

TOWNSHIP OF CLINTON POLICE DEPARTMENT

RULES AND REGULATIONS

COUNTY OF HUNTERDON

STATE OF NEW JERSEY

VOLUME 1, CHAPTER 1

APPROVED

Date

Mayor

Chief Executive Officer

Ordinance #

Effective Date:

CLINTON TOWNSHIP POLICE DEPARTMENT

DEPARTMENTAL RULES AND REGULATIONS

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INTRODUCTION

The success of a law enforcement agency is often measured by the degree of support it receives from the community it serves. The cultivation of this public support is, in-turn, contingent upon quality performance of all employees of the law enforcement agency. Therefore, all employees of the Clinton Township Police Department must regard themselves as part of a team dedicated to the safety and protection of the community. The rules and regulations outlined herein shall be used as an aid to accomplish this important task.

In addition, law enforcement professionalism has progressively gained recognition and acceptance. This recognition and acceptance can remain constant only if the actions of law enforcement employees are intelligent, sincere, efficient, and courteous.

In this light, these Rules and Regulations were adopted pursuant to local and state law for the operation, discipline, and administration of the Clinton Township Police Department and its individual employees. These Rules and Regulations are designed to guide employees with very little latitude for interpretation.

A copy of the most recent Rules and Regulations shall be maintained in Volume 1, Chapter 1 of the Clinton Township Police Department's written directive system. Each employee of the police department is to be provided with a copy of the Rules and Regulations. Each shall sign his or her acknowledgement that he or she has received, reviewed, and understands these Rules and Regulations. In the event neglect of duty is charged against an employee for failure to observe these Rules and Regulations, ignorance of any provision herein will not be accepted as an excuse.

[In addition to these Rules and Regulations, the Clinton Township Police Department has promulgated numerous written directives. The Clinton Township Police Department's written directives are intended to cover broader policies and procedures than these Rules and Regulations, with greater latitude permitted for their interpretation. The periodic amendment of General Orders, as well as the periodic posting of Special Orders, Memorandums, and Personnel Orders, will serve to provide supplementary guidelines to address changing conditions. In this respect, the Administrative officers of the Clinton Township Police Department encourage the suggestions and involvement of all employees in this process.]

I:1. LEGAL AUTHORIZATION

I:1.1 Establishment and Administration of the Clinton Township Police Department

In its entirety, N.J.S.A 40A:14-118 states:

“The governing body of any municipality, by ordinance, may create and establish, as an executive and enforcement function of municipal government, a police force, whether as a department or as a division, bureau, or other agency thereof, and provide for the maintenance, regulation, and control thereof. Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its members. The ordinance may provide for the appointment of a chief of police and such members, officers, and personnel as shall be deemed necessary, the determination of their terms of office, the fixing of their compensation, and the prescription of their powers, functions, and duties, all as the governing body shall deem necessary for the effective government of the force. Any such ordinance, or rules and regulations, shall provide that the chief of police, if such position is established, shall be the head of the police force and that he (sic) shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof and that he shall, pursuant to policies established by the appropriate authority:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b. Have, exercise, and discharge the functions, powers, and duties of the force;
- c. Prescribe the duties and assignments of all subordinates and other personnel;
- d. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and
- e. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.

As used in this section, ‘appropriate authority’ means the mayor, manager, or such other appropriate executive or administrative officer, such as a full-time director of public safety, or the governing body or any designated committee or member thereof, or any municipal board or commission established by ordinance for such purposes, as shall be provided by ordinance in a manner consistent with the degree of separation of executive and administrative powers from the legislative powers provided for in the charter or form of government either adopted by the municipality or under which the governing body operates.

Except as provided herein, the municipal governing body and individual members thereof shall act in all matters relating to the police function in the municipality as a body, or through the appropriate authority if other than the governing body.

Nothing herein contained shall prevent the appointment by the governing body of committees or commissions to conduct investigations of the operation of the police force, and the delegation to such committees or commissions of such powers of inquiry as the governing body deems necessary, or to conduct such hearing or investigation authorized by law. Nothing herein contained shall prevent the appropriate authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the police force or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the appropriate authority to act to provide for the health, safety, or welfare of the municipality in an emergency situation through special emergency directives.”

1:1.2 Township Ordinance

1. The Clinton Township Police Department, although in existence before this date, was formally established by authority of Chapter 5, Article 9, of the Township’s Administrative Code (1977).
2. Pursuant to Township ordinance #922-07 [**this was the ordinance amending 4:52(A)(2), which is the proper citation**], and pursuant to N.J.S.A. 40A:14-118, the Township Council is designated as the “Appropriate Authority” to promulgate rules and regulations for the government of the Police Department and for the discipline of its members.
3. Pursuant to Township ordinance #922-07, within the Department of Public Safety there shall be a Division of Police, also referred to as the Police Department, the head of which shall be the Police Director.

1:1.3 Powers and Duties of Law Enforcement Officers

1. N.J.S.A. 40A:14-152 empowers officers to act as peace officers and constables within the municipality. As such, they may, upon view, apprehend and arrest any disorderly person or any person committing a breach of the peace. They may also serve and execute process issuing out of courts having local criminal jurisdiction and shall have the powers of a constable in all matters other than in civil causes arising in such courts.
2. This act gives members the authority to enforce all laws, ordinances, and regulations as set forth within the Township of Clinton’s General Ordinances as well as the laws of the State of New Jersey.
3. N.J.S.A. 40A:14-152.1 empowers full-time, permanently-appointed members of the department to make arrests for any crime, committed in their presence, anywhere within the territorial limits of the State of New Jersey.
4. In accordance with the above, duties and responsibilities of members shall include, but shall not be limited to, the following:
 - a. Enforcement of all applicable local, state, and federal ordinances and laws and detect and (when necessary) arrest offenders of the same.

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- b. Preserve the public peace by suppressing riots, mobs, and interruptions, and dispersing unlawful and dangerous assemblages.
 - c. Preserve order at elections, public meetings, and lawful assemblages.
 - d. Prevent crime.
 - e. Perform all other such duties as may be imposed upon them by law.
- 5. The powers and duties of the Clinton Township Police Department were established by authority of Chapter 5, Article 9, Section 5.5 of Clinton Township ordinance.
- 6. The powers and duties granted the Clinton Township Police Department by Chapter 5, Article 9, Section 5.5 are as follows:
 - a. to preserve the public peace, prevent crime, detect and arrest offenders in violation of New Jersey penal law, enforce municipal ordinances, suppress riots, mobs, and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages,
 - b. to administer and enforce laws and ordinances which regulate, direct, control, and restrict the movement of vehicular traffic, pedestrian traffic, and the use of streets,
 - c. to adopt rules, regulations, and other written directives not inconsistent with the charter, ordinance, and general law for such purposes,
 - d. to remove all nuisances in the public streets, parks, and other public places,
 - e. to inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit,
 - f. to provide proper police attendance and protection at fires,
 - g. to enforce the laws and ordinances in effect within the Township and to prevent the violation of them by any person,
 - h. as necessary, apprehend and arrest all persons legally charged with the violations of state law and cite all persons legally charged with violations of township ordinance,
 - i. to provide for the attendance of its police officers or civilian employees in court for the prosecution and trial of persons charged with crimes and other violations of the law,
 - j. to cooperate fully with the law enforcement and prosecuting authorities of federal, state, and county governments, and

- k. to operate a training program to maintain and improve the efficiency of employees of the department.

I:1.4 Rules and Regulations Established

The Clinton Township Mayor and Council have established the Department Rules and Regulations. They shall be known as the “Department of Police of the Township of Clinton Rules and Regulations.”

I:1.5 Right to Amend or Revoke

In accordance with N.J.S.A. 40A:14-118, the Appropriate Authority hereby reserves the right to amend or revoke any of these Rules and Regulations, or add hereto, as circumstances require.

I:1.6 Previous Rules, Regulations, Directives, and Orders

All previously-issued rules and regulations, written directives, policies, procedures, Special Orders, Personnel Orders, or Memorandums contrary to those embodied herein are hereby revoked to the extent of any inconsistency with these Rules and Regulations. All other rules and regulations, policies, procedures, and orders not in conflict with those contained within these Rules and Regulations shall remain in force unless expressly revoked by the Appropriate Authority.

1:1.7 Application

1. The Clinton Township Police Department rules and regulations, policies and procedures, and written directives are applicable to all police officers of the department and, where appropriate, to all civilian employees and volunteers of the department.
2. An employee who violates any department rule, regulation, or written directive, or who fails to perform the duties of one’s rank or assignment, either willfully or through negligence or incompetence, is subject to disciplinary action.

I:2. THE NUMBERING SYSTEM

I:2.1 Chapter and Section Designation

Each chapter, section, and subsection shall be designated by title and Arabic numeral. All numbering shall be arranged according to a decimal 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. The number placed to the right of the decimal point shall designate the subsection.

I:2.2 Flexibility of System

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

I:3. RULES AND REGULATIONS

I:3.1 Availability of Rules and Regulations

A copy of these Rules and Regulations shall be provided to each police officer, civilian employee, and volunteer of the Clinton Township Police Department, as well as the Township Administrator, Township Clerk, Township Attorney, and Mayor.

