

**NORTH BERGEN  
POLICE DEPARTMENT**

---

**RULES  
AND  
REGULATIONS**





**TOWNSHIP OF NORTH BERGEN**  
**DEPARTMENT OF PUBLIC SAFETY**  
**POLICE DEPARTMENT**  
LAW & PUBLIC SAFETY BUILDING  
4233 KENNEDY BOULEVARD  
NORTH BERGEN, NJ 07047



**DEPARTMENT ORGANIZATION**

**REFERENCE GUIDE**

**DEPARTMENTAL RULES & REGULATIONS AND LABOR PROCEDURES**

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## LAW ENFORCEMENT CODE OF ETHICS

**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 men and women 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 confidential nature or that is in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before GOD to my chosen profession.....law enforcement.

## CANONS OF POLICE ETHICS

### **Committee of the International Association of Chiefs of Police, Inc.**

#### **Article 1      Primary Responsibility of Job**

The primary responsibility of the police service and of the individual officer is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The Law Enforcement Officer always represents the whole community and its legally expressed will and is never the arm of any political party or clique.

#### **Article 2      Limitations of Authority**

The first duty of a Law Enforcement Officer, as upholder of the law, is to know the restraints of the law upon him/her while enforcing same. Because he/she represents the legal will of the community, be it local, state or federal, he/she must be aware of the limitations and proscriptions which the people, through the law, have placed on him/her. He/she must recognize the genius of the American system of government, which gives no person, groups of people or institution, absolute power, and he/she must insure that he/she, as a prime defender of that system, does not pervert its character.

#### **Article 3      Duty to be Familiar with the Laws and with Responsibilities of Self and other Public Officials**

The Law Enforcement Officer shall assiduously apply him/herself to the study of the principles of the law which he/she is sworn to uphold. He/she will be certain of his/her responsibilities in the particulars of their enforcement, seeking aid from his/her supervisors in matters of technicality or principle when these are not clear to him/her. He/she will make a special effort to fully understand his/her relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

#### **Article 4      Utilization of Proper Means to Gain Proper Ends**

The Law Enforcement Officer shall be mindful of his/her responsibility to pay strict heed to the selection of means in discharging the duties of his/her office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal

means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, those who enforce it must first honor it.

**Article 5      Cooperation with Public Officials in the Discharge of their Authorized Duties**

The Law Enforcement Officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He/she shall be meticulous, however, in assuring him/herself of the propriety, under the law, of such actions and shall guard against the use of his/her office or person, whether knowingly or unknowingly, in any proper or illegal action. In any situation open to question, he/she shall seek authority from his/her superior officer, giving him/her a full report of the proposed service or action.

**Article 6      Private Conduct**

The Law Enforcement Officer shall be mindful of his/her special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the Law Enforcement Officer lead the life of a decent and honorable person. Following the career of a police officer gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition that will not degrade it. Rather, he/she will so conduct his/her private life so that the public will regard him/her as an example of stability, fidelity and morality.

**Article 7      Conduct Toward the Public**

The Law Enforcement Officer, mindful of his/her responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. He/she shall conduct his/her official life in such a manner that will inspire confidence and trust. Thus, he/she will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him/her nor a right to command him/her. The officer will give service where he/she can and require compliance with the law. He/she will do neither from personal preference or prejudice, but rather as a duly appointed officer of the law discharging his/her sworn obligation.

**Article 8      Conduct in Arresting and Dealing with Law Violators**

The Law Enforcement Officer shall use his/her powers of arrests strictly in accordance with the law and with due regard to the rights of the citizen concerned. His/her office gives him/her no right to prosecute the violator or to mete out punishment for the offense. He/she shall, at all times, have a clear appreciation of his/her responsibilities and limitations regarding detention of the violator; he/she shall conduct him/herself in such a manner as will minimize the possibility of having to use force. To this end he/she shall cultivate a dedication to the service

of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

**Article 9     Gifts and Favors**

The Law Enforcement Officer, representing government, bears the heavy responsibility of maintaining by his/her own conduct, the honor and integrity of all government institutions. He/she shall, therefore, guard against placing him/herself in such a position whereby any person can expect special consideration. Thus, he/she should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his/her judgment in the discharge of his/her duties.

**Article 10    Presentation of Evidence**

The Law Enforcement Officer shall be concerned equally in the prosecution of the wrongdoers and the defense of the innocent. He/she shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In doing so, he/she will ignore social, political, and all other distinctions among persons involved, strengthening the tradition of the reliability and integrity of an officer's work.

The Law Enforcement Officer shall take special pains to increase his/her perception and skill of observation, mindful that in many situations his/her sole impartial testimony to the facts of a case.

**Article 11     Attitude Toward Profession**

The Law Enforcement Officer shall regard the discharge of his/her duties as a public trust and recognize his/her responsibility as a public servant. By diligent study and sincere attention to self-improvement, he/she shall strive to make the best possible application of science to the solution of the crime, and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He/she shall appreciate the importance and responsibility of his/her office, and hold police work to be an honorable profession rendering valuable service to his/her community and his/her country.

## FORWARD

The Township of North Bergen Administrative Code delegates authority to and fixes responsibility upon the Police Chief for the day to day functions of the Police Department. Accordingly, the rules, procedures and policies contained in this manual are adopted for the government, discipline, administration, and disposition of the Police Department of North Bergen, New Jersey, its police force, and the members thereof.

It is recognized that this manual cannot hope to prescribe the specific actions to be taken in each situation encountered by individual police officers, or is this its intent. Its primary purpose is to serve as a guide for all members of the Department.

Loyalty, courage, integrity, and dedication to duty are all qualities expected of the professional police officer. However, these qualities in themselves are not sufficient. Professionalism demands that services to the community always be paramount in the mind of each police officer. Personal feelings must be sublimated in deference to the good of the community.

Just as the individual police officer must dedicate him/herself to the good of the community, each commanding officer must, in addition, dedicate him/herself to the good of his/her command and the Police Department. Initiative, efficiency, and self-reliance shall be deemed prerequisites for command; weakness and evasion of responsibility will not be tolerated.

Individual commanders have been granted greater flexibility and authority for operations and decision making within their commands. However, it must be understood that decentralization imposes an attendant, proportionate increase in accountability. While commanders are encouraged to demonstrate imagination, initiative and innovation, the exercise of these prerogatives must not be undertaken on whim alone. Improved police service should be the prime objective.

The attitudes and actions of subordinates reflect the character and ability of the commander. In much the same way, community attitudes and actions are reflections of police-community contacts. Since any neglect or diversions from the proper performance of duty reflects unfavorably upon the Department, it becomes incumbent upon each member to conduct him/herself in an exemplary manner, maintaining the highest standards of performance the people expect and deserve.

Therefore, the contents of this manual have been developed to guide and assist members in reaching these goals. Adherence to these principles and guidelines by all members of the Department will eliminate the need for disciplinary action, and will insure our acceptance by the community as a truly professional Police Department.



# **CHAPTER**

**1**

# **INTRODUCTION**

**CHAPTER 1  
INTRODUCTION**

**1:1 ESTABLISHMENT OF NORTH BERGEN POLICE  
DEPARTMENT RULES AND REGULATIONS**

**1:1.1 Legal Authorization-** *New Jersey Statute 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 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.

**1:1.2 Township Ordinance.**

The Department of Police is established by authority of Ordinance entitled, "Ordinance to Establish a Day and Night Police to regulate the Manner of Their Appointment and Their Duties" adopted December 20, 1923.

The power and duties of the Police Department are established by authority of said ordinance, which directs that the Police Department shall:

- A. Preserve the public peace, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township of North Bergen, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.
- B. Administer and enforce laws and ordinance to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and to make rules and regulations, not inconsistent with the charter, ordinance, and general law for such purpose.
- C. Remove all nuisances in the public streets, parks, and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring any state or municipal license or permit.
- D. Provide proper police attendance and protection at fires.

- E. Enforce the laws and ordinances in effect within the Township and prevent the violation of them by any person; apprehend and arrest all persons legally charged with the violations of any law or ordinance.
- F. Provide for the attendance of its police officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crimes and other violations of the law, and cooperate fully with the law enforcement and prosecuting authorities of federal, state, and county governments.
- G. Operate a training program to maintain and improve the police efficiency of the members of the Department.

**1:1.3 Rules and Regulations Established.**

The appropriate authority of the Township of North Bergen hereby adopts and promulgates the Department Rules and Regulations, to be known as the "Township of North Bergen Police Department 2014 Rules and Regulations."

**1:1.4 Right to Amend or Revoke.**

For the good of the service, in accordance with New Jersey Statute 40a:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to revoke any of the rules, regulations, or procedures, or add thereto, as circumstances require.

**1:1.5 Previous Rules & Regulations.**

All rules, regulations, procedures and orders previously issued, contrary to those embodied in this manual are hereby revoked. All other rules, regulations, orders and procedures not in conflict with those contained in this manual shall remain in force.

**1:1.6 Application.**

- A. Police policies and procedures, rules and regulations are applicable to all sworn officers of the Department and where specified, to all civilian employees of the Department.

- B. All existing Department al rules and regulations, orders and instructions in conflict with these regulations are rescinded.
- C. All general orders, directives, special orders (including those on Department al forms) and manuals not in conflict with these police regulations shall have the same authority as police regulations.
- D. Police policy or general orders shall not be canceled, amended, or issued without the approval and signature of the Chief of Police.
- E. Failure of an officer or employee either willfully or through negligence or incompetence to perform the duties of his/her rank or assignment, or violation by an officer or a civilian employee of any Department regulation or order, may be considered sufficient cause for disciplinary action.

## 1:2 THE NUMBERING SYSTEM

### **1:2.1 Chapter and Section Designation.**

Title and Arabic numeral shall designate each chapter, section and subsection. All numbering breakdowns shall be arranged according to a decimal sequence.

### **1:2.2 Chapter and Section Sequence.**

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

### **1:2.3 Subsection Sequence.**

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

### **1:2.4 Series Lettering.**

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

### **1:2.5 Flexibility of System.**

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

### **1:3 THE OPERATIONS MANUAL**

#### **1:3.1 Distribution of the Manual.**

One copy of the Police Rules and Regulations shall be distributed to each police officer and to certain civilian employees of the Police Department. Also, for reference purposes, copies shall be distributed to the office of the Township Clerk, the Township Administrator, Township Attorney and the governing body.

#### **1:3.2 Responsibility for Maintenance.**

All members and employees who are assigned a manual shall be responsible for its maintenance and care. All manuals shall be kept current and supplementary pages concerning additions, revisions, or amendments shall be promptly and properly inserted.

#### **1:3.3 Familiarization.**

Each police officer and each civilian employee is duty bound to thoroughly familiarize him/herself with the provisions of the Rules & Regulations and the Operations Manual. Failure to comply shall be considered neglect of duty.

#### **1:3.4 Ignorance of Contents of Manual.**

In the event neglect of duty is charged against a member for failure to observe the rules and regulations, Department procedures or orders, ignorance of any provision of this manual or any Department procedure or order, will not be accepted as an excuse.

