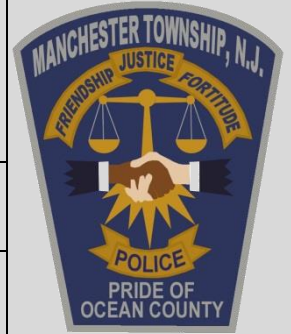


MANCHESTER TOWNSHIP POLICE RULES AND REGULATIONS



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Chief Brian Klimakowski

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CHAPTER 1

INTRODUCTION

1:1. Establishment of the Department of Public Safety Division of Police

1:1.1 Legal Authorization

The Division of Police of the Township of Manchester is established pursuant to **N.J.S.A. 40A:14-118** and shall after this be called the "Manchester Township Police."

1:1.2 Municipal Ordinance

The Division of Police is established by authority of the Code of the Township of Manchester, **Article IX, §2-28** entitled, "Established."

1:1.3 Rules and Regulations Established

The appropriate authority of the Township of Manchester hereby adopts and promulgates the Division Rules and Regulations, known as the "Manchester Township Police Rules and Regulations."

1:1.4 Right to Amend or Revoke

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

1:1.5 Previous Rules and Regulations, Policies and Procedures

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

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

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

1:2.2 Chapter and Section Sequence

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

1:2.3 Subsection Sequence

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

1:2.4 Series Lettering

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

1:2.5 Flexibility of System

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

1:3 RULES AND REGULATION MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn employees, including special and auxiliary law enforcement officers of the Manchester Township Police, and where appropriate, all civilian employees of the division.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the Division.

1:3.3 Responsibility for Maintenance

It is the continuing responsibility of each employee to maintain a current copy of the rules and regulations, including all additions, revisions and amendments as issued.

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule and regulation which is not fully understood.

1:3.5 Ignorance of Manual Content

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

1:3.6 Severability

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

1:4 DEFINITIONS

1:4.1 Acting

Serving temporarily in a position to which the member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

1:4.2 Administrator

Business Administrator of Manchester Township.

1:4.3 Annual Leave

Vacation period granted to all employees in accordance with current collective bargaining agreement, and Township Personnel Manual or other employment agreements.

1:4.4 Appropriate Authority

The Mayor of the Township of Manchester as defined and designated by authority of the Code of the Township of Manchester, **Article IX, §2-35** pursuant to **N.J.S.A. 40:A14-118**.

1:4.5 Authority

Authority is the statutory or policy vested 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 a violation of the manual, and those persons in violation shall be subject to disciplinary action.

1:4.6 Bureau

A unit immediately subordinate to a Division, within the table of organization.

1:4.7 Captain

Rank of Captain within the Police Division.

1:4.8 Chain of Command

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

1:4.9 Chief of Police

Chief of Police of the Manchester Township Police and is the highest ranking sworn officer of the division.

1:4.10 Commanding Officer

Any officer appointed to the rank of Sergeant or higher who is in command of a Bureau, Section or Unit.

1:4.11 Days Off

Those days on which a given member is excused from duty or is not required to report to duty.

1:4.12 Detail

A temporary assignment of personnel for a specialized activity.

1:4.13 Detective

A police officer assigned to the Investigations Bureau to conduct criminal investigations.

1:4.14 Division

The Manchester Township, Division of Police.

1:4.15 Employee

All employees of the division, whether sworn regular or civilian employees.

1:4.16 Gender

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

1:4.17 Headquarters

The designated section of the Municipal Complex that houses the sworn and civilian employees of the Manchester Township Police.

1:4.18 Incompetence

Incapable of satisfactory performance of police duties.

1:4.19 Insubordination

Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language towards a superior officer is insubordination.

1:4.20 Lawful Order

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

1:4.21 Unpaid Leave of Absence

The period of time during which an employee is excused from duty and during which time no pay is received.

1:4.22 Lieutenant

Rank of Lieutenant within the Police Division.

1:4.23 Loyalty

This is to include consideration of support of organizational policy, the ability to accept constructive criticism and putting the Manchester Township Police above outside interests (particularly pecuniary interests).

1:4.24 May/Should

Indicates that the action is permitted.

1:4.25 Member

Any duly sworn police officer of the division.

1:4.26 Military Leave

The period of time during which an employee is excused from duty for service with the active or reserve armed forces of the United States or of the State of New Jersey, as provided by law or collective negotiations agreement.

1:4.27 Neglect of Duty

Failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the areas of responsibility during the tour of duty; failure to perform duties or comply with provisions prescribed in the Police Manual, and; failure to conform to the division operating procedures.

1:4.28 Off-Duty

The status of an employee during the period he is free from the performance of specified duties. Members are subject to recall at all times.

1:4.29 Officer-In-Charge

Ranking on-duty member of the division. Rank is determined by grade first, and by seniority second. Any member up to and including the rank of Captain in charge of a shift, detail, etc.

1:4.30 Official Channels

Through the hands of the superior officers in the chain of command.

1:4.31 On-Duty

The status of an employee during the period of day when he is actively engaged in the performance of his duties.

1:4.32 Order

Any written or verbal directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty.

1:4.33 Police Officer

Any member of the division below the rank of Sergeant.

1:4.34 Plurality of Words

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

1:4.35 Police Incident

An occurrence or incident suggesting or requiring police action or service by members.

1:4.36 Police Vehicle

All vehicles under the control of the division, whether marked or unmarked, with or without radio equipment and emergency warning equipment.

1:4.37 Post

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

1:4.38 Probationary Period

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

1:4.39 Section/Squad

A functional unit subordinate to a Bureau or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.