I:3.2 Familiarization

All employees are duty-bound to thoroughly familiarize themselves with the provisions of these Rules and Regulations. Failure to comply shall be considered neglect of duty. In the event neglect of duty is charged against a Clinton Township Police Officer for failure to observe these Rules and Regulations, ignorance of any provision herein will not be accepted as an excuse.

I:4. DEFINITIONS

The terminology listed in this section has been defined to provide uniformity in usage and to clarify meanings when these terms are used.

I:4.1 Acting—assigned temporarily to serve in a position which the member is not ordinarily assigned; typically in a position of higher rank. All of the authority, responsibilities, and duties required by the position of higher rank passes to the acting member.

I:4.2 Administrative Leave—paid leave from regular duty that is authorized by the Appropriate Authority.

I:4.3 Annual Leave—the combination of vacation, personal, and compensatory time granted to all employees annually in accordance with all applicable collective bargaining agreements, the Township of Clinton Employee Handbook, and state and federal laws.

I:4.4 Appropriate Authority—the Township of Clinton’s governing Council.

I:4.5 Authority—the vested right, either through statute or written directive, to give commands, issue orders, enforce obedience, initiate action, and make necessary decisions. Those so designated may delegate authority. Acts performed without proper authority shall be considered in violation of these Rules and Regulations and those persons in violation shall be subject to disciplinary action.

I:4.6 Chain of Command—the unbroken line of authority extending from the Chief Executive Officer through one or more subordinates at each level of command down to the level of execution and vice-versa.

I:4.7 Chief Executive Officer—that person who is responsible to serve as the head of the police department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as the Chief of Police or Officer-In-Charge. “Officer” as used in “Chief Executive Officer” need not denote sworn status.

- 1:4.8 Commanding Officer**—any officer promoted to the rank of Sergeant or above who is in command of a Division, Unit, or Bureau.
- 1:4.9 Confidential**—secret information, the dissemination of which is prohibited.
- 1:4.10 Corporal**—a rank between Patrolman and Sergeant which is achieved via promotion.
- 1:4.11 Detail**—a temporary assignment for a specific activity.
- 1:4.12 Detective**—a police officer designated as a Detective while assigned to the Investigative Division who is responsible for conducting investigations.
- 1:4.13 Director of Public Safety**—that person within the Township of Clinton’s governing body who is responsible for the oversight of the Divisions of Police, Fire, Rescue, and any other division related to public safety.
- 1.4.14 Division**—a component part of the organization having jurisdiction-wide coverage and whose Commanding Officer reports directly to the Chief Executive Officer or his or her designee.
- 1.4.15 Employee**— everyone employed by the Clinton Township Police Department, whether sworn police officers, civilian employees, or appointed employees. Where appropriate, “employee” shall also include volunteers.
- 1:4.16 Gender**—use of the masculine gender herein shall also include, where applicable, the female gender.
- 1:4.17 General Orders**—written directives issued at the departmental or divisional level by the Chief Executive Officer or designee. General Orders remain in full force and effect until amended, superseded, or canceled by the Chief Executive Officer or designee. Departmental General Orders establish policy, procedure, and/or supplemental regulations governing matters that affect the entire department. Departmental General Orders are the most authoritative directives issued by the Department and may be used to amend, supersede, or cancel any other Order.
- 1:4.18 Headquarters**—the main police building that houses the administrative staff and other members of the Clinton Township Police Department.
- 1:4.19 Incompetence**—incapability of satisfactory performance of police duties.
- 1:4.20 Information Bulletin**—a publication or other special notice containing information regarding wanted persons, crime patterns, and other incidents calling for police attention.
- 1:4.21 Insubordination**—failure or deliberate refusal of any employee to obey a lawful order given by a superior or supervisory officer. Ridiculing a superior or supervisory officer or his or her order, whether in or out of the supervisory officer’s presence, constitutes insubordination as does disrespectful, mutinous, insolent, or abusive language directed toward a supervising officer.

- 1:4.22 Lawful Order**—any written or oral directive issued by a superior or supervisory officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, rule, or regulation.
- 1:4.23 Leave of Absence**—the period of time during which a police officer is excused from active duty and during which time he or she does not receive pay.
- 1:4.24 May/Should**—as used herein, the words may and should shall mean that the action indicated is permitted, expected, and encouraged.
- 1:4.25 Member**—any sworn or appointed police officer or official of the Clinton Township Police Department.
- 1:4.26 Memoranda**—written informational orders used to direct issues to departmental and divisional levels. Memoranda can be official orders. They are issued to express the thinking of the issuing authority on the subject under consideration.
- 1:4.27 Military Leave**—the period of time during which a member is excused from duty by reason of serving in the Armed Forces of the United States in an active capacity as provided by law.
- 1:4.28 Neglect of Duty**—an officer's failure to give suitable attention to the performance of his or her duty. Examples include, but are not limited to: failure to take appropriate action on the occasion of a crime, disorder, or other situation or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the officer's zone during a tour of duty; failure to perform duties or comply with provisions prescribed in these Rules and Regulations; and failure to conform to the department's operating procedures.
- 1:4.29 Off Duty**—the status of an officer during the period he or she is free from the performance of specified duties.
- 1:4.30 Officer-In-Charge, an**—the highest ranking member of the police department on duty. Rank is determined by grade (patrolman, sergeant, lieutenant, etc.) first and by seniority second. Any member in charge of a shift, detail, etc. Also known as "Shift Commander" or "Shift Supervisor." See second definition of Officer-In-Charge below.
- 1:4.31 Officer-In-Charge, the**—a sworn member of the police department appointed by the Appropriate Authority to be the highest commanding officer of the police department in the absence of a Chief of Police.
- 1:4.32 Official Channels**—through the hands of superior officers in the chain of command.
- 1:4.33 On Duty**—the status of an officer during the period when he or she is actively engaged in the performance of his or her duties. A police officer is subject to call at all times.
- 1:4.34 Order**—any written or oral directive issued by a superior or supervisory officer to any subordinate or group of subordinates in the course of police duty.

- 1:4.35 Patrol Officer**—a police officer who is assigned to the Patrol Section.
- 1:4.36 Personnel Orders**—an order issued by the Chief Executive Officer used to effect an appointment, assignment, or any other status change of personnel within the department. A Division Commander can issue a Personnel Order with the approval of the Chief Executive Officer.
- 1:4.37 Police Director**—a civilian who is appointed by the Appropriate Authority to be the head of the police department.
- 1:4.38 Police Vehicle**—all vehicles under the control of the Clinton Township Police Department, whether marked or unmarked, with or without radio equipment.
- 1:4.39 Policy**—a statement announcing the police department’s stance on a particular issue relevant to law enforcement duties. A “policy” statement is typically found at the beginning of a General Order.
- 1:4.40 Probationary Officer**—any member of the department serving for a period of time prior to permanent appointment.
- 1:4.41 Probationary Period**—a period of time each officer shall be required to serve prior to permanent appointment to a certain status.
- 1:4.42 Procedure**—a writing providing specific instruction for the proper implementation of departmental policy, Special Orders, Personnel Orders, and Memorandums.
- 1:4.42 Rules and Regulations**—detailed departmental directives authorized and adopted by ordinance, and amended or supplemented by resolution, binding members of all ranks and employees in terms of authority, responsibility, and conduct.
- 1:4.44 Seniority**—length of service. A member of any given rank with the longer service in that rank. Seniority determines who is in charge only if two officers are of the same rank (i.e., a Sergeant outranks a Patrolman even if the Patrolman has more years of service). Where conflict occurs because of identical dates of appointment, the officer sworn in first is deemed to be the senior, in the case of a patrol officer. In the case of promotions, seniority is determined by the officer with the higher position on the recommendation list from which the appointments were made, presumably the officer subsequently sworn to that rank first. See definition of “Officer-In-Charge” above for more information.
- 1:4.45 Senior Patrol Officer**—an officer who has completed fifteen (15) years of service and who has received a satisfactory performance evaluation at the completion of such service shall be appointed as a Senior Patrolman.
- 1:4.46 Shall/Will**—the words shall and will, as used herein, shall indicate that the action is mandatory.
- 1:4.47 Shift**—any assigned tour of duty as per existing contracts.
- 1:4.48 Sick Leave**—the period of time during which an officer is excused from active duty by reason of illness or injury.

- 1:4.49 Special Duty**—police service which requires an officer be excused from the performance of his or her regular duties. Special duty may also be an assignment to another division or unit or even to another agency. Special duty may also be the assignment of duties other than, or in addition to, regular duties within the same division, section, or unit.
- 1:4.50 Special Orders**—written directives issued by the Chief Executive Officer or Division Commander. Special Orders specify instructions governing particular situations. Special Orders are automatically canceled when their objectives are achieved.
- 1:4.51 Special Officer**—officers vested with special police authority pursuant to N.J.S.A. 40A:14-146.
- 1:4.52 Squad**—a functional unit subordinate to a Division or under the immediate direction of the Chief Executive Officer. It may be commanded by any rank, depending on its size and the nature and importance of its function.
- 1:4.53 Subordinate**—an officer lower in rank than his or her superior officer.
- 1:4.54 Superior Officer**—an officer holding a higher supervisory or command rank or position.
- 1:4.55 Supervisory Officer**—members of the department assigned to a position requiring exercise of immediate supervision over the activities of employees.
- 1:4.56 Training Bulletin**—bulletins published and designed to keep employees abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study.