### **1:4 DEFINITIONS OF TERMS**

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

#### **1:4.1 Acting**

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

- 1:4.2 Activity Report**  
A form on which members are required to record their work and official actions.
- 1:4.3 Annual Vacation**  
Vacation period granted to all members annually.
- 1:4.4 Appointing Authority**  
The director or commissioner of a police department or agency.
- 1:4.5 Authority**  
Authority is the statutory or policy vested right to give commands, enforce obedience, initiate action and make necessary decisions. Those so designated may delegate authority. Acts performed without proper authority or authorization shall be considered in violation of this manual and those persons in violation shall be subject to disciplinary action.
- 1:4.6 Bureau**  
A functional unit having jurisdiction-wide coverage, whose commanding officer reports directly to the Chief of Police. Each Bureau consists of a number of divisions.
- 1:4.7 Captain**  
Captain of Police of the Department.
- 1:4.8 Chain of Command**  
The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.
- 1:4.9 Chief**  
Chief of Police of the Department.
- 1:4.10 Commanding Officer**  
Any rank of Lieutenant and above.
- 1:4.11 Contract**  
Agreement between the Township of North Bergen and Policeman's Benevolent Association, Local 18 and Local 18A (Superior Officer's Association).
- 1:4.12 Days Off**  
Those days, determined by the Chief of Police, on which a given member is excused from duty.

**1:4.13 Department**

Township of North Bergen Police Department.

**1:4.14 Departmental Vehicle**

Any vehicles (marked and/or unmarked) assigned to the Police Department.

**1:4.15 Deputy Chief**

Deputy Chief of the Department.

**1:4.16 Detail**

A temporary assignment of personnel for a specialized activity.

**1:4.17 Detective**

A police officer assigned to conduct criminal investigations while in civilian clothing or uniform, as directed.

**1:4.18 Division**

A component part of the organization having jurisdiction-wide coverage whose commanding officer reports directly to the Chief of Police or Deputy Chief of Police.

**1:4.19 Employee**

Civilian employee of the Department.

**1:4.20 Equipment**

Items provided for personnel by contract and/or general orders.

**1:4.21 Gender**

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

**1:4.22 General Order**

Written directives issued at the Department level by the Chief of Police. General Orders remain in full force and effect until amended, superseded or rescinded by the Chief of Police. Departmental Orders establish policy, procedure, or regulations governing matters which affect the entire Department. They are the most authoritative directive issued in the Department and may be used to amend, supersede or rescind any other order.



**1:4.23 Headquarters**

The police building that houses the headquarters staff and the members of this Department.

**1:4.24 Incompetence**

Incapable of satisfactory performance of police duties.

**1:4.25 Informational Bulletin**

A bulletin containing information regarding wanted persons, property, crime patterns, and other incidents calling for police attention, special notices, etc.

**1:4.26 Instruction/Training Bulletin**

Bulletins published and designed to keep officers of this Department 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. The information contained therein constitutes official Department policy on the subject matter under consideration in the absence of other instructions to the contrary.

**1:4.27 Insubordination**

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

**1:4.28 Investigator / Detective**

Patrol officer assigned to the Investigative Division.

**1:4.29 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 or any Department rule or regulation.

**1:4.30 Leave of Absence**

The extended period of time during which a police officer is excused from active duty and during which time he/she does not receive compensation pursuant to New Jersey Civil Service regulations.

**1:4.31 Lieutenant**

Lieutenant of Police of the Department.

**1:4.32 May/Should**

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

**1:4.33 Member**

Any duty sworn police officer of the Department.

**1:4.34 Memoranda**

Information bulletins that are primarily designed to inform and secondarily to direct issues to Departmental and divisional levels. Such memoranda are not official orders, but express the thinking of the issuing authority on the subject under consideration.

**1:4.35 Military Leave**

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

**1:4.36 Neglect of Duty**

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

**1:4.37 Off Duty**

The status of a member during the period he/she is free from the performance of specified duties. Also may be known as rest period, day off, or an annual leave.

**1:4.38 Official Channels**

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

**1:4.39 On Duty**

The status of a member during the period of a shift when he/she is actively engaged in the performance of his/her duties. Technically a police officer is subject to call at all times.

**1:4.40 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.

**1:4.41 Patrol Officer**

Any member of the Department below the rank of Sergeant.

**1:4.42 Personnel Orders**

Appointment, assignment, or any other status change of personnel within the Department are accomplished by Department Personnel Orders issued by the Chief of Police. Division Commander can issue with the approval of the Chief of Police.

**1:4.43 Police Incident**

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

**1:4.44 Police Officers**

All sworn members of the Department.

**1:4.45 Policy and Procedures**

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

**1:4.46 Post/Zone**

A geographical area of coverage by a police officer.

**1:4.47 Probationary Police Officer**

One year period from date of appointment including attendance at the Police Academy.

**1:4.48 Procedure**

The act or manner of proceeding in any action or process; conduct.

**1:4.49 Rules and Regulations**

Detailed directives binding members and employees of all ranks in terms of authority, responsibility and conduct.

**1:4.50 Section**

A functional unit (Administrative/Operations) under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.

**1:4.51 Section Commander**

The supervisory officer in charge of a section.

**1:4.52 Seniority**

Seniority in the Department is established first by rank and second by time served in rank, whether on a regular, assigned or temporary basis. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the appointment eligibility list from which the appointments were made, is deemed to be the senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher-ranking command or supervisory officer.

**1:4.53 Shall/Will**

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

**1:4.54 Shift**

Any assigned tour of duty as per existing contracts.

**1:4.55 Sick Leave**

The period of time during which a member is excused from active duty by reason of illness or injury.

**1:4.56 Special Duty**

Police service the nature of which requires that the member be excused from the performance of his/her regular duties.

**1:4.57 Special Orders**

Written directives issued by an officer having a rank of Sergeant or above. They specify instructions governing particular situations. Special orders are automatically cancelled when their objectives are achieved.

**1:4.58 Special Police**

Persons vested with special police authority but not members of the Department.

**1:4.59 Subordinate**

Members lower in rank than his/her supervisory officer.

**1:4.60 Superior Officer**

A person holding a rank higher than a patrol officer or investigator/detective.

**1:4.61 Supervisory Officer**

Member of the Department assigned to a position requiring the exercise of immediate supervision over the activities of other members and employees.

**1:4.62 Suspension**

The act of temporarily denying a member or employee the privilege of performing his/her duties and relieving him/her from duty with or without pay for a specified period involved, in consequence of alleged dereliction or violation of Department regulations.

**1:4.63 Tense of Words**

The words used in the present tense include the future.

**1:4.64 Tour of Duty**

The number of days of work on a given shift during which an individual member is on duty.

**1:4.65 Training Bulletin**

Bulletins published and designed to keep officers of the Department 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. The information contained therein constitutes official Department policy on the subject matter under consideration in the absence of other instruction to the contrary.

**1:4.66 Uniform**

Prescribed or regulation uniform worn by members of the Township of North Bergen Police Department.

**1:4.67 Unit**

Smallest component part subordinate to a section.

# **CHAPTER**

**2**

# **ORGANIZATION**

## **2:1 ORDER OF RANK**

### **2:1.1 Rank and Seniority**

When officers are of the same grade, they shall rank according to their seniority determined by time in rank. When two or more officers are appointed to the same grade on the same day, each shall rank according to this respective position on the eligibility list, and the officer with the higher position on the eligibility list shall be given the lower Departmental identification number, which shall be determinative of seniority in accordance with Section 1:4.52 of these Rules.

### **2:1.2 Rank Established**

Rank in the North Bergen Police Department is established by municipal resolution, shall descend in the following order:

- A. Chief of Police
- B. Deputy Chief
- C. Captain
- D. Lieutenant
- E. Sergeant
- F. Detective (assignment)
- G. Patrol Officer

## **2:2 UNIT RESPONSIBILITIES**

### **2:2.1 Office of the Chief**

The Chief of Police is responsible for the general direction, control and supervision of the Police Department as authorized and provided for by statute, ordinance, and these rules.

### **2:2.2 Patrol Division**

The Patrol Division Commander is responsible for directing and controlling and the supervision of all personnel and areas of responsibility assigned to this division by the Chief of Police. The areas of responsibility and personnel assigned to the division will be clearly

outlined in a written job description and indicated on the Department's Table of Organization Chart, approved by the Chief of Police.

### **2:2.3 Investigative/Detective Division**

The Investigative Division Commander is responsible for the direction, control and supervision of all personnel and areas of responsibility assigned to this division by the Chief of Police. The areas of responsibility and personnel assigned to the division will be clearly outlined in a written job description and indicated on the Department's Organizational Chart, approved by the Chief of Police. This division is responsible for the following functions:

- A. Follow-up investigations of serious crimes
- B. Preparation of cases for prosecution
- C. Recovery of stolen property
- D. Performance of all identification functions
- E. Prevention and control of juvenile delinquency
- F. Processing of juvenile offenders
- G. Maintaining liaison with juvenile courts
- H. Cooperating with all other law enforcement agencies in the investigation and detection of crime
- I. Investigating reports of, and seeking to locate, missing persons
- J. Such other duties as may be assigned to it by the Chief of Police

### **2:2.4 Administrative Services Division**

The Administrative Services Division Commander is responsible for direction, control and supervision of all personnel and areas of responsibility assigned to this division by the Chief of Police. The areas of responsibility and personnel assigned to the division will be clearly outlined in a written job description and indicated on the Department's Table of Organization Chart, approved by the Chief of Police.

The Support Services Division Commander shall be responsible for:

- A. Security of police records and other data submitted to the custody and control of the Records Division
- B. Directing subordinates and civilian employees assigned to the Records Division in the proper performance of their assigned duties



- C. Distributing reports and other data to the proper division and agencies
- D. Preparing annual crime statistics and submitting them to the FBI, State Police or other official agencies as required and continuously advises administrators, investigative and patrol division commanders of the development of trends, M.O.'s, special conditions or apparent inefficiencies disclosed by reports and records

### **2:3 COMMAND AND SUPERVISORY RESPONSIBILITIES AND AUTHORITY**

#### **2:3.1 Chief of Police - Authority and Responsibilities**

The Chief of Police shall be the head of the Department and shall be the final Department authority in all matters of policy, operations, and discipline and shall:

- A. Be directly responsible to the appointing authority for the efficiency and routine day-to-day operations.
- B. Administer and enforce rules and regulations for the control, disposition, and discipline of the Department and of its officers and employees.
- C. Administer procedures consistent with state law, for the hearing and determination of charges of violation of Department rules and regulations by any member of the police force.
- D. Have and exercise all of the functions, powers and duties to the force.
- E. Prescribe the duties and assignments of all subordinates and other personnel.
- F. Administer the work of the Department through the divisions established and such other units of administration as he/she may find necessary or desirable.
- G. Assign functions, powers and duties to members and employees of the Department.
- H. Delegate such of his/her powers as he/she may deem necessary for the efficient administration of the Department to be exercised under his/her direction and supervision by division heads.
- I. Report at least monthly to the appointing authority, in such form as shall be approved by the governing body on the work of the Department during the preceding month.

