 2 offense.
- 4.1.3 **Obedience to Laws and Rules.** Employees shall obey all laws, ordinances, rules, policies and procedures and directives of the department. A violation shall constitute a schedule 1 offense.
- 4.1.4 **Withholding Information.** Employees shall report any information concerning suspected criminal or improper activity of those employed by the Hightstown Borough Police Department, and others. A violation shall constitute a schedule 1 offense.
- 4.1.5 **Reporting Violations of Law or Rules.** Employees knowing of other employees violating laws, ordinances, or rules of the department, shall report it in writing to the Chief of Police through official channels. 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. A violation shall constitute a schedule 1 offense.
- 4.1.6 **Insubordination.** Employees shall not:
 - a. Fail or refuse to obey a lawful order given by a supervisor. A violation shall constitute a schedule 1 offense.
 - b. Use any disrespectful or abusive language or action toward a supervisor. A violation shall constitute a schedule 2 offense.
- 4.1.7 **Conduct Toward Other Departmental 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. A salute will be rendered to all superior officers.
(Sergeant and above – first meeting of the day)
A violation shall constitute a schedule 2 offense.
- 4.1.8 **Compromising Criminal Cases.** Employees shall not interfere with the proper administration of criminal justice. A violation shall constitute a schedule 1 offense.

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- 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 police business. A violation shall constitute a schedule 3 offense.
- 4.1.10 **Posting Bail.** Employees shall not post bail for any person in custody, except relatives. A violation shall constitute a schedule 3 offense.
- 4.1.11 **Use of Force.** Employees shall follow department policy and procedure on the use of force. A violation shall constitute a schedule 1 offense.
- 4.1.12 **Physical Fitness.** Police officers shall maintain good physical condition so that they can handle the strenuous physical activities often required of a law enforcement officer. A violation shall constitute a schedule 3 offense.
- 4.1.13 **Driver's License.** Employees operating department motor vehicles shall possess a valid New Jersey driver's license that is in compliance with the New Jersey motor Vehicle Code. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full particulars. A violation shall constitute a schedule 1 offense.
- 4.1.14 **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. A violation shall constitute a schedule 3 offense.

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. A violation shall constitute a schedule 3 offense.
- b. **Unlawful Orders.** No supervisor shall knowingly issue any order, which is in violation of any law or ordinance. A violation shall constitute a schedule 1 offense.
- b. **Improper Orders.** No supervisor shall knowingly issue any order, which is in violation of any department rule, policy, or procedure. A violation shall constitute a schedule 1 offense.

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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. A violation shall constitute a schedule 3 offense.
- 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. A violation shall constitute a schedule 2 offense.
- 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. A violation shall constitute a schedule 2 offense.
- 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. A violation shall constitute a schedule 3 offense.
- f. **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. A violation shall constitute a schedule 2 offense.

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. A violation shall constitute a schedule 3 offense.

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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. A violation shall constitute a schedule 3 offense.

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. A violation shall constitute a schedule 1 offense.

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. A violation shall constitute a schedule 1 offense.

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. A violation shall constitute a schedule 2 offense.

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. A violation shall constitute a schedule 1 offense.

4.5 Alcoholic Beverages and Drugs

4.5.1 Consuming Alcoholic Beverages Before Duty. Employees shall not consume alcoholic beverages within eight hours before reporting for duty. A violation shall constitute a schedule 2 offense.

4.5.2 Being Under the Influence. Employees shall not report for duty under the influence of any alcoholic beverage. A violation shall constitute a schedule 1 offense.

4.5.3 Consuming Alcoholic Beverages on Duty. Employees of the department shall not consume any alcoholic beverage while on duty. A violation shall constitute a schedule 1 offense.

