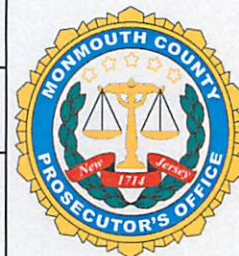


MONMOUTH COUNTY PROSECUTOR'S OFFICE

VOLUME: 01

CHAPTER: 02

OF PAGES: 36



SUBJECT: RULES AND REGULATIONS

EFFECTIVE DATE:
December 30, 2020

**ACCREDITATION
STANDARDS:**
1.1.1d, 1.4.1, 1.4.3, 1.5.2b

REVISION DATE	PAGE #
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10/09/15	3-7, 9, 10, 13, 16, 18-25, 28, 32, 33
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UNDER THE AUTHORITY OF:
Prosecutor Christopher J.
Gramiccioni

11/16/15	6
2/21/17	23
2/12/19	18, 25, 26, 29

BY THE ORDER OF:

12/30/2020	ALL
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SUPERSEDES ORDER #:

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CHAPTER 1

INTRODUCTION

1:1 Establishment of the Monmouth County Prosecutor's Office

1:1.1 Legal Authorization

The Monmouth County Prosecutor's Office is established pursuant to the state statutes and the Constitution of the State of New Jersey.

1:1.2 Rules and Regulations Established

The Monmouth County Prosecutor hereby adopts and promulgates the agency's Rules and Regulations, known as the Monmouth County Prosecutor's Office Rules and Regulations (hereinafter, the "Rules and Regulations").

1:1.3 Right to Amend or Revoke

The Prosecutor reserves the right to amend or revoke any of the Rules and Regulations contained herein.

1:1.4 Previous Rules and Regulations, Policies and Procedures

All Rules and Regulations previously issued are hereby revoked. The policies and procedures of the Monmouth County Prosecutor's Office are contained within the Agency's policies, procedures and directives and the County of Monmouth Employee Guide.

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 REGULATIONS MANUAL

1:3.1 Application

These Rules and Regulations are applicable to all employees of the Monmouth County Prosecutor's Office. Where the Rules and Regulations apply to both sworn and civilian personnel, the term employee shall be used. However, where the Rules and Regulations apply only to sworn law enforcement personnel, the term Detective, officer, law enforcement officer, Assistant Prosecutor or the like shall be used.

1:3.2 Distribution

One copy of these Rules and Regulations shall be distributed to and acknowledged by each employee of the Monmouth County Prosecutor's Office.

1:3.3 Responsibility for Maintenance

It is the continuing responsibility of each employee to maintain a 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 Rules and Regulations. Ignorance of any provision of the Rules and Regulations will not be a defense to a charge of a violation of the Rules and Regulations. 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 Agency

The Monmouth County Prosecutor's Office shall be hereinafter referred to as the "Monmouth County Prosecutor's Office" or the "Agency."

1:4.2 Agent

A civilian member of the Monmouth County Prosecutor's Office whose duties and responsibilities are delineated by the Prosecutor or his/her designee.

1:4.3 Assistant Prosecutor

A duly sworn lawyer appointed by the Prosecutor of this County pursuant to N.J.S.A. 2A:158-15.

1:4.4 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 Agency 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.

1:4.5 Chain of Command

Vertical lines of communication, authority and responsibility within the organizational structure of the Agency. The Chain of Command in the Investigation Division is the unbroken line of authority extending from the Prosecutor to the Chief of Detectives, and thereafter through a single subordinate at each level of command down to the level of execution and vice versa.

1:4.6 Days Off

Those days determined by the Prosecutor or his/her designee on which a given employee is excused from duty. This shall include approved holidays that have been established by the County of Monmouth and/or current collective bargaining agreements.

1:4.7 Detective/Investigator

A sworn member of the Prosecutor's Office assigned to the Investigation Division who maintains police powers and first responder obligations. The title of Investigator is found in the unclassified service designation of Civil Service; however, Investigators may be assigned a working title of Detective. The title of Investigator and the title of Detective shall be interchangeable.

1:4.8 Directive

A document directing the performance of a specific activity or method of operation.

1:4.9 Division

A functional unit which is subordinate to the Agency. The Monmouth County Prosecutor's Office is organized by the separation of three areas of responsibilities: The Legal Division, the Investigation Division, and Support Staff.

1:4.10 Duty

Obligatory tasks, conduct, service or functions that arise from one's position.

1:4.11 Employee

All personnel of the Monmouth County Prosecutor's Office.

1:4.12 First Assistant Prosecutor

The First Assistant Prosecutor is directly subordinate and answerable only to the Prosecutor and is empowered to act and speak in the absence of the Prosecutor.

1:4.13 Deputy First Assistant Prosecutor(s)

The Deputy First Assistant Prosecutor(s) reports directly to the Prosecutor and the First Assistant Prosecutor. He/she has office wide authority and is empowered to act as the Monmouth County Prosecutor upon the unavailability of both the Prosecutor and the First Assistant Prosecutor.

1:4.14 Good Moral or Ethical Character

Includes those attributes of an employee that enhance their value to the organization and to public service. These attributes include, but are not limited to 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.

1:4.15 Headquarters

The buildings that house the employees of the Monmouth County Prosecutor's Office.

1:4.16 Incompetent

An employee who fails to satisfactorily perform their duties.

1:4.17 Insubordination

Failure or deliberate refusal of any employee to obey a lawful order given by a supervisor. Disrespectful, subversive, insolent, or abusive language directed toward a supervisor, be it in the presence of the supervisor or otherwise.

1:4.18 Lawful Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of their duty which is not in violation of any statute, policy, procedure or directive established by this Agency.

1:4.19 Leave of Absence from the Workplace

Paid or unpaid leave from regular duty that is authorized by the Prosecutor or his/her designee.

1:4.20 May

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

1:4.21 Military Leave

The period of time during which an employee is excused from duty by reason of their service in any of the armed forces of the United States, as provided by law.

1:4.22 Neglect of Duty

Failure to give suitable attention to the performance of duty. Examples include, but are not limited to: failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving law enforcement attention; failure to keep a supervisor adequately informed; absence without leave; failure to report for duty at the time and place designated; unexcused absence from

an employee's assignment; failure to conform to the Agency operating procedures. Neglect connotes a deviation from normal, accepted standards of conduct.

1:4.23 Off Duty

The status of an employee during the period when they are free from the performance of specified duties. Detectives and Assistant Prosecutors are always subject to duty.

1:4.24 Official Channels

Official channels shall mean through the appropriate designated Chain of Command.

1:4.25 On Duty

The status of an employee during the period of time when they are actively engaged in the performance of their duties. Detectives and Assistant Prosecutors are always subject to duty.

1:4.26 Order

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

1:4.27 Prosecutor

Pursuant to the state statutes, case law and the Constitution of the State of New Jersey, the Monmouth County Prosecutor is the chief law enforcement officer for the County of Monmouth. The Prosecutor is a constitutional officer charged with the broad obligation "to use all reasonable and lawful diligence for the detection, arrest, indictment and conviction of offenders against the laws." As such, the Prosecutor has wide-ranging authority over the law enforcement community in the County. The Prosecutor shall be the Chief Executive Officer of the Monmouth County Prosecutor's Office and shall be the final authority on all matters of policy, procedure, Rules and Regulations, special orders and special memorandums, day to day operations, and discipline pursuant to state statute.

