

**PENNINGTON BOROUGH
POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**



RULES AND REGULATIONS

BY THE ORDER OF:

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APPROPRIATE AUTHORITY:

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CHAPTER 1

INTRODUCTION

1:1. ESTABLISHMENT OF THE PENNINGTON BOROUGH POLICE DEPARTMENT

1:1.1 Legal Authorization

The Pennington Borough Police Department, in Mercer County is established pursuant to N.J.S.A. 40A:14-118 and the Borough of Pennington Municipal Code §46-1 and shall hereafter be referred to as the "Pennington Borough Police Department."

1:1.2 Rules and Regulations Established

The "Appropriate Authority" of the Borough of Pennington hereby adopts and promulgates the Department Rules and Regulations, in accordance with the Borough of Pennington Municipal Code §46-3 and shall be known as the "Pennington Borough Police Department Rules and Regulations."

1:1.3 Right to Amend or Revoke

The "Appropriate Authority" of the Borough of Pennington reserves the right, as the representative of the governing body, to amend or revoke any of the rules and regulations contained herein.

1:1.4 Previous Rules, Policies and Procedures

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

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter, Section and Subsection Designation

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

1:2.2 Chapter and Section Sequence

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

1:2.3 Subsection Sequence

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

1:2.4 Series Lettering

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

1:2.5 Flexibility of System

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

1:3 RULES AND REGULATIONS MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn employees and to all civilian employees of the department, where appropriate.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department through the PowerDMS software, similar software and/or manual distribution.

1:3.3 Responsibility for Maintenance

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

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations.

1:3.5 Severability

If for any reason any section of these Rules and Regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to affect any other sections or provisions of this document. No section of these Rules and Regulations shall supersede any current collective bargaining agreements.

1:4 DEFINITION OF TERMS

1:4.1 Acting

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

1:4.2 Annual Leave

Leave granted to all employees annually in accordance as provided by law, ordinance or collective bargaining agreement.

1:4.3 Appropriate Authority

Pursuant to the Borough of Pennington Municipal Code §46-3, the Borough Council of the Borough of Pennington shall be designated as the "Appropriate Authority".

1:4.4 Authority

Authority is the statutory or written directive vested right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the rules and regulations, and those persons in violation shall be subject to disciplinary action.

1:4.5 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.

1:4.6 Chief of Police

The Chief of Police shall be the highest-ranking sworn member of the Pennington Borough Police Department.

1:4.7 Days Off

Those days on which a given employee is excused from duty by the Chief of Police or designee is not required to report to duty.

1:4.8 Department

The Pennington Borough Police Department.

1:4.9 Detail

A temporary assignment of personnel for a specialized activity.

1:4.10 Employee

All employees of the department, whether sworn officers or civilian employees.

1:4.11 Gender

The use of the masculine gender in any written directive or rules and regulations includes the female gender, when applicable.

1:4.12 Incompetence

Incapable of satisfactory performance of police duties.

1:4.13 Insubordination

A course of conduct including but not limited to, failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language toward or concerning a superior officer.

1:4.14 Lawful Order

Any written or verbal directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

1:4.15 May/Should

As used herein, the words “may” and “should” mean that the action indicated is permitted, expected or encouraged.

1:4.16 Member

Any duly sworn police officer of the department.

1:4.17 Military Leave

The period of time during which an employee is excused from duty for service with the active or reserve armed forces of the United States or of the State of New Jersey, as provided by law, ordinance or collective bargaining agreement.

1:4.18 Neglect of Duty

Neglect of duty is the failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from the zone/post during the tour of duty; failure to perform duties or comply with provisions prescribed in the rules and regulations and written directives, and failure to conform to the department operating procedures.

1:4.19 Off-Duty

The status of an employee during the period he is free from the performance of specified duties. Members are subject to recall at all times.

1:4.20 On-Duty

The status of an employee during the period of day when he is actively engaged in the performance of his duties.

1:4.21 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.

1:4.22 Post

Assignment to a specified location, for a fixed period of time, to address a specific police purpose.

1:4.23 Plurality of Words

The singular includes the plural, and the plural includes the singular.

1:4.24 Probationary Police Officer

Any member of the police department serving a satisfactory training and evaluation period prior to permanent appointment to the department.

1:4.25 Probationary Period

Pursuant to the Borough of Pennington Municipal Code §46-4, the probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment, as pursuant to N.J.S.A. 52:17B-66 et seq.

