

Borough of High Bridge Police Department



Rules and Regulations

Borough of High Bridge Police Department – Rules and Regulations

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Article I Establishment of police department rules and regulations

Section 1:

1:1.1 Police department authority

The Police Department of the High Bridge Borough is established pursuant to N.J.S.A. 40A:14-118 and High Bridge Borough Ordinance 75-1. The High Bridge Borough Police Department shall after this be called the "department."

Section 2

Department rules

1:2.1 Rules and Regulations Established

The appropriate authority of the Borough of High Bridge hereby adopts and promulgates the department Rules and Regulations, known as the High Bridge Borough Police Department Rules and Regulations and after this called the "rules."

1:2.2 Right to Amend or Revoke

In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority to amend or to revoke any of the rules contained herein.

1:2.3 Previous Rules, Policies and Procedures

All rules previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked to the extent of any inconsistency. All other policies and procedures shall remain in force.

1:2.4 Application

These rules are applicable to all police officers of the department and to all civilian employees of the department where appropriate.

1:2.5 Distribution

One copy of these rules shall be distributed to each employee of the department.

1:2.6 Responsibility for Maintenance

It is the continuing responsibility of each employee to maintain a current copy of the rules, including all additions, revisions and amendments as issued.

1:2.7 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule which is not fully understood.

Article II. Definitions

Section 1

- 2:1.1 Authority** - The right to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies and procedures. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.
- 2:1.2 Appropriate Authority** – As established in High Bridge Borough 75-1. Statutory authorization, in accordance with N.J.S.A. 40A:14-118.
- 2:1.3 Chain of command** - Vertical lines of communication, authority and responsibility within the organizational structure of the department.
- 2:1.4 Day Off** - Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- 2:1.5 Detective** – A police officer, designated by the title of detective, assigned to conduct criminal and other investigations while in civilian clothes. The assignment of detective in the High Bridge Borough Police Department is not a rank, but an assignment made and changed at the will of the Chief of Police.
- 2:1.6 Department** – High Bridge Borough Police Department.
- 2:1.7 Detail** – A temporary assignment of personnel for a specialized activity.
- 2:1.8 Directive** - A document detailing the performance of a specific activity or method of operation.
- 2:1.9 Employee** – All Employees of the Police Department whether sworn police officers, crossing guards or civilian employees.

- 2:1.10 Function** – The general activity of a subdivision of the department.
- 2:1.11 General order** - Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the department.
- 2:1.12 Headquarters** – The police building(s) that houses the staff and members of the department.
- 2:1.13 Incompetence** – The inability to satisfactorily perform police duties.
- 2:1.14 Insubordination** – Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer. Ridiculing a superior officer of his order, whether in or out of his presence. Disrespectful, insolent, or abusive language directed toward a superior officer.
- 2:1.15 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 department rule or regulation.
- 2:1.16 Leave of absence** – The period of time an officer is excused from working, either with or without pay.
- 2:1.17 May/Should** - As used herein words "may" and "should" mean that the action indicated is permitted.
- 2:1.18 Member** – All employees of the police department, including sworn regular police officers, special law enforcement officers (SLEO), and civilian employees.
- 2:1.19 Memorandum** – Written directive designed to facilitate and provide direction for the operation of the department.
- 2:1.20 Military Leave** – The period of time during which an officer is excused from duty by reason of serving in the armed forces of the United States in an active capacity as provided by law.
- 2:1.21 Misconduct** – Any conduct which violates any department rule or regulation, ordinance of the Borough, or any State or Federal law or statute of a criminal or quasi-judicial nature.
- 2:1.22 Neglect of Duty** – Failure to perform or give suitable attention to the performance of duty.
- 2:1.23 Off Duty** – The status of a member during the period he is free from the performance of specified duties.

- 2:1.24 Officer** – Any duly appointed Police Officer or Special Law Enforcement Officer (SLEO) of the department.
- 2:1.25 Officer-in-Charge** – Any member designated by the Chief of Police or his designee to assume a leadership role in the absence of the appointed leader. In the absence of such specific designation, the senior member on duty by virtue of rank or seniority.
- 2:1.26 On Call** – That period of time when an officer has been officially notified that he must be available in a reasonable period of time for active duty, upon call from headquarters, on duty officer(s) and/or superior officer(s).
- 2:1.27 On Duty** – The status of a member during the period of the day when he is actively engaged in the performance of his duties.
- 2:1.28 Order** - Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.
- 2:1.29 Personnel order** - A directive initiating and announcing a change in the assignment, rank or status of personnel.
- 2:1.30 Police Vehicle** – All vehicles under the control of the department whether marked or unmarked, with or without radio equipment.
- 2:1.31 Policy** - A statement of department principles that provides the basis for the development of procedures and directives.
- 2:1.32 Probationary Patrolman** – any member of the department serving for a time period prior to permanent appointment.
- 2:1.33 Procedure** - A written statement providing specific direction for performing department activities. Procedures are implemented through policies, directives and memorandums.
- 2:1.34 Rules and Regulations** – Department legislation consisting of detailed directives binding members and employees of all ranks in terms of authority, responsibility and conduct.
- 2:1.35 Seniority** – Seniority in the department is established first by rank and second by date of rank. Members having identical dates of rank, seniority shall be determined by the lower badge number. In situations requiring decision or control, where the officers are of equal rank, the senior will make the decision and exercise control unless, directed otherwise by a higher ranking superior or supervisory officer.

