

POLICE MANUAL INTRODUCTION

POLICE DEPARTMENT

CITY OF UNION CITY

The police organization is composed of numerous units and divisions, which are collectively and individually responsible for certain elements of police function. To coordinate these general and specialized patrol duties toward a common goal, it is necessary for each employee to know what type of conduct is expected in the performance of their respective duties. Therefore, each employee has the responsibility to acquaint himself/herself with the contents of this manual so that the employee may effectively fulfill his/her obligation to the City of Union City and its people.

The policies and procedures stated herein have been established by the Director of the Department of Public Safety and the Chief of Police.

MANUAL REGISTRATION
UNION CITY POLICE DEPARTMENT
UNION CITY, NEW JERSEY 07087

This manual is the property of the City of Union City. Non-compliance with any of its contents, shall constitute neglect of duty and result in disciplinary action. You are charged with the responsibility of knowing complying with the contents of this manual.

When necessary, due to change in any provision of this manual, updates will be distributed electronically without disturbing the continuity of the contents already in effect. You are charged with the responsibility of updating this manual with any supplements and with knowing and complying with the contents of any update to this manual.

I acknowledge the above statements and agree to abide by same.

Name of Employee/Police Officer, ID #

Title/Rank

Date

MISSION STATEMENT AND CORE VALUES

Our Mission in the Union City Police Department is to serve humankind, safeguard life and property, and be ever vigilant for those acts that lessen the quality of life of our citizens.

The Union City Police Department recognizes that quality of life is an important value to our community, and we take pride in being active members and citizens of the Community in the delivery of quality law enforcement services to all the people in a humanitarian way.

Our delivery of service is based on Community - Oriented - Policing, (C.O.P.) concerned about the needs of the entire community including but not limited to families, children, business people and visitors so that they will feel and be secure in their home, in our schools, in our play areas and on our streets.

As citizens of the community, we realize that we derive our authority from those we serve with the belief that in serving the community we also serve ourselves. Our responsibilities must be viewed as a covenant of public trust and we must strive to perform our mission with Compassion, Proficiency and Respect (C.P.R.).

COMPASSION is a sympathetic consciousness of other's distress together with a desire to alleviate it when we can. Compassion is an element of charity, and expresses itself in feeling with another person, serving the other with the understanding, gentleness, and sensitivity one would wish to receive in similar circumstances.

PROFICIENCY is having the requisite or adequate ability and competence to perform our duty. It is doing one's work well, and in such a way, so that the person being served derives the best possible effect from what is done.

RESPECT is showing courtesy, regard or deference to another. It is the demonstration of our regard for the dignity of the human person by our words and actions and when another person, particularly the weak, the children, and the elderly among us are in need - our response is marked by concern and advocacy.

We will not tire of our duty nor lose sight of our own humanity. **THIS IS OUR PLEDGE AND OUR MISSION.**

UNION CITY POLICE DEPARTMENT
CITY OF UNION CITY, NEW JERSEY
LAW ENFORCEMENT CODE OF ETHICS

ALL EMPLOYEES shall read and abide by the Law Enforcement Code of Ethics.

AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve mankind, to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional rights of all persons to liberty, equality and justice.

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

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my profession: law enforcement.

APPLICATION

Police regulations are applicable to all officers of the department and where specified to all civilian employees of the department.

All existing departmental rules and regulations, orders and instructions in conflict with these police regulations are hereby superseded by these Regulations.

All general and special orders, instructions (including departmental forms), and manuals not in conflict with these police regulations shall have the same authority as police regulations.

Police regulations or general orders shall not be cancelled, amended or issued without the approval of the Chief of the Police Department.

Failure of an officer either to willfully or through negligence or incompetence to perform the duties of his/her rank or assignment, or violation by said officer or civilian employee of any police regulation or order, may be considered sufficient cause for disciplinary action.

The duties of each employee shall include all aspects of their title as indicated by Civil Service Commission (C.S.C.) Job Descriptions (Job Specification) as updated by C.S.C.

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- 10:9.1 Notification By State Lab Of Positive Test Results
- 10:9.2 Confirmation Of Positive Test Before Notification By State
- 10:9.3 Notification To Officer Of Confirmed Positive Test
- 10:9.4 No Request For Re-Testing After Completion Of All Tests

10:10 Consequences Of A Positive Test Result

- 10:10.1 Applicant Testing Positive For Illegal Drug Use
- 10:10.2 Trainee testing Positive For Illegal Drug Use
- 10:10.3 Sworn Officer Testing Positive For Drug Use

10:11 Consequences Of Refusal To Submit To Drug Test

- 10:11.1 Applicants Who Refuse To Submit
- 10:11.2 Trainees Who refuse To Submit
- 10:11.3 Sworn Law Enforcement Officers Who Refuse To Submit
- 10:11.4 Officers Who Test Positive and Who Resigns or Retires
- 10:11.5 Officers Who Resign or Retire After Receiving Lawful Order to Submit Specimen & Does Not Provide Specimen

10:12 Record Keeping

- 10:12.1 I.A. To Maintain All Drug Testing Records
- 10:12.2 Drug testing Records Shall Include
- 10:12.3 Drug testing Records Maintenance & Security

10:13 Central Drug Registry

- 10:13.1 Information Required For Notification to Registry
- 10:13.2 Mailing Address Of Central Registry
- 10:13.3 Certification Of Notification Form Must Be Completed By Chief or Director & Notarized With Raised Seal
- 10:13.4 Release Of Information Contained In the Registry

CHAPTER 1

INTRODUCTION

1.1 ESTABLISHMENT OF UNION CITY POLICE DEPARTMENT RULES AND REGULATIONS.

1:1.1 RULES AND REGULATIONS ESTABLISHED. The Union City Police Department hereby establishes the Department Rules and Regulations under this manual that shall be known as the "Union City Police Department Rules and Regulations" pursuant to revised City Ordinances (2013) Article XIII, page 4:40 (4-68 Rules and Regulations).

1:1.2 DISTRIBUTION OF THE MANUAL. This manual is the property of the City of Union City. One copy of the Rules and Regulations Manual shall be distributed to each police officer electronically and be accessible through the Department's document management system. Also, for reference purposes, copies shall be distributed to the Office of the City Clerk, Corporation Counsel to the City and to certain offices, units, divisions and commands within the Police Department.

1:1.3 RESPONSIBILITY FOR MAINTENANCE. Each police officer, each civilian employee, and each Bureau and Divisional superior officer-in charge of a unit responsible for its maintenance and care shall ensure that current and supplementary pages concerning additions, revisions, or amendments, shall be promptly and properly inserted.

1:1.4 RESPONSIBILITY FOR ISSUANCE OF AMENDMENTS. The Chief of Police shall issue all revisions, amendments and other changes of the Rules and Regulations in accordance with Policy as established or promulgated by the Director of the Department of Public Safety. The Chief's Office shall maintain a distribution list.

1:1.5 ADDITIONS AND AMENDMENTS OF REVISIONS. When a section is amended, revised or added to, the addition and/or amendment will be provided to employees through the Department's document management system.

1:1.6 FAMILIARIZATION. Each police officer and each civilian employee is duty bound to thoroughly familiarize himself with the provisions of these Rules and Regulations and to remain familiar with the Rules and Regulations at all times. Failure to comply with the requirements of this Paragraph shall be considered neglect of duty.

1:1.7 IGNORANCE OF THE RULES. In the event neglect of duty is charged against an employee for failure to observe the Rules and Regulations, Departmental Procedures or Orders, ignorance of any provision of this Manual, including all supplements or updates, or of any Departmental Procedure or Order will not be accepted as an excuse.

1:1.8 RIGHT TO AMEND OR REVOKE. For the good of the service in accord with N.J.S.A. 40A:14-118, the right is reserved by the Chief of Police and/or the Director of the Department of Public Safety, as the representative of the governing body, to amend or to revoke any of the Rules, Regulations, or Procedures, or add thereto, as the circumstances require.

1:1.9 PREVIOUS ORDERS. All Rules, Regulations, Procedures, and Orders, previously issued, contrary to those embodied in the Manual are hereby revoked. All other Rules, Regulations, Orders and Procedures not in conflict with those contained in this Manual shall remain in full force and effect.

1:2 THE NUMBERING SYSTEM

1:2.1 CHAPTER AND SECTION DESIGNATION. Each chapter, section and subsection, shall be designated by title and Arabic numeral. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 CHAPTER AND SECTION SEQUENCE. The number preceding the colon shall enumerate the chapter while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 SUBSECTION SEQUENCE. The number placed to the right of the decimal point shall designate the subsection.

1:2.4 ADDITIONAL SUBSECTION SEQUENCES. Additional subsection numbers shall be designated immediately to the right of the hyphen. They shall also be included in the Index.

1:2.5 SERIES NUMBERING. Numbers and letters listed in series under sections and subsections shall be enclosed within parentheses, (example shown below), but shall not be indexed.

1:2.6 TYPICAL REFERENCE. A typical reference number being sought might be 9:1.2. Accordingly, this information would be found in Chapter Nine. Further, it would be found under Section One of Chapter Nine. Under Section One, the reference would be contained in Subsection Two.

1:2.7 FLEXIBILITY OF THE SYSTEM. This system shall provide a simple and quick method of referral to material in this Manual. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 POLICE DEPARTMENT AUTHORITY - POWERS - DUTIES

1:3.1 LEGAL AUTHORIZATION. New Jersey Statute 40A:14-118 states, in part, "The governing body of any municipality by ordinance, may create and establish as an executive and enforcement function of municipal government, a police force, whether as a department or as a division, bureau, or other agency thereof, and provide for the maintenance, regulation and control thereof. Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its employees. The ordinance may provide for the appointment of a Chief of Police and such members, officers and personnel as shall be deemed necessary, the determination of their terms of office, the fixing of their compensation and the prescription of their powers, functions and duties, all as the governing body shall deem necessary for the effective government of the force."

1:3.2 CITY ORDINANCE. The Police Department is established by authority of the Revised General Ordinances of the City of Union City. [See new codification of City Ordinances with revised Section 4-65 Article XIII] (2013)

The powers and duties are established by authority of Revised General Ordinances (Section 4-65) of Union City, which directs that the Police Department shall:

- (1) Preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the City of Union City, suppress riots, mobs and insurrections, disperse unlawful and dangerous assemblages, and preserve order at all elections, public meetings and assemblages.
- (2) Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and to make rules and regulations not inconsistent with the charter, ordinance and general law for such purposes.
- (3) Remove all nuisances in the public streets, parks and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit.
- (4) Provide proper police attendance and protection at fires coordinating with the Fire Chief or his/her representative at the scene.
- (5) Enforce the laws and ordinances in effect within the City of Union City and prevent the violation of these laws and ordinances whenever possible by any person. Apprehend and arrest all persons committing violations of any law or ordinance.

(6) Provide for the attendance of its police officers or civilian employees in Court as necessary for the trial and prosecution of persons charged with crimes and other violations of the law and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County Governments.

(7) Operate a training program to maintain and improve the Police Department's personnel, both sworn and civilian.

1:3.3 OATH OF OFFICE: Every member of the Police Department, before understanding his/her duties, shall take and subscribe an oath or affirmation faithfully and impartially to discharge the duties of his/her office and shall file such oath or affirmation with the Clerk of the City.

CHAPTER 2

DEFINITION OF TERMS

The terminology listed in this chapter has been defined to provide uniformity in usage and to clarify meanings when these terms are employed.

These terms have been divided into five categories as follows:

- (1) Personnel
- (2) Organizational
- (3) Operational
- (4) Communications
- (5) Grammatical

2.1 PERSONNEL DEFINITIONS

2:1.1 ABSENCE LEAVE (Leave of Absence) A period of absence during which time an employee is excused from active duty and during which time he receives no pay, unless he/she is on:

- (1) Leave of absence for field training in the reserve corps of the United States.
- (2) Leave of absence to attend State or National Conventions.
- (3) Leave of absence while in Military Service.
- (4) Leave of absence for Jury Duty.
- (5) Leave of absence with pay as specifically permitted in the relevant Collective Negotiations Agreement.

2:1.2 ANNUAL VACATION. The annual leave granted to all employees of the Police Department.

2:1.3 APPOINTMENT. The designation of a person by the appointing authority to fill any position within the Police Department. The "appointing authority" as used herein shall be the Director (Commissioner) of the Department of Public Safety.

2:1.4 CIVILIAN EMPLOYEE. Any person employed by the Police Department other than a police officer. For the purpose of Department communications, civilian employee shall be interchangeable with "employee".

2:1.5 COMMAND STAFF. Police officers of the Department holding the rank of captain or above.

2:1.6 CONTAGIOUS DISEASE. Any infectious disease which is communicable from one person to another (aids, rabies, TB, etc.).

2:1.7 DISCHARGE (DISMISSAL). The act of terminating the employment of a police officer or civilian employee. All said employees shall hold office during good behavior, but may be removed for good cause.

2:1.8 DEATH LEAVE (Death in Family). That period of time during which a police officer or civilian employee is excused from duty by reason of death occurring in their immediate family as defined by Contract.

2:1.9 EXTENDED LEAVE. A leave extending beyond the duration of time ordinarily granted as regular policy for a particular purpose.

2:1.10 INCOMPETENCE. Incapable of satisfactory performance of police duties or where civilians working in the Police Department are incapable of performing their assigned duties.

2:1.11 INSUBORDINATION. Willful disobedience of any lawful order issued by a superior officer, or any disrespectful, mutinous, insolent, or abusive language, or action directed toward a superior officer.

2:1.12 LENGTH OF SERVICE. The length of time an officer has served from the date of appointment less any unpaid leave of absence time, except leave for military purposes.

2:1.13 MEMBER. Any duly appointed police officer of the Department. For the purpose of Department communications, the term "member" shall be interchangeable with "police officer".

2:1.14 POSITION. An official situation or a post of employment. A position is the embodiment of the duties and responsibilities assignable to one employee of the Department by the Director of Public Safety and/or Chief of Police. Proper reference to the term "position" is made to the work to be accomplished rather than to the worker who performs the task.

2:1.15 PROMOTION. The advance in the employment status of a police officer or civilian employee to a position of greater responsibility or higher job classification.

2:1.16 RANK

- (1) Chief
- (2) Deputy Chief
- (3) Inspector
- (4) Captain
- (5) Lieutenant
- (6) Sergeant
- (7) Police Officer

2:1.17 SENIORITY. Established first by virtues of rank and second by the aggregate time served in rank. Where conflict occurs because of identical time of service or date of appointment, the member of the Department with the longest aggregate time served in the lower rank is deemed to hold seniority. Where situations requiring decision making or the exercise of control among members of equal rank, it shall be incumbent upon the member holding seniority to take charge, unless directed otherwise by a member of higher rank.

2:1.18 SICK LEAVE. The period of time during which an employee of the Department is excused from active duty by reason of non-job related illness or injury.

2:1.19 SUPERVISORY OFFICER. A member assigned to a position requiring the exercise of immediate supervision over the activities of subordinate employees of the Department.

2:1.20 SUBORDINATE. A member lower in rank than his/her superior officer.

2:1.21 SUPERIOR OFFICER. A police officer holding a higher rank than that of a patrol officer.

2:1.22 SUSPENSION. The act of temporarily relieving a police officer or a civilian employee from performing their duties as a consequence of alleged dereliction of duties, or other violation of Department Rules and Regulations or violation of a Federal or State law or a municipal ordinance.

2:2 ORGANIZATIONAL DEFINITIONS

2:2.1 DIVISION. An organizational unit having wide coverage and responsibilities and whose commander reports directly to the Chief of Police.

2:2.2 CHAIN OF COMMAND. The unbroken line of authority that extends from the Director of Public Safety through a single subordinate at each descending level of command to the level of execution.

2:2.3 COMMAND. Either a written or an oral directive issued by a superior officer or other supervisor or a group of subordinates in the performance of the police task.

2:2.4 DEPARTMENT. The Police Department of the City of Union City, New Jersey.

2:2.5 DESK. The location deemed to be the official reporting area located at 38th Street Police Headquarters (3715 Palisade Ave.).

2:2.6 DESK OFFICER. Superior Officer in charge of Desk and Communication Areas.

2:2.7 DETAIL ASSIGNMENT. A temporary assignment of personnel for a specialized activity.

2:2.8 DETECTIVE. A police officer assigned to a unit engaged in investigative or specialized work. This designation is an assignment and does not constitute a permanent status as further agreed by Contract. This designation or assignment is made by the Chief of Police or his/her designee.

2:2.9 DIRECTOR. The Director (Commissioner) of the Department of Public Safety.

2:2.10 BUREAU. An Organizational unit immediately subordinate to a Division.

2:2.11 HEADQUARTERS. The main police building from which Police Department control is directed and administered. That area where the official reporting desk area is located.

2:2.12 OFFICIAL CHANNELS. The established route of travel for authority, responsibility, directions, orders, and written or oral communications up and down the chain of command.

2:2.13 OFF DUTY DETAIL. A police officer hired by an outside entity through the Union City Police Department to perform police duties.

2:2.14 POST. A location to which a police officer is assigned for duty and/or geographical area of variable size within the City to which one or more police officers are specifically assigned for patrol, investigative or traffic purposes. (Also may be referred to as a **sector** when a foot patrol officer is assigned). Includes vertical patrol and increased patrol location (I.P.L.).

2:2.15 SHIFT. A shift designates one of the basic time units for assignment of personnel, usually designated in terms of continuous 8 hour periods.

2:2.16 SQUAD. A unit composed of a grouping of police officers assigned to a tour of duty controlled by a common grouping of duty hours. A squad may also refer to a functional unit performing police operations.

2:2.17 STRAIGHT POST. A length of street, or streets as contrasted to an area specifically designated for patrol purposes.

2:2.18 TABLE OF ORGANIZATION. A table listing the police ranks from the Chief of Police through all ranks, and from the Director through all civilian positions, permanent and temporary, that are filled or unfilled, which has been adopted by the Board of Commissioners by way of Ordinance in accordance with prevailing New Jersey law. This table reflects the present ranks and personnel strength.

2:2.19 TOUR COMMANDER. The superior officer in charge of a tour of duty.

2:2.20 TOUR OF DUTY. The number of days (4 or 5) of work on a given tour during which an individual member is on duty.

2:2.21 UNIT. A number of police officers or civilian employees regularly grouped together under one head so as to accomplish a police purpose.

2:2.22 ZONE. A specific territorial assignment of a motorized and/or bicycle patrol unit.

2:3 OPERATIONAL DEFINITIONS

2:3.2 BEGINNING OF DAY AND WEEK. The police service day for purposes of record shall begin at 0001 hours and shall end at 2400 hours. The police service week for purposes of record shall begin at 0001 hour each Sunday.

2:3.3 CHILD. A person of either sex under the age of thirteen (13) at the time a crime was committed against that child.

2:3.4 JUVENILE. Any person under the age of eighteen (18).

2:3.5 COMMAND. An order or a direction requiring compliance (see 2:2.3)

2:3.6 COMMAND SUPERVISION. That exercise of authority and control over a unit by a commanding officer who is responsible for the proper performance of its activities.

