

TOWNSHIP OF BERKELEY POLICE DEPARTMENT				
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RULES AND REGULATIONS INDEX

CHAPTER	PAGE
1. INTRODUCTION	3
2. ORGANIZATION	11
3. GENERAL RULES AND REGULATIONS	17
4. PERSONNEL REGULATIONS	40
5. DISCIPLINARY REGULATIONS	45

CHAPTER 1

INTRODUCTION

1:1. Establishment of the Berkeley Township Police Department

1:1.1 Legal Authorization

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

1:1.2 Township Ordinance

The Police Department is established by authority of Berkeley Township Ordinance **Chapter 14 09-05-0A**.

1:1.3 Rules and Regulations Established

The Business Administrator, as the appropriate authority of the Berkeley Township Police Department hereby adopts and promulgates the department's Rules and Regulations, known as the Berkeley Township Police Department Rules and Regulations and after this called the "rules."

1:1.4 Right to Amend or Revoke

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

1:1.5 Previous Rules, Policies and Procedures

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

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

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

1:2.2 Chapter and Section Sequence

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

1:2.3 Subsection Sequence

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

1:2.4 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 in this manual. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 RULES AND REGULATION MANUAL

1:3.1 Application

These rules are applicable to all employees of the department where appropriate.

1:3.2 Distribution

One copy of these rules shall be distributed to each employee of the department.

1:3.3 Responsibility for Maintenance

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

1:3.4 Familiarization

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

1:4 DEFINITIONS

1:4.1 Administrative Leave

Paid leave from regular duty that is authorized by the Chief of Police.

1:4.2 Authority

The right to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

1:4.3 Division

The largest single component in an organization.

1:4.4 Chain of Command

Vertical lines of communication, authority and responsibility within the organizational structure of the department. 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.

1:4.5 Commanding Officer

An employee assigned to a position requiring the exercise of immediate command over the activities of other employees.

1:4.6 Days Off

Those days determined by the Chief of Police or designee on which a given employee is excused from duty pursuant to current collective bargaining agreements.

1:4.7 Department

The Berkeley Township Police Department.

1:4.8 Detective

A police officer assigned to the Criminal Investigation Division.

1:4.9 Directive

A document detailing the performance of a specific activity or method of operation. "Directive" includes:

Standard Operating Procedures: Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the department. The Chief of Police shall be the issuing authority on all agency Standard Operating Procedures.

Special Order: A directive announcing instruction and/or directing procedures, which are short term or temporary in nature, regarding a specific circumstance, task or event. The Chief of Police shall approve all orders prior to issuance by command level personnel. The orders are usually self-canceling. These orders shall be inclusive of personnel orders and training orders.

Special Memorandum: A special memorandum is advisory in nature and is used to inform personnel such as alerts and notices including information from other agencies. The Chief of Police shall approve all special memorandums prior to issuance by command level personnel.

1:4.10 Bureau

A functional unit, which is subordinate to a division within an organization.

1:4.11 Employee

All employees of the department, whether sworn or civilian employees.

1:4.12 Gender

Use of the masculine gender herein shall also include the female gender.

1:4.13 Good Moral or Ethical Character

Includes those attributes of an employee that enhance their value to the organization and to public service that include honesty, integrity, truthfulness, obedience to the oath of office, mission of the organization and code of ethics, respect for authority, and respect for the rights of others.

1:4.14 Headquarters

The primary building that houses the civilian and sworn members of this department.

1:4.15 Incompetence

Incapable of satisfactory performance of duties.

1:4.16 Insubordination

Failure or deliberate refusal of any member or employee to obey a lawful order given by a supervisor. Ridiculing a supervisor or their order, whether in or out of their presence. Disrespectful, mutinous, insolent, or abusive language directed toward a supervisor.

1:4.17 Lawful Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty which is not in violation of any law or ordinance.

1:4.18 May

As used herein words may shall mean that the action indicated is permitted.

1:4.19 Military Leave

The period of time during which a member is excused from duty by reason of serving the armed forces of the United States as provided by law.

1:4.20 Neglect of Duty

Failure to give suitable attention to the performance to 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; unexcused absence from their assignment; failure to conform to the department operating procedures. Neglect also connotes a deviation from normal standards of conduct.

1:4.21 Off Duty

The status of an employee during the period when they are free from the performance of specified duties.

1:4.22 Official Channels

Through the chain of command.

1:4.23 On Duty

The status of an employee during the period when they are actively engaged in the performance of their duties. Police officers are subject to duty at all times. On duty status shall include but not be limited to attending training and seminars.

1:4.24 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

1:4.25 Patrol Officer

An employee holding the title of police officer and assigned to the Patrol Division.

1:4.26 Policy and Procedures

Written directives are issued by the Chief of Police. Policy and procedures remain in full force and effect until amended, superseded, or canceled by the Chief of Police.

1:4.27 Procedure

A detailed method of carrying out departmental policy, special orders.

1:4.28 Rules and Regulations

Detailed directives which bind the conduct of all employees.

1:4.29 Secondary Employment

Shall include outside employment and extra-duty employment.

- **Outside Employment** is defined as non-police related work for which compensation is received for services rendered. This type of work includes, but is not limited to, retail sales, any trades (roofer, plumber, mechanic, electrician, etc.), consulting, other professions (accountant, teacher, etc.), or in any self-employed capacity.
- **Extra-Duty Employment** is defined as police related employment not performed during normal duty hours, and is conditioned on the actual or potential use of law enforcement powers by a police officer. Extra-duty employment is also referred to as special duty or side jobs.

1:4.30 Section

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

1:4.31 Seniority

Seniority is to be determined by date of appointment pursuant to Department of Personnel classification. In the event two (2) individuals having the same date of permanent employment pursuant to Department of Personnel, the individual position on the hiring list shall be the determining factor. In the event of a tie on the hiring list, seniority shall be based on the class average attained by the individual in their police academy class. Seniority shall also be consistent with the current collective bargaining agreement.

1:4.32 Shall/Will

The words shall and will, as used herein, shall indicate that the action required is mandatory.

1:4.33 Shift

Any assigned tour of duty as per existing collective bargaining agreements.

1:4.34 Should

A recommended course of action or conduct; advice; an obligation as well as an expectation. Personnel must be able to justify a deviation.

1:4.35 Sick Leave

The period of time during which a member is excused from active duty by reason of illness or injury or cares for a sick or injured immediate family member or person within family household.

1:4.36 Special Duty

Police service which requires that the member be excused from the performance of their regular duties. Special Duty may also be an assignment to another division, section or unit. This would include assignment to another agency. Special Duty may also be the assignment of duties other than, or in addition to, regular duties to an officer within the same division, section or unit.

1:4.37 Substation

An approved limited use facility for police objectives.

1:4.38 Supervisor

Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

1:4.39 Unit

Smallest component part subordinate to a bureau, division or section.

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 department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, 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. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...**LAW ENFORCEMENT**.

CHAPTER 2

ORGANIZATION

2:1 ORDER OF RANK

2:1.1 Rank Established

Rank in the Berkeley Township Police Department shall descend in the following order:

1. Chief of Police
2. Captain
3. Lieutenant
4. Sergeant
5. Police Officer

2:1.2 Rank and Seniority

Rank and seniority shall be established in accordance with 1:4.31.

2:1.3 Rank Structure

The rank structure does not preclude or prohibit the Chief of Police when deemed appropriate or necessary to assign personnel to a specific section or function wherein the function or section calls for a higher ranking officer that a lower ranking can serve for an interim period nor does the rank structure preclude or prohibit the Chief of Police when deemed appropriate or necessary to assign personnel to a specific section or function wherein the function or section calls for a lower ranking officer not a higher ranking officer can serve for an interim period. Any personnel of the Police Department so assigned on an interim basis, will do so provided within the existing collective bargaining agreements.