- 2:1.36 Shall/Will** - The words "shall" and "will" as used herein, shall indicate that the action required is mandatory.
- 2:1.37 Sick Leave** – The period of time when an employee is excused from active duty by reason of illness or injury.
- 2:1.38 Special order** - A directive dealing with a specific circumstance or event that is usually self-canceling.
- 2:1.29 Special Law Enforcement Officers (SLEO)** – Person vested with special police authority and hired pursuant to N.J.S.A. 40A:14-146.10 also designated as Class II officers and special officers.
- 2:1.40 Standard Operating Procedure (SOP)** – Written directive issued by the Chief of Police. Standard Operating Procedures remain in full force and effect until amended, superseded, or canceled by the Chief of Police. Department Standard Operating Procedures establish policy and procedure governing matters which have broad application and usually affect the entire department. They are the most authoritative directive issued in the department and may be used to amend, supersede or cancel any other order.
- 2:1.41 Special Duty** – Police service, the nature of which requires that the member be excused from the performance of his regular duties.
- 2:1.42 Subordinate** – A member holding a lower supervisory, command rank or position.
- 2:1.43 Superior Officer** – A member holding a higher supervisory, command rank or position.
- 2:1.44 Supervisor** - Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.
- 2:1.45 Training Bulletin** – Documents published and designed to keep employees of the department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as stimulus for further study.

Article III. General duties and responsibilities

Section 1: Code of Ethics

3:1.1 AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL maintain courageous calm in the face of danger, scorn, or ridicule; develop self-recording; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

3:1.2 Law enforcement is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to service above self are the motives which compel a police officer to discharge his or her responsibility in full measure. A police officer's life is one of self-sacrificing service to a high ideal, based upon his or her recognition of the responsibilities entrusted to him or her and the belief that law enforcement is an honorable vocation.

3:1.3 A police officer fully accepts his or her responsibilities to defend the right, to protect the weak, to aid the distressed, and to uphold the law in public and in private living. A police officer accepts the obligation to report facts truthfully and to testify without bias or display of emotion, and to consider all information coming to his or her knowledge by virtue of his or her position as a sacred trust, to be used for official purposes only.

3:1.4 A police officer gives his or her loyal and faithful attention to the identification and apprehension of criminals, being equally alert to protect the innocent and prosecute the guilty. He or she performs the function of his or her office without fear, favor, or prejudice and does not engage in unlawful or improper practices. He or she does not disclose to unauthorized person any information concerning pending matters which might be prejudicial to the interests to the State, Borough of High Bridge, or the department.

- 3:1.5** A police officer does not seek to benefit personally by any confidential information which has come by virtue of his or her assignment. He or she is respectful and courteous to all citizens. He or she is faithful and loyal to his or her organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their respective in matters of mutual interest and obligation.
- 3:1.6** Rigid adherence to the principles set out above is mandatory for anyone accepting a position with the High Bridge Police Department. Acceptance of these principles should not be perfunctory, it should be weighed carefully. Citizens are quick to criticize any misconduct of members of the department; the community places a trust in police officers and expects them to conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.
- 3:1.7** There must be a moral philosophy and strong appreciation of the need for service in any profession. Unwavering adherence to such a moral philosophy will earn for police officers the respect and support of the public. Each member of the High Bridge Police Department shall conform to the Law Enforcement Code of Ethics, as contained herein.

Section 2: Job Descriptions

- 3:2.1 Chief of Police** – Pursuant to **N.J.S.A. 40A:14-118** and municipal ordinance, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for the efficiency and day to day operations of the department. Pursuant to policies established by the Appropriate Authority, the Chief of Police will adhere to the duties detailed in the established job description of his position:
- 3:2.2 Sergeant of Police** – Refer to established job description.
- 3:2.3 Detective** – Refer to established job description.
- 3:2.4 Police Officer** – Refer to established job description.
- 3:2.5 Special Law Enforcement Officer (SLEO)** – Refer to established job description.
- 3:2.6 Crossing Guard** – Refer to established job description.
- 3:2.7 Civilian Employee** – Refer to established job description.

Article IV Rules of Conduct:

Section 1:

4:1.1 Loyalty – (Class 3 Violation)

Loyalty to the department and to associates is an important factor in department morale and efficiency. Employees shall maintain loyalty to the department and their associates consistent with the law and personal ethics.

4:1.2 Truthfulness – (Class 1 Violation)

All employees shall be completely truthful at all times.

4:1.3 Abuse of Authority – (Class 1 Violation)

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

4:1.4 Conduct unbecoming a police officer (Class 2 Violation)

Due to the nature of police work, the need for organizational cohesion and cooperation, the awesome power of public trust granted police officers, the autonomy they often work under 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.

4:1.5 Conduct unbecoming an employee in the public service (Class 2 Violation)

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.

4:1.6 Assistance – (Class 2 Violation)

All employees shall assist members of this and other law enforcement agencies in with official law enforcement agency duties and objectives in accordance with these rules and regulations.