2:3.7 COMMANDING OFFICER. A police officer assigned to exercise command over a unit.

2:3.8 COMPLAINT. A written statement of the essential facts constituting the offense charged made upon oath before any magistrate or other person empowered by law to take complaints.

2:3.9 COMPLAINANT. One who commences a legal action by the process of a complaint. The complainant shall also designate the person who became the victim of a crime.

2:3.10 COMPETENT AUTHORITY. That certification of judgment which is accepted as qualified and decisive.

2:3.11 DISPATCH LOG. A record maintained by the dispatcher to record chronologically the duty assignments and activities of members of a shift or tour of duty.

2:3.12 DUTY. The embodiment of the requirements of the police that a police officer must fulfill by reason of a sworn oath of office the officer has taken. Refer to City Ordinance (Police Department) Article XIII, et. al., and Civil Service Commission Job Descriptions.

2:3.13 IN SERVICE. A status assigned to all personnel indicating that members of the Department and their vehicles are present and available for assignment.

2:3.15 NEGLECT OF DUTY. Failure to give attention to the performance of duty. Examples include, but are not limited to, the failure to take appropriate action on the occasion of a crime, or other act or condition requiring police attention, and failure to comply with a lawful order of a superior officer. Absence without leave is the failure to report for duty at the time and place designated, unnecessary absence from post during tour of duty, failure to perform duties prescribed and failure to conform to Department operating procedures, rules and regulations

2:3.17 OFFICER IN CHARGE. A police officer assigned to and designated as being in charge of any office, detail or situation.

2:3.18 OFF DUTY. The duty status of a member of the Department during authorized leave when he/she is free from the responsibility of performing his/her specified routine duties.

2:3.19 OFF THE AIR. A status assigned to police officers indicating that the officer or police unit are in service but not presently available to receive radio communication.

2:3.20 ON THE AIR. A status assigned to radio equipped police officers or vehicles indicating that they are in service with radio equipment that is in operation.

2:3.21 ON DUTY. The duty status of a member of the Department when he/she is actively engaged in the performance of their assigned duties during designated hours of the day.

2:3.22 OUT OF SERVICE. A status assigned to personnel indicating that the member(s) and their vehicles are not available for assignment.

2:3.23 BLANK (Intentionally Left Blank)

2:3.24 PROCEDURE. The official method of dealing with any given situation prescribed by the Rules and Regulations or by other orders.

2:3.25 PROPERTY DEFINED. Property as used in New Jersey Court rule 3:2A-1 et seq. which includes documents, books, papers and other tangible objects.

2:3.26 SECURE PLACE. A particular location free from risk or danger,

2:3.27 SPECIAL DUTY. A police service by nature of which requires that the member of the Department perform a special police function other than a regular police duty.

2:3.28 SUBPOENA (DEFINED). A writ or order directed to a person and requiring attendance at a particular time and place to testify as a witness or appear as a defendant

2:3.29 SUBPOENA DUCES TECUM (DEFINED). Commands a person to attend court or other legal proceeding and produce a pertinent book, paper, document or other object as designated therein.

2:3.30 SUBVERSIVE GROUP. Any group cited by the United States Attorney General as being subversive. Generally these groups are dedicated to movements designed to destroy and overthrow the governmental structure.

2:3.32 TASK. An assigned piece of work. Police tasks are performed in various degrees by police officers of all ranks, from patrolman to Chief of Police, including all grades of civilian employees.

2:3.34 WORK DAY. The day in which a member of the Department is directed to perform his/her duties. In cases where such member is detailed to hours of duty which consecutively cover portions of two successive days, the following rule applies: When a police officer or civilian employee is directed to begin work before 2200 hours the day that they begin work shall be considered their "work day". When the member is directed to begin work at or after 2200 hours the following day shall be considered their "work day".

2:4 COMMUNICATIONS

2:4.1 DAILY BRIEFING. Oral Report issued by the squad supervisory, at line up, reporting all the important incidents that took place during the preceding hours with important facts, i.e., offenses, missing person, unusual incidents, etc.

2:4.2 ENFORCEMENT BULLETIN. A publication issued periodically by the Department containing statistical information about criminal activity so that police officers will become familiar with the hazards in a given area. This bulletin shall make it possible for officers to become particularly attentive in their efforts in taking remedial action. Bulletin may be in form of Increased Patrol Location (I.P.L.) list. Bulletins also include 'Be On The Lookout For' (B.O.L.O) alerts or situations.

2:4.3 GENERAL ORDER. A written directive issued to announce the adoption or revision of policies and to direct procedures for the indefinite future. The General Order may:

- (1) Institute permanent procedures, rules and policies.
- (2) Effect permanent changes in the organization.
- (3) Install permanent programs which affect more than one unit subordinate to the issuing authority.
- (4) Install permanent personnel policies and procedures to include but not limited to recruiting, hiring, training and programs.
- (5) Establish guidelines for the use of public facilities and equipment and for the expenditure of public funds.

2:4.4 MEMORANDUM. A publication issued that is informative in nature. A memorandum serves:

- (1) To disseminate information or instructions which does not warrant a formal order.
- (2) To explain or emphasize portions of orders previously issued.
- (3) To inform police officers and civilian employees of actions and policies of other agencies.

2:4.5 NOTE BOOK. A pocket sized loose-leaf book carried by all police officers to record pertinent information.

2:4.6 ORDER.

- (1) A written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty.
- (2) A command requiring compliance.

2:4.7 PERSONNEL ORDER. A written directive to announce:

- (1) The appointment of personnel.
- (2) The assignment or transfer of police officers and civilian employees from one unit to another.
- (3) A promotion or demotion.
- (4) Suspension, dismissal and restoration to duty.
- (5) The termination by resignation, by retirement, or by death.

(6) A commendation.

(7) Other subjects of general interest to personnel.

2:4.8 PROCEDURE. The official method of dealing with a given situation.

2:4.9 REPORT. A written or oral communication relating to police matters.

2:4.10 RULES AND REGULATIONS. Department standards and guidelines which enable the Department to achieve a state of consistency in its operations.

2:4.11 SPECIAL ORDER. A written order issued to direct procedures which are of a self canceling nature and which guide the actions of subordinates in specific situations or circumstances.

2:5 GRAMMATICAL TERMS

2:5.1 GENDER. A distinction according to sex. When the masculine gender is used alone in this Manual or in any Departmental procedure or order, employees shall understand that the feminine gender is also intended when applicable. When possible, orders or memos should use terms as "his/her" or the term "officer" or "their" instead of "his".

2:5.2 IMMEDIATELY. A terminology construed to mean "as soon as possible" and "forthwith", "without delay".

2:5.3 MAY/SHOULD. The auxiliary verbs used to indicate that the action taken is permissive or possible.

2:5.4 SHALL/WILL. Verb forms to indicate that the action required is mandatory.

CHAPTER 3

GENERAL RULES AND REGULATIONS

3.1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES.

3:1.1 STANDARDS OF CONDUCT. Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Department disrepute. This Section is subject to any and all sanctions upheld by National, State, County, Local Laws or Administrative Courts.

3:1.2 LOYALTY. Loyalty to the Department and to associates is an important factor in department morale and efficiency. Members and employees shall maintain loyalty to the Department and their associates as is consistent with the law and personal ethics.

3:1.3 COOPERATION. Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.

3:1.4 ASSISTANCE. All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in situations where danger might be impending.

3:1.5 GENERAL RESPONSIBILITIES. Members shall, at all times, 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.

3:1.6 DUTY ACTIVITIES. During regular duty hours, all members of the Department are considered to be "on duty" at all times and must be available for immediate assignment. This would also apply to all civilian personnel working the Police Department's schedule not in conflict with any specific contractual obligation.

3:1.7 NEGLECT OF DUTY. Officers may be charged with neglect of duty for any act or omission in violation of law, police orders, policies, procedures or rules and regulations.

3:1.8 PERFORMANCE OF DUTY. All members and employees shall perform their duties as required or directed by law, department rule, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

3:1.9 QUESTIONS REGARDING ASSIGNMENTS. Members and employees in doubt as to the nature or detail of their assignment shall seek clarification from their superiors by going through the chain of command.

3:1.10 INSUBORDINATION. Members and employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:

A. Failure or deliberate refusal to obey a lawful order given by a superior officer.

B. Any disrespectful, mutinous, insolent, or abusive language or action toward a superior officer.

3:1.11 CONDUCT BETWEEN SUPERIOR AND SUBORDINATES, OFFICERS AND ASSOCIATES. Members and employees shall treat superior officers, subordinates, and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other members, employees, or the public, officers should be referred to by rank.

3:1.12 OBEDIENCE TO LAWS AND REGULATIONS. Members and employees shall observe and obey all laws and ordinances, all rules and regulations and orders of the Department.

3:1.13 CRITICISM OF OFFICIAL ACTS OR ORDERS. Members and employees shall not criticize actions, instructions, or orders of any Department members in a manner which is defamatory, obscene, unlawful, or which tends to impair the efficient operation of the department.

3:1.14 MANNER OF ISSUING ORDERS. Orders from superior to subordinate shall be clear, understandable, civil in tone and issued in pursuit of Department business.

3:1.15 UNLAWFUL ORDER. No command or supervisory officer shall knowingly issue any order which is in violation of any law, ordinance or Department rule.

3:1.16 OBEDIENCE TO UNLAWFUL ORDERS. Obedience to an unlawful order is never a defense of an unlawful action: therefore, no member or employee is required to obey any order which is contrary to Federal, State law or Local ordinance. Responsibility for refusal to obey rests with the member. The said member shall be strictly required to justify his/her action.

3:1.17 OBEDIENCE TO UNJUST OR IMPROPER ORDERS. Members or employees who are given orders which they feel to be unjust or contrary to rules and regulations, must first obey the

order to the best of their ability, and they may proceed to appeal as provided in the Department's rules and regulations. Refer to Section 3:1.15 and 3:1.16.

3:1.18 CONFLICTING ORDERS. Upon receipt of an order conflicting with any previous order or instruction, the member or employee affected will advise the person issuing the second order of this fact. Responsibility of countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the Department. The person countermanding the original order shall notify the source of the original order whenever feasible.

3:1.19 REPORTS AND APPEALS - UNLAWFUL, UNJUST IMPROPER ORDERS. A member or employee receiving an unlawful, unjust, or improper order shall, at first opportunity, report in writing to the next highest rank in the chain of command. This report shall contain the facts of the incident and may be made at the same time the order is received. Interdepartmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

3:1.20 SOLICITING GIFTS, GRATUITIES, FEES, REWARDS, LOANS. Members and employees shall not under any circumstances, solicit any gift, gratuity, loan, reward, or fee where the mere appearance exists that a connection between the solicitation and their Department membership or employment exists. This Section shall not prohibit any member from soliciting charitable contributions for their respective associations, or any other non-profit, State chartered organization, after obtaining permission, in addition, from the Chief of Police or his/her designee.

3:1.21 ACCEPTANCE OF GIFTS, GRATUITIES, FEES, LOANS. Members and employees shall not accept, either directly or indirectly, any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment or any activity connected with said employment. The acceptance of which might tend to influence the actions of said members or employees or any other member or employee in any matter of police business, or which might tend to cast an adverse reflection on the Department or any member or employee thereof. This Section shall not apply to lawful activity as specified in Section 3:1-20.

3:1.22 OTHER TRANSACTIONS. Members and employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their Department employment except as may be specifically authorized by the Chief of Police. This would not include the purchase or sale of any item of value at a fair market value or any purchase or sale with an established wholesaler or national chain store.

3:1.23 REWARDS. Members and employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty to the community or any person, business, or agency except lawful salary and that which may be authorized by law without specific authority or permission given by the Chief of Police or with permission of his/her designee.

3:1.24 DISPOSITION OF UNAUTHORIZED GIFTS, GRATUITIES. Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any member or employee,

shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances.

3:1.25 FREE ADMISSIONS AND PASSES. Members and employees shall not solicit or accept free admission to theaters or any public venue which requires an admission fee for themselves and others except in the line of duty.

3:1.26 DEBT OBLIGATION.

A. Members and employees shall promptly pay all their just debts and meet all their legal liabilities so as not to bring the Department into disrepute. However, this clause shall not impair the rights of any employee under State or Federal Law.

3:1.27 INTERCESSION-SOLICITING. Members and employees shall not solicit anyone to intercede with the Chief of Police, Public Safety Director or members of the Board of Commissioners in relation to promotion, assignments, disposition of pending charges, or findings in a Departmental trial or other related matter, other than through their attorney or Union representative.

3:1.28 PERSONS AND PLACES OF BAD REPUTATION. Members and employees shall not knowingly frequent places of bad reputation, nor associate with persons of bad reputation, except as may be required in the course of police duty. Such locations shall be determined on a case by case basis by the Chief of Police, and disseminated at that time to all members of the Department.

3:1.29 WITHHOLDING INFORMATION. Members and employees shall not, at any time, withhold any information concerning criminal activity.

3:1.30 REPORTING VIOLATIONS OF LAW, ORDINANCES, RULES OR ORDERS. Members and employees knowing of other members and employees violating laws, ordinances, or rules of the department, or disobeying orders, shall report same in writing to the Chief of Police through official channels. If the member or employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief or Internal Affairs Commander, official channels may be bypassed.

3:2 GENERAL CONDUCT ON DUTY.

3:2.1 PROHIBITED ACTIVITY ON DUTY. Members and employees are prohibited from engaging in the following activities while on duty:

- A. Sleeping, loafing, non-productive idleness.
- B. Conducting private business.
- C. Gambling, unless to further a police purpose.

D. Engaging in any activity, which is deemed by the Chief of Police or the Internal Affairs Commander to be activity outside the scope of the employee's duties and/or disrupt or reflect negatively on the Department's operations.

3:2.2 ALCOHOLIC BEVERAGES AND DRUGS.

A. Members or employees of the department shall not drink any kind of intoxicating beverage while on duty except when required in the performance of duty, as authorized by the Chief of Police or his/her designee. A member, while assigned to duty in civilian clothes, may use alcohol if absolutely necessary in the performance of duty, provided such use does not render him unfit for proper and efficient performance of duty. Under no circumstances shall medically defined intoxication be considered justifiable.

B. Members or employees of the Department shall not take any drugs that are not specifically prescribed and necessary for their health other than regular over-the-counter medications such as aspirin, naproxen, ibuprofen, acetaminophen, etc.

C. Members and uniformed civilians shall not consume alcoholic beverages or other intoxicants while in uniform either on duty or off duty.

D. Alcoholic beverages shall not, at any time, be consumed within Police Headquarters or any other police facility.

E. Employees shall not report for duty under the influence of intoxicants. This condition shall cause the employee to be unfit for duty. Superior officers shall not assign to duty any employees in an unfit condition due to the use of intoxicants and shall immediately relieve from duty any employee found on duty in such condition. Furthermore, arrangements shall be made to have the employee transported to his/her residence or medical facility by supervisor or his/her designee. The Tour Commander shall immediately notify the Chief of Police or his/her designee.

F. Members or employees shall not have intoxicants on their person while on duty or in uniform, or in any Police Department building or vehicle, except when evidential in nature or other authorized purpose.

G. Liquor or drugs brought onto Departmental premises in the furtherance of a police task, shall be properly identified and stored in accordance with Department policy.

H. Members in uniform shall not enter any tavern where intoxicants are sold or stored, except in the performance of their duty, or under emergent conditions, or when prior approval or assignment is received from the Chief of Police or his/her designee.

I. No interest in any liquor license shall be held by any regular police officer, any peace officer or any other person whose powers or duties include the enforcement of the alcoholic beverage laws or regulations, or by any profit corporation or association in which any such person in which the said police officer has an interest, either directly or indirectly, where the licensed premises is within the City of Union City.

J. No law or regulation promulgated by the Division of Alcoholic Beverage Control, however, prohibits permanent, full-time members of the municipal police departments or a county police department from being employed, other than in the municipality/county, as the case may be, for which they serve as police officers, by a business licensed to sell alcoholic beverages in this State. Hence, municipal police officers cannot be employed on a licensed premise in the municipality where they serve and County police officers cannot be employed in licensed premises within the County in which they are employed (as required by the New Jersey Administrative Code-See N.J.A.C. 13:2-23.31 and 33:1-26.1).

A licensee on an A.B.C. licensed premise may request permission to employ a regular police officer who does not have official duties and responsibilities within a particular community. However, before doing so, the police officer to be employed must:

- (1) Obtain the written consent of the Chief of Police as to where they are to be employed, and
- (2) Must also give notice of the intended off-duty employment to the Chief of Police in the municipality where the licensed premises is located, and
- (3) The licensee should request the permission of the A.B.C. Director by requesting permission to employ such police officers, and should write and send to the Division of the A.B.C., copies of the notice and consent of the Chiefs of Police and identify the period of employment and type of employment, and
- (4) If the police officer will sell, serve, possess or deliver any alcoholic beverages during the course of employment by the licensee, such officer cannot be armed or wear any uniform or badge identifying him/her as a police officer, and
- (5) No police officer may be employed by a licensee in excess of 24 hours per week.
- (6) When a licensee has circumstances that require the use of trained police officers to provide crowd or traffic control or security for monies, the municipality may assign its regular police officers to the licensed premises for these purposes. The municipality may bill the licensee for such cost or may require the licensee to pre-pay for the services. In no event, however, may the licensee directly hire or pay the police officers directly. (N.J.A.C. 13:2-23.31 and N.J.S.A. 33:1-26.1)

K. It should be emphasized that the Division of A.B.C. regulates licensees, not police officers.

L. Any specific questions by police officers about their employment regarding licensed premises by the A.B.C., should be directed to the New Jersey State Division of Criminal Justice, Police Services Bureau.

M. Drug Screening Guidelines. Members will be subject to urinalysis when there exist facts that provide an individualized reasonable objective suspicion, that an officer is illegally using drugs. Any officer who has reasonable suspicion to believe that a fellow officer is illegally using drugs, must immediately report that fact to the Chief of Police of the Department or his/her designee. In their absence, the report shall be made to the highest ranking officer working the tour.

Any officer testing positive for illegal drug use, will be:

1. Dismissed from the Union City Police Department.
2. Included in a Central Registry maintained by the New Jersey State Police to be accessed only through court order or as part of a confidential investigation related to law enforcement employment.
3. Reported to the Hudson County Prosecutor.
4. Permanently barred from sworn law enforcement employment in New Jersey.
5. Any member who refuses to submit a urine sample based upon a lawful order founded upon individualized, reasonable suspicion, will be suspended immediately and dismissed from the Union City Police Department.

3:2.3 ABSENCE FROM DUTY. Every member or employee who fails to appear for duty at the date, time, place specified, without the consent of competent authority is "absent without leave." Such absence must be reported in writing to the Chief of Police utilizing appropriate forms.

3:2.4 ROLL CALL. Unless otherwise directed, members shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement. The Supervisor conducting roll call must be properly uniformed and equipped.

3:2.5 PHYSICAL FITNESS FOR DUTY. Members shall maintain satisfactory physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer. Current standards, as determined by administrative law, shall be binding. This Section shall not deprive any officer of their rights under Federal, State or Administrative Law.

