



Rules and Regulations Manual



**RESOLUTION ADOPTING RULES AND REGULATIONS FOR THE  
TOWNSHIP OF WOOLWICH POLICE DEPARTMENT**

**BE IT RESOLVED**, by the Township Committee of the Township of Woolwich, in the County of Gloucester and State of New Jersey, that it hereby adopts the attached rules and regulations for the governing of the Police Department of the Township of Woolwich and for its operation and for the conduct of the members of the department. Said rules and regulations shall take effect immediately.

\_\_\_\_\_  
**Joseph Chila, Mayor**

**Dated:** \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**Jane DiBella, Township Clerk**

**CERTIFICATION**

I, Jane DiBella hereby certify the above to be a true and exact copy of a Resolution adopted by the Township Committee of the Township of Woolwich at a meeting held on the \_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Jane DiBella, Township Clerk



## FOREWORD

These rules and regulations are the second phase in a three part approach to a system under which the Woolwich Township Police Department functions. The first phase is the ordinance establishing the Township Committee as the Appropriate Authority. The rules and regulations are guidelines outlining the acceptable and unacceptable behavior of personnel and are typically broad in nature. The third phase consists of the standard operating procedures, (SOP's) which are detailed statements of procedures covering various aspects of day-to-day police operations. The rules and regulations provide the framework for the effective management of the police department; policies and procedures provide the details for all manner of police operations.

The success of a police department in the performance of its duties is measured largely by the degree of support and cooperation it receives from the people of the community, which it serves. It is of paramount importance that we secure the confidence, respect, approval of the public be obtained. Gaining of such desirable esteem is dependent upon performance of duty by all the members and employees of the Police Department.

A professional responsibility no less important than that of other administrators of the law is imposed upon members and employees of the Police Department. Professionalization of police officers is gaining general recognition, but can win universal acclaim and permanent status only if the actions of the members and employees of the police department are reflected in intelligent, sincere, efficient, and courteous service. The police profession must embody the highest attributes of every other profession. Neither private profit, nor personal reward, but the service of the community is the hallmark of a member or employee of the professional police department.

These rules and regulations have been developed to guide and assist members and employees in reaching the goals of the Woolwich Township Police Department. Adherence to the principles and guidelines found herein by all members and employees of the Police Department will eliminate the need for disciplinary action and will ensure acceptance of the Police Department by the community as a truly professional organization.



**POLICE DEPARTMENT**

**WOOLWICH TOWNSHIP, NEW JERSEY**

This manual is the property of the Township of Woolwich. It is assigned to you by serial number, and upon separation from police service you are bound to return it. You are responsible for its security. Loss of the manual will constitute neglect of duty and result in disciplinary action.

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**Name of Police Officer or Civilian Employee**

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**Manual Number**



**WOOLWICH TOWNSHIP POLICE DEPARTMENT**  
**RULES AND REGULATIONS**

**1. POLICE DEPARTMENT AUTHORITY.**

**A. Police Department Established.**

The Police Department of the Township of Woolwich is established pursuant to N.J.S.A. 40A:14-118 and the Municipal Ordinance #68-2. The Police Department shall hereinafter be referred to as the Department”

**B. Department Rules and Regulations Established.**

The Township Committee of the Township of Woolwich hereby adopts and promulgates the Woolwich Township Police Department Rules and Regulations, hereinafter referred to as the “Rules”.

1. Right to Amend or Revoke. In accordance with N.J.S.A. 40A:14-118, the Township Committee of the Township of Woolwich reserves the right to amend or to revoke any of the Rules contained herein.
2. Previous Rules, Policies & Procedures. All Rules, policies and procedures that are contrary to the Rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.
3. Application. These Rules are applicable to all police officers of the Department and to all civilian employees of the Department where appropriate.
4. Distribution. One copy of these Rules shall be distributed to each member and to certain civilian employees of the Department.
5. Responsibility for Maintenance. Members and employees assigned a copy of the manual shall be responsible for maintaining a current copy of the Rules, including all additions, revisions, and amendments as issued.
6. Familiarization. Members and employees shall thoroughly familiarize themselves with the provisions of the Rules. Ignorance of any provision of these Rules will not be a defense to a charge of a violation of these Rules. Failure to be familiar with the provisions of this manual may be considered a neglect of duty.



## 2. DEFINITIONS.

### A. **Definitions Established.**

1. **Authority.** The rights to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for by statute or in the Department Rules, policies and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the Rules.
2. **Chain of Command.** Vertical lines of communication, authority, and responsibility within the organizational structure of the Department. The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.
3. **Chief of Police.** The Chief of Police of Woolwich Township, the ranking police officer of the Department.
4. **Day Off.** Those days determined by the Chief of Police or appropriate supervisor on which a given member or employee is excused from duty.
5. **Department.** The Police Department of Woolwich Township.
6. **Detail.** A temporary assignment of personnel for a specified activity.
7. **Detective.** A police officer assigned to conduct criminal investigations.
8. **Directive.** A document detailing the performance of a specific activity or method of operation, including general orders, personnel orders and special orders.
9. **Employee.** Civilian employees of the Department.



## 2. DEFINITIONS CONT.

10. **Equipment** (personal)
  - a - Baton
  - b - Belts (trouser/gun)
  - c - Bulletproof vests
  - d - Cartridge carrier/magazine pouch
  - e - chemical Mace or equivalent
  - f - departmental shoulder/rank insignia
  - g - flashlight
  - h - handcuffs
  - i - holster
  - j - insignia of rank
  - k - rain gear
  - l - weapon
  
11. **Gender.** The use of the masculine gender herein shall include, where appropriate, the female gender.
  
12. **General Order(s).** Broadly based directive (s) detailing policy and procedure of the Department prepared and issued under the direction of the Chief of Police.
  
13. **Headquarters.** The police building or that portion of the municipal building in which are located the offices of the Department.
  
14. **Incompetence.** Incapable of satisfactory performance of police duties.
  
15. **Insubordination.** Failure or deliberate refusal of any member or employee to obey all lawful orders given by a superior officer.
  
16. **May/Should.** As used herein “may” and “should” mean that the action indicated is permitted.
  
17. **Lawful Order.** Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty that is not violate of any law, ordinance, or departmental rule or regulation.
  
18. **Member.** Any duly appointed police officer of the Department.



## 2. DEFINITIONS CONT.

19. **Memorandum.** Written information not warranting a formal order. Used to direct any portion of or all department personnel in specific situations or to inform them or impending events.
20. **Neglect of Duty.** Failure to give suitable attention to the performance of duty. For example (including but not limited to) failure to take appropriate action on the occasion of a crime, disorder, or other action or condition deserving police attention; absence without leave, failure to report to duty at the time and place designated; unnecessary absence from tour of duty; failure to perform duties or comply with provisions prescribed in the Police Manual; failure to conform to departmental operating procedures.
21. **Off Duty.** The status of a member during the period he is free from the performance of specified duties (also may be referred to as day off, annual vacation, time coming, extra day off, etc.).
22. **Officials Channels.** Through the hands of superior officers in the chain of command.
23. **On duty.** The status of a member during the period when he is actively engaged in the performance of his duties. A police officer is subject to call to duty at all times.
24. **Order.** Any written or oral directive issued by the Chief of Police or a supervisor to any subordinate or group of subordinates in the course of police duty.
25. **Personnel Order.** A directive initiating and announcing a change in the assignment, rank or status of personnel, etc. e.g.
  - a - appointment of new personnel
  - b - assignment or transfer of members
  - c - promotion
  - d - commendation
  - e - suspension and / or dismissal
  - f - resignation or retirement



## 2. DEFINITIONS CONT.

26. **Police Manual.** Reference guide specifying the rules and regulations governing the conduct of personnel and the operations of the Department as well as specifying departmental policies and procedures. Department orders will be incorporated into the Police manual after a provisional period of operation. Such manual is issued by the Chief of Police and carries the weight of general order.
27. **Policy.** A statement of Department principles that provides the basis for the development of procedures and directives.
28. **Post.** A geographical area of coverage by a police officer.
29. **Procedure.** A written statement providing specific direction for performing Department activities. Procedures are implemented through policies and directives.
30. **Rules and Regulations.** Departmental policies and directives governing authority, responsibility, and conduct of all members and employees of the Department and which are binding upon all members and employees of the Department.
31. **Seniority.** Seniority in the Department is established first by rank and second by time served in rank in the Department. Where conflict occurs because of identical service or dates of appointment, the member with the highest position on written examination from which the appointments were made is deemed to be the senior. If no examination had been so held, then one will be given and the senior will be the one with the highest position on such written examination.
32. **Shall/Will.** The words "shall" and "will" as used herein, mean that the action required is mandatory.
33. **Shift.** A shift designates one of the basic units of time for the assignment of personnel, usually specified in terms as established by the Chief of Police.
34. **Sick Leave.** The period of time during which a member or employee is excused from active duty by reason of disabling physical condition.
35. **Special Assignment.** The assignment of a member to a special detail and excused from the performance of otherwise regular duties.