- J. Make recommendations for the appointment of officers and employees within the Department.

### 2:3.2 Deputy Chief

The Deputy Chief shall rank next below the Chief of Police and shall be second in command of the Department and shall assume the responsibilities of the Chief of Police in his/her absence. The Deputy Chief shall:

- A. Assume the duties of the Chief of Police and during such period shall exercise the same powers, perform the same duties, and be subject to the same rules and regulations as the Chief of Police.
- B. Make such personal inspection of the Township at such irregular and unusual hours as will be sufficient to keep him thoroughly informed of all the existing conditions and to determine whether all members under his command are efficiently performing their duties.
- C. Cause a daily record to be kept in Police Headquarters of all the transactions of the Department.
- D. Report to the Chief of Police, in writing, all complaints against subordinates in the Department made by citizens or other members of the Department.
- E. At specified times, in his office, hold conferences with all the superior officers under his command, and such other officers or clerks as he deems fit for the purpose of discussing efficiency and cooperation for the mutual help and better enforcement of the law and the prevention of crime.
- F. At certain specified times of the year make a complete report to the Chief of Police as to the conduct and efficiency of all subordinate officers subject to his supervision. Said reports shall include such recommendations pertaining to changes in the personnel of his command as he may deem advisable to the best interests of the Department.
- G. Be responsible for the conduct and efficiency of the Section and Divisions under his command, for the condition and discipline of the members, for the care and proper use of all apparatus and equipment, and for the proper carrying out of the rules and regulations governing the Department.

- H. By personal inspection, made as often as practicable, see that the Divisions under his command are kept at the highest point of morale; that the Department property in his care is kept clean and in good repair and order; that all apparatus, equipment and supplies are maintained in an efficient working condition and are properly accounted for; that all duties required of his command are properly performed; that the personnel are properly instructed in their duties and are capable of carrying out the instructions properly, and; that all uniforms and equipment of the members are neat and serviceable and of approved design.
- I. Promptly and fully investigate all violations of the rules and regulations of the Department, or any neglect of duty that might come to their notice, and shall make a prompt and full report thereon to the Chief of Police.
- J. Promptly report to the Chief of Police if he is, for any reason, unable to perform full duty.
- K. When in command of a shift, he shall make a full report of all pertinent events occurring in the Department during each tour of duty to the officer in command of the incoming shift.

### **2:3.3 Commanding Officer - Authority and Responsibilities**

Subject to direction from higher command, a Division Commander has direct control over all members and employees within his/her command. In addition to the general and individual responsibilities of all members and employees and supervisory officers, a Division Commander is responsible for the following:

- A. **Command**  
The direction and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command and supervision in his/her absence.
- B. **Loyalty and Esprit de Corps**  
The development and maintenance of esprit de corps and loyalty to the Department.
- C. **Discipline and Morale**  
The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.

**D. Intra-Departmental Action**

The promotion of harmony and cooperation with other divisions of the Department. Initiation of proper action in cases not regularly assigned to his/her command.

**E. Organization and Assignment**

Organization and assignment of duties within his/her division to assure proper performance of Department functions and those of his/her command.

**F. Reports and Records**

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

**G. Maintenance**

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

**2:3.4 Police Captain - Authority and Responsibilities**

Under supervision, may command a division, shift, squad or unit of the Department and is responsible for the direction and control of personnel under his command consistent with the authority delegated to him and in accord with these Rules and Regulations. The Police Captain is responsible for the following:

- A.** Analyzes and properly assigns the work of his unit, providing for the proper protection of persons and property, the prevention of crime, enforcement of the law, the apprehension, incarceration, and prosecution of law breakers.
- B.** Provides sufficient supervision to assure that the work of his unit is carried out in an efficient manner.
- C.** Delegates such of his powers as may be deemed necessary to enable subordinates to carry out their duties.
- D.** Performs efficient inspectional services to see that all ranks of his command are properly and effectively performing assigned work. Recommends or institutes changes as necessary.

- E. Investigates or causes to be investigated, complaints regarding police service or alleged infractions of Rules and Regulations; makes recommendations regarding disposition of same, and; in minor infractions, disciplines subordinates.
- F. Police facilities and equipment, maintains or causes to be maintained necessary records and files, and performs related work as required.

### **2:3.5 Police Lieutenant - Authority and Responsibilities**

Under supervision, may command a division, squad or unit and is responsible for a shift, detail, etc., or performs field or supervisory functions. The Police Lieutenant is responsible for the following:

- A. Analyzes and properly assigns the work of his shift, detail, etc.
- B. Provides police assignments and instructions necessary to assure that the work of the shift, detail, etc. is carried out in the most efficient manner.
- C. Delegates such of his powers as may be deemed necessary to enable subordinates to properly effect their duties.
- D. Inspects the work of his shift, detail, etc., to assure that work standards are adhered to.
- E. Initiates and directs criminal and non-criminal investigations; assures that accountability is maintained.
- F. At such times as emergent action is required, takes such actions as are necessary to meet the emergency; makes or causes to be made all notifications necessary to same.
- G. Prepares and directs the preparation of reports suitable to the required accounting for each police action; performs related work as required.

### **2:3.6 Police Sergeant**

Under direction, supervises and is responsible for the activities of field or headquarters personnel, overseeing and taking part in police activities intended to provide order maintenance, assistance and protection for persons and property, observance of law, and the detection and apprehension of law violators. The Police Sergeant is responsible for the following:

- A. Assign and instruct subordinates in police patrol methods and procedures, investigation practices, and related law enforcement problems. Provides training as needed. Leads subordinates by example.
- B. Directs criminal and non-criminal investigations; makes investigations regarding improper police services or actions.
- C. Supervises technical aspects of some police operations.
- D. When necessary, takes proper police action against law violators.
- E. Visits and inspects police patrol units, assignments, posts, and sectors; noting and correcting or reporting any conditions which require police attention.
- F. Directs the preparation of reports and maintains necessary reports and records; performs related work as required.

### **2:3.7 Tour Commander - Authority and Responsibilities**

The Tour Commander, during his/her tour of duty, exercises the same authority and has the same responsibilities as his/her commanding officer, subject to higher authority. In the absence of the Section Commander, the senior available member of the section is in charge unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the Section Commander is specifically responsible for the following:

- A. **Good Order**  
The general good order of his/her command during his/her tour of duty to include proper discipline, conduct, welfare, field training and efficiency.
- B. **Roll Call**  
Conduct of prescribed roll calls, communications and all orders, or other information at roll call and inspection and correction of his/her command as necessary.
- C. **Reporting**  
Reporting as required by a commanding officer.

**D. Personnel Complaints**

Inquiry into personnel complaints against members and employees under his/her command in accordance with the provisions of this manual.

**2:3.8 Supervisory Officers - Authority and Responsibilities**

In addition to the general and individual responsibilities of all members and employees, supervisory officers are specifically responsible for the following:

**A. Supervision**

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

**B. Leadership**

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

**C. Direction**

Exercise direct command in a manner that assures the good order, conduct, discipline and may extend to subordinates outside their usual spheres of supervision if the police objective or reputation of the Department so requires or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his/her own to leave a regular assignment, the supervisor so directing, will inform the subordinate's own supervisor as soon as possible.

**D. Enforcement of Rules**

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

**E. Inspection**

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

**F. Assisting Subordinates**

Having a working knowledge of the duties and responsibilities of his/her subordinates. Observing contacts made with the public by his/her subordinates and being available for assistance or instruction as may be required. He/she shall respond to calls of serious emergencies, crimes in progress, assaults, and others

unless actively engaged in a police incident. He/she should observe the conduct of the assigned personnel and take active charge when necessary.

### **2:3.9 Detective (Assignment)**

Under direction, is assigned to investigative or technical units and is responsible for the investigation and clearance of criminal and noncriminal complaints, or other duties which may be assigned because of a particular expertise.

- A. Shall intelligently and thoroughly investigate each assignment, initiating the investigation by prompt contact with the complainant.
- B. Uses all legal means at his disposal to detect and solve crime and prosecutes offenders, thoroughly investigating information received from any source.
- C. Shall keep detailed day-to-day records of his investigations, acquainting supervisors and interested units with information developed.
- D. Must study and apply sound investigative techniques and improve his efficiency by attention to:
  - 1. Use of records and reports;
  - 2. Conduct of interviews;
  - 3. Cultivation of informants;
  - 4. Development of perceptive abilities; and
  - 5. Proper collection, identification, analysis, preservation and presentation of evidence.
- E. Shall prepare all cases in a manner which insures the best possible presentation in court.
- F. Shall learn the rules of evidence, court procedure, and the art of testifying, which makes for an effective witness. He shall also cooperate with the prosecution in trial preparation.
- G. Notwithstanding his assignment, he shall provide an immediate response to an emergent or observed need for police service.
- H. When he/she shall be called upon to serve in a uniformed capacity, he/she shall be governed by all rules pertinent to his regular assignment and those governing uniformed police officers.



### **2:3.10 Patrol Officer - Responsibilities and Duties**

Patrol Officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. They will perform these duties as prescribed in Department orders and as directed by their supervisors. In addition to these and the general and individual responsibilities of all members and employees, Patrol Officers are specifically responsible for the following responsibilities listed in chapter 2, section 10 and its subsections.

### **2:3.11 Police Mission**

A Patrol Officer is responsible for the accomplishment of the police mission on his/her beat. He/she shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. He/she shall be held accountable for crime, accidents, disorders, and other criminal conditions on his/her beat.

### **2:3.12 Reporting for Duty**

He/she shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. He/she shall listen attentively to orders and instructions of his/her superior officers and read such materials as are made available to him/her. He/she shall make written memoranda of such information as necessary and shall immediately proceed to his/her beat upon completion of these tasks.

### **2:3.13 Familiarization with Beat**

A Patrol Officer shall thoroughly familiarize him/herself with his/her beat. He/she shall be familiar with all public business offices and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, he/she shall familiarize him/herself with the locations of safes and night-lights. Changes in night-lights will be particularly noticed.

### **2:3.14 Methods of Patrol**

During his/her tour of duty, the Patrol Officer shall continuously patrol every part of his/her assigned area, giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, he/she shall not patrol his/her beat according to any fixed route or schedule but shall alternate frequently and backtrack to be at the location least expected.

### **2:3.15 Unlocked Buildings**

- A. When a door or window is found open under suspicious or unusual circumstances on any tour of duty, the Patrol Officer shall investigate and determine whether a burglary or other crime has been committed. He/she shall notify Headquarters. The Shift Commander or Radio Dispatcher shall dispatch sufficient Patrol Officers or Investigators to the scene for support.
- B. Under circumstances indicating that an intruder is still inside a building, the officer discovering it, shall immediately summon assistance and then stand guard. When the assistance arrives, he/she may enter and search the building.

### **2:3.16 Field Interviews**

When the occasion demands it, the Patrol Officer shall courteously but firmly, question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relating to the circumstances. In all cases, good judgment and discretion should be used in making a decision to arrest.