1:4.26 Shall/Will

As used herein, the words "shall" and "will," mean the action required is mandatory.

1:4.27 Shift

Any assigned tour of duty in accordance with existing collective bargaining agreements.

1:4.28 Staff Supervision

Staff supervision is 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.

1:4.29 Subordinate

A member lower in rank than his superior officer.

1:4.30 Superior Officer

A member holding the rank of Sergeant or higher.

1:4.31 Supervisor

An employee, usually holding the appropriate rank, assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

1:4.32 Tense of Words

The words used in the present tense include the future.

1:4.33 Tour of Duty

The period of time during which a member of the department is assigned to active duty.

1:4.34 Zone/Sector

A geographical area administratively designated for purposes of investigation, supervision or patrol.

1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous and calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...**LAW ENFORCEMENT**.

1:5.3 All employees of the Police Department shall read and abide by The New Jersey Ethics Law. (N.J.S.A. 40A:9-22.1 et. seq.)

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 Mission Statement

As officers and staff of the Pennington Borough Police Department, we are dedicated to serve and protect the citizens, visitors and workers of this community. The mission of this police department is to protect life and property, to uphold the law and to reduce the fear of crime in Pennington Borough. This agency will provide service with understanding and police with diversity, fairness and compassion. We strive to perform our responsibilities with integrity and honor, while upholding the Constitutional rights of all individuals.

The staff and sworn officer of the Pennington Borough Police Department.

1:6.2 Core Values

Our core values are *Integrity, Honor, Fairness, and Compassion*.

CHAPTER 2

ORGANIZATION

2:1 GENERAL DUTIES AND RESPONSIBILITIES

2:1.1 Chief of Police

1. Pursuant to N.J.S.A. 40A:14-118, and the Borough of Pennington Municipal Code §46-8, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations of the Pennington Borough Police Department, and shall, pursuant to policies established by the appropriate authority:
 - a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
 - b. Have, exercise, and discharge the functions, powers, and duties of the force;
 - c. Prescribe the duties and assignments of all subordinates and other personnel;
 - d. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and
 - e. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month and make such other reports as may be requested by such authority.

2:1.2 Commanders and Supervisors

Commanders and supervisors shall be able to perform all of the general duties of a police officer. Commanders and supervisors shall:

1. Enforce department rules and ensure compliance with department policies and procedures.
2. Exercise proper use of their command, within the limits of their authority, to assure efficient performance by their subordinates.
3. Exercise necessary control over their subordinates to accomplish the objectives for the department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use department disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the department disciplinary process.
7. Conduct themselves in accordance with high ethical standards, on and off-duty.

2:1.3 Police Officers

Police officers shall:

1. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department.
2. Abide by all rules, regulations and department procedures and directives governing police officer employees.
3. Be accountable and responsible to their supervisor for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for their current assignment.
8. Perform their duties promptly, faithfully and diligently.
9. Perform all related work as required in a timely fashion.
10. Take appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;
 - c. Detect and arrest violators of the law;
 - d. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
 - e. Safeguard the rights of individuals as provided by the United States Constitution and Constitution of the State of New Jersey;
 - f. Safely and expeditiously regulate traffic;
 - g. Aid citizens in matters within police jurisdiction;
 - h. Take appropriate police action in aiding fellow officers as needed;
 - i. Provide miscellaneous services.

2:1.4 Civilian Employees

Civilian employees shall:

1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.

3. Be accountable and responsible to their supervisors for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.
8. Abide by all rules, regulations and department procedures and directives governing civilian employees.
9. Perform all related work as required.

CHAPTER 3

RULES OF CONDUCT

3:1 PROFESSIONAL AND GENERAL CONDUCT

3:1.1 Standards of Conduct

Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

3:1.2 Loyalty

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

3:1.3 Cooperation

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

3:1.4 Assistance

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

3:1.5 Performance of Duty

All employees shall promptly perform their duties as required or directed by law, rules and regulations or written directive, or by lawful order of a superior officer.

3:1.6 Action Off-Duty

While off-duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department written directive.

While off-duty, police officers who take any police related action or any other action which may touch upon or reflect upon their position with the Pennington Borough Police Department shall notify the highest-ranking officer on duty as soon as possible and shall submit a written report to the Chief of Police as soon as practical.