3:2.6 LOITERING. Members on duty or in uniform shall not enter public or private structures except to perform a police task, or unless Headquarters is notified. Loitering in such locations are forbidden. Members and employees, on duty and while on official police business, shall not loiter in Police Department areas or in other municipal facilities, except in the performance of their duties or unless as part of their assignment.

3:2.7 SMOKING WHILE ON DUTY. Members shall not smoke on duty while in direct contact with the public nor when in uniform except when in a private place where smoking is permitted and the officer is not dealing with the public. During these times they shall be as inconspicuous as possible, provided they are within or at a permissible smoking area. Officers either in uniform or plain clothes shall not smoke in any Department vehicle.

3:2.8 RELIEF. Members and employees are to remain at their assignment and on duty until properly relieved by other members or employees or until dismissed by a competent authority.

3:2.9 MEALS. All meals are to be within the officer's post or within assigned duty areas, subject to modification by the commanding officer. Meals shall be eaten with reasonable dispatch when in public view.

3:2.10 TRAINING. Employees shall attend in-service training at the direction of the Chief of Police. Such attendance is considered a duty assignment.

3:2.11 INSPECTIONS. From time to time the Chief of Police may call for full dress inspections of the Department or any part thereof. Members directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified.

3:2.12 MILITARY COURTESY. When meeting in public, members shall conform to normal courtesy standards and refer to each other by rank. A salute will be rendered to all superior officers when in uniform.

3:2.13 NATIONAL COLORS AND ANTHEM. Uniformed members shall render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.

3:2.14 POSSESSION OF KEYS. No member, unless authorized by his/her commanding officer, shall possess keys to any business premises not his/her own, on or near his/her post or zone.

3:2.15 ADDRESS AND TELEPHONE NUMBERS. Immediately upon reporting for duty, members and employees shall record their correct residence address and telephone number with the commanding officer and Chief's Office. Changes in address or telephone number shall be reported within 24 hours of the change.

This shall be done in writing on the appropriate form and within the specified time, whether the member or employee is working or on leave. (Beeper number or cellular telephone may not be provided in lieu of residence telephone).

3:3 UNIFORMS, EQUIPMENT & APPEARANCE/REGULATIONS.

3:3.1 REGULATION UNIFORMS REQUIRED. All members and uniformed civilians shall maintain regulation uniforms. Uniforms shall be kept neat, clean and well-pressed at all times. Leather belts and accessories shall be kept in good condition. Shoes shall be cleaned and maintained regularly. Hat and badges shall be kept in good condition. The regulation uniform of the day and hat should be worn by all officers when exiting a building or vehicle unless a specific emergency or exigency makes the wearing of a hat impractical (hat should then be worn as soon as the specific exigency has ceased). Under unusual weather conditions or circumstances, the Chief, Deputy Chief or Operations Division Commander, may dispense with the wearing of the hat and allow for the wearing of the short sleeve shirt.

3:3.2 MANNER OF DRESS ON DUTY. Normally, members and uniformed civilians will wear the regulation uniform of the day on a tour of duty; unless modified by the Chief or his/her designee, due to a particular assignment. From time to time, the Chief or his/her designee, can modify and designate, as authorized, the use of other types of shirts, jackets, coats, foot wear, hats and the like. Generally, the following types of authorized uniform are permitted to be worn during the various seasons:

May 1st thru Sept. 30th - Authorized uniform shall be:

Short sleeve shirt no tie, long sleeve shirt with or without tie, with or without the Spring Blouse/Jacket.

B.D.U. uniform rank / assignment allowing.

October 1st thru April 30th - Authorized uniform shall be:

Long sleeve shirt with tie, with or without the Spring Blouse/Jacket or long sleeve shirt with tie, with or without winter coat.

The Ceremonial, Class A Uniform shall be worn for promotions, parades, funerals, special events and the like, and shall always be the long sleeve shirt with tie, the Spring Blouse/Jacket, white gloves with polished shoes and regulation hat.

B.D.U. uniform rank / assignment allowing.

Under unusual conditions, the above may be modified by the Chief of Police or the Director of Public Safety.

No pins, flags, angels, or other insignias or the like, shall be worn on any part of the uniform unless authorized by the Chief of Police or the Director of Public Safety.

3:3.3 WEARING OR CARRYING BADGE. A member, when in uniform, shall wear the regulation badge on the outside of the outermost garment over the left breast and always in sight. When not in uniform or off duty, the officers shall carry their badge and department identification with them and display same when appropriate and where feasible.

3:3.4 ALTERING STYLE OF UNIFORM. Uniforms shall be made of the material and the style prescribed in police orders, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by the Chief of Police or his/her designee.

3:3.5 CARRYING REQUIRED EQUIPMENT WHEN IN UNIFORM.

While on duty, except when assigned to office duties, members who are required to wear the specified uniform shall always carry, as full equipment, the following:

- A. Badge.
- B. Police department identification card.
- C. Notebook.
- D. Pen.
- E. Firearm and ammunition (department-issued or approved).
- F. Whistle (does not apply to office duties).
- G. Handcuffs with case.
- H. Flashlight with case.
- I. Baton with holder (does not apply to office duties).
- J. Car opening tool (does not apply to office duties or walking assignments).
- K. Duty Belt

A member shall also carry specially issued equipment and forms necessary for performing his/her duties, i.e. traffic vest, rain gear.

3:3.6 EQUIPMENT IN CIVILIAN CLOTHES AND ON DUTY. While on duty, members who are required to wear civilian clothes shall carry, as full equipment, the following:

- A. Badge.
- B. Firearm and ammunition (department-issued or approved).
- C. Handcuffs with case.
- D. Police Department identification card.
- E. Notebook and pen.

3:3.7 MANNER OF DRESS WHILE APPEARING FOR COURT AND/OR OTHER OFFICIAL AGENCY FUNCTIONS. Any Department employee subpoenaed or appearing before any Court, Agency or Hearing as an employee of this Department shall appear in proper dress and be appropriately attired.

The following shall be considered proper attire:

- (1) Regulation Department Uniform for the season.
- (2) Business Attire.
- (3) Sports Jacket and Dress Pants or Casual Pants with Tie.
- (4) Casual Slacks and Collared Dress Shirt with or without Tie.

A. The badge should be appropriately displayed.

B. Sneakers, workpants, jeans or shorts are prohibited.

C. T-Shirts or shirts without collars or shirts, sweaters or jackets bearing advertisements or inappropriate messages or slogans, are prohibited.

D. Firearms and Handcuffs

SPECIAL NOTE: Narcotics (NTF) Personnel may present themselves in their normal work attire, provided that they are appearing in a Court or Agency on a scheduled work day. They should also, at the time of their appearance, properly excuse themselves and offer a simple explanation as to their dress being related to their undercover assignment. On their day off, they are held to the aforementioned guidelines.

Desk Officers and Supervisors will inspect personnel to ensure compliance of this regulation. All Command and Supervisory Personnel, while attending any Court or Hearing, shall be responsible for ensuring compliance to this regulation.

3:3.8 CIVILIAN CLOTHING-MANNER OF DRESS. Male members and civilian employees permitted to wear civilian clothing during a tour of duty shall wear either a business suit or sport coat and slacks or proper attire. A dress shirt shall be worn with a tie. Commanding officers may prescribe other types of clothing when necessary to meet a particular police objective. Female members and employees permitted to wear civilian clothing, shall wear clothing that conforms to standards normally required of office personnel in private business firms, unless otherwise directed. All articles of clothing shall be of a conservative nature. (NTF Unit or similar special assignment shall be exempt and their clothing shall be modified to address the specific assignment).

3:3.9 EQUIPMENT. All equipment must be clean, in good working order and conform to Department specifications.

3:10 PERSONAL APPEARANCE. Every member and civilian employee of the Department, while on duty, must at all times be neat and clean in person, with clothes clean and pressed, the uniform in conformity with the rules and regulations. Officers shall, as often as necessary, examine and clean their equipment and keep it in good serviceable condition. Male sworn members and civilian employees shall conform to the following additional standards of appearance:

A. Hair (Unless the Chief of Police or his/her designee waives same due to current assignment).

1. The style shall not exceed medium length and fullness.
2. Bushy hair protruding from the sides, back or front of the head is prohibited.
3. Hair styles shall not be of such length as to cover any portion of the ears.
4. A neat pattern, shaped at the rear of the neck, shall be maintained. Growth near the collar line must be neatly trimmed and shall not extend over the shirt or coat collar.
5. Exotic haircuts, such as Mohawk style or arrow-shaped, are strictly prohibited (except NTF with prior permission from the Chief of Police or his/her designee.)
6. Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed 1 1/2 inches at the broadest point.

B. Mustaches.

1. The pattern shall be neatly trimmed.
2. The extent of the growth shall not exceed a position beyond the corner of the mouth.
3. Length of the hair not to exceed onto or below the upper lip area, nor appear bushy.

C. Beards.

1. Full beards or other growths of hair below the lower lip, on the chin, or lower jaw bone, are prohibited, unless specific permission is received from the Chief of Police or his/her designee.

D. Clean Shaven.

1. Except for the areas of facial growth permitted, all members shall be clean shaven.
2. Personnel with a medical condition which precludes shaving on a daily basis shall be required to provide a medical report justifying said medical condition from a licensed medical doctor. Upon approval of the police physician, the officer will be exempt from this daily requirement.

E. Female Members.

1. In the interest of safety, female members assigned to a division or unit where the regulation police uniform is worn, shall wear their hair short and neatly trimmed near the collar line. Hair growth

shall not extend over the shirt or coat collar. Female members may wear their hair in a bun or in a ponytail when on duty. Ponytail shall not extend beyond the middle of shoulders.

F. Earrings.

1. The wearing of earrings by either male or female officers, while on duty, is prohibited except, if due to a particular assignment, the wearing of same is deemed appropriate by a supervisory officer.

G. Female Civilian Employees.

1. Hair must be clean, neat and combed. In addition, no employee will be permitted to wear a hairstyle, which results in a design or pattern being cut into the hair pattern. Hair coloring, if used, must appear natural and present a professional appearance.

3:3.11 DEPARTMENT PROPERTY AND EQUIPMENT. Members and employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property shall subject the responsible individual to reimbursement or replacement charges and appropriate disciplinary action.

3:3.12 DAMAGED-INOPERATIVE PROPERTY OR EQUIPMENT. Members and employees shall immediately report to their commanding officers, on designated forms, any loss of or damage to Department property assigned to or used by them. The immediate Supervisor will be notified of any defects or hazardous conditions existing in any Department equipment or property on forms designated.

3:3.13 CARE OF DEPARTMENT BUILDINGS. Members and employees shall not mark or deface any surface in any department building. No material shall be affixed in any way to any wall in Department buildings without specific authorization from the commanding officer.

3:3.14 NOTICES. Members and 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 a commanding officer.

3:3.15 DEPARTMENT VEHICLES-USE. Members shall not use any Department vehicle without the permission of a commanding officer.

3:3.16 OPERATION OF MOTOR VEHICLES. Members and employees, when operating vehicles of any description, whether private or Departmental vehicles, shall not violate the traffic laws except in cases of absolute emergency and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles. In all cases, emergency or not, members are required to drive with due caution and circumspection pursuant to New Jersey Law, AG Guidelines and common courtesy.

3:3.17 EMERGENCY CALLS AND USE OF RED LIGHT AND SIREN. Members operating any Department vehicle, when responding to an emergency call, shall exercise judgment and care with due regard to the safety of life and property. They shall slow down at all street intersections to

such degree that, when crossing same, they will have safe control of their cars; especially when crossing street intersections where the traffic signal lights are against them or where there are stop signs. They shall use the red light and sound the siren on such calls and take the utmost precaution. Due caution and circumspection is always required by this Department, New Jersey Statutes, and case law. Emergency signals cannot guarantee the right of way. Defensive driving is particularly important when driving in emergency conditions. Improper operation of an assigned vehicle, while on duty, shall constitute neglect. (Extreme caution shall be used if emergency lights or siren cannot be used due to type of call).

3:3.18 TRANSPORTING CITIZENS. Citizens will be transported in Department vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with Department policy or at the direction or permission of a command officer, immediate supervisor, or the communication center via radio.

3:3.19 REPORTING ACCIDENTS. Accidents involving municipal personnel, property, and equipment must be reported in accordance with Department procedures.

3:3.20 PRESUMPTION OF RESPONSIBILITY. In the event that municipal property is found bearing evidence of damage, it shall be incumbent upon the discoverer to report same immediately. Failure to do so will result in disciplinary action.

3:3.21 LIABILITY. Liability for negligence in the care, maintenance and safekeeping of property and equipment. All Departmental property or equipment issued to or placed at the disposal of any member of the Department, shall be properly cared for and maintained and secured by said member. In the event of any misuse or loss of said property by any member through negligence or abuse, that member will be held liable to reimburse the Department for damage or loss not covered by insurance. This shall also include transportation vehicles of any type. The officer shall be subject to disciplinary action, and charges will be filed as per Civil Service Commission rules and regulations, and a finding of negligence will determine liability and fine/reimbursement. The officer may choose to waive formal charges and their right to a hearing and make reimbursement.

3:4. COMMUNICATIONS, CORRESPONDENCE.

3:4.1 RESTRICTIONS. Members and employees shall:

- A. Not use Department letterheads for private correspondence.
- B. Only send official correspondence from the Department under the direction of the Chief of Police.
- C. Use of business cards will be permitted on a format approved by the Chief of Police.

3:4.2 FORWARDING COMMUNICATIONS TO HIGHER COMMANDS. Any member or employee receiving a written communication for transmission to a higher command shall, in every

case, forward such communication. A supervisor receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgment for purposes of accountability.

3:4.3 DEPARTMENT ADDRESS-PRIVATE USE OF. Members and 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's license.

3:4.4 TELEPHONES. Department telephone equipment is for official business only and may not be used for the transmission of personal messages without the express approval of a commanding officer.

3:4.5 RADIO DISCIPLINE. All members of the Department operating the police radios shall strictly observe regulations for such operations as set forth in Department orders and by the Federal Communications Commission. Refer to the appropriate Policy/ General Orders.

A. Except in an emergency, all members shall use the appropriate Departmental codes and signals when using the police radio.

B. The use of any entertainment devices are prohibited in police vehicles unless they were provided or made available for use by the Department.

3:5. INVESTIGATIONS.

3:5.1 COMMAND OF SCENE. At the scene of a crime, accident, or other police incident, the ranking officer present shall assume command and direction of police personnel to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of these is assigned to the investigation detail that will follow up the investigation, that ranking officer will be in charge. This provision coordinates the efforts of the several subordinate members who may be assigned to the incident. Therefore, it is incumbent upon the ranking officer assuming such control, to become acquainted with the facts and ensure that appropriate action is being taken or is initiated. In situations where the incident is of such a magnitude and of unusual circumstance, where an emergency command proclamation is declared, the Incident Command Structure (I.C.S.) structure shall be activated. All other personnel shall extend their full cooperation in addressing the duties and responsibilities necessitated by the circumstance.

3:5.2 RESPONSIBILITIES OF MEMBERS ARRIVING AT CRIME SCENES. The first member to arrive at the scene of a crime, or other police incident is responsible for the following actions as they may apply to the situation:

A. Summoning medical assistance and administering first aid as required to prevent further injury or loss of life.

B. Notifying communications/request additional resources as needed.

C. Arrest of violator(s).

D. Security/safety of the scene.

E. Conducting a preliminary investigation.

3:5.3 RESPONSIBILITIES OF ASSIGNED MEMBERS AT CRIME SCENE. The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for the duties in Section 3:5.2 and the completion of the preliminary or other investigation as directed. This shall include securing statements and other information, which will aid in the successful completion of the investigation; locating, collecting, and preserving physical evidence; and identifying, locating and apprehending the offender.

3:5.4 IDENTIFICATION AS POLICE OFFICER. Except when impractical or where the identity is obvious, officers shall identify themselves by displaying the official badge or identification card before taking police action.

3:5.5 RELEASE OF INFORMATION AT CRIME SCENE. Unauthorized persons, including members of the press, shall be excluded from crime scenes. Information which will not hinder or nullify an investigation shall be given to the press by the Department's spokesperson, or in their absence, a superior officer designated by the Chief of Police or in accordance with Departmental policy set forth below. In order not to jeopardize the prosecution of a criminal case and to insure that an accused will not have cause to challenge the fairness of the court proceeding against him, every member of the department is hereby advised of the following guidelines to be used in dealings with the press.

3:5.6 CONFIDENTIAL INFORMATION.

A. Members and employees shall not reveal any confidential business of the Department. They shall not impart confidential information to anyone except those for whom it is intended or as directed by their Commanding Officer.

B. Members shall not make known to any person any Department order which they may receive unless so required by the nature of the order.

C. Contents of any record or report filed within any Department in the Police Department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the Chief of Police, or under due process of law, or as permitted under Department regulations.

3:5.7 COMPROMISING CRIMINAL CASES. Members and employees shall not interfere with the proper administration of criminal justice.

A. Members and employees shall neither attempt to interrupt the legal process, nor participate in or be concerned with any activity which might interfere with the process of law.

B. Members and employees shall not attempt to have any traffic summons or notice to appear reduced or stricken from the calendar. In any instance of amending a summons or complaints (CDR, VCO, Traffic) a request to dismiss a void complaint form shall be completed and reviewed and signed by a member of the command staff. Complaint/summons and form shall be submitted to the Chief's Office with a copy to the Court Clerk

C. Any member or employee having knowledge of such action and failing to inform his/her superior officer thereof, shall be subject to disciplinary action.

3:6. ARRESTS.

3:6.1 ASSISTING CRIMINALS. Members and employees shall not communicate any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment, or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise or other property unlawfully obtained.

3:7. RESERVED.

3:8. BAIL.

3:8.1 BAIL FOR WITNESS. Every Municipal Judge shall, when the interest of justice requires, bind with sufficient surety all persons who can give testimony against one accused of a criminal offense punishable by death or imprisonment in State Prison whether or not the offender be arrested, imprisoned, or bailed. **Court Rule 3:26-3;7:5-1.** (Advise Judge of material and necessary information that witness allegedly has and reason why witness is unlikely to respond to a subpoena).

3:8.2 DEPOSITING MOTOR VEHICLE COMPLAINTS AND COMPLAINT/WARRANT AND COMPLAINT/SUMMONS. All motor vehicle summonses for motor vehicle violations issued, shall be deposited by the officer who issued the summons at the end of the officer's tour of duty. The motor vehicle summons shall be deposited in the Motor Vehicle offense depository at Headquarters.

3:8.3 ACS (AUTOMATED COMPLAINT SYSTEM) (Left blank, to be addressed at a later date).

3:9. RESERVED.

3:10 PUBLIC ACTIVITIES.

3:10.1 CONDUCT TOWARD THE PUBLIC. Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane, or insolent language and shall always remain calm regardless of provocation. Upon request, they are required to supply their name, rank and badge number in a courteous manner. They shall attend to all reasonable and appropriate requests from the public quickly and accurately, avoiding unnecessary referrals to other segments of the Department.

