

**TOWNSHIP OF WATERFORD
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

ORDINANCE # 2015- 11

**ORDINANCE OF THE TOWNSHIP OF WATERFORD
READOPTING THE RULES AND REGULATIONS GOVERNING
THE WATERFORD TOWNSHIP POLICE DEPARTMENT**

WHEREAS, in a review of the Rules and Regulations for the Waterford Township Police Department, it has been determined there is a need to readopt said Rules and Regulations to a current date.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Waterford, County of Camden, State of New Jersey as follows:

SECTION 1. The Rules and Regulations of the Waterford Township Police Department are hereby readopted to reflect a current date.

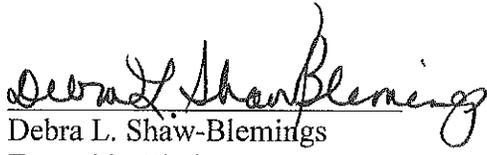
SECTION 2. All Ordinances or parts of ordinances which are inconsistent with any provisions of this ordinance are hereby repealed as to the extent of such inconsistencies.

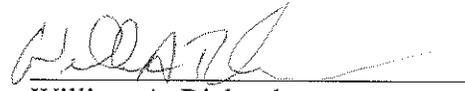
SECTION 3. If any provisions of this Ordinance, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provision of this Ordinance are severed.

SECTION 4.

This Ordinance shall take effect immediately upon adoption and

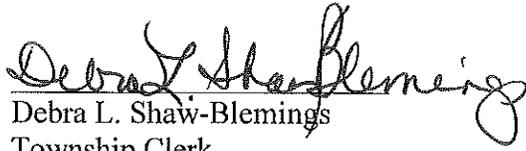
publication as required by law.


Debra L. Shaw-Blemings
Township Clerk


William A. Richardson
Mayor

Introduced: June 24, 2015
Hearing: July 8, 2015
Adopted: July 8, 2015

Certified to be a true copy of an Ordinance adopted by the Mayor and Township Committee of the Township of Waterford at a regular meeting held on July 8, 2015.


Debra L. Shaw-Blemings
Township Clerk

INTRODUCTION

The enclosed Code of Conduct, and Rules and Regulations are the result of a great deal of research and meetings between the Appropriate Authority, the Township Solicitor, and the Chief of Police, and all in coordination with State and Federal law. The basic format is taken from a "Model Police Manual" supplied by the Police Training Commission in the Division of Criminal Justice, Department of Law and Public Safety of the State of New Jersey. Modifications were made to the "Model" due to changes in the law and local needs that differ from those specified in the "Model". These Rules and Regulations are an in-depth coverage of police department organization, professional conduct and responsibilities, personnel regulations, disciplinary regulations, as well as a code of ethics for the police department.

The Rules and Regulations are adopted by the Appropriate Authority and govern police operations pursuant to N.J.S.A. 40A:14-118. All terms and conditions as set forth in the Waterford Township Police Ordinance (Chapter 50) are adopted herein at Chapter 4 and by reference thereto.

CHAPTER 1

ESTABLISHMENT; MISSION AND PURPOSE

1:1 There is hereby established a Police Department in the Township of Waterford, County of Camden and State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118 et seq. These Rules and Regulations ratify the existence and operation of the police department, which has historically operated within and served the Township of Waterford.

1:2 The mission and purpose of said police department is generally three fold: to preserve life and property; to provide a general police service for the residents of the Township of Waterford; to enforce federal, state, county and municipal laws, statutes and ordinances; and as hereinafter may be more expressly defined.

CHAPTER 2

COMPOSITION, JURISDICTION

2:1 The Department: Said police department shall consist of one (1) Appropriate Authority, one (1) Chief of Police, one (1) Executive Assistant to the Chief of Police, two (2) lieutenants, four (4) Sergeants, two (2) detectives, sixteen (16) patrol officers, and civilian employees as deemed necessary and appropriate by the Appropriate Authority in his/her discretion and judgment, with the approval of the Mayor and Township Committee, and as provided by ordinance.

2:2 Jurisdiction: Said police department shall come under the jurisdiction of the Appropriate Authority, which position is established pursuant to N.J.S.A 40A:14-118. Said Appropriate Authority within the Township of Waterford is the Director of Public Safety.

CHAPTER 3

POLICE DEPARTMENT RULES AND REGULATIONS

AND POLICE MANUAL

3:1 The Appropriate Authority pursuant to N.J.S.A. 40A:14-118 is hereby authorized to update, adopt and promulgate rules and regulations for the governing of the Police Department and for the discipline of its members with a view to making the Police Department and all members thereof efficient, vigilant and effective in the service of the Township of Waterford. Said rules and regulations will be in manual form and shall be called the "Rules and Regulations of the Police Department for the Township of Waterford" (commonly referred to as the Code of Conduct) and shall govern the conduct of and be binding upon the entire membership of said Police Department, including the Chief and all subordinates. Said Rules and Regulations shall provide for penalties and forfeitures for violations thereof.

3:2 These Rules and Regulations shall be distributed in manual form as follows: A serialized copy will be issued to and signed for by each employee of the Police Department for the Township of Waterford.