2:2 COMMAND AND SUPERVISORY RESPONSIBILITIES AND AUTHORITY

2:2.1 Chief of Police - Authority and Responsibilities

The Chief of Police shall be the head of the Berkeley Township Police Department and shall be directly responsible to the Business Administrator 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** and other rights, authorities, power and responsibilities as delegated by the Business Administrator in accordance with **Township Ordinance 09-05-A Chapter 14**.

2:2.2 Commander - Authority and Responsibilities

Subject to direction from higher command, a commander has direct control over all members and employees within their command.

1. Command

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

2. Loyalty and Esprit de Corps

The development and maintenance of esprit de corps and loyalty to the department.

3. Discipline and Morale

The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.

4. Intradepartmental Action

The promotion of harmony and cooperation with other division, sections and units of the department. Initiation of proper action in cases not regularly assigned to their command when delay to inform the proper unit might result in a failure to perform a prescribed duty.

5. Organization and Assignment

Organization and assignment of duties to assure proper performance of department functions and those of their command.

6. Reports and Records

Preparation of required correspondence, reports, and maintenance of records relating to the activities of their command. Assurance that information is communicated up and down the chain of command as required.

7. Maintenance

Assurance that quarters, equipment supplies and material assigned to their command are correctly used and maintained.

2:2.3 Supervisor - Authority and Responsibilities

The supervisors have direct control and supervision of personnel assigned to them. In addition to the general and individual responsibilities of all employees, the supervisor is specifically responsible for the following:

1. Good Order

The general good order of their assigned personnel during their tour of duty to include proper discipline, conduct, welfare, field training and efficiency.

2. Roll Call

Conduct of prescribed roll calls, communications and all orders, or other information at roll call and inspection and correction of their personnel as necessary.

3. Reporting

Reporting as required by a commanding officer.

4. Personnel Complaints

Inquiry into personnel complaints against employees under their supervision in accordance with the provisions of these rules.

5. Supervision

Closely supervise the activities of their subordinates, making corrections where necessary and commending where appropriate.

6. Leadership

Provide on the job training as needed for efficient operation and coordination of effort when more than one employee is involved.

7. Direction

Exercise direct supervision in a manner that assures the good order, conduct, discipline and may extend to subordinates outside their usual spheres of supervision if the objective or reputation of the department so requires. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than their own to leave a regular assignment, the supervisor so directing, will inform the subordinate's own supervisor as soon as possible.

8. Enforcement of Rules

Enforcement of department rules and regulations and requiring compliance with the department policies and procedures.

9. Inspection

Inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error violation, misconduct, or neglect of duty by a subordinate.

10. Assisting Subordinates

Have a working knowledge of the duties and responsibilities of their subordinates. Observing contacts made with the public by their subordinates and being available for assistance or instruction as may be required. Under normal work circumstances, and time permitting, they shall respond to calls of serious emergencies, crimes in progress, aggravated assaults, and others unless actively engaged in a police incident. They should observe the conduct of the assigned personnel and take active charge when necessary.

2:3 RESPONSIBILITIES AND DUTIES OF PATROL OFFICERS

Patrol officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. They will perform these duties as prescribed in department orders and as directed by their supervisors. In addition to these and the general and individual responsibilities of all members and employees, patrol officers are specifically responsible for the following:

2:3.1 Police Mission

Patrol officers are responsible for the accomplishment of the police mission on their assignment. They shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. They shall be held accountable for crime, accidents, disorders and other criminal conditions within their assignment.

2:3.2 Reporting for Duty

They shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. They shall listen attentively to orders and instructions of their supervisor and read such materials as are made available to them.

2:3.3 Familiarization with District/Assignment

Patrol officers shall thoroughly familiarize themselves with their district/assignment. They shall be familiar with all public business offices and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, they shall familiarize themselves with the locations of safes and night lights. Changes in night lights will be particularly noticed.

2:3.4 Methods of Patrol

During their tour of duty, patrol officers shall continuously patrol every part of their assignments, giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, they shall not patrol their assignment according to any fixed route or schedule but shall alternate frequently and backtrack to be at the location least expected.

2:3.5 Unlocked Buildings

1. When a door or window is found open under suspicious or unusual circumstances on any tour of duty, the patrol officers shall investigate and determine whether a burglary or other crime has been committed. They shall notify headquarters. Dispatch should make every attempt to notify property owner and document action taken and notification in the CAD. The responding officers shall request sufficient dispatch of patrol officers or investigators to the scene for support.
2. Under circumstances indicating that an intruder is still inside a building, the officers discovering same shall immediately summon assistance and then stand guard. When the assistance arrives, they may enter and search the building.

2:3.6 Field Interviews

When field interviews are conducted, patrol officers shall courteously question persons as to their names, addresses, and other matters relating to the circumstances. In all cases, good judgment and discretion should be used in making a decision to arrest.

2:3.7 Vice Suppression

Uniformed officers shall give particular attention to places where vice violators might congregate. They shall use every lawful means to suppress the illegal activities of such persons, prosecute them, and require all such establishments to be conducted in accordance with municipal ordinances and state laws and shall report all violations.

2:3.8 Traffic Law Enforcement

Patrol officers are charged with the enforcement of all provisions of local and state traffic codes. Failure to take appropriate action in traffic violation cases is considered neglect of duty. Appropriate action is defined as that action to preclude reoccurrence such as issuance of a traffic summons, verbal, written warning, etc.

2:3.9 Complaint Action

Patrol officers shall carefully investigate all complaints on or near their assignment which is assigned to them or which are brought to their attention by citizens. They shall take suitable action in those cases which come under their jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint is not within the jurisdiction of the police department, they shall advise the complainant accordingly and refer them to the proper authority.

2:3.10 Preliminary Investigations

At the scenes of major crimes, subject to direction of higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer present, will begin the preliminary investigation. A member of the Criminal Investigative Division will be called to the scene immediately. In all instances, members not assigned will not enter the premises nor do any other things that might interfere with the investigation or destroy evidence.

2:3.11 Radio Failure

Patrol Officers and Communications Officer shall pay shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions for an extended period of time, they shall immediately call the police dispatcher for a special test. If after three attempts, they fail to receive an acknowledgment, they shall immediately contact communications by telephone. In case of radio trouble, the officer shall notify the officer in charge and police dispatcher of the nature of the trouble.

2:4. RESPONSIBILITIES FOR OFFICERS ASSIGNED TO SPECIAL DUTIES

2:4.1 Assignments

The Chief of Police may at his discretion assign officers as detectives. The Chief of Police may at any time reassign officers from special duties to other duties or regular patrol duties.

2:4.2 Duties and Responsibilities

The Chief of Police may from time to time modify the duties and responsibilities as deemed necessary.

2:4.3 Compensation

There shall be no additional compensation for officers assigned to special duties, unless specified in the existing collective bargaining agreement.

2:5. RESPONSIBILITIES OF CIVILIAN EMPLOYEES

1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
3. Be accountable and responsible to their supervisors for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.
8. Abide by all rules, regulations and departmental procedures and directives governing civilian employees.
9. Perform all related work as required.

CHAPTER 3

GENERAL RULES AND REGULATIONS

3:1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

3:1.1 Standards of Conduct

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. Employees shall maintain loyalty to the department and their associates as is consistent with the law and personal ethics.