3:10.2 IMPARTIAL ATTITUDE. All members, are charged with vigorous and unrelenting enforcement of the law and must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the State and not against individual Officers. All citizens are guaranteed equal protection under the law. Exhibiting partiality for or against a person because of race, creed, origin, gender or influence, is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interest of justice, is conduct unbecoming an officer.

3:10.3 DISPARAGING NATIONALITY, RACE, OR CREED. Courtesy and civility toward the public is required of all members of the Department. Members shall not use words which tend to or will humiliate, disparage, demean, degrade, ridicule, or insult a person because of his/her race, creed, color, national origin, sex, sexual orientation, or ancestry.

3:10.4 PUBLIC STATEMENTS. Members of the Department shall not make public statements concerning the work plans, policies, or affairs of the Department, which may impair or disrupt the operation of the Department or which are obscene, unlawful, or defamatory.

3:10.5 SUBVERSIVE ORGANIZATIONS. No member or employee shall knowingly become a member of or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Chief of Police.

3:10.6 AFFILIATION WITH CERTAIN ORGANIZATIONS PROHIBITED. Employees shall not join any organizations nor affiliate themselves with any organization whose constitutions embrace provisions, which might in any way exact prior consideration and prevent the proper and efficient functioning of the Department. This prohibition does not apply "to the active military or Naval service of the United States or of this State, in time of war on an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service." (Source: N.J.S.A. 38:23-4).

3:10.7 AFFILIATION WITH RADICAL GROUPS. No police officer or civilian employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in fostering hatred, prejudice, or oppression against any racial or religious group, political entity or sexual orientation.

3:10.8 TRADE UNIONS-ORGANIZATIONS AFFILIATED WITH TRADE UNIONS. No member of this Police Department shall affiliate themselves with any labor union or organization whose policy may be to cause a violation of any State Statute or City Ordinance or Federal Law which would cause a deterioration of police services.

3:10.9 COMMERCIAL TESTIMONIALS. Members and employees shall not permit their names or photographs to be used to endorse any product or service, which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief, allow their names or photographs to be used in any commercial enterprise or testimonial which alludes to their positions or employment with the Department.

3:10.10 PUBLIC APPEARANCE REQUEST. All requests for public speeches, demonstrations, and the like concerning police matters will be routed to the Chief for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit their request to the Chief of Police.

3:11 POLITICAL ACTIVITIES.

3:11.1 PARTISAN POLITICAL ACTIVITIES PROHIBITED. Police officers shall not engage in partisan political campaigns and activities while on duty or in the performance thereof. This would include explicit as well as implicit acts or gestures that a reasonable person would likely construe to be a form of partisan politics. For example, remarks or gestures supporting a designation as in A team or B team.

3:11.2 BI-PARTISAN POLITICAL ACTIVITIES-LIMITATION. Police officers may engage in Bi-Partisan political activities except when such activities will impair or harm the operation or discipline of the Department. Officers shall not engage in, or give the appearance of being partisan concerning any political person or organization while on duty.

A. Police Officers may not exhibit/wear any political signs, stickers, buttons, flyers or any other item depicting a partisan political entity on any uniform or authorized piece of police equipment while on or off duty. Police officers shall not exhibit/wear any political signs, stickers, buttons, flyers or any other items depicting a partisan political entity on any civilian clothing while on duty. This would include any of the partisan political items as mentioned above which may be worn on the inside of any on duty piece of attire which may be exposed, either intentional or unintentional. For example, the wearing of buttons or stickers on the inner lining of a coat, blouse or sweater when the possibility exists that the item may be exposed to other while removing or opening.

B. All Command and Supervisory personnel will be held accountable to ensure compliance with this directive. Any complaints, from any source, shall be handled as a violation of a departmental rule or regulation, documented, and investigated in the appropriate fashion.

3:11.3 ELECTION TO PUBLIC OFFICE. Police officers may run for public office but may not campaign nor engage in any activity connected with candidacy for such office, while on duty.

3:11.4 SOLICITING PROHIBITED. Members of the Department shall not solicit contributions for political purposes while on duty, nor shall they interfere with or use the influence of their office for political reasons.

3:12 JUDICIAL AND INVESTIGATIVE ACTIONS-APPEARANCE AND TESTIFYING.

3:12.1 COURT APPEARANCE. Attendance at a court or quasi-judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials. When appearing in court, either the official uniform or a business suit or sport jacket and pants with shirt and tie, shall be worn. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court. The dress requirement for court appearance is considered to be while in the performance of duty. All personnel are required to dress accordingly. N.T.F. personnel, when working, shall explain their dress or appearance when they arrive to testify.

3:12.2 TESTIFYING FOR THE DEFENDANT. Any member or employee subpoenaed to testify for the defense in any trial, hearing, or against the Municipality or Department in any hearing or trial, shall notify his/her Commanding Officer, Chief's Office, and prosecuting attorney upon receipt of the subpoena.

3:12.3 DUTY OF MEMBER OR EMPLOYEE TO APPEAR AND TESTIFY. It shall be the duty of every member or employee, who has not been notified that they are a target of the matter at issue, to appear and testify upon matters directly related to the conduct of his/her office, position or employment before any court, grand jury, or the State Commission of Investigation. Any member or employee failing or refusing to so appear and to so testify, shall be subject to removal from his/her office, position or employment.

3:12.4 DEPARTMENT INVESTIGATIONS-TESTIFYING. Members or employees are required to answer questions, or render material and relevant statements, in a Departmental investigation when such questions and statements are directly related to job responsibilities, provided that the officer is not a target of a criminal investigation. This requirement is subject to Statutory, Procedural and Administrative Laws.

3:12.5 TRUTHFULNESS. Members and employees are required to be truthful at all times whether under oath or not.

3:12.6 CIVIL ACTION, COURT APPEARANCES-SUBPOENAS. A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of Department employment or if the member or employee is informed that he/she is a party to a civil action arising out of Department employment, they shall immediately notify their commanding officer and the municipal attorney of the service or notification and of the testimony they are prepared to give. Members and employees shall not enter into any financial understanding for

appearances as witnesses prior to any trial, except in accordance with current directives or Court Rules.

3:12.7 CIVIL DEPOSITIONS AND AFFIDAVITS. Members and employees shall confer with their commanders before giving a deposition or affidavit on a civil case. If a commander determines that the case is of importance to the City, the Commander shall inform the Chief of Police before the deposition or affidavit is given, which will be reviewed. The officer shall be notified accordingly.

3:12.8 CIVIL CASES. Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes but shall prevent or abate breach of the peace offenses or crimes occurring in such cases. This shall not hamper or impair the right of any police officer from taking any legal action against another, either criminal, civil or administrative in nature, as guaranteed by the New Jersey and Federal Constitutions.

CHAPTER 4

PERSONNEL

4:1 PERSONNEL REGULATIONS.

4:1.1 GENERAL QUALIFICATIONS OF POLICE OFFICERS. Except as otherwise provided by law or City Ordinance, no person shall be appointed as a member of the Police Department unless he/she:

- A. is a citizen of the United States and a resident of Union City, New Jersey;
- B. is sound in body and is of good health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey as to his/her eligibility for membership in the retirement systems, as well as the duties described in the job title.
- C. is able to read, write, and speak the English language well and intelligently;
- D. is of good moral character and has not been convicted of any criminal offense involving moral turpitude.

4:2 OATH OF OFFICE.

All new police officers and civilian employees, before their assignment to duty and prior to their promotion to higher ranks, shall be required to take an oath of office as follows:

"I (name of police officer or employee) do solemnly swear or affirm that I will support the Constitution of the State of New Jersey and of the United States, and that I will faithfully, impartially and justly discharge the duties of (state rank or position) of the City of Union City according to the best of my ability (so help me God)"

4:3 PROBATIONARY PERIOD.

Appointment of a police officer to the Police Department is for a probationary period of one year after he/she has completed basic training. Continuation in the service is dependent upon the conduct of the appointee and his/her fitness to perform his/her duties of office. At the termination of the probationary period, if the conduct or capacity of the probationer has not been satisfactory, they shall be notified in writing that they will not receive absolute appointment, and their services shall be terminated by the Director of the Department of Public Safety.

The probation period shall be one year commencing at the completion of the academy training period. **Reference: N.J.S.A. 11A:4-15; N.J.A.C. 4A:4-5.1, et seq.**

4:4 DRIVER'S LICENSE.

Members and employees operating Department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost, he/she shall immediately notify his/her commanding officer, giving full particulars. He/she shall also immediately complete a detailed report, PD-11, to the Chief Executive Officer supplying full particulars.

4:5. SURRENDER OF DEPARTMENT PROPERTY.

4:5.1 UPON SEPARATION FROM THE DEPARTMENT. Members and employees are required to surrender all Department property in their possession upon separation from the service. In the event of a failure to return a non-expendable item, the person concerned will be required to reimburse the Department for the fair market value of the article.

4:5.2 UNDER SUSPENSION. Any member under suspension for six (6) days or more, shall immediately surrender his/her badge, firearm (if City owned), I.D. card and all other Department property to his/her commanding officer pending disposition of the case. Any employee under suspension shall immediately surrender all Department or Municipal property in his/her possession to his/her commanding officer, which shall be forwarded to the Chief of Police for safekeeping.

4:6. DUTY HOURS, DAYS OFF, VACATIONS.

4:6.1 HOURS OF DUTY:

A. Members of the Department shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. They shall, however, be subject to duty as needed.

B. The fact that officers technically may be off duty, shall not be held as relieving members from the responsibility of taking proper police action on any matter coming to their attention at any time, taking into consideration the circumstances as presented, and pursuant to State Law and Federal Law.

4:6.2 DAYS OFF. Members and employees are entitled to days off which are to be taken according to schedules delineated in their labor contracts and Department schedules.

4:6.3 SUSPENSION OF VACATION, DAY OFF, OR LEAVE OF ABSENCE. Any vacation, day off, or leave of absence may be suspended when a sudden and serious emergency arises and when, in the judgment of the Chief of Police, such action should be taken.

4:6.4 ABSENCE FROM DUTY FOR FIVE DAYS CONTINUOUSLY.

Except as otherwise provided by law, any permanent member or officer of such police department and force who shall be absent from duty without just cause or leave of absence for a continuous period of five days shall cease to be a member of such police department and force (**References: N.J.S.A. 40A:14-122 and N.J.A.C. 4:1-16.14**).

4:6.5 SELECTION OF VACATION. Annual vacation period shall be selected according to seniority within the individual ranks, squads and units (subject to Contract).

4:6.6 VACATION SCHEDULING. Vacation schedules shall be arranged by commanding officers and coordinated with the Chief's Office. The Chief of Police shall determine the number of members who will be granted vacation at a given vacation period in conformance with contractual agreements, subject to emergent situations.

4:6.7 VACATION ADDRESS. A report of a vacation address is not required from a member or employee whose vacation has been approved.

4:6.8 EXCHANGE OF DAYS OFF. When mutually agreeable, any two officers of equal rank and similar assignment, may exchange days off but may do so only with the approval of their commanding officers and Chief of Police or his/her designee.

4:7 SICK AND INJURY LEAVE.

4:7.1 REPORTING SICK OR INJURED. Members and employees unable to report for duty because of sickness or injury, shall make an immediate report to the desk officer, by telephone, supplying the reason for their absence no less than one hour prior to their scheduled tour of duty. If unable to report, a relative or other responsible person shall notify the desk officer of all pertinent facts either in person or by telephone. Members shall be required to submit a PD-34 or a medical certificate explaining the nature of his/her illness after being off sick/injured, for either one or two days. If an illness or injury causes a member to miss three or more consecutive workdays, members shall be required to provide a doctor's note from the officer's own physician if the officer received professional medical care.

4:7.2 ADDRESS OF CONVALESCENCE. Members and employees, when sick or injured, shall be responsible for notifying the desk officer as to their place of convalescence (address required) or of any subsequent change in their place of convalescence. This information shall be noted on the appropriate form (P.D. 34) by the Desk Officer or his/her designee at the time the call is received. A new P.D. 34 shall be completed for each subsequent call/change when the original P.D. 34 is not accessible.

4:7.3 SICK OR INJURED ON DUTY. Members taken sick or injured on duty shall report the fact to their commander and shall remain on duty until relieved, unless excused by a superior officer. The only exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance. The Commanding officer or his/her designee shall submit a report indicating the nature of the complaint or injury. As noted in 4:7.2 above, a P.D. 34 will be completed in regards to the illness or injury, along with other appropriate reports as required below.

As soon as practicable, the injured member shall submit a report to the Chief of Police describing the nature of the injury, circumstances, witnesses, etc.

Injured members shall be taken to the primary designated facility as noted in most current S.O.P.

In the case of an extreme urgency or certain types of injuries, an EMT or MIC personnel may dictate otherwise as to the place selected for emergency treatment.

Members sustaining on-duty injuries who refuse medical attention must seek medical treatment within 48 hours of sustaining the injury. However, all on-duty injuries must be reported immediately on a PD-34/PD-50 by the officer and/or the on-duty supervisor/commander. The supervisor shall complete all reports and notifications when the officer is disabled and unable to complete a PD-34 report.

The department designated medical provider or the designated medical facility as stipulated above, are the only medical providers authorized to treat on-duty injuries. Any time lost from work or cost for medical treatment not specifically authorized by the designated medical provider or by the authorized medical facility or by the Director, will be considered unauthorized and non-compensable.

4:7.4 UNAUTHORIZED ABSENCE. Members or employees who absent themselves in an improper manner shall be subject to disciplinary action. Unauthorized absence occurs when members or employees:

- A. Feign illness or injury;
- B. Deceive the designated medical provider in any way as to their true condition;
- C. Are injured or become sick as the result of improper conduct;
- D. Violate any provisions concerning the reporting of sickness or injury; and/or
- E. Are not at home or at their place of convalescence when visited by the Department designee or superior officer and/or call by phone as directed by the Chief of Police or designee and found to be intentionally disregarding the phone inquiry or not at home, as indicated in Section 4:7.5.

4:7.5 CONVALESCENT TIME. Any police officer on sick or injured leave will be confined to his/her current residence during his/her normal working tour hours, unless specifically excused by the City designated medical provider or if the provider is not available, by the Chief of Police or

his/her designee at the time the request is made. If any police officer is on sick or injured leave for an extended time, the Department, with the approval of the City designated medical provider, has the right to place the officer on convalescent duty. This duty assignment will be at the discretion of the Chief of Police. Any officer on sick leave for an extended time (more than four consecutive workdays) must call the Chief's Office each Monday between 10 and 11 a.m. while on sick/injured leave.

When it is determined that the officer's returning from extended sick leave, the officer shall inform the Chief's Office of his/her expected date of return as soon as possible. The minimum notification being twenty four hours prior to the start of the member's tour of duty.

4:7.6 SICK DAYS/TERMINAL LEAVE REVIEW/INTERVIEWS.

Management Rights.

The City of Union City has the right to call members of the police department to an interview if the City, Police Director, Deputy Police Director, Chief of Police or other managerial or supervisory officer of the Union City Police Department, notices a trend or pattern in the days that a member elects as a sick day or if a member uses an excessive amount of sick days in a quarter or any prior period that may be considered to be a potential problem or abuse of the officer's sick leave.

Individual Interviews.

The City will determine which employees will be called for an interview on a case by case basis, but factors that will trigger such meetings include, but are not limited to:

Repeated sick days taken on weekend shifts; or

Repeated sick days taken on or close to holidays or vacation days; or

Repeated sick days taken prior to or immediately following regularly scheduled days off, holidays or vacation periods; or

Excessive sick days taken in any quarter or other period that may suggest a pattern of abuse.

C. Frequency of Review.

The City will review sick days taken on a quarterly basis, or as the need arises, at which time it will meet with certain members. Upon a determination that a meeting with a member is necessary, the member will be required to meet with his/her supervisor(s) to discuss the trend, pattern or possible use.

Procedure:

Commanders and supervisors are to review subordinates "sick" history continually, and;

The commander and/or supervisor shall conduct an interview using the form, PD-60, as a guide, (Refer to PD-60 for details as to what will trigger an interview), and;

The commander and/or supervisor, along with the subordinate who is being interviewed, shall sign the form, PD-60, upon completion of the interview.

A copy of the PD-60 along with a copy of the subject's "sick" sheet shall be forwarded to the Chief of Police as soon as practical.

4:8 FUNERAL LEAVE.

As per contract, members will be allowed the following time off in case of the death of: Father, Mother, Grandparent, Spouse, Civil Union Partner, Child, Stepchild, Brother, Sister, Father-in-Law, Mother-in-Law, Son-in-Law, Daughter-in-Law. The leave shall begin from day of death until the day of burial, inclusive. Exceptions to this rule may be made at the discretion of the Chief of Police or Director of Public Safety.

4:9 MATERNITY LEAVE.

4:9.1 NOTIFICATION. Whenever a female member of this Agency becomes aware that she is pregnant, she shall notify the Chief of Police, in writing (PD-11), as soon as possible, but no later than her next regularly scheduled work day, with or without medical certification. This Agency will then follow up with the employee to address both immediate and long term needs.

A) All personnel, due to a pregnancy condition, who become incapable of performing their police duties, shall obtain a detailed medical report from their physician indicating their current condition. This report shall be forwarded in a sealed envelope marked with the following: Chief of Police - Confidential. The officer will then notify the Chief's Office during business hours, Monday through Friday, to inform the Chief that the report was submitted and the nature of the report. The officer shall not supply details of the medical report/findings, only that the report relates to her pregnancy condition and her current status. This report will be forwarded to the police physician/surgeon for his/her notification and follow-up. At some future time, the officer may be required to submit to an examination by the police physician or other designated physician. The report shall also indicate, at that time, whether:

1. If she has been given physical restrictions or limitations by her physician which prohibit her from performing any or all aspects of her normally assigned job.

2. If she requests any modification, exception or leave from her assigned duties.
3. Anticipated birth due date.
4. Any medical condition known to exist which must be considered or which may cause complications at any stage during the pregnancy.
5. The name, phone number and address of her attending physician.
6. Any other information that she believes would be helpful.

4:9.2 FITNESS FOR DUTY.

- A. The designated medical provider shall interview the officer regarding her condition and previous medical history. After consultation with the officer and her private physician, the designated medical provider shall make a determination as to the officer's appropriate work status.
- B. If the designated medical provider determines that an officer is substantially limited in her capacity to work, he/she shall recommend the officer be temporarily reassigned for the duration of her pregnancy.
- C. If it is determined that an officer is able to work and perform her assigned duties, she may remain at her current assignment, provided no restrictions have been presented by the police physician.
- D. When pregnancy is advanced to a point where the officer is unable to work and fulfill her assigned duties, she shall be temporarily reassigned to a non-enforcement position that will not pose a danger to the officer or the fetus.

4:9.3 UPDATE OF CONDITION.

- A. During the pregnancy, the officer shall immediately notify the Chief of Police or designee, of any changes which may have a detrimental effect on the pregnancy.
- B. If the changes pose a threat or excessive risk to the pregnancy, the officer, or other members of the Department, it may necessitate the officer's reassignment.