1:5 LAW ENFORCEMENT CODE OF ETHICS

1:5.1 All members shall abide by this Law Enforcement Code of Ethics.

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

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land 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 forever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession....law enforcement.

1:5.3 Law enforcement is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to service above self are the motives which compel a police officer to discharge his or her responsibility in full measure. A police officer's life is one of self-sacrificing service to a high ideal, based upon his or her recognition of the responsibilities entrusted to him or her and the belief that law enforcement is an honorable vocation.

1:5.4 A police officer fully accepts his or her responsibilities to defend the right, to protect the weak, to aid the distressed, and to uphold the law in public and in private living. A police officer accepts the obligation to report facts truthfully and to testify without bias or display of emotion, and to consider all information coming to his or her knowledge by virtue of his or her position as a sacred trust, to be used for official purposes only.

1:5.5 A police officer gives his or her loyal and faithful attention to the identification and apprehension of criminals, being equally alert to protect the innocent and prosecute the guilty. He or she performs the functions of his or her office without fear, favor, or prejudice and does not engage in unlawful or improper practices. He or she does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interests of the State, Clinton Township, or the department.

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- 1:5.6** A police officer does not seek to benefit personally by any confidential information which has come by virtue of his or her assignment. He or she is respectful and courteous to all citizens. He or she is faithful and loyal to his or her organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their respective in matters of mutual interest and obligation.
- 1:5.7** Rigid adherence to the principles set out above is mandatory for anyone accepting a position with the Clinton Township Police Department. Acceptance of these principles should not be perfunctory; it should be weighed carefully. Citizens are quick to criticize any misconduct of members of the department; the community places a trust in police officers and expects them to conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.
- 1:5.8** There must be a moral philosophy and strong appreciation of the need for service in any profession. Unwavering adherence to such a moral philosophy will earn for police officers the respect and support of the public. Each member of the Clinton Township Police Department shall conform to the Law Enforcement Code of Ethics, as contained herein.

CHAPTER 2

GENERAL RULES AND REGULATIONS

2:1. PROFESSIONAL CONDUCT AND RESPONSIBILITIES

2:1.1 Standards of Conduct

Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

2:1.2 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 consistent with the law and personal ethics.

2:1.3 Truthfulness

All employees shall be completely truthful at all times.

2:1.4 Abuse of Authority

Willful misuse of police powers or authority, in any manner, is prohibited.

2:1.5 Cooperation

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

2:1.6 Chain of Command

1. All employees shall be aware of their relative position within the department, to whom they are immediately responsible, and who is accountable to them. The Chain of Command of the Clinton Township Police Department shall be as follows:
 - a. Police Director
 - b. Chief of Police (if no Chief of Police, than Officer-In-Charge who may be of any rank)
 - c. Captain
 - d. Lieutenant
 - e. Sergeant

- f. Corporeal
 - g. Senior Patrol Officer
 - h. Patrol Officer
 - i. Special Officer
- 2. When conflict occurs because of identical dates of appointment, the officer sworn in first is deemed to be the senior, in the case of a patrol officer. In the case of promotions, seniority is determined by the officer with the higher position on the recommendation list from which the appointments were made, presumably the officer subsequently sworn to that rank first.
 - 3. Subordinates shall keep their supervisors informed of their activities.
 - 4. Command officers and supervisory officers shall maintain communication with both supervisors and subordinates in order to maintain and facilitate the flow of information up and down the chain of command.
 - 5. Command officers may discuss department matters with any employee at any level within the department in order to maintain rapport and interaction needed for a successful organization.

2:1.7 Assistance

All employees are required to aid fellow employees exposed to danger or who are in a situation wherein danger is likely to occur.

2:1.8 Supervision of Subordinates

Employees shall properly monitor, instruct, counsel, supervise, direct, and discipline the personnel assigned to their command and enforce all department rules, regulations, policies, procedures, directives, and orders issued by competent authority. Employees are required to promptly report any unsatisfactory performance or violations through official channels. Employees are responsible for attempting to create a positive attitude among their subordinates and, in so doing, must endorse the policies, directives, and decisions of their superiors.

2:1.9 General Responsibilities

Members shall at all times take appropriate action to:

- 1. Protect life and property.
- 2. Preserve the peace.
- 3. Prevent crime.

4. Detect and, when necessary, arrest violators of the law.
5. Enforce all laws within department jurisdiction.
6. Exercise authority consistent with the obligations imposed by the Oath of Office and in conformance with the written directives of the Clinton Township Police Department.
7. Be accountable and responsible to their supervisors for obeying all lawful orders.
8. Strive to improve their skills and techniques through study and training.
9. Familiarize themselves with their current assignment.

2:1.10 Duty Responsibilities

1. Members of the department are always subject to duty.
2. They shall at all times respond to the lawful orders of superior or supervisory officers and other proper authorities, as well as to calls for assistance from citizens. Proper police action must be taken whenever required.
3. 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 requires.
4. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment.

2:1.11 Neglect of Duty

Employees shall faithfully and diligently carry out all of the duties and fulfill all of the obligations of their office. Failure to take appropriate action on the occasion of a crime, disorder, or other incident or condition deserving of police attention, or any other omission in which an employee represents an abandonment of their duties, obligations, or assignments, constitutes neglect of duty. Employees shall not commit any act, nor shall they be guilty of any omission, that constitutes neglect of duty.

2:1.12 Performance of Duty

All employees shall perform their duties as required or directed by law, department rule, policy, directive, or by order of a superior or supervisory officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

2:1.13 Questions Regarding Assignment

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

2:1.14 Insubordination

Employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:

1. Failure or deliberate refusal to obey a lawful order given by a superior or supervisory officer.
2. Any disrespectful, mutinous, insolent, or abusive language or action toward a superior or supervisory employee.
3. Encouraging other employees to refuse to obey a lawful order given by a superior or supervisory officer or encouraging other employees to engage in disrespectful, mutinous, insolent, or abusive language or action toward a superior or supervisory employee.

2:1.15 Circulating False Information

Employees shall not make, nor encourage others to make, false or misleading statements about department activities, including but not limited to policies, investigations, disciplinary actions, and personnel decisions, when such statements are intended to, or may tend to, adversely affect the morale or good order of the department or undermine the authority of any supervisory officer.

2:1.16 Knowledge of, and Obedience to, Laws and Regulations

Every employee is required to thoroughly familiarize themselves with their current assignment and is required to establish and maintain a working knowledge of all laws, ordinances, rules and regulations, policies, and procedures of the Clinton Township Police Department. Employees shall observe and obey all. In the event of improper action or breach of discipline, it will be presumed that the employee was familiar with the law, rule, or written directive in question.

2:1.17 Criticism of Official Acts or Orders

Employees shall not criticize the official actions, instructions, or orders of any other employee in a manner which is defamatory, obscene, unlawful, or which tends to impair the efficient operation, image, authority, or reputation of the department.

2:1.18 Conduct Toward Members and Employees

All employees shall treat all 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 others, employees shall demonstrate a positive attitude, refrain from using sarcastic remarks of any kind, and shall address members by rank.

2:1.19 Reasonable Caution in Performance of Duty

Employees shall exercise reasonable and prudent judgment and care in the performance of their duties so as to minimize the risk of injury and/or damage to all persons and/or property.

2:1.20 Manner of Issuing Orders

1. Orders from superiors or supervisors to subordinates shall be in clear, understandable language, civil in tone, and issued in pursuit of department business.
2. When conveying policies, directives, orders, etc., superiors and supervisors shall adopt a positive approach and impart the information in a manner most likely to gain acceptance and compliance.

2:1.21 Unlawful Orders

No superior or supervisory officer shall knowingly issue any order that is in violation of any law, ordinance, or departmental directive.

2:1.22 Obedience of Unlawful Orders

Obedience to an unlawful order is never a defense of an unlawful action. Therefore, no employee is required to obey an order that is contrary to federal, state, or local law. Responsibility for refusal to obey rests with the employee. He or she shall be required to justify his or her actions.

2:1.23 Obedience to Unjust or Improper Orders

Employees who are given orders that they feel to be unjust or contrary to the rules and regulations or written directives of the Clinton Township Police Department, but not unlawful, must first obey the order to the best of their ability. They then may proceed to appeal as provided in Subsection 2:1.25. Failure to follow the order prior to appeal may result in a charge of insubordination.

2:1.24 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.

2:1.25 Reports and Appeals - Unlawful, Unjust, Improper Orders

An employee who has received an unlawful, unjust, or improper order shall, at first opportunity after complying with Subsection 2:1.23, report in writing to the Chief Executive Officer through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time and shall be conducted through the office of the CEO.

2:1.26 Soliciting Gifts, Gratuities, Fees, Rewards, and Loans

Employees shall not, under any circumstances, directly or indirectly solicit any gift, gratuity, loan, reward, discount, or fee where there is any connection between the solicitation and their department employment without written permission from the Chief Executive Officer. Any such solicitations must stay within the established parameters of federal and state laws, directives from the New Jersey Attorney General, and from the Hunterdon County Prosecutor's Office.

