

SEASIDE HEIGHTS POLICE DEPARTMENT



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CHAPTER 1

INTRODUCTION

1:1. Establishment of the Seaside Heights Police Department

1:1.1 Legal Authorization

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

1:1.2 Borough Ordinance

The Police Department is established by authority of **Chapter 166.1**, of the Borough Code of Seaside Heights, entitled, "Establishment".

1:1.3 Rules and Regulations Established

The Rules and Regulations are adopted pursuant to the Borough Code of Seaside Heights for the government, discipline, administration and operation of the Borough of Seaside Heights Department.

1:1.4 Right to Amend or Revoke

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

1:1.5 Previous Rules and Regulations, Policies and Procedures

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

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and 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 and regulations are applicable to all employees of the Seaside Heights Police Department, where appropriate.

1:3.2 Distribution

One copy of these rules and regulations 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 and regulations, including all additions, revisions and amendments as issued.

1:3.4 Familiarization

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

1:4 DEFINITIONS

1:4.1 Acting

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

1:4.2 Administrative Leave

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

1:4.3 Administrator

Administrator of the Borough of Seaside Heights.

1:4.4 Annual Leave

Vacation period and personal days granted to all employees annually in accordance with the current collective bargaining agreement, the Personnel Policy and Procedures Manual of the Borough of Seaside Heights or other employment agreements.

1:4.5 Appropriate Authority

As defined and designated by authority of **Chapter 166.10**, of the Borough Code of Seaside Heights pursuant to **N.J.S.A. 40:A14-118(e)**.

1:4.6 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 and regulations, 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 and regulations.

1:4.7 Borough

The Borough of Seaside Heights, New Jersey.

1:4.8 Bureau

A unit immediately subordinate to a Division.

1:4.9 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.

1:4.10 Commanding Officer

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

1:4.11 Days Off

Those days determined by the Chief of Police, or designee, on which a given employee is excused from Duty.

1:4.12 Department

The Borough of Seaside Heights Department of Police.

1:4.13 Detail

A temporary assignment of personnel for a specialized activity.

1:4.14 Detective

A police officer assigned to conduct criminal investigations while in civilian clothing.

1:4.15 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. Special orders are automatically canceled when their objectives are achieved. 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. A special memorandum includes but is not limited to: bulletins containing information regarding wanted persons, and property, crime patterns, and other incidents calling for police attention, special notices, etc. The Chief of Police shall approve all special memorandums prior to issuance by command level personnel.

1:4.16 Division

A functional unit having jurisdiction-wide coverage whose commanding officer reports directly to the Chief of Police or designee, as designated by the Department's rank structure, used interchangeably with shift herein.

1:4.17 Employee

All employees of the department, whether sworn regular, special police officers or civilian employees.

1:4.18 Gender

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

1:4.19 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.

1:4.20 Headquarters

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

1:4.21 Incompetence

Incapable of satisfactory performance of duties for non-medical reasons.

1:4.22 Insubordination

Failure or deliberate refusal of any 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.

1:4.23 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, ordinance or any rule and regulation.

1:4.24 Leave of Absence

The period of time during which an employee is excused from active duty and during which time no pay is received as approved by the governing body or pursuant to Borough Policy, or State and Federal Law.

1:4.25 May

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

1:4.26 Member

Any duly appointed police officer of the Department.

1:4.27 Military Leave

The period of time during which an employee is excused from duty by reason of serving the armed forces of the United States in an active capacity as provided by law.

1:4.28 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.

1:4.29 Off Duty

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

1:4.30 Officer in Charge

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

1:4.31 Official Channels

Through the chain of command.

1:4.32 On Duty

The status of a member during the period of day when actively engaged in the performance of duty.

1:4.33 Order

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

1:4.34 Police Officer

A sworn employee of the police department below the rank of Sergeant.

1:4.35 Plurality of Words

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

1:4.36 Probationary Police Officer

Any member of the Police Department serving a working test period prior to permanent appointment to Police Officer.

1:4.37 Section/Squad

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

1:4.38 Senior Officer

A member in any given rank with the longer service in that rank. Seniority in the Department is established first by rank and secondly by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the Department of Personnel list from which the appointments were made is deemed to be the senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer.

1:4.39 Sergeant

Sergeant of Police of the Department.

1:4.40 Shall/Will

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

1:4.41 Shift

Any assigned tour of duty pursuant to existing collective bargaining agreements.