### **2:3.17 Ethical Standards**

He/she shall conduct himself in accordance with high ethical standards, on and off duty, and shall, by study and observation, become familiar with laws and ordinances and improve techniques and ideas which will enable him/her to improve performance.

### **2:3.18 Maintenance of Equipment**

He/she shall maintain all equipment assigned to him in functional and presentable condition.

### **2:3.19 Vice Suppression**

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

### **2:3.20 Traffic Law Enforcement**

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

### **2:3.21 Complaint Actions**

A Patrol Officer shall carefully investigate all complaints on or near his/her beat which are assigned to him/her or which are brought to his/her attention by citizens. He/she shall take suitable action in those cases that come under his/her jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint is not within the jurisdiction of the Police Department, he/she shall advise the complainant accordingly and refer him/her to the proper authority.

### **2:3.22 Preliminary Investigations**

At the scenes of major crimes, subject to direction of higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer present, will begin the preliminary investigation except in the case of homicide or apparent homicide. In those instances, a member of the Investigative Division will be called to the scene immediately. In all instances, members not assigned will not enter the premises nor perform any actions which may interfere with the investigation or destroy evidence. In cases of homicide, the first duty of the Patrol Officer is to guard the scene excluding all unauthorized persons and to detain all witnesses for interview/interrogation.

### **2:3.23 Radio Failure**

Patrol Officers shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions or time signals for a period not to exceed thirty minutes, they shall immediately call the dispatcher for a special test. If after three attempts, he/she fails to receive an acknowledgement, he/she shall immediately contact the desk officer by telephone. In case of radio trouble, the officer shall notify his/her section commander and/or dispatcher of the nature of the trouble.

#### **2:3.24 Civilian Employees**

Civilian employees shall:

- A.** Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
- B.** Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the Department.
- C.** Be accountable and responsible to their supervisors for obeying all lawful orders.
- D.** Coordinate their efforts with other employees of the Department to achieve Departmental objectives.
- E.** Conduct themselves in accordance with high ethical standards, on and off-duty.
- F.** Strive to improve their skills and techniques through study and training.
- G.** Familiarize themselves with the area of authority and responsibility for the current assignment.
- H.** Abide by all rules, regulations, departmental policies, procedures and directives governing civilian employees.
- I.** Perform all related work as required.

# **CHAPTER**

**3**

# **GENERAL RULES AND REGULATIONS**

### 3:1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

#### **3:1.1 Standard of Conduct**

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

#### **3:1.2 Loyalty**

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

#### **3:1.3 Cooperation**

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

#### **3:1.4 Assistance**

All members are required to take appropriate police action toward aiding a fellow peace officer exposed to danger or in a situation where danger might be impending.

#### **3:1.5 General Responsibilities**

Members shall at all times take appropriate action to:

- A. Protect life and property.
- B. Preserve the peace.
- C. Prevent crime.
- D. Detect and arrest violators of the law.
- E. Enforce all federal, state and local laws and ordinances within Department jurisdiction.

**3:1.6 Duty Responsibilities**

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

**3:1.7 Neglect of Duty**

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

**3:1.8 Performance of Duty**

All members and employees shall perform their duties as required or directed by law, Department rule, policy or order, 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.

**3:1.9 Questions Regarding Assignment**

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

**3:1.10 Insubordination**

Members or employees shall not commit acts of insubordination. This section prohibits the following specific acts:

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

### **3:1.11 Obedience to Laws and Regulations**

Members and employees shall observe and obey all laws and ordinances, all rules and regulations and orders of the Department.

### **3:1.12 Criticism of Official Acts or Orders**

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

### **3:1.13 Conduct Toward Superior, Subordinate Officers, Associates and Members of the Governing Body**

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

### **3:1.14 Manner of Issuing Orders**

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

### **3:1.15 Unlawful Orders**

No superior officer shall knowingly issue any order, which is in violation of any law or ordinance.

### **3:1.16 Obedience to Unlawful Orders**

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

### **3:1.17 Obedience to Unjust or Improper Orders**

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



### **3:1.18 Conflicting Orders**

Upon receipt of an order conflicting with any previous order or instruction, the member or employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the Department. Notice of countermanded or conflicting order, is to be given to the officer issuing the original order, by the countermanding officer.

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

A member or employee receiving an unlawful, unjust or improper order, shall at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Intra-Department action regarding such an appeal shall be conducted through the office of the Chief of Police.

### **3:1.20 Soliciting & Accepting Gifts, Gratuities, Fees, Rewards, Loans**

Members and employees shall not, under any circumstances, solicit any gift, gratuity, loan, reward or fee where there is any connection between the solicitation and their Department membership or employment without written permission from the Chief of Police. All solicitations must stay within the perimeters of Federal and State law, directives from the NJ Attorney General and Hudson County Prosecutor's Office.

Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment or any activity connected with said employment. Members and 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 members or employees or any other member or employee in any matter of police business, or which might tend to cast an adverse reflection on the Department or any member or employee thereof. No member or employee of the Department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Chief of Police.

### **3:1.21 Other Transactions**

Members and 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 Departmental employment except as may be specifically authorized by the Chief of Police.

### **3:1.22 Rewards**

Members and employees shall not accept any gift, gratuity or reward in money or other compensation for services rendered in the line of duty to the community or any person, business or agency except lawful salary and that which may be authorized by law.

### **3:1.23 Disposition of Unauthorized Gifts, Gratuities**

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

### **3:1.24 Intercession – Soliciting**

Members and employees shall not solicit anyone to intercede with the Chief of Police, Mayor or members of the Council in relation to promotion assignments, disposition of pending charges, or findings in a Department trial or other related matter.

### **3:1.25 Persons and Places of Bad Reputation**

Members and 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.

### **3:1.26 Withholding Information**

Members and employees shall not, at any time, withhold any information concerning criminal activity.

### **3:1.27 Reporting Violations of Laws, Ordinances, Rules or Orders**

Members and employees knowing of other members or employees violating laws, ordinances, or rules of the Department, or disobeying orders, shall report same in writing to the Chief of Police through official channels. If the member or employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be by-passed.

## **3.2 GENERAL CONDUCT**

### **3:2.1 Prohibited Activity on Duty**

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

- A. Sleeping, loafing, idling.
- B. Recreational reading (except at meals) as defined by Department Policy and Procedure.
- C. Conducting private business as per Policy and Procedure.
- D. Gambling, unless to further a police purpose.

### **3:2.2 Alcoholic Beverages and Drugs**

- A. No member or employee of the Department will appear for, or be on duty, under the influence of alcohol or drugs, or be unfit for duty because of their excessive use.
- B. Members or employees of the Department, shall not drink any kind of intoxicating beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police.
- C. A member or employee of the Department taking a prescription drug, and later, while on duty, suffers illness, may at the discretion of the Division Commander, be excused without penalty.

- D. Intoxicating beverages may not be consumed at or in the police station.
- E. No member of the Department shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which intoxicating liquor is served/sold, unless authorized by a superior officer.
- F. Members and employees shall not bring into or keep any intoxicating liquor or drugs on Department premises except when necessary in the performance of a police task. Liquor or drugs brought into Department premises in the furtherance of a police task shall be properly identified and stored according to Department policy.
- G. Members and employees shall not consume alcoholic beverages while in uniform or any recognizable component of the uniform, even while off-duty.
- H. Members and employees shall not take any medication that may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
- I. When employees are required to take any prescription medication or any non-prescription medication that may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information provided shall be confidential.

### **3:2.3 Absence from Duty**

Every member or employee who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence within the period of one day must be reported in writing to the Division Commanding Officer. Absences without leave must be reported in writing to the Chief of Police.

### **3:2.4 Roll Call**

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

### **3:2.5 Physical and Mental Fitness for Duty**

Members shall maintain good physical and mental condition so that they can handle the strenuous physical and mental contacts often required of a law enforcement officer. Those officers suspected of being unable to perform their assigned duties because of restrictions manifesting themselves because of poor physical or mental condition, shall be reported to the Chief of Police, through the chain of command, for his/her actions.

### **3:2.6 Loitering**

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

### **3:2.7 Smoking While on Duty**

Members shall not smoke on duty while in direct contact with the public nor when in uniform in public view, except that smoking is permitted in public view at meal times at which times it shall be as inconspicuous as possible.

### **3:2.8 Relief**

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

### **3:2.9 Suspending Patrol for Lunch or Coffee Break**

- A. Members will be permitted to suspend patrol subject to immediate call at all times, for the purpose of having one meal during their shift, only such period of time shall be allowed, therefore, as is reasonably necessary. However, at no time shall such member leave his/her assignment to go "out of service" for such purpose, and shall arrange to suspend patrol, only at such time as it will cause the least interference with his/her regular duties unless authorized by a superior or supervisory officer.

- B. Members are to arrange to take meals and coffee breaks at times during shift so not more than one unit is at any one location at the same time unless authorized by a superior or supervisory officer.

#### **3:2.10 Training**

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

#### **3:2.11 Inspections**

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

#### **3:2.12 Courtesy**

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

#### **3:2.13 National Colors and Anthem**

Uniformed members will render full military honors to the national colors and anthem at appropriate times. Full military honors are the proper hand salute while at a position of attention. Members and employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

#### **3:2.14 Possession of Keys**

No member, unless authorized by his/her commanding officer, shall possess keys to any premises, not his/her own, on or near his/her beat.

#### **3:2.15 Address and Telephone Numbers**

Immediately upon reporting for duty in a new division, members and employees shall record their correct residence addresses and telephone numbers with the commanding officer. Members and employees are required to have telephones in the place where they reside. Changes in address or telephone number shall be reported to the commanding

officer within 24 hours of the change. This shall be done in writing and within the specified time whether the member or employee is working or on leave.

### **3.3 UNIFORMS, EQUIPMENT AND APPEARANCE**

#### **3:3.1 Regulation Uniforms Required**

All members shall maintain regulation uniforms in accordance with Department policies and procedures. Uniforms shall be kept neat, clean, and well pressed at all times.

#### **3:3.2 Manner of Dress on Duty**

Normally members will wear the duty uniform or civilian clothing on a tour of duty as prescribed by Department policy and procedure; however, commanding officers may prescribe other clothing as required by the nature of the duty that a particular member is assigned.

Police Officers on duty shall not wear loose fitting jewelry that may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniformed officers on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with Department policy and procedures.

#### **3:3.3 Wearing or Carrying Badge**

A member, when in uniform, shall wear the regulation badge on the outside of the outermost garment over the left breast and always in sight. When not in uniform or off duty, he/she shall carry his/her badge on his/her person.

#### **3:3.4 Wearing of Name Plate**

A member, when in uniform, shall wear the regulation nameplate on his/her uniform shirt, dress jacket or outer jacket, whichever is outermost, in accordance with Department instructions. Not to include raincoat.

#### **3:3.5 Alternating Style of Uniform**

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

### **3:3.6 Carrying Required Equipment When in Uniform**

While on duty, members who are required to wear the specified uniform shall always carry as full equipment as specified in Department policy and procedures.