4:9.4 TEMPORARY REASSIGNMENT.

- A. The officer shall have the option, at any time during the pregnancy, of requesting a temporary reassignment for purposes of protecting the viability of her pregnancy. The Chief of Police or his/her designee shall review the request and all attending circumstances and determine accordingly.

B. If the officer becomes unable to fulfill her required duties as a result of the pregnancy or conditions which arise from the pregnancy, she shall be temporarily reassigned to a non-enforcement position in which she can function, with minimal threat to the fetus or officer.

C. At the beginning of the third trimester, any pregnant officer shall be temporarily assigned to a non-enforcement position with minimal threat of harm to the fetus or the officer. Any required range qualification by the Officer, shall only take place with the permission of the Officer's treating physician and designated medical provider.

D. When an officer officially discloses that she is pregnant and prefers to remain in her current assignment prior to the commencement of her third trimester, she shall submit a signed physician's letter which specifically certifies that she is able to carry out the duties of her current assignment. This will be subject to the approval of the designated medical provider and Chief of Police.

E. All female personnel who become pregnant and are assigned to the uniform division shall be required to wear the appropriate police uniforms, i.e., maternity trousers/blouses. This will ensure a uniformity throughout the Agency and maintain conspicuous identification by the public. At certain times, it may not be feasible to repurchase winter coats and/or spring blouses to accommodate the situation. During those periods, upon notification and approval by the Chief or other appropriate commanding officer, arrangements will be made to allow officers to wear civilian clothing.

4:9.5 DISABILITY LEAVE.

A. Once it is established that the officer is incapable of performing her police functions, or some other designated assignment, that employee shall be carried as being on sick leave. This sick leave period may continue from the period of disability up to the birth and continue presumptively for a period up to two weeks following the birth.

B. Circumstances, i.e., medical conditions, may vary in regards to each individual's situation. Therefore, each situation will be determined on a case by case basis which may vary the amount of sick time required, either before and/or after birth. The medical condition of the officer will be the determining factor.

C. Under Federal and State Law, all personnel (subject to certain statutory limitations concerning length of employment) may be eligible for leave under the Family and Medical Leave Act ("FMLA") and/or the New Jersey Family Leave Act ("NJFLA"). However, this leave time is non-compensated leave time allowable for various medical conditions involving the individual employee and/or certain family members, including for the birth or adoption of a child. Again, this is non-compensated leave. Leave under the FMLA and/or the NJFLA does not affect the officers/employees' rights to which they are entitled under their contracts, i.e., compensated sick time or a requested non-compensated leave of absence.

4:10 MILITARY LEAVE OF ABSENCE.

4:10.1. MILITARY RESERVE LEAVE. A member or employee who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other states, shall be entitled, in addition to pay received, if any, as a member of a reserve component of the Armed Forces of the United States, to leave of absence from his or her respective duty without loss of pay or time on all work days on which he or she shall be engaged in any period of Federal active duty, provided, however, that such leaves of absence shall not exceed 30 work days in any calendar year. Such leave of absence shall be in addition to the regular vacation or other accrued leave allowed such officer or employee. Any leave of absence for such duty in excess of 30 work days shall be without pay but without loss of time. (Source: N.J.S.A. 38:23-1).

4:10.2. ENLISTMENT OR RE-ENLISTMENT IN NATIONAL OR STATE MILITARY ORGANIZATION. Members and employees of the Department shall notify the Chief of Police if they enlist, re-enlist, or accept a commission in any Federal or State military organization.

4:10.3 EXTENDED LEAVE (SURRENDER OF DEPARTMENT PROPERTY). Before reporting for extended military service, at the Chief of Police's discretion, employees of the Department shall surrender all Department property held by them to their Commanding officer.

4:10.4 FIELD TRAINING LEAVE. Members or employees going on military leave for field training shall, if feasible, notify their commanding officer and the Chief of Police, at least 30 days before the date their training period is scheduled to begin, or at the earliest possible time prior to their reporting date. If available, the employee shall also supply a written copy of their official military orders at least five days prior to the date they are to report for duty. The notice shall include a phone number and point of contact for verification of attendance. All reports are to be forwarded to the Chief's Office in a timely fashion

4:11. STATE OR COUNTY LEAVE.

4:11.1 LEAVE OF ABSENCE: State or County Agency. Leave of absence without pay may be granted by the authority in charge, to an employee of a municipal police department or force, in order that their services may be made available to the State or a County department or agency. A request for a leave of absence shall be made in writing by the employee and the State or County, or the State or County department or agency, desiring their service, but no such leave of absence shall be used to displace an incumbent. **Source: N.J.S.A. 40A:14-136.** This statute authorizes the Director of Public Safety to grant or refuse to grant a leave of absence to an employee in order that the employee render their services to another city department or city agency.

4:11.2 LIMITATION ON PERIOD OF ABSENCE: EXTENSION.

Any such leave of absence shall not be for more than one year, but may be extended, in the same manner as originally granted, but in the aggregate, shall not exceed five years. **Source: N.J.S.A. 40A:14-136.**

4:11.3 RETENTION OF PENSION AND RETIREMENT BENEFITS.

Neither membership in the municipal police department or force, nor pension or retirement rights shall be affected by such leaves of absence. Pension contributions shall be payable notwithstanding such leaves of absence. **Source N.J.S.A. 40A:14-136.**

4:11.4 RIGHTS ON RESUMPTION OF OFFICE, POSITION OR EMPLOYMENT. Upon the expiration of any such leave of absence, the member or officer shall return to their original job titles and resume their office, and/or employment with said department or force and be entitled to all salary adjustments, increments and pension rights, as if no leave had been granted, subject to Contractual Agreements. **Source: N.J.S.A. 40A:14-136.**

4:12. RESERVED.

4:13 INTERNAL GRIEVANCES.

The Director of Public Safety or his/her designee shall recognize and deal with the members of the police department for the adjustment of any grievances which may arise in accordance with the current procedures agreed upon by the governing body, the Employee Bargaining Associations, and any grievance committee as established by the respective associations.

4:13.1 INTERNAL GRIEVANCE PROCEDURE. Except as provided in subsection 4:13.7, the following procedures as contained in the City's Collective Negotiations Agreements with P.B.A. Local #8 and Union City SOA, FOP Lodge 216 collective bargaining agreements, respectively, shall be followed with reference to internal grievances.

P. B. A. LOCAL 8 GRIEVANCE PROCEDURE

A. The purpose of this procedure is to secure, at the lowest possible level, an equitable solution to the problems which may arise affecting the terms and conditions of employment under this Agreement.

B. Nothing herein shall be construed as limiting the right of any employee having a grievance to discuss the matter informally with any appropriate member of the Department.

1. The term "grievance" as used herein means an appeal by an individual employee or the Association on behalf of an individual employee or group of employees, from the interpretation, application, or violation of the Contract/Agreement, policies, rules and regulations or administrative decisions affecting an employee or the Association. This shall include formally issued oral and written reprimands.

2. No grievance may proceed beyond Step 1 unless it constitutes a controversy arising over the interpretation, application or alleged violations of the terms and conditions of the respective Contract/Agreement. Disputes concerning terms and conditions of employment controlled by statute or administrative regulation, incorporated by reference in the Contract/Agreement either expressly or by operation of law, shall not be processed beyond Step 1 herein.

C. The following constitutes the sole and exclusive method for resolving grievances between the parties covered by this Agreement, and shall be followed in its entirety unless any step is waived by mutual consent;

D. STEPS:

Step 1:

The aggrieved or the Association shall institute action under the provisions herein within ten (10) calendar days after the event, given rise to the grievance that has occurred. An earnest effort shall be made to settle the differences between the aggrieved employee and their immediate supervisor for the purpose of resolving the matter informally.

The immediate supervisor shall report all grievances to the Chief of the Department, and no grievance shall be settled where the settlement will affect the interpretation of the Contract/Agreement without the approval of the Chief of the Department.

Failure to act within said ten (10) calendar days shall be deemed to constitute an abandonment of the grievance.

Step 2:

If no agreement can be reached within ten (10) calendar days of the initial discussion with the immediate supervisor, the employee and/or the Association, may present the grievance in writing within five (5) calendar days thereafter to the Chief of Police. The written grievance at this step shall contain the relevant facts and a summary of the preceding oral discussion, the applicable section of the contract violated, and the remedy requested by the grievant. The Chief of Police will answer the grievance in writing within five (5) calendar days of receipt of the written grievance.

Step 3:

If the Association wishes to appeal the decision of the Chief of Police, it shall present its appeal in writing within five (5) calendar days after the receipt of the Chief of Police's decision. This appeal shall be forwarded to the Director or his/her designated representative. The written grievance at this step shall contain the relevant facts and a summary of the preceding oral discussion, the applicable section of the contract violated, and the remedy requested by the grievant. The Director or his/her designated representative will answer the grievance in writing ten (10) calendar days of receipt of the written grievance.

Step 4:

If the grievance is not settled through Steps 3, either party shall have the right to submit the dispute to arbitration pursuant to the rules and regulations of the Public Employment Relations Commission. The costs for the services of the arbitrator shall be borne equally by the City and the Association. Any other expenses, including but not limited to, the presentation of witnesses, shall be paid by the parties incurring same.

D. 1. It is agreed between the parties that no arbitration hearing shall be held until after the expiration of at least thirty (30) calendar days after the decision rendered by the Director on the grievance or upon expiration of the response time in Step 3.

In the event the grievance is not resolved after said thirty (30) day cooling off period, the Association will have sixty (60) days to file for arbitration with the appropriate agency or the matter will be deemed waived.

2. The parties direct the arbitrator to decide, as a preliminary question, whether he/she has jurisdiction to hear and decide the matter in dispute.

3. The arbitrator shall be bound by the provisions of the Contract/Agreement and the Constitution and laws of the State of New Jersey, and be restricted to the application of the facts presented to him involved in the grievance. The arbitrator shall not have the authority to add, modify, detract from or alter in any way the provisions of the Contract/Agreement, or any amendment or supplement thereto. The decision of the arbitrator shall be final and binding.

4. The parties agree that only one (1) grievance shall be placed before one (1) arbitrator at any time. The arbitrator will be permitted to hear multiple grievances only upon the mutual agreement of the parties.

E. The time limits expressed herein shall be strictly adhered to. If any grievance has not been initiated within the time limits specified, then the grievance shall be deemed to have been abandoned. If any grievance is not processed to the next succeeding step in the grievance procedure within the time limits prescribed thereunder, then the disposition of the grievance at the last preceding step shall be deemed to be conclusive. If a decision is not rendered within the time limits prescribed for a decision in any step in the grievance procedure, then the grievance shall be deemed to have been denied. Nothing herein shall prevent the parties from mutually agreeing to extending or contracting the time limits for processing the grievance at any step in the grievance procedure.

F. In the event the aggrieved elects to pursue remedies available through the New Jersey Civil Service Commission, the grievance shall be canceled and the matter withdrawn from this procedure. In the event the grievant pursues his/her remedies through the New Jersey Civil Service Commission, the arbitration hearing, if any, shall be canceled and the filing fees and expenses incurred thereby shall be paid by the grievant or the Association representing the grievant, whichever is responsible for the costs incurred.

Union City SOA, FOP Lodge 216. - GRIEVANCE PROCEDURE.

A. Definition: A grievance is a complaint concerning the interpretation, application or violation of the Contract/ Agreement, policies, rules and regulations or administrative decisions affecting a member of the PSOA. Grievances include, but are not limited to, working conditions, lighting, heating, sanitary facilities, personal safety, type of work assignments and their location, work load and the attitude of supervisors.

B. 1. When a supervisory officer or member of the PSOA, or the PSOA collectively has a grievance against the City, it shall be processed in accordance with the grievance procedure hereinafter provided.

2. Any grievance that either is not processed within a reasonable time or is disposed of in accordance with the grievance procedure shall be considered final and binding upon the City, the member involved, and the PSOA on behalf of its members.

C. STEPS:

Step 1:

1. A member believing he/she has cause for a grievance may, at his/her option, discuss the matter directly with their immediate supervisor, or may take it up with the PSOA Committee person, who shall discuss the grievance with the member's immediate supervisor recognizing the value and importance of full discussions in clearing up misunderstandings and preserving harmonious relations. Every reasonable effort shall be made to settle problems promptly at this point through discussion.

2. If the matter is not disposed of in this manner with the immediate supervisor within four (4) business days, the member and/or Association, may continue the process to Step Two.

Step 2:

1. The PSOA Committee shall, within seven (7) calendar days of the preceding disposition, present the grievance in writing to the Commissioner of Public Safety.

2. The Commissioner of Public Safety shall give his/her decision in writing no later than seven (7) calendar days after the grievance has been submitted to him/her.

Step 3:

1. If no satisfactory resolution of a grievance relating to the interpretation or amplification of the contract/agreement is reached at Step Two, then within fifteen (15) business days the grievance shall be referred to the Public Employment Relations Commission for the selection of an Arbitrator, pursuant to the rules of PERC. The decision of the Arbitrator shall be final and binding upon all the parties. The expense of such Arbitration shall be borne equally by the parties concerned.

2. The Arbitrator shall have no authority to add, to or subtract from or otherwise modify the terms of this Agreement.

3. It is agreed between the parties that no Arbitration hearing shall be held until after the expiration of at least thirty (30) days after the decision rendered by the City's Governing Body or its representative on the grievance. Further, it is the intent of the parties that no matter in dispute that is subject to the review and/or the decision of the New Jersey Civil Service Commission may be submitted to Arbitration. The parties herein direct the Arbitrator not to accept or decide any matter in dispute that is subject to review and decision by the New Jersey Civil Service Commission.

4. Employees covered by this Agreement shall have the right to process their own grievances, with or without a S.O.A. representative.

5. Nothing herein shall prevent the parties from mutually agreeing to extend or contract the time limits provided for processing the grievance at any step in the grievance procedure.

D. The time limits expressed herein shall be strictly adhered to. If any grievance has not been initiated within the time limits specified, then the grievance shall be deemed to have been abandoned. If any grievance is not processed to the next succeeding step in the grievance procedure within the time limits prescribed thereunder, then the disposition of the grievance at the last preceding step shall be deemed to be conclusive.

If a decision is not rendered within the time limits prescribed for a decision at any step in the grievance procedure, then the grievance shall be deemed to have been denied. Nothing herein shall prevent the parties from mutually agreeing to extend or contract the time limits for processing the grievance at any step in the grievance procedure.

4:13.2 STATUTORY RIGHT OF APPEAL. Nothing contained in this section shall alter, amend, change, or affect any statutorily mandated right of appeal, including review of disciplinary matters in both Civil Service and Non-Civil Service communities. See N.J.S.A. 11:2A-1 and N.J.S.A. 40A:14-15, respectively.

4:14. RESIGNATION.

4:14.1 RESIGNATION TO BE IN WRITING. All resignations of members or employees must be in writing and bear the signature of the person resigning. Members or employees shall provide the Chief of Police no less than two weeks' written notice. A member or employee who resigns without giving the required notice, shall be held as having resigned not in good standing.

4:14.2 RESIGNATION PROHIBITED WHILE CHARGES ARE PENDING. Members or employees are prohibited from resigning while charges are pending against them, except by permission of the Director of Public Safety.

CHAPTER 5

CHAIN OF COMMAND

5.1 COMMANDING OFFICERS-AUTHORITY & RESPONSIBILITIES. Subject to direction from higher authority, a commanding officer has direct control over all members and employees within his/her command. In addition to the general and individual responsibilities of all members and employees and commanding officers, a commanding officer is responsible for the following:

A. Supervision. The direction and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies and procedures and to provide for the continuation of supervision in his/her absence.

B. Loyalty and Esprit de Corps. The development and maintenance of esprit de corps and loyalty to the Department.

C. Discipline and Morale. The maintenance and exercise of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere and/or initiated.

D. Interdepartmental Action. Maintain and ensure a harmonious relationship between his/her command and other elements of the Department, allied agencies and the public.

E. Organization and Assignment. Proper organization and assignment of duties within his/her unit to ensure proper performance of departmental functions and those of their unit.

F. Reports and Records. Preparation of required correspondence, reports and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.

G. Maintenance. Assurance that quarters, equipment, supplies and material assigned to his/her command, are correctly used, maintained and readily available.

5:1.1 TOUR COMMANDER-AUTHORITY & RESPONSIBILITIES. The Tour Commander, during the tour of duty, exercises the same authority and has the same responsibilities as their Commanding Officer, when not available, subject to higher authority. In the absence of the tour commander, the senior available member of the shift is in charge unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the tour commander is specifically responsible for the following:

A. Good Order. The general good order of his/her command during their tour of duty to include proper discipline, conduct, welfare, field training and efficiency.

B. Roll Call. Conduct of prescribed roll calls, communication of all orders or other information at roll call and inspection and remedial correction of their tour as necessary.

C. Reporting. Reporting as required by a commanding officer concerning all responsibilities relevant to command.

D. Personnel Complaints. Inquiry into, intervention and disposition of personnel complaints against members and employees under his/her tour in accordance with the provisions of this manual and the State Attorney General's Guidelines.

5:1.2 SUPERVISORY OFFICERS-AUTHORITY AND RESPONSIBILITIES. Supervisory officers are members appointed in charge of one or more members and/or employees. In addition to the general and individual responsibilities of all members and employees, each supervisory officer is specifically responsible for the following:

A. Supervision. A supervisory officer may be assigned to field or office duties. During their tour of duty they must closely supervise the activities of their subordinates, to include administering discipline when and where necessary and commending when and where appropriate.

B. Leadership. Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

C. Direction. Supervisory officers must exercise direct supervision in a manner that assures that subordinates perform in accordance with responsibilities assigned. Exercise of command may extend to subordinates outside his/her usual sphere of supervision if the police objective or reputation of the department so requires; or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate, other than his/her own, to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.

D. Enforcement of Rules, Etc. Supervisory officers must enforce Department Rules and Regulations and ensure compliance with Departmental Policies and Procedures.

E. Inspection. Supervisory officers are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.

F. Assisting Subordinates. A supervisory officer shall have a working knowledge of the duties and responsibilities of his/her subordinates. He/she shall observe contacts made with the public by their subordinates and be available for assistance or instruction as may be required. A field supervisory officer shall respond to calls of serious emergencies, crimes in progress, assaults and other incidents requiring supervision, unless actively engaged in a previously assigned and/or responded to police incident. He/she shall observe the conduct of the assigned personnel and take active charge when necessary.