2:1.27 Acceptance of Gifts, Gratuities, Fees, Loans

1. Pursuant to the provisions of N.J.S.A. 2C:27-6, employees shall not solicit or accept, either directly or indirectly under the color of their office, any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment.
2. Employees shall not accept any gift, gratuity, loan, fee, or other object of value, the acceptance of which might tend to influence the actions of said employees or any other employee in any matter of police business, or which might tend to cast an adverse reflection on the department or any employee thereof.
3. No employee shall receive any gift or gratuity from other employees junior in rank without the express permission of the Chief Executive Officer.

2:1.28 Rewards

Employees shall not accept any reward (in money or other compensation) for services rendered in the line of duty except lawful salary and any other compensation that may be authorized by law.

2:1.29 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 Executive Officer.

2:1.30 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 Executive Officer together with a written report explaining the circumstances.

2:1.31 Intercession - Soliciting

Employees shall not seek influence or intervention with the Chief Executive Officer, Mayor, Township Administrator, or members of the Township Committee in relation to promotion, assignments, disposition of pending charges, or findings in a department hearing or other related matter.

2:1.32 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.

2:1.33 Withholding Information

Employees shall not, at any time, withhold from the proper law enforcement authorities any police-related information which the employee knows, or should know, would be desired or needed by those authorities.

2:1.34 Reporting Violations of Laws and Ordinances

Members who have been cited for violating criminal, quasi-criminal (ordinances and all regulations, including but not limited to housing code violations, health regulations, New Jersey Administrative Code regulations, etc.), and motor vehicle laws shall report same in writing to the Chief Executive Officer through official channels.

Non-member employees who have been cited for violating criminal, quasi-criminal (ordinances and all regulations, including but not limited to housing code violations, health regulations, New Jersey Administrative Code regulations, etc.), or any other law that has bearing upon their association with the Clinton Township Police Department shall report same in writing to the Chief Executive Officer through official channels. Non-member employees who are in doubt as to whether the citation requires notification shall report same.

2.1:35 Reporting Violations of Laws, Ordinances, Rules, or Orders of Others

Employees knowing of other employees violating criminal, quasi-criminal (ordinances and all regulations, including but not limited to housing code violations, health regulations, New Jersey Administrative Code regulations, etc.), and motor vehicle laws shall report same in writing to the Chief Executive Officer 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 Executive Officer, official channels may be by-passed.

2.1.36 Driver's License

Whenever an employee's driver's license has been suspended or revoked, the employee shall immediately notify their immediate supervisor and give a full account of the reason for the suspension or revocation in writing.

2:1.37 Address and Telephone Numbers

1. Employees shall record their correct residence addresses and telephone numbers with their supervisor or, in the alternative, the officer designated to collate such information.
2. Employees are required to have telephones in the place where they reside.

3. Changes in address or telephone number shall be reported to the appropriate officer within twenty-four (24) hours of the change. This notification shall occur in writing and within the specified time, whether the employee is working or on leave.
4. Employees shall not disclose the phone number or address of other employees.

2:1.38 Drug Testing; Attorney General's Law Enforcement Drug Testing Policy

1. The Attorney General's Law Enforcement Drug Testing Policy, last revised June 2001, and as from time to time may be further revised or amended, is hereby adopted in its entirety as if set forth at length herein.
2. This policy applies to:
 - a. All sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this state, are under the jurisdiction of the Police Training Act, and are authorized to carry a firearm pursuant to N.J.S.A. 2C:39-6;
 - b. All law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
 - c. All applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this state and will be authorized to carry a firearm pursuant to N.J.S.A. 2C:39-6.
3. Copies of the policy are available from the Officer-in-Charge, or on the Internet at <http://www.state.nj.us/lps/dcj/agguide.htm>.

2:1.39 Actions While Off-Duty

While off duty, members shall take appropriate action in any matter that comes to their attention.

2:1.40 Payment of Debts

Employees shall promptly pay all debts and legal liabilities incurred by them.

2.2. GENERAL CONDUCT ON DUTY

2:2.1 Prohibited Activity on Duty

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

1. Sleeping, loafing, or idling.
2. Recreational reading (except at meals).

3. Conducting private business.
4. Gambling, unless to further a law enforcement purpose.
5. Smoking in non-designated areas.
6. Sexual activity of any kind.
7. Leaving the township without supervisory approval.

2:2.2 Alcoholic Beverages and Drugs

1. No employee shall appear for duty, or be on duty, under the influence of alcohol or drugs to any degree or be unfit for duty because of their use.
2. No employee shall report for duty with the odor of an alcoholic beverage on their breath or emanating from their person.
3. Employees shall refrain from drinking intoxicating beverages for a reasonable period of time prior to going on duty in order to eliminate odors, impairment, or any other effect an intoxicating beverage may create.
4. Employees shall not drink any kind of intoxicating beverage while on duty, nor take any drugs not duly prescribed and necessary for health while on duty, except on special assignment authorized by the Chief Executive Officer.
5. No employee shall operate a Township vehicle after having consumed alcoholic beverages.
6. Intoxicating beverages shall not be consumed on police department property.
7. No member of the department shall, at any time when in uniform or any part thereof, except in the performance of his or her duty, enter any place in which intoxicating liquor is served or sold, unless authorized by a superior or supervisory officer. This prohibition includes meal breaks at licensed liquor establishments *unless* the area in which the intoxicating liquors are served is separated from the dining area by a physical partition which blocks the view between the two areas.
8. Members shall not bring any intoxicating liquor or illicit drugs onto department property except when necessary in the performance of a police task. Liquor or drugs brought onto department premises in the furtherance of a police task shall be properly identified and stored according to department policy. Non-member employees shall not bring any intoxicating liquor or illicit drugs onto department property.

9. Superior officers shall not assign to duty any employee who is in an unfit condition due to the use of intoxicants. Superior officers shall immediately relieve of duty any employee and remove the service weapon of any member found on duty in such condition. The superior officer shall then submit a written report of the incident to the Chief Executive Officer.
10. Any employee who has a reasonable suspicion to believe that a fellow employee is under the influence of an intoxicating liquor or drugs must immediately report such fact to his or her immediate supervisor.
11. Employees shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty. An employee taking a prescription drug, and later, while on duty, suffers illness, may at the discretion of the superior or supervisory officer, be excused without disciplinary action.

2:2.3 Reporting For, and Absence From, Duty

Any member who, without proper authorization, fails to appear for duty at the date, time, and place required is "absent without leave." Such absence shall be reported in writing to the superior or supervisory officer immediately. Absences without leave must also be reported in writing to the Chief Executive Officer.

2:2.4 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.

2:2.5 Fitness for Duty

1. Members shall maintain good physical and mental condition so that they can handle the physical and mental situations often required of a law enforcement officer.
2. Those members unable to perform their assigned duties because of poor physical or mental condition shall be reported to the Chief Executive Officer through the chain of command.
3. If the Chief Executive Officer determines that the member is not fulfilling the requirements of police officers as outlined herein, the Chief Executive Officer shall require the officer to submit to an exam, at no cost to the officer, for the purpose of determining fitness for duty.

2:2.6 Loitering

Members on duty or in uniform shall not loiter at a public establishment unless in furtherance of a police-related task. Loitering in such locations is forbidden. Employees who are off duty and not on any official standby shall not loiter in Police Department areas.

2:2.7 Use of Tobacco Products

Employees may only use tobacco products in authorized areas. Employees shall not use tobacco products while in direct contact with the public. There shall be no use of tobacco products inside of Police Headquarters or in police vehicles.

2:2.8 Relief

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

2:2.9 Suspending Patrol for Meal or Coffee Break

1. Members will be permitted to suspend patrol, subject at all times to immediate call for duty and with the approval of the superior or supervisory officer on duty, for the purpose of having one meal during their shift.
2. Only that amount of time reasonably necessary to have a meal is allowed to be taken for a meal break.
3. Members shall have their portable radios turned on, and shall monitor the radio at all times, while taking a meal break.
4. Members shall arrange meal and coffee breaks at times when not more than one unit is at any one location at the same time, unless authorized by a superior or supervisory officer.

2:2.10 Training

Members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief Executive Officer or his or her designee. Such attendance is a duty assignment and is therefore mandatory.

2:2.11 Inspections

The Chief Executive Officer may call for dress inspections. Members directed to attend such inspections shall report in the uniform prescribed and carrying the equipment specified. Unauthorized absence from such inspection is chargeable as "absence without leave."

2:2.12 Courtesy

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

2:2.13 National Colors and Anthem

Uniformed members shall render full military honors during flag salute and the national anthem at appropriate times. Employees in civilian dress shall render proper civilian honors during the flag salute and national anthem at appropriate times.

2:2.14 Harassment in the Work Place

Employees are prohibited from any acts in the workplace that would constitute harassment, sexual or otherwise.

2:3. UNIFORMS, EQUIPMENT, AND APPEARANCE

2:3.1 Regulation Uniforms Required

Members shall maintain regulation uniforms, which shall be neat, clean, and well-pressed at all times.