## 2. DEFINITIONS CONT.

36. **Special Order.** A directive dealing with a specific circumstance or event that is usually self-canceling.
37. **Special Police.** Persons vested with special police authority pursuant to N.J.S.A. 40a:14-146 but who are not members of the department.
38. **Subordinate.** A member lower in rank than the superior officer.
39. **Superior Officer.** A member holding a rank higher than a police officer.
40. **Supervisor.** Employee assigned to a position requiring the exercise of immediate supervisor over the activities of other member and/or employees.
41. **Tour of Duty.** The number of days of work on a given tour during which an individual member is on duty.
42. **Tour Commander.** The superior officer in charge of tour of duty.
43. **Uniform.** Prescribed or regulation clothing worn by members of the Department.
44. **Command Grade.** Shall consist of the rank of Sergeant, and Chief of Police.



### 3. DUTIES AND RESPONSIBILITIES.

#### **A. General.**

This chapter will define the duties and responsibilities of police department personnel. Members shall 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 coming within Department jurisdiction;
- f. Safely and expeditiously regulate traffic;
- g. Aid citizens in matters within police jurisdiction;
- h. Take appropriate police action in aiding fellow officers as needed;
- i. Provide miscellaneous service;

#### **B. Obligation of Department members.**

Members shall exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department. Members shall abide by all rules and regulations and departmental procedures and directives governing police officer employees. Members shall be accountable and responsible to their supervisors for obeying all lawful orders. Members shall cooperate and coordinate their efforts with other employees of the Department to achieve Department objectives.

#### **C. Training and area of responsibility.**

Members shall strive to improve their skills and techniques through study and training. Members shall familiarize themselves with the area of authority and responsibility for the current assignment.



#### 4. RULES OF CONDUCT.

##### **A. General Conduct.**

All Department Employees are required to comply with the following provisions with regard to conduct.

1. **Performance on Duty.**  
All employees shall promptly perform their duties as required or directed by law, Department Rule, policy or directive, or by lawful order of a superior officer;
2. **Action Off Duty.**  
While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and Department policy;
3. **Obedience to Laws and Rules.**  
Employees shall at all times obey all federal and state laws, local ordinances and Department Rules and Regulations;
4. **Withholding Information.**  
Employees shall report all information concerning suspected criminal activities of others, and no such information shall be withheld;
5. **Reporting Violations of Laws or Rules.**  
Employees knowing of other employees violating laws, ordinances, or Rules of the Department, shall report it in writing to the Chief of Police through official channels. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, official channels may be bypassed;
6. **Insubordination.**  
Employees shall not:
  - a. Fail or refuse to obey a lawful order given by a superior officer; or
  - b. Use any disrespectful, insolent or abusive language or action toward a superior officer;
7. **Conduct Toward Other Department Employees.**  
Employees shall treat other Department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
8. **Compromising Criminal Cases.**  
Employees shall not interfere with the proper administration of criminal justice;



#### 4. RULES OF CONDUCT.

9. Recommending Services.

Employees shall not suggest, recommend, or advise the retention of any attorney, bail bond broker, auto repair shop or towing facility except a towing facility under service agreement with the municipality to any person as a result of police business;

10. Criticism of Official Acts or Orders.

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

11. Posting Bail.

Employees shall not post bail for any person in custody, except relatives;

12. Use of Force.

Employees shall at all times follow Department policies and procedures with regard to the use of force;

13. Physical Fitness.

Police officers shall maintain good physical condition so that they can handle the strenuous physical activities often required of a law enforcement officer

14. Driver's License.

Employees operating Department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full particulars;

15. Address and Telephone Numbers.

Employees are required to have a telephone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change;

16. Neglect of Duty.

Officers may be charged with neglect of duty for any act or commission in violation of law, police orders, procedures or rules and regulations.

#### B. Orders.

1. Issuing Orders.

a. Manner of Issuing Orders.

Orders from a supervisor to a subordinate shall be in clear and understandable language.



#### 4. RULES OF CONDUCT CONT.

b. Unlawful Orders.

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

c. Improper Orders.

No supervisor shall knowingly issue any order, which is in violation of any Department Rules, policy or procedure.

#### C. **Receiving Orders.**

This section will define the manner in which an employee receives orders.

1. Question Regarding Orders.

Employees in doubt as to the nature or detail of any order shall seek clarification from their supervisors by going through the chain of command.

2. Obedience to Unlawful Orders.

Employees are not required to obey any order which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

3. Obedience to Improper Orders.

Employees who are given any order which is contrary to Department Rule, policy, or procedure must first obey the order to the best of their ability, and then report the improper order as provided.

4. Conflicting Orders.

Upon receipt of any order conflicting with any previous order, the employee affected will advise the person issuing the second order of this fact.

Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first.

Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the Department.

5. Reports of Unlawful or Improper Orders.

An employee receiving an unlawful or improper order shall, at first opportunity, report in writing to the next ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted by the Chief of Police.

#### D. **Police Records and Information.**

1. Release of Information.

Employees shall not release any information nor reveal any confidential business of the Department to the public or the press except as provided in Department policy and procedure;



#### 4. RULES OF CONDUCT CONT.

2. Department Records.

Contents of any record or report filed within the Department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of the law, or as permitted under Department policy and procedure;

3. Reports.

No-employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the Department. No employee shall alter, dispose or remove any report without the express permission of the Chief of Police. Any corrections to reports shall be made by drawing a single line through the error and making the correction. The employee making the correction shall initial the correction adjacent to the line corrected.

E. Gifts, Rewards, Gratuities.

1. Soliciting or Accepting Benefits.

Members shall not directly or indirectly solicit, accept or agree to accept any benefit of their Departmental membership or official duties.

2. Rewards.

Employees shall not accept any gift, gratuity, or regard in money other compensation for services rendered in the line of duty, except that which may be authorized by law or Department policy.

3. Disposition of Unauthorized Gifts, Gratuities.

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of nay employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances. The Chief shall seek the advice and consent of the County Prosecutor for the final disposition of any such gift received.

4. 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 department employment except as may be specifically authorized by the Chief of Police.

5. 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.



#### 4. RULES OF CONDUCT CONT.

6. Free Admissions and Passes.

Members and employees shall not solicit or accept free admission to theaters and other places of amusement for themselves and other except in the line of duty.

F. Alcoholic Beverages and Drugs.

1. Consuming Alcoholic Beverages Before Duty.

Employees shall not consume alcoholic beverages within four hours prior to reporting for duty.

2. Being Under the Influence.

Employees shall not report for duty under the influence of any alcoholic beverage or drug. Officers shall be required to undergo mandatory drug screening in accordance with the Attorney General's Law Enforcement Drug Screening Guidelines as revised and amended when there exists facts which provide a reasonable objective basis to suspect the officer is illegally using drugs.

3. Consuming Alcoholic Beverages on Duty.

Employees of the Department shall not consume any alcoholic beverage while on duty. However, employees while assigned to duty in civilian clothes, may consume alcoholic beverages only if such consumption is absolutely necessary in the performance of duty, has been approved by the appropriate supervisor, and does not render the employee unfit for proper and efficient performance of duty.

4. Consuming Alcoholic Beverages Off Duty in Uniform.

Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.

5. Alcoholic Beverages in Police Buildings.

Alcoholic beverages shall not, at any time, be consumed in police buildings or facilities.

6. Supervisor's Responsibility.

Supervisors shall not assign to duty or allow to remain on duty any employees whose fitness for duty is questionable due to the use of alcohol or medication.

7. Possession of Alcoholic Beverages.

Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any police department building or vehicle, except for evidential or other authorized purpose.



4. **RULES OF CONDUCT CONT.**

8. **Entering Premises.**

Employees in uniform shall not enter any premises where alcoholic beverages are sold or stored, except in the performance or duty or in compliance with Department policy.

9. **Taking Medication on Duty.**

Employees of the Department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician and the Employee has complied with the Notice provision of (Chapter 4 Section F.10).

10. **Notification about Medication.**

When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be signed by the prescribing physician. If the medication is a non-prescription drug, the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

G. **Conduct While on Duty.**

1. **Reporting for Duty.**

Employees shall report at the time and place specified, properly uniformed and equipped.

2. **Absence from Duty.**

An employee who fails to appear for duty at the date, time and place specified without the consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave.

3. **Physical Fitness for Duty.**

Members shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer.

4. **Prohibited Activity on Duty.**

Employees who are on duty are prohibited from engaging in activities which are not directly related to the performance of their duty. Such activities shall include, but not be limited to sleeping, conducting private business, illegal gambling, leaving the Township geographical limits for unauthorized business reasons, etc.

5. **Smoking While on Duty.**

Employees shall not smoke except in authorized areas. Employees shall not smoke on duty while in direct contact with the public.



4. **RULES OF CONDUCT CONT.**

6. **Personal Radios.**

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

7. **Relief from Duty.**

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

8. **Meals.**

All meals are to be consumed within authorized areas, subject to modification by the supervisor.

9. **Training.**

Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.

10. **Inspections.**

Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

11. **National Colors and Anthem.**

Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.

12. **Possession of Keys.**

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

13. **Address and Telephone Numbers.**

Immediately upon reporting for duty members and employees shall record their correct residence addresses and telephone numbers with the commanding officer and administration office. 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 and administration officer within 24 hours of the change. This shall be done in writing on the appropriate form and within the specified time whether the member or employee is working or on leave.