CHAPTER 6

JOB TITLES

6.1 AUTHORITY AND RESPONSIBILITY

6:1.1 The Chief of Police shall be the head of the Police Department. The Chief shall be directly responsible to the Director of Public Safety for the efficiency and routine day-to-day operations thereof. The Chief of Police shall have, pursuant to policies established by the Director of Public Safety, the authority to:

1. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
2. Have, exercise, and discharge the functions, powers, and duties of the force;
3. Prescribe the duties and assignments of all subordinates and other personnel;
4. Delegate such authority as may be deemed necessary for the efficient operation of the force to be exercised under his/her direction and supervision;
5. Faithfully and promptly obey and cause all personnel of the Police Department under him/her, to obey all rules, regulations and orders;
6. In case of riot, insurrection or threat thereof, the Chief shall take command of the Police Department in person and direct their movements and operations in discharge of their respective duties;
7. Be responsible for the investigation and adjudication of all complaints concerning performance of services or duties performed by members of the Department;
8. Maintain a constructive relationship with the media and the public;
9. Be responsible for the maintenance of a daily police attendance record in which each member shall record his/her rank and time of reporting and leaving duty and such other records as may be necessary to log complaints and other matters pertaining to the Police Department.
10. Report at least weekly to the Director of Public Safety in such form as shall be prescribed by such Director of Public Safety on the operation of the force during the preceding week and make such other reports as may be requested by the Director of Public Safety as required by State Law.

Duties of Chief of Police.

In the absence of the Chief of Police, it shall be the responsibility of the Chief of Police to designate the officer to perform the duties of the Chief.

6:1.2 Functions: The Chief of Police conducts the affairs of the Police Department, interprets and applies the policies of the Director of Public Safety and the Board of Commissioners, coordinates the operations of the units and the activities of the staff within the Department, conducts public relations and implements the internal disciplinary process.

6:1.3 Authority and Responsibility. The authority and responsibility of the Chief is subject to the policies, predicated on law, of the Director of Public Safety, the ordinances of the City of Union City and the laws of the State of New Jersey.

6.2 COMMAND OFFICERS.

Command officers are police officers holding the rank of Captain or above.

6:2.1 Responsibilities-General. Commanding officers shall exercise direct control over all members within their command, subject to higher authority and in accordance with the rules, regulations and procedures of the Department. In addition to the general responsibilities noted above, each Commanding Officer is specifically responsible for the following:

- A. Shall maintain good order and discipline within their command. Thus ensuring compliance to all policies, procedures, rules and regulations.
- B. Shall cooperate with other Department units.
- C. Shall ensure the reporting and investigation of personnel complaints not processed elsewhere.
- D. Shall assign duties and responsibilities within their command to achieve command and Department objectives.
- E. Shall prepare reports, correspondence, and maintain records concerning their command.
- F. Shall maintain the quarters, control of the equipment, and use of supplies and material assigned to their command.

6:2.2 Instructing Employees. A Commanding officer is responsible for determining that each employee of his/her command is instructed in their duties and performs them properly. Command officers, under the direction and consistent with the authority delegated to them by the Chief of Police and in accord with these rules and regulations, assists the Chief of Police in the management and discipline of the Police Department.

6:2.3 Authority. Commands and controls a division or other unit within the Police Department and is responsible for its overall activities and performance.

6:2.4 Responsibilities. Informs and advises his/her immediate superior, of all significant conditions and activities existing in their unit. Conducts timely staff meetings and makes periodic inspections of all personnel, equipment and facilities under his/her command. Ensures that all commanding officers and supervisors are complying with and enforcing current policies, rules, regulations and procedures; the effective deployment of personnel; to decrease the incidence of crimes; vice and traffic conditions within the divisions; and directs and coordinates police operations at emergencies or other situations requiring his/her immediate presence.

6:3 DEPUTY CHIEF

6:3.1 Authority. Under direction of the Chief of Police, may command a division of the Police Department and is responsible for the direction and control of personnel under their command consistent with the authority delegated to him/her and in accord with the rules and regulations. May assume the Chief of Police's duties, responsibilities and authority in the Chief of Police's absence.

6:3.2 Responsibilities.

A. Analyzes and properly assigns the work of his/her unit providing for the proper protection of persons and property, the prevention of crime, enforcement of law and the apprehension, incarceration, and prosecution of lawbreakers.

B. Provides sufficient supervision to assure that the work of his/her unit is carried out in an efficient manner.

C. Delegates such of his/her powers as may be deemed necessary to enable subordinates to properly carry out their duties.

D. Performs sufficient inspection services to see that all ranks of his/her command are properly and effectively performing assigned work. Recommends or institutes changes as necessary.

E. Investigates, or causes to be investigated, complaints regarding police service or alleged infractions of rules and regulations; makes recommendations regarding dispositions of same, and in cases of minor infractions, disciplines subordinates or ensures that appropriate discipline is administered.

F. Is responsible for police facilities and equipment; maintains or causes to be maintained necessary records and files; does related work as required.

6:4 POLICE INSPECTOR.

6:4.1 Authority. Under direction, may command a division, bureau, shift or other unit of the Police Department and is responsible for the direction and control of personnel under his/her command consistent with the authority delegated to him/her and in accord with rules and regulations. May assume his/her superior's duties, responsibilities and authority in the absence of a Deputy Chief and Chief of Police.

6:4.2 Responsibilities.

A. Analyzes and properly assigns the work of his/her unit providing for the proper protection of persons and property, the prevention of crime, enforcement of law and the apprehension, incarceration, and prosecution of lawbreakers.

B. Provides sufficient supervision to assure that the work of his/her units are carried out in an efficient manner.

C. Delegates such of his/her powers as may be deemed necessary to enable subordinates to properly carry out their duties.

D. Performs sufficient inspection services to see that all ranks of his/her command are properly and effectively performing assigned work. Recommends or institutes changes as necessary.

E. Investigates, or causes to be investigated, complaints regarding police service or alleged infractions of rules and regulations; makes recommendations regarding disposition of same, and in cases of minor infractions, disciplines subordinates or insures that appropriate discipline is administered.

F. Is responsible for police facilities and equipment; maintains or causes to be maintained, necessary records and files; does related work as required.

6.5 POLICE CAPTAIN.

6:5.1 Authority. Under supervision, may command a bureau, shift or unit of the Police Department and is responsible for the direction and control of personnel under his/her command consistent with the authority delegated to him/her and in accord with these rules and regulations. May assume his/her superior's duties, responsibilities and authority in the absence of an Inspector or Deputy Chief of Police.

6:5.2 Responsibilities.

A. Analyzes and properly assigns the work of his/her unit providing for the proper protection of persons and property, the prevention of crime, enforcement of law and the apprehension, incarceration, and prosecution of lawbreakers.

B. Provides sufficient supervision to assure that the work of his/her unit is carried out in an efficient manner.

C. Delegates such of his/her powers as may be deemed necessary to enable subordinates to properly carry out their duties.

D. Performs sufficient inspection services to see that all ranks of his/her command are properly and effectively performing assigned work. Recommends or institutes changes as necessary.

E. Investigates, or causes to be investigated, complaints regarding police service or alleged infractions of rules and regulations; makes recommendations regarding disposition of same, and, in minor infractions, disciplines subordinates, or ensures that appropriate discipline is administered.

F. Is responsible for police facilities and equipment; maintains or causes to be maintained necessary records and files; does related work as required.

6.6 POLICE LIEUTENANT

6:6.1 Authority. Under supervision, may command and is responsible for a bureau, unit or squad, or performs field or desk supervisory functions. May assume his/her superiors' duties, responsibilities and authority in the absence of a police captain.

6:6.2 Responsibilities:

A. Analyzes and properly assigns the work of his/her unit.

B. Provides police assignments and instructions necessary to assure that the work of the Unit or Squad is carried out in the most efficient manner.

C. Delegates such of his/her powers as may be deemed necessary to enable subordinates to properly effect their duties.

D. Inspects the work of his/her unit or squad to assure that work standards are adhered to.

E. Initiates and directs criminal and non-criminal investigations; assures that accountability is maintained.

F. At such times when an emergent action is required, takes such actions as are necessary to meet the emergency; makes or causes to be made, all notifications necessary to same.

G. Prepares and directs the preparation of reports suitable to the required accounting for each police action; does related work as required.

H. Investigates, or causes to be investigated, complaints regarding police service or alleged infractions of rules and regulations; makes recommendations regarding disposition of same and in cases of minor infractions, disciplines subordinates or ensures that appropriate discipline is administered.

I. Is responsible for police facilities and equipment; maintains or causes to be maintained, necessary records and files; does related work as required.

6.7 SUPERVISORS.

Supervisory personnel are any individuals appointed to a permanent or acting supervisory capacity who are placed in charge of one or more police officers or civilian employees (includes radio repair and civilians).

6:7.1 General Supervisory Responsibility-Supervisors.

A. Shall enforce Department Rules and Regulations and ensure compliance with departmental policies and procedures.

B. Shall exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.

C. Shall exercise necessary control over their subordinates to accomplish the objectives of the Department,

D. Shall guide and train subordinates to gain effectiveness in their present and future assignments.

E. Shall receive and investigate complaints regarding police service or alleged infractions of rules and regulations, and generally resorts to negative disciplinary measures only after positive disciplinary measures have been found ineffective.

6.8 POLICE SERGEANT

6.8:1 Authority. Under direction, supervises and is responsible for the activities of field or headquarters personnel, overseeing and taking part in police activities intended to provide order, maintenance, assistance and protection for persons and property, observance of law, and the detection and apprehension of law violators. May assume their superiors' duties, responsibilities and authority in the absence of a police lieutenant.

6.8:2 RESPONSIBILITIES:

- A. Assigns and instructs subordinates in police patrol methods and procedures, investigation practices, and related law enforcement problems. Provides training as needed.
- B. Direct criminal and non-criminal investigations; makes investigations regarding improper police services or actions.
- C. Supervises technical aspects of some police operations.
- D. When necessary, takes proper police action against law violators.
- E. Visits and inspects police patrol units, assignments, and posts; noting and correcting or reporting any conditions which require police attention.
- F. Directs the preparation of reports and maintains necessary reports and records; does related work as required.

6.9 DETECTIVE/PLAINCLOTHES OFFICER (ASSIGNMENT).

The designation of Detective or Plainclothes Officer is an assignment, not a rank. Under direction, the officer is assigned to investigative and/or administer technical expertise and is responsible for the investigation and clearance of criminal and non-criminal complaints, or other duties which may be assigned because of a particular expertise.

- A. Shall intelligently and thoroughly investigate each assignment, initiating the investigation by prompt contact with the complainant.
- B. Shall keep detailed day-to-day records of his/her investigations, acquainting supervisors and interested units with information developed.
- C. Uses all legal means at his/her disposal to detect and solve crime and prosecute offenders, thoroughly investigating information received from any source.
- D. Must study and apply sound investigative techniques and improve his/her efficiency by attention to:
 - 1. Use of records and reports;
 - 2. Conduct of interviews;
 - 3. Cultivation of informants;

4. Development of perceptive abilities; and
 5. Proper collection, identification, analyses, preservation and presentation of evidence.
- E. Shall prepare all cases in a manner which ensures the best possible presentation in Court.
- F. Shall learn the rules of evidence, court procedures, and the art of testifying, which make for an effective witness. He/she shall also cooperate with the prosecution in trial preparation.
- G. Notwithstanding his/her assignment, he/she shall provide an immediate response to an emergent or observed need for police service.
- H. When, from time to time, he/she shall be called upon to serve in a uniformed capacity, he/she shall be governed by all rules pertinent to his/her regular assignment and those governing uniformed police officers.

6:10 POLICE OFFICER

Under direction, during an assigned tour of duty, on foot or in a vehicle, patrols a designated area to prevent crime; provide protection for persons and property; to assure observance of law and to apprehend lawbreakers; provides assistance to persons as necessary; or is assigned a task consistent with a particular or educational expertise.

- A. Shall exercise authority consistent with the obligations imposed by his/her oath of office and in conformance with the policies of the Department.
- B. Is accountable to his/her superior officers and is responsible for obeying all legitimate orders.
- C. Shall coordinate his/her efforts with other members of their shift and the Department, and shall communicate to their superiors and co-workers, all information necessary to achieve the maximum of departmental objectives.
- D. Shall report for duty and all other assignments punctually at specified times, physically fit, neatly and properly groomed, and with prescribed equipment.
- E. Shall familiarize themselves with administrative policy and procedures and within their area of responsibility, provide service necessary for the:
1. Prevention and suppression of crime;
 2. Protection of life and property;
 3. Apprehension and prosecution of offenders;

4. Preservation of the peace;
5. Enforcement of regulatory measures; and
6. Provision of miscellaneous field services.

F. Shall conduct themselves in accordance with high ethical standard, on and off duty, and shall, by study and observation, become familiar with laws and ordinances and improved techniques and ideas which will enable them to improve their performance.

G. Shall maintain all equipment assigned in functional and presentable condition and report malfunctioning equipment to their Supervisor.

H. Shall familiarize themselves, when feasible, with their assigned post or zone. Shall be familiar, to the extent possible, with all public businesses, offices, and their entrances, exits, skylights, fire escapes, and other possible means of escape. Security checks of doors and windows, where feasible, shall be conducted.

I. Shall, during the tour of duty, when feasible, continuously patrol every part of their post or zone, giving attention to and frequently rechecking locations where crime hazard is great. As far as possible, officers shall not patrol his/her sector or zone according to any fixed route or schedule, but shall alternate their route frequently and backtrack in order to be at the location least expected.

J. Shall, when a door or window is found open under suspicious or unusual circumstances on any tour of duty, immediately notify headquarters and wait for a supervisor, if available, or backup officer to arrive and then undertake a thorough investigation and determine, if possible, whether a burglary or other crime has been committed and whether the door or window can be secured. In consort with a supervisor, if available, or other officer if a supervisor is not available, examine the premises and secure such doors and windows. Shall notify command as to the status and, if possible, the property owner. Under circumstances indicating that an intruder is still inside a building, the officer discovering same should immediately summon appropriate assistance and then stand guard. When the assistance arrives, he/she along with a supervisor and appropriate backup, may enter and search the building.

K. Field inquiry shall be conducted in accordance with federal and state statutes, current case law and New Jersey Attorney General guidelines.

L. Shall familiarize themselves with their assigned areas and provide a diligent patrol, inspecting public and liquor licensed premises when time and circumstances permit. Officers shall communicate their intent to headquarters prior to embarking on any inspection.

M. When feasible, shall give particular attention to places that are designated as increased patrol locations (I.P.L.). They shall use every lawful means to suppress the illegal activities of such persons, prosecute them and require all such establishments to be conducted in accordance with municipal ordinances and State laws and shall make reports timely of all violations in accordance with reporting requirements, policy, procedures, rules and regulations.

N. Shall be charged with the enforcement of all provisions of local and State traffic codes.

O. Shall carefully investigate all complaints on or near his/her post or zone which are brought to their attention by citizens and/or report same to an appropriate authority. Shall take suitable action in those cases which come under his/her jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside of the jurisdiction of the Police Department, he/she shall advise the complainant accordingly and refer him/her to the proper authority.

P. Shall pay strict attention to all regular radio transmissions. When he/she fails to hear any radio transmissions or time signals for a period of 15 minutes, he/she shall immediately call the dispatcher for a radio/communications test. However, at certain times, on the morning tour, the C.T.O. shall make a time check broadcast every 30 minutes to ensure communication integrity. If, after three attempts, he/she fails to receive an acknowledgement, he/she shall immediately contact the desk supervisor by telephone. In case of radio trouble, the officer shall notify their immediate supervisor and dispatcher of the nature of the trouble by whatever means available.

Q. When assigned, shall conduct a thorough investigation and report clearly and concisely all facts concerning incidents or crimes which occur and of which he/she has knowledge during their duty tour, or that which he/she may observe or become involved in while off duty. When unable to personally investigate, the officer, while on duty, shall make immediate notification, preferably in writing, to an appropriate authority. The officer shall also notify their immediate supervisor as soon as possible.

R. Shall insure the civil treatment and observance of the rights of all those coming under the scope of their authority.

S. Does related work as required.

6.11 CIVILIAN EMPLOYEES

All civilian employees shall assist department police officers in the accomplishment of the police function within their areas of authority and responsibility.

6:11.1 CIVILIAN EMPLOYEES SUBJECT TO POLICE AUTHORITY. Civilian employees shall be subject to the authority of the Chief of Police and the superior officer in charge of the unit or office to which they are assigned, or any other supervisor where a line or staff relationship exists.

6:11.2 CIVILIAN EMPLOYEE SUPERVISORS. Civilian employee supervisors are employees who by reason of the New Jersey Civil Service Commission title or by special designation of the Director of Public Safety may be in a position to supervise other civilian employees. Civilian supervisors shall be subordinate to the Chief of Police and/or any other police supervisor in charge of the unit through a line or staff relationship. When the police supervisor in charge of the civilian

employee is not available, any other on-duty tour commander, desk supervisor or road supervisor, shall have both line and staff authority over the civilian employees.

6:11.3 EMPLOYEES BOUND BY DEPARTMENT DIRECTIVES. All rules, regulations and departmental policies/procedures and orders governing police officers, shall also bind all civilian employees whenever applicable.

CHAPTER 7

DISCIPLINE

7.1 DISCIPLINARY ACTION.

Department members, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense punishable under the laws or statutes of the United States, the State of New Jersey, or municipal ordinances; or for failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment; or for misconduct in office; or for violation of any general order or rule of the Department; or for failure to obey any lawful instruction, order, or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case and in conformity with controlling State or Federal Laws and contractual obligations. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

7:1.1 ESTABLISHING ELEMENTS OF VIOLATION. The existence of facts by a preponderance of the evidence, which would establish a violation of the law, ordinance or rule, is all that is necessary to support any allegation of such violation as a basis for disciplinary action. Nothing in this Manual prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, or in Department order, or in laws and ordinances within the cognizance of the Department.

7:2 PENALTIES. Performance notice is not necessarily to be considered a reprimand or penalty.

7:2.1 CORRECTIVE ACTIONS. A system of corrective action shall be used, wherever appropriate and practicable. Basic guidelines include:

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

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

- Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.

- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.

- In-Service Training - The supervisor may refer the employee to an in-service training program.

2. Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling.

All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

7:2.2 PUNITIVE ACTIONS. The following penalties may be assessed against any member or employee of the Department as disciplinary action:

- A. Oral reprimand;
- B. Written reprimand;
- C. Voluntary surrender of time off and/or accumulated overtime in lieu of a fine or suspension;
- D. Suspension*;
- E. Loss of a promotional opportunity;
- F. Demotion;
- G. Removal (discharge) from the service.

* Department may only assess a fine in lieu of a suspension where loss of the officer from duty would be "detrimental to the public health, safety or welfare" or if the assessment is restitution or is agreed to by the employee.

All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

7.3 DEPARTMENT AUTHORITY TO DISCIPLINE.

7:3.1 DIRECTOR WITH CORRECTIVE ACTION/DISCIPLINARY AUTHORITY. Except as otherwise provided by the Civil Service Commission and N.J.S.A. 40A:14-147 to 151 inclusive, and municipal ordinances, the Department disciplinary authority and responsibility rests with the Director of Public Safety and Chief of Police. The Director or Chief may themselves be the Hearing Officer or in the alternative, appoint another to be the Hearing Officer (Trier of Fact). Except for oral/written reprimands, performance notices and emergency suspensions, and any other more serious offenses necessitating immediate action, Department discipline must be approved by the Chief of Police and/or the Director of Public Safety or their designee. As with all disciplinary proceedings, the burden of proof shall be satisfied by a preponderance of the evidence after consideration of all existing facts, made known or available from any source.