### **3:3.7 Equipment in Civilian Clothes**

While on duty, members who are required to wear civilian clothes shall carry as full equipment the following, unless otherwise directed by the Chief of Police:

- A. Badge
- B. Handgun and Ammunition (Department Issued or Approved)
- C. Handcuffs with key
- D. Police Department Identification Card

### **3:3.8 Carrying Equipment Off-Duty**

When off duty, each member will carry or have in his/her immediate possession his/her badge and the identification card provided that it is practical under the circumstances.

### **3:3.9 Civilian Clothing - Manner of Dress**

Commanding officers may prescribe types of clothing when necessary to meet a particular police objective. Employees permitted to wear civilian clothing shall conform to standards normally worn by office personnel in private business firms, unless otherwise directed. The Chief of Police must authorize any exceptions.

### **3:3.10 Equipment**

All equipment must be clean, in good working order and conform to Department specifications.



### **3:3.11 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 directives.

### **3:3.12 Personal Appearance**

Every member and employee of the Department, while on duty, must at all times be neat and clean in person, his/her clothes clean and pressed, and his/her uniform in conformity with the rules and regulations. He/she shall as often as necessary, examine and clean his/her equipment and keep it always in good serviceable condition. Male members and employees shall conform to the following additional standards of appearance.

- A. Hair shall be evenly trimmed at all times while on duty. The maximum extension of the hair outward from the top of the head will be two inches. The maximum extension from the sides of the head shall be two inches, provided that hair shall be gradually tapered so that it does not protrude outward beyond the top (upper helix) of the ear and so that it otherwise gives an overall even appearance. The hair shall at no point extend downward more than a ½ inch beyond the hair line at the back of the neck and in no event extend over the shirt collar in normal posture.
- B. Sideburns shall not extend below the bottom of the ear. The maximum width at the bottom of the sideburns shall not exceed 1¼ inch.
- C. A clean appearance is required except that mustaches are permitted. Mustaches shall be neatly trimmed and shall not extend more than ½ inch below or to the sides of the corner of the mouth. Mustache ends will not be waxed or twisted.
- D. Beards shall not be permitted.
- E. Personnel with a medical condition, which precludes shaving, shall be required to present a written statement, signed by a medical doctor, verifying such condition.
- F. The wearing of ornamental jewelry that may impede the officer in the performance of his/her duty is forbidden without the written consent of the Chief of Police.

Exceptions to the above may be authorized by the Chief of Police.

### **3:4 DEPARTMENT PROPERTY AND EQUIPMENT**

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

#### **3:4.1 Damaged - Inoperative Property or Equipment**

Members and employees shall immediately report to their superior or supervisory officer in writing of any loss of or damage to Department property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any Department equipment or property.

#### **3:4.2 Care of Department Buildings**

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

#### **3:4.3 Notices**

Members and 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 P.B.A. bulletin boards. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order of the Police Department. The Chief of Police will make final judgment of improperly posted material.

#### **3:4.4 Department Vehicles, Use**

Members shall not use any Department vehicle without the permission of a commanding officer. Department vehicles shall never be used for personal business or pleasure.

#### **3:4.5 Operation of Motor Vehicles**

Members and employees when driving vehicles of any description, private or of the Department shall not violate the traffic laws except only in cases of absolute emergency and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles.

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

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

**3:4.7 Transporting Citizens**

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

**3:4.8 Reporting Accidents**

On duty accidents involving township personnel, property and equipment, must be reported in accordance with Department procedures.

**3:4.9 Presumption of Responsibility**

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

**3:4.10 Liability**

All members shall be liable for negligence in the care, maintenance and safekeeping of property and equipment. All Department al property or equipment issued to or placed at the disposal of any member of the Department shall be properly cared for, maintained and secured by said member. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

**3:4.11 Personal Entertainment Devices**

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

**3:4.12 Equipment On Duty**

Members shall carry all equipment on duty as prescribed in Department policy and procedure based upon their current assignment.

**3:4.13 Equipment Off Duty**

Members shall carry equipment off-duty as prescribed in Department policy and procedure.

**3:4.14 Use of Department Property and Equipment**

Members shall not use any Department property or equipment for personal business or pleasure. Department property shall include but not be limited to department desks, lockers, vehicles, equipment cases, computers and phones.

**3:4.15 Inspection of Property and Equipment**

Department property and equipment is and remains the property of the North Bergen Police Department and is subject to entry and inspection without notice.

### 3:5 COMMUNICATIONS AND CORRESPONDENCE

#### **3:5.1 Restrictions**

Members and employees shall:

- A. Not use Department letterhead stationery for private correspondence.
- B. Only send correspondence out of the Department over the signature of, or for the Chief of Police with his/her authorization.

#### **3:5.2 Forwarding Communications to Higher Commands**

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

#### **3:5.3 Department Address - Private Use Of**

Members and employees shall not use the Department as a mailing address for private purposes. The Department address shall not be used for any private motor vehicle registration or driver license.

#### **3:5.4 Telephones**

Department telephone equipment may not be used for the transmission of messages involving toll charges without the express approval of a commanding officer.

#### **3:5.5 Radio Discipline**

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

## 3:6 INVESTIGATIONS

### **3:6.1 Command of Scene**

At the scene of any crime, accident, or other police incident, the ranking officer present shall assume command and direction of police personnel to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision coordinates the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

### **3:6.2 Responsibilities of Members Arriving at Crime Scenes**

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

- A. Summoning medical assistance and administering first aid as required preventing further injury or loss of life.
- B. Arrest of violator(s)
- C. Security of the scene
- D. Conducting a preliminary investigation

### **3:6.3 Responsibilities of Assigned Members at Crime Scenes**

The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incidents, are responsible for the duties in Section 3:6.2 and the completion of the preliminary or other investigation as directed. This shall include securing statements and other information, which will aid in the successful completion of the investigation, locating, collecting and preserving physical evidence, and identifying, locating, and apprehending the offender.

#### **3:6.4 Identification as Police Officer**

Except when impractical or where the identity is obvious, officers shall identify themselves by displaying the official badge or identification card before taking police action. Upon request, employees are required to supply their identification in a courteous manner.

#### **3:6.5 Release of Information at Crime Scene**

Unauthorized persons, including members of the press, shall be excluded from crime scenes. The superior officer in charge of the investigation in accordance with Department policy shall provide information to the press, which will not hinder or nullify an investigation.

#### **3:6.6 Confidential Information**

- A. Members and 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.
- B. Members shall not make known to any person, any Department order which they may receive, unless so required by the nature of the order.
- C. Contents of any Department record or report filed in the Police Department, shall not be exhibited or divulged to any person other than a duly authorized police officer, except on approval of the Chief of Police, or under due process of law, or as permitted under Department regulations.

#### **3:6.7 Compromising Criminal Cases**

Members and employees shall not interfere with the proper administration of criminal justice.

- A. Members and employees shall neither attempt to interrupt the legal process except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.
- B. Members and employees shall not attempt to have any traffic summons or notice to appear reduced, voided, or stricken from the calendar; except in a lawful manner prescribed by law or Court Rules.

- C. Any member or employee having knowledge of such action and failing to inform his/her superior or supervisory officer thereof, shall be subject to disciplinary action.

### 3:7 ARRESTS

#### **3:7.1 Arrests**

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

- A. The arresting officer shall employ only such force and necessary restraint to assure the safety of other person, other police officer and him/herself.
- B. Every member shall refrain from using unnecessary force or violence in making arrests and must not strike a prisoner or any other person except when necessary in self-defense or to overcome actual physical resistance in making an arrest. However, he/she must be firm, resolute, and energetic, exercising the necessary means to perform his/her duty properly. When it is necessary to use force, the circumstances shall be included in the arrest report of the case.
- C. The arresting officer is responsible for the safety and protection of the arrested person while in his/her custody. He/she shall notify the transporting officers of any injury, apparent illness, or other conditions which indicate that the arrested person may need special care.

#### **3:7.2 Assisting Criminals**

Members and 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.

#### **3:7.3 Complaints by Members for Crimes Against Themselves - On/Off Duty**

Members shall arrest perpetrators of crimes and criminal offenses directed against them. The perpetrators shall be charged accordingly. Whenever it is impossible to consummate the arrest at the time of the offense, the member shall make a complete report of the incident to his/her commanding officer.



### **3:8 DETENTIONS**

#### **3:8.1 Custody of Prisoners**

Members charged with the custody of prisoners shall observe all laws and Department orders regarding this activity. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint.

#### **3:8.2 Transportation of Prisoners**

Members transporting prisoners shall do so in accordance with Department policy.

- A. Prisoners requiring medical attention shall be transported to the appropriate treatment center, and the transporting officers shall be responsible for the security of the prisoners until properly relieved by an officer unless otherwise directed by a superior or supervisory officer.

#### **3:8.3 Use of Derogatory Terms**

Members or employees shall:

- A. Neither speak disparagingly about anyone or use pejorative terms regarding ethnicity, sexual orientation, race or minority group nor refer to them in insolent or insulting terms of speech.
- B. Neither use uncomplimentary terms of speech when referring to any prisoner or other person or willfully antagonize any person whom he/she comes in contact with.

#### **3:8.4 Reports and Bookings**

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

#### **3:8.5 Recommending Attorneys and Bail Bond Brokers Prohibited**

Members and employees shall not suggest, recommend, advise, or otherwise counsel the retention of any 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.

### **3:8.6 Acting as Bailor Prohibited**

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

## **3:9 FIREARMS**

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

### **3:9.1 Handling of Firearms**

Police officers shall exercise caution and the utmost care in handling firearms on and off-duty. Handling, carrying and care of firearms shall be consistent with Department Firearm's Policy at all times.

### **3:9.2 Official Authorization of Firearms**

The Chief of Police may authorize a police officer to carry a firearm other than the official police firearm, providing that the police officer follows the steps prescribed herewith:

- A. He/she submits a written report through channels requesting permission to carry a firearm.
- B. He/she restricts his/her selections of a firearm of an approved manufacturer.
- C. He/she submits to the superior officer in charge of firearms training for inspection the firearm that he/she intends to carry in order to determine whether it meets the same standards for safety and serviceability that apply to the official firearm.
- D. He/she submits the firearm for test firing and inspection upon his/her appearance for scheduled firearms training.
- E. He/she carries the firearm only after he/she has secured the approval of the Chief of Police and only during the time this approval remains in effect.
- F. He/she observes and is bound by any part of or any section of the Operations Manual which pertains to the official police firearm, and he/she understands that

these same regulations also apply to the use of any firearm which may be authorized by the Chief of Police.

**G. Qualifications prior to carry.**

**3:9.3 Official Police Firearms**

The official police firearm shall be the firearm designated by the Chief of Police. Carrying personal firearms on duty or during emergencies is prohibited, unless otherwise authorized by the Chief of Police.

**3:9.4 On-Duty and Off-Duty Holsters**

The official police firearm or authorized off duty firearm shall be carried only in Department issued holsters or in authorized holsters which conform to Department specifications.

**3:9.5 Non-regulation Firearms Prohibited**

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

**3:9.6 Tampering with Police Firearms**

Department authorized firearms shall never be altered beyond manufacturers specifications with the express permission of the Chief of Police. The superior officer in charge of firearms training shall approve all repairs and adjustments to the official police firearm. Police officers shall not use unauthorized molded grips, special-type grips, or pearl handled grips. Police Officers 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 police officer first has obtained the approval of the superior officer in charge of the Firearms training.