1:4.40 Senior Officer

A member in any given rank with the longer service in that rank. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer.

1:4.41 Seniority

Unless otherwise provided by law, ordinance or collective negotiations agreement, seniority in the division is established first by rank and secondly by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the recommendation list held by the Chief of Police from which the appointments were made is deemed to be the senior.

1:4.42 Sergeant

Rank of Sergeant within the Police Division.

1:4.43 Shall/Will

Indicates that the action or conduct is required and mandatory.

1:4.44 Shift

Designates the basic time unit for a specific assignment.

1:4.45 Shift Commander

A supervisory officer of a shift also known as the watch commander.

1:4.46 Sick Leave

The period of time during which an officer is excused from active duty due to illness, injury, pregnancy, terminal leave, or any other reason defined and permitted by state or federal law by the Commanding Officer or Officers in Charge in absence of the Commanding Officer.

1:4.47 Special Duty

Police service, the nature of which requires that the member be reassigned from the performance of his regular duties to perform other duties as required from time to time by the Chief of Police.

1:4.48 Special Law Enforcement Officer

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

1:4.49 Staff Supervision

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

1:4.50 Subordinate

A member lower in rank than his superior officer.

1:4.51 Superior Officer

A person holding a higher supervisory or command rank or position.

1:4.52 Supervisory Officer

A member of the division assigned to a position which requires him/her to exercise immediate supervision over the activities of subordinates members and employees.

1:4.53 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, as a result of alleged dereliction or violation of division rules and regulations, or for other special reason.

1:4.54 Tense of Words

The words used in the present tense include the future.

1:4.55 Township

Manchester Township, New Jersey.

1:4.56 Tour of Duty

The shift during which an individual member is on duty.

1:4.57 Unit

Any number of members and/or employees of the division regularly grouped together under one head to accomplish a police purpose.

1:4.58 Post

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

1:5 CODE OF ETHICS

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

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

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

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 Mission Statement

The mission of the Manchester Township Police Division is to provide the highest level of professional police service to our citizens and visitors by safeguarding lives and property, protecting the innocent, maintaining order, aggressively investigating and preventing crimes, impartially enforcing laws and upholding the Constitution, thereby enhancing the quality of life in our community.

1:6.2 Core Values

The employees of the Manchester Township Police are committed to its mission. We are accountable for our actions and we conduct ourselves accordingly in pursuit of our core values of integrity, pride and professionalism.

Integrity: We are dedicated to performing our duties with honesty and truthfulness and always doing what we know is legally, morally and ethically correct.

Pride: We are committed to faithfully upholding the mission of the Manchester Police Division, at all times, and always taking pride in our organization, our appearance, our work product and the public trust which has been bestowed upon us.

Professionalism: We will strive to provide a superior level of excellence and competency in the services we render to the public by developing well trained, motivated and respectful police officers.

CHAPTER 2
ORGANIZATION

2:1 RANK

2:1.1 Rank Established

Rank in the division shall be established pursuant to the Code of the Township Manchester, **Article IX, §2-29**.

2:1.2 Authorized Strength

The official strength of the division shall be authorized by ordinance as approved by the Township's governing body. Acting assignments may be made in accordance with the Code of the Township Manchester, **Article IX, §2-29**.

2:2 CHIEF OF POLICE AUTHORITY AND RESPONSIBILITIES

2:2.1 Chief of Police - Authority and Responsibilities

The Chief of Police shall be the head of the Manchester Township Division of Police and shall be directly responsible to the Appropriate Authority for its efficiency and day-to-day operations. The Chief of Police shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in **N.J.S.A. 40A:14-118**.

CHAPTER 3

GENERAL RULES AND REGULATIONS

3:1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

3:1.1 Standard of Conduct

Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the division into disrepute.

3:1.2 Loyalty

Loyalty to the division and to associates is an important factor in agency morale and efficiency. Members and employees shall maintain a loyalty to the division and their associates as is consistent with the law and personal ethics.

3:1.3 Cooperation

Cooperation between the ranks and units of the division is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the division.

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. It is the position of this Division that an "officer in trouble" broadcast must be treated as an immediate life threatening situation and will therefore, receive the highest priority. Only the most exceptional circumstances will permit an officer to disregard this type of broadcast.

3:1.5 General Responsibilities

1. Protect life and property;
2. Preserve the peace;
3. Prevent crime;
4. Detect and arrest violators of the law;
5. Enforce all State, and local laws and ordinances coming within the division jurisdiction;
6. Safely and expeditiously regulate traffic;
7. Aid citizens in matters within police jurisdiction;
8. Take appropriate police action in aiding fellow officers, as needed;
9. Provide miscellaneous services;
10. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the division;

11. Be accountable and responsible to their supervisors for obeying all lawful orders;
12. Coordinate their efforts with other employees of the division to achieve agency objectives;
13. Strive to improve their skills and techniques through study and training;
14. Familiarize themselves with the area of authority and responsibility for their current assignment;
15. Perform their duties promptly, faithfully, diligently;
16. Perform all related work as required.

3:1.6 Duty Responsibilities

Members of the division are always subject to duty and they shall at all times, respond to the lawful orders of superior officers and other proper authorities, as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the division does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

3:1.7 Neglect of Duty

Members and employees shall not commit any act nor shall they be guilty of any omission that constitutes neglect of duty.

3:1.8 Insubordination

Members and employees shall not commit acts of insubordination, as defined in Section 1:4.20. The following specific acts are examples of the conduct prohibited by this Section:

1. Failure or deliberate refusal to obey a lawful order given by a superior officer.
2. Any disrespectful, mutinous, insolent, or abusive language or action toward a superior officer.

