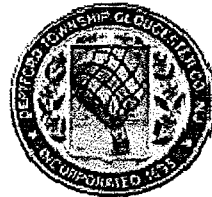


**ORDINANCE OF THE TOWNSHIP OF DEPTFORD
AMENDING THE RULES AND REGULATIONS OF THE DEPTFORD POLICE
DEPARTMENT IN PART AND ADOPTING THE RULES AND REGULATIONS
OF THE DEPTFORD POLICE DEPARTMENT IN FULL
PURSUANT TO N.J.S.A. 40A:14-118**

BE IT ORDAINED by the Mayor and Township Council of the Township of Deptford that the amendments to the Rules and Regulations of the Deptford Police Department, which is Appended hereto, shall be adopted pursuant to N.J.S.A. 40A:118 and §2-20.5 Rules and Regulations of the Division of Police of the Code of the Township of Deptford.

BE IT FURTHER ORDAINED by the Mayor and Township Council of the Township of Deptford that if any section, or part thereof, of this Ordinance shall be deemed invalid, the remainder of this Ordinance shall be deemed valid and effective.


BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon passage and publication as required by law.



TOWNSHIP OF DEPTFORD

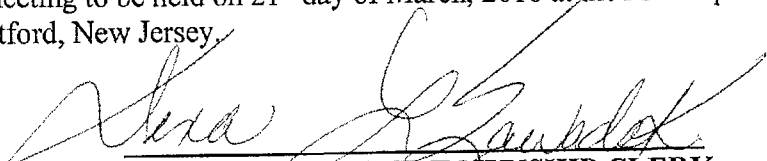

PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session of Township Council of the Township of Deptford held on the 22nd day of February, 2016 and will be considered for final passage and adoption at a Work Session at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 21st day of March, 2016 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.



DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.4.16				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.4.16				
Medany			✓			
Hufnell			✓			
Barnshaw						✓
Lamb			✓			
Love			✓			
Schocklin						✓
Scott			✓			

DEPTFORD POLICE DEPARTMENT				
VOLUME: 1	CHAPTER: 2	# OF PAGES: 47		
SUBJECT: RULES AND REGULATIONS				
EFFECTIVE DATE: 7/28/2011	ACCREDITATION STANDARDS: 1.4.1, 1.4.3	REVISION DATE	PAGE #	
BY THE ORDER OF: Chief William E. Hanstein		1/11/2016	1,23,37,42-44,48	
APPROPRIATE AUTHORITY: Robert Hatalovsky				
SUPERSEDES ORDER #:				

TOWNSHIP OF DEPTFORD
DEPARTMENT OF POLICE

RULES AND REGULATIONS MANUAL

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POLICE MANUAL
DEPTFORD TOWNSHIP POLICE

PREFACE

This manual generally states the basic duties and responsibilities of the members of the Police Department. The guidelines introduced are to be used by all police officers in the performance of their duties.

The police organization is composed of numerous units and divisions which are collectively and individually responsible for certain elements of the police function. To coordinate these general and specialized patrol duties toward a common goal, it is necessary that all police officers know the type of conduct expected of them in the performance of their duties. Therefore, all police officers have the responsibility to acquaint themselves with the contents of this manual so that they may effectively fulfill their obligation to the DEPTFORD TOWNSHIP POLICE DEPARTMENT.

The policies and procedures stated have been established by the Chief of Police. This manual is the property of the Deptford Township Police Department.

CHAPTER I

ESTABLISHMENT OF POLICE DEPARTMENT RULES AND REGULATIONS

1.1 POLICE DEPARTMENT AUTHORITY--POWERS--DUTIES

1.1.1 Legal Authorization. N.J.S.A. 40A:14-118 states:

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

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

As used in this section, "appropriate authority" means the mayor, manager, or such other appropriate executive or administrative officer or the governing body or any designated committee or member thereof, or any municipal board or commission established by ordinance for such purposes, as shall be provided by ordinance in a

manner consistent with the degree of separation of executive and administrative powers from the legislative power provided for in the charter or form of government either adopted by the municipality or under which the governing body operates.

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

1.1.2 Ordinance. The Police Department is established by authority of Ordinance entitled "An Ordinance to Establish, Regulate, and Control the Police Department of the DEPTFORD TOWNSHIP POLICE DEPARTMENT; Regulating and Defining the Manner of Appointment Thereto and Removal There from; and Outlining the Duties of Officers, Personnel, and Divisions of the Police Department." - The power and duties of the Police Department are established by authority of said ordinance, which directs that the police department shall:

- A. Preserve the public peace, prevent crimes, detect and arrest offenders against the penal laws and ordinances effective within the Township of Deptford, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblies and preserve order at all elections and public meetings and assemblages.
- B. Administer and enforce laws and ordinances to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and to make rules and regulations not inconsistent with the charter, ordinance, and general law for such purpose.
- C. Remove all nuisances in the public streets, parks, and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring state or municipal licenses or permits.
- D. Provide proper police attendance and protection at fires.
- E. Enforce the laws and ordinances in effect within the Township of Deptford and prevent the violation of them by any person; apprehend and arrest all persons legally charged with violations of any law or ordinance.
- F. Provide for the attendance of its police officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crimes and other violations of the law, and cooperate fully with the law enforcement and prosecuting authorities of federal, state, and county governments.
- G. Operate a training program to maintain and improve the police efficiency of the members of the department.

1.1.3 Rules and Regulations *Promulgated* and Established. *The Township Manager of the Township of Deptford as the Appropriate Authority hereby promulgates* and The Police Department of the Township of Deptford hereby establishes the department

Rules and Regulations under cover to be known as the Police Department of the Township of Deptford Rules and Regulations.

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

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

1.2 APPLICATION

1.2.1 Police regulations are applicable to all officers of the department, where specified to all civilian employees of the department.

1.2.2 All existing departmental rules and regulations, orders and instructions in conflict with these police regulations are canceled.

1.2.3 All general and special orders, instructions (including those on departmental forms) and manuals not in conflict with these police regulations shall have the same authority as police regulations.

1.2.4 Police regulations or general orders shall not be canceled, amended, or issued without the approval and signature of the Chief of Police.

1.2.5 Failure of an officer either willfully or through negligence or incompetence to perform the duties of his rank or assignment, or violation by officer or civilian employee of any police regulation or order, may be considered sufficient cause for disciplinary action.

1.3 THE POLICE MANUAL

1.3.1 Distribution of Manual. The manual will be distributed to all personnel via the PowerDMS System. Four original copies of this document will be kept as follows:

1. (1) copy at Deptford Public Library
2. (1) copy at Deptford Township Manager's Office;
3. (1) copy at Deptford Township Clerk's Office;
4. (1) copy at the Office of the Chief of Police

1.3.2 Familiarization. Each police officer and each civilian employee are duty bound to thoroughly familiarize themselves with the provisions of the Police Manual. Failure to comply shall be considered a neglect of duty. Employees will be charged with the task of reading the rules and regulations as well as the policies and procedures once a year.

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

CHAPTER II

2.1 DEFINITIONS

- 2.1.1 Acting.** Assigned temporarily to serve in a position to which the member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.
- 2.1.2 Annual Vacation.** Vacation period granted to all members annually.
- 2.1.3 Appropriate Authority.** Township Manager or designee.
- 2.1.4 Authority.** Authority is the right to give commands, enforce obedience, initiate action and make necessary decisions granted by statute or policy. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the manual and those persons in violation shall be subject to disciplinary action.
- 2.1.5 Bureau.** A command section with direct oversight of a Division.
- 2.1.6 Chain of Command.** The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.
- 2.1.7 Chief of Police.** The Chief of Police of the Township of Deptford, New Jersey, is the ranking officer of the department.
- 2.1.8 Commanding Officer.** Any officer appointed to the rank of Lieutenant or higher who is in command of a bureau of a Division.
- 2.1.9 Days Off.** Those days determined by the Chief of Police on which a given member is excused from duty.
- 2.1.10 Department.** The Police Department of the Township of Deptford.
- 2.1.11 Department Manual.** Collection of all lawfully issued rules, regulations, policies, procedures and general orders. Such manuals in force in the department are issued by authority of the Chief of Police. Compliance with the provisions of department manuals is required without exception.
- 2.1.12 Detail.** A temporary assignment of personnel for a specialized activity.