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- 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, or;
 - d. the consumption is in direct connection with an established and bon-a-fide religious observation and the member has received prior approval by the appropriate supervisor.
 - e. A violation of section a through section c inclusive, shall constitute a schedule 1 offense.
- 4.5.5 **Consuming Alcoholic Beverages Off Duty in Uniform.**
- a. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform. A violation shall constitute a schedule 1 offense.
 - b. Employees shall not consume alcoholic beverages while off duty and engage in conduct that negatively effects the department. A violation shall constitute a schedule 1 offense.
- 4.5.6 **Alcoholic Beverages in Police Buildings.** Alcoholic beverages shall not, at any time, be consumed in police buildings, grounds or facilities. A violation shall constitute a schedule 3 offense.
- 4.5.7 **Supervisor's 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. A violation shall constitute a schedule 1 offense.
- 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. A violation shall constitute a schedule 2 offense.
- 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. A violation shall constitute a schedule 3 offense.
- 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. A violation shall constitute a schedule 2 offense.

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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 as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. Every reasonable effort to ensure the confidentiality of this information provided shall be taken. A violation shall constitute a schedule 2 offense.

4.5.12 Random Drug testing. 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. A violation shall constitute a schedule 3 offense.

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 in writing any employee who is absent without leave. A violation shall constitute a schedule 3 offense.

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). A violation shall constitute a schedule 1 offense.

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. A violation shall constitute a schedule 5 offense.

4.6.5 Personal Radios. The use of portable radios and any other form of entertainment other than equipment authorized by the department is prohibited while on duty. A violation shall constitute a schedule 3 offense.

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. A violation shall constitute a schedule 2 offense.

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- 4.6.7 **Meals.** All meals are to be consumed within authorized areas, subject to modification by the supervisor. A violation shall constitute a schedule 5 offense.
- 4.6.8 **Training.** Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise. A violation shall constitute a schedule 3 offense.
- 4.6.9 **Inspections.** Employees directed to attend full dress inspections shall report in the uniform prescribed, and carry the equipment specified. Unauthorized absence from such inspection shall be considered an absence without leave. A violation shall constitute a schedule 3 offense.
- 4.6.10 **Cellular Telephones.** Employees shall not use a cellular telephone on duty while in direct contact with the public. A violation shall constitute a schedule 5 offense.
- 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. A violation shall constitute a schedule 5 offense.
- 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. A violation shall constitute a schedule 4 offense.
- 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. A violation shall constitute a schedule 5 offense.
- 4.7.4 **Personal Appearance.** Employees, while on duty, shall be neat and clean in person, with uniform or clothes clean and pressed. 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. A violation shall constitute a schedule 5 offense.
- 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. A violation shall constitute a schedule 4 offense.

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4.7.6 Identification as Police Officer.

- a. 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. A violation shall constitute a schedule 4 offense.
- b. Any officer, while off duty, who has contact with another law enforcement agency in an official capacity, excepting minor motor vehicle infractions, shall notify their Commanding Officer, through the proper chain of command, of the circumstances surrounding said encounter. Such notification shall be made as soon as practical after the contact. A violation shall constitute a schedule 1 offense.

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. A violation shall constitute a schedule 3 offense.
- 4.8.2 **Equipment Off Duty.** Employees shall carry equipment off duty as prescribed in department policy and procedure based on their assignment. A violation shall constitute a schedule 3 offense.
- 4.8.3 **Firearms.** Employees shall follow department policy and procedure on the care and handling of firearms. A violation shall constitute a schedule 1 offense.
- 4.8.4 **Department Property and Equipment.** Employees are responsible for the proper care of department property and equipment assigned to them. A violation shall constitute a schedule 2 offense.
- 4.8.5 **Use of Department Property and Equipment.** Employees shall not use any department property or equipment for personal business or pleasure. A violation shall constitute a schedule 4 offense.
- 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 property. A violation shall constitute a schedule 5 offense.
- 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 specific authorization from the appropriate supervisor. A violation shall constitute a schedule 2 offense.

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- 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. A violation shall constitute a schedule 4 offense.
- 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. A violation shall constitute a schedule 2 offense.
- 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 it. A violation shall constitute a schedule 3 offense.
- 4.8.11 **Transporting Citizens.** Citizens will be transported in department vehicles only in conformance with department policy. A violation shall constitute a schedule 3 offense.
- 4.8.12 **Reporting Accidents.** Accidents involving department personnel, property, equipment and vehicles must be reported in accordance with department policy and procedure. A violation shall constitute a schedule 2 offense.
- 4.8.13 **Inspection.** Departmental property and equipment is and remains the property of the department and is subject to entry and inspection without notice, including but not limited to motor vehicles, lockers, desks and other work areas, computers, electronic messaging, storing and retrieval systems. A failure to allow immediate access to the department property or equipment shall constitute a schedule 1 offense.
- 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. A violation shall constitute a schedule 1 offense.