1:4.28 Shall/Will

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

1:4.29 Shift

Any assigned period of duty which may be set forth in existing collective bargaining agreements.

1:4.30 Should

A recommended course of action or conduct. Personnel must be able to justify a deviation from the referenced action.

1:4.31 Special Duty/On Loan Status

Law enforcement service which requires that the employee be excused from the performance of their regular duties. Special Duty may be an assignment to another Agency and/or Section within this Agency.

1:4.32 Squad

Smallest component part of the Agency, subordinate to a Unit.

1:4.33 Superior

Encompasses the following members of the Prosecutor's Office in descending order of rank from Prosecutor, First Assistant Prosecutor, Deputy First Assistant Prosecutor(s), Chief of Detectives, Deputy Chief of Detectives, Captain, Lieutenant, and Sergeant. Titles may be subject to change or elimination at the discretion of the Prosecutor.

1:4.34 Supervisor

Encompasses members of the Prosecutor's Office assigned supervisory responsibilities over personnel and/or systems.

1:4.35 Unit

Refers to a section of a division operating under the command of a supervisor or Superior Officer.

1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Prosecutors "Code of Ethics" as promulgated by the Office of the New Jersey Attorney General and the County Prosecutors. The Code of Ethics is applicable to all MCPO employees regardless of rank or title. (Reference is made to Vol 01 CH 02A.)

1:6 MISSION AND VALUES STATEMENT

The mission of the Monmouth County Prosecutor's Office is to create and preserve an environment of safety and security for the citizens of the County. To accomplish this broad-based mission, certain task-oriented goals, both traditional and non-traditional, have been adopted to provide a framework within which office business is conducted. Primary among these goals are the following:

- A. To protect the life and property of the citizens by successfully investigating and prosecuting criminal offenses which occur in Monmouth County;
- B. To promote and foster education of the public about the criminal justice system, crime prevention and victims' rights;
- B. To identify law enforcement and prosecutorial needs in a changing environment and to promulgate initiatives to meet those changing needs;
- B. To promote and foster cooperation with other law enforcement, public service and prosecutorial entities having jurisdiction in Monmouth County;

- E. To fulfill a public-sector leadership role in the community by forming cooperative partnerships with other Agencies, public officials, community leaders, and business leaders in an effort to improve the quality of life for the people of Monmouth County.

CHAPTER 2

ORGANIZATION

2:1 RANK

2:1.1 Rank and Seniority

Seniority is established first by rank/position and second by time in rank/position, whether regular or assigned basis, unless otherwise directed by the Prosecutor or any applicable contract or collective bargaining agreement.

2:2 COMMAND AND SUPERVISORY RESPONSIBILITIES AND AUTHORITY

2:2.1 Prosecutor - Authority and Responsibilities

Pursuant to the state statutes, case law and the Constitution of the State of New Jersey, the Monmouth County Prosecutor is the chief law enforcement officer for the County of Monmouth. The Prosecutor is a constitutional officer charged with the broad obligation "to use all reasonable and lawful diligence for the detection, arrest, indictment and conviction of offenders against the laws." As such, the Prosecutor has wide-ranging authority over the law enforcement community in the County. The Prosecutor shall be the head of the Agency and shall be the final authority on all matters of policy, procedure, Rules and Regulations, special orders and special memorandums, day to day operations, and discipline.

2:2.2 Chief of Detectives - Authority and Responsibilities

The Chief of Detectives shall be the head of the Investigation Division and shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Detectives by applicable state statute and other rights, authorities, powers and responsibilities assigned by the Prosecutor.

2:2.3 Absence of Chief of Detectives

In the absence of the Chief of Detectives, the Deputy Chief of Detectives shall command the Investigation Division. In the absence of both the Chief of Detectives and the Deputy Chief of Detectives, the command of the Investigation Division shall be vested in a Superior Officer designated by the Chief of Detectives or the Deputy Chief of Detectives.

2:2.4 Superior Officer or Supervisor - Authority and Responsibilities

Subject to direction from higher command, a Superior Officer or supervisor has direct control over all members and employees within their command. In addition to the general and individual responsibilities of all employees and supervisors, a Superior Officer or supervisor is responsible for the following:

A. Command

The direction and control of personnel under their command to assure the proper performance of duties and adherence to established Rules and Regulations, policies and procedures, providing for continuation of command and supervision in their absence.

B. Loyalty and Esprit de Corps

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

C. Discipline and Morale

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

D. Intra-Agency Action

The promotion of harmony and cooperation with other Divisions, Sections, Bureaus, Units and Squads of the Agency. Initiation of proper action in cases not regularly assigned to their command when delay necessary to inform the proper unit might result in a failure to perform a prescribed duty of the Agency.

E. Organization and Assignment

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

F. Reports and Records

Preparation of required correspondence and 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.

G. Maintenance

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

H. Good Order

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

I. Briefing

Conduct briefings for the purpose of providing information to law enforcement personnel as necessary.

J. Reporting

Reporting as required by a commanding officer.

K. Personnel Complaints

Inquiry into personnel complaints against employees under their supervision in accordance with the provisions of these Rules and Regulations, County Policy, appropriate collective bargaining agreements or the direction of the Prosecutor or his/her designee.

L. Supervision

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

M. Direction

Exercise direct supervision in a manner that assures good order, conduct and discipline is maintained and may extend to subordinates outside their usual spheres of supervision if the objective or reputation of the Agency 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.

N. Enforcement of Rules and Regulations

Enforcement of Agency Rules and Regulations and requiring compliance with the Agency policies and procedures.

O. 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.

P. Assisting Subordinates

A supervisor shall possess 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. The supervisor shall observe the conduct of the assigned personnel and take active charge when necessary.

2:3 RESPONSIBILITIES AND DUTIES OF DETECTIVES

Detectives are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal laws and the apprehension of criminals. They will perform these duties as prescribed in Agency Rules and Regulations, and policy and procedures along with all orders as directed by their supervisors or Superior Officers. In addition to these and the general and individual responsibilities of all employees, Detectives are specifically responsible for the following:

2:3.1 General Responsibilities

Sworn law enforcement officers shall at all times take appropriate action to:

- A. Protect life and property;
- B. Investigate crimes and offenses;
- C. Detect and arrest violators of the law; and

- D. Prosecute criminal offenders while observing the laws of the State of New Jersey and applicable rules of ethics.

2:3.2 Duty Responsibilities

Detectives of the Agency maintain police powers and first-responder obligations; therefore, they are always subject to duty. They shall at all times, respond to the lawful orders of supervisors and other proper authorities as well as calls for assistance from citizens, regardless of assignment. Employees assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment.

2:3.3 Reporting for Duty

They shall report promptly at the designated hour and place. If the Detective is unable to report promptly, the Detective's supervisor shall be immediately notified by telephone. They shall listen attentively to orders and instructions of their supervisor and read such materials as are made available to them. Detectives shall attend all briefings as directed. The Detective shall comply with all lawful orders and written directives.

2:3.4 Interviews

When interviews are conducted, the Detective shall question persons as the circumstances of the case require. Good judgment and discretion should be used in making the decision to arrest; and in most instances, there should be consultation with an Assistant Prosecutor. Detectives shall effectively communicate with victims, witnesses and suspects as a means to develop information and further an investigation.