3:1.7 Obedience to Laws, Ordinances, Rules, and Written Directives

Employees shall obey all laws, ordinances, rules, and written directives of the department.

3:1.8 Withholding Information

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

3:1.9 Reporting Violations of Laws, Ordinances, Rules, and Written Directives

Employees knowing of other employees violating laws, ordinances, rules and written directives of the department, shall report same to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, the chain of command may be bypassed.

Employees charged with violating laws or ordinances shall report same immediately to the Chief of Police through the chain of command.

3:1.10 Neglect of Duty

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

3:1.11 Insubordination

Employees shall not:

1. Fail or refuse to obey a lawful order given by a supervisor;
2. Use any disrespectful or abusive language/action towards a supervisor.

3:1.12 Conduct Toward Other Department Employees

Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on-duty and in the presence of the public, an officer shall be referred to by rank.

3:1.13 Compromising Criminal or Traffic Cases/Investigations

Employees shall not interfere with the proper administration of justice.

3:1.14 Recommending Attorney and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.

3:1.15 Posting Bail

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

3:1.16 Use of Force

Members shall follow New Jersey State Law and department written directive on the use of force.

3:1.17 Physical and Mental Fitness for Duty

Police officers are required to be capable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Officers, who are aware of any reason why they are incapable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others, shall notify their supervisors. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other action. The department reserves the right in appropriate cases to require

medical clearance before allowing the member to return to regular duties. Nothing contained herein shall supersede any current collective bargaining agreements.

3:1.18 Driver's License

Employees operating department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost the employee shall immediately notify the Chief of Police giving full particulars.

3:1.19 Address and Telephone Numbers

Employees are required to have a telephone or cellular phone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within twenty-four (24) hours of the change. Upon receipt of this information, the supervisor will immediately forward the change to the Office of the Chief of Police.

3:2 ISSUING ORDERS

3:2.1 Manner of Issuing Orders

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

3:2.2 Unlawful Orders

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

3:2.3 Improper Orders

No supervisor shall knowingly issue an order, which is in violation of any department rules and regulations or written directive.

3:3 RECEIVING ORDERS

3:3.1 Questions Regarding Orders

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

3:3.2 Obedience to Unlawful Orders

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

3:3.3 Obedience to Improper Orders

Employees, who are given any order which is contrary to department rules and regulations or written directive, must first obey the order to the best of their ability, and then report the improper order as provided in 3:3.5.

3:3.4 Conflicting Orders

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

3:3.5 Reports of Unlawful or Improper Orders

An employee receiving an unlawful or improper order shall advise the issuing supervisor of his/her belief that the order in question is unlawful or improper. If the matter is not resolved, the officer shall at first opportunity, report in writing to the next highest-ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted at the direction of the Chief of Police or designee.

3:3.6 Criticism of Official Acts or Orders

Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

3:4 POLICE RECORDS AND INFORMATION

3:4.1 Release of Information

Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department written directives.

3:4.2 Department Records

Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under department written directives.

3:4.3 Reports

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

3:5 GIFTS, REWARDS, ETC.

3:5.1 Soliciting Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Except as stated herein, employees shall not under any circumstances solicit any gift, gratuity, fees, rewards, loans, etc. where there is any direct or indirect connection between solicitations and their department membership or employment. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Mercer County Prosecutor's Office. Employees shall not solicit for any organization that in anyway references their employment as an employee of the Borough of Pennington without the knowledge of the Chief of Police or designee pursuant to the standards set forth above. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq.

3:5.2 Acceptance of Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Employees shall not accept either directly or indirectly any gift, gratuity, fees, rewards, loans, etc. or any other thing of value arising from or offered because of his police employment or any activity connected with said employment or employment with the Borough or which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift, gratuity, fees, rewards, loans, etc. from other employees without the express prior written permission of the Chief of Police or designee. Employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that which may be authorized by the law and the Chief of Police or designee.

3:5.3 Other Transactions

Every employee is 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 or designee.

3:5.4 Disposition of Unauthorized Gifts and/or Gratuities

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

3:5.5 Debts - Incurring and Payment

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
3. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.
5. Employees shall promptly pay all just debts and legal liabilities incurred by them.