#### 4. RULES OF CONDUCT CONT.

##### H. Uniform, Appearance, and Identification.

###### 1. Regulation Uniforms Required.

All police officers and uniformed civilians shall maintain uniforms prescribed in Department policy and procedure. Uniforms shall be kept neat, clean, and well pressed at all times;

###### 2. Manner of Dress on Duty.

Employees shall wear the uniform or civilian clothing on duty as prescribed by Department policy and procedure for the employee's current assignment;

###### 3. Wearing Jewelry on Duty.

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

###### 4. Personal Appearance.

Employees, while on duty shall be neat and clean in person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform officers on duty from dressing appropriately for the conditions of their current assignment in accordance with Department policy;

###### 5. Wearing or Carrying Identification.

Employees shall wear or carry their Department identification at all times, provided that it is practical under the circumstances; and

###### 6. Identification as Police Officer.

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

##### I. Department Equipment and Property.

###### 1. Equipment on Duty.

Employees shall carry all equipment on duty as prescribed in Department policy and procedure based on their assignment;

###### 2. Equipment off Duty.

Employees shall carry equipment off duty as prescribed in Department policy and procedure based on their assignment;

###### 3. Firearms.

Employees shall follow Department policy and procedure on the care and handling of firearms;



#### 4. RULES OF CONDUCT CONT.

4. Department Property and Equipment.

Employees are responsible for the proper care of Department property and equipment assigned to them;

5. Use of Department Property and Equipment.

Employees shall not use any Department property or equipment for personal business or pleasure;

6. Damaged or Inoperative Property or Equipment.

Employees shall immediately report to their supervisors any loss of or damage to Department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any Department equipment or property;

7. Care of Department Buildings.

Employees shall not mark or deface any surface in any Department building. No material shall be affixed to any wall in Department buildings without specific authorization from the appropriate supervisor;

8. Notices.

Employees shall not mark, alter, or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining units;

9. Use of Department Vehicles.

Employees shall not use any Department vehicle without the permission of a supervisor. Department vehicles shall never be used for personal business or pleasure except as provided for in Department policy;

10. Operation of Department Vehicles.

When operating Department vehicles, employees shall not violate traffic laws except in cases of emergency and then only in conformity with state law and Department policy and procedure regarding same;

11. Transporting Citizens.

Citizens will be transported in Department vehicles only in conformance with Department policy;

12. Reporting Accidents.

Accidents involving Department personnel, property, equipment and vehicles must be reported in accordance with Department policy and procedure;

13. Inspection.

Departmental property is and remains the property of the Department and is subject to inspection without notice;



#### 4. CODE OF CONDUCT CONT.

##### 14. Liability.

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

##### J. Surrender of Department Property.

###### 1. Upon Separation from the Department.

Employees are required to surrender all Department property in their possession upon separation from the service. If an Employee fails to return a non-expendable item, the employee will be required to reimburse the Department for the fair market value of the article; and

###### 2. Under Suspension.

Any employee under suspension shall immediately surrender their identification, firearms (if applicable), and all other Department property to the appropriate supervisor pending disposition of the case.

##### K. Communications, Correspondence.

###### 1. Use of Department Letterhead.

Employees shall not use Department letterhead for private correspondence. Correspondence should only be sent from the Department under the direction of the appropriate supervisor;

###### 2. Forwarding Communications.

Any employee who receives a written communication for transmission to another employee shall forward same without delay;

###### 3. Use of Department Address.

Employees shall not use the Department as a mailing address for private purposes. The Department address shall not be used for any private vehicle registration or driver's license;

###### 4. Telephones.

Department telephone equipment may not be used for personal use without the express approval of a supervisor; and

###### 5. Radio Discipline.

Employees operating the police radios shall strictly observe the procedures and restrictions for such operations as set forth in Department policy and procedure and by the Federal Communications Commission.



#### 4. RULES OF CONDUCT CONT.

##### I. Conduct Toward the Public.

1. Courtesy.

Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, quietly and avoiding profane language and shall always remain calm regardless of provocation

2. Request for Identification.

Upon request, employees are required to supply their identification in a courteous manner.

3. Impartiality.

Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.

4. Use of Derogatory Terms.

Employees shall not use language that is derogatory to anyone because of race, sex, orientation, creed, color, national origin, ancestry, or influence.

5. Affiliation with Certain Organizations Prohibited.

No employees shall knowingly become a member of any organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.

a. Affiliation with Certain Organizations Prohibited.

Police Officers shall not join any organizations nor affiliate themselves with any organizations whose constitution embrace provisions, which might in any way exact prior consideration and prevent the proper efficient functioning of the department. This prohibition does not apply “to the active military or naval service of the United States or of this state, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service”

6. Representing the Police Department.

Employees shall not give public speeches, demonstrate on behalf of the Department, nor endorse any product or service as a representative of the Department, without prior approval from the Chief of Police.

7. 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



#### 4. RULES OF CONDUCT CONT.

##### M. Political Activities.

1. Employees shall not be candidates for or hold office in elective public positions or political organization within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the County Prosecutor.
2. Employees may contribute funds or any other thing of value to candidates for public office subject to the provisions of law governing such contributions;
3. Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.
4. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
5. Employees shall not engage in any polling duties except in the performance of their official duties.
6. Employees shall not display any political material on any government property or on their person while on duty or in uniform.

##### N. Judicial Appearance and Testimony.

1. **Duty of Employee and Members to Appear and Testify.**  
Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation. Failure or refusal to so appear and so testify shall be subject any such member or employee to removal of his office or position.
2. **Subpoena.**  
Employees must attend court or quasi-judicial hearings as required by Subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials.
3. **Court Appearance.**  
When appearing in court on Department business, employees shall wear either the Department uniform or appropriate business attire.
4. **Testifying for the Defendant.**  
Any employee subpoenaed to testify for the defense or against the municipality or Department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the Subpoena.



#### 4. RULES OF CONDUCT CONT.

##### 5. Department Investigations.

Employees are required to answer questions, file reports, or render material and relevant statements, in a departmental investigation when such questions and statement are directly related to job responsibilities. Employees shall be advised of, and permitted to invoke all applicable constitutional and statutory rights, including consultation with their designated representative.

##### 6. Truthfulness.

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

##### 7. Civil Action, Subpoenas.

Employees shall not volunteer to testify in civil actions arising out of Department employment and shall not testify unless subpoenaed. If the Subpoena arises out of Department employment or it employees are informed that they are a party in a civil action arising out Department employment, they shall immediately notify the appropriate supervisor.

##### 8. Civil Depositions and Affidavits.

Employees shall confer with the appropriate supervisor before giving deposition or affidavit on a civil case relating to their police employment.

##### 9. Civil Action, Expert Witness.

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

##### 10. Civil Process.

Employees shall not serve civil process or assist in civil cases unless the appropriate supervisor approves such service.

##### 11. Debt Obligation.

a. Members and employees shall promptly pay all their just debts and meet all their legal liabilities.

b. No member or employee shall borrow any money from or otherwise become indebted to any other member or employee.

##### 12. Intercession - Soliciting.

Members and employees shall not solicit anyone to intercede with the Chief of Police, Mayor, or any members of Township Committee in relation to promotion assignments, disposition of pending charges, or findings in a departmental trail or other related matter.

##### 13. Persons and Places of Bad Reputation.

Members and employees shall not knowingly frequent places of bad reputation, or associate with persons of bad reputation, except as may be required in the course of police duty.



5. **PERSONNEL REGULATIONS.**

A. **Hours and Leave.**

1. **Hours of Duty.**

Employees shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. Employees are subject to be recalled to duty as needed;

2. **General Qualifications of Police Officers.**

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

- a. is a citizen of the United States and a resident of New Jersey;
- 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 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. if expected to drive a departmental vehicle, shall possess a New Jersey license.

3. **Scheduled Days Off.**

Employees are entitled to days off pursuant to applicable collective bargaining agreements and are to be taken according to a schedule arranged by the appropriate supervisors;

4. **Vacation Leave.**

Employees are entitled to vacation days pursuant to applicable collective bargaining agreements, Department policy and procedure, and approval of the vacation schedule by the appropriate supervisor;

5. **Sick Leave.**

Employees are entitled to sick days off pursuant to applicable collective bargaining agreements and Department policy and procedures;

6. **Abuse of Sick Leave.**

Employees who take sick leave in violation of Department policy shall be subject to disciplinary action; and



5. **PERSONNEL REGULATIONS CONT.**

7. **Other Leaves.**

Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by Department policy and procedure, subject to approval of the schedule by the appropriate supervisor;

8. **Suspension of Leave.**

Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by appropriate Department authority, and which unavoidably required utilization of additional employees who are not scheduled to work.

B. **Secondary Employment.**

1. Employees may engage in secondary employment consistent with Department policy.

C. **Resignation.**

1. All resignations of Employees must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two weeks written notice.



## 6. PROMOTIONS

### A. Appointments by Township Committee.

The Township Committee shall determine the number of persons to be appointed to various positions within Department. The Township Committee shall make such appointments at such times the Township Committee shall deem appropriate, and shall determine terms of office and compensation. Prior to making such appointments, applicants will be required to meet such qualifications, as the Township Committee deems appropriate. In making appointments to the following positions, the Township Committee shall consider the following criteria:

#### 1. Chief of Police.

Applicants for the position of Chief of Police, must satisfy the Township Committee that he or she possesses the necessary qualifications to act as Chief of Police and have charge of his business and personnel contained with this Department.

##### a. Qualifications.

In considering applicants for the position of Chief of Police, the Township Committee will consider the following qualifications. The following requirements shall be the minimum mandatory requirements for the chief of police for the Township of Woolwich.