- 2.1.13** **Detective.** A police officer assigned to conduct criminal investigations by Oath of Office.
- 2.1.14** **Division.** A functional unit having jurisdiction-wide coverage whose commanding officer reports directly to a Bureau Commander or Chief of Police.
- 2.1.15** **Divisional Order.** Written directives issued by Commanding Officers to their command, directing, describing, or informing subordinates of the official method of dealing with any given situation.
- 2.1.16** **Employee.** Civilian employee of the department.
- 2.1.17** **Equipment/Personal.**
- 2.1.18** **Gender.** Use of the masculine gender herein shall also include, where applicable, the female gender. Where appropriate the proper gender designation will be observed.
- 2.1.19** **General Orders.** General orders are written directives that pertain to the permanent policy and procedures of the police department. General orders are prepared and issued under the direction of the Chief of Police and remain in force until rescinded. Examples of proper subjects of General Orders:
- A. Institution of permanent procedures, rules, policies and related manuals.
 - B. Permanent changes in organization.
 - C. Installation of permanent programs that affect more than one unit subordinate to the issuing authority; e.g., citizen complaint, internal affairs procedures, etc.
 - D. Permanent personnel policies and procedures including recruiting, hiring, training, and promotion policies, but not including changes of status, such as transfers and promotions.
 - E. Use of public facilities and equipment.
- 2.1.20** **Headquarters.** The police building that houses the headquarters staff and the members of this department.
- 2.1.21** **Incompetence.** Incapable of satisfactory performance of police duties.

- 2.1.22** **Informational Bulletins.** Published materials containing information regarding wanted persons, crime patterns, and other incidents calling for police attention.
- 2.1.23** **Insubordination.** A course of conduct including but not limited to: failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language toward or concerning a superior officer.
- 2.1.24** **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 which is not in violation of any law, ordinance or any department rule or regulation.
- 2.1.25** **Leave of Absence.** The period of time which a police officer is excused from active duty. Employee must complete NJ Paid Family Leave form. Reference N.J.S.A. 34:11B-4.
- 2.1.26** **Manager.** Township Manager.
- 2.1.27** **May/Should.** As used herein words “may” and “should” mean that the action indicated is permitted.
- 2.1.28** **Member.** Any duly appointed police officer of the department.
- 2.1.29** **Memorandum.** Written information not warranting a formal order. Used to direct any segment or all of the department personnel in specific situations or to inform them of coming events.
- 2.1.30** **Military Leave.** The period of time during which an officer is excused from duty by reason of serving the Armed Forces of the United States in an active capacity as provided by law.
- 2.1.31** **Neglect of Duty.** Failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the beat during the tour of duty; failure to perform duties or comply with provisions prescribed in the Police Manual; failure to conform to the department operating procedures.
- 2.1.32** **Off-Duty.** The status of a member during the period he is free from the performance of specified duties. Also may be known as day off, annual vacation, time coming, extra day off, lieu of holiday and death in family.

- 2.1.33 Officer-in-Charge.** Ranking member of the department on duty. Rank is determined by grade first and by seniority in grade second. Any member up to and including the rank of Captain in charge of a watch or detail.
- 2.1.34 Official Channels.** Through the hands of the superior officers in the chain of command.
- 2.1.35 On-Duty.** The status of a member during the period of day when he or she is actively engaged in the performance of his duties. Technically a police officer is subject to call at all times.
- 2.1.36 Order.** Any written or oral directive issued by the Chief of Police or any superior officer to any subordinate or group of subordinates in the course of police duty.
- 2.1.37 Personnel Orders.** Includes a change in position, transfer, promotion, etc.
- A. The appointment of new personnel
 - B. The assignment or transfer of members from one unit to another
 - C. Promotions
 - D. Commendations
 - E. Suspension and dismissal
 - F. Resignation or retirement.
- 2.1.38 Police Manual.** Reference guide specifying the rules and regulations governing the conduct of personnel and the operations of the department as well as specifying department policies and procedures.
- Department orders will be incorporated into the Police Manual as well as Standard Operating Procedures Manual; and after a provisional period of operation will be effective until rescinded or they reach an established expiration date. This manual is issued by authority of the Chief of Police and carries the weight of a General Order.
- 2.1.39 Police Vehicle.** All vehicles under the control of the department, whether marked or unmarked, with or without radio equipment.
- 2.1.40 Post.** A geographical area of coverage by a foot police officer.

- 2.1.41 Procedure.** The official method of dealing with any given situation prescribed by the Chief of Police's order or procedural guide.
- 2.1.42 Promotional Probationary.** Ninety (90) days probation in next highest rank.
- 2.1.43 Recruit Working Test Period.** One (1) year period, following completion of the police academy.
- 2.1.44 Rules and Regulations.** Department legislation consisting of detailed directives binding members and employees of all ranks in terms of authority, responsibility, and conduct.
- 2.1.45 Seniority.** Seniority in the department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the highest position on the Civil Service eligibility list from which the appointments were made is deemed to be the senior.
- 2.1.46 Shall/Will.** The words "shall" and "will" as used herein, shall indicate that the action required is mandatory.
- 2.1.47 Shift.** A shift designates one of the basic time units for assignment of personnel, usually specified in terms of eight (8) hour periods.
- 2.1.48 Sick Leave.** The period of time during which an officer is excused from active duty by reason of illness or maternity leave.
- 2.1.49 Special Assignment.** A member being excused from the performance of his regular duties and assigned a special detail.
- 2.1.50 Special Orders.** Those directives affecting a specific unit, a specific event, or circumstance of a temporary or self-canceling nature or involving only specific segments of activities. Examples of proper subjects of Special Orders:
- A. The assignment of individual duties to public gatherings or parades
 - B. Seasonal change of uniforms.
 - C. Annual budget preparation and special instructions for this year completed.
 - D. Assignment of police vehicles.
- 2.1.51 Special Police.** Persons vested with special police authority pursuant to N.J.S.A. 40A:14-146, but not members of the department.

- 2.1.52 Staff Supervision.** An advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.
- 2.1.53 Subordinate.** A member lower in rank than his superior officer.
- 2.1.54 Superior Officer.** A person holding a rank higher than a police officer.
- 2.1.55 Supervisory Officer.** Member of the department assigned to a position requiring the exercise of immediate supervision over the activities of members and employees.
- 2.1.56 Suspension.** Suspension is the act of temporarily denying a member the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time, in consequence of alleged dereliction or violation of department regulations.
- 2.1.57 Team.** (Formally known as Squad) A functional unit subordinate to a division or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.
- 2.1.58 Tense of Words.** The words used in the present tense include the future.
- 2.1.59 Township.** Township of Deptford, Gloucester County, New Jersey.
- 2.1.60 Tour of Duty.** The number of days of work on a given tour during which an individual member is on duty.
- 2.1.61 Tour Commander.** The superior officer in charge of a tour of duty.
- 2.1.62 Training Bulletin.** Bulletins published are designed to keep officers of the department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official departmental policy on the subject matter under consideration in the absence of other instruction to the contrary.
- 2.1.63 Uniform.** Prescribed or regulation clothing worn by members of the police department.
- 2.1.64 Unit.** A unit designates: (1) independent element of less than bureau or division status directly responsible to the Chief of Police, or (2)

subordinate element of a division or bureau with a commanding or supervisory officer reporting to the division commander.

- 2.1.65** **Watch Commander/Officer in Charge (OIC).** The ranking patrol officer assigned to duty on the watch.
- 2.1.66** **Written Directive.** Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, personnel orders, memoranda, and instructional materials.
- 2.1.67** **Zone/Sector.** A specific territorial assignment of a mobile patrol officer. Currently the police department operates a multi-zone configuration. Those zones are confidential operating information and therefore shall not be disclosed to any non-law enforcement official.