3:5.6 Intercession – Soliciting

Employees shall not attempt to circumvent, undermine or improperly influence department procedures for determining promotions, assignments, disposition of disciplinary charges, appeals from department hearings, or related matters. Examples of circumventing, undermining or improperly influencing such procedures include, but are not limited to, soliciting unauthorized persons to intercede in such procedures, communicating or supplying information in a manner not authorized or permitted under such procedures, refusing to participate and/or cooperate in any investigation into alleged improper behavior. Members and employees may utilize the review, appeal and grievance procedures provided by statute, department rules and procedures, Borough ordinance or policy, and collective bargaining agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives. Any lawyer or union representative consulted shall not be permitted to speak on behalf of the employee and shall not interfere in any investigatory process, including a prohibition against delaying the process.

3:6 ALCOHOLIC BEVERAGES AND DRUGS

3:6.1 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage (any beverage containing alcohol) (hereinafter "alcohol") or illegal drugs (including the illegal use of prescription drugs) (hereinafter "drugs") or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence of/or has alcohol or drugs in the employee's system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol or drugs as tested by blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of alcohol or drugs and shall immediately relieve of duty and service weapon any employee found on duty in such condition. Supervisors shall not allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or drugs. The superior officer shall submit a written report of the incident to the Chief of Police or designee. (See Procedures for Employees Using Prescription Drugs in a Legal Manner Under Section 3 below)
2. Employees of the department shall not drink alcohol while on duty, or take any drug as defined herein, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink alcohol or take drugs while in uniform or during any activity where the employee is acting as a representative or has identified himself as an employee of the Department. An employee, while assigned to duty in civilian clothes, may use alcohol or drugs only when necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Employees should not, to the extent possible, engage in any behavior that could put him/herself in danger or the public in danger after consuming alcohol or drugs, for example, driving. All use of alcohol or drugs used in the performance of an employee's duty must be documented in writing, detailing the reasons therefore and the amounts consumed as soon as possible after such consumption. An employee may be subject to testing to confirm the level of alcohol/drugs in their system.
3. Taking Prescription or other Medication While on Duty/Notification about Medication – Pursuant to the Americans with Disabilities Act, 42 U.S.C. §12112, ("ADA") employees of the department shall disclose to the Chief of Police that they are taking medication (prescription or non-prescription) that may affect their ability to perform their duties, including but not limited to using a firearm, operating a radio, or operating a motor vehicle. Such employee shall also disclose the expected duration of their use of such medication. Medical information may be disclosed to supervisors where they need such information to provide a reasonable accommodation or to meet an employees work restrictions. The department reserves the right in appropriate cases to require medical clearance before allowing the employee to return to regular duties. The department reserves the right to take appropriate action in the case of any employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication who has failed to give proper advance notification.
4. Alcohol may not be consumed at or in the police station or ancillary facilities.
5. No uniformed employee shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which alcohol is served or sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcohol is not the primary function (e.g., certain diners and restaurants)

which have a liquor license). If an employee is unclear whether an establishment would violate this section, he should contact his supervisor.

6. Employees shall not bring into or keep any alcohol or drugs on department premises except when necessary in the performance of a police related task. Alcohol or drugs brought into department premises in the furtherance of a police related task shall be properly identified and stored according to department written directives.
7. Any employee reporting for duty with the odor of alcohol on his breath or appearing to be under the influence may be subject to testing as set forth in Section 3:6.1.
8. No liquor license shall be held by any police officer, or by any profit corporation or association in which any police officer is interested, directly or indirectly.
9. Pursuant to law, members of the Pennington Borough Police Department may not be employed by a business located in the Borough, which is licensed to sell alcoholic beverages in New Jersey. Members of the Pennington Borough Police Department may be employed by such licensed businesses, which are located outside the Borough of Pennington with prior notice to the Chief of Police and under the following legal conditions:
 - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

When a licensee has circumstances that require the use of trained police officers to provide crowd or traffic control or security for money, the municipality may assign regular police officers to the licensed premises for these purposes. The municipality may either bill the licensee for such cost or may require the licensee to prepay for the services. In no event, however, may the licensee directly hire or pay these police officers. (See N.J.A.C. 13:2-23.31; N.J.S.A. 33:1-26.1).

The Chief of Police or designee retains the right to advise any police officer that for the good of the department or for other operational reasons (including but not limited to the ability to work overtime), the officer cannot obtain or retain such employment.

3:6.2 Substance Testing

1. Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and any policy mandated by the Mercer County Prosecutor.
2. Random drug screening shall be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing and any policy mandated by the Mercer County Prosecutor.