1:4.42 Shift Commander

The supervisory officer on a shift.

1:4.43 Should

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

1:4.44 Sick Leave

The period of time during which an employee is excused from active duty by reason of illness or injury by the Commanding Officer or Officer in Charge in absence of the Commanding Officer.

1:4.45 Special Duty

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

1:4.46 Special Police Officer

Persons vested with special police authority pursuant to **N.J.S.A. 40A:14-146**.

1:4.47 Staff Supervision

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

1:4.48 Subordinate

A member lower in rank than his superior officer.

1:4.49 Superior Officer

A person holding a rank of Sergeant or above.

1:4.50 Suspension

Suspension is the act of temporarily denying an employee the privilege of performing their duties, and relieving them from the duty with or without pay for a period of time, in consequence of alleged dereliction or violation of any law, ordinance or any rule and regulation.

1:4.51 Tense of Words

The words used in the present tense include the future.

1:4.52 Tour of Duty

The shift during which an individual member is on duty.

1:4.53 Unit/Squad

Smallest component part subordinate to a bureau, division or section. Any number of employees of the Department regularly grouped together under one head to accomplish a law enforcement task.

1:4.54 Working Test Period

Each employee shall be required to serve a working test period prior to permanent appointment to the Department.

1:4.55 Zone/Sector

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

1:5 CODE OF ETHICS

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

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

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my 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**.

1:6 MISSION STATEMENT

In partnership with our community, and while affording dignity and respect to all persons, our mission is to promote a safe and secure community, improve the quality of life of our citizens, and develop our members to their greatest potential.

1:7 VALUE STATEMENT

The Seaside Police Department will be guided by our core values in pursuit of our mission. Our core values are:

SERVICE - We provide service in a courteous, efficient, and accessible manner. We foster community and employee involvement through problem-solving partnerships. Recognizing and responding with sincerity to those in need of our services.

ETHICS – We will continue to build trust with our community and within our department through honesty and integrity in our decision-making.

ACCOUNTABILITY - We are proud of our profession and will ensure that our members are dedicated, highly trained and capable of handling the daily demands of the law enforcement profession. We promote a collaborative environment for sharing information, resources, assistance and expertise.

SUPPORT – We believe in a partnership of support between the police and the community that we serve. We will continue to strengthen that support by developing new outreach programs and expand existing ones.

INTEGRITY - We have committed ourselves to elevated standards of trust, responsibility and discipline while promoting justice in a fair and impartial manner. We will earn the trust, respect and support of the citizens through active partnership, involvement and service to the community we serve.

DEDICATION - We are dedicated to ourselves, our department, and to the community and citizens that we serve. We will treat all persons in a dignified and courteous manner, and exhibit understanding of ethnic and cultural diversity, in both our professional and personal endeavors. We guarantee to uphold the principles and values embodied in the constitutions of the United States and the State of New Jersey.

EXCELLENCE - We are proud of the reputation our department has built over the years and are committed to continuing this through diligence and hard work.

CHAPTER 2

ORGANIZATION

2:1 RANK

2:1.1 Rank Established

Rank in the Seaside Heights Police Department shall be established pursuant to **Chapter 166.2**, of the Borough Code of Seaside Heights.

2:1.2 Rank and Seniority

Rank and seniority shall be established in accordance with 1:4.38.

2:1.3 Authorized Strength

The official strength of the Seaside Heights Police Department shall be authorized by ordinance as approved by the Borough Council. 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 lesser ranking officer can serve for an interim period. Any personnel of the Police Department so assigned on an interim basis, will do so as provided within the existing collective bargaining agreements.

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 members 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. Employees 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 and regulation, 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 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 the chain of command. 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. All solicitations must stay within the perimeters of Federal and State law, directives from the Office of the New Jersey 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. No employee of the department shall receive any gift or gratuity from other employees junior in rank without the express permission of the Chief of Police.

3:1.22 Other Transactions

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their department employment except as may be specifically authorized by the Chief of Police. Employees are further prohibited from bidding, purchasing, or having any financial interest in any property and equipment available for sale by the Borough of Seaside Heights.

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.

3:1.25 Intercession - Soliciting

Employees shall not solicit anyone to intercede with the Chief of Police, Appropriate Authority, Mayor or members of the Borough Council in relation to promotion, assignments, disposition of pending charges, or findings in a department trial or other related matter. This shall not preclude, however, an employee's right to legal counsel or Union representative.