4:1.7 Chain of Command – (Class 4 Violation)

1. All employees shall be aware of their relative position within the department, to whom they are immediately responsible, and who is accountable to them. The Chain of Command of the High Bridge Police Department shall be as follows:
 - a. Chief of Police
 - b. Sergeant
 - c. Police Officer / Detective
 - d. Special Law Enforcement Officer (SLEO)
 - e. Civilian Employees
 - e. Crossing Guards

4:1.8 Supervision of Subordinates (Class 3 Violation)

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

4:1.9 Responsibilities – (Class 3 Violation)

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

4:1.10 Neglect of Duty – (Class 2 Violation)

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

4:1.11 Performance of Duty – (Class 3 Violation)

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

4:1.12 Questions Regarding Assignment – (Class 5 Violation)

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

4:1.13 Insubordination – (Class 2 Violation)

Members and employees shall promptly obey any lawful orders of a superior, supervisory officer or another person in lawful authority. Members and employees shall not make any disrespectful, insolent, or abusive language or action toward a superior or supervisory officer.

4:1.14 Circulating False Information – (Class 3 Violation)

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.

4:1.15 Knowledge of Laws and Regulations – (Class 4 Violation)

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

4:1.16 Criticism of Official Acts or Orders – (Class 3 Violation)

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

4:1.17 Conduct Toward Members and Employees – (Class 4 Violation)

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

4:1.18 Reasonable caution in performance of duty – (Class 3 Violation)

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.

4:1.19 Manner of Issuing Orders

1. Orders from superior or supervisory officers to subordinates shall be in clear, understandable language, civil in tone, and issued in pursuit of department business. **(Class 5 Violation)**
2. When conveying policies, directives, orders, etc., superiors and supervisors shall adopt a positive approach and impart the information in a manner most likely to gain acceptance and compliance. **(Class 4 Violation)**

4:1.20 Unlawful Orders – (Class 2 Violation)

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

4:1.21 Obedience of Unlawful Orders – (Penalty based of offense/violation)

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

4:1.22 Obedience to Unjust or Improper Orders

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

4:1.23 Conflicting Orders – (Class 5 Violation)

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

4:1.24 Reports and Appeals – (Class 5 Violation)

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

4:1.25 Soliciting Gifts, Gratuities, Fees, Loans, etc. – (Class 3 Violation)

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.

4:1.26 Acceptance of Gifts, Gratuities, Fees, Loans, etc. – (Class 2 Violation)

1. Pursuant to the provisions of N.J.S.A. 2C:27-10, employees shall not accept, either directly or indirectly under the color of their office, any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment.
2. No employee 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.
3. 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.

4:1.27 Rewards – (Class 4 Violation)

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

4:1.28 Other Transactions – (Class 4 Violation)

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their department employment except as may be specifically authorized by the Chief of Police.

4:1.29 Disposition of Unauthorized Gifts, Gratuities – (Class 4 Violation)

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

4:1.30 Intercession – Soliciting – (Class 4 Violation)

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

4:1.31 Persons and Places of Bad Reputation – (Class 4 Violation)

Employees shall not frequent places of bad reputation, nor associate with persons of bad reputation, except as may be required in the course of police duty.

4:1.32 Withholding Information – (Class 2 Violation)

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

4:1.33 Reporting Violations of Laws and Ordinances – (Class 3 Violation)

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

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

4:1.34 Reporting Violations of Laws, Ordinances, Rules, or Orders of Others (Class 3 Violation)

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

the Chain of Command. If the employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be by-passed.

4.1.35 Driver's License – (Class 2 Violation)

Employees required to operate department vehicles in the performance of their duty shall maintain a valid New Jersey Driver's License. Whenever an employee's driver's license has been suspended or revoked, the employee shall immediately notify their immediate supervisor and give a full account of the reason for the suspension or revocation in writing.

4:1.36 Address and Telephone Numbers – (Class 5 Violation)

1. Employees shall record their correct residence addresses and telephone numbers with the Chief of Police or, the officer designated to collate such information.
2. Employees are required to have telephone contact available in the place where they reside. The availability can be either land line or cellular means.
3. Changes in address or telephone number shall be reported to the appropriate officer within twenty-four (24) hours of the change. This notification shall occur in writing and within the specified time, whether the employee is working or on leave.
4. Employees shall not disclose the phone number or address of other employees.

4:1.37 Drug Testing; Attorney General's Law Enforcement Drug Testing Policy

1. The Attorney General's Law Enforcement Drug Testing Policy, last revised May 2012, and as from time to time may be further revised or amended, is hereby adopted in its entirety as if set forth at length herein.
2. This policy applies to:
 - a. All applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
 - b. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and

- c. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6;

3. Copies of the policy are available from the Chief of Police.

4:1.38 Actions While Off-Duty – (Class 3 Violation)

While off duty, members shall take appropriate action in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and departmental policy.