3:1.3 Cooperation

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

3:1.4 Assistance

All employees are required to take appropriate action toward aiding a fellow employee exposed to danger or in a situation where danger might be impending.

3:1.5 General Responsibilities

Police officers of all ranks shall at all times take appropriate action to:

1. Protect life and property.
2. Preserve the peace.
3. Prevent crime.
4. Detect and arrest violators of the law.
5. Enforce all federal, state and local laws and ordinances within department jurisdiction.

3:1.6 Duty Responsibilities

Employees of the department are always subject to duty although periodically relieved of its routine performance. They shall, at all times, respond to the lawful orders of supervisors and other proper authorities as well as calls for assistance from citizens. Proper action must be taken whenever required. The administrative delegation of the enforcement of certain laws and

ordinances to particular units of the department, 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.

3:1.7 Neglect of Duty

Employees shall not commit any act, nor shall they be guilty of any omission that constitutes neglect of duty.

3:1.8 Performance of Duty

All employees shall perform their duties as required or directed by law, department rule, policy or order, or by order of a supervisor. 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 Assignment

Employees in doubt as to the nature or detail of their assignment shall seek clarification from their immediate supervisor.

3:1.10 Insubordination

Employees shall not commit acts of insubordination.

3:1.11 Obedience to Laws and Regulations

Employees on and off duty shall observe and obey all laws and ordinances, all rules and regulations and orders of the department.

3:1.12 Criticism of Official Acts or Orders

Employees shall not criticize the official actions, instructions, 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.

3:1.13 Conduct Toward Employees

Employees shall treat other employees 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 employees, or the public, supervisors shall be referred to by rank.

3:1.14 Manner of Issuing Orders

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

3:1.15 Unlawful Orders

No supervisor shall knowingly issue any order which is in violation of any law or ordinance.

3:1.16 Obedience to Unlawful Orders

Obedience to an unlawful order is never a defense of an unlawful action; therefore, no employee is required to obey an order which is contrary to law or local ordinance. Responsibility for refusal to obey rests with the employee. They shall be required to justify their actions.

3:1.17 Obedience to Unjust or Improper Orders

Employees who are given orders which they feel to be unjust or contrary to rules and regulations, must first obey the order to the best of their ability, and they may proceed to appeal as provided in Subsection **3:1.19**.

3:1.18 Conflicting Orders

Upon receipt of an order conflicting with any previous order or instruction, the 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 department. Notice of countermanded or conflicting order, is to be given to the officer issuing the original order, by the countermanding officer.

3:1.19 Reports and Appeals - Unlawful, Unjust, Improper Orders

An 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. Intradepartmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

3:1.20 Soliciting Gifts, Gratuities, Fees, Rewards, Loans

Employees shall not, under any circumstances, solicit any gift, gratuity, loan, reward or fee where there is any connection between the solicitation and their department membership or employment without written permission from the Chief of Police. Solicitation for charitable donations is permitted in accordance with the collective bargaining unit with permission of the Chief of Police. All solicitations must stay within the perimeters of Federal and State law, directives from the NJ Attorney General and Ocean County Prosecutor's Office.

3:1.21 Acceptance of Gifts, Gratuities, Fees, Loans

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. 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 employees or any other employee in any matter of police business, or which might tend to cast an adverse reflection on the department or any employee thereof.

3:1.22 Other Transactions

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their department employment except as may be specifically authorized by the Chief of Police.

3:1.23 Rewards

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 employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances. The Chief of Police shall return the unauthorized gift, gratuity, loan, fee, reward, or other object along with a letter indicating agency policy prohibiting acceptance of same.

3:1.25 Intercession - Soliciting

Employees shall not solicit anyone to intercede with the Chief of Police, Business Administrator, Mayor, or members of the Township Council in relation to promotion, assignments, disposition of pending charges, or findings in a department trial or other related matter.

3:1.26 Persons and Places of Bad Reputation

Employees shall not frequent places of bad reputation, nor associate with persons of bad reputation, except as may be required in the course of police duty. This shall include any and all persons and places that the employee knows or should have known are involved in criminal activity or violations of law past or present. This restriction applies to both on and off duty.

3:1.27 Withholding Information

Employees shall not, at any time, withhold any information concerning suspected criminal activity.

3:1.28 Reporting Violations of Laws, Ordinances, Rules or Orders

Employees knowing of other employees violating laws, ordinances, or rules of the department, or disobeying orders, shall report same in writing to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police or if the offending employee is in the employee's chain of command, official channels may be bypassed.

3:1.29 Harassment in the Workplace

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

3:1.30 Civil Rights

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

3:1.31 Work Expectation

Employees are expected to give a day's work for a day's wage.

3:1.32 Respect

Employees shall display respect for their supervisors, subordinates, and associates. All employees are to display good ethical character on and off duty and shall conduct their professional and private lives in a manner to avoid bringing this agency into disrepute.

3:1.33 Cowardice Display

Police officers shall not display cowardice in the line of duty, nor in any situation where the public or another officer may be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect other officers in time of danger or under conditions where danger might be impending. This does not imply that officers should take undue risks in the performance of their duties if alternative methods fail.

3:1.34 Use of Position

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

3:1.35 Financial Obligation

No employee shall incur any financial obligation on behalf of the department without the approval of the Chief of Police.

3:1.36 Financial Liability

No employee shall imply or accept financial liability for loss or damage on behalf of the township.

3:1.37 Retaliation

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

3:1.38 Personal Relationships

If two department employees enter into a dating relationship, intimate relationship, marital relationship or civil union during the course of employment the department shall be notified.

3:2 GENERAL CONDUCT ON DUTY

3:2.1 Prohibited Activity on Duty

Employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

1. Sleeping, and loafing.
2. Recreational reading (except at meals).
3. Conducting private business while on duty.
4. Unlawful gambling, unless to further a police purpose.
5. Smoking, chewing tobacco, snuff/dip, or any other tobacco products in public view.
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 unless used for legitimate law enforcement purposes. Then it shall be transferred immediately there after to another form of media and shall be deleted from the personal device.
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 agency analog or digital device, camera or cellular phone to any person, entity, business, or media or Internet outlet without the express written permission of the Chief of Police.
11. Any other activity deemed inappropriate by the Chief of Police.

3:2.2 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of alcohol or drugs, or be unfit for duty because of its use.
2. Employees of the department, 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.
3. Taking Medication on Duty. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.

4. Notification about Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, notification will be made to the Chief of Police as to the medication, its properties, the dosage and the period during which the employee is required to take the medication. If the medication is a prescription medication the prescribing physician will make the notification to the Chief of Police. The employee will give the physician direction to make this notification to the Chief of Police. In the event the Chief is unavailable the Division Commander of the Division the employee works in will be notified. If the medication is a non-prescription medication the employee shall make the above-described notifications. The required notification will be made prior to the employee reporting for duty. This information shall be kept in the strictest of confidence and shall be submitted to the Chief of Police via a confidential internal report.”
5. Intoxicating beverages may not be consumed at or in the police station or ancillary facilities.
6. No sworn member of the department 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.
7. Employees shall not bring into or keep any intoxicating liquor or drugs on department premises except when necessary in the performance of a Township task. Liquor or drugs brought into department premises in the furtherance of a Township task shall be properly identified and stored according to department policy.
8. No employee shall report for regularly scheduled duty, with the odor of alcohol on their breath.
9. No employee shall operate a Township vehicle after having consumed alcoholic beverages while still being under the affect of said alcoholic beverages.

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 of one day must be reported in writing to the Chief of Police.