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.

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 and Regulations or Orders

Employees knowing of other employees violating laws, ordinances, or rules and regulations 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 perform their duties to the best of their abilities at all times.

3:1.32 Respect

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

3:1.37 Debt – Incurring and Payment

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall not solicit other employees to cosign or endorse any promissory note or other loan.
3. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.

3:1.38 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.

3:1.39 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil unions during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees shall be transferred to another position. Such transfers shall be made in accordance with applicable collective

bargaining agreements. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the supervisor's commander. Failure to report such a relationship may subject the involved employees to discipline.

3:1.40 Action Off Duty

While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey Law and Department Policy.

3:1.41 On-line Social Network/Personal Web Page

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

1. Employees shall not express personal opinion as official agency policy or position.
2. Any item, object, or material that could be used or misconstrued as official agency sanctioned property shall not be used or depicted on any personal Internet posting without the express written permission of the Chief of Police.
 - a. These items, objects, or materials include, but are not limited to: photographs, images, reproductions or other depictions of agency uniforms, badges, patches, equipment, weapons, marked or unmarked units, reports, evidence, crime or crash scenes, etc.

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, loafing, idling;
2. Recreational reading (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose;
5. Smoking 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;
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/Internet outlet without the express written permission of the Chief of Police;
11. Audio recording which is not connected with an official investigation or duties is prohibited;
12. Employees are forbidden to secretly videotape or record personal conversations with other employees anywhere in Headquarters. The exception to this is for an Internal Affairs investigation or otherwise authorized by the Chief of Police;
13. 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. Sworn employees shall not drink any kind of intoxicating beverage while in uniform. An employee, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons therefore and the amounts consumed.
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, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.
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. This provision does not include establishments with a separate dining area where the serving of alcoholic beverages is not the primary function (e.g. certain diners and restaurants which have a liquor license).

7. Employees shall not bring into or keep any intoxicating liquor or drugs on department premises except when necessary in the performance of a police related task. Liquor or drugs brought into department premises in the furtherance of a police related 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. Employees of the Department shall not consume alcoholic beverages within eight hours prior to reporting for duty.
10. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.
11. The Division of Alcoholic and Beverage Control (ABC) prohibits the employment of police officers who are employees of the local force in the municipality where the licensed business is located. Hence, members of the Seaside Heights Police Department may not be employed by a business located in the Borough which is licensed to sell alcoholic beverages in this State. However, ABC laws and regulations do not prohibit members of the Seaside Heights Police Department from being employed by such licensed businesses which are located outside the Borough.
12. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
13. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.
14. No employee shall operate a Borough vehicle after having consumed 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 in excess of one day must be reported in writing to the Chief of Police. Any member who is absent without leave for a continuous period of 5 days shall forfeit their position in the department, pursuant to **N.J.S. 40A:14-122**.

3:2.4 Roll Call

Unless otherwise directed, members shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement.

3:2.5 Physical and Mental Fitness for Duty

Police officers shall maintain sufficient physical and psychological condition in order to handle the core functions required of a law enforcement officer, and shall immediately report their inability to perform the core functions of a law enforcement officer to their supervisor.

Employees displaying conduct that may be harmful to themselves or others shall be reported to the Chief of Police and Supervisor immediately.

3:2.6 Loitering

Sworn employees on duty or in uniform shall not enter theaters or other public places except to perform a police related task. Loitering and unnecessary conversation in such locations are forbidden. Employees off duty and not on any official standby shall not loiter in Police Department areas.

3:2.7 Smoking

Employees shall not smoke on duty while in direct contact with the public nor when in or out of uniform in public view, except that smoking is permitted in public view at meal times. There shall be no smoking in police headquarters or in police vehicles. These areas are non-smoking areas.

3:2.8 Relief

Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.

3:2.9 Suspending Patrol for Meal or Break

1. Members, while on lunch/meal breaks, must have their portable radios "ON" to monitor the activities of the shift and to ensure immediate radio contact, if necessary.
2. Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift, but only such period of time shall be allowed therefore as is reasonably necessary, and not to exceed thirty minutes. The member shall arrange to suspend patrol only at such time as it will cause the least interference with his regular duties.
3. Members are to arrange to take meals and coffee breaks at times during the shift so not more than one (1) unit is at anyone (1) location at the same time, unless approved by the Shift Commander.

