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From : "Louis Bordi"
To : "Louis Bordi" lbordi@berlintwppd.com
Subject : Fwd: Rules & Regs
Attachment : Rules Regulations Manual.pdf;

Thank You,

Chief Louis Bordi

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From: "Phillips, Virginia" <VPhillips@sbpdnj.net>
Date: February 10, 2023 at 2:24:23 PM EST
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Chief Bordi,

Chief Hayducka asked me to send along our departments Rules and Regulations. You will find them attached.

Best Regards,

Virginia Phillips
Administrative Assistant
South Brunswick Police Department
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SOUTH BRUNSWICK TOWNSHIP

POLICE DEPARTMENT

MANUAL

OF

RULES AND REGULATIONS

ADOPTED: January 6, 2017

RULES AND REGULATIONS
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POLICE MANUAL
SOUTH BRUNSWICK TOWNSHIP POLICE DEPARTMENT

PREFACE

This manual generally stated the basic duties and responsibilities of the members of the Police Department. The guidelines are to be used by all police officers in the performance of their duties.

The police organization is composed of numerous commands, divisions, bureaus and units, which are collectively and individually responsible for certain elements of the police function. To coordinate these general and specialized duties toward a common good, it is necessary that each police officer knows the type of conduct expected of him in the performance of his duties. Therefore, each police officer has the responsibility to acquaint himself with the contents of this manual so that he may effectively fulfill his obligation to the South Brunswick Township Police Department.

The rules and regulations stated have been prepared by the Chief of Police, with input from department personnel, member of F.O.P. Lodge #51, and P.B.A. Local 166 and established by the appropriate authority pursuant to New Jersey Statute 40A:14-118.

“Where there is a conflict between this Manual and the collective bargaining agreements between the Township and P.B.A. Local 166 and/or FOP Lodge #51, the CBA shall govern.”

This manual is the property of the South Brunswick Township Police Department.

I

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

CHAPTER 1

ESTABLISHMENT OF POLICE DEPARTMENT RULES AND REGULATIONS

1:1 POLICE DEPARTMENT AUTHORITY-POWER-DUTIES

1:1.1 Legal-Authorization. N.J.S.A. 40A:14-118 states: "The governing body of any municipality, by ordinance, may create and establish 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 members. 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. Any such ordinance, or rules and regulations, shall provide that the chief of police, if such position is established, shall be head of the police force and that he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof".

1:1.2 Ordinance. The Police Department is established by authority of Ordinance entitled "Code Of The Township Of South Brunswick, New Jersey; Regulating and Defining the Manner of Appointment Thereto and Removal Therefrom; and Outlining the Duties of Officers, Personnel, and Bureau of the Police Department." *Chapter 66 of the Code of the Township of South Brunswick.*

The power and duties of the Police Department are established by authority of said ordinance, Code of the Township South Brunswick, New Jersey

1:1.3 Rules and Regulations Established. The Police Department of the Township of South Brunswick hereby establishes the department Rules and Regulations under cover to be known as the Police Department of South Brunswick Township Rules and Regulations.

1:1.4 Right to Amend or Revoke. For the good of the service, in accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or to revoke any of the rules, regulations, or procedures, or add thereto as circumstances require or in conformance with the collective bargaining agreement in effect at that time.

1:1.5 Previous Orders. All rules and regulations previously issued are hereby revoked.

1:2 APPLICATION

1:2.1 Police Regulations. Police Regulations are applicable to all officers of the department and where specified, to all civilian employees of the department.

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

Except as set forth in 1:1.4 above, Police regulations or general orders shall not be cancelled, amended, or issued without the approval and signature of the Chief of Police.

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

1:3 THE POLICE RULES AND REGULATIONS MANUAL

1:3.1 Distribution of Manual. One copy of the Police Rules and Regulations Manual shall be distributed to each member and employee of the department.

1:3.2 Responsibility for Maintenance. All members and employees who are assigned a manual shall be responsible for its maintenance and care. All manuals shall be kept current, and supplementary pages, concerning additions, revisions or amendments, shall be promptly and properly inserted.

1:3.3 Familiarization. Each police officer and each civilian employee is duty bound to thoroughly familiarize himself with the provisions of the Police Manual. Failure to comply shall be considered a neglect of duty.

1:3.4 Ignorance of Contents of Manual. In the event neglect of duty is charged against a member for failure to observe the rules and regulations, department policy, procedures or orders, ignorance of any provision of this manual or any department, policy procedure or order, will not stand as a defense to the charge(s).

1:3.5 Severability. If for any reason any section of these Rules and Regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to effect any other sections or provisions of this document.

CHAPTER II

DEFINITIONS

2:1 DEFINITIONS

- 2:1.1 Annual Vacation.** Vacation period granted to all members annually as per contracts.
- 2:1.2 Attitude.** This is the individual with a "service oriented" philosophy who is community minded, compassionate, and reflects empathy for our citizens, regardless of their social or economic status.
- 2:1.3 Authority.** Authority is the statutory right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the manual and those persons in violation shall be subject to disciplinary actions.
- 2:1.4 Auxiliary Police.** Sworn members of the Police Department under the direction of the Chief of Police with those powers of authority set forth in the New Jersey Civil Defense and Disaster Control Plan.
- 2:1.5 Bureau.** A level immediately subordinate to a division within the Table of Organization.
- 2:1.6 Command.** A level immediately subordinate to the Chief of Police within the Table of Organization.
- 2:1.7 Chain of Command.** The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.
- 2:1.8 Chief of Police.** The Police Chief of the Township of South Brunswick, New Jersey, is the ranking officer of the department.
- 2:1.9 Command Officer.** Any officer appointed to the rank of lieutenant or higher.
- 2:1.10 Days Off.** Those days on which a given member is excused from duty.
- 2:1.11 Department.** The Police Department of South Brunswick Township.
- 2:1.12 Detail.** A temporary assignment of personnel for a specialized activity.
- 2:1.13 Detective.** A police officer assigned to the Investigation Division.
- 2:1.14 Division.** A level immediately subordinate to command within the Table of Organization.

- 2:1.15 Divisional Order.** Written directives issued by Division Commanders to their division, directing, describing, or informing subordinates of the official method of dealing with any given situation.
- 2:1.16 Emergency Response Team (ERT).** A tactical emergency response team subordinate to a Command level officer or under the immediate direction of the Chief of Police
- 2:1.17 Employee.** Any employee other than a member to include but not limited to; police officer, auxiliary police officer, police clerical staff, crossing guards, and public safety telecommunicator
- 2:1.18 Gender.** Use of the masculine gender herein shall also include, where applicable, the female gender.
- 2:1.19 General Orders.** General Orders are written directives that pertain to the permanent policy and procedures of the police department. General orders are prepared and issued under the direction of the Police Chief and remain in force until rescinded.
- 2:1.20 Headquarters.** The police building that houses the headquarters staff, employees, and members of this department.
- 2:1.21 Incompetence.** Incapable of satisfactory performance of police duties.
- 2:1.22 Insubordination.** Failure or deliberate refusal of any member or employee to obey all lawful orders given by a superior officer.
- 2:1.23 Lawful Order.** Any written oral directive issued by superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.
- 2:1.24 Loyalty.** This is to include consideration of support of organizational policy, ability to accept constructive criticism and putting the South Brunswick Police Department above outside interests (particularly pecuniary interests).
- 2:1.25 May/Should.** As used herein words may and should mean that the action indicated is permitted.
- 2:1.26 Member.** Any duly appointed police officer of the department.
- 2:1.27 Memorandum.** Written information not warranting a formal order. Used to direct any segment of all of the department personnel in specific situations or to inform them of coming events.
- 2:1.28 Military Leave.** The period of time during which an officer is excused from duty by reason of serving the armed forces of the United States in an active capacity as provided by law.