#### 1. General Requirements.

Be a citizen of the United States of America; be of good character and reputation, and such other requirements that may be mandated by the laws of the State of New Jersey or other applicable laws.

#### 2. Education.

A minimum of a high school diploma or its equivalent, a Bachelors degree is mandatory, preferably in Police Administration, and/or Criminal Justice. The applicant must also have completed a basic police academy and be certified by the New Jersey Police Training Commission. Certifications from relating schools and seminars will be evaluated.

#### 3. Experience

Have a record of recent progressive experience in law enforcement and police administration including budget formulation, scheduling, and staffing, with a minimum of seven (7) years relevant supervisory experience.

#### 4. Licenses.

Possession of a valid New Jersey motor vehicle license.



## 6. PROMOTIONS CONT.

### 5. **Knowledge and General Abilities.**

A thorough working knowledge of criminal and civil law, local ordinance, and police procedures, regulations and organization; ability to prepare concise, complete and accurate reports; ability to interrogate suspects and take voluntary statements; ability to work effectively and diplomatically with the public.

### 6. **Physical Requirements**

Be in excellent health, having normal vision (correctable) and hearing; and having no disqualifying physical or psychological limitations, which would enable the applicant to properly perform all assigned duties. Examinations will be conducted of the final candidate(s) to assure that the candidate is physically qualified and psychologically qualified for the position.

## 2. Captain of Police.

### a. **Qualifications.**

In considering applicants for the position of Captain of Police, the Township Committee will consider the following qualifications. The following requirements shall be the minimum mandatory requirements for the chief of police for the Township of Woolwich.

#### 1. **General Requirements.**

Be a citizen of the United States of America; be of good character and reputation, and such other requirements that may be mandated by the laws of the State of New Jersey or other applicable laws.

#### 2. **Education.**

A minimum of a high school diploma or its equivalent, a Bachelors degree is mandatory, preferably in Police Administration, and/or Criminal Justice. The applicant must also have completed a basic police academy and be certified by the New Jersey Police Training Commission. Certifications from relating schools and seminars will be evaluated.

#### 3. **Experience**

Have a record of recent progressive experience in law enforcement and police administration including budget formulation, scheduling, and staffing, with a minimum of four (4) years relevant supervisory experience.

#### 4. **Licenses.**

Possession of a valid New Jersey motor vehicle license.



6. PROMOTIONS CONT.

5. **Knowledge and General Abilities.**

A thorough working knowledge of criminal and civil law, local ordinance, and police procedures, regulations and organization; ability to prepare concise, complete and accurate reports; ability to interrogate suspects and take voluntary statements; ability to work effectively and diplomatically with the public; the capability to operate the Police Department in the absence of the Chief of Police

6. **Physical Requirements**

Be in excellent health, having normal vision (correctable) and hearing; and having no disqualifying physical or psychological limitations, which would enable the applicant to properly perform all assigned duties.

Examinations will be conducted of the final candidate(s) to assure that the candidate is physically qualified and psychologically qualified for the position.

3. **Lieutenant.** Applicants for the position of Lieutenant shall be graded in accordance with the following point system:

Work performance graded by the Chief of Police.	0-30
Seniority points awarded, one point for each year in grade.	0-10
Authorized Written Examination	0-15
Authorized Oral Examination	0-15
Township Committee Interviews	<u>0-30</u>
	100.0

- a. **Qualifications.** In considering applicants for the position of Lieutenant, the Township Committee shall consider the following qualifications:

1. **Education.**

A minimal of a high school diploma or its equivalent, an associate's degree is mandatory in Criminal Justice or its equivalent. The applicant must also have successfully completed a basic police academy and be certified by the New Jersey Police Training Commission. Certifications from related schools and seminars will be evaluated.

2. **Experience.**

A minimum of five (5) years' experience in police work is required. At least two (2) years shall have been satisfactorily served in the rank of sergeant for eligibility for promotion to this rank.

3. **Licenses.**

Possession of a valid New Jersey motor vehicle license.



6. **PROMOTIONS CONT.**

4. **Knowledge and General Abilities.**

A thorough working knowledge of criminal and civil law, local ordinances and police procedures, regulations and organization; ability to prepare concise, complete and accurate reports; ability to interrogate suspects and take voluntary statements; ability to work effectively and diplomatically with the public; and willingness to take initiative and assume responsibility with a minimum of supervision; the capability to operate the Police Department in the absence of the Chief of Police and Captain of Police.

5. **Physical Requirements.**

Good physical condition, which would enable the applicant to properly perform all assigned duties.

4. **Sergeant, Bureau of Regular Police.**

Applicants for the position of Sergeant within the Bureau of Regular Police shall be graded in accordance with the following point system:

· Work performance graded by the Chief of Police	0-40
Seniority points awarded one point for each year in grade	0-10
Authorized Written Examination	0-30
Authorized Oral Examination	<u>0-20</u>
	100.0

a. **Qualifications.**

In making appointments to the position of Sergeant, Bureau of Regular Police, the Township Committee shall consider the following qualifications:

1. **Education.**

A minimal of a high school diploma or its equivalent, an associate's degree is mandatory in Criminal Justice or its equivalent. The applicant must have successfully completed a basic police academy and be certified by the New Jersey Training Commission. Certifications from related schools and seminars will be evaluated.

2. **Experience.**

The applicant must possess a minimum of five (5) years of experience in police activities intended to provide assistance and protection for persons and property. The Township Committee shall consider the experience and record of the applicant within the Police Department of Woolwich Township.

3. **Licenses.**

Possession of a valid New Jersey automobile driver's license.

4. **Knowledge and General Abilities.**

A thorough working knowledge of criminal and civil law, local ordinances and police procedures, regulations and organization;



6. PROMOTIONS CONT.

willingness to take initiative and assume responsibility with a minimum of supervision; good communication skills; the ability to detect, apprehend and prepare proper charges against lawbreakers; the ability to perform supervisory duties in relation to other personnel within the Police department; and perform the necessary operational duties associated with said task; the capacity to give suitable assignments and instructions to personnel on duty, to provide them with the necessary advice and assistance when difficult and unusual situations arise, to check their work to see that proper procedures are followed, and to see that reasonable standards of workmanship, conduct and output are maintained so that the desired level of police protection is maintained.

**5. Physical Requirements.**

Good physical condition, which would enable the applicant to properly perform all assigned duties.

**5. Sergeant, Detective Division.**

Applicants for the position of Sergeant within the Detective Division shall be graded in accordance with the following point system:

Work performance graded by the Chief of Police	0-40
Seniority points awarded, one point for each year in grade	0-10
Authorized Written Examination	0-30
Authorized Oral Examination	<u>0-20</u>
	100.0

a. **Qualifications.**

In making appointments to the position of Sergeant within the Detective Bureau, the Township Committee shall consider the following qualifications:

**1. Education.**

A minimal of a high schools diploma or its equivalent, an associate's degree is mandatory in Criminal Justice or it s equivalent. The applicant must also have successfully completed a basic police academy and be certified by the New Jersey Police Training Commission. Certifications from related schools and seminars will be evaluated.

**2. Experience.**

The applicant must possess at least two (2) years of experience in the Detective Division and not less than five (5) years total service as a full time police officer.

**3. Licenses.**

Possession of a valid New Jersey automobile driver's license.

**4. Knowledge and General Abilities.**

A thorough working knowledge of criminal and civil law, local ordinances and police procedures, regulations and organization; ability to



6. **PROMOTIONS CONT.**

display of a high level of success in detection and arrest of perpetrators of crimes; ability to supervise and instruct subordinates; ability to conduct complete investigations effectively; ability to prepare concise, complete and accurate reports; ability to interrogate suspects and take voluntary statements; ability to work effectively and diplomatically with the public; and willingness to take initiative and assume responsibility with a minimum of supervision.

**5. Physical Requirements.**

Good physical condition, which would enable the applicant to properly perform all assigned duties.

6. **Police Corporal.**

Applicants for the position of Police Corporal within the Police Department shall be graded in accordance with the following point system:

Supervisory ability	0-30
Seniority	0-15
Work Performance	0-15
Job Knowledge	0-30
Oral Examination	<u>0-10</u>
	100.0

a. **Qualifications.**

In making appointments to the position of Police Corporal, the Township Committee shall consider the following qualifications:

**1. Education.**

Successful completion of at least the 12th grade or its equivalent, and successful completion of the basic police-training course approved by the New Jersey Police Training Commission.

**2. Experience.**

The applicant must possess a minimum of three (3) years experience as a patrolman prior to being appointed as a Corporal in the Patrol Division. The applicant must possess a minimum of one (1) year experience in the Detective Division prior to being appointed a detective Corporal. The Township Committee shall consider the experience and record of the applicant within the Police Department of Woolwich Township.

**3. Licenses.**

Possession of a valid New Jersey automobile driver's license.

**4. Knowledge and General Abilities.**

A thorough working knowledge of criminal and civil law, local ordinances and police procedures, regulations and organization; good communication skills; the ability to detect, apprehend and prepare proper charges against lawbreakers; the ability to perform supervisory duties in



## 6. PROMOTIONS CONT.

relation to other personnel with the Police Department; the ability to assume the responsibilities of supervisors or sergeants in the absence of such supervisor; the capability to operate the Police Department in the absence of the Chief of Police and perform the necessary operational duties associated with said task; the capacity to give suitable assignments and instructions to personnel on duty, to provide them with the necessary advice and assistance when difficult and unusual situations arise, to check their work to see that proper procedures are followed; and to see that reasonable standards of workmanship, conduct and output are maintained so that the desired level of police protection is maintained.