3:3 All members and employees who are assigned a manual shall be responsible for its maintenance and care. Said manuals shall remain the property of the Township of Waterford, County of Camden, State of New Jersey, and, upon separation from police service, each person is bound to return same. Each person will be responsible for the security of his/her manual, and loss of the same will constitute neglect of duty and will result in disciplinary action. All manuals shall be kept current, and supplementary pages concerning additions, revisions or amendments shall be promptly and properly inserted. No police department operating policies will be inserted as part of this manual unless and until properly assimilated by the Appropriate Authority.

3:4 Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Police Manual, and the provisions of the Waterford Township Police Ordinances, which are adopted by reference hereto. Failure to comply shall be considered neglect of duty.

3:5 In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Department procedures or orders, ignorance of any provision of this manual or the Township Ordinances will not be accepted as an excuse.

3:6 The Official Police Logo heretofore utilized by the Police Department of the Township of Waterford is hereby recognized. The unauthorized display, use, sale or copying of this patch/badge without the express written approval of the Chief of Police is hereby prohibited.

CHAPTER 4

WATERFORD TOWNSHIP POLICE ORDINANCE

The entire Police Ordinance is incorporated into and is provided as Chapter 4 of your rules and regulations so that all police personnel are fully informed as to what is expected of them by higher elected authority:

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 50 OF THE CODE OF WATERFORD TOWNSHIP
ENTITLED POLICE DEPARTMENT**

Be it ordained by the Mayor and Committee of the Township of Waterford, Camden County, New Jersey, as follows:

Section 1, Chapter 50 of the Code of Waterford Township is hereby deleted in its entirety and replaced as follows:

50-1 ESTABLISHMENT; MISSION AND PURPOSE

A. There is hereby established a Police Department in the Township of Waterford, County of Camden and State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118, et seq. This ordinance is intended to ratify the existence and operation of the police department which has historically operated within and served the Township of Waterford and at the same time satisfy the statutory requirements of the legislation amended in 1981 and 1988 respectively.

B. The mission and purpose of said police department is generally three fold; to preserve life and property; to provide a general police service for the residents of the Township of Waterford, Camden County, State of New Jersey; to enforce federal, state, county and municipal laws, statutes and ordinances; and as hereinafter may be more expressly defined.

C. The hours of employment of the uniformed members and officers of the Waterford Township Police Department shall not exceed eight (8) continuous hours in any one day nor more than 40 hours in any one week.

50-2 COMPOSITION; LINE OF AUTHORITY; JURISDICTION

A. Government and Composition of the Police Department: The police department will be governed by the Township Committee and shall consist of one (1) Appropriate Authority, one (1) Chief of Police, one (1) Executive Assistant to the Chief of Police, two (2) lieutenants, four (4) Sergeants, two (2) detectives, sixteen (16) patrol officers, and civilian employees as deemed necessary and appropriate by the Appropriate Authority in his/her discretion and judgment, with the approval of the Mayor and Township Committee. The express purpose for naming these offices is to establish a statutory line of authority from all police employees to higher elected authority. Whenever any office is left vacant, due to the absence of a qualified candidate, it will be deemed not to exist and will be by-passed in the chain of command. No person may be promoted or appointed to a position in the Township of Waterford Police Department until they have satisfied all statutory requirements and have complied with the selection process and standards established by this ordinance and the rules and regulations adopted by the Appropriate Authority to govern the police department.

B. Authority and Responsibilities:

(1) Chief of Police: The Chief of Police shall be the head of the department and shall be directly responsible to the Appropriate Authority for the conduct, efficiency and management of the department, and pursuant to policies established by the Appropriate Authority, shall:

(A) Be the Chief Executive Officer of the police force;

(B) Organize and control all resources of the department and be responsible for their care and safekeeping;

(C) Administer and enforce rules and regulations for the control, disposition and discipline of the Department, and of its officers and employees. Also, recommend to the Appropriate Authority changes to said rules and regulations;

(D) Implement the procedures for the hearing and determination of charges alleging violation of department rules and regulations by any subordinate member of the police force; provided that a member may be penalized only on written charges made or preferred against him, after such charges have been examined, investigated and heard by the proper hearing authority, upon such reasonable notice to the member charged, and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department. Said written charges shall contain a request for penalization by the applicable staff officer. If the Chief of Police is the officer charged with a violation of departmental rules and regulations and is to be removed from service, demoted in rank or suspended, fined, or otherwise penalized, the appeal and hearing must be under the jurisdiction of the Appropriate Authority.

(E) Have, exercise, and discharge any functions, powers, and duties of the department;

(F) Prescribe the internal organization of the Department and the duties of his subordinates and assistants, pursuant to Township ordinance and policies established by the Appropriate Authority;

(G) The Chief of Police shall make periodic unannounced and unexpected inspections of police headquarters and patrols at various and diverse times during the day and night.

(H) Delegate such of his powers as he may deem necessary for the efficient administration of the Department to be exercised under his direction and supervision and shall hold supervisors responsible for effective performance of their duties;

(I) Report, as required monthly, on the work of the Department to the Appropriate Authority in the format prescribed by the Appropriate Authority to include the following:

The Chief of Police shall prepare a monthly report to the Public Safety Director which shall include:

- 1) Departmental Performance (calls for service, summons issued, arrests etc).
- 2) Police related training.
- 3) Highlights of the prior months calls and incidents.
- 4) Upcoming events that may be of interest to the Twp. Committee and the public.