2:3.2 Manner of Dress on Duty

Members shall wear the duty uniform during their tour of duty. However, superior or supervisory officers may permit other uniforms/clothing as required by the nature of the duty to which a particular member is assigned or based upon authority given to the superior or supervisor by the Operations Division Commander, such as during inclement weather, the night shift, etc.

2:3.3 Wearing or Carrying Badge

1. When in uniform, a member shall wear the regulation badge on the outside of their outermost garment, over the left breast and always in sight.
2. When in plain clothes, the member shall wear the regulation badge around their neck, on their belt, or in a location that is immediately accessible.
3. When off duty, the member shall carry his or her badge and department identification on his or her person if he or she is carrying a firearm.
4. If the member is not carrying a firearm, the member shall have in his or her immediate possession his or her badge and identification card.

2:3.4 Wearing of Name Plate

When in uniform, a member shall wear an approved name plate on his or her outermost uniform shirt. This does not include the member's raincoat or winter jacket.

2:3.5 Alternating Style of Uniform

Uniforms shall be made of the material and style prescribed in relevant Clinton Township Police Department directives. Such style shall not be altered or changed in any manner whatsoever unless authorized by the Chief Executive Officer.

2:3.6 Carrying Required Equipment When in Uniform

While on duty, members who are required to wear the specified uniform shall always carry the full equipment required for that particular uniform. The Chief Executive Officer shall, through written procedures, specify the equipment that is to be carried on duty. A member shall also carry specially-issued equipment and forms necessary for performing his or her duties.

2:3.7 Equipment in Civilian Clothes and On Duty

While on duty, members who are required to wear civilian clothes shall carry the full equipment as directed by the Chief Executive Officer.

2:3.8 Civilian Clothing - Manner of Dress

1. Male employees permitted to wear civilian clothing during a tour of duty shall wear either a business suit or sport coat and slacks. A dress-type shirt with tie shall be worn. Commanding officers may prescribe other clothing when necessary to meet a particular police objective.
2. Female employees permitted to wear civilian clothing shall conform to standards normally worn by office personnel in private business firms, unless otherwise directed. Any exceptions must be authorized by the Chief Executive Officer.

2:3.9 Equipment

Employees are responsible for the proper care of department equipment assigned to them. All equipment must be clean, in good working order, and conform to department specifications. Employees are prohibited from using department equipment for personal business. Department equipment is the property of Clinton Township and is therefore subject to inspection without notice.

2:3.10 Uniform and Equipment Damage Claim

Any claims for damage to clothing and equipment caused by performance of duty shall be made in accordance with current department procedures.

2:3.11 Damaged Or Inoperative Equipment

Employees shall immediately report to their supervisory officer, in writing, any loss of or damage to department property assigned to or used by them. The immediate supervisory officer shall be notified of any defects or hazardous conditions existing in any department equipment or property. Damaged or lost property may subject the responsible employee to reimbursement charges and disciplinary action.

2:3.12 Personal Appearance

Every employee of the department, while on duty, must at all times be neat and clean in person.

1. Grooming

a. Male Officers

- (1) Hair shall be evenly trimmed at all times while on duty. Long hair, as determined by the Chief Executive Officer, is not permitted.
- (2) There shall be no designs cut into the hair of sworn personnel or other uniformed personnel. Designs such as numbers, insignias, or similar inscriptions are strictly forbidden unless required for a law enforcement assignment.
- (3) Sideburns shall not extend below the bottom of the ear.
- (4) A clean-shaven appearance is required except that mustaches are permitted.
- (5) Beards are not permitted.
- (6) Male officers with a medical condition which precludes shaving shall be required to present a written statement, signed by a medical doctor, verifying such condition.

b. Female Officers

- (1) Female officers shall style their hair in such a fashion that it does not extend beyond the collar while on duty.
- (2) A bun or twist is permitted on the top or back of the head provided it is worn in a neat manner and does not interfere with the wearing of the uniform hat.
- (3) No ribbons or ornaments shall be worn in the hair except for neat inconspicuous bobby pins or conservative barrettes which blend with the hair color.

2. General Appearance

a. Cosmetics

- (1) May be worn by sworn uniformed officers.
- (2) If worn, cosmetics shall be subdued and blended to match the natural skin color of the individual.

b. Fingernails

- (1) Fingernails shall be clipped and trimmed short.
- (2) Only clear nail polish shall be worn by uniform officers.

c. Jewelry

- (1) Chains, medals, bracelets, earrings, etc. shall not be worn while on duty.
- (2) Wristwatches may be worn.
- (3) More than one finger ring is prohibited.

d. Tattoos

Tattoos or similar markings on the face, neck, or scalp are forbidden.

2:4. DEPARTMENT PROPERTY AND VEHICLES

2:4.1 Control of Property and Vehicles

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

All department property, including but not limited to computers, email systems, lockers, work areas, and vehicles are the property of Clinton Township and are therefore subject to inspection without notice.

2:4.2 Care of Department Buildings

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

2:4.3 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 a commanding officer, except those areas designated as Police Union bulletin boards. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order.

2:4.4 Use of Department Vehicles While Off Duty

Employees shall not use any department vehicle while off duty without the permission of a commanding officer.

2:4.5 Operation of Motor Vehicles

1. Employees shall not violate the traffic law when operating any vehicle, departmental, personal, or otherwise. They shall set an example for other persons in the operation of their vehicles.
2. It shall be the responsibility of any member operating a departmental vehicle to properly park the vehicle off of the traveled portion of the roadway at a crime scene, fire, etc., unless such vehicle is being used to light the scene, in a roadblock, or other extenuating circumstances.

2:4.6 Emergency Calls and Use of Emergency Lights and Siren

Members driving any department vehicle shall exercise judgment and care, with due regard for safety and property, when responding to emergency calls. They shall slow down at all street intersections to such degree that when crossing same they are certain that the motoring public and pedestrian traffic are not placed at risk. They shall follow department procedure when responding to emergency calls or when engaged in a pursuit.

2:4.7 Transporting Citizens

Citizens shall be transported in department vehicles only when necessary to accomplish a police purpose. Such transportation shall be performed in conformance with department procedure or at the direction of a commanding officer or immediate supervisor.

2:4.8 Reporting Crashes

On-duty crashes involving township personnel and property/equipment shall immediately be reported to the supervisory officer, in accordance with applicable procedures and law. It shall be the duty of the supervisor to investigate the crash and notify the Administrative and Operations Division Commanders.

2:4.9 Presumption of Responsibility

When township property or vehicles are 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.

2:4.10 Responsibility for Appearance and Maintenance

An employee shall be responsible for the general appearance and maintenance of the vehicle assigned to him or her. This responsibility includes, but is not limited to, ensuring that the vehicle is cleaned inside and out and that the township mechanic is made aware of all maintenance issues.

2:4.11 Surrender of Property Upon Resignation or Termination

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.

2:4.12 Surrender of Property While Under Suspension

Any member under suspension shall immediately surrender his or her badge, handgun, and all other department equipment to his or her superior officer pending disposition of the case. Any employee under suspension shall immediately surrender all department or township property in his or her possession to the superior officer of the unit to which he is assigned.

2:5. COMMUNICATIONS AND CORRESPONDENCE

2:5.1 Restrictions

Employees shall not:

1. Use department letterhead stationery for private correspondence.
2. Send correspondence on behalf of the department without proper authorization.

2:5.2 Forwarding Communications to Higher Commands

Any employee receiving a written communication for transmission to a higher command, shall, in every case, forward such communication.

2:5.3 Private Use of Department Address

Employees shall not use the department as a mailing address for private purposes.

2:5.4 Telephones

Department telephone equipment may not be used for the transmission of messages involving toll charges unless the Chief Executive Officer promulgates other regulations.

2:5.5 Radio Discipline

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

2:6. PUBLIC ACTIVITIES

2:6.1 Conduct Toward the Public

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

2:6.2 Professional Demeanor

Employees shall avoid giving the appearance that they are evading the performance of their duty or are disinterested in problems of persons who may be referred for service. Employees shall not belittle a seemingly trivial request, complaint, or piece of information.

2:6.3 Impartiality

All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the 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, or influence is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming an officer.

2:6.4. Request for Identification

Upon request, and as soon as practical, employees are required to provide their name and badge numbers, if applicable, in a courteous manner.

2:6.5 Disparaging Comments

Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of race, creed, color, national origin, ancestry, disability, sex, marital status, affectional or sexual orientation, gender identity, or expression.

2:6.6 Use of Derogatory or Antagonizing Language

Employees shall not:

1. Speak disparagingly of any person based on membership or perceived membership in any of the groups listed above in section 2:6.5, nor refer to them in insolent or insulting terms of speech, whether prisoners or otherwise.
2. Use uncomplimentary terms of speech when referring to any prisoner or other person or willfully antagonize any person with whom the member or employee comes in contact.

2:6.7 Public Statements

Employees shall not make public statements concerning the work, plans, policies, or affairs of the department that may impair or disrupt the department's operation. Employees shall not make public statements that are obscene, unlawful, defamatory, or otherwise prohibited by rule or written directive.