3:2.4 Roll Call

Unless otherwise directed, sworn 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.

3:2.5 Physical and Mental Fitness for Duty

Police Officers shall pass their yearly physical and maintain sufficient psychological condition in order to handle the essential functions required of a law enforcement officer.

3:2.6 Loitering

Sworn members on duty or in uniform shall not conjugate in public view. There shall be no more than two officers in a business or public place unless to perform a police task.

3:2.7 Smoking and Tobacco Products

Employees shall not smoke or utilize tobacco products on duty while in direct contact with the public or when in or out of uniform in public view, except that use of tobacco is permitted in public view at meals times. There shall be no smoking or utilizing tobacco products in police headquarters or in police vehicles. These areas are non-smoking areas.

3:2.8 Relief

Employees are to remain at their assignments until 15 minutes prior to end of duty or until dismissed by competent authority.

3:2.9 Suspending Patrol for Meal or Break

1. Sworn members will be permitted, when time and call volume allow to suspend patrol subject to immediate call at all times, and with the approval of the supervisor on duty, for the purpose of having one meal during their shift, only such period of time shall be allowed, therefore, as is reasonably necessary. All personnel assigned to the patrol division must utilize their meal breaks within the confines of Berkeley Township.

Beach Sector:

- a. Meal breaks are to be taken in South Seaside Park, Seaside Park, or Seaside Heights. During the winter months officers may go into the Ortley Beach area to obtain meals.
- b. Beach cars are not authorized to cross over the Tunney Bridge for any reason other than official, duty related business with the knowledge and approval of the supervisor.
- c. Beach cars are not authorized to stop by or visit other officers working at Seaside Heights businesses or motels at any time.

North Sector

- a. Patrol officers assigned to the North Sector may exceed the boundaries for the purpose of obtaining food and/or lavatory facilities within one mile, with the approval of their supervisor. Officers are to return to their sector with the food, unless physically relieved by another officer.
2. Sworn members are to arrange to take meals and breaks at times during shift so not more than two units are at any one location at the same time unless authorized by a supervisor.

3:2.10 Training

Employees shall attend in-service training as directed by the Chief of Police. Such attendance is considered a duty assignment.

3:2.11 Inspection

From time to time the Chief of Police may call for full dress inspections of the department or any part thereof. Sworn 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.

3:2.12 Courtesy

When meeting in public, employees on duty shall conform to normal courtesy standards and refer to each other by rank.

3:2.13 National Colors and Anthem

Uniformed members will render full military honors to the national colors and anthem at appropriate times. Sworn members and employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

3:2.14 Possession of Keys

No sworn members, unless authorized by their supervisor shall possess keys to any premises, not their own, on or near their assignment.

3:2.15 Address and Telephone Numbers

Employees are required to maintain a working telephone in the place where they reside. Changes in address or telephone number shall be reported to the Chief of Police within 24 hours of the change. This shall be done in writing and within the specified time whether the member or employee is working or on leave. (Reports should be submitted in advance of the change in the event of a planned move, noting the effective date of change.)

3:2.16 Driver's License

Employees operating department 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 giving full details.

3:2.17 Substance Testing

1. Employees will be tested based upon reasonable suspicion. The Chief of Police is authorized to order individual testing provided it is in accordance with the NJ Attorney General's Drug Testing Policy. Specimens shall be ordered from an employee when there exists reasonable suspicion to believe that the employee is using substances. Employees who refuse to submit to a test based upon reasonable suspicion after being

lawfully ordered to do so are subject to the same penalties as employees who test positive.

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 NJ Attorney General's Drug Testing Policy 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.

3:2.18 All Other Conduct

Conduct not specifically addressed by law, departmental policy, public policy, philosophy, rule or regulation shall be consistent with existing law, departmental policy, public policy, philosophy, rule or regulation.

3:3 UNIFORM, APPEARANCE AND IDENTIFICATION

3:3.1 Regulation Uniforms Required

All sworn 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, sworn members will wear the duty uniform on a tour of duty; however, supervisors may prescribe other clothing as required by the nature of the duty to which a particular member is assigned.

3:3.3 Wearing or Carrying Badge

A member, when in uniform, shall wear the regulation badge on the outside of the outermost garment over the left breast and always in sight. When not in uniform or off duty, they shall carry their badge and/or department photo identification on their person if they are carrying a firearm. On duty plainclothes officers shall wear their department issued badge and possess their department issued photo identification at all times. If in an undercover assignment, the officer with the approval of the supervisor is not required to possess badge and photo identification.

3:3.4 Wearing of Name Plate

A sworn member, when in uniform, shall wear the regulation name plate and/or shall have their name displayed on the outside of the outermost garment; not to include raincoat.

3:3.5 Alternating Style of Uniform

Uniforms shall be made of the material and style prescribed in police department orders, and such style shall not be altered or changed in any manner whatsoever, unless authorized by the Chief of Police.

3:3.6 Carrying Required Equipment When in Uniform

While on duty, sworn members who are required to wear the specified uniform shall carry the full equipment. The Chief of Police shall through written procedures specify the equipment that is authorized for duty. A sworn member shall also carry specially issued equipment and forms necessary for performing their duties.

3:3.7 Equipment in Civilian Clothes and On Duty

While on duty, sworn members who wear civilian clothes shall carry the full equipment as directed by the Chief of Police.

3:3.8 Carrying Equipment Off Duty

When off duty, each sworn member should carry or have in their immediate possession their badge and/or photo identification card.

3:3.9 Civilian Clothing - Manner of Dress

Employees shall wear proper civilian attire to meet the task objective and assignments and in accordance with the dress policy for non-uniform personnel. The employees may wear corporate casual or traditional business attire as prescribed by their supervisor. Officers assigned to the Patrol Unit shall wear the required uniform for court unless they have the approval of a supervisor.

Communications personnel shall adhere to the dress code policy for the Communications Bureau.

3:3.10 Equipment

All equipment must be clean, and maintained in good working order.

3:3.11 Uniform and Equipment Damage Claim

Any claims for damage to clothing and equipment caused by performance of duty, shall be put in writing through the chain of command. Articles of clothing shall be kept, whenever possible. The Business Administrator reserves the right to approve or deny any such claims for equipment damage.

3:3.12 Personal Appearance

Every employee of the department, 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 department.

1. Sworn Male Employees

Hair shall be evenly trimmed at all times while on duty. The style shall be no more than medium length and fullness. Bushy hair protruding from the sides, back or front of the head is prohibited. Hair shall not be more than four inches (4") in length or of such

length as to cover any portion of the ears or extend below the eyebrows when headgear is removed; nor shall it extend over the shirt or coat collar. A neat, tapered pattern shaped at the rear of the neck shall be maintained. Hair length or style shall not interfere with the wearing of headgear. Unusual, outrageous, or faddish haircuts are prohibited. These include, but are not limited to, names or symbols cut into the sides or top of the head, unusual shapes such as an arrow, Mohawk style, cornrows, dreadlocks, beaded ends, unusual dyes, colors or tints, etc. The unique quality and texture of curled, kinked, waved and straight hair are recognized.

Ethnic hairstyles, including Afro, are permitted if these styles meet the criteria of maximum length, bulk and taper, and do not interfere with the proper wearing of headgear.

Wigs or hairpieces may be worn while on duty only for cosmetic reasons to cover natural baldness or physical disfigurement. Wigs or hairpieces must be of good quality and fit, present a natural appearance, conform to the standards set forth in these rules, and fit properly beneath the uniform hat, when applicable. They must not interfere with the proper performance of duty or present a safety or foreign object damage hazard.