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- b. **Under Suspension.** Any employee under suspension shall immediately surrender their identification, badges, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case. A violation shall constitute a schedule 1 offense.

4.9 Communications and 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.
- c. A violation of this section shall constitute a schedule 3 offense.

4.9.2 Forwarding Communications. Any employee who receives a written communication for transmission to another employee shall forward it without delay. A violation of this section shall constitute a schedule 5 offense.

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 drivers license. A violation of this section shall constitute a schedule 5 offense.

4.9.4 Telephones. Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor. A violation of this section shall constitute a schedule 4 offense.

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. A violation of this offense shall constitute a schedule 4 offense.

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. A violation of this section shall constitute a schedule 2 offense.

4.10.2 Request for Identification. Upon request, employees are required to supply their name and identification in a courteous manner. A violation of this section shall constitute a schedule 3 offense.

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- 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, or influence. A violation of this section shall constitute a schedule 1 offense.
- 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 influence. A violation of this section shall constitute a schedule 1 offense.
- 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. A violation of this section shall constitute a schedule 1 offense.
- 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. A violation of this section shall constitute a schedule 3 offense.

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. A violation of this section shall constitute a schedule 1 offense.
- 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. A violation of this section shall constitute a schedule 4 offense.
- 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. A violation of this section shall constitute a schedule 2 offense.
- 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. A violation of this section shall constitute a schedule 1 offense.
- 4.11.5 Employees shall not engage in any polling duties except in the performance of their official duties. A violation of this section shall constitute a schedule 2 offense.

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4.11.6 Employees shall not display any political material on any government property or on their person while on duty or in uniform. A violation of this section shall constitute a schedule 3 offense.

4.11.7 Employees shall not wear the official uniform for any personal reason. A violation shall constitute a schedule 2 offense.

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. A violation of this section shall constitute a schedule 3 offense.

4.12.2 **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 or command personnel. A violation of this section shall constitute a schedule 3 offense.

4.12.3 **Court Appearance.** When appearing in court on department business, employees shall wear the department uniform. Detectives shall wear appropriate business attire. A violation of this section shall constitute a schedule 4 offense.

4.12.4 **Testifying for the Defendant.** Any employee subpoenaed to testify for the defense or against the municipality or department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena. A violation of this section shall constitute a schedule 2 offense.

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. A violation of this section shall constitute a schedule 1 offense.

4.12.6 **Truthfulness.** Employees are required to be truthful at all times whether under oath or not. A violation of this section shall constitute a schedule 1 offense.

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- 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. A violation of this section shall constitute a schedule 4 offense.
- 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. A violation of this section shall constitute a schedule 4 offense.
- 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 county prosecutor. A violation of this section shall constitute a schedule 4 offense.
- 4.12.10 **Civil Process.** Employees shall not serve civil process or assist in civil cases unless the appropriate supervisor approves such service. A violation of this section shall constitute a schedule 4 offense.

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 be taken 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.

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5.1.6 Abuse of Sick Leave. Employees who take sick leave in violation of department policy shall be subject to disciplinary action. A violation of this section shall constitute a schedule 1 offense.

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, and which unavoidably 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. A violation of this section shall constitute a schedule 5 offense.

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. A violation of this section shall constitute a schedule 5 offense.

6.0 Discipline

6.1 Disciplinary Action

6.1.1 Employees, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for:

- a. committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or any other State, or municipal ordinances; or
- b. failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment; or
- c. violation of any rule, policy, procedure, or directive of the department; or failure to comply with the Chief's orders, directives, regulations, etc., oral and written, and also those of superiors and supervisors; or
- d. failure to obey any lawful instruction, order, or command of a supervisor.
- e. A violation of sections a through d inclusive, shall constitute a schedule 1 violation.