2:6.8 Subversive or Radical Organizations

No employee shall knowingly become connected with any subversive or radical organization or any person or organization which advocates or which is instrumental in fostering hatred, prejudice, or oppression against any racial, religious, or government group, except when necessary in the performance of duty and then only under the direction of the Chief Executive Officer.

2:6.9 Affiliation with Certain Organizations Prohibited

1. Members may become a member of an organization such as a fire company, auxiliary corps, or a first aid unit provided such membership does not interfere with his or her obligation as a police officer.
2. Members shall not affiliate themselves with any organizations whose constitutions impose provisions that might in any way exact prior consideration and prevent the proper and efficient functioning of the Clinton Township Police 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. Members shall not affiliate themselves with any organization or activity that would create a conflict of interest with the officer's sworn duties or the mission of the Clinton Township Police Department.

2:6.10 Commercial Testimonials

1. No employees shall use Clinton Township uniforms, names, equipment, or insignias to endorse any product or service without permission of the Chief Executive Officer.
2. No employees shall endorse any product or service in their capacity as a Clinton Township Police employee without permission of the Chief Executive Officer.

2:6.11 Public Appearance Requests

All requests for public speeches, presentations, and the like will be routed to the Chief Executive Officer for approval and processing. Employees directly approached for this purpose shall suggest that a party submit his or her request to the Operations Division Commander.

2:6.12 Publicity

Employees shall not seek personal publicity in the course of their employment.

2:6.13 Preferential Treatment

No employee shall seek the influence or intervention of any person, either outside of the Clinton Township Police Department or inside of the Clinton Township Police Department, for purposes of preferential treatment, advantage, transfer, or advancement.

2:6.14 Helping Others

Members shall always be alert to assist those in need, including but not limited to the lost, ill, or injured.

2:6.15 Availability

Employees on duty shall not conceal themselves except pursuant to a bona fide law enforcement purpose. Employees on duty shall be immediately and readily available to the public when on duty.

2:6.16 Responding to Calls

Members shall respond without delay to all calls for assistance from citizens or other members. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, will be considered misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any call directed to him or her. The member will inform the radio dispatcher when the member is off of the airwaves or when the member returns to duty status.

2:7. POLITICAL ACTIVITIES

2:7.1 Participating In Political Activities

1. No member shall, at any time when in uniform or any part thereof, except in the performance of duty, participate in any form of political activity or display any political material on any government property or on their person.
2. No member shall directly or indirectly use or seek to use his or her authority or official influence to control or modify the political actions of another person.
3. No member shall use the influence of their status as a law enforcement officer for political reasons.

2:7.2 Election to Public Office

Members may only run for public office, engage in political activities, or solicit for such purposes in accordance with New Jersey state law.

CHAPTER 3

3:1. RESPONSIBILITIES OF OFFICERS ASSIGNED TO SPECIAL DUTIES

3:1.1 Assignments

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

3:1.2 Duties and Responsibilities

The duties and responsibilities of members assigned to special duties shall be outlined and explained to the member prior to the officer being assigned to such duties. The Chief Executive Officer may from time to time modify the duties and responsibilities as he or she deems necessary.

3:1.3 Compensation

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

3:2. INVESTIGATORS AND INVESTIGATIONS—RESPONSIBILITIES

3:2.1 Command of Scene

At the scene of any crime, accident, crash, or other police incident, the ranking member present shall assume command and direction of police personnel to assure the most orderly and efficient accomplishment of the police task. When two or more members of the same rank are present and one of them is assigned to the investigative detail that will follow up the investigation, that member shall be in charge, if no supervisor is available. That member coordinates the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the senior officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

3:2.2 Responsibilities of Members Arriving at Crime Scenes

The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:

1. Summoning medical assistance and administering first aid as required to prevent further injury or loss of life,
2. Arrest of violator(s), when needed,
3. Security of the scene, and

4. Conducting a preliminary investigation

3:2.3 Responsibilities of Assigned Members at Crime Scenes

The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for the duties in Section 3:2.2 and the completion of the preliminary or follow-up investigation as directed. This shall include securing statements and other information which will aid in the successful completion of the investigation, locating, collecting and preserving physical evidence, and identifying, locating, and apprehending the offender.

3:2.4 Release of Information at Crime Scene

Unauthorized persons, including members of the press, shall be excluded from crime scenes. Information which will not hinder or nullify an investigation may be given to the press by the officer in charge of the investigation, in accordance with department procedures.

3:2.5 Confidential Information

1. Employees shall not reveal any confidential business of the department. They shall not impart confidential information to anyone except those for whom it is intended or as directed by their superior or supervisory officer.
 - a. “Information” as used herein shall include, but is not limited to, technical, economic, private, or personal data within the custody and/or control of the Clinton Township Police Department, data and/or details pertaining to all forms and types of financial, business, criminal, and civil actions, strategic and department plans, financial information, records, reports, recommendations, police procedures, findings, evaluations, forms, computer programs and data, specifications, methods, processes, research and development efforts, and all other “information” in the broadest sense of the word, whether stored, compiled, or memorialized physically, electronically, digitally, photographically, or in writing.
 - b. “Information” as used herein shall be interpreted broadly.
2. Employees shall not make known to any person any department order that they may receive unless so required by the nature of the order.
3. Contents of any record or report filed with the Clinton Township Police Department shall not be exhibited or divulged to any person other than a duly authorized police officer, except on approval of the Chief Executive Officer, or under due process of law, or as permitted under department regulations.
4. Employees shall not take photographs or films of any kind (cell phone camera, personal camera, etc.) of any person or any scene encountered on duty and/or during official business unless such photographs or films are made strictly in furtherance of an official duty.

5. Employees shall not disseminate photographs or films of any kind (cell phone camera, personal camera, etc.) of any person or any scene encountered on duty and/or while on official business unless such photographs or films are disseminated strictly in furtherance of an official duty.

3:2.6 Compromising Criminal Cases

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

1. Employees shall neither attempt to interrupt the legal process, except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity that might interfere with the process of law.
2. Employees shall not attempt to have any traffic summons or notice to appear reduced, voided, or stricken from the calendar.
3. Any employee having knowledge of such action, and who fails to inform his or her superior or supervisory officer of it, shall be subject to disciplinary action.
4. No employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information on Clinton Township Police Department records.

3:3. ARRESTS

3:3.1 Arrests

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

1. The arresting officer shall employ only such force as is necessary to ensure the safety of other citizens, police officers, and himself or herself.
2. Members shall refrain from using unnecessary force in all situations. Members shall not strike a prisoner or any other person except when necessary in self-defense or to overcome actual physical resistance in making an arrest. When it is necessary to use force, the circumstances shall be included in a report.
3. The arresting officer is responsible for the safety and protection of the arrested person while in his or her custody. The arresting officer shall notify the transporting officers of any injury, apparent illness, or other conditions which indicate that the arrested person may need special care.
4. The arresting officer is responsible for the security of the personal property in possession of the arrested person at the time of arrest. Except for vehicles, this responsibility transfers to the transporting officers when they accept custody of the arrested person.

3:3.2 Identification as Police Officer

Except when impractical or when their identity is obvious, officers shall identify themselves verbally and by displaying the official badge before taking police action.

3:3.3 Assisting Criminals

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

3:4. DETENTIONS AND PRISONERS

3:4.1 Custody of Prisoners

Members charged with the custody of prisoners shall observe all relevant laws and department orders. Prisoners shall be kept secure, treated humanely, and shall not be subjected to unnecessary restraint.

3:4.2 Transportation of Prisoners

Members transporting prisoners shall do so in accordance with department procedures. Prisoners requiring medical attention shall be delivered to the appropriate hospital. The transporting officer(s) shall be responsible for the security of the prisoner(s) until properly relieved by a security officer, unless otherwise directed by a superior or supervisory officer.

3:4.3 Reports and Bookings

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

3:4.4 Recommending Attorneys and Bail Bond Brokers Prohibited

There may be times when a person would benefit from legal counsel or the services of a bail bondsman. Employees shall not suggest, recommend, advise, or otherwise counsel the retention of any specific attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory. Running or soliciting for an attorney shall be considered gross misconduct.

3:4.5 Acting as Bailor Prohibited

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

3:5. FIREARMS

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

3:5.1 Handling of Firearms

Police officers shall exercise great caution and care when handling firearms on and off duty. Members are solely responsible for the firearms under their custody and control.

3:5.2 Official Duty Firearms

1. The official duty firearm shall be the firearm issued to each police officer by the Clinton Township Police Department. Carrying or possessing personal firearms on duty is prohibited, unless otherwise authorized by the Chief Executive Officer.
2. Requests by officers to carry a backup weapon must be approved by the Chief Executive Officer. Backup weapons shall only be carried if the officer desiring to carry such weapon has been qualified with it by a Clinton Township Police Department Firearms Instructor.

3:5.3 Authorization of Non-Official Duty Firearms

The Chief Executive Officer may authorize a police officer to carry a firearm other than the official duty firearm. Qualification requirements for such other firearm will be outlined in the department procedures regarding firearms qualifications.

3:5.4 Non-Approved Firearms Prohibited

Police officers who carry and employ firearms other than those that have been issued or approved by the Chief Executive Office shall be subject to disciplinary action.