3:1.9 Questions Regarding Assignment

Members and employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by going through the chain of command.

3:1.10 Knowledge of Laws and Regulations

Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the municipality, the rules and policies of the division, and the orders of the division thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule or policy in question.

3:1.11 Performance of Duty

All members and employees shall perform their duties as required or directed by law, Division rule, policy or order, or by order of a superior officer. All lawful duties required by competent

authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

3:1.12 Actions Off-Duty

While off duty, police officers shall take appropriate action as needed in any police matter that he/she is aware of within their jurisdiction as authorized by New Jersey Law and division policy.

3:1.13 Obedience to Laws and Regulations

Members and employees shall obey all laws, ordinances, rules, policies, and procedures and directives of the division.

3:1.14 Reporting Violations of Laws, Ordinances, Rules or Orders

1. Any member or employee charged with a crime or offense arising under the laws of this State or any other State, or the United States, or a violation of the motor vehicle statutes of this State, or any other State, (other than parking violations), shall report the matter to the Chief of Police or his designee within 24 hours of being charged. The member or employee shall be required to provide copies of any such charges or summonses issued to the Chief of Police after which the determination will be made as to whether or not any actions or investigations are necessary. In addition, any member or employee who is involved as a plaintiff or defendant on a restraining order issued under the Prevention of Domestic Violence Act shall report as provided in this section. Any member or employee who fails to report in accordance with this section shall be subject to disciplinary action.
2. Members and employees knowing of other members or employees violating laws, ordinances, rules of the division, or disobeying orders, shall report same in writing to the Chief of Police via official channels. If the member or employee believes the information is of such gravity that it must be brought to immediate personal attention of the Chief of Police, official channels may be bypassed.

3:1.15 Conduct Toward Superior and Subordinate Officers and Associates

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

3:1.16 Criticism of Official Acts or Orders

Members and employees shall not criticize the official actions, instructions, or orders of any division member in a manner which is defamatory, obscene, unlawful, or which tends to impair the efficient operation of the division.

3:1.17 Manner of Issuing Orders

Orders from superior to subordinate shall be in clear and understandable language, civil in tone, and issued in pursuit of division business.

3:1.18 Unlawful Orders

No commander or supervisory officer shall knowingly issue any order which is in violation of any law, ordinance or division policies and procedures.

3:1.19 Obedience to Unlawful Orders

Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member or employee is required to obey an order which is contrary to Federal or State law or local ordinance. Responsibility for refusing to obey rests with the member. He shall be strictly required to justify his action.

3:1.20 Improper Orders

No supervisor shall knowingly issue any order which is in violation of division rule, policy or procedure.

3:1.21 Obedience to Unjust or Improper Orders

Members or employees who are given orders they feel to be unjust or contrary to policies and procedures, must first obey the order to the best of their ability and then may proceed to appeal as provided below.

3:1.22 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 for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the division.

3:1.23 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 Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Intra-Bureau action regarding such an appeal shall be conducted through the office of the Chief of Police.

3:1.24 Gifts, Gratuities, Fees, Rewards, Loans, Etc., Soliciting

Members and employees shall not under any circumstances solicit gratuity, loan or fee where there is any direct or indirect connection between solicitations and their division membership or employment.

3:1.25 Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing 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 thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said member or employee or any other member or employee in any matter of police business; or which might tend to cast an adverse reflection on the division or any member or employee thereof.

3:1.26 Other Transactions

Every member and employee is 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 his attention or which arose out of his/her division employment, except as may be specifically authorized by the Chief of Police.

3:1.27 Rewards

Members and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that which may be authorized by the law and the Chief of Police. This section does not include officers who occasionally receive awards from civic and law enforcement organizations for exemplary and extraordinary acts performed on-duty (i.e. 200 Club, MOCIB Valor Award, etc.)

3:1.28 Disposition of Unauthorized Gifts, Gratuities, Etc.

Any **unauthorized** gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any member or employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances connected therewith.

3:1.29 Free Admissions and Passes

Members and employees shall not solicit free admission for themselves or others.

3:1.30 Debts - Incurring and Payment

1. No member or employee shall borrow any money or otherwise become indebted to any other member or employee.
2. Members and employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
3. No member or employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another member or employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.
5. Members and employees shall promptly pay all just debts and legal liabilities incurred by them.

3:1.31 Intercession – Soliciting

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

3:1.32 Persons and Places of Bad Reputation

Members and employees shall not frequent places where known illegal activity takes places, nor associate or transact business with known criminals or persons engaged in illegal activity, except as may be required in the course of police duty.

3:1.33 Withholding Information

Members and employees shall not, at any time, withhold any information concerning criminal activity. Furthermore, no member or employee shall interfere with the proper administration of criminal justice. Members or employees shall not attempt to interrupt, undermine or comprise any legal process or criminal case except in situations where a manifest injustice might otherwise occur.

3:1.34 Harassment in the Workplace

All employees of the division shall adhere to the policy and procedures established by the Chief of Police and the Township of Manchester regarding Harassment in the Workplace.

3:1.35 Civil Rights

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

3:1.36 Work Expectation

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

3:1.37 Use of Position

Employees shall not, at any time, use or attempt to use their official position, badge, credentials, or affiliation with the division or profession for personal or financial gain or advantage.

3:1.38 Retaliation

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

3:1.39 Personal Relationships

If any two members or employees enter into a dating relationship, marital relationship or civil union during the course of employment, and the Chief of Police reasonably believes the relationship may create a conflict of interest; one of the employees shall be transferred to another position. Members of employees involved in a relationship as described within shall report the relationship to the Chief of Police or his designee. Failure to report such a relationship may subject the involved employees to discipline.