4:1.39 Payment of Debts (Class 5 Violation)

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

Section 2:

GENERAL CONDUCT ON DUTY

4:2.1 Prohibited Activity on Duty

Employees are prohibited from engaging in the following activities while on duty and are not directly related to their official duties:

1. Sleeping, loafing, or idling. **(Class 2 Violation)**
2. Recreational reading (except at meals). **(Class 5 Violation)**
3. Conducting private business. **(Class 2 Violation)**
4. Gambling, unless to further a law enforcement purpose. **(Class 2 Violation)**
5. Smoking in non-designated areas. **(Class 5 Violation)**
6. Sexual activity of any kind. **(Class 2 Violation)**
7. Leaving the Borough without justification. **(Class 3 Violation)**

4:2.2 Alcoholic Beverages and Drugs

1. No employee shall appear for duty, or be on duty, under the influence of alcohol or drugs to any degree or be unfit for duty because of their use. No employee shall report for duty with the odor of an alcoholic beverage on their breath or emanating from their person. **(Class 2 Violation)**

2. Employees shall refrain from drinking intoxicating beverages for a reasonable period of time prior to going on duty in order to eliminate odors, impairment, or any other effect an intoxicating beverage may create. **(Class 2 Violation)**
3. Employees shall not drink any kind of intoxicating beverage while on duty, nor take any drugs not duly prescribed and necessary for health while on duty, except on special assignment authorized by the Chief of Police. **(Class 2 Violation)**
4. No employee shall operate a Borough vehicle after having consumed alcoholic beverages. **(Class 2 Violation)**
5. Intoxicating beverages shall not be consumed on police department property. **(Class 3 Violation)**
6. No member of the department shall, at any time when in uniform or any part thereof, except in the performance of his or her duty, enter any place in which intoxicating liquor is served or sold, unless authorized by a superior or supervisory officer. This prohibition includes meal breaks at licensed liquor establishments *unless* the area in which the intoxicating liquors are served is separated from the dining area by a physical partition which blocks the view between the two areas. **(Class 3 Violation)**
7. Members shall not bring any intoxicating liquor or illicit drugs onto department property except when necessary in the performance of a police task. Liquor or drugs brought onto department premises in the furtherance of a police task shall be properly identified and stored according to department policy. Non-member employees shall not bring any intoxicating liquor or illicit drugs onto department property. **(Class 3 Violation)**
8. Superior officers shall not assign to duty any employee who is in an unfit condition due to the use of intoxicants. Superior officers shall immediately relieve of duty any employee and remove the service weapon of any member found on duty in such condition. The superior officer shall then submit a written report of the incident to the Chief of Police. **(Class 2 Violation)**
9. Any employee who has a reasonable suspicion to believe that a fellow employee is under the influence of an intoxicating liquor or drugs must immediately report such fact to his or her immediate supervisor. **(Class 2 Violation)**
10. Employees shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty. An employee taking a prescription drug, and later, while on duty, suffers

illness, may at the discretion of the superior or supervisory officer, be excused without disciplinary action. **(Class 3 Violation)**

4:2.3 Reporting For, and Absence From, Duty- (Class 3 Violation)

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

4:2.4 Fitness for Duty - (Class 5 Violation)

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

4:2.5 Loitering – (Class 5 Violation)

Members on duty or in uniform shall not loiter at a public establishment unless in furtherance of a police-related task. Loitering in such locations is forbidden.

4:2.6 Use of Tobacco Products – (Class 5 Violation)

Use of all tobacco products, including non-traditional devices such as e-cigarettes, personal vaporizers, electronic nicotine delivery systems and other similar devices, are prohibited in all Borough facilities. Borough owned vehicles and public and private places within the Borough Facilities are tobacco free environments. Employees may only use tobacco products in authorized areas. Employees shall not use tobacco products while in direct contact with the public.

4:2.7 Relief – (Class 3 Violation)

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

4:2.8 Suspending Patrol for Meal or Coffee Break – (Class 4 Violation)

1. Members will be permitted to suspend patrol, subject at all times to immediate call for duty for the purpose of having a(n) meal break(s) during their shift.
2. Only that amount of time reasonably necessary to have a meal is allowed to be taken for a meal break.
3. Members shall have their portable radios turned on, and shall monitor the radio at all times, while taking a meal break.

4. Members shall arrange meal and coffee breaks at times when not more than one unit is at any one location at the same time, unless authorized by a superior or supervisory officer.

4:2.9 Training – (Class 3 Violation)

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

4:2.10 Inspections – (Class 4 Violation)

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

4:2.11 Courtesy – (Class 5 Violation)

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

4:2.12 Harassment in the Work Place – (Class 3 Violation)

Employees are prohibited from any acts in the workplace that would constitute harassment, sexual or otherwise (*see policy V06C05*).

Section 3:

UNIFORMS, EQUIPMENT, AND APPEARANCE

4:3.1 Regulation Uniforms Required – (Class 4 Violation)

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

4:3.2 Manner of Dress on Duty – (Class 4 Violation)

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

4:3.3 Alternating Style of Uniform – (Class 4 Violation)

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

4:3.4 Civilian Clothing - Manner of Dress – (Class 4 Violation)

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

4:3.5 Equipment – (Class 3 Violation)

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

4:3.6 Uniform and Equipment Damage Claim

Any claims for damage to clothing and equipment caused in the performance of duty shall be made in accordance with current department procedures and current collective bargaining agreements. An employee's failure to promptly and in accordance with this procedure may cause for such claim to be denied.

4:3.7 Damaged or Inoperative Equipment – (Class 4 Violation)

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

4:3.8 Personal Appearance – (Class 5 Violation)

Every employee of the department, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity

with the Rules and Regulations of this department. The Grooming Standards will not be deviated from without the written permission of the Chief of Police.

