

*Rules and Regulations*



*Camden County, New Jersey*

Adopted January 1, 2015



**POLICE DEPARTMENT**

**HADDONFIELD BOROUGH, CAMDEN COUNTY**

**NEW JERSEY**

**THIS MANUAL OF RULES AND REGULATIONS IS THE PROPERTY OF THE BOROUGH OF HADDONFIELD, CAMDEN COUNTY. IT IS ASSIGNED TO YOU, AND UPON SEPARATION FROM POLICE SERVICE, YOU ARE BOUND TO RETURN IT. YOU ARE RESPONSIBLE FOR ITS SECURITY. LOSS OF THE MANUAL WILL CONSTITUTE NEGLIGENCE OF DUTY AND RESULT IN DISCIPLINARY ACTION.**

Borough of Haddonfield Police Department - Rules and Regulations

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## **ESTABLISHMENT OF DEPARTMENT RULES AND REGULATIONS**

### **Section 1 Police Department Authority – Powers – Duties**

#### **1.1.1 Legal authorization**

The Haddonfield Borough Police Department has been established pursuant to N.J.S.A. 40A:14-118 and Article 1, Chapter 70, Ordinance #12-2004 of the Code of the Borough of Haddonfield. In accordance with N.J.S.A. 40A:14-118, and Article 1, Chapter 70, Ordinance #12-2004 of the Code of the Borough of Haddonfield designates the Director of Public Safety as the Appropriate Authority responsible for adopting and promulgating Rules and Regulations for the government of the police force and the discipline of its members.

### **Section 2 Rules and Regulations Established**

#### **1.2.1 Rules and regulations**

The appropriate authority of the Borough of Haddonfield hereby adopts and promulgates the department rules and regulations, known as the "HADDONFIELD BOROUGH POLICE DEPARTMENT RULES AND REGULATIONS"

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Neal Rochford, Director of Public Safety, Borough of Haddonfield

Date

#### **1.2.2 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 revoke any of the rules and regulations contained herein.

#### **1.2.3 Previous rules, regulations, policies and procedures**

All rules and regulations previously issued, and policies and procedures that conflict with the rules and regulations contained herein, are hereby revoked to the extent of any such inconsistency. All other rules, regulations, policies, procedures and general orders not in conflict with those contained in this manual shall remain in full force unless expressly revoked by competent authority.

#### **1.2.4 Application**

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

#### **1.2.5 Distribution**

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One copy of these Rules and Regulations shall be distributed to each member and employee of the police department.

### **1.2.6 Maintenance**

Employees shall be responsible for maintaining a current copy of the rules and regulations contained in this manual, including all additions, revisions and amendments as may be issued.

### **1.2.7 Familiarization**

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations and policies and procedures contained with the department manual. Ignorance of any of the provisions of this manual will not be a defense to a charge of a violation of the rules and regulations.

**Article II        DEFINITIONS**

**Section 1**

- 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 Leave** – The combination of vacation, personal and compensatory leave granted to all employees annually in accordance with the Borough of Haddonfield Code and all applicable collective bargaining agreements.
- 2.1.3 Appropriate Authority** – Director of Public Safety, Borough of Haddonfield.
- 2.1.4 Authority** – The statutory or policy vested right to give commands, issue orders, enforce obedience, initiate action and make necessary decisions. Those so designated may delegate authority. Acts performed without proper authority or authorization shall be considered in violation of this manual, and those persons in violation shall be subject to disciplinary action.
- 2.1.5 Bureau** – A unit immediately subordinate to a division.
- 2.1.6 Chain of Command** – The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.
- 2.1.7 Collateral Assignment** – duties and responsibilities assigned to a member by the Chief of Police or his designee in addition to the member's regular assignment.
- 2.1.8 Command Officer** – Police officers holding the rank of Lieutenant or above and assigned to a command position by the Chief of Police.
- 2.1.9 Days Off** – Those days determined by the Chief of Police on which a given employee is excused from duty.
- 2.1.10 Department** – Borough of Haddonfield Police Department.
- 2.1.11 Department Manual** – Collection of all lawfully issued rules, regulations, policies, procedures, instructional directives, memoranda, 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, designated by the title of detective, assigned to conduct criminal and other investigations while in civilian clothes. The assignment of detective in the Borough of Haddonfield Police Department is not a rank, but an assignment made and changed at the discretion of the Chief of Police.
- 2.1.14 Division** – A functional unit having jurisdiction-wide coverage whose commanding officer reports directly to the Chief of Police or Executive Officer of the Police Department.
- 2.1.15 Employee** – All employees of the police department, including sworn regular police officers, special law enforcement officers (SLEO), and civilian employees.
- 2.1.16 Function** – The general activity of a subdivision of the department or a collateral duty, e.g., the operations function, the administrative function, firearms training, etc.
- 2.1.17 Gender** – The use of the masculine gender in any directive or manual includes the female gender, where applicable.
- 2.1.18 General Order** – Written directive designed to announce adoption or revision of policies and to direct procedure for the indefinite future.