(J) In case of riot, insurrection or threat thereof, he shall take command of the police department in person and direct their movements and operations in discharge of their respective duties;

(K) He shall be responsible for the maintenance of all daily police records in which each member shall record his name, rank and time of reporting and leaving duty, complaints, and matters pertaining to the police department;

(L) Administer personnel and financial policies in conformance with the Ordinances of the Township of Waterford and the laws of the State of New Jersey, and shall:

- 1) Cause examination to determine the qualifications of persons applying for positions;

- 2) Recommend promotions, demotions, releases or other disciplinary measures subject to the Ordinances of the Township of Waterford and the laws of the State of New Jersey;
- 3) Administer wage and salary payroll and personnel rating programs;
- 4) Require that all personnel be trained and approve training programs;
- 5) Grant temporary leaves of absence to members of the department with approval of the Mayor and Committee;
- 6) Submit the annual budget and proposed expenditure programs to the Mayor or other appropriately designated officials;
- 7) Approve payment from allotted funds for operating expenses and capital expenditures.

(M) Graphic Table of Organization: A graphic table of organization (T.O.), shall be maintained by the Chief of Police to show the following:

- 1) The Waterford Township Police Department operational structure.
- 2) The Waterford Township Police Department personnel structure.

The express function of each position will be as defined by this ordinance and within the Rules and Regulations of the Waterford Township Police Department promulgated by the Appropriate Authority, but is not necessarily limited to the same.

(N) In accordance with N.J.S.A. 40A:14-118, the Chief of Police shall be responsible to the Appropriate Authority for the performance of the Chief's duties. As such, the Chief of Police shall be considered a subordinate in relation to the Appropriate Authority, and shall be duty-bound to obey any otherwise lawful direct orders or policies of the Appropriate Authority in the discharge of his or her duties. As such, the Appropriate Authority may issue such orders directing the day to day performance of the Police Chief's duties in any manner and to any degree not directly prohibited by law, specifically including N.J.S.A. 40A:14-118 and case law thereunder, as applicable.

(2) Executive Assistant: This is an administrative position with the following duties: The Executive Assistant provides executive support services such as data processing, accounting, purchasing, personnel and scheduling consistent with organizational need.

This is a salaried, administrative position, which falls outside of any union representation or bargaining unit.

Additionally, the following duties are assigned, but the position is not necessarily limited to same:

(A) Edits detailed correspondence containing factual content that may also convey management opinion concerning personnel and related matters and programs.

(B) Keeps currently informed of new and revised personnel policy statements, regulations, directives, and other communications received from the Township, and develops plans and procedures for implementation of such communications.

(C) Assists in writing procedural instructions for use in personnel manuals, bulletins, and management directives.

(D) Collects data for and assists in preparation of executive reports in support of department activities.

(E) Collects data for and assists in preparation of executive aspects of the annual budget request.

(F) Expedites services such as maintenance, repairs, supplies and mail.

(G) Grant development, application and management.

(H) Assists with coordination of office operations including clerical work, internal reporting systems, forms, space and office equipment, and suggests methods for office improvements.

(I) Plans, schedules, and/or attends meetings and conferences, and prepares reports thereon.

(J) Directs the establishment and/or maintenance of records and files required for effective personnel and executive operations resulting in efficient data retrieval.

(K) Maintains and organizes executive administrative police records consistent with approved record retention procedures and schedules.

(L) Performs alternative responsibilities of Executive Assistant assigned to the Chief of Police.

(M) Reviews and/or prepares routine correspondence.

(N) Will be required to learn to utilize various types of electronic and/or manual recording and information systems used by the agency, office or related units.

(O) Proficiency in various computer programs, included but not limited to Microsoft Word, Excel, Access, etc.

(P) Maintain confidential files including but not limited to personnel, medical, disciplinary, firearms and expungement.

(Q) Develop forms, policies and procedures necessary for the implementation and maintenance of an Integrated System of Personnel Management.

(3) Police Lieutenant: In the absence of a Chief of Police, the lieutenant with the most seniority will serve as the Chief Executive Officer of the department. The Chief and the lieutenants shall not take the same vacations, comp days or otherwise absent themselves all at the same time from the department or from availability to the department. At all times there will be at least one lieutenant available to the police department whenever the Chief is on vacation or out of the area. The most senior ranking lieutenant is second in command of the department; is directly responsible for the efficiency and operation of all Divisions; and is further assigned the following responsibilities:

(A) Supervision Closely supervise the activities of their subordinates, making corrections where necessary and commending where appropriate.

(B) Leadership Provide on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

(C) Direction Exercise direct command, when necessary, in a manner that assures the good order, conduct, discipline, and efficiency of subordinates. Exercise of command may extend to

subordinates outside their usual sphere of supervision if the police objective or reputation of the department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor required a subordinate other than his own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.

(D) Enforcement of Rules Enforcement of Department rules and regulations and requiring compliance with Department policies and procedures.

(E) Inspection Inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.

(F) Assisting Subordinates Having a working knowledge of the duties and responsibilities of his subordinates. Observing contacts made with the public by his subordinates and being available for assistance or instruction as may be required. He shall respond to calls of serious emergencies, crimes in progress, assaults, and others unless actively engaged in a police incident. He should observe the conduct of the assigned personnel and take active charge when necessary.

(G) Investigate all complaints of police misconduct as assigned by the Chief of Police (civilian prompted).

(H) Develop records to document and monitor the departmental inventory.

(I) Coordinate, develop and maintain required "staff reports".