1. **Male Employees**

- a. Hair shall be neatly trimmed, combed, or brushed. It shall be cut to present a tapered appearance and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. The hair shall not interfere with the proper wearing of any authorized uniform headgear. Unusual, outrageous, faddish haircut is strictly prohibited. Unnatural hair coloring is prohibited.
- b. Mustaches shall be trimmed and clean. No portion shall extend below the corners of the mouth, or one-half inch beyond the corners of the mouth. Mustaches shall not be twirled or curled.
- c. Sideburns shall be straight and of even width (not flared) and end in a clean-shaven horizontal line. The sideburns shall not extend below a point level with the middle of the ear opening.
- d. Other Facial Hair – Facial hair below the top lip, on the chin, or below the sideburns on the jaw, is not permitted.

2. **Female Employees**

- a. Hair length, bulk, or appearance of natural hair shall not be excessive, ragged, or unkempt. The hairs shall be neatly groomed and shall not be worn longer than the bottom of the shirt collar at the back of the neck when standing with the head in a normal posture. Hair shall be groomed in front so that it does not fall below the band of properly worn uniform headgear. The hair may be worn over the ears, but in no case shall the bulk or length of the hair interfere with the proper wearing of authorized uniform headgear. Long ponytails or platted hair is not permitted. A bun or twist will be permitted on the top or back of the head provided it is worn in a neat manner and does not interfere with the wearing of uniform headgear. No ribbons or ornaments shall be worn in the hair except for neat, inconspicuous bobby pins or conservative barrettes which blend with the hair color. Hair coloring, if used, must appear natural.

3. **All Personnel**

- a. Cosmetics, if worn, cosmetics shall be subdued. False eyelashes are not permitted.

b. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers. Fingernail polish, if worn, shall be clear or pale. French manicure is permitted.

c. Tattoos, Scarifications, Branding – Definitions

- Tattoo – the act or practice of marking the skin with designs, forms, figures or art.
- Scarification – the act of intentional cutting of the skin for the purpose of creating a design, form, figure or art.
- Branding – the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

The following tattoos, scarifications and brands are prohibited:

- Any tattoo, scarification or brand located on the head, face or neck.
- Depictions of nudity or violence; sexually explicit or vulgar art work, phrases or profane language; symbols likely to offend other members, employees, or members of the public, e.g., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, or any street gang names, numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department.

The Chief of Police retains the right to have any employee cover visible tattoos while on duty.

- d. Eyeglasses worn by sworn police personnel while on duty or in uniform shall be conservative in design. The wearing of any adornments attached to any part of the head, with the exception of eyeglasses is prohibited. Sunglasses may be worn providing they are not extra ornamental.
- e. Employees will not wear wigs or hairpieces in uniform except for cosmetic reasons to cover natural baldness or physical disfiguration.

Section 4:

DEPARTMENT PROPERTY AND VEHICLES

4:4.1 Control of Property and Vehicles

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

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

4:4.2 Care of Department Buildings – (Class 3 Violation)

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

4:4.3 Notices – (Class 3 Violation)

Employees shall not mark, alter, or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of the Chief of Police, except those areas designated as Police Union bulletin boards. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order.

4:4.4 Use of Department Vehicles While Off Duty - (Class 4 Violation)

Employees shall not use any department vehicle while off duty without the permission of the Chief of Police.

4:4.5 Operation of Motor Vehicles – (Class 4 Violation)

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

4:4.6 Emergency Calls and Use of Emergency Lights and Siren – (Class 3 Violation)

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

4:4.7 Transporting Citizens – (Class 5 Violation)

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

4:4.8 Reporting Crashes – (Class 3 Violation)

On-duty crashes involving department personnel and property/equipment shall immediately be reported to the superior or supervisory officer, in accordance with applicable procedures and law. It shall be the duty of the supervisor to investigate the crash and notify the Chief of Police.

4:4.9 Presumption of Responsibility

When Borough property or vehicles are found bearing evidence of damage which has not been reported, it shall be prima-facie evidence that the last person using the property or vehicle was responsible.

4:4.10 Responsibility for Appearance and Maintenance – (Class 5 Violation)

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

4:4.11 Surrender of Property Upon Resignation or Termination

Employees are required to surrender all department property in their possession upon separation from the department. Failure to return all department property as requested may result in the filing of criminal charges.

4:4.12 Surrender of Property While Under Suspension

Any member under suspension shall immediately surrender their badge, handgun, and all other department equipment to the Chief of Police pending disposition of the case. Any employee under suspension shall immediately surrender all department or Borough property in their possession to the Chief of Police.

4:4.13 Firearms – (penalty dependent upon offense / violation)

All members shall strictly adhere to all applicable laws, New Jersey Attorney General Guidelines and High Bridge Police Department policies and procedures (*see policy V04C02*).

Section 5:

COMMUNICATIONS AND CORRESPONDENCE

4:5.1 Restrictions – (Class 3 Violation)

Employees shall not:

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

4:5.2 Forwarding Communications to Higher Commands – (Class 3 Violation)

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

4:5.3 Private Use of Department Address – (Class 4 Violation)

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

4:5.4 Telephones – (Class 4 Violation)

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

4:5.5 Radio Discipline – (Class 4 Violation)

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

Section 6:

PUBLIC ACTIVITIES

4:6.1 Conduct Toward the Public – (Class 4 Violation)

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

4:6.2 Professional Demeanor – (Class 4 Violation)

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

4:6.3 Impartiality – (Class 3 Violation)

All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, or influence is conduct unbecoming an officer. Unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming an officer.