## Borough of Haddonfield Police Department - Rules and Regulations

- 2.1.19 **Headquarters** – The section of the Borough of Haddonfield Municipal Hall that houses the headquarters staff and employees of this department, and any satellite office or sub-station, also referred to as “Police Station” or “Station.”
- 2.1.20 **Incompetence** – Incapability of the satisfactory performance of police duties.
- 2.1.21 **Informational Bulletins** – Published materials containing information regarding wanted persons, crime patterns, intelligence information, and other incidents calling for police attention.
- 2.1.22 **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 or criticizing 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.
- 2.1.23 **Lawful Order** – Any written or spoken directive issued by a superior officer, supervisor or acting supervisor, to any subordinate or group of subordinates in the course of police duty, which is not in violation of any law, ordinance or departmental rule or regulation.
- 2.1.24 **Leave of Absence** – The period of time during which a police officer is excused from active duty and during which time he receives no pay.
- 2.1.25 **Management** – Command and Supervision staff of the Police Department, and civilian leadership of the police department, including the Director of Public Safety and members of the Governing Body.
- 2.1.26 **May/Should** – Indicates that the action is expected, permitted and encouraged.
- 2.1.27 **Member** – All employees of the police department, including sworn regular police officers, special law enforcement officers (SLEO), and civilian employees.
- 2.1.28 **Memoranda** – Written directive designed to facilitate and provide direction for the smooth operation of the department.
- 2.1.29 **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 duty capacity as provided by law.
- 2.1.30 **Off Duty** – The status of a member during the period he is free from the performance of specified duties.
- 2.1.31 **Officer** – Any duly appointed police officer or special law enforcement officer (SLEO) of the department.
- 2.1.32 **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, then time in rank. Any member up to and including the rank of captain in charge of a watch or detail.
- 2.1.33 **Official Channels** – The line of communication vertically through superior officers in the chain of command described by the Organization Chart issued by the Chief of Police.
- 2.1.34 **On Duty** - The status of a member during the period of the day when he is actively engaged in the performance of his duties. A police officer is subject to call at all times.
- 2.1.35 **Order** - Any written or spoken directive issued by a superior officer or civilian supervisor to a subordinate or group of subordinates in the course of duty.
- 2.1.36 **Personnel Order** - Written directive designed to announce promotions, transfers, assignments and other personnel action to all department employees.
- 2.1.37 **Platoon** – A subdivision of the Operations Division comprised of two or more patrol squads assigned to a watch or shift.
- 2.1.38 **Plurality** – The singular includes the plural and the plural includes the singular.

## Borough of Haddonfield Police Department - Rules and Regulations

- 2.1.39 Police Incident** – An occurrence or incident suggesting or requiring police action or service by members of the department.
- 2.1.40 Police Vehicle** – All vehicles under the control of the department, whether marked or unmarked, with or without radio equipment.
- 2.1.41 Policy** – Written directive that summarizes the department position on the responsibilities, direction or limitations of department authority in specific matters. A policy is a component of a general order.
- 2.1.42 Post** - Assignment to a specified location, for a fixed period of time, to address a specific police purpose.
- 2.1.43 Probation** – A time during which a member of the police department serves a satisfactory training and evaluation period, prior to permanent appointment to the department.
- 2.1.44 Probationary Period** – A designated period when each member shall be required to serve prior to permanent full-time appointment to the department.
- 2.1.45 Procedure** - Written directives that describe expected methods of operation. Procedures differ from policy in that they direct attention to the performance of a specific task within the guidelines of the policy. A procedure is a component of a general order, instructional directive, or memorandum.
- 2.1.46 Rules and Regulations** – Departmental legislation consisting of detailed directives binding upon employees of all ranks in terms of authority, responsibility and conduct.
- 2.1.47 Senior Officer** – A member in any given rank with the longer service in that rank. 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 higher position on the recommendation list from which the appointments were made is deemed to be the senior. In situations requiring decision making or control, where the officers are of equal rank and the decision or control is required in their area of responsibility, the senior will make the decision and exercise control unless that responsibility is already designated by the Chief of Police or his designee, or a higher ranking command or supervisory officer.
- 2.1.48 Shall/Will** - Indicates that the action referred to is mandatory.
- 2.1.49 Sick Leave** – The period of time during which an officer is excused from active duty by reason of illness or injury by a commanding officer or watch commander in the absence of a commanding officer.
- 2.1.50 Special Duty** - Police service, the nature of which requires the member to be reassigned from the performance of his regular duties to perform other duties as required from time to time by the Chief of Police.
- 2.1.51 Special Orders** - Written directive designed to give specific direction pertaining to assignments, scheduling and special details.
- 2.1.52 Special Law Enforcement Officers (SLEO)** - Persons 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.
- 2.1.53 Squad** - A functional unit subordinate to a Platoon 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.
- 2.1.54 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.
- 2.1.55 Subordinate** - A member lower in rank than his superior officer.

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- 2.1.56 Superior Officer** – A person holding a Command Officer rank or acting in a position normally held by a Command Officer.
- 2.1.57 Supervisor; Supervisory Personnel** - Employee of the department assigned to a position requiring exercise of immediate supervision over the activities of employees.
- 2.1.58 Suspension** - An act of temporarily denying an employee 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 of duty or violation of department rules and regulations.
- 2.1.59 Tense of Words** – The words used in the present tense include the future.
- 2.1.60 Borough – Borough of Haddonfield**, or Haddonfield Borough, New Jersey.
- 2.1.61 Tour of Duty** - The period of time (shift or watch) during which a member of the department is assigned to active duty.
- 2.1.62 Training Bulletin** – Also known as Instructional Directive or Instructional Order or Instructional Material, it contains materials published and designed to keep officers of this department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official department policy on the subject matter under consideration in the absence of instructions to the contrary.
- 2.1.63 Unit** – Any number of members and/or employees of the department regularly grouped together under one head to accomplish a police purpose.
- 2.1.64 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.

### ARTICLE III GENERAL RULES AND REGULATIONS

#### Section 1 Code of Ethics, Mission Statement, Job Responsibilities

##### Code of Ethics

- 3.1.1** 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 responsibility in full measure.