(J) Fleet Officer - responsible for servicing and over-all condition of the police fleet. To coordinate with the Police Clerk in regard to fleet file and records; to insure availability of vehicles for the garage for routine maintenance and/or repairs required, and to coordinate routine preventive maintenance servicing with the garage.

(K) To conduct periodic inspections of the Department, as prescribed by the Chief of Police.

(L) To conduct an annual inspection of the Department, as prescribed by the Chief of Police.

(M) To coordinate Departmental and all interagency activities relevant to major or priority criminal investigations, at the discretion of the Chief of Police.

(N) To prepare the weekly payroll, as required.

(O) To execute all appropriate (echelon) performance evaluations.

(P) To monitor all schedule changes and time requests from commissioned officers.

In the event higher elected authority determines that this position is to be left vacant; the Chief of Police will assign these functions to the police personnel as the Chief deems appropriate.

(4) Police Sergeant: The sergeants, during their tours of duty, exercise the same authority and have the same responsibilities as their Lieutenant, subject to the Lieutenant's authority. In the absence of a Sergeant, the senior available member of the shift is in charge, unless otherwise provided. When two supervisory officers are assigned to the same command (i.e., a lieutenant and a sergeant assigned to the same platoon), they will coordinate their time off so that one is always

present. In addition to the general and individual responsibilities of all members and employees, the Sergeants are specifically responsible for the following:

(A) Command The direction and control of personnel under his command to assure the proper performance of duties and adherence to established rules, regulations, policies, and procedures. He shall provide for continuation of command and supervision in his absence.

(B) Good Order The general good order of his command during his tour of duty includes proper discipline, conduct, welfare, field training, and efficiency.

(C) Loyalty and Esprit de Corps The development and maintenance of esprit de corps and loyalty to the Department.

(D) Discipline and Morale The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.

(E) Organization and Assignment Organization and assignment of duties within his unit to assure proper performance of Department functions and those of his command.

(F) Reports and Records Preparation of required correspondence, reports, and maintenance of records relating to the activities of his command. Assurance that information is communicated up and down the chain of command, as required.

(G) Reporting Reporting as required by the Chief of Police.

(H) Maintenance Assurance that quarters, equipment, supplies and material assigned to his command are correctly used and maintained.

(I) Other such supervisory duties as may be assigned from time to time.

(5) Detective: Detective duties shall be carried out as assigned by the Captain and Chief of Police, with emphasis in such investigative assignments in the specialized areas as follows:

(A) Initial and follow-up investigations of serious crimes, vice crimes and other investigations specifically assigned by the Chief of Police.

(B) Preparation of cases for prosecution.

(C) Recovery of stolen property.

(D) Performance of all identification functions.

(E) Prevention and control of juvenile delinquency.

(F) Processing of juvenile offenders.

(G) Maintaining liaison with the juvenile courts.

(H) Crime prevention.

(I) Evidence storage and control.

(6) Patrol Officers: Patrol Officers are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. They will perform these duties as prescribed in Department orders and as directed by their supervisors. In addition to these and the general and individual responsibilities of all members and employees, patrol officers are specifically responsible for the following:

(A) Police Mission A patrol officer is responsible for the accomplishment of the police mission on his patrol. He shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. He shall be held accountable for crime, accidents, disorders, and other criminal conditions on his patrol beat or post.

(B) Reporting for Duty He shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. He shall listen attentively to orders and instructions of his superior officers and read such materials as are made available to him. He shall make written memoranda of such information as necessary and shall immediately proceed to his post or beat upon completion of these tasks.

(C) Familiarization with Patrol A patrol officer shall thoroughly familiarize himself with the Township. He shall be familiar with all public businesses, offices, and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, he shall familiarize himself with the location of safes and night lights. Changes in night lights will be particularly noted.

(D) Method of Patrol During his tour of duty, the patrolman shall continuously patrol every part of his assigned area giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, he shall not patrol his assigned area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.

(E) Unlocked Buildings

1) When a door or window is found open under suspicious or unusual circumstances on any tour of duty, a patrol officer shall make a thorough investigation and determine, if possible, whether a burglary or other crime has been committed and whether the door or window can be secured. He shall, if necessary, summon assistance to examine the premises and to secure such doors and windows. He shall notify his shift commander and the property owner.

2) Under circumstances indicating that an intruder is still inside a building, the officer discovering same should immediately summon assistance and then stand guard. When the assistance arrives, he may enter and search the building.

(F) Field Interviews When the occasion demands it, the patrol officers shall courteously, but firmly, question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relating to the circumstances. In all cases, good judgment, probable cause, and discretion shall be used in making a decision to arrest.

(G) Traffic Law Enforcement Patrol officers are charged with the enforcement of all provisions of local and state traffic codes. Failure to take appropriate action in traffic violation cases is considered neglect of duty.

(H) Complaint Action A patrol officer shall carefully investigate all complaints on or near his patrol which are assigned to him or which are brought to his attention by citizens. He shall take suitable action in those cases which come under his jurisdiction, and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside the jurisdiction of the police department, he shall advise the complainant accordingly and refer him to the proper authority.

(I) Preliminary Investigations At the scenes of major crimes, subject to direction from higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer present, will begin the preliminary investigation (except in the case of homicide or apparent homicide; in those instances, the Chief of Police or Captain will be called to the scene immediately). In all instances, members not assigned will not enter the premises or do any other thing that might interfere with the investigation or destroy evidence. In cases of homicide, the first duty of the patrol officer is to guard the scene, exclude all unauthorized persons, and detain all witnesses for interrogation.