3:7 DUTY CONDUCT

3:7.1 Reporting for Duty

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

3:7.2 Absence from Duty

Every member who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence must be reported in writing to the supervisor immediately. Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave. Absences without leave in excess of one day must be reported in writing to the Chief of Police or designee. Except as otherwise provided by law, any member who is absent from duty without just cause or leave of absence, for a continuous period of 5 days shall cease to be a member of the Department, pursuant to N.J.S.A. 40A:14-122.

3:7.3 Harassment in the Workplace

All employees of the department shall adhere to the written directive established by the Chief of Police and the Borough of Pennington regarding Harassment in the Workplace.

3:7.4 Civil Rights

All employees shall observe and respect the civil rights of all persons.

3:7.5 Work Expectation

Employees are expected to perform their duties to the best of their abilities at all times.

3:7.6 Retaliation

No employee shall take any official action or initiate or engage in any conduct with the intention to retaliate against any person for criticizing or complaining about any employee. This shall not apply to situations where employees are disciplined for engaging in actions, which constitute insubordination.

3:7.7 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees may be transferred to another shift or assignment. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the Chief of Police or designee. Failure to report such a relationship may subject the involved employees to discipline.

3:7.8 Smoking

P.L. 2009, C.182 "NJ Smoke-Free Air Act" approved July 20, 2010, provides for an employer's obligation to establish a policy protecting the health, welfare and comfort of employees from those employees who smoke tobacco, to include electronic smoking devices. That written directive must establish designated non-smoking areas. It is the policy of this department not to allow smoking in any office or vehicle assigned to the Pennington Borough Police Department. Employees desiring to smoke may do so outside or in an area designated for smoking. It is the rule of this department not to allow smoking in any designated crime scene area.

3:7.9 Distracters

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.

3:7.10 Relief

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

3:7.11 Meals/Breaks

All meals/breaks are to be consumed within authorized areas, or if properly signed out and acknowledged on police radio at a known location subject to modification by the supervisor.

3:7.12 Training

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

3:7.13 Military Courtesy

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

3:7.14 National Colors and Anthem

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

3:7.15 Inspections

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

3:7.16 Prohibited Activity On-Duty

Employees who are on-duty are prohibited from engaging in activities, which are not directly related to the performance of their duty with exceptions as noted:

1. Meeting with other officers (except in performance of their police duties) without permission of supervisor, sleeping, loafing, idling;
2. Reading material other than department required materials (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking in public view;
6. Sexual activity of any kind;

7. Pursuing personal relationships with or without coercion created by an officer's official authority;
8. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
9. Conducting secondary employment activities while on duty;
10. Taking any photographs, pictures, digital images that are not related to the job, including but not limited to pictures of any crime scenes, traffic crashes, people, or job-related incidents or occurrence with any personal analog or digital device, camera or cellular telephone, except as may be necessary for the furtherance of official duties, and only in accordance with established department procedures pertaining to preservation of evidence and chain of custody;
11. Releasing any personal or department photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job-related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police or designee;
12. Video or audio recording, which is not connected with an official investigation or duties, is prohibited;
13. Employees are forbidden to video or audio record conversations with other employees unless related to the job and approved in advance by the Chief of Police or designee. This prohibition does not apply to video recorded interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the department telephone system via any recording system approved by the Chief of Police or designee. The exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or designee or representatives of the involved prosecutorial authorities.
15. Any other activity deemed inappropriate by the Chief of Police.

3:7.17 Availability While on Duty

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.

3:7.18 All Other Conduct

Misconduct by a police officer need not be predicated on the violation of any particular department rule or regulation. Police officers are called upon to exercise tact, restraint and good judgment in their relationship with the public and must present an image of personal integrity and dependability in order to have the respect of the public. The department will take appropriate disciplinary action against any officer whose actions violate this standard of good behavior.

3:8 UNIFORMS, APPEARANCE, AND IDENTIFICATION

3:8.1 Regulation Uniforms Required

All uniformed personnel of the department shall maintain in good order a regulation uniform. All uniformed personnel shall be neat appearing, and well-groomed while in uniform. All articles of uniform shall conform to the department uniform regulations. Uniforms shall be made of the material and the style prescribed in police orders, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by the Chief of Police or designee.

3:8.2 Manner of Wearing the Uniform

All uniformed personnel of the department shall wear the uniform on duty as prescribed by department written directive for the employee's current assignment. However, supervisors may prescribe other clothing as required by the nature of the duty to which a particular employee is assigned.