7:3.2 CORRECTIVE ACTION/DISCIPLINE BY OTHER SUPERVISORS. Other supervisory personnel may take the following corrective action/disciplinary measures (performance notice is not considered to be a form of negative discipline):

- A. Training;
- B. Counseling
- C. Oral reprimand;
- D. Written reprimand;
- E. Emergency suspension with pay until the next business day. Notification to Chief of Police as soon as possible.
- F. Written recommendations for other penalties.

CHAPTER 8
DISCIPLINARY CODE

8.1 DISCIPLINARY CODE.

8:1.1 The offenses herein shall guide the Director of Public Safety or the Chief of Police in administering fair and uniform penalties for violations of Police Department Rules of Conduct.

8:1.2 Offenses not included in the following list shall result in penalties similar to those specified for similar offenses of comparable seriousness.

8:1.3 Repeated violations of the rules of conduct shall be indicative of an employee's disregard of the obligations of all employees and shall 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.

8:1.4 Suspension, Fine and Demotion for Disciplinary Purposes. An appointing authority may suspend without pay, or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination, or for other sufficient cause.

8:1.5 Cause for Removal. Acts or omissions, which are reasonably encompassed within standards A thru L, shall provide, upon a finding of guilt, sufficient prima facie evidence to establish justifiable cause for termination from the service; irrespective as to whether or not the employee had previously violated said standard. All final disciplinary actions are subject to Civil Service Commission Code, policies and procedures.

- A. Incompetency, inefficiency or failure to perform duties;
- B. Insubordination;
- C. Inability to perform duties;
- D. Chronic or excessive absenteeism or lateness;
- E. Conviction of a crime;
- F. Conduct unbecoming a public employee;
- G. Neglect of duty;
- H. Misuse of public property, including motor vehicles;

I. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;

J. Violation of Federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder;

K. Violation of New Jersey residency requirements as set forth in P.L. 2011, c. 70; and

L. Other sufficient cause.

SPECIFIC RULES, CHARGES AND GENERAL ACTIONS.

The following general actions are meant to be used as a guide only and not to limit the agency from instituting its rights under State Law, New Jersey Civil Service Commission Rules and Regulations (Administrative Code) or any other rights that may attach under Federal, State and Contractual Laws.

8:1.6 Accepting bribes or gratuities for permitting illegal acts.

1st. Offense: Dismissal

2nd. Offense: N/A

3rd. Offense: N/A

8:1.7 Failure to report, in writing, offers of bribes or gratuities to permit illegal acts.

1st. Offense: Reprimand to Dismissal

2nd. Offense: N/A

3rd. Offense: N/A

8:1.8 Involved in an act 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

8:1.9 Knowingly and willfully making a false entry in any departmental report or record.

1st. Offense: Reprimand to Dismissal

2nd. Offense: N/A

3rd. Offense: N/A

8:1.10 Idle conversation with known illegal gamblers while on or off duty.

Idle conversation by a member of this department with a party which the member knows, or reasonably should have known, as being involved in illegal wagering is prohibited while on or off duty.

- 1st. Offense: Counseling to 5 days
- 2nd. Offense: Reprimand to 10 days
- 3rd. Offense: Reprimand to 30 days

8:1.11 Association with known illegal gamblers while on or off duty.

Association by a member of this department with a party which the member knows, or reasonably should have known, is involved in illegal wagering is prohibited whether on or off duty.

- 1st. Offense: Reprimand to 10 days
- 2nd. Offense: Reprimand to 30 days
- 3rd. Offense: Reprimand to Dismissal

8:1.12 Associating, fraternizing, or 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

8:1.13 Participating in illegal games of chance or illegal gambling while on duty or off duty.

- 1st. Offense: Reprimand to 10 days
- 2nd. Offense: Reprimand to 30 days
- 3rd. Offense: Dismissal

8:1.14 Fighting or quarreling with members of the department as prescribed in this code.

- 1st. Offense: Reprimand to 30 days
- 2nd. Offense: Reprimand to Dismissal
- 3rd. Offense: N/A

8:1.15 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

8:1.16 Using rude or insulting language or conduct offensive to the public.

- 1st. Offense: Training to 5 days
- 2nd. Offense: Reprimand to 10 days
- 3rd. Offense: Reprimand to 60 days

8:1.17 Publicly criticizing the official action of a superior officer.

- 1st. Offense: Counseling to 4 days
- 2nd. Offense: Reprimand to 10 days
- 3rd. Offense: Reprimand to Dismissal

8:1.18 Odor of alcoholic beverage on breath while on duty.

- 1st. Offense: Reprimand to 9 days
- 2nd Offense: Reprimand to 20 days
- 3rd. Offense: Reprimand to Dismissal

8:1.19 Failure to recognize and satisfy any just debts which negatively impacts upon or negatively affects the department.

- 1st. Offense: Counseling to 4 days
- 2nd. Offense: Reprimand to 10 days
- 3rd. Offense: Reprimand to Dismissal

8:1.20 Repeated violations of Departmental Rules & Regulations, or any other course of conduct indicating that a member has little or no regard for his/her responsibility as a member of the police department.

- 1st. Offense: Dismissal
- 2nd. Offense: N/A
- 3rd Offense: N/A

8:1.21 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.

8:1.22 Intoxication on duty.

- 1st. Offense: Reprimand to Dismissal
- 2nd Offense: Dismissal
- 3rd Offense: N/A

8:1.23 Intoxication off duty-in uniform.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Reprimand to Dismissal
- 3rd Offense: Dismissal

8:1.24 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: Dismissal

8:1.25 Intoxication off duty-in partial uniform. Partial uniform satisfies the requirements of this section when a reasonable person can readily identify the individual as a sworn member of the Union City Police Department.

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

8:1.26 Intoxication off duty, not in uniform and arrested.

- 1st. Offense: Reprimand to 20 days
- 2nd. Offense: Reprimand to Dismissal
- 3rd. Offense: Dismissal

8:1.27 Refusal to obey proper orders from a superior.

- 1st. Offense: Reprimand to 90 days
- 2nd. Offense: Reprimand to Dismissal
- 3rd. Offense: Dismissal

8:1.28 Using profane or insulting language to a Superior officer.

- 1st. Offense: Reprimand to 10 days
- 2nd. Offense: Reprimand to 30 days
- 3rd. Offense: Reprimand to Dismissal

8:1.29 Where legally permitted, failure to take police action while in your jurisdiction, when necessary, without jeopardizing your safety or the safety of any other person, 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 30 days

8:1.30 Asleep on duty.

1st. Offense: Counseling to 10 days

2nd. Offense: Reprimand to 20 days

3rd. Offense: Reprimand to Dismissal

8:1.31 Absence without leave for less than five (5) consecutive working days.

1st. Offense: Reprimand to 6 days

2nd. Offense: Reprimand to 30 days

3rd. Offense: Reprimand to 90 days

8:1.32 Failure to properly supervise subordinates; or to prefer disciplinary action or to take other appropriate disciplinary action.

1st. Offense: Training to Dismissal

2nd. Offense: Reprimand to Dismissal

3rd Offense: Reprimand to Dismissal

8:1.33 Failure to comply with lawful orders, directives, regulations, etc., oral and written.

1st. Offense: Training to Dismissal

2nd. Offense: Reprimand to Dismissal

3rd. Offense: Reprimand to Dismissal

8:1.34 Failure to conduct proper, thorough, and complete investigations.

1st. Offense: Training to 10 days

2nd. Offense: Reprimand to 30 days

3rd. Offense: Reprimand to 90 days

8:1.35 Failure to report as witness when duly notified or subpoenaed.

1st. Offense: Counseling to 5 days

2nd. Offense: Reprimand to 10 days

3rd. Offense: Reprimand to 20 days

8:1.36 Allowing prisoner to escape through carelessness or neglect.

1st. Offense: Reprimand to 30 days

2nd. Offense: Reprimand to Dismissal

3rd. Offense: Dismissal

8:1.37 Failure to thoroughly search for, collect, preserve, and identify evidence; or persons properly, and locations in any arrest or investigation.

- 1st. Offense: Training to Dismissal
- 2nd. Offense: Reprimand to Dismissal
- 3rd. Offense: Reprimand to Dismissal

8:1.38 Failure to remove key from patrol car when unattended.

- 1st. Offense: Counseling to 4 days
- 2nd. Offense: Reprimand to 10 days
- 3rd. Offense: Reprimand to 20 days

8:1.39 If stolen due to above.

- 1st. Offense: Reprimand to 10 days
- 2nd. Offense: Reprimand to 20 days
- 3rd. Offense: Reprimand to 30 days

8:1.40 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

8:1.41 Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of the same to commanding officer.

- 1st. Offense: Reprimand to 30 days
- 2nd. Offense: Reprimand to 60 days
- 3rd. Offense: Dismissal

8:1.42 Neglect of duty.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Reprimand to Dismissal
- 3rd. Offense: Reprimand to Dismissal

8:1.43 Soliciting money or other valuable thing without proper authorization.

- 1st. Offender: Reprimand to 10 days
- 2nd. Offender: Reprimand to 20 days
- 3rd. Offender: Reprimand to 30 days

8:1.44 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

8:1.45 Giving a verbal or written report of any incident (i.e., auto accidents, auto thefts, thefts from autos, burglaries, other thefts, etc.) without approval of the commanding officer.

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

8:1.46 No officer, while on duty, shall be found in any alcoholic beverage licensed establishment, where the primary source of revenue is the sale of alcoholic beverages as opposed to restaurants that offer liquor with meals, for reasons other than police related duties without authorization.

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

8:1.47 Possession of alcoholic beverages on the person in police vehicle or on any police property, not duty required or authorized.

- 1st. Offense: Reprimand to 6 days
- 2nd. Offense: Reprimand to 30 days
- 3rd. Offense: Reprimand to 60 days

8:1.48 Failure to be home or place of convalescence without legitimate reason after reporting sick.

- 1st. Offense: Reprimand to 10 days
- 2nd. Offense: Reprimand to 20 days
- 3rd. Offense: Reprimand to 30 days

8:1.49 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

8:1.50 Failure to follow department procedures for the handling of evidence, personal effects and all other property taken into custody.

- 1st. Offense: Training to 30 days
- 2nd. Offense: Reprimand to 60 days
- 3rd. Offense: Dismissal

8:1.51 Improper use, handling or display of firearms.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Dismissal
- 3rd. Offense: N/A

8:1.52 Failure to submit properly written required report within a reasonable or prescribed period of time as per regulations.

- 1st. Offense: Training to 10 days
- 2nd. Offense: Reprimand to 20 days
- 3rd. Offense: Reprimand to 30 days

8:1.53 Having or operating private auto on beat, on duty or driving to or from beat or post without authorization.

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

8:1.54 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

8:1.55 Unexcused tardiness.

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

8:1.56 Changing residence or telephone number without giving prompt and proper notification.

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

8:1.57 Unauthorized persons in departmental vehicles.

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

8:1.58 Untidy appearance and dress while in uniform.

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

8:1.59 Not in full prescribed uniform.

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

8:1.60 Failure to salute, when in uniform, the Chief of Police or a uniformed superior officer.

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

8:1.61 Communicating or imparting confidential police information either in writing, verbally or electronically to unauthorized persons.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Dismissal
- 3rd. Offense: N/A

8:1.62 Failure to give prescribed identification when answering telephone.

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

8.1.63 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

8:1.64 Reading newspapers, books or periodicals while in view of the public where it would represent an affront to same.

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

8:1.65 No one shall, prior to written approval of the Chief of Police or his/her representative designated for that purpose appear to give testimony as a character witness for any defendant involved in a criminal trial or inquiry.

- 1st. Offense: Reprimand to 15 days
- 2nd. Offense: Reprimand to 30 days
- 3rd. Offense: Dismissal

8:1.66 Willfully, damaging police department property and/or equipment.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Dismissal
- 3rd. Offense: N/A

8:1.67 Interference with police radio broadcasting and tampering with police radio/s.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Dismissal
- 3rd. Offense: N/A

8:1.68 Removing official documents including electronically transmitted documents from the department without permission.

- 1st. Offense: Reprimand to Dismissal
- 2nd. Offense: Dismissal
- 3rd Offense: N/A

8:1.69 Unauthorized press releases and statements.

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

8:1.70 Failure of members and employees to remain at their assignments and on duty until properly relieved by other members or until dismissed by competent authority.

- 1st. Offense: Reprimand to 30 days
- 2nd. Offense: Reprimand to 60 days
- 3rd Offense: Reprimand to dismissal

8:1.71 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

8:1.72 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

8.2 DEPARTMENT DISCIPLINARY HEARINGS.

Each employee is entitled to a hearing before the Public Safety Director or his/her designee, for any charge, which may result in loss of time, pay, rank or permanent position.

Whenever an internal investigation establishes probable cause that an employee is guilty of violating a departmental rule or regulation, penalty for which is to be permanently reflected on the employee's personnel record, a Preliminary Notice of Disciplinary Action form shall be prepared by the proper authority and personally served upon the respective member and employee bargaining/labor representative.

8:2.1 The Preliminary Notice of Disciplinary Action Form shall contain:

- A. The department instituting the action.
- B. The name, address and title of the employee 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 employee is suspended with or without pay pending the determination of the hearing.
- F. The time, date and place at which the hearing is scheduled to be held.
- G. The penalties to which the employee is being exposed as a result of the alleged charges.
- H. The signature of the respective unit commander and his/her designed official title.

8:2.2 Schedule of Disciplinary Hearing. The disciplinary hearing shall be scheduled during the business day, but no sooner than **five (5)** days nor later than **thirty (30)** days after said notice is personally served upon said employee, subject of course to the granting or reasonable requests for postponements by said employees.

8:2.3 Schedule After Postponement. Where a disciplinary hearing has been postponed at the request of the respective employee pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the department charges, said hearing must be held within thirty (30) days after the department receives notice of such disposition. The duty to advise the department that said judicial determination has been made is that of the respective employee. Refer to IA-5 Form.

8:2.4 Personal Service. "Personal Service" means actual service upon the employee as well as actual service upon any employees of the employee's family 18 years of age or over, residing in the residence of said employee.

8:2.5 Nature of Hearings. Disciplinary hearings shall be public in nature; and when requested, may be public within the bounds of reasonableness and good order, as per right afforded by New Jersey Civil Service Rules and Regulations.

8:2.6 Opportunity to Testify. Every employee formally charged with the violation of a department rule or regulation shall have the opportunity to testify in his/her own defense, produce relevant evidence in support of their defense, produce competent witnesses to testify to relevant matters in support of their defense and cross-examine any witness who has testified against him.

8:2.7 Prosecution of Complaint. The Director of Public Safety or the Chief of Police may prosecute the complaint himself/herself or delegate the duty to any employee of the Department. The individual hearing the complaint, shall be the Director of Public Safety or a hearing officer selected by the Director. They shall be referred to as the hearing officer.

8:2.8 Hearing Informal in Nature. In order that all parties may be afforded a fair and equal opportunity to be heard and that the hearing officer 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. The Hearing Officer shall give effect to the rules of privilege as provided by law.

8:2.9 Hearing Officer's Discretion. The hearing officer may, at his/her 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 person or persons not a party to the hearing, the hearing officer may exclude all persons, not having a direct interest in the matter being heard.

8:2.10 Exclusion of Irrelevant Testimony. The hearing officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.

8:2.11 Rules of Privilege. The Hearing Officer shall give effect to the rules of privilege as provided by law.

8:2.12 Presumption of Innocence. The employee is presumed innocent and the burden of proof is upon the Department to prove the employee'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 proceeding.
- C. Sound recording device to be operated under the supervision and direction of the hearing officer.

8:2.13 Rendering Verdict. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective hearing officer shall consider same and render his/her verdict as soon as practical thereafter.

8:2.14 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 DPF-31B, which must be personally served upon the respective employee as soon as practical after the termination of said disciplinary hearing and bargaining representative.

8:2.15 Penalty in Excess of Five (5) Days. 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 may be imposed or carried out at the discretion of the Director.

8.3 APPEAL PROCEDURES

7:3.3. APPEALS FROM PENALTIES.

A. Appeals from penalties imposed as a result of discipline or corrective action may be taken as provided in the City personnel policies, manuals, ordinance, collective bargaining agreements, and New Jersey Civil Service Commission regulation and laws of the State of New Jersey.

B. Appeals to Civil Service Commission

1. Any employee of the department who has been tried and convicted upon any major disciplinary charge or charges may obtain review by the Civil Service Commission pursuant to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:2-1.1 et seq.
2. Disciplinary charges appealed to Civil Service Commission transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with N.J.A.C. 1:1-1.1 et seq.

3. Appeals of minor disciplinary actions may be processed pursuant to the terms of the applicable collective bargaining agreement.

4. A petition or request to the New Jersey Civil Service Commission for a hearing or other relief must be received by the Civil Service 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 New Jersey Civil Service Commission through Title 4A, New Jersey Administrative Code.

8.4 EMPLOYEE'S RIGHTS DURING DEPARTMENTAL INVESTIGATIONS AND DISCIPLINARY HEARINGS.

8:4.1 Each employee is entitled to a hearing before the Public Safety Director or his/her designee, for any charge, which may result in loss of time, pay, rank or position.

8:4.2 Other than the official findings and attendant penalties, every internal investigation and subsequent departmental hearing shall be considered privileged and confidential information and same shall not be made public and/or released to any non-governmental agency, notwithstanding Section 7:4.1 (III A 2.J) unless the member/ employee requests that the hearing be made public.

8:4.3 No employee shall be found guilty of violating a department rule or regulation as indicated in Section 8:4.1 above, unless the hearing officer finds that a preponderance of credible evidence substantiates the specific charges of the particular case.

8:4.4 Although every employee has a duty to answer truthfully and directly all questions and submit to any and all forms of investigative efforts when so ordered or questioned by a supervising or commanding officer, said duty only applies to official duties or directly bears on one's fitness for continued employment.

8:4.5 Although the department can utilize any form of investigative procedure pursuant to an internal investigation which is fair and reasonably calculated to achieve its objective, the nature or utilization of same must not violate the basic concepts and substantive due process of law.

8:4.6 All questions and investigative efforts must be limited to the investigations of matters in which the Department has a legitimate interest. Accordingly, questions must be specifically, directly and narrowly related to the performance of the employee's official duties.

8:4.7 Although cooperation of an employee is demanded under threat of disciplinary action (including job forfeiture) said employee shall not be questioned or subjected to criminal investigative efforts under circumstances which would render such statements void as being coerced.

8:4.8 Exclusive of normal reporting duties incidental to the performance of official duties, no employee shall be expected to answer questions or submit to other forms of investigative efforts until he/she is advised of the following:

A. Whether he/she is being questioned or required to submit to investigative efforts as a suspect or witness.

B. The identity of his/her interrogator as well as the identity of all persons present at the time of the interrogation.

C. The nature of the investigation and facts sufficient to apprise the employee of the existing allegations.

8:4.9 All questioning or other investigative efforts shall be completed with reasonable dispatch and, where practical, said employee should be made as comfortable as possible so as not to offend the concepts of procedural and substantive due process of law.