A police officer's life is one of self-sacrificing service to a high ideal, based upon the officer's recognition of the responsibilities entrusted and the belief that law enforcement is an honorable vocation. An officer fully accepts the responsibilities to defend the right, to protect the weak, to aid the distressed, and to uphold the law in public and in private living. An officer accepts the obligation to report facts truthfully and to testify without bias or display of emotion, and to consider all information coming to the officer's knowledge by virtue of the position as a sacred trust, to be used for official purposes only. An officer gives loyal and faithful attention to the identification and apprehension of criminals, being equally alert to protect the innocent and prosecute the guilty. An officer performs the functions of the office without fear, favor, or prejudice and does not engage in unlawful or improper practices.

## Borough of Haddonfield Police Department - Rules and Regulations

An officer does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interests of the State, Borough of Haddonfield, or the department.

An officer does not seek to benefit personally by any confidential information which has been obtained by virtue of his assignment. An officer is respectful and courteous to all citizens.

An officer is faithful and loyal to the 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.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position in the Haddonfield Borough 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 so conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.

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 Haddonfield Borough Police Department shall conform to the Law Enforcement Code of Ethics, as contained herein.

### 3.1.2 Mission Statement

The Haddonfield Police Department is dedicated to protect and serve our community by providing professional and efficient police services. In partnership with the community, we strive to enhance the quality of life for all people by impartial and consistent enforcement of the law.

#### Core Values

**Integrity** - We are committed to maintaining the trust of our community by holding ourselves accountable to the highest standards of conduct, both on and off duty.

**Professionalism** – We will lead by example to promote an attitude of respect and fairness by honest and ethical enforcement of all laws, criminal, traffic, and municipal ordinances.

**Courage** – We will uphold and enforce the law in the face of fear, danger and adversity.



**3.1.3 Job Descriptions**

**3.1.4 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 directly responsible to the Appropriate Authority for its efficiency and day to day operations. Pursuant to policies established by the Appropriate Authority, the Chief of Police will adhere to the duties detailed in the established job description for his position.

**3.1.5 Captain of Police** – Refer to established job description.

**3.1.6 Lieutenant of Police** – Refer to established job description.

**3.1.7 Sergeant of Police** - Refer to established job description.

**3.1.8 Corporal of Police** – Refer to policy and procedure.

**3.1.9 Detective** - Refer to established job description.

**3.1.10 Police Officer** - Refer to established job description.

**3.1.11 Special Law Enforcement Officer (SLEO)** - Refer to established job description.

**3.1.12 Civilian Employees** - Refer to established job descriptions.

**3.1.13 Responsibilities, performance, supervisory accountability and adherence to job descriptions) - (Class 2 offense)** At every level within the agency, responsibility is accompanied by commensurate authority; and each member or employee is accountable for the use of delegated authority. Supervisory personnel are accountable for the performance of member or employees under their immediate control.

**Section 2 Professional Conduct and Responsibilities**

**3.2.1 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.

**3.2.2 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, or when an officer is in need of any type of aid.

**3.2.3 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.

**3.2.4 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.

**3.2.5 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.

**3.2.6 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 Haddonfield Borough 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.

**3.2.7 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 Haddonfield Borough Police Department or upon the department itself. This conduct includes but is not limited to:

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- 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 3      Duty Responsibilities**

#### **3.3.1 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.

#### **3.3.2 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.

#### **3.3.3 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.

#### **3.3.4 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.

#### **3.3.5 Knowledge of laws and regulations - (Class 4 offense)**

Member 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 Borough of Haddonfield, 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

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be presumed that the affected member was familiar with the law, ordinance, rule, regulation, policy, procedure, or order in question.

### **3.3.6 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. All lawful duties required by competent authority shall be performed as promptly as directed, notwithstanding the employee's general assignment of duties and responsibilities.

### **3.3.7 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.

### **3.3.8 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.

### **3.3.9 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.

### **3.3.10 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. Fighting or quarreling with members of the department is prohibited.

### **3.3.11 Rendering a Military Salute – (Class 5 offense)**

Uniformed officers and members in civilian dress will render full military honors to the national colors and anthem at appropriate times.

### **3.3.12 Criticism of official acts or orders – (Class 3 offense)**

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

### **3.3.13 Manner of issuing orders**

- A. Orders, either written or oral, 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)**

### **3.3.14 Unlawful orders – (Class 2 offense)**

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

### **3.3.15 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.

### **3.3.16 Improper orders – (Class 5 offense)**

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

### **3.3.17 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.

### **3.3.18 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.

### **3.3.19 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.

**3.3.20 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.

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

Pursuant to the provisions of, N.J.S.A. 2C:27-10, N.J.S.A. 2C:27-11, and N.J.S.A. 40A:9-22.5c and N.J.S.A. 40A:9-22.5f, and department policy, employees will not, nor will their family members:

- Use the employee's official position to secure unwarranted privileges.
- Solicit any gift, favor, loan, political contribution, service, promise of future employment or other thing of value based on the understanding that it was given or offered for the purpose of influencing the employee either directly or indirectly in the discharge of his official duties.
- Solicit, accept or agree to accept any benefit, whether the benefit inures to the public servant or another person, to influence the performance of the employee.
- 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.
- Use the employee's official position to advance a sexual relationship or obtain a sexual favor or for any other inappropriate reason.
- Display the department ID for any reason of the above reasons or any reason other than when necessary to identify that employee to advance a legitimate and lawful objective.
- Any employee receiving an offer, bribe, gratuity or other thing of value to permit an illegal act(s) will immediately report, in writing, the circumstances.

**3.3.22 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.

**3.3.23 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.

**3.3.24 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.

**3.3.25 Debts – incurring and payment – (Class 5 offense)**

- A. No employee shall 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.

**3.3.26 Personal preferment– soliciting – (Class 4 offense)**

Employees shall not seek influence or intervention with the Borough of Haddonfield Administrator, 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.