CHAPTER III GENERAL RULES AND REGULATIONS
Section 1 Professional Conduct and Responsibilities

- 3.1.1 Loyalty – (Class 3 offense)
Loyalty to the department and to associates is an important factor in department morale and efficiency. Employees shall maintain a loyalty to the department and their associates as is consistent with the law and personal ethics.
- 3.1.2 Assistance – (Class 2 offense)
All members are required to take appropriate action toward aiding a fellow police officer exposed to danger or in a situation where danger might be impending.
- 3.1.3 Coordination – (Class 3 offense)
Employees shall endeavor to assist members of this and other bona fide law enforcement agencies in the pursuit of official law enforcement agency objectives consistent with these rules and regulations.
- 3.1.4 Truthfulness – (Class 1 Offense)
All employees are required to be truthful at all times whether testifying under oath or when not under oath and while reporting and answering questions posed by superior officers and/or internal affairs investigators.
- 3.1.5 Abuse of authority – (Class 1 Offense)
Willful misuse of police powers by any member for the purpose of violating the rights of any person is prohibited.
- 3.1.6 Conduct unbecoming a police officer (Class 2 offense)
Due to the nature of police work, the need for organizational cohesion and cooperation, the awesome power and public trust granted police officers, the autonomy they often work under and the credibility needed to sustain effective law enforcement; police officers must be held to the highest standard in order for a police department to carry out its law enforcement mission.
Accordingly, police officers shall conduct themselves at all times, both on and off duty, with high ethical standards, so as not to bring discredit upon themselves as police officers or upon the Police Department. Conduct unbecoming a police officer is grounds for disciplinary action and shall be defined as any improper conduct which tends to weaken public respect or confidence in the police department or which adversely impacts the confidence amongst fellow officers. This conduct includes but is not limited to:
- Unlawful, disorderly, immoral, deceitful, dishonest or unethical conduct by a police officer that adversely affects the morale, efficiency or good order of the police department or damages the reputation of the officer or department.

- Cowardly or other dishonorable conduct by a police officer that injures or puts at risk any person or which tends to lower public confidence in the officer or police department or the mutual confidence among police officers.
- Slander, false reporting or any means of retaliation by a police officer against any department employee for their official acts.
- The willful violation of the code of conduct as set forth in the Police Department Manual including the Law Enforcement Code of Ethics.

3.1.7 Conduct unbecoming an employee in the public service (Class 2 offense)
 Civilian employees shall conduct themselves at all times, both on and off duty, with high ethical standards so as not to bring discredit upon themselves as employees of the Police Department or upon the department itself.

- Unlawful, disorderly, immoral, deceitful, dishonest or unethical conduct by a civilian employee that adversely affects the morale, efficiency or good order of the police department, or that damages the reputation or credibility of the police department, is conduct unbecoming an employee in the public service and shall constitute grounds for disciplinary action.
- Slander, false reporting or any means of retaliation by an employee against any employee for their official acts is conduct unbecoming an employee in the public service and shall constitute grounds for disciplinary action.

Section 2 Duty Responsibilities

3.2.1 Responsibilities – (Class 3 offense)

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

3.2.2 Insubordination – (Class 2 Offense)

Employees shall promptly obey all lawful orders issued by supervisors and superior officers. Employees shall not ridicule a superior officer or an order of a supervisor or superior officer whether in or out of the officer's presence. Employees shall not use disrespectful, mutinous, insolent or abusive language toward or about a supervisor or superior officer.

- 3.2.3 Neglect of duty – (Class 2 Offense)
Employees shall faithfully and diligently carry out all of the duties and fulfill all of the obligations of their office. Failure to take appropriate action on the occasion of a crime, disorder, or other action or condition deserving of police attention or any other omission by an employee which represents an abandonment of one's duties, obligations or assignment is neglect of duty and will subject that employee to discipline.
- 3.2.4 Questions about assignment – (Class 5 offense)
Members and employees in doubt as to the nature or detail of an assignment/order shall seek such information from their supervisors by going through the chain of command.
- 3.2.5 Knowledge of laws and regulations - (Class 4 offense)
Members shall familiarize themselves with their current assignment and are required to establish and maintain a working knowledge of all laws and ordinances in force in the Township of Deptford, as well as all rules, regulations, policies, procedures and general orders of the department.
- In the event of improper action or a breach of discipline, it will be presumed that the affected member was familiar with the law, ordinance, rule, regulation, policy, procedure, or order in question.
- 3.2.6 Performance of duty – (Class 3 offense)
Employees shall give suitable attention to the performance of duty and shall perform their duties as required or directed by law, departmental rule, regulation, policy, procedure or lawful order of a superior officer. All lawful duties required by competent authority shall be performed as promptly as directed, notwithstanding the employee's general assignment of duties and responsibilities.
- 3.2.7 Action off duty – (Class 3 offense)
While off duty, members 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.
- 3.2.8 Obedience to laws, regulations and orders – **(Penalty based on gravity of offense/violation)**
Employees shall obey all laws, ordinances, rules and regulations, policies and procedures, general orders, written directives and verbal orders of superiors of the department as applicable.
- 3.2.9 Reporting violations of laws, rules, policies and procedures, etc. – (Class 3 offense)
Employees knowing of others violating laws, ordinances, provisions of the department manual or lawful orders, shall immediately report same in writing to

the Chief of Police via 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.

3.2.10 Conduct toward superior and subordinate officers and associates – (Class 4 offense)

Employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other members, employees or the public, employees shall demonstrate a positive attitude and refrain from using sarcastic remarks of any kind. All officers of the department shall address superior officers by rank.

3.2.11 Criticism of official acts or orders – (Class 3 offense)

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

3.2.12 Manner of issuing orders

A. Orders from a superior officer to a subordinate shall be in clear and understandable language, and issued in pursuit of departmental business. (Class 5 offense)

B. When conveying policies, procedures, directives, orders, etc., supervisors shall adopt a positive approach and impart the information in a manner most likely to gain acceptance and compliance. (Class 4 offense)

3.2.13 Unlawful orders – (Class 2 offense)

No command or supervisory officer shall knowingly issue any order that is in violation of any law or ordinance.

3.2.14 Obedience to unlawful orders – (Penalty based on gravity of the offense/violation)

Obedience to an unlawful order is never a defense to an unlawful action. Therefore, no employee shall obey an order that is contrary to federal or state law, or local ordinance. Responsibility for refusing to obey rests with the employee. The employee shall be strictly required to justify his action.

3.2.15 Improper orders – (Class 5 offense)

No supervisor shall knowingly issue any order that is in violation of a provision of the department manual.

3.2.16 Obedience to unjust and improper orders

Employees who are given orders they feel to be unjust or contrary to a provision of the department manual, **must** first obey the order to the best of their ability

and then may proceed to an appeal as provided below. Failure to follow the order prior to appeal may result in a charge of insubordination.

3.2.17 Conflicting orders - (Class 5 offense)

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

3.2.18 Reports and appeals – (Class 5 offense)

An employee receiving an unlawful or improper order, shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time.

3.2.19 Soliciting gifts, gratuities, fees, loans, etc. – (Class 3 offense)

Employees shall not under any circumstances, directly or indirectly, solicit any gift, gratuity, loan, discount or other fee for their own personal gain where there is any connection between the solicitation and their department membership or employment.

3.2.20 Acceptance of gifts, gratuities, fees, loans, etc. – (Class 2 offense)

Pursuant to the provisions of N.J.S.A. 2C:27-6, employees shall not accept any gift, gratuity, fee, loan or other thing of value, the acceptance of which might tend to influence, directly or indirectly, the actions of said employee or other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof.