2:3.5 Investigations

At the scene of a crime and subject to direction from a supervisor or Superior Officer, the Detective, after it has been established that the perpetrator is no longer present, will begin the investigation. When required, the Detective shall employ the legal use of all investigative methods as a means to gather information and intelligence in the furtherance of an investigation.

2:3.6 Evidence

Detectives shall collect, preserve, memorialize, record, photograph, package, store and process evidence as necessary. They shall submit appropriate evidence to a forensic lab.

2:3.7 Testimony

Detectives shall testify, as required.

2:3.8 Report Writing and Paperwork

Timely reports memorializing facts and observations relating to a crime and/or investigation shall be prepared. Detectives shall prepare complaints and warrants as needed to satisfy a lawful objective consistent with Agency practice.

2:3.9 Maintain Equipment

The Detective shall maintain, in proper working order, all equipment that is assigned.

2:3.10 Case Management

Detectives shall be responsible for the management of cases assigned to them with guidance from their immediate supervisor.

2:4 ASSIGNMENT OF PERSONNEL

2:4.1 Assignments

The Prosecutor may at his/her sole and unfettered discretion, assign or reassign any employee.

2:4.2 Duties and Responsibilities

The Prosecutor may modify the duties and responsibilities of an employee as he/she deems necessary.

2:5 GENERAL RESPONSIBILITIES OF ALL EMPLOYEES

- A. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently;
- B. Exercise authority consistent with the obligations imposed by their position and in conformance with the Rules and Regulations, policy and procedures of the Agency;
- C. Be accountable and responsible to their supervisors for obeying all lawful orders;
- D. Coordinate their efforts with other employees of the Agency to achieve Agency objectives;
- E. Conduct themselves in accordance with high ethical standards, on and off-duty;
- F. Strive to improve their skills and techniques through study and training;
- G. Familiarize themselves with the area of authority and responsibility for their current assignment;
- H. Abide by all Rules and Regulations, Code of Ethics and Agency procedures and directives relating to their employment; and
- I. 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 Agency into disrepute.

3:1.2 Loyalty

Loyalty to the Agency and to fellow employees is an important factor in Agency morale and efficiency. Employees shall maintain loyalty to the Agency and their fellow employees as is consistent with the law and personal ethics.

3:1.3 Cooperation

Cooperation among the divisions within the Agency is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high degree of cooperation within the Agency.

3:1.4 Performance of Duty

All employees shall perform their duties as required or directed by law, Agency 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.

3:1.5 Neglect of Duty

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

3:1.6 Questions Regarding Assignment

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

3:1.7 Obedience to Laws and Rules and Regulations

Employees shall observe and obey all laws and the Rules and Regulations of the Agency, County Policy, County Uniform Policies, and the Agency's policies and procedures.

3:1.8 Conduct Toward Employees

Employees shall treat other employees with respect. They shall be courteous and civil at all times in their interactions with one another.

3:1.9 Issuance and Adherence to Orders

Orders from supervisor to subordinate shall be in clear understandable language, civil in tone, and issued in pursuit of Agency business. Employees shall not criticize the official actions, instructions, or orders of any Agency member in a manner which is defamatory, obscene, unlawful or which tends to impair the efficient operation of the Agency.

3:1.10 Unlawful Orders

No supervisor shall knowingly issue any order which is in violation of any law, statute or Office policy. Employees who are given orders which they believe to be unjust or contrary to the Rules and Regulations, must first obey the order to the best of their ability, and then proceed to appeal as provided in subsection 3:1.12.

3:1.11 Obedience to Unlawful Orders

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

3:1.12 Reports and Appeals - Unlawful, Unjust, Improper Orders

An employee receiving an unlawful, unjust or improper order shall at first opportunity, discuss it with their supervisor and if there is no resolution, report same in writing to the Prosecutor through the official 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. Intra-agency action regarding such an appeal shall be conducted through the Office of the Prosecutor.

3:1.13 Conflicting Orders

Upon receipt of an order conflicting with any previous order or instruction, the employee affected shall advise the person issuing the second order of this fact. The employee shall follow the order issued by the highest-ranking supervisor, and shall so notify the highest-ranking supervisor of the existence of a conflicting order. It shall be incumbent upon said highest ranking supervisor to notify the issuer of the countermanded order of the existence of a new order.

3:1.14 Gifts, Gratuities, Fees, Rewards, Loans

Employees shall not, under any circumstances, solicit or receive any gift, gratuity, loan, reward or fee where there is any connection between the solicitation and their Agency membership or employment without written permission from the Prosecutor. All solicitations must stay within the parameters of Federal and State law, the Code of Ethics and County Policy.

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 law enforcement 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 law enforcement business, or which might tend to cast an adverse reflection on the Agency or any employee thereof.

Employees shall not accept any gift, gratuity or reward in money or other compensation for services rendered in the line of duty to the County or any person, business or Agency except

lawful salary and that which may be authorized by law in the Code of Ethics promulgated by the Office of the Attorney General.

3:1.15 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 Agency employment except as may be specifically authorized by the Prosecutor. Employees and their immediate family members are further prohibited from bidding, purchasing, or having any financial interest in any property and equipment available for sale by the County of Monmouth and/or this Agency.

3:1.16 Reporting Violations of Offenses

It shall be the duty of every employee to report conduct by another employee, which does or may constitute a violation of law, or of any existing rule, regulation, order, directive, or policy of the Office. Non-criminal violations can be reported through the chain of Command to the Chief or designee; however, employees knowing of other employees violating the criminal laws of the State of New Jersey or any other State, shall report same to the First Assistant Prosecutor through the Chain of Command. If the employee believes the information is of such gravity that it must be immediately reported, or if the offending employee is in the employee's Chain of Command, official channels may be bypassed. Failure of an employee to report such conduct could subject the employee to disciplinary action, or potential criminal prosecution.

3:1.17 Harassment and Discrimination in the Workplace

All employees of the Agency shall adhere to the policy and procedures established by the County of Monmouth and the Prosecutor regarding Harassment and Discrimination in the Workplace.

3:1.18 Civil Rights

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

3:1.19 Use of Position

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

3:1.20 Financial Obligation

No employee shall incur any financial obligation on behalf of the Agency without the approval of the Prosecutor or his/her designee.

3:1.21 Financial Liability

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

3:1.22 Retaliation

Any employee who discloses or reveals unlawful, fraudulent or criminal acts or any other activity that is in violation of the Rules and Regulations and policies and procedures of this Agency or County policy will be protected against retaliation under the Conscientious Employee Protection Act (Whistleblower's Act, N.J.S.A. 34:19-1 et seq.).

3:1.23 Personal Relationships

"Relative" is defined as an individual's spouse or individual's parent, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, step brother, step sister and half-brother or half-sister, whether the relative is related to the individual or the individual's spouse by blood, marriage, adoption, or other legal authority.

Relatives of persons currently employed by the County of Monmouth may be hired only if they will not be directly working for or directly supervising a relative. An employee is prohibited from supervising or exercising authority with regard to personnel actions over a relative of someone with whom the employee has a consensual personal relationship. Consensual personal relationship means marriage, cohabitation, engagement, dating and other on-going romantic or sexual relationships. County of Monmouth employees shall not be transferred into such a reporting relationship. If two employees become relatives, and/or the employee has a consensual personal relationship with another employee they supervise, the supervisor will be required to report the relationship to management. Management will make the necessary accommodation to address the situation making sure the resolution is in compliance with County policy.