3:8.3 Manner of Wearing Civilian Attire

Members and employees permitted to wear civilian clothing while on duty shall wear clothing that is suitable for a business environment and neat in appearance. Supervisors may prescribe other types of clothing when necessary to meet a particular police objective.

3:8.4 Wearing or Carrying Identification

Members shall wear or carry their department identification at all times, provided that it is practical for the circumstances.

3:8.5 Identification as Police Officer

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

3:8.6 Personal Appearance

Every employee of the department, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the rules and regulations of this department. Supervisors may prescribe other clothing as required by the nature of the duty, which a particular member is assigned. Non-uniformed employees may be permitted deviations from this section as directed by the Chief of Police or designee and in keeping with a professional appearance.

1. Male Employees

- a. Hair shall be neatly trimmed and groomed. Hair shall be cut to present a tapered appearance on the side and back and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. There shall be no designs cut into the head hair. Designs such as numbers, insignias, or other inscriptions are strictly forbidden. Hair coloring, if used, must appear natural.
- b. Sideburns shall not extend below the bottom of the earlobe. The width shall not exceed one and one quarter inches at the broadest point. The growth shall not be more than a quarter inch in depth.

- c. Mustaches shall be neatly trimmed, and the extent of the growth shall be limited to being even with the line of the corner of the mouth. Length of the hair shall be no more than one quarter inch, nor appear bushy. The ends may not be waxed or twisted.
- d. Beards shall not be permitted. Personnel with a medical condition, which precludes shaving, shall be required to present a written statement, signed by a medical doctor, verifying such condition. Beards may be permitted for religious reasons upon approval of the Chief of Police. Non-uniformed employees may deviate from the above beard standard as authorized by the Chief of Police. This regulation does not prevent the Chief of Police from authorizing deviation for fund raising purposes, such as (No Shave November).
- e. Hair growing from the chest, neck, ears or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie or exposed t-shirt.
- f. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.

2. Female Employees

- a. Hair shall not be worn longer than the bottom of the shirt or coat collar at the back of the neck when standing with the head in a normal position. Hair may be worn slightly over the ears, but in no case shall the bulk or length of hair interfere with the wearing of the authorized uniform headgear. A bun or twist will be permitted on the back of the head, provided it is worn in a neat manner and does not interfere with the wearing of department headgear. No ribbons or ornaments shall be worn in the hair except for neat inconspicuous bobby pins or conservative barrettes, which blend with the hair color. Hair coloring, if used, must appear natural.
- b. Cosmetics may be worn provided they are subdued and blended to match the natural skin color of the individual. False eyelashes are not permitted.
- c. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.

3. Jewelry and Apparel (All)

- a. 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 employees on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with department written directive.
- b. No visible body piercing jewelry shall be worn while on duty. This shall include but not limit to nose, eyebrow and tongue piercing.

4. Tattoos or Similar Markings (All)

Definitions:

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

- c. Branding - the act of intentional burning of the skin for the purpose of creating a design, form, figure or art.

The following tattoos, scarifications and brands are prohibited:

- a. Any tattoo, scarification or brand located on the hand, head, face or neck. The Chief of Police reserves the right to require an officer to cover up a tattoo(s) while the officer is in uniform.
- b. Depictions of nudity or violence; sexually explicit or vulgar art, words, phrases or profane language; symbols likely to offend other members, employees, or members of the public, i.e., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, (i.e., AB, KKK, SS, MM, BGF, HA, 666) or any street gang names, numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department.

3:9 DEPARTMENT EQUIPMENT AND PROPERTY

3:9.1 Equipment On-Duty

Employees shall carry all equipment on-duty as prescribed by department written directive based on their assignment.

3:9.2 Equipment Off-Duty

Employees shall carry equipment off-duty as prescribed by department written directive.

3:9.3 Firearms

Employees shall follow department written directive on the care and handling of firearms.

3:9.4 Department Property and Equipment

All law enforcement related equipment will be maintained in an operational state and that responsibility of the maintenance of the equipment is vested with the person or position responsible for the equipment.

3:9.5 Use of Department Property and Equipment

Employees are prohibited from using any department property, equipment, consumable supplies and other resources for personal business or pleasure.