- No employee of the department shall receive any gift or gratuity from other members or employees junior in rank, the acceptance of which might tend to influence, directly or indirectly, the actions of said employee or other employee in any matter of police business; without the expressed permission of the Chief of Police.
- Any employee who is found to have accepted money or any other thing of value to influence his actions in connection with his employment will be subject to termination of employment.

3.2.21 Rewards – (Class 4 offense)

Employees shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty, except lawful salary and that which might be authorized by law.

3.2.22 Other transactions – (Class 4 offense)

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 his attention or which arose out of his department employment, except as may be specifically authorized by the Chief of Police.

3.2.23 Disposition of unauthorized gifts, gratuities, etc. – (Class 4 offense)

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

3.2.24 Debts – incurring and payment – (Class 5 offense)

- A. No employee shall borrow or lend any money or otherwise become indebted to any other employee.
- B. Employees shall not solicit other employees to co-sign or endorse any promissory note or loan.
- C. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
- D. Paragraphs A-C do not apply to transactions among employees related to each other.
- E. Employees shall promptly pay all just debts and legal liabilities incurred by them.

3.2.25 Personal preferment– Soliciting – (Class 4 offense)

Employees shall not seek influence or intervention with the Township Manager, Mayor, or any member of the governing body in relation to promotions, assignments, disposition of pending charges, or findings in a departmental trial or related matter. This shall not preclude, however, the right of an employee to be represented by legal counsel or a union representative.

3.2.26 Withholding information – (Class 2 offense)

Employees shall not, at any time, withhold any information concerning criminal activity or fail to take appropriate action in response to such information.

3.2.27 Harassment – (Class 3 offense)

Employees are prohibited from any acts that would constitute harassment, sexual or otherwise, as defined in department policy.

3.2.28 Chain of command – (Class 4 offense)

All employees must be aware of their relative position with the department, to whom they are immediately responsible, and persons accountable to them. All employees shall follow the established chain of command when dealing with supervisors and shall keep their supervisors informed of their activities.

- Command officers are entitled to freely discuss matters of policy and operations at the command and supervisory level.
- Command officers may discuss department matters with any employee at any level within the department in order to maintain rapport and interaction so needed and vital to a successful organization.

3.2.29 Gossip (Class 3 offense)

Employees shall respect the private lives of other employees and not engage in conversations or communications about activities that are designed to slander or demean their co-workers. Gossip and fabricated stories concerning both job related and non-job related activities of co-workers will be reason for disciplinary action; as such activities tend to impair the efficient operation and harmonious work environment of the department.

3.2.30 Circulating false information (Class 3 offense)

Employees shall not make false or misleading statements about department activities, including, but not limited to, policies, investigations, disciplinary actions and personnel decisions; when such statements are intended to or may tend to adversely affect the morale or good order of the department, or undermine the authority of any supervisory officer.

3.2.31 Reasonable caution in performance of duty (Class 3 offense)

Employees shall exercise reasonable and prudent judgment and care in the performance of duty so as to minimize the risk of injury and/ or damage to all persons and/ or property. This shall include leaving personal identifying information of others in locations where non law enforcement personnel may view this information.

3.2.32 Supervision of subordinates – (Class 3 offense)

Department supervisors shall properly monitor, instruct, counsel, supervise, direct, and discipline the personnel assigned to their command and enforce all department rules, regulations, policies, procedures, directives and orders issued by competent authority.

- Supervisors are required to promptly report any unsatisfactory performance or violations through official channels.

- Supervisors are responsible for attempting to create a positive attitude amongst their subordinates and in so doing must endorse the policies, directives and decisions of their superiors.

3.2.33 Personal Relationships – (Class 4)

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees shall be transferred to another position. Such transfers shall be made in accordance with applicable collective bargaining agreements. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the supervisor's commander. Failure to report such a relationship may subject the involved employees to discipline.

3.2.34 On-line Social Network/Personal Web Page – (Class 4)

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

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

Section 3 General conduct

3.3.1 Prohibited activity on duty

Employees who are on duty are prohibited from engaging in activities which are not directly related to the lawful performance of their official duties, including, but not limited to:

- A. Sleeping. (Class 2 offense)
- B. Conducting private meetings. (Class 2 offense)
- C. Gambling, unless to further a police purpose (with the consent of the Chief of Police). (Class 2 offense)

- D. Sexual activity of any kind. (Class 2 offense)
- E. Conducting non-police related activities or business. (Class 4 offense)
- F. Recreational reading (except on meal breaks), loafing, idling. (Class 5 offense)
- G. Pursuing personal relationships:
 - 1. Without coercion created by an officer's official authority – (Class 4 offense)
 - 2. With coercion created by an officer's official authority – (Class 1 offense)
- H. Leaving the township without supervisory approval – (Class 3 offense)
- I. Surreptitiously Recording – (Class 2 offense)

Employees are forbidden to videotape or record conversations with other employees unless related to the job responsibilities and approved in advance by the Chief of Police. This prohibition does not apply to videotaped interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the department telephone system via any recording system approved by the Chief of Police, or to the use of mobile video recorders installed in police vehicles as authorized by the Chief of Police. The exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or representatives of the involved prosecutorial authorities.

3.3.2 Alcoholic beverages and drugs

- A. Employees shall not report for duty under the influence of intoxicants to any degree nor shall they have the odor of an alcoholic beverage emanating from their person. This condition shall cause the employee to be unfit for duty. Superior officers shall not assign to duty any employee in an unfit condition due to the use or odor of intoxicants and shall immediately relieve of duty and service weapon any member found on duty in such condition. (Class 2 offense)
- B. Employees shall not drink any kind of intoxicating beverage at any time while on duty unless absolutely necessary in the performance of duty and will not render the employee unfit; and then only with the prior expressed permission of the Chief of Police or his designee. (Class 2 offense)

- C. Employees shall refrain from drinking intoxicating beverages for a period of time necessary to ensure absence of alcohol in the blood, to any degree, prior to reporting for duty. (Class 3 offense)
- D. Employees shall refrain from drinking alcoholic beverages for a period of time necessary to ensure absence of an odor of alcoholic beverages on their person, prior to reporting for duty. (Class 4 offense)
- E. Any member who has a reasonable suspicion to believe that a fellow member of this department is under the influence of an intoxicating liquor or drugs must immediately report such fact to his/her immediate supervisor. (Class 2 offense)
- F. Employees shall not bring or keep any intoxicating beverage or drugs on department premises, except when necessary in the performance of a police objective and then it shall be properly identified and stored according to department policy. (Class 3 offense)
- G. Intoxicating beverages shall not at any time be consumed at the Municipal Building. (Class 3 offense)
- J. Employees shall not have intoxicants on their person while on duty or in uniform, or in any police building or vehicle, except for evidential or other authorized purposes. (Class 3 offense)
- K. Off duty employees will not consume alcoholic beverages to the extent: (Class 4 offense)
- It results in inappropriate/offensive behavior tending to discredit themselves or the department.
 - It renders them unable/unfit to report for their next regular tour of duty (i.e., illness, impairment, or apparent indication of recent alcohol use).
- L. Employees shall not drink or be under the influence of alcoholic beverages while in the department uniform or any part thereof. (Class 3 offense)
- M. If so ordered by a supervisory officer in furtherance of an investigation having a bearing on an officer's employment or fitness for duty/continued employment, a member must submit to a blood test, a breath test, or any other test to determine the percentage of alcohol in the blood.
- N. No liquor license shall be held by any police officer, or by any profit corporation or association in which any such member is interested, directly or indirectly. (Class 2 offense)

- O. No law or regulation promulgated by the Department of Alcoholic Beverage Control, however, prohibits members of the department from being employed, other than in the Township for which they serve as police officers, by a business licensed to sell alcoholic beverages in this State.
- Members shall not be employed by any business licensed to sell alcoholic beverages in the Township. (Class 2 offense)
- P. Members so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverage:
- Have in his possession any firearm, or (Class 3 offense)
 - Wear or display any uniform, badge or insignia, which would identify him as a police officer. (Class 3 offense)
- Q. No member so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment. (Class 4 offense)
- R. No member shall enter a licensed liquor establishment while on duty, unless on official business or upon prior authorization of the Chief of Police or his designee. Members shall not enter a licensed liquor establishment while off duty and in any part of the uniform that identifies you as a Deptford Township police officer. (Class 3 offense)
- S. All members shall fully comply with the departmental drug testing policy and procedures as set forth in written directive. (Class 1 offense)
- T. Medication (Class 3 offense)
1. Employees shall not take any medication that might diminish their alertness or impair their senses prior to or after reporting for duty, unless otherwise directed by a physician.
 2. When employees are required to take any prescription or non-prescription medication that might 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. It shall be the responsibility of the employee to make the notification prior to the employee being assigned to duty. This information so provided shall remain confidential.
 3. Supervisors shall not assign to duty or allow to remain on duty, any employee whose fitness for duty is questionable due to the use of medication.