To comply with mandatory disclosure, a Monmouth County Prosecutor's Office Supervisory Conflicts of Interest Certification form (Attachment A) will be completed on a yearly basis as determined by the Front Office or at any time when a personal relationship triggers such notification. The certification is made in accordance with the Monmouth County Prosecutor's Office Rules and Regulations and Freehold Resolution 04-66. By signing the certification, a supervisor is certifying that they have or previously had undertaken a review of the employees under their supervision/chain of command and have made one of the following determinations:

They do not supervise, control or exercise authority with regard to personnel actions over a relative, or someone with whom they have a consensual personal relationship; or

They do supervise, control or exercise authority with regard to personnel actions over a relative, or someone with whom they have a consensual personal relationship.

Employees reassigned or promoted to a supervisory or management position, shall immediately notify their supervisor of any relatives or someone with whom the employee has a consensual personal relationship working in their chain of command and complete a Monmouth County Prosecutor's Office Supervisory Conflicts of Interest Certification form (Attachment A).

3:1.24 Online Social Network/Personal Web Page

Applies to Monmouth County Prosecutor's Office employees who create or contribute to blogs, wikis, social networks or any other kind of social media such as Twitter, Yelp, Wikipedia, MySpace or Facebook pages, or who comment on online blogs or media stories. It is understood that employees may make personal use of any of the foregoing, after working hours, using their own computers and electronic communication devices. During working hours, while performing official duties, or while using county owned equipment, access to social media will continue to be governed by relevant Monmouth County Prosecutor's Office policies. All official Monmouth County Prosecutor's Office websites, social media pages and platforms are the sole property of the Monmouth County Prosecutor's Office and will remain as such regardless of any change of administration.

Employees should be cognizant that what is posted on social media sites can adversely affect and disrupt the efficient operations of the workplace, potentially compromise investigations and

prosecutions and possibly jeopardize the physical safety of law enforcement officers, victims and other witnesses. Additionally, employees should be aware of the potential adverse effect that postings on social media sites may have on their own credibility as a witness, future employment and the possible negative consequences in the press that may result.

Accordingly, the following rules shall apply to any employee of the Monmouth County Prosecutor's Office who makes personal use of social media after work hours. Their purpose is to protect the reputation of our workplace, the integrity of our cases and insure that Prosecutor's Office employees do not become the subject of a motion or appeal that could jeopardize the prosecution of a case or create the appearance of impropriety.

- Employees shall not knowingly "friend" or accept a "friend request" from any lay victim or lay witness, defendant, juror or judge, who is involved in an open and active investigation or prosecution being handled by the Monmouth County Prosecutor's Office. This rule shall apply through, to and including final disposition of the matter. This does not pertain to, nor prohibit, social media contact with professional law enforcement colleagues. All other social media contacts should be consistent with the Rules of Professional Responsibility and Judicial Conduct and the Attorney General Code of Ethics for County Prosecutors. Questions concerning the appropriateness of "friending" someone or accepting a "friend request" under the foregoing circumstances, or that may impact the investigation or prosecution of a case, should be discussed with a supervisor prior to taking any action.

Similarly, if it is discovered that any lay victim, lay witness, defendant, or juror involved in an active investigation or prosecution is a social media "friend" of an employee, that relationship shall immediately be brought to the attention of the assigned Assistant Prosecutor as soon as the status of the individual becomes known to the employee. Again, this does not pertain to, nor prohibit, social media contact with professional law enforcement colleagues. All other social media contacts should be consistent with the Rules of Professional Responsibility and Judicial Conduct and the Attorney General Code of Ethics for County Prosecutors.

Regardless of the relationship involved, there should be no non-official communication between the employee and any social media "friend" that in any way relates or refers to an active investigation or prosecution, or suggests to others that that the personal relationship between the employee and social media "friend" has the ability to interfere with the criminal justice process.

- The Monmouth County Prosecutor's Office logo or any Prosecutor's Office organizational material may not be used or depicted on any social networking site or Web page in any manner suggesting that it represents an official communication of the Monmouth County Prosecutor's Office, without the Prosecutor's express approval.

The Prosecutor recognizes that employees have free speech rights regarding matters of public concern that involve the Monmouth County Prosecutor's Office. Additionally, employees may discuss the terms and conditions of their employment to the extent permitted by the New Jersey Employer-Employee Relations Act. This is not intended to interfere with the foregoing rights. Nonetheless, personal comments posted to social media sites or networks after working hours, which relate to the Prosecutor's Office in any way, must make clear that the author is commenting in his or her personal, rather than official, capacity. Moreover, any Internet postings that interfere with the ability of the Prosecutor to maintain discipline or harmony among the workforce, disclose confidential information, impede an employee's ability to properly and competently perform his or her duties, or damage the relationships between the employees of the Monmouth County Prosecutor's Office, are prohibited.

Any Monmouth County Prosecutor's Office employee who violates the foregoing policy may be subject to disciplinary action in accordance with applicable collective bargaining agreements or Office Policy.

3:1.25 Association with Persons Accused of or Convicted of Crimes

- A. Except in the discharge of law enforcement duties, no employee of the Prosecutor's Office shall knowingly associate with, or have any dealing with, persons accused of a crime, persons convicted of a crime, or persons engaged in unlawful activity.
- B. All employees shall immediately notify the Prosecutor in writing, if a relative, person with whom you are residing or person with whom you have significant contact is accused of a crime. Any employee of the Prosecutor's Office who becomes aware that an association as described in Paragraph 1 exists shall immediately notify the Prosecutor in writing through the chain of command.
- C. No employees of the Prosecutor's Office shall provide bail or provide bail costs to any person accused of a crime without prior approval of the Prosecutor.
- D. No employee of the Prosecutor's Office shall testify as a character or reputation witness on behalf of any person accused of a crime without the prior approval of the Prosecutor.

3:1.26 Legal Representation of Employees

The Supreme Court has issued an Advisory Opinion ruling that attorneys who practice in the criminal courts of a county have a conflict of interest if they also represent the Prosecutor or members of his/her staff. This necessarily creates an obligation on this office to monitor these situations and take corrective measures where appropriate. Staff members of the Monmouth County Prosecutor's Office who employ the services of a private attorney for any reason whatsoever must notify the Prosecutor. This is to be done in writing within three days after the attorney is engaged. Said notice is to include the name of the attorney, the date of the engagement, the nature of the representation, and the expected length of time said representation is to exist.

3:1.27 Overtime

Definition – Overtime, whether compensatory or paid, is hereinafter defined as any time worked on behalf of the office in excess of 40 hours per week, unless further definition is noted below. For definition purposes, a workweek is defined as that time period from the start of the day Saturday through the end of the day Friday. Overtime, as defined above, must also be in compliance with contractual obligations.

Rate - Overtime shall be compensated at a rate of one and one-half times the regular rate of compensation. With respect to paid overtime, this rate shall be one and one-half times the hourly rate of compensation. With respect to the accrual of compensatory time, this rate shall be one and one-half times the number of hours worked.

The Monmouth County Prosecutor's Office, by the very nature of its mission, is mandated to provide service on a "round the clock" basis. This mandate frequently necessitates emergency response by personnel of the various units of the Prosecutor's Office during times, which fall outside the parameters of the traditional work week. It is recognized that this obligation will sometimes result in personnel working in excess of 40 hours during a given week. The overtime compensation policy, as outlined below, recognizes the need for these mandatory work obligations and has been designed to balance office needs with a fair and equitable formula for

employee recompense.