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 Reports

Employees shall promptly submit such reports as are required by the performance of their duties or by competent authority. If a report is not completed prior to the end of the shift, the employee, with the approval of the Shift Supervisor, may complete the report on overtime. If the Shift Supervisor deems that it is not urgent, a note with an anticipated completion date will be attached to the report.

3:2.12 Inspections

From time to time the Chief of Police may call for full dress inspections of the department or any part therefore. Sworn employees directed to attend such inspections shall report in the uniform

prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as absence without leave.

3:2.13 Courtesy

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

3:2.14 National Colors and Anthem

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

3:2.15 Possession of Keys

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

3:2.16 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.)

3:2.17 Personal Portable Radios

The use of portable radios and any other form of entertainment, other than equipment authorized by the Department, is prohibited while on duty.

3:2.18 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.

3:2.19 Substance Testing

1. Employees may 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. Any employee who serves as a witness on behalf of the collective bargaining unit or is otherwise required to witness the selection of employees for testing must maintain confidentiality. Anyone who discloses the identity of an employee selected for random testing, or the fact that a random selection is scheduled to take place prior to the collection of urine samples, will be subject to discipline.

3:2.20 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 employees 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 employees 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 employee is assigned.

3:3.3 Wearing or Carrying Badge

An employee, 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 department photo identification on their person if they are carrying a firearm. On duty plainclothes officers shall have in their possession their department issued badge and department issued photo identification at all times unless in an undercover assignment.

3:3.4 Wearing of Name Plate

A sworn employee, 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 employees 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 employee 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 employees 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 employee will carry or have in their immediate possession their badge and the photo identification card.

3:3.9 Civilian Clothing - Manner of Dress

Employees shall wear proper civilian attire to meet the task objective such as court, and training assignments. The employees may wear corporate casual or traditional business attire as prescribed by the Chief of Police.

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.

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. 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, unusual dyes, colors or tints, etc.

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 regulation, 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 earrings shall be prohibited while in uniform. Eccentric or faddish jewelry including, but not limited to, nose rings or studs, tongue rings or studs, eyebrow rings or studs, etc., shall be prohibited. While in uniform, only one ring per hand is permitted. While in uniform, neck chains shall not be worn on the outside of the uniform.

2. 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, unusual dyes, colors or tints, etc.

When worn, hair ornaments shall not present a safety or foreign object damage hazard. Banana clips, combs, and sharp pins are not authorized. Barrettes similar to the hair color may be used to pin up hair.

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 regulations 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 ¼" 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 ½" 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 earrings shall be prohibited while in uniform. Eccentric or faddish jewelry including, but not limited to, nose rings or studs, tongue rings or studs, eyebrow rings or studs, etc., shall be prohibited. While in uniform, only one ring per hand is permitted and is in addition to any wedding ring. While in uniform, neck chains shall not be worn on the outside of the uniform.

3. Tattoos

Tattoos, similar markings or brands cannot be on the head, face, or neck. They cannot be vulgar, indecent, sexist, and racist or incite libidinous thoughts.

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 Borough vehicle without the permission of a supervisor.

3:4.5 Operation of Motor Vehicles

Operation of Motor Vehicles -Members and employees, when driving vehicles of any description, private or the Department, shall not violate the traffic laws, 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 Transporting Citizens

Such transportation will be done at the direction or permission of the shift supervisor.

3:4.7 Reporting Accidents

On duty accidents and/or crashes involving Borough personnel, property and equipment, must be reported immediately to the immediate supervisor and commanding officer. It shall be the duty of the Shift Supervisor to cause an investigation to be made of same, and a written report made to the Chief of Police.

1. Whenever an employee is involved in any accident or cause any damage while operating a motor vehicle in which a violation of the law is charged against the employee, he/she shall report the accident or damage to the Shift Supervisor immediately. A copy of the official report will be forwarded to the Chief of Police.

3:4.8 Presumption of Responsibility

In the event that Borough 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.

3:4.9 Inspection

Departmental property and equipment is and remains the property of the department and is subject to entry and inspection without notice, including, but not limited to, lockers, desks, filing cabinets, computers, and department vehicles.

3.4.10 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.

3.4.11 Responsibility for General Appearance and Maintenance

A driver shall be responsible for the general appearance and cleanliness of their assigned vehicle. The driver will further insure that all necessary equipment is present and in proper working condition.