3.3.3 Loitering – (Class 5 offense)

All employees on duty or in uniform shall not enter taverns, theatres, or other public places, without legitimate cause, except to perform a police task. Loitering and unnecessary prolonged conversation in such locations is forbidden.

3.3.4 Relief – (Class 3 offense)

All employees are to remain at their assignment and on duty until properly relieved by another employee or until dismissed by competent authority.

3.3.5 Reporting – (Class 5 offense)

Employees shall promptly and accurately prepare and submit such reports as are required by the performance of their duties or by competent authority.

- 3.3.6 False reports – (Class 1 offense)
Employees shall not knowingly submit written or oral communications that are fabricated, factually inaccurate or intentionally misleading and that could lead to an investigation or prosecution of any person for a crime, offense or violation of departmental rule, regulation, policy, procedure, etc.
- 3.3.7 Reporting for duty – (Class 3 offense)
Employees shall report for duty, properly uniformed and equipped, on the date, time and place specified. Employees failing to report at the date, time and place specified without the consent of competent authority, shall be considered “absent without leave.”
- 3.3.8 Physical fitness for duty – (Class 5 offense)
All members of the department shall maintain good physical condition so they can handle the strenuous physical contacts often required of a law enforcement officer.
- 3.3.9 Smoking or use of tobacco products while on duty – (Class 5 offense)
Employees shall not smoke or use tobacco products at any time while in police headquarters or in a police department vehicle. Members shall not smoke or use tobacco products on duty while interacting with the public.
- 3.3.10 Driver’s license – (Class 2 offense)
- A. Employees required to operate department vehicles in the performance of duty shall maintain a valid New Jersey driver’s license.
 - B. Whenever a driver’s license is revoked or suspended the employee shall immediately notify his immediate supervisor giving full particulars.
- 3.3.11 Crimes/offenses involving moral turpitude – (Class 1 offense)
Any employee who commits a 1st, 2nd or 3rd degree crime, or any offense involving moral turpitude that touches his position as a police officer shall be considered unfit for continued employment.

Section 4 Department Property and Equipment

Employees are responsible for the proper care of department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. Employees shall not use any department property or equipment for personal business or pleasure.

- 3.4.1 Equipment On-Duty – (Class 4)
Employees shall carry all equipment on duty as prescribed in department policy and procedure based on their assignment.
- 3.4.2 Firearms – (Class 2)
Employees shall follow department policy and procedure on the care and handling of firearms.
- 3.4.3 Department Property and Equipment – (Class 4)
Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty.
- 3.4.4 Damaged - Inoperative Property or Equipment – (Class 4)
Members and employees shall immediately report to their commanding officers on designated forms any loss of or damage to department property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any department equipment or property.
- 3.4.5 Care of Department Buildings – (Class 4)
Employees shall not mar, mark, or deface any surface in any department building. No material shall be affixed in any way to any wall in department buildings without specific authorization from a commanding officer.
- 3.4.6 Notices – (Class 4)
Employees shall not mark, alter, or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of a commanding officer or unless in conformance with collective bargaining agreements. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order of the department. Final judgment of improperly posted material will be made by the Chief of Police.
- 3.4.7 Department Vehicles, Use – (Class 4)
Employees shall not use any departmental vehicle without the permission of a shift supervisor. Departmental vehicles shall never be used for personal business or pleasure, unless expressly permitted under contractual language or as authorized by the Office of the Chief of Police.
- 3.4.8 Operation of Motor Vehicles – (Class 3)
Members and employees, when driving vehicles of any description, private or the department, shall not violate the traffic laws, except only in cases of absolute emergency, and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles.

- 3.4.9 Transporting Citizens – (Class 4)
Citizens will be transported in department vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with department policy or at the direction of the commanding officer or the immediate supervisor.
- 3.4.10 Presumption of Responsibility – (Class 3)
In the event that Township property is found bearing evidence of damage which has not been reported, it shall be prima-facie evidence that the last person using the property or vehicle was responsible.
- 3.4.11 Inspection – (Class 4)
Department property and equipment is and remains the property of the department and is subject to entry and inspection without notice, including, but not limited to, lockers, desks, filing cabinets, computers, and department vehicles.
- 3.4.12 Liability – (Class 4)
If department property is damaged or lost as a result of misuse or negligence by an employee, that employee may be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.
- 3.4.13 Emergency Calls and Use of Red Light and Siren – (Class 3)
When an employee is operating a department vehicle, he or she 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. Employees driving any Department vehicle, when responding to an emergency call shall have safe control of their vehicle. When crossing street intersections where the traffic signal lights are against them or where there are stop signs, employees shall STOP. Employees shall use the red light and sound the siren on such calls and take utmost precaution. This regulation shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his/her reckless disregard for the safety of others. Nothing in this regulation shall be construed to limit any immunity or defense otherwise provided by law.
- 3.4.14 Care of Department Vehicles – (Class 3)
An employee assigned to drive any department vehicle is accountable for the proper care of such vehicle and its equipment. He or she shall not leave such vehicle unattended, except when necessary in the performance of police duty. It shall be the responsibility of the driver to see that the vehicle is securely locked when it is necessary to leave it unattended.
- 3.4.15 Notification of Motor Vehicle Accidents – (Class 3)
Accidents involving municipal personnel, property, and equipment must be reported in accordance with department procedures.

Section 5 Investigations

3.5.1 Investigations – (Class 3 offense)

All employees involved in any official department investigation of any matter will fully comply with the policies and procedures of the department governing same.

3.5.2 Confidentiality

- A. Employees shall keep confidential any business of the department that is not a matter of public concern and shall not impart confidential information to anyone except those for whom it is intended, or as directed by their supervisor – (Class 2 offense)
- B. Employees shall keep confidential information that is not considered public information pertaining to department events, operations, arrests or other activities without authorization of the Chief of Police or his designee – (Class 3 offense)
- C. Employees shall not make known to any person, any department order which they might receive, unless so required by the nature of their assignment. (Class 4 offense)

3.5.3 Reports

- A. Employees shall not exhibit or divulge the contents of any department record or report to any person, except on approval of the Chief of Police, or under due process of law, or as directed by department procedure. (Class 2 offense)
- B. Employees shall not destroy or permanently remove from its proper location any official record/police report without proper authorization. (Class 2 offense)
- C. Employees may copy or remove official records/reports from police headquarters in accordance with department procedures. (Class 3 offense)

3.5.4 Cooperation – (Class 2 offense)

Employees are required to fully answer all questions, file reports, or render material or relevant statements, in any authorized departmental investigation when such questions and statements are directly related to job responsibilities or a legitimate departmental interest.

3.5.5 Unauthorized investigations - (Class 2 offense)

Employees will not self assign any investigation (criminal, internal, civil or private)/other law enforcement action not part of their regular assigned duties

without obtaining permission from their supervisor, unless the situation requires immediate law enforcement action. In those cases, a written report will be completed as soon as is practical thereafter.

Section 6 Compromising Criminal Cases

3.6.1 Interference with legal process – (Class 2 offense)

Employees shall not attempt to interfere with the legal process, except through official departmental channels in situations where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.