- 2:1.29 Neglect of Duty.** Failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the beat during the tour of duty; failure to perform duties or comply with provisions prescribed in the Police Manual; failure to conform to the department's operating procedures.
- 2:1.30 Off Duty.** The status of a member during the period he is free from the performance of specified duties.
- 2:1.31 On Duty.** The status of a member during the period of day when he is actively engaged in the performance of his duties.
- 2:1.32 Order.** Any written or oral directive issued by the Police Chief or any superior officer to any subordinate or group of subordinates in the course of police duty.
- 2:1.33 Personnel Orders.** Includes a change in position, transfer, promotion, etc.:
- A. The appointment of new personnel.
 - B. The assignment or transfer of members from one command, division, bureau or unit to another.
 - C. Temporary assignment to outside agency.
 - D. Promotions.
 - E. Suspension and dismissal.
 - F. Resignation or retirement.
- 2:1.34 Post.** A geographical area of coverage by a police officer.
- 2:1.35 Procedure.** The official method of dealing with any given situation prescribed by the Police Chief's order or procedural guide.
- 2:1.36 Productivity.** Personnel are expected to meet productivity standards with particular emphasis on quality and then quantity of productivity.
- 2:1.37 Probation Period - Promotions.** All appointments shall be probationary, in accordance with Township of South Brunswick Ordinance.
- 2:1.38 Probation Period - Recruits.** One (1) year period, in accordance with Township of South Brunswick Ordinance.
- 2:1.39 Rules and Regulations.** Department legislation consisting of detailed directives binding members and employees of all rank in terms of authority, responsibility and conduct.
- 2:1.40 Rules and Regulations Manual.** Reference guide specifying the Rules and Regulations governing the conduct of personnel and the operations of the department as well as specifying department policies and procedures. This manual is established by the appropriate authority pursuant to N.J.S.A. 40A:14-118.

- 2:1.41 Seniority.** Seniority in the department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the most seniority in the previous rank is deemed to be the senior.
- 2:1.42 Shall/Will.** The words shall and will as used herein, shall indicate that the required action or conduct is mandatory.
- 2:1.43 Shift.** A shift designates one of the basic time units for assignment of personnel.
- 2:1.44 Shift Commander.** The superior officer in charge of a shift of duty.
- 2:1.45 Sick Leave.** The period of time during which an employee is excused from active duty due to illness as per contract.
- 2:1.46 Special Assignment.** A member being excused from the performance of his regular duties and assigned a special detail.
- 2:1.47 Special Orders.** Those directives affecting a specific unit, a specific event, or circumstance of a temporary or self-canceling nature or involving only specific segments of activities.
- 2:1.48 Staff Supervision.** An advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.
- 2:1.49 Subordinate.** A member lower in rank than his superior officer.
- 2:1.50 Superior Officer.** A person holding a rank higher than the subordinate officer.
- 2:1.51 Supervisory Officer.** Member of the department assigned to a position requiring the exercise of immediate supervision over the activities of members and employees.
- 2:1.52 Suspension.** Suspension is the act of temporarily denying a member the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time.
- 2:1.53 Tour of Duty.** The number of days of work on a given shift during which an individual member is on duty.
- 2:1.54 Training Bulletin.** Bulletins published are designed to keep officers of the department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official departmental policy on the subject matter under consideration in the absence of other instruction to the contrary.

2:1.55 Uniform. Prescribed or regulation uniform worn by members of the Police Department.

2:1.56 Weapon. Any department issued tool or equipment to be utilized in conjunction with the use of force continuum.

2:2 Hierarchy of Directives:

- A. Township Ordinances – Legal foundation providing for the establishment of the Police Department and providing for the line of authority relating to the police function and the establishment of the Appropriate Authority.
- B. Rules & Regulations – Conceptual direction established and promulgated by the Appropriate Authority and instituted in detail by the Chief of Police.
- C. General Orders – Broadly based directive dealing with policy and procedures affecting one or more organizational divisions of the department.
- D. Special Orders – A directive dealing with a specific circumstance or event that is usually self-canceling.
- E. Personnel Order – A directive initiating and announcing a change in the assignment, rank, or status of personnel.
- F. Divisional Order – A directive issued at the divisional level dealing with procedures and operations within the specific division., usually in the form of memorandum.
- G. Order– A written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty and which is lawful in nature.
- H. Standard Operating Procedure-The official method of dealing with any given situation prescribed by the Police Chief's order or directive. Standard Operating Procedures allow for discretion in those cases where it is reasonably necessary to accomplish the given task.

CHAPTER III

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 into disrepute.

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.

3:1.3 Cooperation. Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all members 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 police officer exposed to danger or in a situation where danger might be impending.

3:1.5 General Responsibility. 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.

3:1.6 Duty Activities. Although certain hours are assigned for the performance of regular duty tours, officers must act promptly anytime their services are required by law or the department. Officers shall not engage in off duty activities or work, which may conflict or interfere with the satisfactory performance of assigned police duties. Any off duty or outside employment must be approved by the Chief of Police.

3:1.7 Neglect of Duty. Officers may be charged with neglect of duty for any act or omission in violation of law, orders, policy, 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, procedure, or by order of 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 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 Toward Superior and Subordinate Officer 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, policy, procedure, and orders of the department.
- 3:1.13 Criticism of Official Acts or Orders.** Members and employees shall not criticize actions, instruction, or orders of any department member 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 in clear, understandable language, civil in tone and issued in pursuit of department business.
- 3:1.15 Unlawful Orders.** 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 any 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 or State law or Local ordinance. Responsibility for refusal to obey rest with the member. He shall be strictly required to justify his 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 then may proceed to appeal as provided.
- 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 or for the good of the department.

- 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. Interdepartmental action regarding such an appeal shall be conducted through the office of the Police Chief.
- 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 a connection between the solicitation and their department members or employment exists.
- 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. Members and employees shall not accept any gift, gratuity, loan, fee, or other object of value, 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. No member or employee of the department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Police Chief.
- 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 except as may be specifically authorized by the Police Chief.
- 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.
- 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 Police Chief together with a written report explaining the circumstances.
- 3:1.25 Free Admission and Passes.** Members and employees shall not solicit or accept free admission to theaters and other places of amusement for themselves and other except in the line of duty.

- 3:1.26 Debt Obligation.** Members and employees shall pay all their just debts and meet all their legal liabilities.
- 3:1.27 Intercession-Soliciting.** Members and employees shall not solicit anyone to intercede with the Police Chief, Township Administrator, Mayor or member of the governing body in relation to promotion, assignments, disposition of pending charges, or findings in a departmental trial or other related matters.
- 3:1.28 Persons and Places and Bad Reputation.** Members and employees shall not frequent places where criminal activity knowingly occurs, nor associate with persons involved in criminal activities, except as may be required in the course of police duty.
- 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 Laws, Ordinances, Rules, Policies, Procedures 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 Police Chief 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, official channels may be bypassed.
- 3:1.31. Supervisors in the department shall:**
- A. Enforce department rules and insure compliance with department policies and procedures.
 - B. Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.
 - C. Exercise necessary control over their subordinates to accomplish the objectives of the department.
 - D. Guide and train subordinates to gain effectiveness in performing their duties.
 - E. Use department disciplinary procedures when necessary.
 - F. When using discipline, strictly comply with provisions of the department disciplinary process.
- 3:1.32 Mandatory Random Drug Testing**
- All members and employees will be subject to mandatory random drug testing. Guidelines and procedures for carrying out testing will be consistent with the Attorney General's Law Enforcement Drug Testing Policy, and departmental procedure 3:1.32 governing it. Additionally:
- 1. All sworn members of the agency are eligible for random drug testing, regardless of rank or assignment.
 - 2. Five percent of the number of sworn officers will be tested twice per year.
 - 3. Random selection will be accomplished by use of software provided by the Middlesex County Prosecutor's office for this purpose.