3.4.12 Parking of Departmental Vehicles

It shall be the responsibility of any member operating a department vehicle to see that it is properly parked off the traveled portion of the highway at a crime scene, fire, etc., unless such vehicle is being used to light the scene, create a road block, or under other extenuating circumstances. When the vehicle is parked at Headquarters, it will be backed into its assigned stall and secured.

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 proper 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 or delivery drop site for private purposes. The department address shall not be used for any private motor vehicle registration or driver license.

3:5.4 Telephones/Electronic Devices

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 & assignment when answering the telephone.

3:5.5 Contracts

No employee shall make any contract on the part of or purchase any articles for use by the Department without first having obtained the authorized consent of the Chief of Police.

3:5.6 Radio Discipline

All employees 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.

3:5.7 Truthfulness

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

3:5.8 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, or personal information to a non-employee without the express permission of the Chief of Police.

3:6. PUBLIC ACTIVITIES

3:6.1 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 names, photo identification and badge numbers 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.

3:6.2 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.

3:6.3 Disparaging Nationality, Race, or Creed or Protected Class

Courtesy and civility toward the public is required of all employees of the department. 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.

3:6.4 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.

3:6.5 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.

3:6.6 Affiliation with Certain Organizations Prohibited

Employees may become members of a fire department, auxiliary corps, first aid unit or other civic organization provided such membership does not interfere with their obligation as department 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.

3:6.7 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 individual or group.

3:6.8 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, 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.

3:6.9 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.

3:7 POLITICAL ACTIVITIES

3:7.1 Participating - Political Activities

Employees shall not engage in political activity while on duty or while in uniform or at any time if to do so would conflict with their duties or impair their ability to perform their duties. 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.

3:7.2 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.

3:7.3 Non-partisan Activities - Limitation

Police officers may engage in non-partisan political activities except when such activities will impair or harm the operation or discipline of the Department.

3:7.4 Soliciting Prohibited

Employees of the Department shall not solicit contributions for political purposes while on duty nor shall they interfere with or misuse the influence of their office for political reasons.

3:7.5 Contributions

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

3:7.6 Polling Duties

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

3:7.7 Displaying of Political Material

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

3:8. JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCE AND TESTIFYING

3:8.1 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.

3:8.2 Testifying for the Defendant

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

3:8.3 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.

3:8.4 Truthfulness

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

3:8.5 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 Ocean County Prosecutor and the Chief of Police.

3:8.6 Civil Depositions and Affidavits

Employees shall confer with their commanding officer before giving a deposition or affidavit on a civil case. If a commander determines that the case is of importance to the Borough, they shall inform the Chief of Police before the deposition or affidavit is given.

3:8.7 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. SURRENDER OF DEPARTMENT PROPERTY

4:1.1 Upon Separation from the Department

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

4:1.2 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 Borough property in their possession to the commanding officer to which they are assigned.

4:2. DUTY HOURS, DAYS OFF, VACATIONS, ADMINISTRATIVE LEAVE

4:2.1 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.

4:2.2 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.

4:2.3 Suspension of Vacation, Day Off, or Leave of Absence

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

4:2.4 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. 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.

4.3. SICKNESS, INJURY LEAVE, FAMILY AND MEDICAL LEAVE

4:3.1 Reporting Sick or Injured

Employees unable to report for duty because of sickness or injury shall make an immediate report to the supervisor on duty in person or by telephone, but not less than one hour prior to the start of a tour of duty, stating their reason illness or injury, which prohibit reporting for 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 in excess of three (3) consecutive days or more shall present certification that a physician has examined the employee. Any employee who has been absent from duty for a continuous period longer than ten days shall furnish the Borough with their physician's medical report certifying that the employee is physically fit to return to regular duty.

4:3.2 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 their 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, their supervisor must be notified.

4:3.3 Sick or Injured on Duty

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

4:3.4 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. No employee shall, while on sick leave, travel or participate in any activity, unless authorized in writing by a physician.
5. Any employee reporting ill for a tour of duty shall not be eligible for any overtime until sixteen hours after the completion of the reported shift of illness/injury.

6. Are injured or become sick as the result of improper conduct; or
7. Violate any provisions concerning the reporting of sickness or injury.

4:4. MILITARY LEAVE OF ABSENCE

4:4.1 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 in accordance with all applicable federal, state and local statutes and policies.