(J) Radio Failure Patrol officers shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions or time signals for a period not to exceed 15 minutes, they shall immediately call the dispatcher for a special test. If he fails to receive an acknowledgment, he shall immediately contact the dispatcher or commander. In case of radio trouble, the officer shall notify his shift commander and/or dispatcher of the nature of the trouble.

(K) Patrol officers will be further responsible for daily performance standards and such other duties as defined by S.O.P.

50-3 ALL MEMBERS OF THE POLICE DEPARTMENT

It shall be the responsibility of all sworn police members of the police department to enforce the laws of the State of New Jersey and the Township of Waterford.

50-4 SALARIES AND WAGES:

The pay for all Waterford Police Department personnel will be as set forth in the Township Salary Ordinance and/or the applicable labor contracts. Said Ordinances and contracts will be made available to the public by request through the Township Clerks Office.

50-5 SECONDARY EMPLOYMENT (MOONLIGHTING)

Waterford Township Police Officers are expected to give their whole time and attention to their duties in serving the public interest and public safety of/for the residents of Waterford Township. They are required by Police rules and regulations to be armed at all practical times and are subject to duty recall when determined to be necessary by the Chief of Police or other appropriate authority. Additionally, there are certain private employment activities that are in direct conflict with police power vested in the officer by the Township of Waterford. Accordingly, effective upon passage of this ordinance, no Waterford Township Police Officer will be allowed to Moonlight in employment apart from their Township held position except as follows:

A. Any officer wishing to moonlight must FIRST submit a written request through the Chief of Police, with his endorsement recommending approval or not, to the Appropriate Authority for a permit to do so. The request will contain all necessary information to include, at a minimum: the type of employment; the hours to be worked; the name, address and phone number of the prospective employer and company; a certification from the employer that the duties will not involve police powers, that there will not be any conflict with the officers police career, and that the company will provide the officer with full insurance benefits to indemnify the Township and cover

the officer for his actions or inactions or if injured in the course of or during actions arising out of or related to the prospective moonlighting job. That is, the outside employer must provide proof of sufficient insurance coverage to protect the Township against liability for tort actions or other actions of the officer outside the officers official police department duties, and to defend and indemnify and hold the Township and the officer harmless in any legal proceedings not arising out of and not directly related to the lawful exercise of police powers in furtherance of official police duties and related to the moonlighting employment. Said permit will only be issued by the Appropriate Authority, for officers who have been productive employees for the Township as documented and certified by the Chief of Police. All such permits will be revoked for employees whose performance does not meet departmental performance standards. The approved permit will be valid for a period of two years and will need to be reapplied for within 90 days prior to expiration. At any time this permit may be revoked by the Chief of Police, without due process, if it impedes or diminishes the ability to attain the departmental objectives of this agency in any way or compromises the reputation of the police department.

B. Entrepreneurial endeavors (e.g self-employment) are strictly prohibited subject to the same permit requirements listed in paragraph A above. Additionally, no permits for those endeavors will be issued for any business conducted within the boundaries of Waterford Township. The appearance of impropriety (even in the absence of actual wrongful behavior) necessarily stemming from paying attention to such business practices on Township time and/or using police powers in regard to such business enterprises has arisen in the past and may be particularly troublesome.

C. Permit Criteria: The following standards shall be used to guide the Appropriate Authority in deciding requests from officers to engage in off duty employment as well as operation of a business enterprise (i.e. self-employment) off duty:

(1) Whether the business/employment has the potential to be aided or furthered by an officers use of confidential information that the officer is privy to solely by virtue of his police position, whether or not the officer may actually so use such information, based on the appearance and potential conflict created;

(2) Whether the business/employment might tend to result in a loss of departmental control or authority over the officer while engaged in the business/employment beyond any loss of control over other off duty officers not so employed or engaging in their own private business;

(3) Potential for loss of the officer's police services as a result of injury sustained in the alternate employment/business;

(4) Whether the employment/business has the potential to create the appearance that those who patronize the business or place of employment might curry favorable treatment by the officer in his police capacity or the department, or the appearance that those who patronize a competitor of the business/employer might be subject to unfavorable treatment by the officer or department;

(5) Whether the business/employment has the potential to cause diminished physical and mental capacity of the officer while on duty;

(6) Whether the employment/business is in a publicly regulated industry which might create actual or appearance of conflicts of interest, even if with other branches or levels (e.g., state, county, municipal) of government;

(7) Whether the employment/business has the potential for the creation of an appearance of favoritism among officers from the operation of a joint enterprise among multiple police officers holding different ranks on the police force when the same officers exercise their supervisory authority over each other in the course of their police duties;

(8) The potential for possible pursuit of police time or resources to pursue private employment/business functions;

(9) The potential civil liability of the Township for acts committed by the officer in the private employment/business;

(10) Potential for the employment/business to affect the reputation and effectiveness of the police force;

(11) The potential for the officer to be involved in the collection/accounts receivable aspects of the business/employment such that those dealing with the officer in the employment/business capacity might feel pressure/coercion in paying debts beyond that which would be present if such activities were not performed by an off duty police officer;

(12) Any other factor unique to the employment/business request with the potential to create a conflict or appearance of conflict with police employment.