4. The process will be verified by the supervisor of Internal Affairs. The process and any associated reports will be documented by way of case number and filed appropriately and in a confidential manner.
5. One member of each collective bargaining unit will be permitted to witness the selection process but may not have knowledge of the names selected.
6. Any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random test selection is scheduled to take place prior to the collection of urine samples shall be subject to discipline.
7. The system for collection will be prompt, efficient, and confidential to the extent possible. It will be conducted with minimal disruption to operations and will be carried out in a manner so as not to embarrass the officer.
8. Any officer who refuses to submit to mandatory random drug testing will be subject to the same penalties as those officers who test positive for illegal use of drugs.

3:2 GENERAL CONDUCT ON DUTY. While on duty members and employees are prohibited from engaging in certain activities which include but are not limited to:

3:2.1 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. A member while assigned to duty in civilian clothes may use intoxicants 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 legally defined intoxication as set forth in N.J.S.A. 39:4-50, as amended and supplemented be considered justifiable.
- B. Members or employees of the department shall not take any drugs that are not prescribed and necessary for their health at any time.
- C. Members shall not consume intoxicating beverage or other intoxicant while in uniform.
- D. In the normal course of duty alcoholic beverages shall not, at any time, be consumed within Police Headquarters.
- E. Members shall not report for duty under the influence of intoxicants. This condition shall cause the member to be unfit for duty. Superior officers shall not assign to duty any members in an unfit condition due to the use of intoxicants and shall immediately relieve from duty any member found on duty in such condition.
- 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 for evidential or other authorized purpose.
- G. Liquor or drugs brought into department 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 premises where intoxicants are sold or stored, except in the performance of duty.
- I. The law and regulations promulgated by the Division of Alcoholic Beverage Control shall govern members of the police department.

- J. A police officer so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages, wear or display any uniform badge or insignia, which would identify him as a police officer.
- K. Members must report evidence of suspected drug use by other members of the department to the Police Chief, providing all facts and circumstances.
- L. Any employee under any prescribed medication which may reasonably be assumed to affect the fundamental ability of the employee to perform the essential functions of his/her job in a safe and effective manner shall have his/her physician notify the Township Physician as to the medication required, its properties (by supplying prescription fact sheet) the dosage amount and the period during which the employee is required to take such medication.

- 3:2.2 Absence from Duty.** Every member or employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is "absent without leave". Such absence must be reported in writing to the Commanding Officer within one (1) day. Absences without leave in excess of one day must be reported in writing to the Chief of Police.
- 3:2.3 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.
- 3:2.4 Physical Fitness for Duty.** Members shall maintain sufficient physical condition so that they can perform all essential functions per their job description.
- 3:2.5 Loitering.** Members on duty or in uniform shall not enter theaters or other public places except to perform a police task. Loitering and unnecessary conversation in such locations is forbidden. Member and employees, on duty and while on official police business, shall not loiter in Police Department areas.
- 3:2.6 Smoking while on Duty.** Members shall not smoke on duty while in direct contact with the public nor when in uniform. An exception is at meal times and at that time they shall be as inconspicuous as possible.
- 3:2.7 Relief.** Members and employees are to remain at their assignments and on duty until properly relieved by other members or employees or until dismissed by competent authority.
- 3:2.8 Suspending Patrol for Lunch or Coffee Break.** Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift as set forth contractually and by law. However, at no time shall such member go out of service for such purpose, and he shall arrange to suspend patrol only at such time as it will cause the least interference with his regular duties.

- 3:2.9 Training.** Members shall attend in-service training in the theory and practice of law enforcement at the direction of the Police Chief or designee. Such attendance is considered a duty assignment.
- 3:2.10 Inspections.** From time to time the Police Chief 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, carry the equipment specified. Unauthorized absences from such inspection are chargeable as absence without leave.
- 3:2.11 Military Courtesy.** When meeting in public, members shall conform to normal courtesy standards and refer to each other by rank.
- 3:2.12 National Colors and Anthem.** Uniformed members will 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 time.
- 3:2.13 Possession of Keys.** No member, unless authorized by his Commanding Officer, shall possess keys to any premises not his own, on or near his post or district.
- 3:2.14 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 administration office. Changes in address or telephone number shall be reported to the Commanding Officer and administration office within 24 hours of the change. This shall be done in writing on the appropriate form and with the specified time whether the member or employee is working or on leave.
- 3:3 UNIFORMS, EQUIPMENT AND APPEARANCE**
- 3:3.1 Regulation Uniform Required.** All members shall maintain regulation uniforms. Uniforms shall be kept neat, clean and well pressed at all times.
- 3:3.2 Manner of Dress on Duty.** Normally, members will wear the duty uniform on a tour of duty. However, Commanding Officers may prescribe other clothing as required by the nature of the duty to which a particular member is assigned. Employees will wear and maintain a uniform when so directed by the Police Chief.
- 3:3.3 A. 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 pocket and always in sight. When not in uniform or off duty, he may carry his badge or identification card which must be kept in his pocket.
- B. Wearing of Name Tag.** Any sworn member or auxiliary officer, when in uniform, shall wear the regulation name tag on his uniform shirt.

- 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 Police Chief.
- 3:3.5 Carrying Required Equipment When In Uniform.** While on duty, members who are required to wear the specified uniform shall always carry full equipment, as required by policy.
- 3:3.6 Carrying Required Equipment When in Civilian Clothes.** While on duty, members who are required to wear civilian clothes shall carry full equipment as required by policy.
- 3:3.7 Carrying Equipment Off Duty.** When off duty each member may carry or have in his immediate possession his department issued firearm.
- 3:3.8 Civilian Clothing-Manner of Dress.** Members and employees permitted to wear civilian clothing during a tour of duty shall wear clothing that is suitable for a business environment and neat in appearance. Commanding Officers may prescribe other types of clothing when necessary to meet a particular police objective.
- 3:3.9 Equipment.** All equipment must be clean, in good working order and conform to department specifications. He shall, as often as necessary, examine and clean equipment and keep it in good serviceable condition. Equipment shall include, but not limited to:
- A. Baton
 - B. OC Spray
 - C. Flashlight
 - D. Holster
 - E. Gun belt
 - F. Handcuffs
 - G. Insignia or rank
 - H. Magazine Carrier
 - I. Rain gear
 - J. Weapons
- 3:3.10 Personal Appearance.** Every member and employee of the department, while on duty, must at all time be neat and clean in person, his clothes clean and pressed, and his uniform in conformity with the Rules and Regulations. Male members and employees shall conform to the following additional standards of appearance:
- A. Hair
 - 1. Bushy hair protruding from the sides, back or front of the head is prohibited.
 - 2. Hairstyles shall not be such length as to cover any portion of the ears.
 - 3. 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.
 - 4. Unusual haircuts are strictly prohibited.

5. In order to conform to the above requirements regarding hair lengths and styles, female members on duty/in uniform shall:
 - a. If worn up, shall be held in a manner so that the hair appears neat.
 - b. If worn down, shall be neat, slightly below the bottom of the collar, and slightly below the ears..
6. Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed one and one half inches at the broadest point.