3:5.5 Carrying Firearms - General

1. Police officers shall carry their official duty firearm fully loaded and in a serviceable, operating condition so that they shall be prepared when called upon to carry out a police duty, service, function, or responsibility. Police officers who may be sick, injured, or on vacation leave may, but are not required to, carry a firearm. Police officers who are suspended or whose weapons have been officially taken from them for other reasons shall not carry a firearm under any circumstances.
2. Police officers may carry their authorized off-duty firearm fully loaded and in a serviceable, operating condition so that they can be prepared when called upon to carry out a police duty, service, function, or responsibility.

3. All weapons shall be clean and in proper working order. Official duty firearms will be subject to inspection at all times. The Clinton Township Police Department shall supply cleaning materials for official duty firearms.

3:5.6 On-Duty and Off-Duty Holsters

The official duty firearm or authorized off-duty firearm shall be carried only in department-issued holsters or in authorized holsters which conform to department specifications

3:5.7 Carrying Firearms - On Duty

Police officers in uniform shall carry their duty firearm in holsters attached to their uniform belts, unless otherwise directed by the Chief Executive Officer. Other police officers not in uniform shall carry their firearm in authorized holsters.

3:5.8 Loss of the Firearm

Loss of the official police firearm shall be reported immediately to the Chief Executive Officer through the chain of command. Loss of the official duty firearm through carelessness or neglect shall be deemed a serious violation of department regulations.

3:5.9 Care of Firearms Off Duty While Outside of Home

When off duty and outside of his or her home, a member may, but is not required to, carry his or her official duty firearm or other authorized firearm. If the officer chooses to carry his or her firearm, he or she shall keep his or her firearm properly holstered and available for necessary use. To avoid an accidental discharge, the firearm must be carried in an approved department holster.

3:5.10 Security of Firearms Off Duty at Home

If a member's department-issued firearm is brought home, said member shall secure the weapon with the use of a trigger lock and shall keep his or her department-issued firearm in an extremely secure location but readily available in the event that it is needed for use at the Clinton Township Police Department.

3:5.11 Access to Firearms by Minors

Members shall ensure that minor children cannot have access to any firearm in the household. New Jersey law holds the owner of the firearm responsible.

3:5.12 Discharge of Firearm Report

When a firearm is discharged by a police officer, whether on duty or off duty, intentionally or accidentally, the police officer shall:

1. Immediately notify their immediate supervisor of the occurrence via written report, and

2. Be guided by the instruction of the department procedure.
3. Intentional discharges during qualifications or approved training are exempt from this Rule.

3:5.13 Firing of the Weapon Under Other Circumstances

A police officer may fire his or her firearm to dispose of an animal that is dangerous or that is seriously injured when other means of disposition are unavailable.

3:5.14 Qualifications

All officers shall qualify with their official authorized duty weapons at least twice a year, in accordance with the New Jersey Attorney General's Guidelines, including but not limited to two (2) nighttime qualifications and two (2) daytime qualifications.

3:5.15 Tampering with Police Firearms

1. All repairs and adjustments to the official duty firearm shall be approved by the department supervising firearms officer.
2. Members shall not use unauthorized molded grips, special-type grips, or pearl-handled grips. Also, they shall not make any change in the trigger pull mechanism or effect any other unauthorized alteration or addition. Grip adapters may be used in special cases, but only after the member has first obtained the approval of the department supervising firearms officer.
3. Officers are strictly prohibited from swapping parts of weapons for repair purposes, upgrades, or otherwise. Each part of the official authorized duty weapon shall remain with that weapon.

3:5.16 Ammunition Issuance and Replacement

The initial issue and the replacement of ammunition for department firearms shall be made by the department without expense to the police officer. The department shall replace rounds of ammunition that have become unserviceable and rounds that have been expended in the line of police duty. Only department-issued ammunition shall be used. The supervising firearms instructor shall be responsible for all departmental ammunition and shall maintain a constant inventory of same.

3:6. JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES, AND TESTIFYING

3:6.1 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 suspend, delay, or vacate this duty must be obtained from the prosecuting attorney handling the case or other authorized court official. When appearing in court, members must wear either their official uniform or a suit and tie. Members shall present a neat and clean appearance, avoiding any mannerism that might imply disrespect to the court. Weapons will not be visible when the officer appears in court wearing a suit and tie.

3:6.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial, hearing, or against the Township or department in any hearing or trial, shall notify his or her superior officer upon receipt of the subpoena. The Division Commander shall notify the Chief Executive Officer.

3:6.3 Department Investigations - Testifying

Employees are required to answer questions posed by, or render material and relevant statements to, a competent authority in an internal investigation when so directed.

3:6.4 Truthfulness

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

3:6.5 Civil Action, Acting As An Expert Witness, Court Appearance - Subpoena

An employee shall not volunteer to testify as an expert witness 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 member or employee is informed that he or she is a party to a civil action arising out of department employment, he or she shall immediately notify his or her commanding officer of the service or notification and of the testimony he or she is prepared to give. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current procedure.

3:6.6 Civil Depositions and Affidavits

Employees shall confer with their superior officer before honoring a deposition or affidavit in a civil case. If a commander determines that the case is of importance to the Township, he or she shall inform the Chief Executive Officer before the deposition or affidavit is honored.

3:6.7 Civil Cases

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

CHAPTER 4

PERSONNEL REGULATIONS

4:1. OATH OF OFFICE

All members, before their assignment to duty and prior to their promotion to higher ranks, shall be required to take an oath of office as follows:

“I, (state name), do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, that I will bear true faith and allegiance to the same and to the governments established in the United States and in this State, under the authority of the people; and that I will faithfully, impartially, and justly perform all the duties of the office of (name office) according to the best of my ability. (So help me God).”

The individual taking oath may include or exclude the phrase “So help me God” as desired.

4:2. PROBATIONARY PERIOD

Appointment of an officer to the Clinton Township Police Department is for a probationary period of one (1) year after he or she has completed an approved police training class. Continuation in the service is dependent upon the conduct of the appointee and his or her fitness to perform his or her duties as evaluated during this probationary period. If the conduct or capacity of the probationer has not been satisfactory during the probationary period, he or she shall be notified in writing that he or she will not receive permanent appointment. If the probation period is not extended in such a case, the probationer shall be notified by the Chief Executive Officer that his or her services shall be terminated without a hearing.

The probationary period may be extended up to an additional one (1) year in order to comply with the mandatory training required under N.J.S.A. 52:17B-69, or for other reasons deemed appropriate by the Chief Executive Officer.

4:3. OUTSIDE EMPLOYMENT

Prior to engaging in any outside business or employment, the employee shall request permission from the Chief Executive Officer in writing.

4:3.1 Permit for Outside Employment

No member shall engage in any business or employment during his or her off duty hours in department uniform without permission from the Chief Executive Officer. The carrying of a department firearm for the purpose of providing off-duty security is prohibited unless approved by the Chief Executive Officer.

4:3.2 Conflicts of Interest

No outside employment shall be permitted wherein the nature of the employment generates or implies a conflict of interest, requires the utilization of the member's authority as a police officer, or places the member in a morally compromising setting.

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

4:4.1 Hours of Duty

1. Members of the department shall have regular hours assigned to them for active duty. When off duty, they shall, nevertheless, be subject to duty as needed.
2. The fact that members may technically be off duty shall not relieve members from the responsibility of taking proper police action on any matter coming to their attention at any time.

4:4.2 Days Off

Employees are entitled to days off which are to be taken according to a schedule arranged by the respective superior officers.

4:4.3 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 Executive Officer, such action be taken.

4:4.4 Absence from Duty for Five Days Continuously

Except as otherwise provided by law, any permanent member who shall be absent from duty without just cause or leave of absence for a continuous period of five (5) days shall cease to be a member of the Clinton Township Police Department. (See N.J.S.A. 40A:14-122).

4:4.5 Selection of Vacation Period

Annual vacation periods shall be approved via procedures established by the Chief Executive Officer.

4:4.6 Administrative Leave

The Chief Executive Officer may authorize a member to be absent from duty with pay for a period of ten (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 great loss of life, serious injury, or a life-threatening situation that involved the member during their regular course of duty. Administrative leave is not part of the disciplinary process.

4:5. SICKNESS, INJURY LEAVE, FAMILY AND MEDICAL LEAVE

4:5.1 Reporting Sick or Injured

1. Employees unable to report for duty because of sickness or injury shall immediately report this to the supervisory officer on duty, but not less than one (1) hour prior to the start of a tour of duty. If unable to report, a relative or other responsible person shall notify the senior officer either in person or by telephone.
2. Anyone who remains absent from duty due to injury or sickness for a period in excess of three (3) consecutive days shall present his or her superior officer with written documentation from a medical doctor stating that the officer is fit to return to regular duty, if this is indeed the case. The Chief Executive Officer may order an employee or member to be examined by a Township Physician *at no cost to the employee*.
3. The Chief Executive Officer may require an employee to submit to an examination based on the individual's sick time record. The Chief Executive Officer is authorized to promulgate sick time use procedures as he or she deems appropriate.

4:5.2 Address of Confinement

When sick or injured, employees shall be responsible for notifying their supervisor as to the location, where they shall remain, or of any subsequent change in their places of their location. Employees are only authorized to leave their location to visit their doctor or obtain a prescription.