D. Divestiture: All employees currently moonlighting, conducting a side business, or involved in any form of secondary employment without the required permit will immediately submit written application for same, or terminate such employment within two weeks, and/or divest themselves of all side businesses prohibited in paragraph B above within thirty days. A violation of this ordinance constitutes grounds for immediate removal from service as a Waterford Township police officer.

50-6 POLICE RELATED OFF DUTY EMPLOYMENT

A. Police officers employed by the Township of Waterford shall be permitted off-duty police related employment pursuant to the provisions set forth herein. Off-duty employment shall not be permitted if the police officer and/or outside contractor fail to comply with the provisions set forth herein either prior to the commencement of the employment or at any time during the period of employment.

B. All off-duty police-related services performed by a Waterford Township police officer shall be in his/her official capacity as an employee of the Waterford Township Police Department and shall be subject to the control and supervision of the Police Department.

C. Waterford Township police officers are prohibited from engaging in any employment for police-related services with any private person, corporation or other entity except in the manner set forth in this ordinance.

50-7 DEFINITIONS

A. Off-duty employment shall mean any employment by a Waterford Township police officer for police-related services where the source of compensation to the police officer does not originate from the municipal budget line item for police wages and salary.

B. Contractor shall mean the person, corporation, or other legal entity employing a Waterford Township police officer to provide off-duty police-related services.

**50-8 REQUEST FOR OFF-DUTY EMPLOYEE;
SPECIAL ASSIGNMENTS BY CHIEF OF POLICE**

A. Contractors seeking to employ off-duty Waterford Township police officers shall make said request through the Waterford Township Police Department, to the attention of the Chief of Police. The request shall be in writing, except in case of emergency, and shall include the specific nature of the services desired.

B. The Chief of Police or his designee may assign Waterford Township police officers for police-related services based upon a determination that the police-related services are required for the public safety. The cost for said police-related services shall be the responsibility of the person or entity on whose behalf the services are provided or the property owner whose property or activities on said property cause the need for police-related services. All costs shall be paid as set forth at Section 50-13 hereof.

50-9 ASSIGNMENT OF POLICE OFFICERS

The township police department shall maintain a list of police officers who have volunteered for off-duty employment. Assignment of off-duty police work shall be made in accordance with a rotation list to be maintained by the Chief of Police. When a police officer is assigned off-duty employment or if a police officer refuses an assignment, the officer's name will be placed at the bottom of the list.

50-10 PERMITTED HOURS; EMERGENCY DUTY

Under no circumstances shall a police officer be permitted to work more than 20 hours per week, during a regularly scheduled work week, in off-duty employment; and, off-duty employment can be immediately terminated if the police officer performing said work is required for emergency police duty for the Township of Waterford as shall be determined by the Chief of Police.

50-11 POLICE UNIFORMS, EQUIPMENT, AND VEHICLES

Waterford Township police officers performing off-duty police-related services for private contractors shall be in full police uniform while said services are being provided. However, Waterford Township police vehicles shall not be used by police officers during the performance of off-duty police-related services unless specifically authorized by the Chief of Police.

50-12 AUTHORIZING CONTRACT

The Mayor and Township Clerk are hereby authorized to execute a contract with the contractor for the services required which contract shall set forth, inter alia, the specific nature of the services to be performed, the location that said services will be performed, the dates and hours of service, payment arrangements, arrangements for the use of police vehicles, arrangements for insurance coverage, and any other provisions mandated by this ordinance or any law or regulation of the State of New Jersey.

50-13 PAYMENT REQUIREMENT; ESCROW ACCOUNTS

A. Any person or entity requesting the services of an off-duty law enforcement officer in the Waterford Township Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of compensation and administrative fees for the total estimated hours of service. A separate dedicated by rider trust fund shall be established by the Township of Waterford and all funds collected and disbursed relating to off-duty employment shall be made through said account.

B. Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No officer shall provide any such services for more hours than are specified in the request for services.

C. In the event the funds in such an escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.

D. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

E. Contractors hiring township police officers for off-duty employment shall be charged pursuant to the following schedule which includes an hourly rate of pay for the police officer, the cost for the use of a police vehicle, plus a fair and reasonable sum representing the administrative costs, overhead and out-of-pocket expenses to the Township of Waterford for providing this service:

(1) Traffic control - \$75.00 per hour per full-time police officer on any traffic control sites requiring work zone safety certifications. □

(2) Other traffic control - \$65.00 per hour per full-time police officer.

(3) Other police services - \$55.00 per hour per full-time police officer.

(4) Police vehicles - \$10.00 per hour.

The above mentioned rates will apply except when the job is funded by Camden County in which instance the rate will be that which is applicable according to current law and the amount received per hour shall be paid to the officer.

F. Contractor shall submit payment to Waterford Township within five (5) business days of receipt of said invoice. Failure of the contractor to make payment within said five (5) days shall result in the immediate cessation of the police services being provided and this agreement shall be deemed terminated. In the event this contract is terminated, the contractor shall forfeit all sums paid in advance and Waterford Township shall have the right to pursue any remedy at law for the collection of any amounts that may be due and owing for the services provided prior to termination.

50-14 PAYMENT TO OFFICERS

- A.** Police officers performing off-duty police-related services for private contractors shall be paid for said services by the Township of Waterford at the rate set forth at Section 50-13(e).
- B.** All sums due a police officer performing off-duty employment shall be paid subsequent to the submission of a voucher which is approved by the Chief of Police or his designee.