B. Mustaches

1. The pattern shall be neatly trimmed.
2. The extent of the growth shall be limited to being even with the line of the corner of the mouth.
3. Length of the hair shall be no more than one half inch, nor appear bushy. The ends may not be waxed or twisted.

C. Beards

1. Full beards or other growths of hair below the lower lip, on the chin, or lower jawbone are prohibited. The Chief of Police may authorize exceptions for furtherance of investigatory incidents, i.e. narcotics.

D. Clean Shaven

1. Except for the areas of facial growth of hair permitted, all members shall be clean shaven.
2. Personnel with medical condition which precludes shaving shall be required to present a written statement, signed by a medical doctor.

E. Earrings

1. The wearing of earrings by either male or female officers, while on duty, is prohibited, except as permitted with approval as may be necessary due to assignment.

F. Cosmetics

1. May be worn and must be subdued and blended to match natural skin color. False eyelashes are not permitted. Nails should be clean and trimmed and must not extend beyond the tips of the fingers. Fingernail polish shall be clear.

G. Jewelry

1. Police officers on duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit

non-uniform officers on duty from wearing jewelry appropriate for the condition of their current assignment in accordance with departmental policy.

2. Visible jewelry is limited to two rings, watch, identification / medic alert bracelet. In the case of a wedding set, this will be considered one ring.
3. Members working in uniform will not wear jewelry, such as necklaces and chains, in an exposed manner.

H. Tattoos

1. Members shall not appear on duty in uniform or civilian attire with any visible hand, neck, facial, or head tattoo, brand, or decal.
2. Members while wearing the uniform of the day may not have visible tattoos, brands, or decals that exceed more than 25% of any exposed body part.
3. No visible tattoo, brand, or decal will be acceptable that is offensive, prejudicial to good order, considered obscene, or that advocate racial, ethnic, or religious discrimination, or of a nature that tends to bring discredit upon the department are prohibited.
4. Members shall not display any visible tattoo, brand, or decal while wearing a long sleeve Class A or B Uniform.
5. In those cases where compliance with this rule is in question or not readily apparent, the Chief of Police shall meet with the officer and his/her Division Commander where a determination shall be made.

I. Dental Ornamentation

1. The use of gold, platinum, or veneers or caps for the purpose of ornamentation is prohibited. Teeth, whether natural, capped, or veneer will not be ornamented with designs, jewels, initials, ect., unless otherwise authorized for special assignment.

J. Body Piercing / Ornamentation

1. All employees are prohibited from attaching, affixing or displaying objects, articles, jewelry or any other device or ornamentation to or through the ear, nose, tongue, or any other exposed body part, including any of these items that are visible through the clothing.

3:3.11 Department Property and Equipment. Members and employees are responsible for the proper care of departmental property and equipment assigned to them. Damage or lost property may subject the responsible individual to reimbursement 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. This will be done by the end of their tour, when practical. The immediate superior will be notified

of any defects or hazardous conditions existing in any department equipment or property.

- 3:3.13 Care of Department Building.** 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 a 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 Vehicle-Use.** Use of department vehicles will be permitted in accordance to department policy.
- 3:3.16 Operation of Motor Vehicles.** Members and employees, when driving vehicles of the department 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.
- 3:3.17 Emergency Calls and Use of Red Light and Siren.** Members driving any department vehicle, when responding to an emergency call, shall exercise judgement 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. They shall use the red light and sound the siren on such calls and take the utmost precaution. They must follow all motor vehicle laws as prescribed in Title 39.
- 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.
- 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 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, maintained and secured by said member. In the event of any misuse or loss of said property by any member, that member will be held liable to reimburse the department for damage and loss.
- 3:3.22 Departmental Computers.** The department may assign to its members and employees departmentally owned computers for business purposes. Such computer equipment and its contents are and remain the property of the department. Personnel are prohibited from installing unauthorized software and

from storing personal information in the computer, regardless of any password protection or encryption. The computers, their contents, and any e-mail or electronic correspondence originating from or arriving at the department computer are the property of the department and are subject to entry and inspection without notice

3:4 COMMUNICATIONS, CORRESPONDENCE

3:4.1 Restrictions. Members and Employees shall:

- A. Not use department letterheads for private correspondence.
- B. Only send correspondence out of the department under the direction of superior officers.

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 member receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgement.

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 purposes. The department address shall not be used for any private vehicle registration or drivers license.

3:4.4 Communications Equipment. All members of the department operating any form of communications equipment shall strictly observe regulations for such operations as set forth in department orders and by the Federal Communications Commission.

- A. Except in an emergency, all members shall use appropriate departmental codes when using the police radio.
- B. The use of portable radios and any other non-authorized equipment for entertainment purposes in police vehicles is prohibited.

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.

- 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. Arrest of violator(s).
 - C. Security of the scene.
 - D. 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 incidents 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 person, 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 spokesperson, or in his absence, a superior officer designated by the Police Chief or in accordance with departmental policy. 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 must be guided by Rule 3:5.6
- 3:5.6 Statements to Media.** An officer shall only make a statement to the media regarding police incidents as set forth by Governor's Executive Order 69.
- 3:5.7 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 who it is intended or as directed by their Command 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 Police Chief, or under due process of law, or as permitted under department regulations.

3:5.8 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, unless to further a police purpose.
- C. Any member or employee having knowledge of such action and failing to inform his superior officer thereof shall be subject to disciplinary action.

3:6 ARRESTS

3:6.1 Arrests. In making arrests, members shall strictly observe the laws of arrest and the following provisions:

- A. The arresting officer shall employ only such reasonable force and necessary restraints to assure the safety of other persons, other police officers, and himself.
- B. Every member shall refrain from using unnecessary force or violence in making arrests and shall not use physical force against a prisoner or any other person except when necessary, in self defense, or to overcome actual physical resistance in making an arrest. However, he must be firm, resolute, and energetic in exercising the necessary means to perform his duty properly. When it is necessary to use force the circumstances shall be included in the arrest report on the case.
- C. The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the station commander and shift commander of any injury, apparent illness or other condition which indicates that the arrested person may need special care.
- D. The arresting officer is responsible for the security of the personal property in possession or under the control of the arrested person at the time of arrest. In the case of vehicles, this responsibility transfers to the towing company when it accepts custody of the vehicle.

3:6.2 Assisting Criminals. Members and employees shall not communicate any information which might assist a person 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.

3:6.3 Complaints by Members of Assaults Against Themselves. Members shall arrest perpetrators of assault, assault and battery and criminal offenses directed against them. The perpetrators shall be charged accordingly. Whenever it is impossible to consummate the arrest at the time of the offense, the member shall make a complete report of the incident and make a complaint in the proper manner according to procedure. A warrant which may be issued as a result of filing such a complaint shall, in no case, be served by the aggrieved member.

3:7 DETENTION

3:7.1 Custody of Prisoners. Members charged with the custody of prisoners shall observe all laws and department orders regarding this activity. Prisoners shall be kept secure, treated firmly and humanely and shall not be subjected to unnecessary restraint.

3:7.2 Custody and Detention of Juveniles. The custody and detention of juveniles shall be governed by the Code of Juvenile Justice, N.J.S.A. 2A:4A-20 et seq.

3:7.3 Custody of Juveniles.