3.6.2 Traffic cases – (Class 2 offense)

Employees shall not attempt to have any traffic summons or notice to appear stricken from the calendar, except in connection with legitimate criminal justice interests and then done in conformance with established court procedures. In any instance where it becomes necessary to void a traffic or criminal summons or warrant, officers will follow the procedure set forth in the general orders.

3.6.3 Assisting criminals

- A. Employees shall not directly or indirectly assist persons to escape arrest or punishment for any unlawful activity. (Class 2 offense)
- B. Employees shall not directly or indirectly assist persons to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.
(Class 1 offense)

Section 7 Prisoners

3.7.1 Assisting escape – (Class 1 offense)

Employees shall not communicate any information that may aid a person to escape custody or arrest, nor shall they directly or materially aid a person to escape custody or arrest.

3.7.2 Recommending an attorney or bail bond broker – (Class 3 offense)

Employees shall not suggest, recommend, advice, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.

3.7.3 Acting as bailer prohibited – (Class 2 offense)

Employees cannot act as bailer for any person in custody, except relatives, or in any case where any fee, gratuity or reward is solicited or accepted.

Section 8 Conduct toward the public

3.8.1 Courtesy – (Class 5 offense)

Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of the provocation to do otherwise. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3.8.2 Professional demeanor – (Class 5 offense)

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

3.8.3 Identification as a police officer (Class 5 offense)

Except where impractical or where identity is obvious, members shall identify themselves by displaying the official badge or identification card prior to taking any police action.

3.8.4 Request for identification – (Class 5 offense)

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

3.8.5 Impartiality – (Class 3 offense)

Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence, nor shall they allow their personal interests to interfere with objectivity concerning police matters.

Unwarranted interference by officers under the color of law in the private business of others when not in the interest of justice is strictly prohibited.

3.8.6 Use of derogatory terms – (Class 3 offense)

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

3.8.7 Availability while on duty – (Class 4 offense)

Employees while on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

3.8.8 Response to calls – (Class 3 offense)

Members shall respond without unnecessary delay to all calls for police assistance from citizens and other members. Members shall answer all calls directed to them unless otherwise directed by competent authority.

3.8.9 Public statements – (Class 2 offense)

Employees shall not make public statements concerning the actions, plans, policies, or affairs of the department which may impair or disrupt the operation of the department or which are obscene, unlawful, defamatory, or otherwise prohibited by written directive or rule and regulation.

3.8.10 Affiliation with certain organizations prohibited – (Class 3 offense)

Employees shall not join, nor shall they affiliate themselves with any organizations whose constitution embraces provisions that might in any way prevent the proper and 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 during any period of training, or pursuant to or in connection with the operations of any selective service system". (Source: N.J.S.A. 38:23-4)

3.8.11 Affiliation with radical groups – (Class 3 offense)

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity.

3.8.12 Publicity – (Class 5 offense)

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

3.8.13 Commercial testimonials – (Class 4 offense)

Employees shall not permit their names or photographs to be used to endorse any product or service that is in any way connected to law enforcement without the permission of the Chief of Police. They shall not allow their names or photographs to be used in any commercial testimonial that alludes to their position or employment with the department without prior authorization from the Chief of Police.

Section 9 Political Activities

3.9.1 Political activities prohibited – (Class 2 offense)

Members shall not actively engage in political campaigns and activities, while in uniform or on duty. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another.

3.9.2 Off duty political activities – (Class 3 offense)

Members may engage in off duty political activities except when such activities will harm or impair the operation or discipline of the department.

- 3.9.3 Election to public office – (Class 2 offense)
Members shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the Township of Deptford unless authorized to do so by the Chief of Police.
- 3.9.4 Soliciting prohibited – (Class 2 offense)
Employees shall not solicit contributions for political purposes while on duty, nor shall they interfere with or use the influence of their office for political reasons.
- 3.9.5 Contributions
Employees may contribute funds or any other thing of value to candidates for public office subject to the provisions of law governing such contributions.
- 3.9.6 Polling duties – (Class 3 offense)
Members shall not engage in any polling duties while on-duty. Any member working at a polling place while off duty shall not have an exposed firearm or exhibit ANY evidence of his employment as a police officer.
- 3.9.7 Displaying of political material – (Class 3 offense)
Employees shall not display any political material on any government property or on their person while on duty or in uniform.

Section 10 Judicial Appearances and Testimony

- 3.10.1 Testifying for the defense – (Class 3 offense)
Any employee subpoenaed or requested to testify for the defense in any legal proceeding or against the Township or department in any hearing or trial shall notify the Chief of Police immediately upon receipt of the subpoena or request.
- 3.10.2 Contact with the defense – (Class 3 offense)
Any employee contacted by the defense in any legal or administrative process brought by the Township, or plaintiff in any legal or administrative proceeding brought against the Township, shall immediately notify the Chief of Police.
- 3.10.3 Civil action – expert witnesses – (Class 4 offense)
Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Chief of Police.
- 3.10.4 Civil process – (Class 5 offense)
Employees shall not serve civil process or assist in civil cases unless such service is approved by their immediate supervisor.
- 3.10.5 Court appearances; subpoenas – (Class 3 offense)
Employees shall honor all lawfully issued subpoenas and shall promptly appear for all scheduled judicial proceedings when notified by subpoena or other established departmental procedure.

Section 11 Personnel Regulations

3.11.1 Hours of duty

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

- Department members shall remain responsible to their supervisor and are subject to assignment during meal breaks.
- Training sessions are considered a duty assignment and members attending training are subject to assignment as deemed necessary.

3.11.2 Sick leave/workman's compensation – (Class 2 offense)

Employees will not pretend illness or injury, falsely report themselves to be injured or ill, or otherwise deceive or attempt to deceive a supervisor or the Township physician as to their health.

3.11.3 Absences without leave for five consecutive days – (Class 1 offense)

Except as otherwise provided by law, any permanent member or officer of this police department who shall be absent from duty without just cause or leave of absence for a continuous period of five days shall cease to be a member of this police department. (Reference: N.J.S.A. 40A:14-122).

3.11.4 Compensation for damages – (Class 4 offense)

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

3.11.5 Fitness for Duty

The Chief of Police shall have the authority, in conjunction with his responsibility for the disposition and discipline of the department, to require psychological and medical examinations for any employee for the purpose of determining the employee's fitness for duty.

3.11.6 Resignation

All resignations of employees must be tendered in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two (2) weeks written notice. Once tendered, the township has the right to rely on the resignation and it will be considered non-rescindable unless approved by the Township of Deptford.

CHAPTER IV DISCIPLINARY CODE

Section 1 Departmental Discipline

4.1.1 Purpose

The department has established this disciplinary process as a means of achieving the below listed objectives through the reasonable and consistent application of discipline to address breaches of the code of conduct:

- A. Ensure the highest professional standards for law enforcement within the agency.
- B. Providing citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers.
- C. Protect employees from false charges of misconduct or wrongdoing and provide accused officers with due process safeguards.
- D. Monitoring officers' compliance with laws, ordinances, and departmental rules, regulations, policies, procedures, directives and orders.
- E. Identifying problem areas in which increased training or direction is necessary.

4.1.2 Employees Covered

- A. This subchapter applies only to permanent employees in the career service or a person serving a working test period.
- B. Appointing authorities may establish major discipline procedures for other employees.
- C. When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3, to a procedure for appointing authority review before a disciplinary action is taken against a permanent employee in the career service or an employee serving a working test period, such procedure shall be the exclusive procedure for review before the appointing authority.
- D. When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3, to a disciplinary review procedure that provides for binding arbitration of disputes involving a disciplinary action which would be otherwise appealable to the Board under N.J.A.C. 4A:2-2.8, of a permanent employee in the career service or a person serving a working

test period, such procedure shall be the exclusive procedure for any appeal of such disciplinary action.