### 5. Physical Requirements.

Good physical condition which enable the applicant to properly perform all assigned duties.

## B. Commanding Officers

Command Officers are police officers holding the rank of Sergeant or above.

### 1. Responsibilities General.

Commanding officers shall exercise direct control over all members within their command, subject to higher authority and in accordance with the rules and regulations and procedures of the department.

- A. Shall maintain good order and discipline within their command.
- B. Shall cooperate with other department units.
- C. Shall investigate personnel complaints not processed elsewhere.
- D. Shall assign duties and responsibilities within their command to achieve command and department objectives.
- E. Shall prepare reports, correspondence, and maintain records concerning their command.
- F. Shall maintain the quarters, control of the equipment and use of supplies and material assigned to their command.

## C. Instructing Police Officer.

A commanding officer is responsible for determining that each member of his unit is instructed in his duties and performs them properly. The Lieutenant, under the direction and consistent with the authority delegated to him by the Chief of Police and in accord with these rules and regulations, assist the Chief of Police in the management and discipline of the Police Department.

### 1. Authority.

Commands and controls the Police Department and is responsible for its overall activities and performance.

### 2. Responsibilities.

Informs and advises his immediate superior, the Chief of Police, of all significant conditions and activities existing in his division. Conducts staff meetings and makes periodic inspections of all personnel, equipment and



## 6. PROMOTIONS CONT.

facilities under his command. Ensures that all commanding officers and supervisors are complying with and enforcing current policies and procedures, effectively deploys personnel to decrease the incident of crimes, vice and traffic conditions with the divisions; and directs and coordinates police operations at emergencies or other situations requiring his immediate presence.

### **D. POLICE OFFICER**

Under direction, during an assigned tour of duty, on foot or in a vehicle, patrols a designated area to prevent crime, provides protection for persons and property, assure observance of law and apprehend lawbreakers, and provide assistance to persons as necessary; or is assigned to tasks consistent with a particular or educational expertise.

- a. Shall exercise authority consistent with the obligations imposed by his oath of office and in conformance with the policies of the department.
- b. In accountable to his superior officers and is responsible for obeying all legitimate orders.
- c. Shall coordinate his efforts with other members of his shift and the department, and shall communicate to his superiors and co-workers all information necessary to achieve the maximum of department objectives.
- d. Shall report for duty and other assignments punctually at specified times physically fit, neatly and properly groomed, and with prescribed equipment.
- e. Shall familiarize himself with administrative policy and procedures and within his area of responsibility provide serve necessary for the:
  1. Prevention and suppression of crime;
  2. Protection of life and property;
  3. Apprehension and prosecution of offenders;
  4. Preservation of the peace;
  5. Enforcement of regulatory measures; and
  6. Provision of miscellaneous field services.
- f. 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 improved techniques and ideas which will enable him to improve his performance.
- g. Shall maintain all equipment assigned to him in functional and presentable condition.
- h. Shall thoroughly familiarize himself with his post or zone. Shall be familiar with all public businesses, offices, and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks



## 6. PROMOTIONS CONT.

of doors, he shall familiarize himself with the locations of safes and night lights. Changes in night-lights will be particularly noticed.

- i. Shall, during the tour of duty, continuously patrol every part of his post or zone giving attention to and frequently rechecking locations where the crime hard is great. As far as possible, he shall not patrol his post or zone according to any fixed route or schedule but shall alternate frequently and backtrack in order to be at the location least expected.
- j. Shall, when a door or window is found open under suspicious or unusual circumstances on any tour of duty, making a thorough investigation and determine, if possible, whether a burglary or other crime has been committed and whether the door or window can be secured. He shall, if necessary, summon assistance to examine the premises and to secure such doors and windows. He shall notify his immediate superior and, if possible, the property owner. Under circumstances indicating that an intruder is still inside a building, the officer discovering same should immediately summon assistance and then stand guard. When the assistance arrives, he may enter and search the building.
- k. Shall, when the occasion demands it, courteously but firmly question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relative to the circumstances. In all cases, good judgment and discretion should be used in making a decision to arrest.
- l. Shall familiarize himself with his assigned areas and provide a diligent patrol inspecting public and incensed premises.
- m. Shall give particular attention to places where vice violators might congregate. They shall use every lawful means to suppress the illegal activities of such persons, prosecute them and require all such establishments to be conducted in accordance with municipal ordinances and state laws and shall report all violations.
- n. Shall, as motorized and foot police officers, be charges with the enforcement of all provision of local and state traffic codes. Failure to take appropriate action in traffic violations cases is considered neglect of duty.
- o. Shall carefully investigate all complaints on or near his post or zone, which are brought to his attention by citizens. He shall take suitable action in those cases, which come under his jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside the jurisdiction of the Police Department, he shall advise the complainant accordingly and refer him to the proper authority.



## 6. PROMOTIONS CONT.

- p. Shall, when assigned to motorized patrol, pay strict attention to all regular radio transmission. When he fails to hear any radio transmissions or time signals for a period not to exceed 15 minutes, he shall immediately call the dispatcher for a special test. If, after three attempts, he fails to receive an acknowledgment, shall immediately contact the desk officer by telephone. In case of radio trouble, the officer shall notify his immediate supervisor and dispatcher of the nature of the trouble.
- q. Shall conduct a thorough investigation and report cleanly and concisely all facts concerning incidents or crimes which occur and of which he has knowledge during his duty tour, or which he may observe or become involved in while off duty.
- r. Shall insure the civil treatment and observance of rights of all coming under the scope of his authority.
- s. Does related work as required.

## E. CIVILIAN EMPLOYEES

All civilian employees shall assist department police officers in the accomplishment of the police function.

1. **Civilian Employees Subject to Police Authority.**  
Civilian employees shall be subject to the authority of the Chief of Police and of the superior officer in charge of the bureau or unit or office to which they are assigned.
2. **Civilian Employee Supervisors.**  
Civilian employee supervisors are employees who by reason of title or by special designation by the Chief of Police may supervise other civilian employees and police officers.
3. **Employees Bound by Department Directives.**  
All rules, regulations and departmental procedures and orders governing police officers shall also bind all civilian employees whenever applicable.



## 7. DISCIPLINE.

### A. Disciplinary Action.

Member and Employees, regardless of rank, shall be subject to disciplinary action according to the nature and aggravation of the offense.

#### 1. Causes for Discipline.

The following violations shall cause an employee to be subject to the appropriate Departmental disciplinary action:

- a. Committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or any other state, or municipal ordinances;
- b. Failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment;
- c. Violation of any Rule, policy, procedure, or directive of the Department;
- d. Failure to obey any lawful instruction, order, or command of a supervisor;

#### 2. Repeated Violations.

Repeated violations of the Rules of conduct shall be indicative of employees' disregard for their duty and may be cause for dismissal. This shall apply regardless of the type of severity of the offenses.

### B. Disciplinary Procedure.

#### 1. Authority to Discipline.

- a. Subject to the limitations set forth in N.J.S.A. 40A:14-147 et seq. and municipal ordinances, the Chief of Police is vested with the authority and responsibility for all department discipline. Except for emergency suspensions as provided for hereinafter, all disciplinary action must be taken or approved by the Chief of Police;
- b. Individual supervisory personnel may take the following disciplinary measures, subject to the approval of the Chief of Police;
  - (1) Oral reprimand;
  - (2) Written reprimand;
  - (3) Written recommendations for other disciplinary action.
  - (4) Emergency suspension until the next business day.

#### 2. Assessing Disciplinary Action.

Disciplinary action will be decided on the merits of each case. Nothing in these regulations prohibits disciplining or charging officers or employees merely because the alleged act or omission does not appear herein, in Department orders, or in laws and ordinances within the cognizance of the Department.



## 7. DISCIPLINE CONT.

### 3. Suspension and Removal of Officers and Employees.

In accordance with N.J.S.A. 40A:14-147, and except as otherwise provided by law, no permanent employee or officer shall be removed his office, employment, or position for political reasons or for any case other than incapacity, misconduct or disobedience of Rules and Regulations established for the government of the police department, no shall such employee or obedience of Rules and Regulations established for the government of the police department, nor shall such employee or officer be suspended, fined, reduced in rank, removed from office, employment, or position, or suffer any other penalty provided for herein, except for just cause.

### C. Initiation of Disciplinary Action.

#### 1. Oral Reprimand.

Oral reprimands may be given by a supervisor or superior officer to any of his subordinates. When such oral reprimand is given. The following procedures shall be followed:

- a. The officer or employee shall be advised that the superior officer or superior officer or supervisor is giving an oral reprimand and that an oral reprimand report will be made and forwarded to the of Police Chief.
- b. The superior officer or supervisor giving the reprimand shall complete an oral reprimand report, in triplicate, retaining one copy and forwarding the original copy to the Chief of Police. The third copy shall be given to the officer or employee being disciplined;
- c. Chief of Police shall review the report and, in writing, either approve or disapprove the report, and if disapproved, direct what action, if any, be taken. If the Chief of Police approves the report, the report shall be placed in the officer or employee's personnel file. Six months after the date of the action by the Chief of Police, the report shall be removed from the personnel file and destroyed.