In order for any personnel of the Investigation Division to receive overtime, prior supervisor approval must be obtained. In the event overtime exceeds four (4) hours, continuation of same shall be pre-approved by the respective Section Captain or in their absence, designee.

There are circumstances under which Investigation Division personnel are assigned to special projects, which require work beyond the normal 40-hour week. These special projects are eligible for overtime with the prior approval by the respective Section Captain or in their absence, designee. It is, however, required that the supervisor having the ultimate responsibility for completion of the project concur in the approval of overtime to complete the project.

Lieutenants' and Captains' accrued compensatory time must also be in compliance with contractual obligations and same must be pre-approved by the respective Captain or Deputy Chief, respectively.

All overtime, whether compensatory or paid, shall be submitted within the InfoShare® Personnel Module within ten working business days after earning same unless prior supervisory permission has been granted to exceed this requirement.

Activities with Restricted Overtime Compensation and Activities which are Ineligible for Overtime Compensation. The following limitations and exceptions shall apply:

- A. Investigation Division personnel who are sent to training programs, schools, seminars, and conferences will be deemed to have waived any claim for overtime compensation when accepting the training program, school, seminar, or conference.
- B. Voluntary speaking engagements or the attendance at community events at the individual's discretion will be deemed ineligible for overtime.
- C. When Investigation Division personnel are away from the office on investigative or trial preparation activities, travel time and actual work time are eligible for overtime compensation when a 40-hour work week is exceeded subject to the approval process previously outlined. Sleeping time, eating time, or entertainment time shall not be eligible for overtime compensation.
- D. Nothing contained herein shall prevent the Chief of Detectives or his designee from modifying the normal working hours or the normal working day parameters to afford increased work efficiency with respect to lunch breaks, coffee breaks or flexible work schedules provided that a 40-hour week is accomplished.
- E. Nothing contained herein shall preclude the Chief of Detectives or his designee from exercising the managerial prerogative to modify work schedules with respect to days or hours of operation to meet changing service demands. The Prosecutor shall have the right to schedule the hours of work in the workweek and to vary the daily or weekly work schedule consistent with the needs of the MCPO. The Prosecutor's Office will make every effort to provide at least 48 hours advance notice to the employee of any intended change in work schedule, except in the event of emergent circumstances which shall be in the sole discretion of the Prosecutor.

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 in parenthesis:

- A. Sleeping or other inattentive behavior;
- B. Recreational reading (except at meals and breaks);
- C. Conducting personal business while on duty;
- D. Unlawful gambling, unless to further a law enforcement purpose;
- E. Sexual conduct;
- F. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
- G. Conducting secondary employment activities while on duty;
- H. Taking any photographs, pictures, digital images of any crime scene, traffic crash, persons or job-related incident or occurrence with any personal analog or digital device or camera unless emergent circumstances exist and/or it is a job-related responsibility;
- I. Releasing any photographs, reports, pictures, digital images of any crime scene, traffic crash, persons or job-related incident or occurrence taken with a personal or Agency analog or digital device or camera to any person, entity, business, or media or Internet outlet without the express written permission of the Prosecutor, Chief of Detectives or their designee; and
- J. Any other activity deemed inappropriate by the Prosecutor.

3:2.2 Employee Electronic Recordings

In furthering of openness and candor, personnel are forbidden from surreptitiously or secretly recording the conversations or actions of fellow employees except in the furtherance of an authorized criminal investigation wherein strict conformance to the provisions of N.J.S.A. 2A:156A-1 et seq. will be applied. A violation of this prohibition shall be grounds for disciplinary action.

3:2.3 Alcoholic Beverages and Drugs

- A. No employee of the Agency will appear for, or be on duty, impaired by alcohol or drugs, or be unfit for duty because of its use.
- B. Employees of the Agency shall not drink any kind of alcoholic beverage while on duty or take any drugs not duly prescribed by a physician and necessary for bona fide health reasons at any time, except on special assignment as authorized by the Prosecutor or the Chief of Detectives.
- C. Taking Medication on Duty: Employees of the Agency 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. The employer has the discretion to direct that leave be taken, if the medication adversely affects the employees work performance or has reasonable potential to render an employee impaired.

- D. 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 type of medication required and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician, if required by the supervisor. 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. The information so provided shall be confidential. The employer has the discretion to direct that leave be taken, if the medication adversely affects the employees work performance or has reasonable potential to.
- E. Employees shall not bring into or keep any alcohol or drugs on Agency premises except when necessary in the performance of a law enforcement task. Alcohol or drugs brought into Agency facilities in the furtherance of a law enforcement task shall be properly identified and stored according to Agency policy. Approval shall occur through the Chain of Command.
- F. No employee shall report for regularly scheduled duty, with the odor of an alcoholic beverage on their breath.
- G. No employee shall operate an Agency vehicle while impaired by alcohol or any drugs.

3:2.4 Absence from Duty

Every employee who fails to appear for duty without the consent of their direct Chain of Command 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 through their direct Chain of Command.

3:2.5 Physical and Mental Fitness for Duty

Employees shall maintain sufficient physical and psychological conditions in order to handle the core functions required of their job, and shall immediately report their inability to perform the core functions of their job to their supervisor. The Prosecutor may require any employee to submit to a physical or mental examination by a licensed physician or certified psychologist to determine fitness for duty when good cause exists to question that employee's fitness for duty.

3:2.6 Smoking

Employees shall not smoke in Agency facilities or vehicles.

3:2.7 Training

Employees shall attend in-service training as directed by the Prosecutor, Chief of Detectives or their designee. Such attendance is considered a duty assignment.

3:2.8 Inspection

From time to time the Prosecutor may call for an inspection of the Agency or any part thereof. Employees directed to attend such inspections shall report as required. Unauthorized absence from such inspection is chargeable as an absence without leave.

3:2.9 National Colors and Anthem

Sworn members and employees shall render proper civilian honors to the national colors and anthem at appropriate times.

3:2.10 Address and Telephone Numbers

Employees are required to provide their current telephone, cell phone and mailing address to the Monmouth County Prosecutor's Office. Changes in address or telephone number shall be reported through their Chain of Command to the Prosecutor within twenty-four (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. (Changes in contact information should be submitted in advance of the change in the event of a planned move, noting the effective date of change.) All members of the Legal and Investigation Divisions are required to live in Monmouth County or, in specific circumstances with the Prosecutor's discretion, within 20 miles of the MCPO Main Office in Freehold, New Jersey, as calculated by geodesic distance (e.g., as the crow flies) by the County's ArcGIS mapping tool or comparable mapping tools the County may employ in the future. Members of the Legal and Investigation Divisions seeking to live outside of county boundaries, but within the 20-mile radius, must consult with the First Assistant Prosecutor or Chief of Detectives, respectively, to confirm and verify that their proposed residence is within the boundary. Waivers of this requirement may be granted at the sole discretion of the Prosecutor. Prior waivers provided by Prosecutor Gramiccioni or his predecessors will be honored.

3:2.11 Driver's License/Maintenance of Personal Liability Insurance

Employees operating Agency motor vehicles shall possess and maintain a valid New Jersey driver's license, with appropriate endorsements when made necessary by their assignment. An employee who utilizes an Agency vehicle to commute to and from the workplace shall in addition to possessing a valid New Jersey driver's license, maintain or be covered by an appropriate policy of automobile insurance. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full details.