3:1.40 On-line Social Network/Personal Web Page/Blogs

While employees have a right to maintain personal web pages, websites, and blogs, their status as employees of the police division requires that the content of those web pages and websites not be in violation of existing division policy or directives.

1. Members and employees are not authorized to speak, comment, or express statements or opinions on behalf of the division. Under no circumstances will members or employees express or imply, directly or indirectly, that their statements or opinions are authorized by, or made on behalf of, the Township of Manchester or the Manchester Township Police.
2. Items, objects, and/or material that could be used or misconstrued as official division sanctioned property shall only be used on a member's or employee's personal Internet posting with the permission of the Chief of Police or his designee and so long as it does not bring embarrassment or discredit to the division.

- a. These items, objects, or materials include, but are not limited to: photographs, images, reproductions or other depictions of division uniforms, badges, patches, equipment, weapons, marked or unmarked units, reports, evidence, crime or crash scenes, etc.
3. Members and employees shall comply with division rules and policies regarding communications with the public on police division matters, including but not limited to Section 3:6.11 of these Rules.

3:2 GENERAL CONDUCT ON DUTY

3:2.1 Prohibited Activity on Duty

Members and employees are prohibited from engaging in the following activities while on duty, with exceptions as noted:

1. Sleeping, loafing, idling;
2. Reading material other than job-related materials (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking or use of tobacco products;
6. Sexual conduct;
7. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
8. Conducting secondary employment activities while on duty;
9. Taking any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence with any personal analog or digital device, camera or cellular telephone, except as may be necessary for the furtherance of official duties, and only in accordance with established division procedures pertaining to public information, preservation of evidence and chain of custody;
10. Releasing any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence taken with a personal or division analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police or PIO;
11. Audio recording which is not connected with an official investigation or duties is prohibited;
12. Employees are forbidden to videotape or record conversations with other employees. This prohibition does not apply to videotaped interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the Township telephone system via any recording system approved by the Chief, or to the use of mobile video recorders installed in police vehicles as authorized by the Chief. The

exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or representatives of the involved prosecutorial authorities.

13. Any other activity deemed inappropriate by the Chief of Police.

3:2.2 Alcoholic Beverages and Drugs

1. No employee of the division will appear for, or be on duty, under the influence of an alcoholic beverage or drugs, or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence or has alcohol or drugs in the employee's system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol as tested by blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of intoxicants and shall immediately relieve of duty and service weapon any employee found on duty in such condition. Supervisors shall not allow to remain on duty, any member or employee whose fitness for duty is questionable due to the use of alcoholic beverages or medication. The superior officer shall notify the Chief of Police immediately and follow-up with a written report of the incident.
2. Employees of the division, shall not drink any kind of intoxicating beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink any kind of intoxicating beverage while in uniform. An employee, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons therefore and the amounts consumed and forwarded to the Chief of Police.
3. Taking Medication on Duty/Notification about Medication - Uniformed, armed members of the division shall disclose to their supervisors that they are taking medication (prescription or non-prescription) that may affect their ability to safely use a firearm or operate a motor vehicle, or may affect their ability to perform the essential function of their assigned positions without posing a direct threat to their own health and safety, or that of others. Such members shall also disclose the expected duration of their use of said medication. The Chief of Police reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other appropriate action such as light duty. The Chief of Police reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties. The Chief of Police reserves the right to take appropriate action in the case of any member or employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication.
4. Intoxicating beverages may not be consumed at or in the police station or ancillary facilities.
5. No sworn member of the division shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which intoxicating liquor is served/sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcoholic beverages is not the primary function (e.g. certain diners and restaurants which have a liquor license).
6. Employees shall not bring into or keep any alcoholic beverages or drugs on division premises except when necessary in the performance of a police related task. Alcoholic

beverages or drugs brought into division premises in the furtherance of a police related task shall be properly identified and stored according to division's evidence policy.

7. No employee shall report for any scheduled duty, with the odor of an alcoholic beverage on their breath.
8. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.
9. The Division of Alcoholic Beverage Control (ABC) prohibits the employment of police officers who are employees of the local force in the municipality where the licensed business is located. Hence, members of the Manchester Township Police may not be employed by a business located in the Township which is licensed to sell alcoholic beverages in this State. However, ABC laws and regulations do not prohibit members of the Manchester Township Police from being employed by such licensed businesses which are located outside the Township of Manchester.
 - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.
 - c. No police officer shall be permitted to engage in any armed secondary employment without the express written permission of the Chief of Police.

3:2.3 Absence from Duty

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

3:2.4 Physical and Mental Fitness for Duty

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

3:2.5 Loitering

All members on duty or in uniform shall not enter any public place, except to perform a police task. Loitering for unreasonable amounts of time in such locations is forbidden.

3:2.6 Military Courtesy

When meeting in public, officers shall conform to normal courtesy standards and refer to superior officers by rank.

3:2.7 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 times.

3:2.8 Roll Call/Muster

Unless otherwise directed or permitted, members and employees shall report to daily roll call/muster at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions.

3:2.9 Relief

All members and employees are to remain at their assignment and on duty until properly relieved by another member or employee or until dismissed by competent authority.

3:2.10 Meals/Breaks

1. Members, while on lunch/meal breaks, must have their portable radios "ON" to monitor the activities of the shift and to ensure immediate radio contact, if necessary.
2. Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift, but only such period of time shall be allowed therefore as is reasonably necessary, and not to exceed fort-five (45) minutes. The member shall arrange to suspend patrol only at such time as it will cause the least interference with his regular duties and/or calls for service.
3. Members are to arrange to take meals and coffee breaks at times during the shift so as to not have all personnel break at the same time or at same location, unless approved by the Shift commander.
4. Members must notify the dispatcher when they are on a meal break and inform them as to their location. Furthermore, officers must, upon clearing from their meal break, advise dispatch of their availability.