#### 2. Written Reprimand.

Written reprimand may be given by a superior officer or supervisor to any of his subordinates. In case of written reprimand, the following procedure shall be followed:

- a. The superior officer or supervisor giving such reprimand shall complete a Written Reprimand Report in triplicate. One copy shall be retained and the original copy forwarded to the Chief of Police together with any supporting documentation. The third copy shall be given to the officer or employee being disciplined.
- b. The Chief of Police shall review the Report and either approve or disapprove it in writing. If the Report is disapproved, the Chief of Police shall direct what action, if any, shall be taken. If the Report is



## 7. DISCIPLINE CONT.

approved by the Chief of Police, the Report shall be placed in the officer's or employee's personnel file;

### 3. Other Cases.

In those cases where disciplinary action could result in a penalty other than oral or written reprimand, the superior officer or supervisor initiating such action shall complete a Recommendation for Disciplinary Action Report and forward it, together with any supporting documentation, through the chain of command to the Chief of Police. The following procedure shall thereafter be followed.

- a. Each level in the chain of command shall review the report and any supporting documentation, and, in writing, either approve, disapprove, or modify the recommendation;
- b. The Chief of Police may direct such further investigation as is deemed appropriate;
- c. The Chief of Police, upon completion of his review of the Report, supporting documentation, and any supplemental investigations, shall direct whatever actions he deems appropriate. If he determines that the violation committed by the officer is one, which is criminal in nature, then, said matter shall be direct to the County Prosecutor for handling by the Prosecutor's Office.
- d. If the Chief of Police determines that formal charges shall be preferred, he shall direct the supervisor acting in the capacity, to prepare, sign, and serve charges upon the accused officer or employees;
- e. The superior acting in that capacity, shall prepare formal Notice of Charges and Hearing on a prescribed form. Such Notice shall be prepared and served upon the officer charged, in accordance with N.J.S.A. 40A:14.147 et seq.;
- f. The Notice of Charges and Hearing shall direct that the officer charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice of entry or plea. Such date for entry of pleas shall be at least five days after the date of service of the charges; and
- g. If the officer charged enters a pleas of guilty, the Chief of Police shall permit the officer to present matters in mitigation prior to assessing a penalty;

## C. Penalties.

### 1. Assessment of Penalties.

Penalties shall be assessed and determined by the Chief of Police in all cases, except in those cases which are heard by the appropriate authority or its designee, in which case the appropriate authority or its designee shall assess and determine the penalty.



## 7. DISCIPLINE CONT.

a. The Chief may at his discretion levy a lesser penalty other than prescribed by Ordinance due to mitigating circumstances.

b. The following penalties may be assessed against any officer or employee of the Department in a disciplinary matter:

- (1) Oral reprimand;
- (2) Written reprimand;
- (3) Suspension from off-duty Departmental jobs;
- (4) Voluntary additional work without pay in lieu of other action;
- (5) Voluntary surrender of overtime pay in lieu of other action;
- (6) Suspension from duty;
- (7) Removal from, or reduction in position on promotional list;
- (8) Demotion;
- (9) Dismissal from service;

### 2. Court Attendance During Suspensions.

When an officer or employee is scheduled for court during the time he is on suspension, he shall be responsible for court attendance, unless relieved of such responsibility by the Chief of Police;

### 3. Restrictions During Suspension.

During a period of suspension, an officer or employee shall not wear any identifiable part of the official uniform. Upon being relieved of duty, he will immediately surrender his badge, identification card, Department weapon, and all other Department property deemed necessary. He shall not act in the capacity of, nor represent himself as a police officer in any manner, nor perform any off-duty police work;

### 4. Side Jobs During Suspension.

When an officer is scheduled for outside off-duty work through the Department during his period of suspension, he shall be responsible for notifying the Chief of Police that he will not be able to appear for that assignment. Such notification shall be made as soon as possible; and

### 5. Voluntary Additional Work or Voluntary Surrender of Overtime Pay in Lieu of Other Action.

In accepting additional work or surrender of overtime pay, the officer or employee must do so on a voluntary bases, waiving any further claim for additional compensation or grievance, in writing.



## 7. DISCIPLINE CONT.

### D. Emergency Suspension.

Should an employee or member be accused or charged with a violation of department written Rules, regulations, procedures, directives or orders, or a more serious offense or infraction, the employee's or officer's supervisor or Chief may temporarily relieve him from duty pending disposition by the Chief of Police ("Emergency Suspension"). If an Emergency Suspension, the supervisor must notify Chief of Police immediately;

#### 1. Follow-up on Emergency Suspensions.

When an immediate relief of duty has been directed by a supervisor, the supervisor and accused will report to the office of the Chief of Police, and the Supervisor shall present the accusation and documentation. During other than normal duty hours when an immediate relief of duty has been directed, the following steps shall be followed:

- a. The supervisor shall direct the officer to report to the office of the Chief of Police, or the superior officer acting in that capacity, the next day (Saturdays and Sundays included) at 9:00 a.m. The supervisor shall also advise the officer that he will not be permitted to work any intervening assigned shift or side job between the time of the Emergency Suspension and the meeting with the Chief of Police. The supervisor shall inform the suspended officer of the limitations of his police powers and shall relieve the officer of his badge, weapon and Department identification. Further, he shall advise the Chief of Police of what has transpired before going off duty. In the event that a superior officer acting in the capacity, cannot be contacted, the Chief of Police will handle the hearing the following day;
- b. The supervisor shall completely document all pertinent facts concerning the infraction, the action taken, and his recommendations, complete with justification for further action;
- c. The supervisor shall be responsible for ensuring that this documentation moves forward through the chain of command and arrives at the Office of the Chief of Police without unreasonable delay.
- d. In the event the Chief of Police does not concur with the action taken, he may;
  1. Ask for additional clarification from those officers or other persons who have direct personal knowledge of, or are involved in the action;
  2. Call for a further investigation to be conducted, in which case the Chief of Police may suspend further action pending the completion of the investigation.
  3. Direct some course of action other than relief of duty; and



7. **DISCIPLINE CONT.**

- e. In the event the Chief of Police concurs with the temporary relief of duty, he shall so state. He shall inform the employee of the duration/length and conditions of the suspension. Further, he shall complete the proper documentation, execute same and ensure that the suspended employee receives written notice that he is being suspended pending further investigation and the acknowledge receipt of this notice by signing the appropriate documentation.

E. **Civilian Complaints Against Department Personnel.**

1. **Receipt of Complaint.**

All civilian complaints alleging misconduct by Department personnel, whether received in writing, in person, or by telephone, shall be administered in the following manner:

- a. Complaints received in person or by telephone shall be referred to the Duty Officer who shall complete a Civilian Complaint of Misconduct form. The Duty Officer shall forward such form to office of \_\_\_\_\_. Written complaints shall be forwarded directly to the \_\_\_\_\_; and
- b. If the complaint is received during other than normal business hours, the Duty Officer shall complete a Civilian Complaint of Misconduct form, and notify the Chief of Police.

2. **Processing of Complaint by Chief of Police.**

The Chief of Police, upon initiating or receiving a Civilian Complaint of Misconduct shall investigate the Complaint himself or refer the matter for investigation in accordance with procedures set forth herein;

3. **Action upon Completion of Investigation.**

Upon completion of the investigation, the Chief of Police shall, in appropriate cases, initiate disciplinary action in accordance with appropriate procedures. If no disciplinary action is taken, a report of such investigation, including reasons why no disciplinary action is deemed appropriate, shall be prepared.

4. **Anonymous Complaints.**

Anonymous complaints, from whatever source, shall be given the same consideration as any other Complaint. The same procedure for handling complaints received from identifiable complaints shall be followed in handling anonymous complaints.



## 7. DISCIPLINE CONT.

### F. Internal Affairs Investigation.

In appropriate cases, as provided for herein, the Chief of Police may direct the investigation of a matter.

#### 1. Investigation of Alleged Misconduct.

The officer assigned the investigation of an alleged act of misconduct or omission on the part of another officer or employee of the Department shall conduct a thorough and accurate investigation. Such investigation shall include signed statements from all parties concerned, when necessary and pertinent; the gathering and preservation of any physical evidence pertaining to the case, and all other information bearing on the matter;

#### 2. Reports of investigation of alleged Acts of Misconduct.

The results of the investigation must be submitted in a written report entitled "Report of Investigation and Findings". The investigating officer shall summarize the pertinent facts, including:

- a. A summary of the complainant or alleged act of misconduct;
- b. Pertinent portions of the statements of all parties to the incident;
- c. A description of the incident, physical evidence, and other evidence important to the case; and
- d. The observations and conclusions of the investigating officer;

#### 3. Findings.

One of the findings listed below will be included in the "Report of Investigation and Findings" of an alleged act of misconduct:

##### a. Unfounded.

When the investigator, after carefully reviewing all the facts, determines that all pertinent information firmly supports the conclusion that the allegation is untrue, his final determination shall be that this complain in unfounded. In such instances, the member(s) involved will be considered totally exonerated of any misconduct;

##### b. Exonerated.

When the investigator, after carefully reviewing all the facts, determines that all pertinent information firmly supports the conclusion that the acts did not occur but were justified, lawful, and proper, his final determination shall be that the member is exonerated;

##### c. Substantiated.

When the investigator, after carefully reviewing all the facts, determines that the evidence has supported the Complaint, his final determination shall be that the complaint has been substantiated;



## 7. DISCIPLINE CONT.

### d. Inconclusive.

When the investigator, after carefully reviewing all the facts, determines that, because of a lack of witnesses or other objective and persuasive evidence, the complaint cannot be substantiated, his final determination shall be that the complaint is inconclusive. Although this determination does not necessarily mean that the allegation was untrue, the member(s) involved will be considered exonerated until any such time as evidence to the contrary is produced;

### e. Not Involved.

When the investigator, after carefully reviewing all the facts, determines that the member(s) were not involved in the matter, his final determination shall be that the member(s) were not involved;

### f. Misconduct Not Based on The Original Complaint.

When the investigator, after carefully reviewing all the facts, determines that evidence supports action for infractions discovered during the investigation which involve a different matter, his final determination shall be that there was misconduct not based on the original Complaint; and

### g. Policy Failure.

When the investigator, after carefully reviewing the facts, determines that the evidence has supported the case, but either of the following circumstances was involved, the final determination shall be that the complaint has not been substantiated due to policy failure;

1. The officer had followed Departmental Rules and Regulations, and/or Policies and Procedures outlined by this agency; or
2. There was a substantial lack in Departmental Policy and/or Procedures, or Rules and Regulations, which accounted for the act.