**3.3.27 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.

**3.3.28 Harassment – (Class 3 offense)**

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

**3.3.29 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.

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**3.3.30 Gossip (Class 3 offense)**

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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 in the department and in Borough government. 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.

Employees with information of such behavior shall report it to the appropriate supervisor, division commander, chief of police or other lawful authority as appropriate and consistent with department policy.

### **3.3.31 Circulating false information (Class 3 offense)**

Employees shall not make false or misleading statements about department or Borough government 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.

### **3.3.32 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.

### **3.3.33 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 foster a positive attitude amongst their subordinates and in so doing must endorse the policies, directives and decisions of their superiors.

### **3.3.34 Use of Force (Penalty based on gravity of the offense/violation)**

Employees shall follow department policy and procedure, state, county, and Federal guidelines on the use of force.

## **Section 4 General conduct**

### **3.4.1 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 or private business affairs. **(Class 2 offense)**
- C. Gambling, unless to further a police purpose (with approval 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)**



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- 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 Borough without supervisory approval – **(Class 3 offense)**
- I. Failing to have an operational telephone in the place of residence and provide that number to the Chief of Police – **(Class 5 offense)**
- J. Changing residence or telephone number without giving prompt and proper notification to the Chief of Police. - **(Class 5 offense)**
- K. Using the department computer system for personal business without approval from a member of the police administration. – **(Class 3 offense)**

**3.4.2 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. **(Class 2 offense)**
- B. 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)**
- C. 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)**
- D. Employees shall not consume intoxicating beverages within four hours prior to reporting for duty. **(Class 3 offense)**
- E. 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)**
- F. Any member who has a reasonable suspicion to believe that a fellow member of this department is under the influence of intoxicating liquor or drugs must immediately report such fact to his/her immediate supervisor. **(Class 2 offense)**
- G. 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)**
- H. Intoxicating beverages shall not at any time be consumed at the Borough Hall or on any police property whether owned or leased. **(Class 3 offense)**
- I. 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)**
- J. Off duty employees will not consume alcoholic beverages to the extent that:
  - 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).  
**(Class 4 offense)**

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- K. Employees shall not drink or be under the influence of alcoholic beverages while in the department uniform or any part thereof. **(Class 3 offense)**
  
- L. 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. **(Class 2 offense)**
- M. 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, or while operating any Borough owned vehicle. Exception: employees may meet or dine in a licensed establishment that is in business primarily a restaurant, if the establishment has a restaurant section separate from the bar. **(Class 3 offense)**
- N. All members shall fully comply with the departmental drug testing policy and procedures, and the Attorney's General Drug Testing Policy. **(Class 1 offense)**
- O. Employees shall not refuse to submit to lawful orders to undergo drug testing. **(Class 1 offense)**  
Any employee who produces a positive test results for unlawful drug use will be dismissed from employment after a fair and impartial hearing.
- P. 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 directed to use the medication by a physician.
  - 2. When employees are directed by a physician to take any prescription or non-prescription medication that might diminish their alertness or impair their senses, the employee shall notify the Chief of Police through the chain of command: 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.

**3.4.3 Positive Test results for illegal drug use (Class 1 offense)**

Any employee who produces a confirmed positive test result for illegal use of drugs will be:

- A. Dismissed from employment
- B. Included in a central registry maintained by the Division of State Police
- C. Reported to the County Prosecutor
- D. Permanently barred from sworn enforcement employment in the New Jersey

**3.4.4 Loitering – (Class 5 offense)**

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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.

### **3.4.5 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.

### **3.4.6 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.

### **3.4.7 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.

### **3.4.8 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”.

### **3.4.9 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.

### **3.4.10 Smoking 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.

### **3.4.11 Driver’s license – (Class 2 offense)**

Employees required to operate department vehicles in the performance of duty shall maintain a valid New Jersey driver’s license. If an Employee’s driver’s license is revoked or suspended, the employee shall immediately notify his immediate supervisor giving full particulars.

### **3.4.12 Crimes/offenses involving moral turpitude – (Class 1 offense)**

Any employee who commits a 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree crime, or any offense involving moral turpitude that touches his position as a police officer, shall be considered unfit for continued employment. Moral turpitude is defined as conduct that is considered contrary to community standards of justice, honesty, or good morals.

## **Section 5 Investigations, Communications and Correspondence**

### **3.5.1 Investigations – (Class 3 offense)**

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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 only copy or remove official records/reports from police headquarters in accordance with the procedures established for the release of department records. **(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. Employees shall be advised of, and permitted to invoke, all applicable constitutional and statutory rights, including consultation with their designated representative.

### **3.5.5 Unauthorized investigations - (Class 2 offense)**

Employees will not engage in 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.

### **3.5.6 Investigation Reports – (Class 4 offense)**

Employees will conduct proper, thorough and complete investigations and submit a properly written report within a reasonable or prescribed period of time.

### **3.5.7 Restrictions - (Class 4 offense)**

Employees are prohibited from the following:

1. Use of department letterhead for private correspondence.
2. Sending correspondences without approval of the appropriate supervisor.
3. Use of department mailing address and phone number for private purposes.

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4. Use of department telephone, fax machines and other devices for personal use involving toll charges without the approval of a supervisor.

### **3.5.8 Radio Discipline- (Class 4 offense)**

Employees operating police radios shall strictly observe the procedures and restrictions for such operations set forth in department policy and procedure.

## **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 departmental manual.

### **3.6.3 Assisting criminals**

Employees shall not directly or indirectly assist persons to escape arrest or punishment for any unlawful activity. **(Class 2 offense)**

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, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.