3:2.12 Substance Testing

- A. Employees may be tested based upon reasonable suspicion. The Prosecutor is authorized to order individual testing provided it is in accordance with the New Jersey Attorney General's Drug Testing Policy, the Monmouth County Prosecutor's Office Drug Use and Testing Policy and the Monmouth County Substance Abuse Policy and Drug Free Workplace. Specimens shall be ordered from an employee when there exists reasonable suspicion to believe that the employee is using controlled dangerous 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.
- B. Random drug screening may be ordered by the Prosecutor. If the Prosecutor orders random drug screening it shall be in accordance with the New Jersey Attorney General's Drug Testing Policy, the Monmouth County Prosecutor's Office Drug Use and Testing Policy and the Monmouth County Substance Abuse Policy and Drug Free Workplace. In

accordance with the New Jersey Attorney General's Drug Testing Policy, Office Policy and the Monmouth County Substance Abuse Policy and Drug Free Workplace, employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.

- C. 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 drug 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.

3:3 APPEARANCE AND IDENTIFICATION

3:3.1 Manner of Dress

Employees shall wear traditional business attire on duty; however, the supervisor may prescribe other clothing as required by the nature of the duty to which a particular employee is assigned.

3:3.2 Carrying Badge and Credentials On Duty and Off Duty

A sworn law enforcement officer shall carry their badge and Agency photo identification on their person, whether on duty or off duty, except in those instances where recreational or duty assignments render it impractical.

3:3.3 Carrying Equipment

While on duty, sworn law enforcement officers shall carry specially issued equipment and forms necessary for performing their duties.

3:3.4 Equipment

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

3:3.5 Clothing 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.

3:3.6 Appearance and Grooming Standards

Every employee of the Agency while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed in conformity with the Rules and Regulations of this Agency. Deviation from the personal appearance Rules and Regulations may be authorized by the Prosecutor, Chief of Detectives or their designee for the performance of undercover activity.

Beards and mustaches are permitted as long as they are well groomed and neatly trimmed at all times. Maximum length and bulk of hair may not be excessive or present a ragged, unkempt, or extreme appearance.

Exceptions to this subsection may be granted by the Prosecutor, Chief of Detectives, or their designee as necessary for certain duty assignments.

3:4 AGENCY PROPERTY AND EQUIPMENT

Employees are responsible for the proper care of Agency property and equipment assigned to them. Damaged or lost property may subject the responsible employee to reimbursement charges or disciplinary action, if appropriate. A record of all agency property and equipment issued to each employee during new hire orientation shall be recorded in InfoShare® utilizing the inventory portion and all subsequent non-expendable items with a value of \$50.00 or more.

3:4.1 Damaged - Inoperative Property or Equipment

Members shall immediately report through the Chain of Command any loss of, or damage to, office property assigned to or used by them. The immediate supervisor will be notified of any defects or hazardous conditions existing in any office equipment or property. Notification shall be followed by a written report through the Chain of Command to the Chief of Detectives as soon as possible.

3:4.2 Care of Agency Facilities

Employees shall not mar, mark or deface any surface in any Agency's facility.

3:4.3 Posting of Notices

No public notice shall be posted on or within Agency property without the permission of the Prosecutor or his/her designee, unless in conformance with existing employee collective bargaining agreements.

Personal announcements of office wide interest or the advertisement of items for sale owned by Agency employees may be posted on the Agency Intranet page, with approval of the Prosecutor or his/her designee. Notice of personal events or activities, such as birthday parties, anniversaries, or charitable events may also be sent to the "Events" email group with the permission of the Prosecutor or his/her designee.

3:4.4 Wall Decorations

All posters, paintings, lithographs, prints, or other artistic decorations shall be in good taste and shall be framed in conformance with the professional atmosphere of the Prosecutor's Office. Personnel may use approved hanging devices only. No holes are to be made in walls or ceilings. Approval of the Deputy First Assistant Prosecutor must be secured.

3:4.5 Agency Vehicles, Use

Employees shall use any County of Monmouth vehicle pursuant to the Monmouth County Prosecutor Office's Policy Manual and the Monmouth County Vehicle Policy. It must be explicitly understood that there is no County insurance coverage for family members or any other non-employee traveling in a County vehicle except when an authorized on-duty transportation is being performed. The employee shall notify their supervisor of any change in their driving privilege status.

3:4.6 Operation of Motor Vehicles

Employees driving any vehicle, be it Agency issued or privately owned, shall not violate the motor vehicles laws, except in cases of emergency. During the course of emergency operation of a vehicle, the employee shall do so in conformity with the law regarding same.

3:4.7 Emergency Calls and Use of Emergency Lights and Siren

Sworn members driving any Agency vehicle when responding to emergency calls shall exercise judgment and care with due regard to the safety of life and property. They shall slow down at all street intersections to such degree that when crossing same, they will have safe control of their vehicles, especially when crossing street intersections where the traffic signal lights are against them or where there are stop signs. They shall use emergency lights, sound the siren on such calls, and take utmost precaution.

3:4.8 Reporting Collisions

Any collisions involving County personnel, property or equipment must be reported immediately to the employee's immediate supervisor, and the police department responsible for responding and investigating the collision. Employees shall be guided by the County of Monmouth Vehicle Policy.

3:4.9 Inspection

Agency issued property and equipment is and remains the property of the Agency and is subject to entry and inspection at any time and without notice.

3.4.10 Liability

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

3:5 COMMUNICATIONS, CORRESPONDENCE

3:5.1 Restrictions

Employees shall:

- A. Not use Agency letterhead for private correspondence;
- B. Only send correspondence over the signature of, or on behalf of the Prosecutor, with his/her prior authorization. The Chief of Detectives is the only person authorized in the Investigation Division to send correspondence over the signature of, or on behalf of the Prosecutor.

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 Private Use of Agency Address

The Agency address shall not be used for any private motor vehicle registration or driver's license.

3:5.4 Radio Discipline

All members operating Agency radios shall strictly observe Regulations for such operation as set forth in Agency orders and by the Federal Communications Commission.

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 or profane language. They shall attend to all reasonable requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Agency.

3:6.2 Unbiased Attitude

Employees are required to treat all persons fairly and without bias.

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

Courtesy and civility toward the public is required of all employees of the Agency. 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 Agency shall not make public statements concerning the work, plans, policies or affairs of the Agency, which may impair or disrupt the operation of the Agency or which are obscene, unlawful or defamatory. No representative of the Office is authorized to speak with the press without the Prosecutor's authority.

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 Prosecutor, Chief of Detectives or their designee. A subversive organization is an organization designed to engage in revolutionary and rebellious acts against the United States government or entities thereof.

3:6.6 Affiliation with Certain Organizations Prohibited

Upon prior approval of the Prosecutor, employees may become members of a fire or auxiliary corps or a first aid unit or other civic organization provided such membership does not interfere with their obligation as an Agency employee. Employees shall not affiliate with any organization whose constitution or by-laws prevent the proper and efficient functioning of this Agency. No employee shall act as a fiduciary of the organization or engage in any form of fund raising for said organization. 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 employee, except in the discharge of law enforcement 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 without permission of the Prosecutor. 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 Prosecutor.

3:6.9 Public Appearance Requests

All requests for public speeches, appearances and the like, shall be directed to the Prosecutor through the appropriate Chain of Command for approval and processing. Employees directly approached for this purpose shall require that a party submit their request to the Prosecutor directly.