## G. Disciplinary Hearing Procedures.

### 1. Initiation of Charges.

In those cases where disciplinary action is recommended by the preferring of charges, the superior officer, shall prepare and serve Notice of Charges and Hearing. Such Notice shall be prepared and served in accordance with N.J.S.A. 40A:14-147 et seq.; with the Chiefs approval.

### 2. Forum of Hearing.

The Chief of Police shall determine the forum before which charges shall be heard. Those violations, which have been, classified either "B" or "C" violations shall be heard, at the discretion of the Chief of Police, either at an informal hearing before the Chief of Police. Those violations, which have been classified, as "A" violations shall be heard before the appropriate authority or its designee.



7. DISCIPLINE CONT.

3. Informal Hearing.

For violations which have been classified "B" violations or "C" violations, the Chief of Police may direct that such shall be heard at an informal hearing before the Chief. The conduct of the hearing shall be informal in nature, and the New Jersey Rules of Evidence shall not apply. If the accused officer pleads guilty or is found guilty, the Chief of Police shall consider the prior record of the officer before assessing a penalty. In the event the officer wishes to appeal the decision to the appropriate authority or its designee, such request shall be made in writing no later than ten (10) days from the date of the decision. In the event the officer wishes to appeal the decision of the appropriate authority or its designee, he or she may do so in accordance with N.J.S.A. 40A:14-150 by serving a written notice of same upon the appropriate authority or its designee within ten (10) days after written notice to the officer of the decision.

H. CLASSIFICATION OF OFFENSES.

In establishing rules and regulations for the Woolwich Police Department, the following violation classifications and corresponding minimum and maximum penalties for said violations have been established.

<u>Classification</u>	<u>Minimum/Maximum Penalty</u>
"A" violation	Suspension to Dismal
"B" violation	Written reprimand to Demotion
"C" violation	Oral reprimand to Suspension

1. Accepting bribes or gratuities for permitting illegal acts.

1st Offense: Dismissal  
2nd Offense: N/A  
3rd Offense: N/A

2. Failure to report, in writing, offers of bribes or gratuities to permit illegal acts.

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

3. Involved in a crime of marl turpitude that negatively affects the operation of the department.

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal



7. DISCIPLINE CONT.

4. Knowingly and willfully making a false entry in any Departmental report of record.

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

5. Idle conversation with known illegal gamblers while on or off duty.

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

6. Associates with known illegal gamblers while on or off duty.

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 30 days  
3rd Offense: Reprimand to Dismissal

7. Associating, fraternizing, or transacting business at any time, or in any manner whatsoever with known criminals or persons engaged in unlawful activities.

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Dismissal

8. Participating in illegal games of chance or illegal gambling while on duty.

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 30 days  
3rd Offense: Dismissal

9. Fighting or Quarreling with members of the department as prescribed in this code.

1st Offense: Reprimand to 30 days  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

10. Soliciting for Attorneys, Bondsmen or other business persons or firms.

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal



## 7. DISCIPLINE CONT.

11. **Using rude or insulting language or conduct offensive to the public.**
- 1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days
12. **Publicly criticizing the Official action of Superior Officer.**
- 1st Offense: Reprimand to 4 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days
13. **Odor of Alcoholic beverage on breath while on duty.**
- 1st Offense: Reprimand to 9 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days
14. **Failure to recognize and satisfy any just debts which negatively affect the department.**
- 1st Offense: Reprimand to 4 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days
15. **Repeated violations of Departmental Rules & Regulations, or any other course of conduct indicating that a member has little or no regard for his responsibility as a member of the Police Department.**
- 1st Offense: Dismissal  
2nd Offense: N/A  
3rd Offense: N/A
16. **Conduct subversive of good order and the discipline of the Department.**
- 1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 30 days  
3rd Offense: Dismissal
17. **Intoxication on duty.**
- 1st Offense: Reprimand to Dismissal  
2nd Offense: Dismissal  
3rd Offense: N/A



7. **DISCIPLINE CONT.**

18. **Intoxication off duty in uniform.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Dismissal

19. **Intoxication off duty, not in uniform, which Negatively affects the department.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 30 days

20. **Intoxication off duty - in part of Uniform.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days

21. **Intoxication off duty, not in Uniform and arrested.**

1st Offense: Reprimand to 20 days  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

22. **Refusal to obey proper orders from a Superior.**

1st Offense: Reprimand to 15 days  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Dismissal

23. **Using profane or insulting language to a Superior Officer.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 30 days  
3rd Offense: Reprimand to Dismissal

24. **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.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days



7. **DISCIPLINE CONT.**

25. **Asleep on Duty.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days

26. **Absence without leave for less than five (5) consecutive working days.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

27. **Failure to properly supervise subordinates, or to prefer disciplinary charges, or to take other appropriate disciplinary action.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

28. **Failure to comply with the Chief's orders, directives, regulations, etc., oral and written, and also those of superiors and supervisors.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

29. **Failure to conduct proper, thorough, and complete investigations.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

30. **Failure to report as witness when duly notified or subpoenaed.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days



7. **DISCIPLINE CONT.**

31. **Allowing prisoner to escape through carelessness or neglect.**

1st Offense: Reprimand to 30 days  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Dismissal

32. **Failure to thoroughly search for, collect, preserve, and identify evidence, personal property, or locations in any arrest or investigation.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

33. **Failure to remove key from patrol car when unattended.**

1st Offense: Reprimand to 4 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

34. **If stolen due to above.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days

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

1st Offense: Reprimand to day days  
2nd Offense: Reprimand to 60 days  
3rd Offense: Dismissal

36. **Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of the same to commanding officer.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

37. **Neglect of Duty.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days



7. **DISCIPLINE CONT.**

38. **Soliciting money or other valuable thing without proper authorization.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days

39. **Instituting civil action arising from police duty, without notifying the Chief of Police.**

1st Offense: Reprimand to 4 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

40. **Giving a verbal or written report of any incident without approval of the commanding officer.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

41. **Being found in any alcoholic beverage licensed establishment, in full uniform, while not in performance of police duty.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 30 days

42. **Possession of alcoholic beverage on the person in police vehicle or on any police property, not duty required.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 30 days

43. **Failure to be home without legitimate reasons after reporting sick.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days



7. **DISCIPLINE CONT.**

44. **Failure to obtain any required medical treatment or certificate while on sick leave.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 15 days  
3rd Offense: Reprimand to 30 days

45. **Failure to follow department procedures for the handling of evidence, personal effects and all other property taken into custody.**

1st Offense: Reprimand to 30 days  
2nd Offense: Reprimand to 60 days  
3rd Offense: Reprimand to Dismissal

46. **Improper use, handling or display of firearms.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Dismissal  
3rd Offense: N/A

47. **Failure to submit properly written report within a reasonable or prescribed period of time as per regulations.**

1st Offense: Reprimand to 10 days  
2nd Offense: Reprimand to 20 days  
3rd Offense: Reprimand to 30 days

48. **Having or operating private auto on bat, on duty or driving to or from beat or post without authorization.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

49. **Failure to carry badge, firearm and other required equipment when on duty.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

50. **Unexcused tardiness.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days



7. **DISCIPLINE CONT.**

51. **Changing residence or telephone number without giving prompt notification.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

52. **Unauthorized person in radio car.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

53. **Untidy appearance and dress while in uniform.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

54. **Not in full prescribed uniform.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

55. **Communicating or imparting confidential police information either in writing or orally to unauthorized persons.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Dismissal

56. **Failure to give prescribed identification when answering telephone.**

1st Offense: Reprimand to 4 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

57. **Refusal to give name and badge number when properly requested.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days



7. **DISCIPLINE CONT.**

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

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days

59. **No one shall prior to written approval of the Chief of Police or his representative designated for that purpose, appear to give testimony as a character witness for any defendant in a criminal trial or inquiry.**

1st Offense: Reprimand to 15 days  
2nd Offense: Reprimand to 30 days  
3rd Offense: Dismissal

60. **Willfully damaging police department property and/or equipment.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Dismissal  
3rd Offense: N/A

61. **Interference with police radio broadcasting and tampering with police radio.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Dismissal  
3rd Offense: N/A

62. **Removing official documents from the department without permission.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Dismissal  
3rd Offense: N/A

63. **Unauthorized press releases and statements.**

1st Offense: Reprimand to 5 days  
2nd Offense: Reprimand to 10 days  
3rd Offense: Reprimand to 20 days



7. **DISCIPLINE CONT.**

64. **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.**

1st Offense: Reprimand to 30 days  
2nd Offense: Reprimand to 60 days  
3rd Offense: Reprimand to Dismissal

65. **Failure to properly patrol post or zone; unauthorized absence of assignment; failure to respond to radio calls, idle conversation or loafing.**

1st Offense: Reprimand to 30 days  
2nd Offense: Reprimand to 60 days  
Reprimand to Dismissal

66. **Failure to possess and maintain a current and valid New Jersey vehicle operator's license.**

1st Offense: Reprimand to Dismissal  
2nd Offense: Reprimand to Dismissal  
3rd Offense: Reprimand to Dismissal

H. **Disciplinary Action Form.**

Whenever an internal investigation establishes probable cause that a member is guilty of violating a departmental rule or regulation, penalty for which is to permanently reflected on the member's personnel record, a Preliminary Notice of Disciplinary Action form shall be prepared by the proper authority and personally served upon the respective member.