- A. Any duly-appointed police officer may take a juvenile into custody pursuant to an order or warrant of any court having jurisdiction; or for delinquency, as defined in N.J.S.A. 2A:4A-23, where no process has been issued by a court. In taking a juvenile into custody, the police officer shall conform his conduct to the laws governing arrest and to the Rules of Court, (Reference: N.J.S.A 2A:4A-31 (a).)
- B. Where no delinquent conduct is alleged, a juvenile may be taken into short-term custody by a police officer without order of the court when:
 - 1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his protection;
 - 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his parent or guardian without the consent of such persons; or
 - 3. An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from out of home placement; provided any police officer taking a juvenile into custody shall immediately notify the juvenile's parents or guardian, if any, that the juvenile has been taken into custody.
- C. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well being of the juvenile.

Under no circumstances shall any juvenile taken into short-term custody be held for more than six (6) hours. A juvenile taken into short-term custody shall not be retained in a detention facility or jail. The release of juveniles held in short-term custody is governed by N.J.S.A. 2A:4A:32 b. d.

3:7.4 Juvenile Complaints. Whenever a juvenile has been taken into custody for an offense that shall be adjudicated, the police officer taking the juvenile into custody, shall proceed to file a complaint. The complaint shall be filed with the court and contain the information set forth in N.J.S.A. 2A:4A-30 a. (1-5) to 2A:4A-30A (1)-(5).

3:7.5

Juveniles Released.

- A. Where it will not adversely affect the health, safety or welfare of a juvenile, the juvenile shall be released pending the disposition of a case, if any, to a person or agency provided for in the Code of Juvenile Justice upon assurance being received that such a person or person accept responsibility for the juvenile and will bring him before the court as ordered.
- B. A police officer may release a juvenile charged with delinquency on his own recognizance if all of the following circumstances have been met:
 - 1. The nature of the offence charged is not such that a danger to the community would exist if the juvenile were released;
 - 2. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measure have been exhausted by either police or court personnel to locate and contact any such person;
 - 3. The juvenile is at least 14 years of age;
 - 4. The identity and address of the juvenile are verified through a positive form of identification; and
 - 5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his hearing.

3:7.6

Juvenile Detention. No juvenile shall be placed in detention without the permission of a judge or the court intake service and only in conformity with N.J.S.A. 2A:4A-34.

3:7.7

Juvenile Place of Detention or Shelter.

- A. No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Corrections or Department of Human Services.
- B. A juvenile being held for a charge under this act, including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available a juvenile may be held in a police station, in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime, for a brief period if such holding is necessary to all release to his parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility which has reached its maximum population capacity as designated by the Department of Corrections.
- C. No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18.

3:7.8

Rights of Juveniles. All defenses available to an adult charged with a crime, offense or violation, shall be available to a juvenile charged with committing an act of delinquency. All rights guaranteed to criminal defendants, by the

Constitution of the United States and the Constitution of this State, except the right to indictment, the right to trial by jury and the right to bail, shall be applicable to cases arising under this act.

3:7.9 Transportation of Prisoners. Members transporting prisoners shall do so in accordance with department policy.

- A. Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital and the transporting officers shall be responsible for the security of prisoners until properly relieved by a guard officer unless otherwise directed by a superior officer.
- B. Prisoners are the responsibility of the arresting officer or custodial officers until secured in a cell or turned over to a detective for investigation. The arresting officer shall be responsible for the thorough searching of the prisoner and the securing of his personal property.
- C. Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by an officer unless police exigencies dictate otherwise. In the latter case a guard will be arranged for the prisoner as soon as possible.
- D. Whenever a prisoner is transported, the transporting officer, prior to starting the transport, shall transmit to communications his destinations, the odometer's starting mileage, and the time. The officer, upon completing the transport, shall again give the mileage reading and time. All prisoners before being transported must be thoroughly searched and properly secured.

3:7.10 Use of Derogatory Terms. Members or employees shall not speak in a disparaging manner to any person because of his/her race, religion, creed, national origin, or sexual orientation. Nor shall they refer to them in insolent or insulting terms of speech whether prisoners or otherwise.

3:7.11 Reports and Booking. No member or employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.

3:7.12 Recommending Attorney and Bail Bond Brokers Prohibited. Members and employees shall not suggest, recommend, advise or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.

3:7.13 Acting as Bailor Prohibited. Members and employees cannot act as bailor for any person in custody, except relatives, or in any case where any fee, gratuity, or reward is solicited or accepted.

3:7.14 Assisting in the Escape of Prisoners. Members shall not communicate any information nor shall they aid a person to escape custody or arrest, nor shall they delay in taking action to apprehend an offender.

- 3:7.15 Safekeeping of Prisoners.** Members shall be responsible for maintaining the safekeeping of prisoners and preventing their escape. The department shall view such an escape as presumptive evidence of gross neglect of duty. As such, the burden will lie upon the officer(s) concerned to satisfactorily rebut the presumption with exculpatory evidence.
- 3:7.16 Searches and Removal of Property.** Officers shall cause all prisoners to be thoroughly searched before being lodged in a cell. The following items shall be removed from a prisoner's possession:
- A. All drugs, liquors, weapons;
 - B. All property unlawfully carried, or which is required as evidence;
 - C. All other property which is lawfully carried but is dangerous to life, or which would facilitate escape;
 - D. All other property which can be used to damage or deface department property;
 - E. All other property such as money and valuables, except clothing, if prisoner is intoxicated.
- 3:7.17 Strip Searches.** If a strip search of a prisoner is necessary, it must be conducted in accordance with departmental policy and law.
- 3:7.18 Searching Female Prisoners.** The search of a female prisoner by male officers should be conducted pursuant to departmental policy and law.
- 3:7.19 Unconscious or Injured Prisoners.** A police officer shall not transport an unconscious or seriously injured prisoner to Police Headquarters or other designated place for detention. An ambulance or other conveyance shall be summoned and such prisoner shall be removed to the nearest hospital for medical attention.
- 3:7.20 Assisting a Citizen in an Arrest.** When a citizen charges another with the commission of a crime and insists that the person charged be taken into custody and probable cause exists to warrant an arrest, a police officer shall take the accused to Police Headquarters, and shall require the accuser to accompany him as the complainant.
- 3:7.21 The Citizen's Arrest.** Prisoners arrested by citizens shall be processed and detained in the usual manner.
- 3:7.22 Citizens as Arresting Person.** Citizens making arrests shall be carried on all forms as the arresting person and shall be instructed by a superior officer or police officer where he is to make a sworn complaint, and when and where to appear for the arraignment of the prisoner.

3:8 FIREARMS

Departmental regulations concerning the care and use of firearms are designed to protect the lives of police officers and the lives and property of the public.