### **3.7.3 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 insolent, and disrespectful 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.
- Employees shall maintain a professional appearance, attitude and demeanor when on duty.
- Members shall maintain a professional, military bearing when on duty and in particular when in public.

**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)**

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

**3.8.14 Associating, fraternizing or conducting business with known criminals, etc. – (Class 3 offense)**

Employees should not have idle conversation, associate with or conduct business with known illegal gamblers, or persons engaged in unlawful activities. It is the responsibility of the individual employee to insure that all associations are with law abiding citizens.

**Section 9 Political Activities**

**3.9.1 Political activities prohibited – (Class 2 offense)**

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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, or where it undermines the public's confidence in their professional objectivity, and the objectivity of the police 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 Borough of Haddonfield unless authorized to do so by the county prosecutor.

### **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 – (Not classified)**

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 Duty of Employee to Appear and Testify - (Class 3 offense)**

Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation.

### **3.10.2 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.

### **3.10.3 Contact with the defense – (Class 3 offense)**

Any employee contacted by the defense in any legal or administrative proceeding brought by the township, or plaintiff in any legal or administrative proceeding brought against the township, shall immediately notify the Chief of Police.



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No employee, prior to obtaining the written approval of the Chief of Police, may appear to give testimony as a character witness for any defendant in a criminal trial or inquiry.

### **3.10.4 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.

### **3.10.5 Civil Action, Subpoena - (Class 4 offense)**

Employees shall not volunteer to testify in civil actions arising out of department employment and shall not testify unless subpoenaed. If the subpoena arises out of department employment or if the employees are informed that they are party to civil action arising out of department employment, they shall immediately the Chief of Police.

Employees shall confer with the Chief of Police or his designee prior to giving a deposition or affidavit on a civil case relating to their police employment.

### **3.10.6 Civil process – (Class 5 offense)**

Employees shall not serve civil process or assist in civil cases unless such service is approved by the Chief of Police or his designee.

### **3.10.7 Court appearances; subpoenas – (Class 3 offense)**

Employee shall honor all lawfully issued subpoenas and shall promptly appear for all scheduled judicial proceedings when notified by subpoena or other established departmental procedure. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official.

### **3.10.8 Court Appearance; manner of dress - (Class 5 offense)**

When appearing in court on department business, employees shall wear either the department uniform or appropriate business attire.

### **3.10.9 Jury Duty - (Class 5 offense)**

Employees shall respond to subpoenas for jury duty in accordance with law and police department policy.

## **Section 11 Department Firearms, Vehicles, Equipment and Property**

### **3.11.1 Firearms - (Class 4 offense)**

Employees shall follow department policy and procedure on handling of firearms while on and off duty. Employees shall not improperly use, handle or display their firearm.

### **3.11.2 Department property – (Class 4 offense)**

On duty: Employees shall carry all assigned equipment on duty as prescribed in department policy and procedure and based on their assignment.

Off duty: Employees shall carry equipment as prescribed in department policy and procedure.

### **3.11.3 Use and Care of Department equipment, facilities and property – (Class 5 offense)**

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Employees are responsible for the proper care of all equipment and property assigned to them. Employees are not permitted to use any department or Borough property/equipment for personal business or pleasure. Employees shall not mark, deface or otherwise alter department equipment, property and township facilities without permission from an appropriate supervisor.

### **3.11.4 Notices and Posting on Bulletin Boards and Walls – (Class 5 offense)**

Employees shall not mark any wall or surface in any department building or facility. No materials shall be affixed to any wall or bulletin boards without authorization from an appropriate supervisor, except those areas designated for use by the collective bargaining units.

### **3.11.5 Damaged or Inoperative Property or Equipment – (Class 5 offense)**

Employees shall immediately report to a supervisor any loss of or damage to department property or equipment assigned to or used by them. A supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment, property or facility.

### **3.11.6 Use of Department Vehicle – (Class 5 offense)**

Employees shall not use any department vehicles without the permission of a supervisor and no department vehicle shall ever be used for personal business or pleasure except as provided for in department policy. Citizens will be transported in department vehicles only during the course of official police actions. Ignition keys will not be left inside a police vehicle when unattended. An exception may be granted for recharging a vehicle battery as long as the vehicle is kept under video surveillance.

### **3.11.7 Operation of Department Vehicles – (Class 4 offense)**

When operating department vehicles, all employees will comply with the department policy and procedure, and shall not violate traffic laws except in cases of emergency and then only in conformity with all laws regarding the operation of motor vehicles in the State, and in conformity with department policy.

### **3.11.8 Reporting Accidents – (Class 4 offense)**

Accidents involving department personnel, property, equipment and vehicles must be reported immediately to a department supervisor.

### **3.11.9 Unauthorized Recording by members or employees of the department - (Class 4 offense)**

No member or employee of the department whether on-duty or off-duty while on borough property, in a borough vehicle or during the performance of their duties, will wear, conceal on their person or otherwise utilize a surreptitious recording device without the authorization of the Chief of Police. All personal recording devices are prohibited on township property or in township vehicles. **(Class 4 offense)**

### **3.11.10 Liability – (Not classified)**

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If department property or equipment is damaged or lost as a result of misuse, neglect or negligence, by an employee, that employee will be held liable to reimburse the department for the damages or loss and is subject to disciplinary action.

**Presumption of Responsibility** In the event that municipal 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.

### **3.11.11 Surrender of Department Property and Equipment – (Not Classified)**

Upon separation from the department, all employees are required to surrender all department property in their possession upon separation from service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of that article.

Under Suspension: Any employee under suspension shall immediately surrender their police identification, firearm(s), and all other department property to the appropriate supervisors pending disposition of the matter.