50-15 INSURANCE

The contractor shall be responsible for providing all necessary insurance coverages as required by law, including, but not limited to, workers compensation and general liability insurance. Coincidental with the execution of the contract referred to in Section 50-12, the contractor shall provide the township with appropriate insurance binders insuring that the police officer and Waterford Township are provided general liability coverage with respect to the services to be provided and that the police officer is covered by appropriate workers compensation insurance.

50-16 INDEMNIFICATION

To the fullest extent permitted by law, contractor shall indemnify, defend, and hold harmless the Township of Waterford, its agents and employees, from and against all claims, damages, losses, liabilities and expenses, including, but not limited to, attorney's fees and court costs, arising out of, resulting from or in any way relating to either directly or indirectly:

- A.** the performance of the work;
- B.** any and all claims made by said police personnel for injuries and/or illnesses while performing the off-duty employment;
- C.** the breach by contractor of any of the terms and conditions of the agreement;
- D.** the negligent or intentional acts or omissions of the police, and/or the contractor, its employees, agents, and/or subcontractors;
- E.** bodily injury, sickness and/or disease, including death, at any time resulting from such bodily injury, sickness or disease, sustained by any person while in, on or about the site and surrounding areas where such injury, sickness, disease and/or death arose out of or was in any way connected with the work of, the performance of, or failure to properly perform the work;
- F.** any liability based upon contractor's negligence imputed to the Township of Waterford;
- G.** damage to property of contractor, the Township of Waterford or any other person or entity arising out of, incident to, or in connection with the performance of the work;
- H.** laborers, mechanics and materialmen's liens, and all other liens and charges of every character whatsoever, arising out of work to be performed by this agreement; and/or
- I.** any other cause of action which may be brought against the Township of Waterford arising out of or in any way relating to the work and contractor's obligations hereunder.

This indemnification and hold harmless agreement shall apply in all instances whether the Township of Waterford is a plaintiff, or is made a direct party to the initial action or claim or is subsequently made a party to the action by third party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

50-17 THE APPROPRIATE AUTHORITY

A. Jurisdiction/Authority: The police department shall come under the jurisdiction of the Appropriate Authority, which position is hereby created pursuant to N.J.S.A. 40A:14-118. Said Appropriate Authority shall be the Director of Public Safety. Should there be any temporary or interim absence of a Director of Public Safety, the Mayor or his/her designee may serve as the Appropriate Authority on an interim basis. The Appropriate Authority shall be responsible for the promulgation, adoption, updating, and/or ratification of rules and regulations for police personnel which shall be known as the Rules and Regulations for the Police Department of the Township of Waterford. (N.J.S.A. 40A:14-118)

B. Policies to Govern Day to Day Operations: Pursuant to N.J.S.A. 40A:14-118, the Chief of Police is directly responsible to the Appropriate Authority for the efficiency and routine day to day operations of the police force, and the Chief of Police performs his duties pursuant to policies established by the Appropriate Authority. Therefore, the Appropriate Authority shall issue whatever policies, which may be referred to as operational policies, general policies, standard operating policies or otherwise, that are deemed appropriate and necessary for the operation of the department. Any such policies promulgated by the Chief of Police shall require ratification by the Appropriate Authority. Any such policies issued by the Chief shall be submitted to the Appropriate Authority and will take effect ten (10) days later, absent a response from the Appropriate Authority to the contrary, this provision to be referred to as the ten-day review rule.

50-18 PROBATIONARY PERIODS

All patrol officers are initially appointed subject to a one year probationary period. Sergeants, Lieutenants and the Captain promotions are subject to a probationary period of six months, after which the Appropriate Authority may make such promotions permanent. In the event the Appropriate Authority does not make the promotion permanent, the probationary period may be terminated without the necessity of giving any cause for termination of said probationary period and the officer will revert back to the previous rank/position held.

50-19 SPECIAL LAW ENFORCEMENT OFFICER

The Appropriate Authority shall, with the approval and consent of the Mayor and Township Committee, appoint such special law enforcement officers as he/she or they may deem necessary. They shall be a part of the police department established herein and subject to all the laws, rules and regulations governing the same. Pursuant to N.J.S.A. 40A:14-146.8 et seq., the term of said appointment shall be at the discretion of the Mayor and Township Committee, but in no event shall exceed one (1) year. The personnel referred to in this section shall be compensated at such hourly rate as designated in the Townships salary ordinance. Said personnel shall serve for the appointed term only and at the compensation, if any, established by Ordinance or as modified or changed by the Mayor and Township Committee.

50-20 CIVILIAN EMPLOYEES

The Appropriate Authority shall, with the approval and consent of the Mayor and Township Committee, appoint such civilian members of the police department to serve in the services division as he/she or they may deem necessary. Said members are to provide executive assistance to the Chief of Police, secretarial duties, dispatching services, clerical duties and logistics in support of the

police department. Said positions will be One (1) Executive Assistant to the Chief of Police and (1) Police Records Clerk and additional civilian staff as deemed necessary.

50-21 POLICE EMPLOYEES

The Appropriate Authority shall, with the approval and consent of the Township Committee, appoint, promote, assign or reduce in force for reasons of economy all police personnel employed by the Township of Waterford. Appointment of any additional police personnel shall require an amendment of this ordinance.