3:9.6 Damaged or Inoperative Property or Equipment

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

3:9.7 Care of Department Buildings

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

3:9.8 Notices

Employees shall not mark, alter, or deface any posted notice of the department. No notices or announcements shall be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining unit(s). No other form of communication of notices or announcements, including electronic communication of non-official police business shall be made unless authorized by the appropriate supervisor. No notices, pictures or other written communications may be posted that are degrading, obscene, or considered detrimental to the good order of the Police Department.

3:9.9 Use of Department Vehicles

Employees shall not use any department vehicle without the permission of the Chief of Police or his/her designee.

3:9.10 Operation of Department Vehicles

When operating department vehicles, employees shall not violate traffic laws, except in cases of emergency and then only in conformity with state law and department written directive regarding same.

3:9.11 Transporting Non-Borough Employees

Non-Borough employees shall not be transported in department vehicles, except as necessary in the performance of official police duties. Such transportation will be done in conformance with department written directive or at the direction of the immediate supervisor or communications center.

3:9.12 Reporting Accidents

Accidents involving department personnel, property, equipment and vehicles must be reported in accordance with department written directive.

3:9.13 Inspection

Department property and equipment is subject to entry and inspection without notice. This includes, but is not limited to any vehicle, desk, filing cabinet, and/or locker, the use of which is provided to the employee by the department.

3:9.14 Liability

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

3:9.15 Presumption of Responsibility

In the event that Borough of Pennington 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.

3:9.16 Surrender of Department Property

1. Upon Separation from the Department - Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.
2. Under Suspension - Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

3:10 COMMUNICATIONS, CORRESPONDENCE

3:10.1 Restrictions

1. Employees shall not use department letterheads for private correspondence.
2. Employees shall only send official correspondence out of the department under the direction of the Chief of Police or his/her designee. This includes, but is not limited to, letters, subpoenas, e-mails, memorandums, and any other type of paper or electronic written communication.

3:10.2 Forwarding Communications

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

3:10.3 Use of Department Address

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

3:10.4 Telephones

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor. Department telephone numbers may not be given out as numbers for police officer's personal use or contact.

3:10.5 Radio Discipline

Employees operating the police radios shall strictly observe the procedures and restriction for such operations as set forth in department written directive and by the Federal Communications Commission.

3:11 PUBLIC ACTIVITIES

3:11.1 Publicity

Employees may identify themselves as employees of the Pennington Borough Police Department. However, members and employees shall not use or refer to their affiliation with the Pennington Borough Police Department for purposes of furthering or gaining advantage in personal pursuits or for any other reason that has or reasonably may have an adverse impact on the department or of the Borough of Pennington. The Chief of Police shall determine whether an employee's conduct has violated this standard. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq. or the New Jersey State Constitution.

3:11.2 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with this department or their position as a police officer or employee of a police department.

3:11.3 Public Appearance Requests

All requests for public speeches, demonstrations, etc., will be forwarded to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.

3:11.4 Courtesy

Employees shall be courteous and orderly in all dealings with the public. They shall perform their duties professionally, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of provocation to do otherwise. Upon request, employees are required to supply their name and identification in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3:11.5 Impartial Attitude

All employees must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1 et seq.) is conduct unbecoming a public employee. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming a public employee.

3:11.6 Disparaging Comments Regarding Protected Personal Characteristics

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular

or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1 et seq.).

3:11.7 Public Statements

Employees of the department shall not make public statements concerning the work, plans, policies, or affairs of the department which may impair or disrupt the operation of the department, or which are obscene, unlawful, or defamatory. While employees have a right to maintain personal webpages, websites, and blogs, their status as employees of the police department requires that the content of those webpages and websites not be in violation of existing department written directives. The right of the collective bargaining unit(s) representative to make public statements regarding the improvement of working conditions or the betterment of the department shall be upheld.

3:11.8 Subversive Organizations

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

3:11.9 Affiliation with Certain Organizations Prohibited

Police officers shall not join or affiliate with any organization or enter into any business relationships that would interfere with the officer's ability to fulfill his or her obligations to the department, that may impair or disrupt the operations of the department, or that is inconsistent with the mission of the department. This section shall not apply to active or reserve service in the armed forces of the United States or the State of New Jersey.

3:11.10 Affiliation with Radical Groups

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates, or which is instrumental in fostering hatred, prejudice, or oppression against any group set forth in Section 3:11.7 or any political entity.