Sideburns shall not extend below the bottom of the ear. The maximum width at the bottom of the sideburns shall not exceed 1 ¼ inch.

A clean shaven appearance is required except that mustaches are permitted. Mustaches shall be neatly trimmed and shall not extend more than ½ inch below or to the sides of the corner of the mouth. Mustache ends will not be waxed or twisted. Unusual dyes, colors or tints, etc are prohibited.

Beards shall not be permitted on sworn personnel except for medical or religious reasons. Waivers may be granted by the Chief of Police on a case-by-case basis and only with compelling supporting documentation. The Chief of Police may also grant a waiver for undercover operations.

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.

Fingernails shall be clipped and trimmed short. Nail polish and nail paintings are prohibited.

The wearing of jewelry is generally limited to only a wedding ring, watch, and medical identification necklace/bracelet. Tie-tacs and tie clips are permitted.

2. Sworn Female Employees

Hair shall be kept clean, neatly shaped, and arranged in a professional style. Hairstyles with a maximum of two braids may be worn. Pony tails and pigtails are not permitted. When in uniform, hair shall not fall below a horizontal line level with the lower edge of the back of the collar. Long hair, including braids, must be neatly and inconspicuously fastened, pinned or secured to the head and may not dangle free at any point. Hair length or style shall not interfere with the wearing of headgear. Hair shall be coifed in such a manner as to not cause a hazard around machines or electronic equipment such

as printers and copiers. Long hair may be worn in a bun or similar rolled style to conform to this standard.

Unusual, outrageous, or faddish haircuts are prohibited. These include, but are not limited to, names or symbols cut into the sides or top of the head, unusual shapes such as an arrow, Mohawk style, cornrows, dreadlocks, beaded ends, unusual dyes, colors or tints, etc. The unique quality and texture of curled, kinked, waved and straight hair are recognized.

Ethnic hairstyles, including Afro, are permitted if these styles meet the criteria set forth above, and do not interfere with the proper wearing of headgear.

Wigs or hairpieces may be worn while on duty only for cosmetic reasons to cover natural baldness or physical disfigurement. Wigs or hairpieces must be of good quality and fit, present a natural appearance, conform to the standards set forth in these rules, and fit properly beneath the uniform hat, when applicable. They must not interfere with the proper performance of duty or present a safety or foreign object damage hazard.

Cosmetics may be applied so that colors blend with the natural skin tone. Exaggerated, outrageous, or faddish cosmetic styles are deemed inappropriate and shall not be worn. Lipstick colors shall be conservative and complement the individual. Long false eyelashes shall not be worn when in uniform.

Fingernails shall not exceed $\frac{1}{4}$ " measured from the fingertip, for sworn personnel as it may interfere with the safe discharge of a firearm. Fingernails for non-sworn personnel shall not exceed $\frac{1}{2}$ " measured from the fingertip. Fingernail length shall not interfere with the operation of electronic equipment or adversely effect performance. Nail polish colors shall complement the skin tone. Sworn personnel are prohibited from using nail polish colors that are bright, fluorescent, or that present unusual luminescence or reflection.

The wearing of jewelry is generally limited to only an engagement ring, wedding ring, watch, and medical identification necklace/bracelet. Eccentric, outrageous, or faddish jewelry including, but not limited to, nose rings or studs, tongue rings or studs, eyebrow rings or studs, etc., shall be prohibited. Jewelry shall not present a safety or foreign object damage hazard.

3. Tattoos

Tattoos or similar markings shall not be visible while in uniform. Officers with existing tattoos are exempt from this rule. As of the effective date of this rule and regulation, all officers are prohibited from acquiring a tattoo or similar marking that would not be covered by the standard uniforms. Any officer who receives tattoo or similar marking that is visible while wearing the standard uniform after the effective date of this rule and regulation will be in violation of this rule and regulation. Officers may be subject to discipline and will be required to wear long sleeves during the summer months.

3:4. DEPARTMENT PROPERTY AND EQUIPMENT

Employees are responsible for the proper care of department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

3:4.1 Damaged - Inoperative Property or Equipment

Employees shall immediately report to their supervisor in writing of any loss of or damage to department property assigned to or used by them. The immediate supervisor will be notified of any defects or hazardous conditions existing in any department equipment or property.

3:4.2 Care of Department Buildings

Employees shall not mar, mark, or deface any surface in any department building. No material shall be affixed in any way to any wall in department buildings without specific authorization from the Chief of Police.

3:4.3 Notices

Employees shall not mark, alter, or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of the Chief of Police or unless in conformance with collective bargaining agreements. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order of the police department. Final judgment of improperly posted material will be made by the Chief of Police.

3:4.4 Department Vehicles, Use

Employees shall not use any Township of Berkeley vehicle without the permission of a supervisor.

3:4.5 Operation of Motor Vehicles

Employees driving vehicles of any description, private or of the department shall not violate the traffic law except only 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.

3:4.6 Emergency Calls and Use of Red Light and Siren

Sworn members driving any department vehicle when responding to emergency calls or in pursuit, shall exercise judgment and care with due regard to the safety of life and property. They shall follow department procedure when responding to emergency calls or when engaged in a pursuit.

3:4.7 Transporting Citizens

Such transportation will be done at the direction or permission of a supervisor and shall be logged into the CAD system. All transports of civilians shall be related to official police business only.

3:4.8 Reporting Accidents

On duty accidents and/or crashes involving township personnel, property and equipment, must be reported to the on duty supervisor who will ensure forwarding requirements are met.

3:4.9 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.

3:4.10 Inspection

Departmental property and equipment is and remains the property of the department and is subject to entry and inspection without notice.

3.4.11 Liability

If department property is damaged or lost as a result of misuse or negligence by an employee, that employee may be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.

3:5. COMMUNICATIONS, CORRESPONDENCE

3:5.1 Restrictions

Employees shall:

1. Not use department letterhead stationery for private correspondence.
2. Only send correspondence out of the department over the signature of, or for the Chief of Police with their authorization.

3:5.2 Forwarding Communications to Higher Commands

Any employee receiving a written communication for transmission to a higher command shall, in every case, forward such communication, unless withdrawn by the initiating party. A supervisor receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgment.

3:5.3 Department Address - Private Use Of

Employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any private motor vehicle registration, credit card bills or driver license.

3:5.4 Telephones

Department telephone equipment and electronic devices may not be used for the transmission of messages involving toll charges without the express approval of a commanding officer. Employees must identify their name, rank & professional and appropriately greet the caller.

3:5.5 Radio Discipline

All members of the department operating the police radios shall strictly observe regulations for such operation as set forth in department orders and by the Federal Communications Commission.

3:5.6 Truthfulness

Employees shall not knowingly lie, give misleading information, or falsify oral or written communications in any official report or any type of police related communication when it is reasonable to expect that the information may be relied upon because of the employee's affiliation with this department.

3:6. INVESTIGATIONS

3:6.1 Command of Scene

At the scene of any 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 investigative detail that will follow up the investigation, that senior officer will be in charge, if no supervisor is available. This provision coordinates the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the senior officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

3:6.2 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:

1. Summoning medical assistance and administering first aid as required to prevent further injury or loss of life.
2. Arrest of violator(s)
3. Security of the scene
4. Conducting a preliminary investigation

3:6.3 Responsibilities of Assigned Members at Crime Scenes

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 3:6.2 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.

3:6.4 Identification as Police Officer

Except when impracticable or where the identity is obvious, officers shall identify themselves by oral advisement, displaying the official badge or identification card before taking police action.