4:4.2 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.

4:4.3 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.

4:4.4 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.

4:5. RESIGNATION

4:5.1 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.

4:5.2 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. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

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/CORRECTIVE ACTION

5:2.1 Discipline Authority

1. Under the provisions of N.J.A.C. 4A:2-2.3, employees, regardless of rank, shall be subject to disciplinary action for:
 - a. Incompetency, inefficiency or failure to perform duties;
 - b. Insubordination;
 - c. Inability to perform duties;
 - d. Chronic or excessive absenteeism or lateness;
 - e. Conviction of a crime;
 - f. Conduct unbecoming a public employee;

- g. Neglect of duty;
 - h. Misuse of public property, including motor vehicles;
 - i. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
 - j. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder; and
 - k. Other sufficient cause.
- 2. Violations of any of the causes listed above may subject an employee to progressive discipline up to and including dismissal.
 - 3. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.
 - 4. All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, administrative regulations, Civil Service Commission rules and municipal ordinance.
 - 5. Major Discipline
 - a. Major discipline shall include:
 - 1) Removal;
 - 2) Disciplinary demotion;
 - 3) Suspension or fine for more than five (5) working days;
 - 4) Suspension or fine for five (5) working days or less where the aggregate number of days suspended or fined in any one calendar year is fifteen (15) working days or more;
 - 5) The last suspension or fine where an employee receives more than three (3) suspensions or fines of five (5) working days or less in a calendar year.
 - b. Major discipline shall be administered under the provisions of N.J.A.C. 4A:2-2 et seq., N.J.S.A. 40A:14-149, and applicable case law.
 - 6. Minor Discipline
 - a. Minor discipline includes discipline from verbal reprimand to a suspension (or equivalent fine) of five working days or less.
 - b. Minor discipline shall be administered under the provisions of N.J.A.C. 4A:2-3.1 et seq., N.J.S.A. 40A:14-147, collective bargaining agreements, and applicable case law.

5:2.2 Progressive Discipline

A system of progressive discipline shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established in N.J.A.C. 4A:2-1 et seq. Basic guidelines include:

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

Verbal Reprimand - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, a minor infraction 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 a written verbal reprimand. There is no right to a hearing for a written verbal reprimand, unless provided for in the current collective negotiations agreement. This form of discipline shall remain in the file for a period six months after which it will be placed in the Internal Affairs file indefinitely.

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 employee as a written reprimand. There are no appeal rights for written reprimands except as may exist under applicable collective negotiations agreements. This form of discipline shall remain in the file for a period of six months after which it will be placed in the Internal Affairs file indefinitely.

2. Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:
 - a. Monetary fine; (only when suspension would be detrimental to public health, safety or welfare and agreed upon by the employee, see N.J.S.A. 11A: 2-20)
 - b. Suspension without pay;
 - c. Demotion;
 - d. Termination.
3. Such actions are taken when an employee's performance deficiency is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior.
4. All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

5:2.3 Corrective Action

A system of corrective action (non-disciplinary action) may be used, wherever appropriate and practicable in addressing performance issues. Basic guidelines include:

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

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

- Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic law enforcement practice and department written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. There are no appeal rights for counseling notices except as may exist under applicable collective negotiations agreements. This action shall remain in the file for a period of six months after which it will be placed in the Internal Affairs file indefinitely.

5:2.4 Appeals Procedure

1. Appeals from penalties imposed as a result of discipline or corrective action may be taken as provided in the personnel policies, ordinance and New Jersey Civil Service Commission regulation and laws of the State of New Jersey.
2. Appeal to Civil Service Commission
 - a. Any employee of the department who has been tried and convicted upon any disciplinary charge or charges may obtain review by the Civil Service Commission pursuant to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:2-1.1 et seq.
 - b. Disciplinary charges appealed to Civil Service Commission transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with N.J.A.C. 1:1-1.1 et seq.

5:2.5 Employee Files

It is incumbent upon the employee to notify the Chief of Police to remove the final disposition notice from the file.

5:2.6 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.

5:2.7 Informing the Person Being Disciplined

The employee being disciplined shall be informed of the charges, in writing and granted all procedural rights and safeguards in accordance with **N.J.S.A. 11A:2-1 et seq.** and **N.J.A.C. 4A:2-1.1 et seq.**, and **N.J.S.A. 40A:14-147 to 151.**