4:6.4. Request for Identification – (Class 5 Violation)

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

4:6.5 Disparaging Comments – (Class 3 Violation)

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

4:6.6 Use of Derogatory or Antagonizing Language – (Class 3 Violation)

Employees shall not:

1. Speak disparagingly of any person based on membership or perceived membership in any of the groups listed above in section 4:6.5, nor refer to

them in insolent or insulting terms of speech, whether prisoners or otherwise.

2. Use uncomplimentary terms of speech when referring to any prisoner or other person or willfully antagonize any person with whom the member or employee comes in contact.

4:6.7 Public Statements – (Class 2 Violation)

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

4:6.8 Subversive or Radical Organizations – (Class 3 Violation)

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

4:6.9 Affiliation with Certain Organizations Prohibited – (Class 3 Violation)

1. Members may become a member of an organization such as a fire company, auxiliary corps, or a first aid unit provided such membership does not interfere with their obligation as a police officer.
2. Members shall not affiliate themselves with any organizations whose constitutions impose provisions that might in any way exact prior consideration and prevent the proper and efficient functioning of the High Bridge Police Department. This prohibition does not apply to the active military or naval services of the United States or of this State, in time of war, in an emergency, or during any period of training, or pursuant to or in conjunction with the operation of any system of selective service.
3. Members shall not affiliate themselves with any organization or activity that would create a conflict of interest with the officer's sworn duties or the mission of the High Bridge Police Department.

4:6.10 Commercial Testimonials – (Class 4 Violation)

1. No employees shall use High Bridge uniforms, names, equipment, or insignias to endorse any product or service without permission of the Chief of Police.

2. No employees shall endorse any product or service in their capacity as a High Bridge Police employee without permission of the Chief of Police.

4:6.11 Public Appearance Requests – (Class 4 Violation)

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

4:6.12 Publicity – (Class 5 Violation)

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

4:6.13 Preferential Treatment – (Class 2 Violation)

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

4:6.14 Availability – (Class 3 Violation)

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

4:6.15 Responding to Calls – (Class 3 Violation)

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

Section 7:

POLITICAL ACTIVITIES

4:7.1 Participating In Political Activities – (Class 2 Violation)

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

4:7.2 Election to Public Office – (Class 2 Violation)

Members shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the Borough of High Bridge unless authorized to do so by the county prosecutor.

4:7.3 Off Duty Political Activities – (Class 3 Violation)

Members may engage in off duty political activities except when such activities will harm or impair the operation or discipline of the department, or where it undermines the public's confidence in their professional objectivity, and the objectivity of the police department.

4:7.4 Soliciting Prohibited – (Class 2 Violation)

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.

4:7.5 Contributions – (Class 3 Violation)

Employees may contribute funds or any other thing of value to candidates for public office subject to the provisions of law governing such contributions.

4:7.6 Polling Duties – (Class 3 Violation)

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.

4:7.7 Displaying of Political Material – (Class 3 Violation)

Employees shall not display any political material on any government property or on their person while on duty or in uniform.

Article X RESPONSIBILITIES OF OFFICERS ASSIGNED TO SPECIAL DUTIES:

Section 1:

5:1.1 Assignments

The Chief of Police may at any time reassign officers from special duties to other duties or regular patrol duties.

5:1.2 Duties and Responsibilities

The duties and responsibilities of members assigned to special duties shall be outlined and explained to the member prior to the officer being assigned to such duties. The Chief of Police may from time to time modify the duties and responsibilities as they deem necessary.

5:1.3 Compensation

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

Section 2:

INVESTIGATIONS

5:2.1 Investigations – (Class 3 Violation)

All employees involved in any official investigation will adhere to any and all policies and procedures of the High Bridge Police Department.

5:2.2 Release of Information at Crime Scene – (Class 3 Violation)

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

5:2.3 Confidential Information – (Class 2 Violation)

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

5:2.4 Compromising Criminal Cases – (Class 2 Violation)

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

1. Employees shall neither attempt to interrupt the legal process, except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity that might interfere with the process of law.

2. Employees shall not attempt to have any traffic summons or notice to appear voided or stricken from the calendar except in accordance with established court procedures.
3. Any employee having knowledge of such action, and who fails to inform a superior or supervisory officer of it, shall be subject to disciplinary action.

Section 3:

ARRESTS AND PRISONERS

5:3.1 Arrests – (Class 1 Violation)

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

5:3.2 Assisting Criminals – (Class 1 Violation)

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

5:3.3 Reports and Bookings – (Class 1 Violation)

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

5:3.4 Recommending Attorneys and Bail Bond Brokers Prohibited – (Class 3 Violation)

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

5:3.5 Acting as Bailor Prohibited – (Class 2 Violation)

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

Section 4:

JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCES, AND TESTIFYING

5:4.1 Court Appearance – (Class 3 Violation)

Attendance at a court or quasi-judicial hearing as required by subpoena, resulting from department employment, is an official duty assignment. Permission to suspend, delay, or vacate this duty must be obtained from the prosecuting attorney handling the case or other authorized court official.

5:4.2 Testifying for the Defendant – (Class 3 Violation)

Any employee subpoenaed to testify for the defense in any trial, hearing, or against the Borough of High Bridge or department in any hearing or trial, shall notify Chief of Police upon receipt of the subpoena.