- 3:8.1 Handling of Firearms.** Police officers shall exercise caution and the utmost care in handling firearms on or off duty.
- 3:8.2 Official Police Firearm.** The official police firearm shall be the firearm(s) issued by the department. Carrying personal firearms on duty or during emergencies in the furtherance of police duties is prohibited. Members shall carry only authorized firearms off duty.
- 3:8.3 Carrying Firearm-On Duty.** Police officers shall carry their official police firearms fully loaded and in a serviceable, operating condition so that they may be prepared when called upon to carry out a policy, duty, service, function, or responsibility. They shall also carry sufficient extra ammunition to fully reload their department-issued firearm.
- 3:8.4 Carrying Firearm-In Civilian Attire.** When carrying a firearm while dressed in civilian attire, members shall keep the weapon properly concealed.
- 3:8.5 Holsters.** Both the on-duty firearms must be carried in a holster which conforms to acceptable specifications.
- 3:8.6 Tampering With Police Firearm.** All repairs and adjustments to the official police firearm shall be made by a department armorer. Police officers shall not use unauthorized grips. Also, they shall not make any changes in the trigger pull mechanism or effect any other unauthorized alteration or addition. Special grips may be used in special cases, but only after the police officer first has obtained the approval of the Chief of Police.
- 3:8.7 Care of Firearms Off-Duty, At Home.** A police officer shall keep his firearm in a secure place.
- 3:8.8 Loss of the Firearm.** Loss of the official police firearm through carelessness or neglect shall be deemed a serious violation of department regulations.
- 3:8.9 Ammunition Issue.** The initial issue and the replacement of ammunition for official police firearms shall be made by the department without expense to the police officer. The department shall replace rounds of ammunition that have become unserviceable and rounds that have been expended in the line of police duty. Only department issued ammunition shall be used.
- 3:8.10 Discharge of Firearm: Report.** When a member discharges a firearm, for other than training, either in the performance of police duty or accidentally...
The member shall:
A. Promptly notify the Chief of Police via the Chain of Command.
B. Be guided by the instruction of his superior officer.
C. Submit reports as required by the department.
- 3:8.11 Use of Firearm to Dispose of Animals.** A police officer may discharge a weapon to destroy an animal that represents a threat to public safety. All such

discharges of a firearm and the subsequent reporting requirements shall be in compliance to current department policy concerning firearms.

3:8.12 Qualification (Semi – Annual). All members must qualify with their service sidearm, police shotgun, police rifle and their approved off-duty weapon at least twice a year during every twelve-month period, as prescribed by the New Jersey Attorney General Guidelines.

3:8.13 Unauthorized Discharge of Firearms. Example of instances in which firearms shall not be discharged are situations that include but are not limited to:

- A. The commission of a misdemeanor.
- B. A violation of any municipal ordinance.
- C. A violation of a disorderly person act.
- D. A violation of a motor vehicle act.
- E. A fleeing motor vehicle at any time unless there is an immediate threat to life.
- F. A person called to halt on mere suspicion and who, without resisting arrest, simply runs or drives away to avoid arrest. Neither shall a member shoot at a person who is running or driving away to avoid arrest for any offense, unless a clear and imminent threat to life exists.
- G. Warning shots or using the discharge as a signaling device.
- H. All provisions of the New Jersey Attorney General's Use of Force Guidelines are applicable.

3:8.14 Authorized Discharge of Firearms. A member may discharge his firearm in the performance of police duty under the following restrictive circumstances:

- A. When at an approved firing range.
- B. Under the circumstances outlined in the New Jersey Attorney General's Use of Force Guidelines.
- C. When necessary for the approved destruction of an animal.

3:9 PUBLIC ACTIVITIES

3:9.1 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 names and badge numbers in a courteous manner. They shall attend to the request from the public quickly and accurately, avoiding unnecessary referral to other segments of the department.

3:9.2 Impartial Attitude. All members, even though charged with vigorous and unrelenting enforcement of the law, 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, religion, gender, national origin, or ethnicity 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.

3:9.3 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 humiliate, disparage, demean, degrade, ridicule, or insult a person because of his race, religion, creed, color, national origin, ethnicity, gender or sexual orientation.

3:9.4 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.

3:9.5 Affiliation with Certain Organizations Prohibited. Police officers shall not join any organization or affiliate themselves with any organization who constitutions embrace provision 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 service of the United States or this State, in time of war or 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)

3:9.6 Political Activity

- A. Members and employees shall not use their authority or influence of their positions to control or modify the political action of other persons.
- B. Members and employees shall not engage in political activity during the hours of duty nor seek or accept the nomination or election to any local municipal office without first obtaining a leave of absence; nor shall they at any other time participate in political activities so as to impair their usefulness in the position in which employed.
- C. Members and employees filling a position which is an elective office pursuant to state law shall not be required to obtain a leave of absence in the pursuit to re-election to that office or to an County or State office.
- D. Members and employees shall refrain from making statements for the public press or at meetings attended by the public for or against any municipal candidate for public office during the hours of duty. This shall not be construed to prevent an employee from making any statement appropriate to the proper conduct of the Township affairs to which his position or office relates.
- E. Nothing in this section shall be construed to prevent members and employees from becoming or continuing to be members of any political party, club, or organization such as; attending political meetings, expressing their views in private on political matters outside of the working hours, or voting with complete freedom in any election.

- 3:9.7 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 or political entity.
- 3:9.8 Trade Unions-Organizations Affiliated with Trade Unions.** No member of this department shall affiliate himself with any labor union or organization whose policy may be to cause a violation of any state statute or town ordinance which would cause a deterioration of police services.
- 3:9.9 Commercial Testimonials.** Members and employees shall not permit their names or photographs to be used to endorse any product or service which is any way connected with law enforcement, without the permission of the Police Chief. They shall not, without the permission of the Chief, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the department.
- 3:9.10 Public Appearance Request.** All requests for public speeches, demonstrations, and the like, concerning police matters, will be routed to the Police Chief for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Police Chief or his designee.
- 3:10 JUDICIAL AND INVESTIGATIVE ACTION-APPEARANCE AND TESTIFYING.**
- 3:10.1 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 the Court Clerk. When appearing in court either the official uniform or civilian attire shall be worn. The member shall present a neat and clean appearance and avoid any mannerism which might imply disrespect to the court.
- 3:10.2 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 the Chief of Police via the chain of command upon receipt of the subpoena.
- 3:10.3 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.
- 3:10.4 Truthfulness.** Members and employees are required to be truthful at all times whether under oath or not.

- 3:10.5 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.
- 3:10.6 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 town, he shall inform the Police Chief before the deposition or affidavit is given.
- 3:10.7 Civil Cases.** Members shall not serve civil process or assist in civil cases unless the specific consent of the Police Chief is obtained. They shall avoid entering into civil disputes but shall prevent or abate a breach of the peace or crime in such cases.
- 3:10.8 Conduct Unbecoming.** An officer shall not engage in unbecoming conduct such as bigotry, dishonesty, fighting, insubordination, sexual misconduct, criminal conduct, verbal tantrums, profanity, or mishandling of property or any act that has an adverse impact on the public employer.

CHAPTER IV

PERSONNEL REGULATIONS

4:1 REGULATIONS

4:1.1 Drivers License

Members and employees operating department or township motor vehicles shall have in their possession a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended or lost, he shall immediately notify his Commanding Officer, giving full particulars. Holding a valid driver's license is a condition of employment and/or continued employment.

4:1.2 State Residency Requirements. Every member of a police department and force shall be a resident of the State of N.J. while serving in such position.

4:1.3 Personal Vehicles. All personal vehicles placed on Township property must be Title 39 compliant.

4:2 SURRENDER OF DEPARTMENT PROPERTY

4:2.1 Upon Separation from the Department. Members and employees are required to surrender all department property in their possession upon separation from the department. For failure to return a non-expendable item, the member or employee concerned will be required to reimburse the department for the fair market value of the article.

4:2.2 Under Suspension. Any member under suspension shall immediately surrender his badge, firearm, and all other department property to a supervisor, pending disposition of the case. Any other employee under suspension shall immediately surrender all department or municipal property in his possession to a supervisor. A sworn member or auxiliary police officer, while suspended from duty, may not thereafter identify himself as a police officer or take any police action even though, by law and this regulation, he remains under command and control of the police administration.

Likewise, any civilian employee under suspension shall immediately surrender all department or municipal property in his possession to his supervisor.

4:3 DUTY HOURS, DAYS OFF, VACATIONS

4:3.1 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.

- B. The fact that they 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.

4:3.2 Days Off. Members and employees are entitled to days off which are to be taken according to a schedule arranged by the Police Chief.