1. The Preliminary Notice of Disciplinary Action Form shall contain:
  - A. The bureau and department instituting the action.
  - B. The name, address and title of the member against whom the action is being instituted.
  - C. The charges (rules and regulations) allegedly violated.
  - D. Specification of the alleged facts upon which the charges are based.
  - E. Notification as to whether the member is suspended pending the determination of the hearing.
  - F. The time, date and place at which the hearing is scheduled to be held.



## 7. DISCIPLINE CONT.

- G. The penalties to which the member is being exposed as a result of the alleged charges.
- H. The signature of the respective bureau commander and his official title.
2. The Disciplinary Hearing shall be scheduled during the business day, but no sooner than five (5) days no later than thirty (3) days after said notice is personally served upon said member, subject of course to the granting of reasonable requests for postponements by said member.
  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 division or bureau's charges, said division or bureau's hearing must be held within (30) days after division or bureau receives notice of such disposition. The duty to advise the division or bureau that said judicial determination has been made is that of the respective member.
  4. "Personal Service" means actual service upon the member as well as actual service upon any members of the member's family over 18 years of age, residing in the residence of said member.
  5. Disciplinary Hearings shall be public in nature; however, within the bounds of reasonableness and good order.
  6. Every member formally charged with the violation of a department rule or regulation shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.
  7. The Chief of Police may prosecute the complaint himself or delegate the duty to any member of the department.
  8. 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 enabled to render a proper determination based on all the facts and applicable laws and rules, all hearing shall be conducted in an informal manner, without reference to any formal rules or procedure.
  9. The Hearing Officer may, at his 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 interest in the matter being heard.



## 7. DISCIPLINE CONT.

10. The Hearing Officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
11. He shall give effect to the rules of privilege as provided by law, but no person shall be excused from testifying or presenting evidence on the ground of possible self-incrimination.
12. The member is presumed innocent and the burden of proof is the bureau or division to prove the member's guilt by a preponderance of the credible evidence presented during said hearing. All hearings may (in the discretion of the respective hearing officer) be recorded by:
  - 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 Hearing Officer.
13. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective Hearing Officer shall consider same and render his verdict as soon as practical thereafter.
14. Although the verdict may be oral 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 practical after the termination of said disciplinary hearing.
15. Although the verdict shall be rendered in the manner referred to above, where the sentence or penalty is in excess of five (5) days suspension without pay, or its monetary equivalent, said sentence or penalty shall not be imposed or carried out until the time for filing of an appeal as provided in 8.3. has elapsed.

## I. APPEAL PROCEDURES

1. Appeal to Superior Court.
  - a. In a non-civil service municipality, any member who has been tried and convicted upon any disciplinary charge or charges, may be obtain review in the Superior Court.
  - b. Such review shall be obtained by serving a written notice of an application for review upon the officer or board whose action is to be reviewed within 10 days after written notice to the member or officer 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 applicant was tried. The court shall hear the cause de novo on the record below and may either



## 7. DISCIPLINE CONT.

affirm, reverse or modify such conviction. If the applicant shall have been removed from his office, employment or position the court may direct that he be restored to such office, employment or position and to all his rights pertaining there to, and make such other or judgment as said court shall deem proper.

c. Either party may supplement the record with additional testimony subject to the rules of evidence.

### J. Members Rights During Departmental Investigation and Disciplinary Hearings

1. Each member is entitled to a hearing before the Chief of Police or his designee, for any charge, which shall become a permanent record in the member's personnel file.
2. Other than the official finding and attendant penalties, every internal investigation and subsequent departmental hearing shall be considered privileged and confidential information and shall not be made public and/or released to any non-governmental agency.
3. No member shall be found guilty of violating a department rule or regulation unless the Hearing Officer finds that a preponderance of credible evidence substantiates the specific charges of the particular case.
4. Although every member has a duty to answer truthfully and directly all questions and submit to any and all forms of investigative efforts when so ordered or questioned by a supervising or commanding officer, said duty only applies to questions and investigation which directly relate to one's official duties or directly bear on one's fitness for continued employment.
5. Although the department can utilize any form of investigative procedure pursuant to an internal investigation, which is fair and reasonably calculated to achieve its objective, the nature or utilization of same must not violate the basic concepts and substantive due process of law.
6. All questions and investigative efforts must be limited to the investigations of matters in which the department has a legitimate interest. Accordingly, questions must be specifically, directly and narrowly related to the performance of the member's official duties.
7. Although cooperation of a member is demanded under threat of disciplinary action (including job forfeiture) said member shall not be questioned or subjected to investigative efforts under circumstances which would render such statements void as being coerced. Prolonged interrogation, threats of force, hostility, or over aggressiveness by interrogators shall render any statement or member's response void for all purposes.



7. DISCIPLINE CONT.

8. Exclusive of normal reporting duties incidental to the performance of official duties, no member shall be expected to answer questions or submit to other forms of investigative efforts until he is advised of the following:
  - a. Whether he is being questioned or required to submit to investigative efforts as a suspect or witness.
  - b. The identity of his interrogator as well as the identity of all persons present at the time of the interrogation.
  - c. The nature of the investigation and facts sufficient to apprise the member of the existing allegations.
9. All questioning or other investigative efforts shall be completed with reasonable dispatch and, where practical, said member should be made as comfortable as possible so as not to offend the concepts of procedural and substantive due process of law.
10. Under circumstances where the alleged violation of department rules and regulations involves or could possibly involve criminal prosecution, the member shall be advised of his constitutional right against self-incrimination (Miranda Warning), which he may invoke with respect to possible criminal prosecution. However, he must respond with respect to the administrative subject matter of the inquiry.
11. All evidence obtained as a result thereof accordingly could not be used in a subsequent criminal prosecution, but would be admissible during a departmental disciplinary hearing.
12. No questioning or other investigative effort shall be initiated arbitrarily for personal or other reasons that are unrelated to the maintenance of departmental efficiency or integrity.
13. All questioning and investigative efforts shall be limited in scope to activities, circumstances, and events which pertain to a member's conduct which may form the basis for disciplinary action under one or both of the following two (2) categories:
  - a. Commission of a crime or quasi-criminal offense of misconduct that would be grounds for removal.
  - b. Not being qualified for continued employment with the department.
14. A formal charge must be filed against a member within a reasonable time after which the existence of the alleged or suspected misconduct is made known, or should have been made known to the police department.



## 7. DISCIPLINE CONT.

15. Although a member is not entitled to legal counsel or organizational representation during the investigative states of an internal investigation, every member has a right to legal counsel and/or organizational representation during a disciplinary hearing before a hearing Officer.
16. At no time during an internal investigation, shall any member be subjected to offensive language, nor shall he be threatened with transfer, dismissal or other disciplinary punishment. No promise or reward shall be made as an inducement to answering questions. Nothing herein is to be construed as to prohibit the investigating officer from informing the member that his conduct can become the subject of disciplinary action resulting in disciplinary punishment.
17. No member shall be ordered or asked to submit to a polygraph (lie detector) test for any reason. Such test may be given, however, if requested by the member.
18. A member may be ordered or asked to submit to blood test, a breathalyzer, or any other test to determine the percentage of alcohol or drugs in the blood for any reasons except as otherwise provided by specific statutory law. Such test(s) must be given if requested by the member.
19. As a general rule, when a member's charged with the violation of a departmental rule or regulation, said member shall continue to perform the assigned duties of his position until such time as the judicial determination duly rendered pursuant to a departmental hearing necessitates a continuance of same. However, where the nature of the member's position is such that the public trust relationship, when considered against the nature of the alleged charge of misconduct would dictate the immediate temporary termination of such duties, said member shall be temporarily re-assigned to another less sensitive position within the department, pending the departmental hearing referred to above.
20. Notwithstanding any of the above mentioned general policy, whenever it proves physically impossible to re-assign said member to any duties whatsoever and/or the alleged misconduct indicated a physical, mental or emotional condition inconsistent with the continued performance of any departmental duty whatsoever, the interest of the public welfare may require suspension from duty pending a departmental hearing. In such case, the member may continue on salary, at the discretion of the appointing authority as per the provision of Chapter 270, Laws of New Jersey 1973, specifically dealing with such situations.