3:6.5 Confidential Information

1. Employees shall not reveal any confidential business of the department. They shall not impart confidential information to anyone except those for whom it is intended, or as directed by their supervisor.
2. Employees shall not make known to any person, any department order which they may receive, unless so required by the nature of the order.
3. Contents of any department record or report filed in the police department shall not be exhibited or divulged to any person other than a duly authorized person, except on approval of the Chief of Police, or under due process of law, or as permitted under department regulations.
4. Employees shall not release or expose any employee's home address, home telephone, pager number, cellular telephone number, or personal information to a non-employee without the express permission of that employee.

3:6.6 Compromising Criminal Cases

Employees shall not interfere with the proper administration of criminal justice.

1. Employees shall neither attempt to interrupt the legal process except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.
2. Employees shall not attempt to have any criminal complaint, traffic summons or notice to appear reduced, voided, or stricken from the calendar. This does not include plea agreements arranged by the prosecuting attorney handling the case or other competent court officials.
3. Any employee having knowledge of such action and failing to inform their supervisor thereof shall be subject to disciplinary action.

3:7. ARRESTS

3:7.1 Arrests

Sworn members shall strictly observe the laws of arrest and the following provisions:

1. Arresting officer(s) shall employ only such force that is necessary to accomplish a lawful objective.
2. Arresting officers are responsible for the safety and protection of the arrested person while in their custody. They shall notify the transporting officers of any injury, apparent illness, or other conditions which indicate that the arrested person may need special care.
3. Arresting officers are responsible for the security of the personal property in possession or under the control of the arrested person at the time of arrest. Except for vehicles, this responsibility transfers to the transporting officers when they accept custody of the arrested person.

3:7.2 Assisting Criminals

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

3:8. DETENTIONS

3:8.1 Custody of Prisoners

Employees responsible for the custody of detainees and prisoners shall observe all laws and department orders regarding this activity. Detainees and prisoners shall be kept securely, treated humanely, and shall not be subjected to unnecessary restraint. Detainees and prisoners requiring medical attention shall be provided appropriate medical care.

3:8.2 Use of Derogatory Terms

Employees shall not use derogatory terms when speaking with any individual.

3:8.3 Reports and Bookings

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.

3:8.4 Recommending Attorneys and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, advice, or otherwise counsel the retention of any attorney or bail bond broker to any person, except an immediate family member, coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.

3:8.5 Acting as Bailor Prohibited

Employees cannot act as bailors for any person in custody except immediate relatives and in no case where any fee, gratuity, or reward is solicited or accepted.

3:9. WEAPONS

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

3:9.1 Handling of Weapons

Police officers shall exercise caution and the utmost care in handling weapons on and off duty.

3:9.2 Official Authorization of Weapons

The Chief of Police and/or designee shall approve the carrying and use of all agency authorized weapons, including off duty weapons. (This does not include firearms and weapons used for recreational purposes such as hunting, etc.)

3:9.3 Official Police Weapons

Carrying or possessing personal weapons on duty or during emergencies is prohibited, unless otherwise approved by the Chief of Police. Police officers, who carry and/or employ weapons other than those that have been issued or authorized by the Chief of Police, shall be subject to disciplinary action.

3:9.4 On Duty Holsters

The official police firearm shall be carried only in department authorized holster.

3:9.5 Tampering with Police Weapons

All repairs and adjustments to official police weapons shall be approved by the department supervising firearms instructor. Officers shall not use unauthorized molded grips, special-type grips, or pearl handled grips. Also, they shall not make any change in the trigger pull mechanism or effect any other unauthorized alteration or addition. Grip adapters may be used in special cases, but only after the member first has obtained the approval of the department supervising firearms instructor.

3:9.6 Care of Weapons Off Duty Outside Home

When off duty and outside their home, a police officer may, but is not required, to carry their duty firearm or other authorized firearm. If the officer chooses to carry their personal firearm, they shall keep their personal firearm properly holstered and safe. The firearm must be carried in an approved department holster. The police officer shall also carry their badge and/or department issued photo identification and is strongly encouraged to carry a set of handcuffs.

3:9.7 Care of Weapons Off Duty at Home

Police officers shall keep their agency authorized weapons in a secure place.

3:9.8 Access to Weapons by Minors

Police officers shall ensure that minor children cannot have access to any agency authorized weapon pursuant to ***NJSA 2C:58-15***.

3:9.9 Discharge of Firearm

When a firearm is discharged by a police officer whether on duty or off duty or whether intentionally or accidentally, except for training and recreational use, the police officer shall:

1. Promptly notify the Chief of Police through the chain of command.
2. Destruction of animals requires an investigation report and notification to the supervisor.
3. Discharges at the firing range does not require notification unless it is an accidental discharge at which time the commanding officer shall be notified.

3:9.10 Firing of the Weapon Under Other Circumstances

A police officer may fire their firearm to destroy an animal that is dangerous or that is seriously injured when other means of disposition are unavailable and only when safe to do so.

3:9.11 Loss of the Weapons

Loss of an agency authorized weapon shall be reported immediately to the Chief of Police through the chain of command. Loss of an agency authorized weapon through carelessness or neglect shall be deemed a serious violation of department regulations.

3:9.12 Ammunition Issue

The initial issue and the replacement of ammunition for department issued 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, including training exercises. Only department issued ammunition shall be used.

3:10. PUBLIC ACTIVITIES

3:10.1 Conduct Toward the Public

Employees shall be courteous in their dealings with the public. They shall perform their duties, avoiding harsh, violent, profane or insolent language and shall remain calm regardless of provocation. Upon request, they are required to supply their name, photo identification and operator number in a courteous manner. They shall attend to all reasonable requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3:10.2 Impartial Attitude

All employees must remain completely impartial toward all persons coming to the attention of the department. 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, protected class or influence 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.

3:10.3 Disparaging Nationality, Race, or Creed or Protected Class

Courtesy and civility toward the public and other sworn and civilian members of our department is required. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry or other protected class.

3:10.4 Public Statements

Employees 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 except for those permitted by law.

3:10.5 Subversive Organizations

No employee shall be a member of or connected with any subversive organization except when necessary in the performance of duty and then only under the direction of the Chief of Police. A subversive organization is an organization with the purpose for revolutionary and rebellious acts against a government entity.

3:10.6 Affiliation with Certain Organizations Prohibited

Employees may become members of a fire or auxiliary corps or a first aid unit providing such membership does not interfere with their obligation as a Township of Berkeley employee. Employees shall not affiliate themselves with any organizations whose constitutions impose provisions which might in any way exact prior consideration and prevent the proper and efficient functioning of the department. This prohibition does not apply to the active military or naval services of the United States or of this State, in time of war, in an emergency, or for or during any period of training, or pursuant to or in conjunction with the operation of any system of selective service.

3:10.7 Affiliation with Radical Group

No employees except in the discharge of police-related 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.

3:10.8 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 permission of the Chief of Police. No employee shall utilize the agency name, affiliation, shoulder patch, badge, emblem,

logo, or reasonable facsimile thereof, in furtherance of any personal business, outside employment, venture or objective without the express permission of the Chief of Police.

3:10.9 Public Appearance Requests

All requests for public speeches, demonstrations, and the like, will be routed to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that a party submit their request to the Chief of Police.

3:11 POLITICAL ACTIVITIES

3:11.1 Participating - Political Activities

Employees shall not engage in any political endorsements and/or activities while in uniform or representing Berkeley Township Police Department. No employee shall directly or indirectly use or seek to use their authority or official influence to control or modify the political actions of another person.