5:4.3 Truthfulness – (Class 1 Violation)

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

5:4.4 Civil Action, Acting As An Expert Witness, Court Appearance – Subpoena – (Class 4 Violation)

An employee shall not volunteer to testify as an expert witness in civil actions and shall not testify unless legally subpoenaed. Employees shall accept all subpoenas legally served. If the subpoena arises out of department employment, or if the member or employee is informed that they are a party to a civil action arising out of department employment, they shall immediately notify the Chief of Police. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current procedure.

5:4.5 Civil Depositions and Affidavits – (Class 4 Violation)

Employees shall confer with the Chief of Police before honoring a deposition or affidavit in a civil case. .

5:4.6 Civil Cases

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

Section 5:

PERSONNEL REGULATIONS

5:5.1 OATH OF OFFICE

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

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

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

5:5.2 PROBATIONARY PERIOD

Appointment of a Patrolman to the High Bridge Police Department is for a probationary period of one (1) year from the date of appointment in accordance with High Bridge Borough Ordinance **75-19**.

5:5.3 OUTSIDE EMPLOYMENT – (Class 3 Violation)

Employees may engage in secondary or outside employment consistent with department and the current collective bargaining agreement. (*see policy V01C15*).

5:5.4 Hours of Duty

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

5:5.5 Scheduled Days Off

Employees are entitled to days off which are pursuant to the current collective bargaining agreement and are taken according to a schedule established by the Chief of Police or his designee.

5:5.6 Vacation Leave

Employees are entitled to vacation days off pursuant to the current collective bargaining agreement, department policy and procedure, and approval of the vacation schedule established by the Chief of Police or his designee.

5:5.7 Sick Leave / Workman's Compensation – (Class 2 Violation)

- A. Employees are entitled to sick days off pursuant to the current collective bargaining agreement and department policy and procedures.
- B. Employees will adhere to department policy and procedure regarding attendance.
- C. Employees will not exceed their allotted sick leave.
- D. Employees who exceed their allotted leave are absent without leave.
- E. Employees will not pretend illness or injury, falsely report themselves or a family member to be injured or ill, or otherwise deceive or attempt to deceive a supervisor or the Borough physician as to their health or the health of any other person.

5:5.8 Other Leave

Employees are entitled to other leave as provided for in the current collective bargaining agreement, by law and by department policy and procedures, subject to approval of the schedule established by the Chief of Police or his designee.

5:5.9 Suspension of Leave

Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by the Chief of Police or his designee and which unduly disrupts the operations of the agency.

5:5.10 Absence from Duty for Five Days Continuously – (Class 1 Violation)

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

5:5.11 Sick or Injured on Duty – (Class 2 Violation)

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

5:5.12 Unauthorized Absence –(Class 2 Violation)

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

1. Feign illness or injury.
2. Deceive the physician in any way as to their true condition.
3. Are injured or become sick as a result of improper conduct.
4. Violate any provisions concerning the reporting of sickness or injury.

5:5.13 Grievance Procedures

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

5:5.14 Resignations

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

5:5.15 Resignation Prohibited While Charges are Pending

Employees are prohibited from resigning while charges are pending against them unless permission is granted by the Chief of Police.

ARTICLE XI DISCIPLINARY REGULATIONS

Section 1:

DISCIPLINARY ACTION

6:1.1 Disciplinary Action

Members, regardless of rank, shall be subject to disciplinary action for:

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

6:1.2 Establishing Elements of Violation

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

6:1.3 Penalties

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

- A. Minor Discipline – no entitlement to a hearing
 1. Training
 2. Counseling
 3. Oral reprimand
 4. Written reprimand

B. Major Discipline – entitlement to hearing

1. Voluntary surrender of time off in lieu of other action
2. Monetary fine
3. Suspension with pay
4. Suspension without pay
5. Loss of promotion opportunity
6. Demotion
7. Dismissal

6:1.4 Grading of Violations

The following information is intended assisting in administering fair and uniform punishment for all employees of the department. The recommended penalties shall not limit the penalty that the Appropriate Authority may impose.

- A. Class 1 Violation - Violation of any rule designated as a Class 1 Violation may result in the following disciplinary action:
- 1st Violation - Dismissal
- B. Class 2 Violation - Violation of any rule designated as a Class 2 Violation may result in the following disciplinary action:
- 1st Violation – 3 Day suspension to Dismissal
2nd Violation – 10 Day suspension to Dismissal
3rd Violation or subsequent - Dismissal
- C. Class 3 Violation - Violation of any rule designated as a Class 3 Violation may result in the following disciplinary action:
- 1st Violation – reprimand to 6 months suspension
2nd Violation – 3 Day suspension to Dismissal
3rd Violation or subsequent - Dismissal

- D. Class 4 Violation - Violation of any rule designated as a Class 4 Violation may result in the following disciplinary action:
- 1st Violation – reprimand to 30 day suspension
 2nd Violation – reprimand to 6 months suspension
 3rd Violation or subsequent – 20 day suspension to Dismissal
- E. Class 5 Violation - Violation of any rule designated as a Class 5 Violation may result in the following disciplinary action:
- 1st Violation – reprimand to 5 day suspension
 2nd Violation – reprimand to 30 day suspension
 3rd Violation or subsequent - 5 day suspension to Dismissal

Section 2

DEPARTMENT AUTHORITY TO DISCIPLINE

6:2.1 Oversight By Chief of Police

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

6:2.2 Counseling Not To Be Considered Discipline

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

6:2.3 Authorized Actions of Superior or Supervisory Officers

Superior or supervisory officers may independently take the following disciplinary measures. Final disposition shall be subject to the Chief of Police’s approval.