8:4.10 Under circumstances where the alleged violation of department rules and regulations involve or could possibly involve criminal prosecution, the employee shall be advised of his/her constitutional right against self-incrimination (Miranda Warning), which he/she may invoke with respect to possible criminal prosecutions. However, he/she must respond with respect to the "Administrative" subject matter of the inquiry when such response would not jeopardize their right to be free from self-incrimination concerning a criminal matter unless the subject is first afforded their Garrity right and transactional immunity.

8:4.11 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, i.e., transactional immunity.

8:4.12 No questioning or other investigative effort shall be initiated arbitrarily for personal or other reasons that are unrelated to the maintenance of departmental efficiency or integrity.

8:4.13 All questioning and investigative efforts shall be limited in scope to activities, circumstances, and events which pertain to an employee's conduct which may form the basis for disciplinary action under one or both of the following two (2) categories:

A. Commission of a crime or quasi-criminal offense of misconduct that would be grounds for removal.

B. Not being qualified for continued employment with the department.

8:4.14 No suspension without pay (in excess of six (6) months) shall be imposed as a disciplinary penalty.

8:4.15 A formal charge must be filed against an employee within a reasonable time, not to exceed 45 days upon conclusion of the investigation. This rule does not apply to allegations of criminal conduct and/or civilian initiated complaints.

8:4.16 Every employee shall be entitled to legal counsel or union representation during the investigative stages of an internal investigation; once the employee has received notice, or reasonably believes that he/she is the target of the investigation. Further, every employee when charged with a violation of this department's rules and/or regulations is also entitled at their cost, to legal counsel or union representation during this disciplinary hearing.

8:4.17 At no time during an internal investigation, shall any employee be subjected to offensive language, nor shall they be threatened with transfer, dismissal or other disciplinary punishment. No promise or reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing the employee that his/her conduct can become the subject of disciplinary action resulting in disciplinary punishment.

8:4.18 No employee shall be ordered or asked to submit to a polygraph (lie detector) test for any reason. Such test may be given if requested by the employee.

8:4.19 An employee may not 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 except as provided by specific statutory law, or by contract and when administered under specific State guidelines.

8:4.20 As a general rule, when an employee is charged with the violation of a departmental rule or regulation, said employee shall continue to perform the assigned duties of his/her position until such time as the administrative or judicial determination duly rendered pursuant to a departmental hearing necessitates a discontinuance of same. However, where the nature of the employee's position is such that the public trust relationship, when considered against the nature of the alleged charge of misconduct, would dictate the immediate temporary termination of such duties, said employee shall be temporarily re-assigned to another less sensitive position within the department, pending the departmental hearing referred to above.

8:4.21 Notwithstanding of the above mentioned general policy whenever it proves physically impossible to re-assign said employee to any duties whatsoever because the officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated. In such case, the employee may continue on salary, at the discretion of the appointing authority. See N.J.S.A. 40A:14-149.1.

CHAPTER 9

RESERVED

CHAPTER 10

DEPARTMENTAL DRUG TESTING POLICY

(Revised Publication May 2013)

10:1 POLICY STATEMENT

The Union City Police Department recognizes that substance abuse has had a profound effect upon society. In acknowledging this, the Union City Police Department, in accordance with the directives issued by the Office of the Attorney General of the State of New Jersey, has implemented the following rules and regulations by which members of this agency shall be required to submit to drug testing procedures.

10:2 APPLICABILITY

This policy applies to the following:

10:2.1 1. Applicants for a position as a law enforcement officer.

10:2.2 2. Law enforcement officer trainees who are subject to the Police Training Act while they attend a mandatory basic training course.

10:2.3 3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of New Jersey and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

10:3 TYPES OF DRUG TESTING

10:3.1 1. Applicants for a position as a law enforcement officer shall be required to submit a urine specimen at any time prior to appointment as a law enforcement officer.

A. This written directive recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.

B. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs.

For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.

C. During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

10:3.2 2. Law enforcement officer trainees shall be required to submit one or more urine samples for testing while attending a mandatory basic training course. All drug testing conducted during mandatory basic training will comply with rules and regulations established by the Police Training Commission. Trainees shall also be subject to drug testing under the **reasonable suspicion** standard referenced below.

A. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.

B. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the chief executive officer of the trainee's agency, or the academy director.

10:3.3 3. Sworn Law Enforcement Officers shall be subject to drug testing under any of the following conditions:

A. Sworn law enforcement officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.

B. Sworn law enforcement officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor or the chief executive officer of the officer's agency.

C. Urine specimens may also be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

10:4 NOTIFICATION OF DRUG TESTING PROCEDURES

10:4.1 1. Applicants for positions as a law enforcement officer shall be required to submit urine samples for drug testing. Prior to the submission of any samples for a drug test, the applicant shall be required to complete a form,

(IA-7, Drug Testing Applicant Notice & Acknowledgment) which advises the applicant that he/she is required to submit a urine specimen as a condition of being considered for employment. This form shall also advise the applicant that a negative test result is a condition of employment, and that a positive test result will necessitate the following:

- A. The applicant shall be dropped from consideration for employment;
- B. The applicants' name shall be reported to the Central Drug Registry maintained by the NJ Division of State Police;
- C. The applicant shall be precluded from consideration for future law enforcement employment for a period of two years.
- D. The applicant shall be advised that if he/she is currently employed by another agency as a sworn law enforcement officer, and he/she tests positive for illegal drug use, the applicants' employing agency shall be notified of the test results and he/she shall be permanently barred from future law enforcement employment in New Jersey.

10:4.2 2. Trainees who are newly appointed as law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative test result is a condition of employment, and that a positive test result would necessitate the following:

- A. The trainee shall be terminated from employment;
- B. The trainees' name shall be reported to the Central Drug Registry maintained by the NJ Division of State Police;
- C. The trainee shall be permanently barred from future law enforcement officer employment in New Jersey.
- D. In addition, a trainee who refuses to submit to a drug test as directed shall be informed that he/she shall be terminated from employment and in addition shall be permanently barred from future law enforcement Employment in New Jersey.

10:4.3 3. Sworn law enforcement officers shall be required to submit a urine specimen for drug testing under either of the following circumstances:

- A. ***Reasonable suspicion testing:*** a sworn law enforcement officer may be ordered to submit to a drug test when reasonable suspicion exists to believe that the officer is illegally using drugs. Prior

to an officer submitting to a drug test under such circumstances, a written report should be prepared which documents the articulable facts, which form the basis of the reasonable suspicion. This report shall be reviewed by the County Prosecutor or the Chief of Police before a drug test may be ordered. In emergent circumstances, the approval for a drug test may be obtained based upon a verbal report of the facts, which form the basis for the reasonable suspicion. Every sworn law enforcement officer is hereby advised that a negative test result is a condition of employment. A positive test result shall result in the following actions:

1. The officer shall be immediately terminated from employment;
2. The officers' name shall be reported to the Central Drug Registry maintained by the NJ Division of State Police;
3. The officer shall be permanently barred from future law enforcement employment in New Jersey.
4. In addition, an officer who refuses to submit to a drug test based upon reasonable suspicion after being lawfully ordered to do so by a superior officer shall be subject to the same penalties as any officer who tests positive for the illegal use of drugs as referenced above.
5. Any member of this department who has reasonable suspicion or any information that a member may be using illegal drugs must report that information immediately to the Chief of Police or his designee, or in circumstances where the Chief is not available, to the highest ranking supervisor on duty at that time.

B. *Random drug testing:* As referenced earlier in this policy, this agency shall implement a program, which shall provide for the random testing of its sworn personnel for drugs. Any officer who submits a sample for random drug testing which results in a positive result, or any officer who refuses to submit to a random drug test as ordered by a superior officer shall be subject to the following actions:

1. The officer shall be immediately terminated from employment;
2. The officers' name shall be reported to the Central Drug Registry of the NJ Division of State Police;
3. The officer shall be permanently barred from future law enforcement employment in the state of New Jersey.

10:5 RANDOM DRUG TESTING: POLICY AND PROCEDURES

10:5.1 1. The frequency of random drug tests shall be determined by the Chief of Police and remains within his discretion. Random drug testing shall not be implemented until these rules and regulations establishing these procedures have been in effect for a minimum of sixty (60) days.

10:5.2 2. All sworn personnel of this agency, regardless of rank or assignment, shall be eligible for random drug testing twice a year.

10:5.3 3. The number of officers to be tested each time a random selection takes place shall be at least ten percent (10.0 %) of the total number of sworn officers at the time of selection.

10:5.4 4. All sworn officers shall be placed in a pool from which a random selection shall be made. Selections shall be made by use of a computer based random number system, which shall ensure that every officer has an equal statistical chance of being selected. Officers who are selected for a random drug test are NOT removed from the computer database for future selections; therefore it is possible for an officer to be selected several times in any given year. In addition, the computer shall generate an alternate selection list which shall be utilized in the event that an officer who has been selected for random sampling is excused from giving a sample, refer to section 10:5.10, describing those circumstances which would exempt an officer from submitting a sample, and which would then require that the corresponding officer on the alternate selection list be selected for testing.

10:5.5 5. The Internal Affairs Unit shall be responsible for the maintenance of records pertaining to the selection process and the subsequent testing of personnel, including all pertinent reports and forms which may be required.

10:5.6 6. A representative of each of the collective bargaining units, which represent sworn officers, shall be permitted to witness the random selection process. Each representative shall be notified of the time and place for each selection process. The union representatives shall **not** be informed of the identity of any officer who has been randomly selected to submit a urine specimen. Further, the selection process shall not be delayed due to the unavailability or tardiness of any union representative.

10:5.7 7. Any member of this department who discloses the identity of an officer selected for random testing, or discloses the fact that a random test is scheduled to take place prior to the collection of all urine specimens, shall be subject to discipline.

10:5.8 8. The Internal Affairs Unit shall be responsible for the selection, notification, collection, monitoring, chain of custody, storage and transport of urine specimens to the State Toxicology Laboratory, and any subsequent record keeping which is necessary to ensure that the testing process is conducted in an efficient and confidential manner.

10:5.9 9. Officers who have been selected for a drug test based upon random sampling shall be notified by the Internal Affairs Unit and shall immediately report to the collection facility at the date and time specified. An officer who refuses to comply with an order directing that a urine specimen be given shall be subject to the same penalties as those officers who test positive for the illegal use of drugs.

10:5.10 10. Circumstances may arise in which an officer who has been selected to submit a sample as part of a random testing procedure may not be available. The following conditions will require that an officer who has been selected to submit a sample be excused from giving a sample for that particular selection only; the next officer shall then be selected from the alternate selection list and shall be required to comply with this directive. Conditions requiring the selection of an alternate are:

a. An officer who is currently on an authorized leave of absence, which extends more than thirty (30) days after the date of selection.

b. An officer who is on military leave, which extends more than thirty (30) days after the date of selection.

10:6 SPECIMEN ACQUISITION PROCEDURES

10:6.1 I. Preliminary acquisition procedures:

A. A member of the Internal Affairs Unit shall serve as the official monitor of the specimen acquisition process. As needed, manpower requirements may be supplemented for this purpose at the discretion of the Chief of Police on notice to the Director of Public Safety.

B. The monitor shall **always** be a member of the same sex as the individual being tested. If there is no member of the same sex available from our department to collect a specimen, then the department may request that a member of the same sex from another law enforcement agency serve as the monitor in this instance.

C. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in 10:3.1 of this directive. Applicants shall not complete a Drug Testing Medication Information form (Attachment D) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology Laboratory for analysis, the Union City Police Department receives a report indicating that the specimen tested positive for a controlled substance.

D. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in 10:3.2 of this directive. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D), which clearly describes all medications, both prescription, and over-the-counter (nonprescription), that were ingested in the past 14 days.

E. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in 10:3.3 of this directive. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days.

F. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

10:6.1 2. Monitor Responsibilities

A. The monitor of the specimen acquisition process shall be responsible for:

1. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).

2. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.

3. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.

4. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.

5. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.

B. In order to ensure the accuracy and integrity of the collection process a monitor may:

1. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.

2. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.

C. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

10:6.1 3. Specimen Collection

A. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.

B. The monitor allows the donor to select two sealed specimen container kits.

C. The donor unseals both kits and removes the kit contents on a clean surface.

D. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.

E. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.

F. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.

G. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.

1. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. "Shy Bladder" Procedure below)

H. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the "Yes/No" column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.

I. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.

J. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Submission of Specimens for Analysis below).

10:6.1 4. "Shy Bladder" Procedure

A. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:

1. Advise the donor to remain on the premises and under the supervision of the test monitor until

the monitor is satisfied that the donor cannot produce a specimen.

2. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.

3. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.

B. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

10:6.1 5. Second Specimen

A. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.

B. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.

C. The second specimen will be released by the NJSTL under the following circumstances:

1. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;

2. The agency notifies the donor that the first specimen tested positive for a controlled substance; and

3. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.

D. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.

1. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.

E. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.

F. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

10:7 SUBMISSION OF SPECIMENS FOR ANALYSIS

10:7.1 1. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.

10:7.2 2. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one (1) working day, then it shall be stored in a controlled access refrigerated storage area within the Internal Affairs Unit until submission to the State Toxicology Laboratory can be made on the next available working day.

10:7.3 3. The Internal Affairs Unit shall be responsible for the transportation of specimens to the State Toxicology Laboratory. Should other personnel be assigned to the task of transporting specimens for analysis, the proper chain of custody will be documented indicating the individual who is transporting the specimen in addition to indicating the individual who turned over possession of the specimens from the Property Room, and any other pertinent information which would establish and continue the chain of custody.

10:7.3 4. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.

10:7.3 5. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.

A. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and

B. Notify the submitting agency in writing with the reason for rejection clearly stated.

10:8 ANALYSIS OF SPECIMENS

10:8.1 1. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing,

parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, the Chief of Police may request that specimens be analyzed for the presence of steroids.

10:8.2 2. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:

- A. Amphetamines;
- B. Barbiturates;
- C. Benzodiazepine;
- D. Cocaine;
- E. Marijuana;
- F. Methadone;
- G. Opiates;
- H. Oxycodone/Oxymorphone;
- I. Phencyclidine.

10:8.2 3. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.

A. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All presumptive positive specimens will undergo a second and more specific type of testing.

B. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.

10:8.2 4. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.

10:8.2 5. Applicants for law enforcement employment are not required to submit a Drug Testing

Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.

10:8.2 6. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

10:9 DRUG TEST RESULTS

10:9.1 1. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.

10:9.2 2. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.

10:9.3 3. The Union City Police Department shall notify the **applicant, trainee or sworn law enforcement officer** of the results of a positive test as soon as practicable after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.

10:9.4 4. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

10:10 CONSEQUENCES OF A POSITIVE TEST RESULT

10:10.1 1. When an **applicant** tests positive for illegal drug use:

- A. The applicant shall be immediately removed from consideration for employment by this agency;
- B. The applicant shall be reported to the Central Drug Registry by the agency to which the individual applied; and

C. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two (2) years.

D. If the applicant is currently employed by another agency as a sworn law enforcement officer, the officers' current employer shall be notified of the positive test result. The officers' current employer is required to dismiss the officer from employment and also report his name to the Central Drug Registry maintained by the Division of State Police.

10:10.2 2. When a **trainee** tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:

A. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority;

B. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer, by the appointing authority;

C. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police; and

D. The trainee shall be permanently barred from future law enforcement employment in New Jersey.

10:10.3 3. When a **sworn law enforcement officer** tests positive for illegal drug use:

A. The officer shall immediately be suspended from duty (without pay);

B. The officer shall be administratively charged and, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer, upon final disciplinary action;

C. The officer shall be reported to the Central Drug Registry maintained by the Division of State Police; and

D. The officer shall be permanently barred from future law enforcement employment in New Jersey.

10:11 CONSEQUENCES OF REFUSAL TO SUBMIT TO DRUG TEST

10:11.1 1. **Applicants** who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for a period of two (2) years. In addition, the appointing authority shall forward the applicants' name to the Central Drug Registry and note that the individual refused to submit to a drug test.

10:11.2 2. Trainees who refuse to submit to a drug test during basic training shall be immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

10:11.3 3. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officers' name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

10:11.4 4. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of the final disciplinary action, shall be reported to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

10:11.5 5. An officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

10:12 RECORD KEEPING

10:12.1 1. The Union City Police Department Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.

10:12.2 2. The drug testing records shall include but not be limited to:

A. For all drug testing:

- i. The identity of those ordered to submit urine samples;
- ii. The reason for the order;
- iii. The date the urine specimen was collected;
- iv. The monitor who oversaw the collection process;

v. The chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;

vi. The results of the drug testing;

vii. Copies of notifications to the subject; and

viii. For any positive result or refusal, appropriate documentation of disciplinary action.

B. For random drug testing, the records maintained will also include the following information:

i. A description of the process used to randomly select officers for drug testing;

ii. The date selection was made;

iii. A copy of the document listing the identities of those selected for drug testing;

iv. A list of those who were actually tested; and

v. The date(s) those officers were tested.

10:12.3 3. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

10:13 CENTRAL DRUG REGISTRY

10:13.1 1. The Union City Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of **applicants, trainees and sworn law enforcement officers** who test positive for the illegal use of drugs or refuses an order to submit a urine sample. Notifications to the Central Drug Registry shall include the following information as to each individual:

a. Name and address of submitting agency;

b. Name of the individual who tested positive;

c. Last known address of the individual;

d. Date of birth;

e. Social security number;

f. SBI number, if applicable;

g. Gender;

h. Race;

i. Eye Color;

j. Date of Drug test or Refusal;

k. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;

l. Date of dismissal from the agency;

m. Whether the individual was an applicant, trainee or sworn law enforcement officer.

10:13.2 2. Notifications to the Central Drug Registry shall be sent to:

***Records and Identification Section, Division of State Police
P.O. Box 7068, West Trenton, New Jersey 08628-0068.***

10:13.3 3. The certification section of the notification form must be completed by the Chief of Police or Director and notarized with a raised seal.

10:13.4 4. Information contained in the Central Drug Registry may be released by the Division of State Police only under the following circumstances:

a. In response to an inquiry from a law enforcement agency as part of the background investigation process for prospective or newly appointed personnel; or

b. In response to a court order.

10:14 NOTIFICATION TO COUNTY PROSECUTOR

10:14.1 1. In the event of (1) a positive drug test by an officer, (2) a refusal by an officer to take the drug test, or (3) administration of a reasonable suspicion drug test to an officer, the Chief of Police or a designee shall provide a confidential written notice to the County Prosecutor or his/her designee within 10 days. Upon completion of any disciplinary action, the Union City Police Department shall report the discipline to the County Prosecutor or designee.

10:14.2 2. By December 31st of each year, the Union City Police Department shall provide written notice to the County Prosecutor or his/her designee of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of sworn officers tested, and the total number of sworn officers who tested positive.

10:15 PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

10:15.1 1. The Union City Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section 10:14, also shall be made available to the public upon request and shall be posted on the agency website.

10:15.2 2. All written reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.

This directive shall take effect sixty (60) days from the date of its issuance.

By order of:

Richard Molinari, Chief of Police