4.1.3 Types of discipline

- A. Major discipline shall include:
 - 1. Removal;
 - 2. Disciplinary demotion;
 - 3. Suspension or fine for more than five working days at any one time;
- B. See N.J.A.C. 4A:2-2.9 for minor disciplinary matters that are subject to a hearing, and N.J.A.C. 4A:2-3 for all other minor disciplinary matters. The length of a suspension in a Final Notice of Disciplinary Action, a Board decision or a settlement, when expressed in "days," shall mean working days, unless otherwise stated.

4.1.4 General causes

- A. The authority to discipline shall be in accordance with the provisions of N.J.A.C. 4A:2-2.3. Employees, regardless of rank, shall be subject to disciplinary action for:
 - 1. Incompetency, inefficiency or failure to perform duties;
 - 2. Insubordination;
 - 3. Inability to perform duties;
 - 4. Chronic or excessive absenteeism or lateness;
 - 5. Conviction of a crime;
 - 6. Conduct unbecoming a public employee;
 - 7. Neglect of duty;
 - 8. Misuse of public property, including motor vehicle
 - 9. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
 - 10. Violation of Federal regulations concerning drug and alcohol use band testing of employees who perform functions related to the

operation of commercial motor vehicles, and State and local policies issued there under; and

11. Other sufficient cause.

4.1.5 Limitations on suspensions and fines

- A. No suspension or fine shall exceed six months except for suspensions pending criminal complaint or indictment. See N.J.A.C. 4A:2-2.7.
- B. In local service, the appointing authority may provide that a suspension be with or without pay. In State service, suspensions shall be without pay unless directly authorized to be with pay by the department head. In both local and State service, a suspension on the record may be imposed in accordance with (E) below.
- C. An appointing authority may only impose a fine as follows:
 1. As a form of restitution;
 2. In lieu of a suspension, when the appointing authority establishes that a suspension of the employee would be detrimental to the public health, safety or welfare; or
 3. Where an employee has agreed to a fine as a disciplinary option.
- D. An employee may pay a fine of more than five days salary in a lump sum or through installments. Unless otherwise agreed to by the employee, an installment may not be more than five percent of the gross salary per pay for a fine under \$500.00; 10 percent of gross salary per pay period for a fine between \$500.00 and \$1,000; or 15 percent of gross salary per pay period for a fine over \$1,000.
- E. An appointing authority may impose a suspension on the record when the appointing authority and the employee, or, where the employee is covered by a collective negotiations agreement, the employee's majority representative, agree in writing that, for purposes of progressive discipline, the employee will receive a suspension on the record and that it will have the same force and effect for purposes of future disciplinary actions as a suspension actually served by the employee.

4.1.6 Opportunity for hearing before the appointing authority

- A. An employee must be served with a Preliminary Notice of Disciplinary Action setting forth the charges and statement of facts supporting the charges (specifications), and afforded the opportunity for a hearing prior to imposition of major discipline, except:

1. An employee may be suspended immediately and prior to a hearing where it is determined that the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. However, a Preliminary Notice of Disciplinary Action with opportunity for a hearing must be served in person or by certified mail within five days following the immediate suspension.
 2. An employee may be suspended immediately when the employee is formally charged with a crime of the first, second or third degree, or a crime of the fourth degree on the job or directly related to the job. See N.J.A.C 4A:2-2.7
- B. Where suspension is immediate under (A) 1 and (A) 2 above, and is without pay, the employee must first be apprised either orally or in writing, of why an immediate suspension is sought, the charges and general evidence in support of the charges and provided with sufficient opportunity to review the charges and the evidence in order to respond to the charges before a representative of the appointing authority. The response may be oral or in writing, at the discretion of the appointing authority.
 - C. The employee shall request in writing a departmental hearing within five days of receipt of the Preliminary Notice. If no request is made within this time or such additional time as agreed to by the appointing authority or as provided in a negotiated agreement, the departmental hearing may be considered to have been waived and the appointing authority may issue a Final Notice of Disciplinary Action.
 - D. A departmental hearing, if requested, shall be held within 30 days of the Preliminary Notice of Disciplinary Action unless waived by the employee or a later date as agreed to by the parties. See N.J.A.C. 4A:2-2.13 for hearings regarding removal appeals by certain law enforcement officers.
 - E. Appeals concerning violations of this section may be presented to the Civil Service Commission through a petition for interim relief. See N.J.A.C. 4A:2-1.2.

4.1.7 Hearings before the appointing authority

- A. The hearing shall be held before the appointing authority or its designated representative.
- B. The employee may be represented by an attorney or authorized union representative.

- C. The parties shall have the opportunity to review the evidence supporting the charges and present and examine witnesses. The employee shall not be required to testify, but an employee who does testify will be subject to cross-examination.
- D. Within 20 days of the hearing, or such additional time as agreed to by the parties, the appointing authority shall make a decision on the charges and furnish the employee either by personal service or certified mail with a Final Notice of Disciplinary Action. See N.J.A.C. 4A:2-2.13 for the issuance of a Final Notice in removal appeals by certain law enforcement officers and firefighters.

4.1.8 Actions involving criminal matters

- A. When an appointing authority suspends an employee based on a pending criminal complaint or indictment, the employee must be served with a Preliminary Notice of Disciplinary Action. The notice should include a statement that N.J.S.A. 2C:51-2 may apply to the employee, and that the employee may choose to consult with an attorney concerning the provisions of that statute.
 - 1. The employee may request a departmental hearing within five days of receipt of the Notice. If no request is made within this time, or such additional time as agreed to by the appointing authority or as provided in a negotiated agreement, the appointing authority may then issue a Final Notice of Disciplinary Action under (A) 3 below. A hearing shall be limited to the issue of whether the public interest would best be served by suspending the employee until disposition of the criminal complaint or indictment. The standard for determining that issue shall be whether the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services.
 - 2. The appointing authority may impose an indefinite suspension to extend beyond six months where an employee is subject to criminal charges as set forth in N.J.A.C. 4A:2-2.5(a)2, but not beyond the disposition of the criminal complaint or indictment.
 - 3. Where an employee who has been indefinitely suspended enters Pre-Trial Intervention (PTI) or has received a conditional discharge, the criminal complaint or indictment shall not be deemed disposed of until completion of PTI or until dismissal of the charges due to the employee's satisfaction of the conditions in a conditional discharge, as the case may be.

4. An appointing authority may continue an indefinite suspension until completion of PTI or until satisfaction of the conditions imposed in a conditional discharge. If an appointing authority chooses not to continue an indefinite suspension during the PTI period or during the period of conditional discharge, it may restore the employee to employment or initiate disciplinary action against the employee.
 5. Where the appointing authority determines that an indefinite suspension should be imposed, a Final Notice of Disciplinary Action shall be issued stating that the employee has been indefinitely suspended pending disposition of the criminal complaint or indictment.
- B. When a court has entered an order of forfeiture pursuant to N.J.S.A. 2C:51-2, the appointing authority shall notify the employee in writing of the forfeiture and record the forfeiture in the employee's personnel records. The appointing authority shall also forward a copy of this notification to the Department of Personnel.
1. If the criminal action does not result in an order of forfeiture issued by the court pursuant to N.J.S.A. 2C:51-2, the appointing authority shall issue a second Preliminary Notice of Disciplinary Action specifying any remaining charges against the employee upon final disposition of the criminal complaint or indictment. The appointing authority shall then proceed under N.J.A.C. 4A:2-2.5 and 2.6.
- C. Where an employee has pled guilty or been convicted of a crime or offense which is cause for forfeiture of employment under N.J.S.A. 2C:51-2 but the court has not entered an order of forfeiture, the appointing authority may seek forfeiture by applying to the court for an order of forfeiture. The appointing authority shall not hold a departmental hearing regarding the issue of the applicability of N.J.S.A. 2C:51-2. If the court declines to enter an order of forfeiture in response to the appointing authority's application, the appointing authority may hold a departmental hearing regarding other disciplinary charges, if any, as provided in (B) 1 above.