4:3.3 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 judgement of the Police Chief, such action should be taken.

4:3.4 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 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)

4:3.5 Selection of Vacation. Annual vacation periods shall be selected according to contract.

4:3.6 Vacation Scheduling. Vacation schedules shall be arranged by Commanding Officers and coordinated with the Chief's office. The Police Chief shall determine the number of members who may be granted vacation at a given vacation period.

4:3.7 Vacation Address. Any member who is scheduled for an approved vacation may be required by his superior officer to leave a vacation address or phone number.

4:4 SICK AND INJURY LEAVE

4:4.1 Reporting Sick or Injured. Members and employees unable to report for duty because of sickness or injury shall make an immediate report to the department in person or by telephone as to the reason for his absence. If unable to report, a relative or other responsible person shall notify the department of all pertinent facts either in person or by telephone.

4:4.2 Sick or Injured on Duty. Members taken sick or injured on duty shall report the fact to their superior and shall remain on duty until relieved, unless excused by a superior officer. The exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance.

4:4.3 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 town physician in any way as to their true condition;

- C. Are injured or become sick as the result of improper conduct or of intemperate, immoral, or vicious habits or practices;
- D. Violate any provisions concerning reporting of sickness or injury.

4:5 LEAVE OF ABSENCE FOR DEATH IN FAMILY

4:5.1 Bereavement Leave. As per contractual agreement.

4:6 MILITARY LEAVE OF ABSENCE

4:6.1 Military Reserve Leave. A member or employee who is a member of the organized reserve of the Army of the United States, United States Marine Corps Reserve, United States Air Force Reserve, United States Naval Reserve, or other affiliated organization shall be entitled to leave of absence from duty without loss of pay or time on all days during which he shall be engaged in field training. Such leave of absence shall be in addition to the regular vacation allowed such member or employee. (Source: N.J.S.A 38:23-1).

4:6.2 Enlistment or Re-Enlistment in National or State Military Organization. Members and employees of the department shall not enlist, re-enlist, or accept a commission in any Federal or State military organization without having made prior notification to the Police Chief.

4:6.3 Field Training Leave. Members or employees going on military leave for field training must notify their Commanding Officer at least 30 days before the date their training period is scheduled to begin. They must also submit copies of their official military orders at least five days prior to the date they are to report for duty.

4:6.4 Draft Board Determination . When a member or employee has been classified 1-A by Selective Service or ordered to report for examination, he shall immediately notify his Commanding Officer.

4:7 STATE OR COUNTY LEAVE

4:7.1 Leave of Absence: State or County Agency. Leave of absence without pay may be granted by the authority in charge to a member or officer of a municipal police department or force in order that his services may be made available to the State or County, or to a State or County department or agency. A request for a leave of absence shall be made in writing by the member or officer and the State or County, or the State or County department or agency, desiring his 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 Chief of Police to grant or refuse to grant a leave of absence to a police officer in order that the police officer render his services to another city department or city agency.

4:7.2 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 or

originally granted, but in the aggregate, shall not exceed five years. Source: N.J.S.A. 40A:14-136

4:7.3 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, but pension contributions shall be payable notwithstanding such leaves of absence.

4:7.4 Rights on Resumption of Office, Position or Employment. Upon the expiration of any such leave of absence, the member or officer shall return to his original duties and resume his office, position or employment with the said department or force and be entitled to all salary adjustments, increments, seniority and pension rights, as if no leave had been granted. Source: N.J.S.A. 40A:14-136.

4:8 DEATH AND INJURY NOTIFICATIONS

4:8.1 Death or Serious Injury. When a member is killed or seriously injured on or off duty, his immediate supervisor will, as soon as possible, verbally notify the Commanding Officer. This will be followed by the immediate submitting of a report of the facts. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury which could result in death or disability.

4:8.2 Death of Member or Employee. Any member or employee receiving notice of the death of any member or employee during regular business hours shall notify the Shift Commander. The Shift Commander shall then relay such information to the Commanding Officer of the deceased.

4:8.3 Non-Serious Injury. In cases where the injuries are other than of a serious nature, a written report will be submitted prior to reporting off duty unless authorized by the supervising officer to defer same to a later date. The report shall include all information required above. These reports are in addition to those accident and sick reports otherwise required.

4:8.4 Notification of Family. The family of a member or employee killed or seriously injured on duty shall be personally notified by the highest ranking member available.

4:9 INTERNAL GRIEVANCES

4:9.1 Internal Grievances. The Police Chief or his 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 and the employee bargaining unit, and any grievance committees established by the respective associations.

4:10 RESIGNATION

4:10.1 Resignation to be in Writing. All resignations of member or employees must be in writing and bear the signature of the person resigning. Members or employees shall provide the Police Chief no less than two weeks written notice.

4:10.2 Resignation Prohibited While Charges Pending. Members or employees are prohibited from resigning while charges are pending against them.

CHAPTER V

DISCIPLINARY REGULATIONS AND CODE

5:1 Disciplinary Action. Members and employees shall be subject to disciplinary action, according to the nature or gravamen of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey, or municipal ordinances, or failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment, 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.

A. Charging Authority

- (1) In the event a member or employee is to be charged in a disciplinary action and said member or employee is subordinate to the rank of the Chief of Police, the Chief of Police or his designee may initiate such charges (N.J.S.A. 40A:14-118).
- (2) In the event the Chief of Police is to be charged in a disciplinary action, the Appropriate Authority or his designee shall be the Charging Authority. The Appropriate Authority is hereby empowered to name a designee to function as an alternative Charging Authority without prior approval in an emergency. This is necessitated by the statutory time lines involved in the charging process.

B. Hearing Authority

- (1) In the event of any disciplinary hearing against any member or employee below the rank of Chief of Police, the Appropriate Authority or his designee shall be the hearing officer and person in charge of all such proceedings. The decision of the hearing officer shall be final and binding. The right of appeal shall be in accordance with state statutes and /or applicable collective bargaining agreements, whichever is appropriate.
- (2) In the event of any disciplinary proceedings against the Chief of Police of the Township of South Brunswick, the Township Manager or his designee shall be designated as the hearing authority and in charge of all such proceedings. The decision of said authority shall be final and binding. The right of appeal shall be in accordance with state statutes and/or applicable collective bargaining agreements, whichever is appropriate.

5:2 Establishing Elements of Violation. Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such 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, in department orders, or in laws and ordinances within the cognizance of the department.

- 5:3 **Actions.** The following may be assessed against any member or employee of the Department:
- A. Oral reprimand.
 - B. Performance notice.
 - C. Written reprimand.
 - D. Transfer/Reassignment.
 - E. Voluntary surrender of time off in lieu of other action.
 - F. Fine.
 - G. Suspension.
 - H. Demotion.
 - I. Dismissal.
- 5:4 **Disciplinary Authority.** Within the limitations set forth in N.J.S.A. 40A:14-147 to 151 inclusive, municipal ordinances and the rules and regulations of the department disciplinary authority and responsibility rests with the Appropriate Authority and the Chief of Police. Except for performance notices and emergency suspensions, department discipline must be taken or approved by the Chief of Police when assessed against a subordinate (N.J.S.A. 40A:14-118). If it is the Chief of Police that is to be disciplined, action must be taken or approved by the Appropriate Authority or his designee.
- 5:5 **Intermediate Disciplinary Authority.** Other supervisory personnel may take the following measures:
- A. Counseling agreement notices (subject to the approval of the Division Commander)
 - B. Emergency suspension
- 5:6 **Emergency Suspension.** Subject to the requirements of rule 5:4, above, any command or supervisory officer of the rank of Sergeant or above, shall have the authority to impose an emergency suspension against a member or employee when it appears that such action is in the best interest of the Department.
- 5:7 **Emergency Inter-Divisional Corrective Action.** When the improper conduct of a member or employee of one unit is of such a nature that immediate or emergency action is required by a Command or Supervisory officer of another unit, such action shall be taken. However, the said action must comply with departmental policy and rules.
- 5:8 **Inter-Divisional Disciplinary Action.** When the command or supervisory officer of one unit takes any corrective actions over a member or employee of another unit, the Command or Supervisory officer shall submit a written report of this action and reason therefore to both the division commanders and the Chief of Police.
- 5:9 **Follow-Up on Emergency Suspensions.** A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at 0900 hours, unless otherwise directed by competent

authority. The command or supervisory officer imposing the suspension shall also report at the same time.