3:2.11 Reporting

Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority. Furthermore, all members and employees are required to be accurate, truthful and thorough in the completion of any Division report or record.

3:2.12 Inspections

From time to time while on duty, the Chief of Police or his designee may call for full dress inspections of the division or any part thereof. Members directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as "absence without leave".

3:2.13 Training

All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police. Such attendance is considered a duty assignment.

3:2.14 Smoking /Use of Tobacco Products

Members and employees shall not smoke or use tobacco products on or inside of Township property, including buildings, vehicles or equipment in accordance with the Code of Manchester Township, **Article XXIV, §63-107**. The Township does not provide smoking breaks for any employee. Offenders will be disciplined.

3:2.15 Possession of Keys

No member, unless authorized by his shift supervisor, shall possess keys to any premises not his own or near his assigned area.

3:2.16 Address and Telephone Numbers

Members and employees shall record their correct residence address and telephone number with the Chief's office. Members and employees are required to have telephones in the place where they reside. Changes in address or telephone number shall be reported to the Chief's Secretary within forty-eight (48) hours of the change. This shall be done in writing within the specified time whether the member or employee is working or on leave.

3:2.17 Home Telephone Numbers

Police officers or employees shall not disclose the home or cellular telephone numbers and address of any member of the division to any non-employee or member.

3:2.18 Distracters

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

3:2.19 Driver's License

Employees operating division motor vehicles shall possess and maintain a valid New Jersey driver's license, with appropriate endorsements when made necessary by their assignment. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor.

3:2.20 Substance Testing

1. Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the following procedure.
 - a. The Chief of Police or County Prosecutor must approve any reasonable suspicion test.
 - b. A written report shall be prepared to document the basis for the reasonable suspicion. The report will be reviewed by the Chief of Police or County Prosecutor before the reasonable suspicion test may be ordered.

- c. The drug test must be administered in accordance with the procedures contained in the Attorney General's Law Enforcement Drug Testing Policy.
 - d. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test.
 - e. A negative test result is a condition of employment as a sworn officer. A positive result will result in: a) the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and, c) the officer being permanently barred from future law enforcement in New Jersey.
2. Random drug screening may be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and any policy mandated by the Ocean County Prosecutor. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.

3:2.21 Use of Force

Employees shall follow division general order on the Use of Force.

3:2.22 Duty to Report Injury

When a member is seriously injured on or off duty, notification must be made to the Chief of Police or his designee as soon as possible. Information shall include the date, location, cause, extent of injury and property damage involved. Serious injury in this instance means an injury which could result in death or permanent disability. All injuries sustained while on duty will be reported immediately regardless of whether or not treatment is sought.

3:2.23 Tardiness

Any member or employee of the Division who fails to report for their regularly scheduled shift at the specified time of the shift without permission from a supervisor is considered tardy.

3:2.24 Failure to Supervise

It is the duty of a supervisor to monitor, assess and/or evaluate the performance of his subordinates to ensure compliance with laws, ordinances, directives and Division procedures, as well as the established mission, goals and ethics.

3:2.25 Failure to Report a Hazardous Condition

Members of the Division, while in the performance of their duties, are required to report any findings or knowledge of hazardous conditions to the communications center. It will be the determination of the on-duty watch commander as to whether or not a written report requesting additional follow-up is required. Hazardous conditions are defined as any condition which would cause public alarm or reduce acceptable safety standards within the Township of Manchester.

3:2.26 All Other Conduct

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

3:3 ATTIRE AND APPEARANCE

3:3.1 Regulation Uniforms Required

All members and uniformed civilians of the Division shall maintain in good order a regulation uniform. Members and uniformed civilians shall be neat appearing, clean shaven and well groomed while in uniform. All articles of uniform shall conform to the Division's uniform regulations and all issued equipment shall be worn. Members and uniformed civilians shall not alter the uniform or any issued equipment. Members and uniformed civilians shall not wear the uniform or any part off duty, except while traveling to and from duty, without the permission of the shift supervisor.

3:3.2 Manner of Wearing the Uniform

Uniforms and associated equipment shall be kept neat, clean, tailored and well pressed at all times. While wearing the uniform, members and uniformed civilians shall maintain a military bearing.

3:3.3 Manner of Wearing Civilian Attire

Employees shall wear proper civilian attire to meet the task objective such as court, and training assignments. The employees may wear corporate casual or traditional business attire as prescribed by the Chief of Police in accordance with the Code of the Township of Manchester, **Article XXIV, §63-109.**

3:3.4 Personal Appearance

Every employee of the Division, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the rules and regulation of this division.

1. Male Employees

Hair shall be neatly trimmed and groomed. Hair shall be cut to present a tapered appearance on the side and back and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position.

Sideburns shall not extend below the bottom of the ear. The maximum width at the bottom of the sideburns shall not exceed one and one-quarter inch. A clean-shaven appearance is required at all times except that mustaches are permitted. Mustaches shall be neatly trimmed and shall not exceed more than one quarter of an inch below the corner of the mouth. Mustache ends will not be waxed or twisted. Beards shall not be permitted.

Hair growing from the chest, neck, ears or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie or exposed t-shirt. Facial hair below the top lip, on the chin

or below the sideburns on the jaw, is not permitted. There shall be no designs cut into the head hair. Designs such as numbers, insignias, or other inscriptions are strictly forbidden. Hair coloring, if used, must appear natural.