3:6.10 Outside Employment

No employee shall engage in any outside employment without prior written approval of the Prosecutor or his/her designee:

- A. Requests for outside employment are to be submitted in memorandum form and must contain specific information as to the name of the proposed employer, their address, name of business and business address, type of business, days of employment, and hours of employment. This memo shall be submitted directly to the Chief and a determination shall be made as to any conflict of interest between the proposed outside employment and this Office.
- B. The Prosecutor, or his designee, will determine whether the request for outside employment will be granted or denied.
- C. Any and all changes regarding this request must also be preapproved and all outside employment requests must be renewed each year on or before January 31st.
- D. No employee shall be granted permission for employment as a private detective or security officer, whether it be for a position of same or in management. Nor will any outside employment be granted for a position that would require the use of a firearm. Such employment places this Office in a position of potential liability in that members of this Office have been trained and/or continue to receive training as law enforcement officers by this Office. Similarly, no outside employment will be permitted as a stock broker, mortgage broker or other securities related fields.
- E. No employee shall engage in outside employment while on duty, nor will they utilize a county vehicle or any office resources, including equipment or time in the performance of same.

3:7 POLITICAL ACTIVITIES

3:7.1 Participation in Political Activity

Employees shall not engage in political activity as set forth in and defined in the Code of Ethics promulgated by the Office of the New Jersey Attorney General, the County of Monmouth and the Code of Ethics. In no event shall any employee 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 shall not run for public office, campaign nor engage in any activity connected with the candidacy for any such public office as set forth in and defined in the Code of Ethics promulgated by the Office of the New Jersey Attorney General and the County of Monmouth. Employees shall not display any political material on any governmental property or on their person while on duty.

3:8 JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCE AND TESTIFYING

3:8.1 Court Appearance

Attendance at a court or quasi-judicial hearing mandated subpoena, issued as a result of Agency employment, is an official duty assignment. Permission to omit this duty must be obtained from the Prosecutor or his/her designee. When appearing in court, business attire shall be worn unless otherwise requested by the assigned Assistant Prosecutor. 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 criminal hearing or trial, or against the County and/or Agency in any hearing or trial, shall notify their supervisor upon receipt of the subpoena. Personnel assigned to the Investigation Division shall submit a memorandum to the Chief of Detectives via the Chain of Command. The employee may not testify for or on behalf of a defendant as a character witness in any criminal prosecution. The Prosecutor shall be notified through the appropriate Chain of Command.

3:8.3 Agency Investigations - Testifying

Employees shall answer questions and/or render material statements to a competent investigating authority in matters related to Agency personnel. The Prosecutor shall indicate the identity of the competent investigating authority.

3:8.4 Criminal and 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 upon them or the Office. If the subpoena arises out of Agency employment or if the employee is informed that they are a party to a civil action arising out of Agency employment, they shall immediately notify their supervisor and the Prosecutor or his/her designee of the existence of the subpoena and the nature of the matter at issue. Personnel assigned to the Investigation Division shall submit a memorandum to the Chief of Detectives via the Chain of Command.

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

3:8.5 Civil Depositions and Affidavits

Employees shall confer with their supervisor and the Prosecutor or his/her designee before giving a deposition or affidavit in a civil matter. The Prosecutor or his/her designee shall be notified through the Chain of Command before the deposition or affidavit is given.

3:8.6 Civil Cases

Employees shall not serve civil process or assist in civil cases unless the specific consent of the Prosecutor or his/her designee is obtained.

3:8.7 Court Appearance Outside of Monmouth County

No employee of the Agency shall appear in any proceeding outside of Monmouth County related to his or her duties without the express approval of the Deputy First Assistant Prosecutor(s) or unless validly subpoenaed and with notice to the Deputy First Assistant Prosecutor(s).

CHAPTER 4

PERSONNEL REGULATIONS

4:1.1 Oath of Office

All sworn personnel, 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 applicable state statute.

4:2 SURRENDER OF AGENCY PROPERTY

4:2.1 Upon Separation from the Agency

Employees are required to surrender all Agency property in their possession upon separation from the Agency. Failure to return all Agency property as required may result in the filing of criminal charges and/or subject the former employee to civil liability and/or restitution. Property should be returned in good working order.

4:2.2 Under Suspension

Any employee under suspension shall immediately surrender their badge, credentials, firearm and any and all other Agency or County equipment or property in their possession to their supervisor pending their return to duty or discharge from employment. Failure to do so may result in further discipline, including termination.

4:3 LEAVES FROM DUTY

The County of Monmouth provides eligible employees with many benefits to include but not be limited to Sick Leave, Family/Medical Leave, Vacation Leave, Compensation Leave, Jury Duty Leave, and Military Leave. For information about the benefit programs, refer to the Monmouth County Employee Guide and any appropriate collective bargaining agreements.

4:4 RESIGNATION

4:4.1 Resignation to be in Writing

All resignations must be in writing and bear the signature of the person resigning. Detectives and Assistant Prosecutors shall provide the Prosecutor not less than thirty (30) days written notice. However, Detectives are encouraged to provide additional written notice whenever practicable, preferably at least 90 days in advance. All other employees shall provide the Prosecutor not less than fourteen (14) days written notice.

CHAPTER 5

DISCIPLINARY REGULATIONS

5:1 DISCIPLINARY ACTION

Disciplinary action is a procedure of last resort in the case of minor infractions. Discipline should not be confused with the day to day coaching of employee performance to provide guidance, explanations and assistance. Disciplinary action is reserved for serious infractions and repetitive minor infractions where personnel have failed to comply with coaching and guidance. Nothing contained herein is designed to prevent supervisors from issuing verbal cautions or reminders as may be necessary within the framework of accepted management techniques. Training and counseling shall be a function of the Agency's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

5:2 AGENCY AUTHORITY TO DISCIPLINE

All disciplinary matters will be handled in accordance with those provisions established in the laws of the State of New Jersey and current collective bargaining agreements. All Internal Affairs investigations shall be conducted in conformance with the policy and procedures of this Office and with the New Jersey Attorney General's Guidelines.

5:2 CORRECTIVE/DISCIPLINARY ACTIONS

A system of progressive discipline shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established by State law. The following actions may be taken regarding any conduct felt to be in violation of any policy, procedure, rule and regulation of the agency:

5:2.1 In certain situations, formal discipline is not required in order to correct employee performance in various areas. 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 performance-based issues may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances when corrective action (training) may be necessary. 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 police practice and agency written directives. In addition to training, counseling and

Performance Notices may be used to correct certain performance-based issues or minor rule violations. A Performance Notice is a written documentation of an employee performance deficiency or issue of significant concern observed by a supervisor. The original Performance Notice shall be maintained by the employee's supervisor; a copy shall be provided to the employee. The original Performance Notice(s) shall be considered by the supervisor in the preparation of an Annual Performance Evaluation Report, but only for the rating period during which they were issued. After completion of the Annual Performance Evaluation Report, the supervisor shall maintain his or her copy of any Performance Notices issued for that employee. Any supervisor who issues a Performance Notice for an employee not in his or her Chain of Command, shall forward the Performance Notice to the employee through the Chain of Command to the employee's immediate supervisor. The employee will sign the notice acknowledging receipt thereof. The immediate supervisor shall maintain the original copy and consider it for that particular evaluation period. A Performance Notice shall not be filed within the employee's personnel file.