3:11.2 Election to Public Office

Employees may run for public office in accordance with New Jersey State Law, but may not campaign nor engage in any activity connected with candidacy for such office during any tour of police duty. Employees shall not display any political material on any governmental property or on their person while on duty or in uniform.

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

3:12.1 Court Appearance

Attendance at a court or quasi-judicial hearing as required by subpoena, resulting from department employment, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials. When appearing in court, either the official uniform or business attire shall be worn. Employees shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court. Police officers assigned to the patrol unit shall wear their required uniform.

3:12.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial, hearing, or against the township or department in any hearing or trial shall notify their supervisor upon receipt of the subpoena. The chain of command shall be used.

3:12.3 Department Investigations - Testifying

Employees are required to answer questions by or render material and relevant statements to a competent authority in a department personnel investigation when so directed.

3:12.4 Truthfulness

Employees are required to be truthful at all times whether or not under oath.

3:12.5 Civil Action, Court Appearance - Subpoena

Employees shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees shall accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that they are a party to a civil action arising out of department employment, they shall immediately notify their supervisor of the service or notification and of the testimony they are prepared to give.

Employees shall not volunteer or agree to testify as an expert witness in civil actions without the prior written approval of the Chief of Police.

3:12.6 Civil Depositions and Affidavits

Employees shall confer with the Chief of Police before giving a deposition or affidavit on a civil case. If the Chief believes that the case is of importance to the Township the Chief may refer the case to legal counsel.

3:12.7 Civil Cases

Employees 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 duties, but shall prevent or abate a breach of the peace or crime in such cases.

CHAPTER 4

PERSONNEL REGULATIONS

4:1.1 Oath of Office

All officers and civilian employees where applicable, before their assignment to duty and prior to their promotion of higher ranks, shall be required to take an oath of office in accordance with NJSA 41:1-1, et seq.

4:2.1 General Qualifications

General qualifications shall be established by the Department of Personnel.

4:3.1 Secondary Employment

Prior to engaging in any outside business or employment, employees shall request permission to do so to the Chief of Police through channels in writing and consistent with current collective bargaining agreements.

4:4.1 Permit for Secondary Employment

No employee of the police department shall engage in secondary employment without advising the Chief of Police. The carrying of a department firearm for the purpose of providing off duty security is prohibited unless authorized by the Chief of Police.

4:5.1 Probationary Period

Appointment of a patrol officer to the police department is for a probationary period of one year after completing required training. Continuation of service is dependant upon conduct of the appointee and their fitness to perform their duties. The probationary period may be extended beyond the 1 year period for an undetermined amount of time depending on the Officer's progress.

4:6. SURRENDER OF DEPARTMENT PROPERTY

4:6.1 Upon Separation from the Department

Employees are required to surrender all department property in their possession prior to separation from the department. Failure to return all department property as requested may result in the filing of criminal charges.

4:6.2 Under Suspension

Any employee under suspension shall immediately surrender their badge, handgun and all other department equipment requested, to their commanding officer pending disposition of the case. Any employee under suspension shall immediately surrender all department or township property in their possession to the commanding officer to which they are assigned.

4:7. COMPENSATION FOR DAMAGES OFF DUTY

Employees who have sustained injury while off duty and who have received salary from the township while injured shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such injury. This notice shall be filed before any action is taken. It shall include the facts of the claim and the name of the respondent.

4:8. DUTY HOURS, DAYS OFF, VACATIONS, ADMINISTRATIVE LEAVE

4:8.1 Hours of Duty

1. Employees of the department shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. They shall, however, be subject to duty as needed.
2. The fact that they may technically be off duty shall not be held as relieving employees from the responsibility of taking proper action on any matter coming to their attention at any time.

4:8.2 Days Off

Employees are entitled to days off which are to be taken according to a schedule arranged by the Chief of Police or designee.

4:8.3 Suspension of Vacation, Personal Day, Compensatory Day, Day Off, or Leave of Absence

Any vacation, personal day, compensatory day, day off, or leave of absence may be suspended when a sudden and serious emergency arises and when, in the judgment of the Chief of Police, such action be taken.

4:8.4 Administrative Leave

The Chief of Police may authorize an employee to be absent from duty with pay for a period of 10 consecutive working days pursuant to Berkeley Township Ordinance. The purpose of administrative leave is to provide for the health and well being of an employee. Administrative leave may be part of the debriefing process that is associated with a major disaster or emergency where there is a great loss of life or serious injury or a life threatening situation that involved the employee during their regular course of duty. Administrative leave is not part of the disciplinary process.

4:9. SICKNESS, INJURY LEAVE, FAMILY AND MEDICAL LEAVE

4:9.1 Reporting Sick or Injured

Employees unable to report for duty because of sickness, injury, or emergency shall make an immediate report to the supervisor on duty in person or by telephone, but not less than two hours prior to the start of a tour of duty. If unable to report, a relative or other responsible person shall notify the supervisor of all pertinent facts either in person or by telephone.

Anyone who remains absent from duty due to injury or sickness for a period of five (5) days, pursuant to the current collective bargaining agreements, shall present their commanding officer with written documentation from a medical doctor. The shift supervisor will check, physically or by phone call, on the sick or injured employee during their regular scheduled tour of duty.

An employee, who has been absent on sick leave for periods totaling fifteen (15) days in one (1) calendar year consisting of periods of less than (5) days, shall submit acceptable medical evidence for any additional sick leave in that year unless such illness is of a chronic or recurring nature requiring recurring absences of one (1) day or less in which case only (1) certificate shall be necessary for a period of six (6) months.

4:9.2 Address of Confinement

Once an employee is on sick or injury leave, they are automatically confined to their primary residence during their regular duty hours. Employees who had reported that they are not in their primary residence are required to remain at the location they indicated they were. This section does not prohibit an employee from relocating to their primary residence to recuperate. Any movement of one's location while on sick leave must be reported to communication, who will make a CAD entry and notify the shift supervisor.

It is recognized that it may become necessary to leave one's location while on sick leave. Reasons include, but are not limited to, physician's visits, hospital visits, physical therapy visits, pharmacy visits, other essential life necessities, or religious obligations. Should it become necessary to leave their location, it must be reported to communication, who will make a CAD entry and notify the shift supervisor.

4:9.3 Sick or Injured on Duty

Employees taken sick or injured on duty shall report the facts to the supervisor and shall remain on duty until relieved, unless excused by a commanding officer. The exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance.

4:9.4 Unauthorized Absence

Employees who absent themselves in an improper manner shall be subject to disciplinary action. Unauthorized absence occurs when employees:

- I. Are not at home or who are not at their place of confinement, while on sick leave.
2. Feign illness or injury.
3. Deceive the physician in any way as to their true condition.
4. Are injured or become sick as the result of improper conduct.
5. Violate any provisions concerning the reporting of sickness or injury.

4:10. MILITARY LEAVE OF ABSENCE

4:10.1 Military Reserve Leave

An employee who is a member of the Armed Forces of the United States shall be entitled to leave of absence from duty without loss of pay or time on all days during which they shall be engaged in field training pending council approval. 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**). Employees on weekend drills shall make arrangements to repay the time by working an extra shift to repay the approved weekend time taken off.

4:10.2 Enlistment or Re-enlistment in National or State Military Organization

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 Chief of Police.

4:10.3 Extended Leave, (Surrender of Department Property)

Before reporting for extended military service, employees of the department shall surrender all requested department property held by them to their commanding officers.