2. Female Employees

Hair shall not be worn longer than the bottom of the shirt or coat collar at the back of the neck when standing in a normal position. Hair may be worn slightly over the ears, but in no case shall the bulk or length of hair interfere with the wearing of the authorized uniform head-gear. A single braid, ponytail, bun or twist will be permitted on the back of the head, provided it is worn in a neat manner and does not interfere with the wearing of division headgear. No ribbons or ornaments shall be worn in the hair except for neat inconspicuous bobby pins or conservative barrettes, which blend with the hair color. Hair coloring, if used, must appear natural.

Cosmetics, if worn, shall be subdued and blended to match the natural skin tones of the individual. False eyelashes are not permitted. Fingernails shall be clipped and trimmed and shall not exceed more than one eighth of an inch from the tip of the finger. Only clear or conservative nail polish shall be worn on the fingernails.

3. Jewelry and Apparel (All)

Earrings shall not be worn by male employees while on duty, even when covered or concealed. Female members may only wear one pair of earrings while on duty and they must be conservative in appearance. Engagement rings, wedding rings and class rings are permitted. Pinkie rings and other rings are not permitted while on duty. Any chains or crosses worn around the neck shall not be visible to the public when in uniform. They may be worn underneath the uniform.

No visible body piercing jewelry shall be worn while on duty. This shall include but not limit to nose, eyebrow and tongue piercing. All jewelry shall be worn at the officer's risk if lost and/or damaged.

4. Tattoos or Similar Markings (All)

Definitions:

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

The following tattoos, scarifications and brands are prohibited:

- a. Any tattoo, scarification or brand located on the head, face, neck or hands. (Existing work excluded)
- b. Depictions of nudity or violence; sexually explicit or vulgar art work, phrases or profane language; symbols likely to offend other members, employees, or members of the public, i.e., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, i.e., AB, KKK, SS, MM, BGF, HA, 666 or any street gang names,

numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the division, bring it discredit, or is inconsistent with the mission of the division.

5. Eyeglasses (All)

Eyeglasses worn by sworn police personnel while on duty or in uniform shall be conservative in design.

3:4. DIVISION PROPERTY AND EQUIPMENT

Members and employees are responsible for the proper care of Division property and equipment assigned to them. Any lost or damaged Division property and/or equipment assigned to or used by an employee shall be reported to the on-duty watch commander. The on-duty watch commander will be notified of any defect or hazardous condition existing with any Division equipment or property. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. Employees shall not use any division property or equipment for personal business or pleasure.

3:4.1 Surrender of Division Property

Members and employees are required to surrender all division property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the agency for the fair market value of the article(s). The Chief of Police shall withhold a final paycheck upon separation until all division property is surrendered. Any member or employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other division property to the appropriate supervisor pending disposition of the case.

3:4.2 Division Vehicles, Use

Members shall not use any division vehicle without the permission of a shift supervisor. Division vehicles shall never be used for personal business or pleasure.

3:4.3 Operation of Motor Vehicles

Members and employees, when driving vehicles of any description, private or of the division, shall not violate the traffic laws, except only in cases of absolute emergency, and then only in conformity with the law regarding same. No member or employee shall use a handheld cell phone while operating a division vehicle. Members may utilize a handheld cell phone if it satisfies one of the exceptions identified in N.J.S.A. 39:4-97.3b.

3:4.4 Care of Division Vehicles

A police officer assigned to drive any division vehicle is accountable for the proper care of such vehicle and its equipment. Any officer who damages a police vehicle or any other Division equipment, due to carelessness is subject to not only disciplinary action but also reimbursement fees for repairs and/or replacement. He shall not leave such vehicle unattended, except when necessary in the performance of police duty. It shall be the responsibility of the driver to see that the vehicle is securely locked when it is necessary to leave it unattended.

3:4.5 Passengers

A driver shall only allow such persons as are necessary in the proper performance of his duty to ride in a division vehicle assigned to him.

3:4.6 Notification of Unserviceable Vehicles

A driver shall notify the Shift Commander as soon as his vehicle becomes unserviceable, and complete a vehicle deficiency report. Furthermore, the driver will have communications, record the deficiency in the CAD.

3:4.7 Definition of "Driver"

Whenever the term "driver" is used in this section, all the responsibilities placed upon the driver are to be equally shared by any other officer assigned to the same vehicle at the same time.

3:4.8 Parking of Division Vehicles

It shall be the responsibility of any police officer operating a division vehicle to see that it is properly parked and secured off the traveled portion of the highway at a crime scene, fire, etc., unless such vehicle is being used to light the scene, create a road block, or under other extenuating circumstances.

3:4.9 Notification of Accidents Involving Division Vehicles

Whenever a police officer is involved in any accident, or causes any damage, while in charge of or using a motor vehicle owned by the division, he shall as soon as possible notify the officer in charge. It shall be the duty of the officer in charge to cause an investigation to be made of same, and a written report made to the Chief of Police.

3:4.10 Notification of Off-Duty Motor Vehicle Accidents

Whenever a police officer is involved in any accident which results in serious bodily injury, while operating his/her personally owned vehicle, he/she shall as soon as possible notify the Chief of Police.

3:4.11 Transporting Citizens

Citizens will be transported in division vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with division policy or at the direction of the commanding officer, immediate supervisor or communications center.