3:12 POLITICAL ACTIVITIES

3:12.1 Political Activities Prohibited

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.

3:12.2 Election to Public Office

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

3:12.3 Soliciting Prohibited

Employees of the department shall not solicit contributions for political purposes while on duty or when such activity prevents the employee from performing his job with the department, nor shall any employee interfere with or use the influence of his office for political reasons.

3:12.4 Contributions

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

3:12.5 Polling Duties

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.

3:12.6 Displaying of Political Material

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

3:13 JUDICIAL APPEARANCE AND TESTIMONY

3:13.1 Court Appearances

Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or appropriate business attire shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism, which might imply disrespect to the court.

3:13.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the Borough of Pennington in any hearing or trial shall notify the Chief of Police or designee through the chain of command upon receipt of the subpoena. He shall also notify the appropriate prosecutorial authority handling the case.

3:13.3 Duty of Employees to Appear and Testify

It shall be the duty of every employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury, or the State Commission of Investigation, provided such testimony does not infringe on the employee's constitutional due process protection.

3:13.4 Department Investigations – Testifying

Employees shall be required to respond to questioning, provide reports, and render materials during department investigations in accordance with the provisions of the New Jersey Attorney General's Internal Affairs Policy & Procedures currently in effect.

3:13.5 Truthfulness

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

3:13.6 Civil Action, Court Appearances – Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify the Chief of Police or designee, who in turn

shall notify the proper authorities. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with department directives.

3:13.7 Civil Depositions and Affidavits

Employees shall notify their supervisor before giving a deposition or affidavit on a civil case. If the supervisor determines that the case is of importance to the Borough of Pennington, he shall inform the Chief of Police or designee before the deposition or affidavit is given.

3:13.8 Civil Action, Expert Witness

Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Mercer County Prosecutor and the Chief of Police or designee.

3:13.9 Civil Process

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

3:13.10 Internal Affairs Investigations

The Pennington Borough Police Department hereby adopts and incorporates the "Internal Affairs Policy & Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety to govern the conduct of internal affairs investigations.

CHAPTER 4

DISCIPLINARY REGULATIONS

4:1 DISCIPLINARY ACTION

4:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense, incapacity, misconduct or disobedience of established department Rules and Regulations punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank or assignment; or for violation of any written directive or rule or regulations of the department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

4:1.2 Establishing Elements of Violation

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

4:2 DEPARTMENT AUTHORITY FOR CORRECTIVE ACTION/DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, Attorney General Guidelines, applicable case law, the Borough of Pennington Policies and Procedures Manual, and the Municipal Codes of the Borough of Pennington. Except as otherwise provided by applicable law, the department disciplinary authority and responsibility rests with the Chief of Police. Basic guidelines include:

4:2.1 Corrective Action

1. In certain situations, formal discipline is not required in order to correct employee performance in various areas. Performance based issues may be corrected by using training and counseling outlined below:

Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances wherein corrective action (training) may be necessary. Training includes:

- Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

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

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

4:2.2 Discipline

1. Repeat performance-based issues or minor misconduct issues may be corrected through formal discipline by using the following actions:

Oral Reprimand - They are intended to be the least intrusive form of discipline. To be effective, however, documented oral reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, a minor infraction may warrant more than counseling, but less than a written reprimand. In those instances, a report of the offense shall be documented and issued to the employee as a written verbal reprimand. There is no right to a hearing for a documented oral reprimand, unless provided for in the current collective bargaining agreement. The disciplinary document shall be filed in the employee's personnel file.

Written Reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand. There is no right to a hearing for written reprimands unless provided for in the current collective bargaining agreement. The final disposition notice regarding the discipline shall be filed in the employee's personnel file.

2. Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department. The final disciplinary action notice shall be filed in the employee's personnel file pursuant to department policy. The following disciplinary actions may be taken in accordance with the laws of the State of New Jersey:

- Voluntary surrender of time off in lieu of other action;
- Suspension or Fine;
- Demotion in rank;

- Dismissal.
3. Such actions are taken when an employee's performance deficiency is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior.
 4. All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee. The disciplinary document shall be filed in the employee's personnel file.

4:2.3 Appeals Procedure

The appeal of discipline or corrective action imposed against an employee may be taken consistent with laws of the State of New Jersey and/or the grievance procedures of the current collective bargaining agreements, ordinances and/or the Borough of Pennington Policies and Procedures Manual.