4:10.4 Field Training Leave

Employees going on military leave for field training must notify the supervisor at least thirty (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 (5) days prior to the date they are to report for duty.

Injuries sustained while on active duty, active duty training, or inactive duty training must be promptly reported to this department as it may impact upon work performance. Copies of any medical or treatment forms must accompany the notification report.

Military disciplinary action resulting from active duty, active duty training, or inactive duty training must be promptly reported to this department.

4:11. DEATH AND INJURY NOTIFICATIONS

4:11.1 Death or Serious Injury

When an employee is seriously injured on or off duty, their immediate supervisor will, as soon as possible, verbally notify the Chief of Police or designee acting in the Chief's absence. This will be followed by a written report no later than the following workday. Information shall include the date, location, cause, extent of injuries, and property damage. Serious injury in this instance means any injury which could result in death or disability. Any employee receiving notice of the death of any employee shall notify their supervisor who shall ensure that the Chief of Police is advised.

4:11.2 Non-serious Injury

In cases where the injuries are other than of a serious nature, a written memorandum will be submitted as soon as practical following the incident, including all information required above. These reports are in addition to those accident and sick reports otherwise required.

4:11.3 Notification of Family

The family of an employee killed or seriously injured on duty, shall be notified, in person, immediately by the highest ranking member available.

4:12. RESIGNATION

4:12.1 Resignation to be in Writing

All resignations must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police not less than fourteen (14) days written notice.

4:12.2 Resignation Prohibited While Charges are Pending

Employees are prohibited from resigning while charges are pending against them unless authorized by the Chief of Police.

CHAPTER 5

DISCIPLINARY REGULATIONS

5:1 DISCIPLINARY ACTION

5:1.1 Disciplinary Action

Department 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 of the department; 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 department. 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 department. The proper use of discipline can achieve this objective without realizing a reduction in morale.

5:1.2 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 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 department, or in laws and ordinances within the cognizance of the department.

5:2 DEPARTMENT AUTHORITY TO DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, administrative regulations, Department of Personnel rules and municipal ordinance.

5:2.1 Penalties

The following actions may be taken regarding any conduct felt to be in violation of any policy, procedure, rule and regulation of the police department.

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

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

- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

Counseling - Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. The final disposition notice regarding the discipline shall be filed in the employee's personnel file. There are no appeal rights from the requirement for counseling. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

Oral Reprimand - In some cases, the misconduct may warrant more than counseling, but less than a written reprimand. In those instances, a report of the offense shall be documented and issued to the employee as an oral reprimand. The final disposition notice regarding the discipline shall be filed in the employee's personnel file. There are no appeal rights for oral reprimands. An oral reprimand is more than counseling, but less than a written reprimand. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

Written Reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the officer as a written reprimand. The final disposition notice regarding the discipline shall be filed in the employee's personnel file. There are no appeal rights from the requirement for a written reprimand. A written reprimand is more than an oral reprimand, but less than formal discipline outlined below. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

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 department. The following disciplinary actions may be taken in accordance with **NJAC 4A:2-2**, **N.J.S.A. 40A:14-149**, and applicable case law.

- Monetary fine; **(only when suspension would be detrimental to public safety and agreed upon by the employee, see NJSA 11A: 2-20)**
- Transfer/reassignment;
- Suspension without pay;
- Loss of promotion opportunity;
- Demotion;
- Termination.

5:2.2 Appeals Procedure

The appeals procedures in a disciplinary action shall be consistent with **NJAC 4A:2-1 et seq.**, personnel manual and current collective bargaining agreements.

5:2.3 Emergency Suspension

Any supervisor shall have the authority to impose emergency suspension until the next business day against an employee when it is determined that one of the following conditions exists:

1. The employee is unfit for duty; or
2. The employee is a hazard to any person if permitted to remain on the job; or
3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
4. The employee has been formally charged with a first, second or third degree crime; or
5. The employee has been formally charged with a first, second, third or fourth degree crime while on-duty, or a criminal act related to their employment.

5:2.4 Emergency Interdivisional Disciplinary Action

When the improper conduct of an employee of one unit is of such a nature that immediate or emergency disciplinary action is required of a supervisor of another unit, such action may be taken at once within the following limitations:

1. Oral reprimand
2. Emergency suspension until the next business day

5:2.5 Interdivisional Oral Reprimand

When the supervisor of one division, section or unit orally reprimands an employee of another division, section or unit, they shall notify the supervisor of the employee. They shall also submit a written report of this action and reason therefore, to their supervisor and also to the supervisor of the employee.

5:2.6 Follow-up Emergency Suspensions

The suspended employee shall report to the Chief of Police by 0900 hours on the next business day, along with the supervisor imposing the suspension to conduct a Loudermill hearing.

5:2.7 Reports of Disciplinary Action Taken or Recommended

Whenever disciplinary action is taken or recommended a written report must be submitted immediately containing the following information:

1. The name, rank, badge (or ID) number, and present assignment of the person being disciplined, and signature of notification.
2. The date and time of the misconduct and location.
3. The section number of the violated rule and common name of the infraction.
4. A complete statement of the facts of the misconduct.
5. The punishment imposed or recommended.
6. The written signature, badge number, and rank of the preparing officer and their position in relation to the member being disciplined.

5:2.8 Distribution of Reports of Disciplinary Action

Reports shall be distributed as follows by the officer imposing or recommending the disciplinary action:

1. To the Chief of Police through the chain of command.

5:2.9 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 employee shall alter or cause to be altered or withdrawn any disciplinary report except by the employee initiating the report. The initiating employee shall have the affected employee initial the report, indicating they have 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 department directives.

5:2.10 Informing the Person Being Disciplined

The employee being disciplined shall be informed of the charges, in writing, as provided by **N.J.S.A. 40A:14-147**.

5:2.11 Misconduct Observed by Police Personnel

Whenever any command or supervisor observes or is informed of the misconduct of another employee which indicates the need for disciplinary action, they shall take authorized and necessary action in compliance with procedures **5:2.5** and **5:2.6** of the Rules and Regulations.

5:3. CITIZEN COMPLAINTS AGAINST POLICE PERSONNEL

Complaints by citizens against members or employees of the department shall be processed in accordance with the following rules:

5:3.1 Channeling of Complaints

The Chief of Police shall be notified of all complaints against police personnel and shall ensure that investigation of complaints against members or employees shall be conducted as outlined in the department's Internal Investigation Policy and Procedures.

5:3.2 Internal Complaint Form

The Internal Complaint Form will be completed by all sworn personnel.

1. Any complaints received against any employee are to be reported as soon as practical to the Internal Affairs Unit.

5:3.3 Serious Complaints or Allegations

If, in the opinion of the supervisor, the incident is of sufficient gravity, they shall notify the Chief of Police regardless of the hours. In addition, they shall take any immediate action necessary to preserve the integrity of the department until the arrival of the commanding officer.

5:3.4 Investigation of Alleged Misconduct

The person assigned to the investigation of an alleged act of misconduct on the part of an employee of the department, shall conduct a thorough and accurate investigation.

Such investigation shall include signed statements from all parties concerned when necessary and pertinent, the gathering and preservation of any physical evidence pertaining to the case, and all other information bearing on the matter.

5:3.5 Reports of Investigation of Alleged Acts of Misconduct

An alleged act of misconduct must be investigated, and the results of the investigation must be submitted in a written report. The investigator shall summarize the pertinent facts including:

1. A summary of the complaint or alleged act of misconduct.
2. Pertinent portions of the statements of all parties to the incident.
3. A description of the incident, physical evidence, and other evidence important to the case.
4. The observations and conclusions of the investigator.