3:4.12 Presumption of Responsibility

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

3:4.13 Inspection

Division property and equipment is and remains the property of the division and is subject to entry and inspection without notice. All division equipment, including but not limited to vehicles, desks, lockers, telephones, computers and all electronic devices owned or leased by the Township or the Division are considered Division property. Members and employees shall have no expectation of privacy in any Division property even if such property is assigned to a particular member or employee for long term use. All members and employees are required to consent to searches of Division property by the Chief of Police or his designee at any time and shall be prohibited from obstructing or interfering with any search or inspection of Division property.

3:4.14 Liability

All division property or equipment issued to or placed at the disposal of any member of the agency 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 may be held liable to reimburse the division for said damage or loss. This shall also include transportation vehicles of any type.

3:5. COMMUNICATIONS AND CORRESPONDENCE

3:5.1 Restrictions

Members and employees shall not:

1. Use division letterhead for private correspondence.

3:5.2 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 acknowledgment.

3:5.3 Division Address (Private Use of)

Members and employees shall not use the division as a mailing address for private purposes. The agency address shall not be used on any motor vehicle registration or operator's or chauffeur's license.

3:5.4 Telephone

Division telephone equipment may not be used for the transmission of private messages without the express approval of a superior officer.

3:5.5 Radio Discipline

All members of the division operating the police radio shall strictly observe regulations for such operations as set forth in division orders and by the Federal Communications Commission. There shall be no unprofessional or unnecessary communication made over any police channel

3:6. PUBLIC ACTIVITIES

3:6.1 Publicity

Members and employees may identify themselves as employees of the Manchester Township Police and the Township of Manchester. However, members and employees shall not use or refer to their affiliation with the Manchester Township Police or the Township of Manchester for purposes of furthering or gaining advantage in personal pursuits.

3:6.2 Personal Preferment

No member or employee may seek the improper influence or intervention of any person outside of the division for purposes of personal preferment, advantage, transfer or advancement. Members and employees may utilize the review, appeal and grievance procedures provided by statute,

ordinance, division rules and procedures, Township policy, and collective bargaining agreements. Nothing in this section shall prohibit members and employees from lawful consultation with attorneys and union representatives.

3:6.3 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with this agency.

3:6.4 Public Appearance Requests

All requests for public speeches, demonstrations, etc., relating to law enforcement will be routed to the Chief of Police for approval. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.

3:6.5 Conduct Toward the Public

Employees shall be courteous and orderly in their dealing with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their names and badge numbers in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the division.

3:6.6 Impartial Attitude

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

3:6.7 Disparaging Nationality, Race or Creed

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

3:6.8 Caring for Lost, Helpless, Injured or Ill Persons

Members shall always be alert to assist lost, helpless, injured or ill persons.

3:6.9 Availability When on Duty

Members on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

3:6.10 Responding to Calls

Members of the division shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, will be considered misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any call directed to him. The police dispatcher will be informed when leaving or going out of service, and when returning to a duty status. Members will notify the police dispatcher of their location whenever they leave their police vehicle.

3:6.11 Public Statements

Employees of the division shall not make public statements concerning the work, plans, policies, or affairs of the division which may impair or disrupt the operation of the division or which are obscene, unlawful, or defamatory.

3:6.12 Subversive Organizations

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

3:6.13 Affiliation with Certain Organizations Prohibited

Police officers shall not join or affiliate with any organization, or enter into any business relationships that would interfere with the officer's ability to fulfill his or her obligations to the division, that may impair or disrupt the operations of the division, or that is inconsistent with the mission of the division. This section shall not apply to active or reserve service in the armed forces of the United States or the State of New Jersey.

3:6.14 Affiliation with Radical Groups

No 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.

3:6.15 Trade Unions - Organizations Affiliated with Trade Unions

Police officers shall not join or affiliate with any labor union, trade association or collective bargaining representative that admits non-police employees into membership. This section shall in no way restrict or limit the right of police officers from joining or affiliating with labor unions or trade organizations that limit their membership to sworn law enforcement officers.

3:7. POLITICAL ACTIVITIES

3:7.1 Political Activities Prohibited

Members and employees shall not be permitted to engage in political activity while on duty, and shall not be permitted to use their official positions to influence another person's partisan or non-partisan political activity.

3:7.2 Election to Public Office

Employees shall not be candidates for or hold office in public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the Ocean County Prosecutor.

3:7.3 Soliciting Prohibited

Employees of the division shall not solicit contributions for political purposes, nor shall they interfere with or use the influence of their office for political reasons.

3:7.4 Contributions

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

3:7.5 Polling Duties

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

3:7.6 Displaying of Political Material

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

3:8. JUDICIAL AND INVESTIGATIVE ACTION, APPEARANCES AND TESTIFYING

3:8.1 Court Appearances

Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or a suit or jacket and tie (female members shall wear appropriate business attire) shall be worn. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.

3:8.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against Manchester Township in any hearing or trial shall notify the Chief of Police upon receipt of the subpoena. He shall also notify the appropriate prosecutorial authority handling the case.

3:8.3 Duty of Member of Employee to Appear and Testify

It shall be the duty of every member or employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury, or the State Commission of Investigation. Any member or employee failing or refusing to so appear and to so testify shall be subject to removal from his office, position or employment.

3:8.4 Division Investigations – Testifying

Members and employees shall be required to respond to questioning, provide reports, and render materials during division investigations in accordance with the provisions of the New Jersey Attorney General's Internal Affairs Policy & Procedures currently in effect.

3:8.5 Truthfulness

Employees are required to be truthful at all times whether under oath or not. This requirement shall not apply to those circumstances when it is necessary and appropriate for a member to make untruthful statements such as during undercover operations, or any other activities or techniques where deception is permitted by law.