All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate Chain of Command to the Prosecutor or designee.

5:2.2 Repeated performance, minor misconduct, rule, regulation, policy, or procedure issues may be corrected through formal discipline by using the following actions:

Verbal Reprimand – Is intended to be the most minor form of discipline. To be effective, however, verbal reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. 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 a verbal reprimand. The final disposition notice regarding the discipline shall be filed in the employee's personnel file. Written documentation is to be made and forwarded to the employee's personnel file via the Chain of Command.

Written Reprimand - In some cases, the misconduct may warrant more stringent measures than a verbal reprimand. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand. The final disposition notice regarding the discipline shall be filed in the employee's personnel file. It is to be written on an official disciplinary form and forwarded to the Prosecutor via the Chain of Command.

5:2.3 Serious misconduct, rule, regulation, policy, procedure issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:

Formal Charges - Serious violations, whether single or repeated require swift and certain punitive measures in order to maintain proper discipline within the Agency. The following disciplinary actions may be taken in the event of a serious violation:

- Surrender of Time;
- Suspension;
- Demotion; and/or
- Dismissal.

All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate Chain of Command to the Prosecutor or designee.

5:2.4 Appeals Procedure

Appeals of a disciplinary action may be taken as provided by statute and current collective bargaining agreements and employees manual.

5:2.5 Employee Files

When disciplinary action has been taken against an employee, a record of that action will be placed in the employee's personnel file. **(Detectives only)** Effective January 1, 2020, the practice of reckoning for a detective has been eliminated. Records of disciplinary action taken after this date, of whatever nature, will permanently remain in the employee's personnel file, will be utilized for progressive disciplinary and other employment related purposes, and will not be removed in the absence of a court order or other valid legal authority directing same. No disciplinary action concerning an employee's character for truthfulness, veracity and honesty shall be removed.

- A. **Performance Notices and Notices of Counseling-** are not considered to be formal disciplinary action and will not be utilized for progressive disciplinary purposes; however, any such documents may be used at all times, to the extent they may be relevant to show that an employee had knowledge of a rule, regulation, policy or procedure alleged to have been violated in a subsequent disciplinary matter.
- B. **Written Reprimand -** Where discipline resulted in a written reprimand only, same shall not be used as the basis of an enhanced penalty under concepts of progressive discipline starting two (2) years from the date the reprimand is issued, provided there has not been any further disciplinary action initiated against the detective during that two (2) year period. After the completion of the two (2) year period, any such disciplinary action may be utilized to show that an employee had knowledge of a rule, regulation, policy or procedure alleged to have been violated in a subsequent disciplinary matter.

Upon advance notice and at reasonable times, any employee may review his/her personnel file, with an appointment for review made through the Chief or a designee.

For disciplinary actions against a detective before January 1, 2020, the reckoning procedures and period for disciplinary action for detectives shall be governed by Appendix A and both current collective bargaining agreements.

5:2.6 Emergency Suspension

The Prosecutor or his/her designee shall have the authority to impose an emergency suspension until the next business day against any member when it appears that such action is in the best interest of the office. The decision to impose an emergency suspension should be the safety of office personnel, disruption of the workplace and actual or potential harm to any victim.

5:2.7 Follow-up Emergency Suspensions

A member receiving an emergency suspension shall be required to report to the Prosecutor or his/her designee on the next business day as directed.

5:2.8 Informing the Person Being Disciplined

The employee being disciplined shall be informed of the charges against him or her in writing and granted all procedural rights and safeguards in accordance with all applicable laws.

5:2.9 Unsafe Condition Observed by Personnel

Whenever any supervisor observes or is informed of misconduct of another employee which indicates the need for disciplinary action, they shall comply with the procedures of the Rules and Regulations set forth herein. Further, all employees are charged with the affirmative obligation to report any observed, noted or perceived misconduct or unsafe condition involving Agency personnel through the appropriate Chain of Command concluding with the Prosecutor.

APPENDIX A

RECKONING PROCEDURES EFFECTIVE PRIOR TO JANUARY 1, 2020

5:2.5 Employee Files

The reckoning procedures and period for disciplinary action for **Detectives** shall be as follows:

- A. RECKONING OF DISCIPLINARY ACTION - The administrative reckoning of a disciplinary action is similar to an expungement. The forgiveness of a prior disciplinary action is incorporated to encourage Investigation Division personnel to strive for improvement when poor judgment is used or a careless mistake made.
- B. RECKONING PROCEDURE - When disciplinary action has been taken against a member of the Investigation Division, a record of that action will be placed in the employee's personnel file. It is the responsibility of the employee to note when that action would be eligible for reckoning based upon the schedule which follows. When the eligible date has been reached, the employee must submit a memorandum through the Chain of Command to the Chief of Detectives requesting the disciplinary action be removed. Upon reviewing the request, the Chief of Detectives will decide whether the discipline shall be reckoned. The requesting employee will be notified of that decision. If a decision to reckon discipline is approved, the Chief of Detectives or his/her designee in consultation with the Prosecutor shall notify the Director of Administration to remove the record of disciplinary action from the personnel file of the employee. This record will be sent back to the Chief of Detectives or his/her designee, whereupon it will be prominently marked with the notation "reckoned" and placed in the Internal Investigation file which documented the events, which gave rise to the discipline. A notation will likewise be made on the file that the discipline has been reckoned. All information, reports, and documents which gave rise to that discipline will henceforth be considered "sealed" and be made available only as a result of court order. Reckoned discipline will not be considered in any future administrative decisions.
- C. RECKONING PERIOD
 - 1) Letter of Reprimand Only - Where discipline resulted in a letter of reprimand only, the reckoning period will be two (2) years from the date of the letter provided no additional disciplinary action has occurred or is pending at the time of the request for reckoning.
 - 2) Loss of Time - Where discipline resulted in a loss of time, the reckoning period will be three (3) years from the date of the notification letter, provided no additional disciplinary action occurred or is pending at the time of the request for reckoning.
 - 3) Suspension and Loss of Pay - Where discipline resulted in a suspension and loss of pay the reckoning period will be five (5) years from the date of the notification letter, provided no additional disciplinary action has occurred or is pending at the time of the request for reckoning.

When an additional disciplinary action has occurred prior to the eligible reckoning date, the reckoning period on the original discipline will extend to the eligible reckoning date of the second disciplinary action.

If three (3) or more disciplinary actions occur prior to the first action being reckoned, all disciplinary actions will be ineligible for reckoning for the remainder of the employee's employ.

- 4) There shall be no reckoning of a demotion made pursuant to a disciplinary action.
- 5) No disciplinary action concerning an employee's character for truthfulness, veracity and honesty shall be removed.
6. Under current collective bargaining agreements, the Prosecutor retains the unilateral authority to unseal a previously reckoned disciplinary action taken against a member of the Investigation Division, without the need for a court order, in the event that individual brings a lawsuit in state or federal court, or a charge or lawsuit is brought on his or her behalf by a third party, including any federal, state or local governmental agency or entity, against the MCPO, County or any of their officers, agents, employees (if they are named in their official capacities), agencies and instrumentalities. The Prosecutor shall have full discretion to thereafter use that unsealed disciplinary action to defend against any such lawsuit or charge.

The reckoning procedures and period for all employees shall be established pursuant to the current collective bargaining agreements.