### **3.11.12 Inspection (Class 4 offense)**

Departmental property and equipment including but not limited to vehicles, desks, lockers, cabinets supplied for the mutual convenience of the department and its personnel is and remains the property of the department. All employees will submit to entry and inspection of these areas without notice.

## **Section 12 Property and Evidence**

### **3.12.1 Property and Evidence Collection – (Class 3 offense)**

Employees will thoroughly search for, collect, preserve and identify evidence; or person's property and locations in any arrest or investigation.

### **3.12.2 Property and Evidence Procedures – (Class 4 offense)**

All employees shall follow department procedures and policies for the handling of evidence and property, personal effects, and all other property taken into custody.

## **Section 13 Personnel Regulations**

### **3.13.1 Hours of duty (Class 3 offense)**

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.

- Employees shall report promptly for the duty hours assigned.
- 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.

### **3.13.2 Sick leave/workman's compensation – (Class 2 offense)**

- A. All employees will adhere to department policy and procedure regarding attendance.
- B. Employees will not exceed their allotted sick leave.

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- C. Employees who exceed their allotted leave are absent without leave.
- D. 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.

**3.13.3 Absences without leave for five consecutive days – (Class 2 offense)**

- A. Members shall not be absent without leave and superiors shall immediately report to the Chief of Police any employee who is absent without leave.
- B. Except as otherwise provided by law, any permanent member or officer of this police department who shall be absent from duty without 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). **(Class 1 offense)**

**3.13.4 Vacation, Sick time and Other leaves – (Class 5 offense)**

Unless otherwise noted, employees are entitled to vacation, sick time and other leaves as provided for in collective bargaining agreements, by law, by department policy and procedure, subject to the approval by the appropriate supervisor.

**3.13.5 Suspension of Leave – (Not classified)**

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

**3.13.6 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.

**3.13.7 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.

**3.13.8 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 Borough has the right to rely on the resignation and it will be considered non-rescindable.

**3.13.9 Secondary employment – (Class 4 offense)**

Employees may engage in secondary employment only when it is consistent with departmental policy and those privileges provided under collective bargaining agreements,

employment agreements or personal service contracts, and after notifying the Chief of Police of the employment.

## **Section 14 Uniforms and Appearance**

### **3.14.1 Regulation Uniform Required - (Class 5 offense)**

All police officers and uniformed civilians shall maintain uniforms prescribed in the department policy and procedure. Uniforms shall be kept neat, clean and well-pressed at all times. Employees shall wear the uniform or civilian attire on duty as prescribed for their current assignment.

### **3.14.2 Wearing Jewelry on Duty - (Class 5 offense)**

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

### **3.14.3 Personal Appearance - (Class 5 offense)**

All employees, while on duty, shall be neat and clean consistent with department policy and procedure.

## **ARTICLE 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. Insure 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 Factors**

Disciplinary action shall be imposed to accomplish the purposes of the disciplinary process and shall take into account all of the aggravating and mitigating factors of the case, including, but not limited to:

- A. Nature of the offense.
- B. The disciplinary record of the accused officer.
- C. The need to deter the accused officer or other officers from similar conduct.
- D. The harm or potential for harm resulting from the conduct.

**4.1.3 Disciplinary action**

Department employees, regardless of rank, shall be subject to disciplinary action, according to the nature of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey, the Borough of Haddonfield Municipal Code, and the general standards of conduct required of all police officers in the State of New Jersey as required by N.J. S. A 40A:14-128 or failure, either willfully or through neglect or incompetence, to perform the duties of their rank or assignment; or for violation of any rule, procedure or written directive of the department; or for failure to obey any lawful instruction, order or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case and in conformity with controlling state law.

**4.1.4 Penalties**

The department shall establish a scale of penalties that may be assessed against any employee of the department as disciplinary action:

- A. Minor Discipline – employee not entitled to a Disciplinary Hearing
  - 1. Oral reprimand
  - 2. Written reprimand
  
- B. Major Discipline – employee entitled to Disciplinary Hearing
  - 1. Suspension with pay
  - 2. Suspension without pay
  - 3. Monetary fine
  - 4. Surrender of leave time in lieu of other action
  - 5. Loss of promotion opportunity
  - 6. Demotion
  - 7. Removal/Termination/Discharge from Employment
  
- C. Although not acts of discipline, **non-disciplinary corrective measures** in the purview of the Chief of Police, his designee, or other assigned Hearing Officer to take to ensure the employee's development and future success may always be assessed in conjunction with sanctions taken in a disciplinary action, including counseling, training, transfer or reassignment, coaching and mentoring.

**4.1.5 Cause for removal**

Any one of the following may be cause for removal from the service, known also as termination and discharge from employment, although removals may be made for sufficient causes other than those listed:

- A. Neglect of duty.
- B. Incompetence or inefficiency.
- C. Incapacity due to mental or physical disability.
- D. Insubordination or serious breach of discipline.
- E. Intoxication while on duty.

- F. Illegal drug usage.
- G. Chronic or excessive absenteeism.
- H. Disorderly or immoral conduct.
- I. Willful violation of any of the provisions of the rules and regulations or other statutes relative to the employment of public employees.
- J. The conviction of any criminal act.
- K. Negligent or willful damage to public property or waste of public supplies.
- L. Conduct unbecoming an employee in the public service.
- M. Conduct unbecoming a police officer.
- N. The use or attempted use of one's authority or official influence to control or modify the political action of any person.
- O. Lying, misrepresentations, falsifications in written/oral reporting or official inquiry.

**4.1.6 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.

**4.1.7 Relationship of penalties to offense**

The information contained herein is intended to guide the Chief of Police, his designee, or other assigned Hearing Officer 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 Chief of Police, his designee, or other assigned Hearing Officer may elect to impose.