5:10 Reports of Disciplinary Action Taken or Recommended. Whenever disciplinary action involving formal charges is taken or recommended, a written report shall be submitted immediately containing the following information:

- A. The name, rank and present assignment of the member or employee being disciplined.
- B. The date, time and location of the misconduct.
- C. The section number of the violated rule and common name of the infraction.
- D. A complete statement of the facts of the misconduct.

5:11 Distribution of Reports of Disciplinary Action. Reports will be distributed in accordance with all applicable State statutes and department policy.

5:12 Disciplinary Reports. All such reports referred to in subsection 10, 11 and 12 are for management use and may be waived by the Chief of Police or Appropriate Authority as applicable. Written records related to disciplinary action shall be securely filed in the office of the Internal Affairs Unit during an ongoing investigation and then securely filed in the Police Administration Internal Affairs File upon completion. A summary of the record, which shall only include the specific charge or violation, a conclusion of fact, and any penalty imposed, shall be placed in the officer's personnel jacket. Only the Chief of Police is empowered to purge any such records.

5:13 Informing the Person being Disciplined. The member or employee being disciplined shall be informed of the charges, in writing, as provided by State statute, department procedure and/or applicable collective bargaining agreements.

5:14 Appeals from Penalties. Appeals from penalties imposed as disciplinary measures may be taken as provided by N.J.S.A. 40 A:14-147 and the municipal ordinances. Appeals must be filed within 20 days of disposition.

5:15 Misconduct Observed by Members and Employees. Whenever any Command or Supervisory officer observes or is informed of the misconduct of another member or employee which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his Commanding Officer.

5:16 Citizen Complaints Against Police Personnel. Complaints by citizens against members or employees of the Department shall be processed in accordance with the Internal Affairs Policy.

5:17 Serious Complaints and Allegations. The Shift Commander shall notify the appropriate Commanding Officer if a serious complaint or allegation occurs. In addition, he shall take any immediate action necessary to preserve the integrity of the Department until the arrival of the Commanding Officer.

5:18 **Investigation of Alleged Misconduct.** The member assigned the investigation of an alleged act of misconduct on the part of a member or employee of the Department, shall conduct a thorough and accurate investigation.

5:19 **Reports of Investigation of Alleged Acts of Misconduct.** An alleged act of misconduct must be investigated, and the results of the investigation shall be submitted in a written report. The investigating member shall summarize the pertinent facts including:

- A. A summary of the complaint or alleged act of misconduct.
- B. Pertinent portions of the statements of all parties to the incident.
- C. A description of the incident, physical evidence and other evidence important to the case.
- D. The observations and conclusions of the investigating member.

This report is intended to be a management tool for the Chief of Police and it may either be waived by him or submitted in whatever different form the Chief believes to be useful or adequate.

5:20 **Findings.** One of the findings listed below will be included in the Report of Investigation and Findings of an alleged act of misconduct:

- A. Unfounded: The investigation indicates that the act or acts complained of did not occur or failed to involve department personnel.
- B. Exonerated: Acts did occur, but were justified, lawful and proper.
- C. Not Sustained: Investigation fails to discover sufficient evidence to prove or disprove clearly the allegations made in the complaint.
- D. Sustained: Investigation disclosed evidence sufficient to prove clearly the allegations made in the complaint.
- E. Not Involved: Investigation established that the subject of the investigation in the "Report of Investigation and Findings" was not involved in the alleged incident.
- F. Policy Failure: There is no law, policy or departmental order that addresses the allegation.

Disciplinary Code

5:21 **Penalties.** The penalties listed in Section 5:3 shall serve as guidelines for the Appropriate Authority and the Chief of Police in imposing appropriate penalties. They shall not in any way limit the penalties that may be imposed, consistent with other provisions of this Code.

- 5:22 **Repeated Violations.** Repeated violations of Department Rules and Regulations, or any other course of conduct indicating that a member or employee has little or no regard for their obligations as a member or employee of the Police Department shall be cause for enhanced disciplinary action.
- 5:23 **Waiver and Guilty Plea.** Any member or employee charged with a violation of the Policies and Procedures and/or Rules & Regulations of this Department shall be entitled to waive a hearing and enter a plea of guilty as charged.
- 5:24 **Extra Duty.** Members shall comply with the collective bargaining agreements and all applicable rules, regulations and standards.
- 5:25 **Duration of Office and Employment.** The members of the Police Department shall severally hold their respective offices and continue in their respective employment during good behavior and efficiency. No member shall be removed from office or employment in the Police Department except in accordance with N.J.S.A. 40A:14-147.
- 5:26 **Examination by Township Physician.** Superior officers shall send for examination any subordinate reporting for duty, found to be in an unsatisfactory condition, to the Township Physician or such other physicians as may be designated by the Chief of Police.
- 5:27 **Suspension (Emergency and Pending Charges).** The Chief of Police or any Supervisory Officer may suspend any member or employee in the Department immediately for the good order of the Department. The suspended member or employee will, on the next business day, appear in the Office of the Chief of Police.
- A. Whenever a member is charged with a criminal offense, or any offense, that “touches upon” his employment, suspension without pay may be continued pursuant to N.J.S.A. 40A:14-149 until disposition of said charges.
 - B. Whenever administrative charges are served in lieu of such criminal charges, or after said criminal charges have been disposed of, the suspension without pay may be continued subject to the conditions established by applicable rules and state statutes.
 - C. During the course of any such suspension, the member or the employee is subject to the following:
 - (1) All department weapons, badge and I.D. card will be immediately surrendered to a superior officer.
 - (2) The right to carry any firearm is revoked and no officer will bear arms until the disciplinary matter has been resolved.
 - (3) Police powers are also suspended and no arrest or official action may be taken during the course of the disciplinary proceedings.

- (4) Pursuant to law, and even though police powers have been suspended, the member or employee remains under the command and control of the police administration.

- 5:28 **Hearing, Complaint.** Disciplinary charges must be in accordance with State statute, and applicable collective bargaining agreement. If the member or employee has the right to a hearing, the hearing will be conducted in accordance with State statute or the Rules and Regulations of the Department unless the hearing is waived by the member or employee.
- 5:29 **Subpoena.** The Hearing Authority shall have the power to issue writs or subpoenas to compel the attendance of witnesses, pursuant to N.J.S.A. 40A:14-148. Service of subpoenas will be the responsibility of the requesting party.
- 5:30 **Appeal.** Any member or employee of the Police Department who has been convicted of any violation of any of the Policies & Procedures and/or Rules & Regulations of this Department by the designated Hearing Authority and suffers the penalty of suspension, removal, fine or reduction in rank may appeal such conviction in the manner provided by law.

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