**3:9.7 Care of Firearms Off-Duty Outside Home**

A police officer when off duty and outside his/her home, may keep his/her Department issued service firearm or authorized off duty firearm holstered and on his/her person readily available for necessary use. To avoid an accidental discharge, a police officer shall not carry his/her firearm in his/her waistband or in any of his/her pockets, unless holstered.

### **3:9.8 Care of Firearms Off-Duty at Home**

A police officer shall keep his/her firearm in a secure place readily available in case of emergency.

### **3:9.9 Discharge of Firearm Report**

When a firearm is discharged by a police officer either in the performance of police duty or accidentally, the police officer shall:

- A. Promptly notify the superior officer on duty in command of the occurrence.
- B. Be guided by the instruction of the Department policy.

### **3:9.10 Firing of the Weapon Under Other Circumstances**

A police officer may fire his/her firearm to dispose of an animal that is dangerous or that is seriously injured when other means of disposition are unavailable. However, this shall only be done in accordance with Department Firearm's Policy.

### **3:9.11 Carrying Firearms – General**

Police officers shall carry their official police firearm or authorized off duty firearm fully loaded and in a serviceable, operating condition so that they may 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.

### **3:9.12 Carrying Firearms - On Duty**

Police officers in uniform shall carry their firearm in holsters attached to their uniform belts. Investigators and other police officers not in uniform shall carry their firearm in authorized holsters.

### **3:9.13 Loss of Firearm**

Loss of the official police firearm through carelessness or neglect shall be deemed a serious violation of Department regulations.

### **3:9.14 Ammunition Issue**

The Department without expense shall make the initial issue and the replacement of ammunition for Department firearms 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.

## **3:10 PUBLIC ACTIVITIES**

### **3:10.1 Conduct Toward the Public**

Members and 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.

### **3:10.2 Impartial Attitude**

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, color, national origin, religion, gender, handicap, sexual orientation or ethnicity 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.

### **3:10.3 Disparaging Nationality, Race, Religion**

Courtesy and civility toward the public is required of all members of the Department. Members shall not use words that humiliate, disparage, demean, degrade, ridicule, or insult a person because of his/her race, color, national origin, religion, gender, handicap, sexual orientation or ethnicity.

#### **3:10.4 Public Statements**

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

#### **3:10.5 Subversive Organizations**

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

#### **3:10.6 Affiliation with Certain Organizations Prohibited**

Upon written notice and approval of the Chief of Police, a police officer may become a member of a fire or auxiliary corps or a first aid unit provided such membership does not interfere with his/her obligation as a police officer. Police officers 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 Department. This prohibition does not apply to the active military or naval services of the United States or of this State, in time of war, in an emergency, or for or during any period of training, or pursuant to or in conjunction with the operation of any system of selective service.

#### **3:10.7 Affiliation with Radical Group**

No police officer or civilian employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in fostering hatred, prejudice, or oppression against any racial or religious group.

#### **3:10.8 Commercial Testimonials**

Members and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without permission of the Chief of Police. Members and employees shall not allow their names or photographs to be used in any commercial testimonial which alludes to their positions or employment with the Department.

### **3:10.9 Public Appearance Requests**

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

## **3:11 POLITICAL ACTIVITIES**

### **3:11.1 Participating - Political Activities**

No member of the Department shall, at any time when in uniform or any part thereof, except in the performance of duty, participate in any form of political activity. No police officer shall directly or indirectly use or seek to use his/her authority or official influence to control or modify the political actions of another person.

### **3:11.2 Election to Public Office**

Police officers may run for public office in accordance with New Jersey State Law, but may not campaign nor engage in any activity connected with candidacy for such office during any tour of police duty.

### **3:11.3 Soliciting Prohibited**

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

## **3:12 JUDICIAL AND INVESTIGATIVE ACTIONS,**

### **APPEARANCE AND TESTIFYING**

#### **3:12.1 Court Appearance**

Attendance at a court or quasi-judicial hearing as required by subpoena, resulting from Department employment, is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case, or other competent court officials. When appearing in court, either the official uniform or a business suit, sports jacket or blazer, will be worn with a shirt and tie. Members shall present a neat and clean appearance, avoiding any mannerism that might imply disrespect to the court.

### **3:12.2 Testifying for the Defendant**

Any member or 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/her commander upon receipt of the subpoena. The commander shall notify the Chief of Police.

### **3:12.3 Department Investigations – Testifying**

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

### **3:12.4 Truthfulness**

Members and employees are required to be truthful at all times whether under oath or not.

### **3:12.5 Civil Action, Court Appearance – Subpoena**

A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and 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/she is a party to a civil action arising out of Department employment, he/she shall immediately notify his/her commanding officer of the service or notification and of the testimony he/she is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

### **3:12.6 Civil Depositions and Affidavits**

Members and employees shall confer with their commanders before giving a deposition or affidavit on a civil case. If a commander determines that the case is of importance to the Township, he/she shall inform the Chief of Police before the deposition or affidavit is given.

### **3:12.7 Civil Cases**

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



### **3:12.8 Duty of Member or Employee to Appear and Testify**

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

# **CHAPTER**

**4**

# **PERSONNEL REGULATIONS**

**CHAPTER 4  
PERSONNEL REGULATIONS**

**4:1 GENERAL QUALIFICATIONS OF PATROL OFFICERS**

Except as otherwise provided by law, no person shall be appointed as a member of the Police Department unless he/she:

- A. Is a citizen of the United States and a resident of New Jersey and at least 18 years of age.
- B. Is sound in body and of good health sufficient to satisfy the board of trustees of the Police and Firemen's Retirement System of New Jersey as to his/her eligibility for membership in the retirement system.
- C. Is able to read, write and speak the English language well and intelligently.
- D. Is of good moral character and has not been convicted of any criminal offense involving moral turpitude.
- E. Has a minimum of a high school diploma or equivalent.
- F. Satisfies a complete background check including a medical and psychological exam.

**4:1.2 Appointment of Special Police Officers**

Pursuant to R.S. 40A:14-146.6-146.18, the Chief of Police shall submit to the township council recommendations for the appointment of special police officers as required for a term not exceeding one year, or temporarily in case of emergency, or to perform special duties. Such persons shall be known as special police officers. They shall be subject to the rules and regulations of the police department, orders and directions of the Chief of Police. Special police officers shall receive compensation as authorized by the township council at the time of their appointment. The North Bergen Police Department shall authorize all the duties and responsibilities of Special Police Officers by official Department policy.

#### **4:2 OATH OF OFFICE**

All new patrol officers and civilian employees, before their assignment to duty and prior to their promotion of higher ranks, shall be required to take an oath of office as follows:

"I (name of patrol officer or employee) do solemnly swear I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of (state rank of position) of the Township of North Bergen according to the best of my ability. So help me God."

#### **4:3 PROBATIONARY PERIOD**

Appointment of a patrol officer to the Police Department is for a probationary period of one year after he/she has completed a police training course approved by the New Jersey Police Training Commission. Continuation in the service is dependent upon the conduct of the appointee and his/her fitness to perform his/her duties. At the termination of the probationary period, if the conduct or capacity of the probationer has not been satisfactory, he/she shall be notified in writing that he/she will not receive absolute appointment, and his/her services shall be terminated by the Chief of Police without a trial. Reference: N.J.S.A. 11:22.6.

The probationary period may be extended up to one year in order to comply with the mandatory training required under N.J.S.A. 52:17B-69.

#### **4:4 DRIVERS LICENSE**

Members and employees operating Department motor vehicles shall possess a valid New Jersey driver license. Whenever a driver license is revoked, suspended or lost, he/she shall immediately notify his/her commanding officer, giving full particulars.

#### **4:5 OUTSIDE EMPLOYMENT**

Prior to engaging in any outside business or employment, the member or employee shall request permission to do so to the Chief of Police through channels in writing.

##### **4:5.1 Permit for Off-Duty Employment**

No member of the Police Department shall engage in any business or employment during his/her off-duty hours without the approval of the Chief of Police. Members shall, at times, to be designated by the Chief of Police, report all off-duty employment to the Department.

#### **4:6 SURRENDER OF DEPARTMENT PROPERTY**

##### **4:6.1 Upon Separation from the Department**

Members and employees are required to surrender all Department property in their possession upon separation from the North Bergen Police Department. For a failure to return a non-expendable item, the person concerned will be required to reimburse the Department for the fair market value of the article.

##### **4:6.2 Under Suspension**

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

#### **4:7 COMPENSATION FOR DAMAGES OFF-DUTY**

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

#### **4:8 DUTY HOURS, DAYS OFF, VACATIONS**

##### **4:8.1 Hours of Duty**

- A. Members of the Department shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off-duty. They shall, however, be subject to duty as needed.
- B. The fact that they may technically be off duty shall not be held as relieving members from the responsibility of taking proper police action on any matter coming to their attention at any time.
- C. Members of the Department who plan to consume alcoholic beverages while off-duty should refrain from carrying a firearm. This does not relieve the member from taking the minimum required police action, such as to notify on-duty police personnel, requesting a response and being a witness.

#### **4:8.2 Days Off**

Members and employees are entitled to days off pursuant to appropriate collective bargaining agreements that are to be taken according to a schedule arranged by the respective commanding officers.

#### **4:8.3 Suspension of Vacation, Day Off, or Leave of Absence**

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

#### **4:8.4 Absence from Duty for Five Days Continuously**

Except as otherwise provided by law, any permanent member or officer of such Police Department and force 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 such Police Department and force. (N.J.S.A. 40A:14-122).

#### **4:8.5 Selection of Vacation Period**

Annual vacation periods shall be approved in accordance with the collective bargaining agreement. Selection will be based upon seniority. When the accrued seniority in rank is equal, the determining factor shall be the relative standing of the individual on the appointing or promotional list.

#### **4:8.6 Vacation Schedules**

Vacation schedules shall be arranged by the commanding officers and coordinated with the Chief of Police. The Chief shall determine the number of members who may be granted vacation at a given time.

#### **4:8.7 Split Vacation**

Split vacation periods may be granted to any member or employee of the Department, providing permission has been obtained from his/her commanding officer. However, once vacation periods have been selected, they shall be completed without interruption unless it becomes necessary, by reason of emergency, to suspend them.

#### **4:8.8 Exchange of Vacations or Tour Swaps**

When mutually agreeable, any two members or any two employees may exchange their vacation periods or days off, but may do so only with the approval of their commanding officers.

#### **4:8.09 Vacation Address**

A report of a vacation address is not required from a member or employee whose vacation has been approved, unless said vacation time exceeds 2 days.

### **4:9 SICKNESS AND INJURY LEAVE**

#### **4:9.1 Reporting Sick or Injured**

Members and employees unable to report for duty because of sickness or injury shall make an immediate report to their commanding officer or desk officer in person or by telephone, but not less than one hour prior to the start of a tour of duty in accordance with Department policy. If unable to report, a relative or other responsible person shall notify the commanding officer or desk officer of all pertinent facts either in person or by telephone.