4:5.3 Sick or Injured on Duty

Members who fall sick or become injured on duty shall report this to their supervisory officer and shall remain on duty until relieved, unless excused by a superior officer. The exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance.

4:5.4 Unauthorized Absence

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

1. Are not at home or who are not at their reported location, while on sick leave, when visited by a physician or a superior officer.
2. Feign illness or injury.
3. Deceive the physician in any way as to their true condition.
4. Are injured or become sick as a result of improper conduct.
5. Violate any provisions concerning the reporting of sickness or injury.

4:6. LEAVE OF ABSENCE FOR DEATH IN FAMILY

Employees shall be allowed bereavement leave in accordance with the stipulations covered in their appropriate contract. Those employees not governed by contract shall be subject to township policy.

4:7. MILITARY LEAVE OF ABSENCE

4:7.1 Military Reserve Leave

An employee who is a member of the Organized Reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, United States Marine Corps Reserve, or other affiliated organization, shall be entitled to a leave of absence from duty without loss of pay or time on all days during which he or she shall be engaged in active duty field training. Active duty field training shall not include weekend drills unless such weekend drills are under active duty orders.

Such leave of absence shall be in addition to the regular vacation due such employee under the collective bargaining agreement (Source: N.J.S.A. 38:23-1).

4:7.2 Enlistment or Re-enlistment in National or State Military Organization

Employees shall not enlist, re-enlist, or accept a commission in any federal or state military organization without having made prior notification to the Chief Executive Officer.

4:7.3 Extended Leave, Surrender of Department Property

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

4:7.4 Field Training Leave

Employees going on military leave for field training must notify their 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.

4:8. GRIEVANCE PROCEDURE

The Chief Executive Officer shall recognize and deal with the members of the police department for the adjustment of any grievances which may arise in accordance with the appropriate contracts. Those employees not subject to contract guidelines shall be governed in accordance with township policy.

4:9. RESIGNATION

4:9.1 Resignation to be in Writing

Resignations of employees must be in writing and bear the signature of the person resigning. Employees shall provide the Chief Executive Officer not less than fourteen (14) days written notice of their resignation.

4:9.2 Resignation Prohibited While Charges are Pending

Members are prohibited from resigning while charges are pending against them unless permission is granted by the Chief Executive Officer.

CHAPTER 5

DISCIPLINARY REGULATIONS

5:1. DISCIPLINARY ACTION

5:1.1 Disciplinary Action

Members, regardless of rank, shall be subject to disciplinary action for: 1) violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey, or municipal ordinances; or 2) failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment; or 3) for violation of any special order, general order, or rule of the department; or 4) for failure to obey any lawful instruction, order, or command of a superior or supervisory officer. Disciplinary action in all cases shall be decided on the merits of each case.

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 these Rules and Regulations prohibits disciplining employees or charging members merely because the alleged act or omission does not appear herein.

5:2 PENALTIES

The following penalties may be assessed against any member of the department as disciplinary action:

1. Counseling
2. Oral reprimand
3. Written reprimand
4. Voluntary surrender of time off in lieu of other action

5. Suspension
6. Demotion
7. Dismissal

5:3 DEPARTMENT AUTHORITY TO DISCIPLINE

5:3.1 Oversight By Chief Executive Officer

Within the limitations set forth in N.J.S.A. 40A:14-147 through 151 as well as applicable Township ordinances and the New Jersey Attorney General's Guidelines, department disciplinary authority and responsibility rest with the Chief Executive Officer. All department discipline shall be reviewed and approved by the Chief Executive Officer.

5:3.2 Counseling Not To Be Considered Discipline

Superior or supervisory officers may, when necessary, "counsel" a subordinate for any reason in an effort to improve the subordinate's knowledge and/or performance. Although counseling is a component of the disciplinary process, it shall not be considered a disciplinary measure *per se*. Counseling shall be documented on a Performance Notice.

5:3.3 Authorized Actions of Superior or Supervisory Officers

Superior or supervisory officers may independently take the following disciplinary measures. Final disposition shall be subject to the Chief Executive Officer's approval.

1. Oral Reprimand

A verbal admonishment given to a subordinate by a superior or supervisory officer. Written documentation is to be made and forwarded to the Chief Executive Officer via the normal chain of command. This form of discipline shall remain in the member's file for a period of six (6) months unless another oral reprimand is given that member during this six-month period.

2. Written Reprimand

A written notice of violation of rules, regulation, policies, procedures or special orders given to a subordinate by a superior or supervisory officer. It is to be written on an official police department disciplinary form and forwarded to the Chief Executive Officer via the normal chain of command. This form of discipline shall permanently remain in the file.

3. Emergency Suspension

4. Written Recommendations for Other Penalties

5:3.4 Emergency Suspensions

Any superior officer shall have the authority to impose emergency suspension against a member until the next business day when the superior officer reasonably believes that such action is in the best interests of the department. Any suspension of a member shall be consistent with the mandates of N.J.S.A. 40A:14-147 through 40A:14-150 and the Township of Clinton Employee Manual.

5:3.5 Emergency Interdivisional Disciplinary Action

1. When the improper conduct of a member of one unit is of such a nature that immediate, emergency disciplinary action is required by a superior or supervisory officer of another unit, such action shall be taken at once. The superior or supervisory officer taking such emergency disciplinary action shall immediately notify the disciplined member's immediate supervisor and the Internal Affairs Officer.
2. The superior or supervisory officer shall also submit a written report of this action, as well as the justification for such action, to his superior officer and also to the supervisory officer of the member.

5:3.6 Follow-up After Emergency Suspensions

A member receiving an emergency suspension shall be required to report to the Chief Executive Officer on the next business day at 0900 unless otherwise directed by competent authority. The superior officer imposing the suspension shall also report to the Chief Executive Officer at the same time.

5:3.7 Reports of Disciplinary Action Taken or Recommended

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

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

5:3.8 Distributions of Reports of Disciplinary Action

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

1. Original to the Chief Executive Officer through the chain of command.
2. Copies to subject's Division Commander.
3. Copy retained by officer imposing or recommending the action.

5:3.9 Endorsement and Forwarding of Disciplinary Reports

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

5:3.10 Informing the Person Being Disciplined

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

5:3.11 Appeals from Penalties

Appeals from penalties imposed as disciplinary measures may be taken as provided in N.J.S.A. 40A:14-147 to 151 inclusive, the New Jersey Attorney General's Guidelines, and department procedures.

1. Any officer who has had a sustained finding of any disciplinary charge or charges may obtain review in the Superior Court of Hunterdon County.
2. Such review shall be obtained by serving a written notice of the application therefore upon the Appropriate Authority within ten (10) days after the written notice to the member of the sustained finding. The Appropriate Authority shall transmit to the court a copy of the record of such sustained finding and of the charge or charges from which the matter stems.
3. The court shall hear the case *de novo* on the record below and may either affirm, reverse, or modify such conviction. If the member shall have been removed from his position, the court may direct that he or she be restored to such position along with all his or her rights pertaining thereto, and may issue such other orders or judgments as said court shall deem proper.
4. Either the Township or the member may supplement the record with additional testimony subject to the rules of evidence.

5. Members shall also have the rights conferred by N.J.S.A. 40A:14-209 et seq., including but not limited to arbitration.

5:3.12 Misconduct Observed by Police Personnel

Whenever any superior or supervisory officer observes or is informed of the misconduct of another member which indicates the need for disciplinary action, he or she shall take authorized and necessary action.

5:3.13 Polygraphs

No employee shall be ordered or asked to submit to a polygraph (lie detector) test for any reason. Such test may be given, however, if requested by the employee. If an employee demands a polygraph test, and the Township of Clinton agrees to permit a polygraph test, both entities must agree prior to the test that the results of such test will be used during the disciplinary action.

5:4. CITIZEN COMPLAINTS AGAINST POLICE PERSONNEL

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

5:4.1 Channeling of Complaints

All complaints shall be forwarded to the Internal Affairs Officer. Investigation of complaints shall be conducted as outlined in the department's Internal Affairs Investigation directive.

5:4.2 Internal Complaint Form

The Internal Complaint Form shall be completed by all officers who field complaints.

5:4.3 Serious Complaints or Allegations

If, in the opinion of the supervisory officer, the incident is of sufficient gravity, he or she shall notify the Internal Affairs Officer and appropriate superior officer regardless of the hours. In addition, he or she shall take any immediate action necessary to preserve the integrity of the department until the arrival of the Division Commander.

5:4.4 Investigation of Alleged Misconduct

1. The member assigned to the investigation of an alleged act of misconduct on the part of a member shall conduct a thorough and accurate investigation with due regard to the procedures set forth in the New Jersey Attorney General's Guidelines.
2. Such investigation shall include signed statements from all parties concerned when necessary and pertinent, the gathering and preservation of any physical evidence pertaining to the case, and all other information bearing on the matter.

5:4.5 Reports and Investigation of Alleged Acts of Misconduct

An alleged act of misconduct shall be investigated and the results of the investigation shall be submitted in a written report entitled, **Report of Investigation and Findings**. The investigating member shall summarize the pertinent facts including:

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

All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members to disciplinary action.