**4.1.8 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:
  - 1<sup>st</sup> offense – dismissal**
- B. **Class 2 Offense** – Violation of any rule designated as a Class 2 Offense may result in disciplinary action as follows:
  - 1<sup>st</sup> offense – 3 day suspension to dismissal**
  - 2<sup>nd</sup> 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 disciplinary action as follows:
  - 1<sup>st</sup> offense – reprimand to 6 month suspension**
  - 2<sup>nd</sup> 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 disciplinary action as follows:
  - 1<sup>st</sup> offense – reprimand to 30 day suspension**
  - 2<sup>nd</sup> 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 disciplinary action as follows:
- 1<sup>st</sup> offense – reprimand to 5 day suspension**
  - 2<sup>nd</sup> offense – reprimand to 30 day suspension**
  - 3<sup>rd</sup> or subsequent offense – 5 day suspension to dismissal**

**4.1.9 Authority to impose major discipline**

The Chief of Police, his designee, or other assigned Hearing Officer 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.

**4.2.2 Discipline by supervisory personnel with approval by the Chief or his designee**

Supervisory personnel may take the following disciplinary measures:

- A. Oral reprimand.
- B. Written reprimand.
- C. Emergency suspension with pay until the next business day.
- D. Written recommendations for other penalties.

**4.2.3 Emergency suspensions**

- A. Any supervisor may immediately suspend an employee from duty until the next business day, 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 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.



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The emergency suspension will immediately be reported to the Chief of Police or his designee prior to applying the suspension.

- B. A member 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.
- C. The Chief of Police or his designee will determine if that Emergency Suspension will continue, and will direct other appropriate action be taken in conformance with these Rules and Regulations. The Chief of Police shall report the action to the Appropriate Authority.
- D. 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.

### **4.2.4 Emergency inter-departmental disciplinary action**

When the improper conduct of a member or employee of one division\bureau\unit 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. Written reprimand.
- C. Emergency suspension until the next business day.

### **4.2.5 Inter-departmental oral and written reprimand**

When the commanding or supervisory officer of one division issues an oral or written reprimand to a member or employee of another division, he shall notify the supervisor of the member or employee so disciplined as soon as possible and the Chief of Police.

### **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 (except for oral reprimands), 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 his commanding officer.

**4.2.11 Investigator's authority**

Investigators assigned to an investigation are the direct representative of the Chief of Police and, as such, shall receive the cooperation of all employees of the department while conducting their investigations. The sole responsibility of the investigator shall be the gathering of all the facts regarding the allegations. In doing so, he/she must remain objective and thorough when submitting his report.

His/her opinions, conclusions, or personality shall not be interjected into the case. By adhering to the foregoing principles, the case can be concluded with optimum fairness for all persons concerned.

**Section 3 Departmental Disciplinary Hearings**

**4.3.1 Charges**

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When an internal investigation establishes probable cause that a member is guilty of violating a department rule or regulation, penalty for which entitles the member to a hearing as provided for in section 4.4.1, a **Notice of Charge and Hearing** shall be prepared and personally served upon the member. The charges shall contain:

- A. The name and title of the member against whom the action is being taken.
- B. The rule, regulation, law or ordinance violated; or a description of other misconduct being charged.
- C. Specification of the alleged facts upon which the charges are based.
- D. The time, date and place at which the hearing is scheduled to be held.
- E. The signature of the proper authority and his official title.

### 4.3.2 Disciplinary Hearings

- 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 hearings 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 or his designee will assign a Command Officer to present the disciplinary charges and the evidence in support of the charges in the Disciplinary Hearing, unless the Chief of Police will present the charges.
- G. The Chief of Police or his designee shall be the Hearing Officer charged with the responsibility of schedule and conduct the necessary hearing(s) for the disciplinary charges, unless in the judgment of either the Chief of Police or the Director of Public Safety, a Disciplinary Hearing for departmental charges is appropriately heard before the Director of Public Safety or an independent Hearing Officer, retained for the Borough by the Director of Public Safety.
- H. If the Chief of Police is charged, the Director of Public Safety shall consult with the County Prosecutor as to the assignment of an appropriate hearing officer.

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- I. The Hearing Officer is responsible to prepare a written report of his findings of fact and recommendations as to violations and quantum and penalty, if a penalty is assessed.
- J. The Hearing Officer is empowered to sustain, modify in whole or in part, or dismiss the charges sustained in the complaint.
- K. 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 or procedure.
- L. The Hearing Officer may, at his/her discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the Hearing Officer may exclude all persons not having a direct interest in the matter being heard.
- M. The Hearing Officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- N. 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.
- O. 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.
- P. All hearings may (in the discretion of the 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.
- Q. After considering all the evidence in support and in defense of the particular charge of misconduct or violation of rules and regulations, the respective hearing officer shall consider same and render his verdict as soon as practical thereafter.
- R. Although the verdict may be verbal at the time of the hearing, the determination must be reflected upon a final notice of disciplinary action that must be personally served upon the respective member as soon as practical after the termination of said disciplinary hearing. If the Chief of Police was not the Hearing Officer, a copy of the decision will be forwarded to the Chief of Police.
- S. The decision of the Hearing Officer shall be final as it pertains to determining punishment.
- T. The Hearing Officer must fix any of the following punishments which it deems appropriate under the circumstances
  - 1. Oral reprimand
  - 2. Letter of Reprimand
  - 3. Transfer/reassignment
  - 4. Suspension without pay

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5. Suspension by forfeiting accumulated vacation or comp time
6. Demotion
7. Termination

Although not acts of discipline, the Hearing Officer may assess **non-disciplinary corrective measures** in conjunction with sanctions taken in a disciplinary action, to ensure the employee's development and future success, including counseling, training, coaching and mentoring.