#### **4:9.2 Address of Confinement**

Members and employees, when sick or injured, shall be responsible for notifying their supervisors as to their places of confinement or of any subsequent change in their places of confinement.

#### **4:9.3 Sick or Injured on Duty**

Members taken sick or injured on duty shall report the facts to their commanding 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.

#### **4:9.4 Unauthorized Absence**

Members or employees who absent themselves in an improper manner shall be subject to disciplinary action being preferred against them. Unauthorized absence occurs when members or employees:

- A. Are not at home or who are not at their place of confinement, while on sick leave, when visited by a physician or a superior officer.
- B. Feign illness or injury.
- C. Deceive the physician in any way as to their true condition.
- D. Are injured or become sick as the result of improper conduct or of intemperate, immoral, or vicious habits or practices.
- E. Violate any provisions concerning the reporting of sickness or injury.

#### **4:9.5 Disability Leave**

Whenever a full-time employee or officer of the Township is disabled through injury or illness arising out of and in the course of his/her Township employment, and such injury or illness is established by certification by the Township physician, such employee or officer shall be granted leave of absence with pay for a period of 30 days or such portion of 30 days as may be required.

#### **4:9.6 Convalescent Time**

Any officer on sick or injured leave will be confined to his/her home unless specifically excused by the Township physician or if the Township physician is not available, by the ranking superior officer at the time the request is made. If any officer is on sick or injured leave for an extended time, the Department, with the approval of the Township physician, has the right to place the officer on convalescent duty. This duty assignment will be at the discretion of the Chief of Police.

### **4:10 LEAVE OF ABSENCE**

#### **4:10.1 Death in the Family**

Members and employees will be allowed bereavement leave in accordance with the stipulations covered in their collective bargaining agreement. Those employees not governed by said agreement, shall be subject to township policy.

#### **4:10.2 Authorized Leave of Absence Without Pay**

Written request for leave of absence without pay for good and sufficient reason shall be presented by the officer or employee through the Chief of Police to the Administrator who may approve same if less than 30 days. If such leave of absence requested shall exceed 30 calendar days, such request shall be subject to approval by the appropriate authority.



Temporary, per diem, emergency or seasonal employees shall not be eligible for a leave of absence without pay.

#### **4:11 MILITARY LEAVE OF ABSENCE**

##### **4:11.1 Military Reserve Leave**

A member or 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 leave of absence from duty without loss of pay or time on all days during which he/she shall be engaged in field training. Such leave of absence shall be in addition to the regular vacation allowed such member or employee (Source: N.J.S.A. 38:23-1).

##### **4:11.2 Enlistment or Re-enlistment in National or State Military Organization**

Members and employees of the Department shall not enlist, re-enlist or accept a commission in any federal or state military organization without having made prior notification to the Chief of Police.

##### **4:11.3 Extended Leave, (Surrender of Department Property)**

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

##### **4:11.4 Field Training Leave**

Members or employees going on military leave for field training must notify the commanding officer at least thirty (30) days before the date that 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.

## **4:12 DEATH AND INJURY NOTIFICATION**

### **4:12.1 Death or Serious Injury**

When a member is killed or seriously injured on or off duty, his/her immediate supervisor will, as soon as possible, verbally notify the Chief of Police or the officer acting in the Chief's absence. This will be followed by a written report no later than the following workday. Information shall include the date, location, cause, extent of injuries, and property damage. Serious injury in this instance means any injury that could result in death or disability.

### **4:12.2 Death of Member or Employee**

Any member or employee receiving notice of the death of any member or employee during regular business hours, shall notify the Chief of Police and the commander of the deceased. At other times, the officer in charge shall be notified and he/she shall relay such information to the Chief of Police.

### **4:12.3 Non-serious Injury**

In cases where the injuries are other than of a serious nature, a written report will be submitted as soon as practical following the incident, including all information required as in 4:12.1. These reports are in addition to those accident and sick reports otherwise required.

### **4:12.4 Notification of Family**

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

#### **4:13 GRIEVANCE PROCEDURE**

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

#### **4:14 RESIGNATION**

##### **4:14.1 Resignation to be in Writing**

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

##### **4:14.2 Resignation Prohibited While Charges are Pending**

The employer retains the discretion to pursue disciplinary charges against an employee even if he or she resigns while such charges are pending.

**CHAPTER**

**5**

**DISCIPLINARY REGULATIONS**

## CHAPTER 5

### DISCIPLINARY REGULATIONS

#### 5:1 DISCIPLINARY ACTION

##### 5:1.1 Disciplinary Action

Department members regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey, or municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank of assignment; or for violation of any general order or rule of the Department; or for failure to obey any lawful instruction, order, or command of a superior or supervisory officer. Disciplinary action in all cases will be decided on the merits of each case. These rules and regulations, Department policy and the NJ Attorney General Guidelines shall govern disciplinary action investigation for internal investigations.

##### 5:1.2 Establishing Elements of Violation

Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in the Department, or in laws and ordinances within the cognizance of the Department.

#### 5:2 PENALTIES

The following penalties may be assessed against any member or employee of the Department as disciplinary action:

- A. Oral reprimand
- B. Written reprimand
- C. Voluntary surrender of time off in lieu of other action

- D. Suspension with or without pay
- E. Demotion
- F. Dismissal from employment

### **5:3 DEPARTMENT AUTHORITY TO DISCIPLINE**

Within the limitations set forth in N.J.S.A. 40A-14-147 to 151 inclusive, the township ordinances, the Department disciplinary authority and responsibility, rest with the Chief of Police. Except for the actions listed below, the Chief of Police must approve all Department discipline.

Other supervisory personnel may take the following disciplinary measures.

#### **A. 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 of Police via the normal chain of command.

#### **B. Written Reprimand**

A written notice of misconduct (See 5:1.1) given to a subordinate by a superior or supervisory officer. It is to be written on official Police Department letterhead and issued with the approval of the Chief of Police.

#### **C. Emergency Suspension**

Refer to 5:3.1.

#### **D. Written Recommendations for Other Penalties**

Refer to 5:3.5.

#### **5:3.1 Emergency Suspension**

Any superior officer shall have the authority to impose an emergency suspension until the next business day against a member or employee when it appears that such action may be necessary if an officer is unfit for duty or when there is a pending criminal complaint or an indictment.

### **5:3.2 Emergency Interdivisional Disciplinary Action**

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

- A. Oral reprimand
- B. Emergency suspension until the next business day

### **5:3.3 Interdivisional Oral Reprimand**

When the superior officer of one unit orally reprimands a member or employee of another unit, he/she shall notify the supervisor of the member so disciplined as soon as possible. He/she shall also submit a written report of this action and reason therefore, to his/her commanding officer and also to the commanding officer of the member or employee.

### **5:3.4 Follow-up Emergency Suspensions**

A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at a time specified by the Chief of police unless otherwise directed by competent authority. The superior officer imposing the suspension shall also report to the Chief of Police at the same time.

### **5:3.5 Reports of Disciplinary Action Taken or Recommended**

Whenever disciplinary action is taken or recommended (except for performance notices), a written report must be submitted immediately containing the following information:

- A. The name, rank, badge number, and present assignment of the person being disciplined and his/her signature of notification.
- B. The date and time of the misconduct and location.
- C. The section number of the violated rule and common name of the infraction.
- D. A complete statement of the facts of the misconduct.
- E. The punishment imposed or recommended.
- F. The written signature, badge number, and rank of the preparing officer and his/her position in relation to the member being disciplined.

**5:3.6 Distribution of Reports of Disciplinary Action**

The officer imposing or recommending the disciplinary action shall distribute reports as follows:

- A. Original to the Chief of Police through the chain of command.
- B. Duplicate to the Captain.
- C. Triplicate retained by officer imposing or recommending the action.

**5:3.7 Endorsement and Forwarding of Disciplinary Reports**

Each level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No member or employee shall alter or cause to be altered or withdrawn any disciplinary report except by the officer initiating the report. The initiating officer shall have the affected officer initial the report, indicating he/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.

**5:3.8 Informing the Person Being Disciplined**

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

**5:3.9 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, and the township ordinances.

**5:3.10 Misconduct Observed by Police Personnel**

Whenever any commanding or supervisory officer observes or is informed of the misconduct of another member or employee, which indicates the need for disciplinary action, he/she shall take authorized and necessary action in compliance with procedures 5:3.5 and 5:3.6 of the Operations Manual.



### **5:3.11 Investigators Authority**

Investigators assigned to a complaint are the direct representatives of the Chief and as such, shall receive the cooperation of all members of the Department while conducting their investigations. The sole responsibility of the investigator shall be the gathering of all the facts regarding the allegations. In so doing, he/she must be objective and thorough when submitting his/her report. His/her opinions, conclusions or personality shall not be interjected into the case. By adhering to the foregoing principles, the case can be concluded with optimum fairness for all persons concerned.

### **5:3.12 Suspension**

The Chief of Police shall have the option to suspend personnel or a member of the Department and will act in accordance with N.J.S.A. 40A:14-149.1, regarding the suspension of an officer.

**CHAPTER**

**6**

**RULES, CHARGES AND DISCIPLINARY  
ACTIONS**

## **6:1 RULES, CHARGES AND DISCIPLINARY ACTIONS**

The following is a list, **not exhaustive**, of rules, charges and disciplinary actions which may be taken against Police Officers:

### **6:1.1 Accepting bribes or gratuities for permitting illegal acts.**

Disciplinary action for *1<sup>st</sup> offense* -Dismissal

### **6:1.2 Involved in a crime of moral turpitude that negatively affects the operation of the Department.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal

Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal

Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

### **6:1.3 Repeated violations of Departmental Rules and Regulations, or any other course of conduct indicating that a member has little or no regard for his responsibility as a member of the Department.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal

Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal

Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

### **6:1.4 Failure to report, in writing, offers of bribes or gratuities to permit illegal acts.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal

Disciplinary action for *2<sup>nd</sup> offense* –Dismissal

### **6:1.5 Knowingly and willfully making a false entry in any Departmental report or record.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal

Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal

Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.6 Intoxication on duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.7 Failure to comply with the Chief's orders, directives, regulations, etc., oral and written, and also those of Superiors and Supervisors.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.8 Allowing prisoner to escape through carelessness or neglect.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.9 Failure to take appropriate action concerning illegal activity, and/or to make a written report of the same to commanding officer.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.10 Improper use, handling or display of firearms.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.11 Communicating or imparting confidential police information, either in writing or verbally, to unauthorized persons.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.12 Willfully damaging Department property and/or equipment.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.13 Interference with police radio broadcasting and tampering with police radio.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.14 Removing official documents from the department without permission.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.15 Failure of members and employees to remain at their assignments and on duty until properly relieved by other members or employees or until dismissed by competent authority.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.16 Failure to possess and maintain a current and valid New Jersey State vehicle operator's license.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.17 Association with known illegal gamblers while on or off duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.18 Associating, fraternizing, or business transactions at any time, or in any manner whatsoever with known criminals or persons engaged in unlawful activities.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.19 Participating in illegal games of chance or illegal gambling while on duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.20 Fighting or quarreling with members of the Department as prescribed in this code.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 30 Days Suspension  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.21 Soliciting for attorneys, bondsmen or other business.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.22 Intoxication off duty in uniform.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.23 Intoxication off duty, not in uniform, and arrested.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 30 Days Suspension  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* –Dismissal