3:8.6 Civil Action Interviews

Civil action interviews involving members or employees which arise out of division employment shall be conducted according to the related division directives. No member or employee shall give a statement, written or verbal, to any private investigator, private detective, attorney, insurance representative or other person in connection with any civil or criminal case without the express authorization of the Chief of Police. Any member or employee who is contacted by a private investigator, private detective, attorney, insurance representative or other person and requested to give a statement shall immediately notify the Chief of Police or his designee of such request.

3:8.7 Civil Action, Court Appearances – Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of division employment or if the member or employee is informed that he is a party to a civil action arising out of division employment, he shall immediately notify the Chief of Police, who in turn shall notify the proper authorities. He shall also notify the Chief of Police of testimony he is to give. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with division directives.

3:8.8 Civil Depositions and Affidavits

Members and employees shall confer with the Bureau Commander before giving a deposition or affidavit on a civil case. If the Bureau Commander determines that the case is of importance to Manchester Township, he shall inform the Chief of Police before the deposition or affidavit is given.

3:8.9 Civil, Expert Witness

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

3:8.10 Civil Cases

Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes, particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

3:8.11 Internal Affairs Investigations

The division hereby adopts and incorporates the "Internal Affairs Policy & Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice

in the Department of Law and Public Safety to govern the conduct of internal affairs investigations.

CHAPTER 4

DISCIPLINARY REGULATIONS

4:1 DISCIPLINARY ACTION

4:1.1 Disciplinary Action

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

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

4:1.2 Establishing Elements of Violation

Existence of facts establishing a violation of the law, ordinance, or rule by the preponderance of the evidence 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 employees merely because the alleged act or omission does not appear herein, in the division, or in laws and ordinances within the cognizance of the division.

4:2 DIVISION AUTHORITY TO DISCIPLINE

Within the limitations set forth in statutes, municipal ordinances, collective bargaining agreements and the rules and regulations of the Division disciplinary authority and responsibility rests with the Chief of Police. Except for performance notices and emergency suspensions, division discipline must be taken or approved/recommended 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.

4:2.1 Corrective Actions

In certain situations, formal discipline is not required in order to correct employee or member performance in various areas. Performance based issues may be corrected by using the following actions:

1. **Training** - Certain minor performance based issues may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances when corrective action (training)

may be necessary. All training uses as a corrective action shall be documented by the supervisor ordering it.

- a. **Verbal Instruction** - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
 - b. **Peer Training** - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
 - c. **In-Service Training** - The supervisor may refer the employee to an in-service training program.
2. **Counseling** - In addition to training, certain performance based issues or a minor rule violation is sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice.

4:2.2 Discipline

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

1. **Verbal Reprimand** - In some cases, the misconduct may warrant more than counseling, but less than a written reprimand. In these instances, a report of the offense shall be documented and issued to the employee or member as a verbal reprimand. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with Division or Township policy.
2. **Written Reprimand** - In some cases, the misconduct may warrant more than a verbal reprimand, but less than formal charges. In these instances, a report of the offense shall be documented and issued to the employee or member as a written reprimand. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with Division or Township policy.

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

3. **Formal Charges** - Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the division. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with Division or Township policy. The following disciplinary actions may be taken.
 - a. **Suspension** - the temporary removal of an employee/member from duty status with or without pay for cause. All disciplinary suspensions are without pay and for a specified period of time. In some disciplinary matters, in lieu of suspension, there will be allowed a voluntary surrender of benefit time such as compensatory time off, vacation or personal days.
 - b. **Demotion** - the placement of an employee/member in a position in a lower rank/position for which a lower maximum rate of pay is authorized. As a disciplinary measure, the Chief of Police may recommend that a member/employee be demoted to a lower classification.
 - c. **Termination** - the removal of an employee/member from the service of the Township of Manchester. Once it has been determined that an

employee's/member's conduct/behavior warrants termination, the Chief of Police shall initiate the termination process.

4:2.3 Causes for Removal

Any one of the following may be cause for removal from the service, although removals may be made for sufficient causes other than those listed:

1. Neglect of Duty;
2. Incompetence or inefficiency;
3. Incapacity due to mental or physical disability;
4. Insubordination or serious breach of discipline;
5. Intoxication while on duty;
6. Illegal drug usage;
7. Chronic or excessive absenteeism;
8. Disorderly or immoral conduct;
9. Willful violation of any of the provisions of the rules and regulations or other statutes relative to the employment of public employees;
10. The conviction for any criminal act;
11. Negligent or willful damage to public property or waste of public supplies;
12. Conduct unbecoming an employee in the public service;
13. Conduct unbecoming a police officer;
14. The use or attempted use of one's authority or official influence to control or modify the political action of any person;
15. Lying, misrepresentations, falsifications in written/verbal reporting or official inquiry, official inquiry, or internal affairs investigation.

4:2.4 Endorsement and Forwarding of Disciplinary Reports

Each level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No member or employee shall alter or cause to be altered or withdrawn any disciplinary report except by the police officer initiating the report. The initiating police officer shall have the affected police officer initial the report, indicating he has full knowledge of the change or withdrawal as soon as practical. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current Division general orders, and Attorney General Guidelines.

4:2.5 Informing the Person Being Disciplined

The member being disciplined shall be informed of the charges, in writing, as provided by N.J.S.A. **40A-14-147**. Other employees will be given notice of recommended discipline as required by law, policy or collective bargaining agreement.

4:2.6 Misconduct Observed by Police Personnel

Whenever any superior officer or supervisor observes or is informed of the misconduct of another member or employee which indicates the need for disciplinary action, he/she shall take authorized and necessary action in compliance with the Rules and Regulations and agency policy and procedures.

4:2.7 Appeals Procedure

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