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- 6.1.2 **Repeated Violations.** Repeated violations of the rules of conduct shall be indicative of an employee's disregard for their duty and may cause for dismissal. This shall apply regardless of the type or severity of the offenses. A violation shall constitute a schedule 1 offense.

6.2 Disciplinary Procedure and Penalties

- 6.2.1 **Disciplinary Procedure.** The disciplinary procedure for the Hightstown Borough Police Department is contained within the Policy and Procedures manual of the Hightstown Borough Police Department.
- 6.2.2 **Disciplinary Guide.** The offenses herein shall guide the Chief of Police or hearing officer in administering fair and uniform penalties for violations of the Hightstown Borough Police Department's Rules of Conduct.
- 6.2.3 **Offenses Omitted.** Members, officers and civilian employees can and may be disciplined for offenses listed herein which constitute incapacity, misconduct, violation of police department rules and regulations or other just cause. Offenses not specifically listed shall result in penalties similar to those specified for similar offenses of comparable seriousness as determined by the hearing officer.
- 6.2.4 **Potential Penalties.** Penalties for offenses listed are guidelines only. They shall in no way limit any penalty that the Chief of Police or other designated hearing officer may impose. In administering penalties, the Chief of Police may consider the degree of the offense, work history, years of service, past disciplinary actions and anything that he deems pertinent to the case.

SCHEDULE 1 1st Offense- Reprimand to Dismissal
 2nd Offense- Charges to Dismissal
 3rd Offense- Charges to Dismissal

SCHEDULE 2 1st Offense- Reprimand to 10 days
 2nd Offense- Reprimand to 20 days
 3rd Offense- Charges up to 30 days

SCHEDULE 3 1st Offense- Reprimand to 5 days
 2nd Offense- Reprimand to 10 days
 3rd Offense- Charges up to 15 days

SCHEDULE 4 1st Offense- Reprimand to 3 days
 2nd Offense- Reprimand to 5 days
 3rd Offense- Charges up to 10 days

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SCHEDULE 5

1st Offense- Reprimand to 1 day

2nd Offense- Reprimand to 2 days

3rd Offense- Reprimand to 3 days

6.3 Disciplinary Recommendations

6.3.1 All evidence as well as the recommendations of the investigating officer shall be considered at the time of the hearing officer imposing penalties after the adjudication of the matter.

6.3.2 Reprimand

Performance Notice- Verbal Reprimand

Certain offenses are sufficiently minor in nature that they may be handled by supervisory personnel for a first offense. Though not serious in nature, the appropriate form shall be filed with a copy to be forwarded to the offender's Supervisor, and the Office of the Chief of Police. This form shall be filed in the member's personnel jacket. If there are no reoccurrences within six (6) months it shall be removed from the file. Any subsequent offense is then considered to be the first.

6.3.3 Written Reprimand

A performance notice to document certain offenses as required under the guidelines establishing penalties for violations of the rules and regulations. These violations shall be documented and filed by supervisory personnel, utilizing the appropriate form. The approved form shall then be forwarded to the Office of the Chief of Police for placement in the member's personnel file. Written Reprimands are permanent in nature.

6.3.4 Formal Charges

Formal Charges are specific offenses to be heard by the Chief of Police, or designated hearing officer, with recommendations of potential penalties, by the member bringing the charge(s). All second offenses shall require the filing of formal charges. These violations shall be documented and filed by supervisory personnel, utilizing the appropriate form. The approved form shall then be forwarded to the Office of the Chief of Police for placement in the member's personnel file. Formal Charges are permanent in nature.

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6.4 Statement of Retroactivity

The issuance and adoption of this guide of conduct, in accordance with the New Jersey State Attorney General's Guidelines, supersedes all previously issued Rules and Regulations. The re-issuance and modification of the Hightstown Borough Police Department's Rules and Regulations is not intended to diminish or dismiss any prior pleas or convictions for previous disciplinary code violations. Any previous convictions or violations documented under previously issued versions of the Hightstown Borough Police Department's Rules and Regulations are not waived, purged, or reduced in any manner and remain in effect. Past findings or pleadings of guilty for offenses similar to those listed above may be considered by the hearing officer relative to the imposition of sanction and in determining whether a course of conduct constitutes a first, second, third, etc. offense.