**6:1.24 Refusal to obey proper orders from a Superior Officer.**

- Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal
- Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal
- Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.25 Failure to take police action when necessary, at any time, in or out of uniform, and/or failure to make a written report of same to Commanding Officer.**

- Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 30 Days
- Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to Dismissal
- Disciplinary action for *3<sup>rd</sup> offense* –Dismissal

**6:1.26 Failure to properly supervise subordinates; or to prefer disciplinary charges; or to take other appropriate disciplinary action.**

- Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal
- Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal
- Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.27 Failure to thoroughly search for, collect, preserve, and identify evidence; or persons' property and locations in any arrest or investigation.**

- Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal
- Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal
- Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.28 If stolen due to above.**

- Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 30 Days
- Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to Dismissal
- Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.29 Failure to properly care for assigned equipment and vehicles, damaging same due to neglect.**

- Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 30 Days
- Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to Dismissal
- Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.30 Neglect of Duty**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.31 Failure to follow Department procedures for the handling of evidence, personal effects and all other property taken into custody.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 30 Days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.32 Prior to written approval of the Chief of Police or his representative designated for that purpose, appearing to give testimony as a character witness for any defendant in a criminal trial or inquiry.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> offense* -Dismissal

**6:1.33 Failure to properly patrol sector or post; unauthorized absence from assignment; failure to respond to radio calls; idle conversation or loafing.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 30 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to Dismissal  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Dismissal

**6:1.34 Idle conversation with known illegal gamblers while on or off duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.35 Using rude or insulting language or conduct offensive to the public.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal



**6:1.36 Publicly criticizing the official action of a Superior Officer.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.37 Odor of alcoholic beverage on breath while on duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.38 Failure to recognize and satisfy any just debts which negatively affect the Department.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.39 Conduct subversive of good order and the discipline of the Department.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.40 Intoxication off duty - in part of uniform.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.41 Using profane or insulting language to a Superior Officer.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.42 Asleep on duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.43 Absence without leave for less than five (5) consecutive working days.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.44 Failure to conduct proper, thorough and complete investigations.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.45 Failure to report as witness when subpoenaed or ordered by Superior Officer.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.46 Failure to lock patrol car when unattended.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.47 Soliciting money or other valuable things without proper authorization.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.48 Instituting civil action arising from police duty without notifying the Chief of Police.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.49 Giving a verbal or written report of any incident without approval of the Commanding Officer.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 5 Days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to 10 Days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Reprimand to Dismissal

**6:1.50 Being found in any alcoholic beverage licensed establishment in full uniform while not in performance of police duty.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Reprimand to Dismissal

**6:1.51 Possession of alcoholic beverages on the person in police vehicle or on any police property, not duty required.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Reprimand to Dismissal

**6:1.52 Failure to be home without legitimate reason after reporting sick.  
(Violation of Sick Leave Policy)**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Reprimand to Dismissal

**6:1.53 Failure to obtain any required medical treatment or certificate while on sick leave.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Reprimand to Dismissal

**6:1.54 Failure to submit properly written required report within a reasonable or prescribed period of time as per regulations.**

Disciplinary action for *1<sup>st</sup> offense* -Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* -Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* -Reprimand to Dismissal

**6:1.55 Having or operating private auto on beat, on duty, or driving to or from beat or post without authorization.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.56 Failure to carry badge, firearm and other required equipment when on duty.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.57 Unexcused tardiness.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.58 Changing residence or telephone number without giving prompt and proper notification.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.59 Unauthorized persons in radio car.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.60 Untidy appearance and dress while in uniform.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.61 Not in full prescribed uniform.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.62 Failure to salute, when in uniform and in public, the Chief of Police or a uniformed Superior Officer.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:6.63 Failure to give prescribed identification when answering telephone.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.64 Refusal to give name and badge number when properly requested.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.65 Reading newspapers, books or periodicals while in view of public where it would represent an affront to same.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

**6:1.66 Unauthorized press releases or statements.**

Disciplinary action for *1<sup>st</sup> offense* –Reprimand to 10 days  
Disciplinary action for *2<sup>nd</sup> offense* –Reprimand to 30 days  
Disciplinary action for *3<sup>rd</sup> or subsequent offense* –Reprimand to Dismissal

## **6.2: DEPARTMENTAL DISCIPLINARY HEARINGS**

Whenever an internal investigation establishes probable cause that a member is guilty of violating a Departmental rule or regulation, directive or order, penalty for which is to be permanently reflected on the member's personnel record, a preliminary notice of disciplinary action shall be prepared by proper authority and personally served upon the respective member.

- 6:2.1** The preliminary notice of disciplinary action shall contain:
- A. The name, address and title of the member against whom the action is being instituted.
  - B. The charges (Rules and Regulation(s)) allegedly violated.
  - C. Specification of the facts upon which the charges are allegedly based.
  - D. Notification as to whether the member is suspended pending the determination of the hearing.
  - E. The time, date and place at which the hearing is scheduled to be held.
  - F. The penalties to which the member is being exposed as a result of the alleged charges.
  - G. The signature of the proper authority and his/her official title.
- 6:2.2** The disciplinary hearing shall be scheduled during the business day, but no sooner than ten (10) days nor later than thirty (30) days after said notice is personally served upon said member, subject of course to the granting of reasonable requests for postponements by said member.
- 6:2.3** Where a disciplinary hearing has been postponed at the request of the respective member pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the charges, said hearing must be held within thirty (30) days after the Chief of Police receives notice of such disposition. The duty to advise the Chief that said judicial determination has been made is that of the respective member.
- 6:2.4** No member shall be found guilty of violating a Departmental rule or regulation unless the presiding officer finds that a preponderance of the credible evidence substantiates the specific charges of the particular case.
- 6:2.5** "Personal service" means actual service upon the member as well as actual service upon any members of his/her family over eighteen years of age, residing in the residence of said member.

- 6:2.6** Disciplinary hearings shall be public in nature. However, they should be within the bounds of reasonableness and good order.
- 6:2.7** Every member formally charged with the violation of a Departmental rule or regulation shall have the opportunity to testify in his/her own defense, produce relevant evidence in support of his/her defense, produce competent witnesses to testify in his/her defense and cross-examine any witness who has testified against him/her.
- 6:2.8** The Chief of Police may prosecute the complaint him/herself or delegate the duty to any member of the Department.
- 6:2.9** In order that all parties may be afforded a fair and equal opportunity to be heard and that the Chief of Police may be completely informed in the matter and be able to render a proper determination based on all facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules or procedure.
- 6:2.10** The Chief of Police may, at his/her discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the hearing officer may exclude all persons not having a direct interest in the matter being heard.
- 6:2.11** The Chief of Police shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- 6:2.12** The Chief of Police shall give effect to the rules of privilege as provided by law. If it is clear that an internal affairs investigation may be turned over to the Prosecutor's Office or other law enforcement agencies for the purpose of pursuing criminal action against a police officer, then that officer is entitled to remain silent on the grounds of self-incrimination during questioning initiated by his/her employer in a disciplinary context.
- 6:2.13** The member is presumed innocent and the burden of proof is upon the Chief of Police to prove the member's guilt by a preponderance of the credible evidence presented during the hearing.
- 6:2.14** All hearings may be recorded at the discretion of the Chief of Police in one of the following manners:
- A.** A certified shorthand report.

- B. Stenographers, duly sworn to make an accurate stenographic recording of the proceeding.
- C. Sound recording device to be operated under the supervision and direction of the Chief of Police.

**6:2.15** After considering all the evidence in support and in defense of the particular charge of misconduct, the Chief of Police shall consider same and render his/her verdict as soon as practicable thereafter.

**6:2.16** Although the verdict may be verbal at the time of the hearing, the determination must be reflected upon a final notice of disciplinary action which must be personally served upon the respective member as soon as practicable after the termination of said disciplinary hearing.

### 6:3 APPEAL PROCEDURES

#### **6:3.1 Appeal according to Civil Service Rules and Regulations**

- A. Any member of the Department who has been tried and convicted upon disciplinary charge or charges may obtain review to the New Jersey Civil Service Commission.
- B. Such review shall be obtained by serving a written notice of an application therefore upon the officer or board whose action is to be reviewed within 10 days after written notice to the member of the conviction. The officer or board shall transmit to the court a copy of the record of such conviction, and of the charge or charges for which the member was tried.
- C. The court shall hear the case 'de novo', on the record 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 be restored to such position and all his rights pertaining thereto, and may make such other judgment as said court shall deem proper.
  - 1. Either the Township of North Bergen or the member may supplement the record with additional testimony subject to rules of evidence.
  - 2. All rights and privileges granted under Civil Service, PBA Local 18 and PBA Local 18A contract with the Township of North Bergen shall be granted.



### **6:3.2 Further Appeals**

Upon exhaustion of the preceding the member may further appeal the findings through the Superior Court and/or the utilization of the grievance procedure as provided under the PBA collective bargaining agreements.

# **CHAPTER**

**7**

# **DRUG SCREENING**

7:1. DRUG SCREENING

- 7:1.1 At random or without suspicion, an officer may be ordered or requested to submit to a blood, urine, breathalyzer, or other test, to determine the percentage of alcohol or drugs in said test sample, except as provided otherwise by specific statutory or procedural law. Such test MUST be given if requested by the officer. A refusal by an officer to submit a test sample on request, or who renders a positive test for illegal drug use or alcohol consumption may be dismissed from the police force upon final adjudication.
- 7:1.2 All law enforcement applicants may be required to submit to a urinalysis prior to appointment.
- 7:1.3 An applicant who produces a confirmed positive test result indicating unlawful drug use or who refuses to submit a urine sample shall be rejected for employment.
- 7:1.4 Subsequent to appointment, all officers shall be subjected to unannounced drug testing by urinalysis during and whenever there is individualized reasonable suspicion to believe that an officer is unlawfully using drugs.
- 7:1.5 A trainee who produces a positive test result indicating unlawful drug use or who refuses to submit a urine sample shall be dismissed from the training academy and/or from his/her law enforcement position.
- 7:1.6 Permanently appointed officers who produce a positive test result indicating unlawful drug use or who refuse to submit a urine sample shall be dismissed from employment.
- 7:1.7 Any police officer who believes he/she has a reasonable suspicion that another officer is using illegal drugs, or is abusing prescription or over-the-counter medication, must immediately report those facts and circumstances to the office of the Chief of Police or his/her designee.
- 7:1.8 Any police officer that is prescribed medication or who is ingesting over-the-counter medication which *impairs his/her ability to function effectively*, must inform the Township Physician of the type of medication and prescribed dosages.
- 7:1.9 All drug screening shall be consistent with the guidelines promulgated by the Attorney General's Office and the Office of the Hudson County Prosecutor including Departmental Policy.