4.1.9 Appeals to Civil Service Commission

- A. An appeal from a Final Notice of Disciplinary Action must be filed within 20 days of receipt of the Notice by the employee. Receipt of the Notice on a different date by the employee's attorney or union representative shall not affect this appeal period.
- B. If the appointing authority fails to provide the employee with a Final Notice of Disciplinary Action, an appeal may be made directly to the Commission within a reasonable time.

- C. The appeal shall be substantially similar in format to the Major Disciplinary Appeal Form illustrated in the subchapter Appendix, incorporated herein by reference, and the employee shall provide a copy of the appeal to the appointing authority. The employee shall attach to the appeal a copy of the Preliminary Notice of Disciplinary Action and, unless (B) above is applicable, the Final Notice of Disciplinary Action. The appeal shall also include the following information:
 - 1. The name, title, mailing address and telephone number of the appointing authority representative to whom the notices were provided;
 - 2. The employee's name, mailing address and telephone number; and
 - 3. The action that is being appealed.
- D. The employee should also include a statement of the reason(s) for the appeal and the requested relief.
- E. Failure of an employee to provide the information specified in (c) above shall not result in dismissal of the appeal, but shall delay processing of the appeal until the required information is provided, and may result in a reduced back pay award pursuant to N.J.A.C. 4A:2-2.10(d)4.
- F. See N.J.A.C. 4A:2-2.13 for removal appeals by certain law enforcement officers.

4.1.10 Corrective Actions/Disciplinary Actions

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

- A. Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances when corrective action (training) may be necessary. Training includes:
 - 1. Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
 - 2. Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.

3. In-Service Training - The supervisor may refer the employee to an in-service training program.

B. Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. There are no appeal rights for counseling notices except as may exist under applicable collective negotiations agreements. The notice shall be filed in the employee's personnel file.

All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

C. Oral reprimand (written) - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, the misconduct may warrant more than counseling, but less than a written reprimand. In those instances, a report of the offense shall be documented and issued to the employee as an oral reprimand. An oral reprimand is more than counseling, but less than a written reprimand. There are no appeal rights for a written verbal reprimand, unless provided for in the current collective negotiations agreement. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

D. Written reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand. A written reprimand is more than a verbal reprimand, but less than formal discipline outlined below. There are no appeal rights for written reprimands except as may exist under applicable collective negotiations agreements. Written documentation is to be made and forwarded to the personnel file via the normal chain of command.

E. Formal Charges - Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department. The following disciplinary actions may be taken in accordance with **NJAC 4A:2-2, N.J.S.A. 40A:14-149**, and applicable case law.

1 Voluntary surrender of time off in lieu of a fine;

2. Voluntary surrender of accumulated overtime in lieu of a fine;
3. Suspension;
4. Demotion;
5. Removal from the service.

All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

4.1.11 Repeated violations – (Class 1 offense)

Repeated violations of the rules and regulations, policies, procedures, directives or orders shall be indicative of an employee's disregard of the obligations of all employees and shall be cause for dismissal. This shall apply regardless of the severity of the offense and reckoning period, and regardless of whether the violations are of the same type.

4.1.12 Relationship of penalties to offense

The information contained herein is intended to guide the Appropriate Authority in administering fair and uniform punishment for violations of the rules and regulations of the department. The suggested penalties shall in no way limit the penalty that the Appropriate Authority may elect to impose.

4.1.13 Classes of offenses – recommended penalties

- A. Class 1 Offense – Violation of any rule designated as a *Class 1 Offense* may result in disciplinary action as follows:
1st offense – dismissal
- B. Class 2 Offense – Violation of any rule designated as a *Class 2 Offense* may result in disciplinary action as follows:
1st offense – 3 day suspension to dismissal
2nd offense – 10 day suspension to dismissal
3rd or subsequent offense - dismissal
- C. Class 3 Offense – Violation of any rule designated as a *Class 3 Offense* may result in corrective action/disciplinary action as follows:
1st offense – Training to 6 month suspension
2nd offense – 3 day suspension to dismissal
3rd or subsequent offense – dismissal
- D. Class 4 Offense – Violation of any rule designated as a *Class 4 Offense* may result in corrective action/disciplinary action as follows:
1st offense – Training to 30 day suspension

2nd offense – reprimand to 6 months suspension
3rd or subsequent offense – 20 day suspension to dismissal

- E. Class 5 Offense – Violation of any rule designated as a *Class 5 Offense* may result in corrective action/disciplinary action as follows:
- 1st offense – Training to 5 day suspension**
 - 2nd offense – reprimand to 30 day suspension**
 - 3rd or subsequent offense – 5 day suspension to dismissal**

4.1.14 Authority to impose major discipline

The Appropriate Authority may suspend with or without pay, demote or dismiss an employee due to inefficiency, incompetence, misconduct, negligence, insubordination, violation of the rules and regulations or for other sufficient cause.

Section 2 Disciplinary Procedure

4.2.1 Establishing a violation

Existence of facts establishing a violation of a law, ordinance, or rule is all that is necessary to support any allegation of such violation as a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein if such conduct is otherwise without lawful purpose and violates some law, ordinance, or rule governing the officer's conduct at the time it occurred or is otherwise such an egregious or blatant act that would be universally recognized as misconduct. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

4.2.2 Corrective Action/Disciplinary Action by supervisory personnel

Supervisory personnel may take the following actions:

- A. Training;
- B. Counseling;
- C. Oral reprimand;
- D. Written reprimand;
- E. Emergency suspension until the next business day;
- F. Written recommendations for other penalties.

4.2.3 Emergency suspensions

- A. Any superior officer may immediately suspend an employee from duty if they determine one of the following exist:
1. The employee is unfit for duty; or
 2. The employee is a hazard to any person if permitted to remain on the job; or
 3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 4. The employee has been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty, or the act touches upon his or her employment.
- B. In accordance with N.J.S.A. 40A:14-149.1 Notwithstanding any other law to the contrary, whenever any municipal police officer is charged under the law of this State, another state, or the United States, with an offense, said police officer may be suspended from performing his duties, with pay, until the case against said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided , however, that if a grand jury returns an indictment against said officer , or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated. The Chief of Police shall immediately submit a report explaining such action to the Appropriate Authority.

4.2.4 Emergency inter-departmental disciplinary action

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

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

4.2.5 Inter-departmental oral reprimand

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

4.2.6 Follow-up on emergency suspensions

A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at a time scheduled by the Chief of Police. The commanding or supervisory officer imposing or recommending the suspension shall also report to the Chief of Police at the same time.

4.2.7 Reports of disciplinary action taken or recommended

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

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

4.2.8 Endorsement and forwarding of disciplinary reports

Each level in the chain of command must review, sign and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No employee shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current departmental procedures.

4.2.9 Informing the person being disciplined

The member being disciplined shall be so informed of the charges, in writing, as provided by N.J.S.A. 40A:14-147 and **section 4.4.1** of these rules and regulations. The member shall be granted all procedural rights and safeguards as provided by law.

4.2.10 Misconduct observed by police personnel

Whenever any commanding officer or supervisory officer observes or is informed of the misconduct of another member or employee, which indicates the need for

disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to a commanding officer.

4.2.11 Appeals

- A. Any member or employee of the department who has been tried and convicted upon any disciplinary charge or charges may obtain review in the Superior Court of Gloucester County.
- B. Such review shall be obtained by serving a written notice of the application therefore upon the Appropriate Authority within ten (10) days after the written notice to the member or employee of his conviction. The Appropriate Authority shall transmit to the court a copy of the record of such conviction, and of the charge or charges for which the member was tried.
- C. The court shall hear the case *de novo* on the record below and may either affirm, reverse or modify such conviction. If the member or employee shall have been removed from his position, the court may direct that he be restored to such position and all his rights pertaining thereto, and may make such other ordered judgment as said court shall deem proper.
- D. Either the Township or the employee may supplement the record with additional testimony subject to the rules of evidence.