1. **Oral Reprimand**

A verbal admonishment given to a subordinate by a superior or supervisory officer. Written documentation is to be made and forwarded to the Chief of

Police via the normal chain of command. This form of discipline shall remain in the member's file for a period of six (6) months unless another oral reprimand is given that member during this six-month period.

2. Written Reprimand

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

3. Emergency Suspension

4. Written Recommendations for Other Penalties

6:2.4 Emergency Suspensions

- A. Any superior officer shall have the authority to impose emergency suspension against a member until the next business day when the superior officer determines 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 member has been 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.
- 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.

6:2.5 Follow-up After Emergency Suspensions

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

6:2.6 Reports of Disciplinary Action Taken or Recommended

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

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

6:2.7 Distributions of Reports of Disciplinary Action

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

1. Original to the Chief of Police through the chain of command.
2. Copy retained by officer imposing or recommending the action.

6:2.8 Endorsement and Forwarding of Disciplinary Reports

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

6:2.9 Informing the Person Being Disciplined

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

6:2.10 Hearing

- A. The disciplinary hearing shall be scheduled during the business day, but no sooner than ten (10) days and no later than thirty (30) days after said notice is personally served upon said member, subject of course to the granting of reasonable requests for postponements.
- B. Where a disciplinary hearing has been postponed pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the departmental charges, said departmental hearing must be held within thirty (30) days after the department receives notice of such disposition. The duty to advise the department that said judicial determination has been made is that of the respective member.
- C. Personal service is actual service upon any employee as well as actual service upon any member of the employee's household over eighteen (18) years of age residing in the residence of said employee.
- D. All disciplinary hearing shall be closed to the public unless the defendant officer requests an open hearing. In such case, the department reserves the right to petition the hearing officer to conduct a closed hearing if a legitimate reason exists for such request.
- E. Every member formally charged with a violation of department rules and regulations shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.

- F. The Chief of Police may prosecute the complaint himself or request the Borough to appoint a qualified representative to present the case.
- G. The Appropriate Authority shall be the hearing officer charged with the responsibility of conducting the necessary hearings with respect to the aforementioned charges. The Appropriate Authority may appoint a qualified representative to serve as hearing officer to prepare findings of fact and recommendations as to violations and quantum and type of punishment, if any.
- H. In order that all parties may be afforded a fair and equal opportunity to be heard and that the hearing officer may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules and procedure.
- I. The hearing officer may, at their discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the hearing officer may exclude all person not having a direct interest in the matter being heard.
- J. The hearing officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- K. The hearing officer shall give effect to the rules of privilege as provided by law, but no person shall be excused from testifying or presenting evidence on the ground of possible self-incrimination with regard to an administrative disciplinary matter.
- L. The member is presumed innocent and the burden of proof is upon the department to prove the member's guilt by a preponderance of the credible evidence presented during said hearing.
- M. All hearings may (in the discretion of the respective hearing officer) be recorded by:
 - 1. A certified shorthand report; or
 - 2. Stenographers, duly sworn to make an accurate stenographic recording of the proceeding; or

3. Sound recording device to be operated under the supervision and direction of the hearing officer.
- N. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective hearing officer shall consider same and render his verdict as soon as practical thereafter.
- O. Although the verdict may be verbal at the time of the hearing, the determination must be reflected upon a finale notice of disciplinary action that must be personally served upon the respective member as soon as practical after the termination of said disciplinary hearing.

6:2.11 Appeals from Penalties

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

1. Any officer who has had a sustained finding of any disciplinary charge or charges may obtain review in the Superior Court of Hunterdon County.
2. Such review shall be obtained by serving a written notice of the application therefore upon the Appropriate Authority within ten (10) days after the written notice to the member of the sustained finding. The Appropriate Authority shall transmit to the court a copy of the record of such sustained finding and of the charge or charges from which the matter stems.
3. The court shall hear the case *de novo* on the record below and may either affirm, reverse, or modify such conviction. If the member shall have been removed from his position, the court may direct that they be restored to such position along with all their rights pertaining thereto, and may issue such other orders or judgments as said court shall deem proper.
4. Either the Borough or the member may supplement the record with additional testimony subject to the rules of evidence.
5. Members shall also have the rights conferred by N.J.S.A. 40A:14-209 et seq., including but not limited to arbitration.

6:2.12 Misconduct Observed by Police Personnel

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

6:2.13 Polygraphs

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

Section 3:

CITIZEN COMPLAINTS AGAINST POLICE PERSONNEL

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

6:3.1 Channeling of Complaints

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

6:3.2 Internal Complaint Form

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

6:3.3 Serious Complaints or Allegations

If, in the opinion of the supervisory officer, the incident is of sufficient gravity, they shall notify the Internal Affairs Officer and Chief of Police regardless of the hours. In addition, they shall take any immediate action necessary to preserve the integrity of the department until the arrival of the Internal Affairs Officer or Chief of Police.

6:3.4 Investigation of Alleged Misconduct

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

6:3.5 Reports and Investigation of Alleged Acts of Misconduct

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

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

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