- U. Upon completion of the hearing, Internal Affairs will coordinate and record the findings of the hearing and if charges were sustained, the disposition report shall be permanently placed in the employee's personnel file.
- V. The member's Division Commander will be notified to take the disciplinary measures assessed by the Hearing Officer.

### 4.3.3 Appeals

- A. Any member of the department who has been tried and convicted upon any disciplinary charge or charges may obtain review in accordance with applicable collective bargaining agreements and with N.J.S.A. 40A:14-150.
- B. Such review shall be obtained by serving a written notice of the application therefore upon the Chief of Police within ten (10) days after the written notice to the member of his conviction.
- C. The Chief of Police 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.
- D. The court shall hear the case *de novo* on the record below and may either affirm, reverse or modify such conviction. If the member shall have been removed from his position, the court may direct that he be restored to such position and all his rights pertaining thereto, and may make such other ordered judgment as said court shall deem proper.
- E. Either the Borough or the member may supplement the record with additional testimony subject to the rules of evidence.

## Section 4 Members Rights during Departmental Investigations and Disciplinary Hearings

### 4.4.1 Hearing

Each member is entitled to a hearing for any charge that exposes the employee to discipline as follows:

- A. Surrender of leave time
- B. Monetary fine
- C. Suspension with pay
- D. Suspension without pay
- E. Loss of promotion opportunity
- F. Demotion
- G. Termination

### 4.4.2 Confidentiality

Other than the official findings and attendant penalties, every internal investigation and subsequent disciplinary hearing shall be considered privileged and confidential information and same shall not be made public and/or released to any non-governmental agency.

#### 4.4.3 Scope of interviews

Investigations shall be limited to matters of legitimate concern to the police department. Those issues include:

- A. Violation of any federal or state statute or local ordinance.
- B. Violation of any rule, regulation, policy, procedure, written directive or order of the police department.
- C. Activities, circumstances, conditions or events that:
  1. Threaten the safety of the public or the employees of the department;
  2. Threaten efficiency, discipline or good order of the department;
  3. Damage the reputation or integrity of the police department;
  4. Diminish the ability of the police department to carry out its public safety function.
- D. The fitness of continued employment of any employee.
- E. The performance of official duties of any employee of the police department.
- F. The conduct of any employee that may form the basis for disciplinary action.

#### 4.4.4 Conduct of interviews

- A. All employees have a duty to answer all questions truthfully and completely.
  1. Truthfulness is the key to the proper function of any police department. Officers must know that during any official inquiry they are not at liberty to decide when they will tell the truth. Officers must be truthful at all times. When an officer willfully lies in an official inquiry he:
    - a. Frustrates the investigative effort that he is obligated to assist.
    - b. Destroys his own credibility, which is an essential tool for the completion of his duties.
    - c. Damages the credibility of the department and the law enforcement community as a whole.
    - d. Frustrates the law enforcement function that he is sworn to uphold.
  2. Integrity is the most critical of all minimum requirements to function effectively as a police officer. When it is lost, the ability to carry out the duties of a police officer are lost with it. For these reasons the standard penalty for lying in any official inquiry will be termination.
  3. An officer may not be subject to dismissal for a specific act of misconduct, however, if he lies about it he surely will.

**(Employees may not lie for any reason. "Our legal system provides methods for challenging the government's right to ask questions – lying is not one of them". LaChance v. Erickson, United States Supreme Court)**

- B. No questioning or investigative effort shall be initiated arbitrarily for personal or other reasons that are unrelated to the maintenance of departmental efficiency or integrity.

- C. During the course of an investigation, employees have a duty to voluntarily disclose any relevant information that may assist in proving or disproving an allegation under investigation.

**4.4.5 Due process**

Although the department can utilize any form of investigative procedure pursuant to an internal investigation that is fair and reasonably calculated to achieve its objective, the nature or utilization of same must not violate the basic concepts and substantive due process of law.

**4.4.6 Coercion**

Although cooperation of an employee is demanded under exposure to disciplinary action (including job forfeiture), said employee shall not be questioned or subjected to investigative efforts under circumstances that would render such statements void as being coerced.

**4.4.7 Advisement of member**

- A. Exclusive of the normal reporting duties incidental to the performance of official duties, a member subjected to questioning shall be advised of the following:
- Whether he is being questioned or required to submit to investigative efforts as a suspect or a witness.
  - The identity of his interrogator as well as the identity of all persons present at the time of the interrogation.
  - The nature of the investigation and facts sufficient to apprise the member of the existing allegations.
- H. Nothing in this section shall prohibit any supervisory officer from questioning an employee in an emergent situation when such questioning appears immediately necessary to insure the public safety or to preserve the order of the police department.
- I. Nothing in this or any other section shall be deemed as justification for an employee providing false information.

**4.4.8 Time limitations**

Consistent with state statute and Borough code, a formal charge must be filed against a member within a reasonable time after an investigation indicates probable cause of the existence of the alleged or suspected misconduct is made known.

**4.4.9 Representation**

Employees are entitled to have a representative of their choice in attendance during an internal affairs interview. The investigator shall allow any employee a reasonable amount of time for the desired representative to attend. The representative shall be an observer only and may not actively participate in the interview.

**4.4.10 Polygraph**

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.

**4.4.11 Settlement agreement**

Nothing shall preclude a member from directly negotiating a settlement agreement for the disposition of a discipline matter with the Chief of Police or his designee, or with the Borough Administrator when he is the Hearing Officer. If a settlement is reached concerning the disposition of a pending disciplinary matter, a written Memorandum of Agreement as to disciplinary action shall be fully executed by the effected member and the Chief of Police or his designee.