50-22 APPOINTMENT

A. All members of the police department shall be recommended by the Appropriate Authority and appointed by and with the advice and consent of the governing body, and are to hold their offices as provided by law.

B. No person shall be appointed a member of the police department in the Township of Waterford who has failed, prior thereto, to have duly executed and signed a written application for such employment, upon a form supplied by the Township Clerk, requiring relevant data to be submitted by the applicant therein, and shall have also indicated therein his willingness to undergo a required pre-employment physical examination and a pre-employment psychiatric examination.

C. The hours of employment of the uniformed members and officers of the Waterford Township Police Department shall not exceed eight (8) continuous hours in any one day nor more than 40 hours in any one week.

D. Appointments to new positions or offices or to fill vacancies shall also be subject to State laws.

50-23 QUALIFICATIONS

A. Each applicant shall comply with all the laws of the State of New Jersey pertaining thereto. No person shall be given or accept a permanent appointment as a police officer in the Township unless he has first been given a probationary or temporary appointment to such office for a period of one (1) year after successfully completing a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1961 and amendments thereto.

B. No person shall be appointed to the police department as a regular or probationary member unless, at the time of making application, he is between the age of eighteen (18) and thirty-five (35) years of age, except as otherwise provided by law. The applicant shall be a citizen of the United States of America, the State of New Jersey, and preference shall be given to those applicants who have been residents of the Township of Waterford for a period of at least six (6) months prior to the date of application. The Township Committee shall also require that an applicant for or appointee to the police department shall successfully complete a medical examination, a psychological examination, an oral interview (to include a writing exercise with a handwriting sample) by a panel to be determined by the Director of Public Safety, and they must have attained a minimum of an Associate's Degree from an accredited institution of post-secondary education. The Township Committee may waive the educational requirement in lieu of on-the-job police experience or completing acceptable active duty military service.

50-24 OATH OF ALLEGIANCE

Each member of the Police Department shall, before entering upon the performance of his duties, take and subscribe an oath to bear true faith and allegiance to the government established in this state, to support the Constitutions of the United States of America and the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of his office. Such oath or affirmation shall be filed with the Township Clerk.

50-25 DISCIPLINARY PROCEDURES

A. Hearing Authority:

(1) In the event of any disciplinary proceedings against any member of the police department of the Township of Waterford, the Appropriate Authority or his/her designee shall be the sole hearing officer and person in charge of all such proceedings. The decision of the Appropriate Authority shall be final. The right of appeal shall be to the New Jersey Superior Court pursuant to N.J.S.A. 40A:14-150 if and as applicable.

(2) In the event the Appropriate Authority designates a hearing authority other than himself/herself, and the designated hearing authority is to be an officer within the Waterford Township Police Department, only a person of greater rank than the person charged may be so designated for that purpose. Whenever Special Counsel is designated to be the hearing authority, prior approval must be obtained by resolution of the Mayor and Township Committee. The decision of said hearing authority shall be provided within 10 days to the Appropriate Authority who shall render the final and binding decision, both as to violation and penalty, within 10 days from when he/she receives the decision and supporting documentation such as a hearing transcript. The time lines established herein are to be construed flexibly in the interest of justice so that fair and reasoned decisions will follow. Should the Appropriate Authority fail to act within 10 days or give notice of necessary extension, the decision of the hearing authority shall become final.

B. Charging Authority:

(1) In the event a Waterford Township Police Department officer is to be charged in a disciplinary action and said employee is subordinate to the rank of the Chief of Police, only the Chief of Police or his/her designee may initiate such charges (N.J.S.A. 40A:14-118). In the event the office of the Chief of Police has been abolished through intentional vacancy, pursuant to Section 50-2 paragraph A, then the Appropriate Authority or his/her designee shall function as the Charging Authority. Failure to initiate charges when same are indicated may constitute a neglect or dereliction of duty (Gauntt v. Bridgeton, 194 N.J. Super. 468, 477 A.2d 381 (App. Div. 1984), but the function of the Charging Authority may not be circumvented.

(2) In the event the Chief of Police for the Township of Waterford is to be charged in a disciplinary action against the Chief, the Appropriate Authority or Special Counsel named by the Appropriate Authority to act on his/her behalf shall be the Charging Authority. The Appropriate Authority is hereby empowered to name a designated Special Council to function as an alternative Charging Authority without prior council approval in an emergency. This is necessitated by the statutory time lines involved in the charging process. Notwithstanding this authority, at the earliest opportunity the Appropriate Authority shall inform Council of the action that he/she has taken and obtain its approval.

(3) Whenever any person, whether police officer, Special Counsel, or the Appropriate Authority, serves in an investigative capacity and/or as the Charging Authority relevant to a Waterford Township Police Department disciplinary action; he/she may not thereafter be designated as or serve as the Hearing Authority in that same disciplinary action.

50-26 APPEALS

Disciplinary action against any member of the police department shall be taken in accordance with N.J.S.A. 40A:14-147. Any employee seeking to appeal disciplinary charges shall do so in writing submitted to the office of the Appropriate Authority. Said appeal shall be filed within five (5) days, not including Saturdays, Sundays and holidays, of the date said charges were served upon said employee. In either event, the Appropriate Authority shall schedule a hearing in accordance with the provisions of this Ordinance and State statute. Administrative disciplinary charges served on any employee shall contain the date, time and location for a prospective hearing as required by statute. Any failure to submit the required written request for an appeal would constitute an act of insubordination and may affect the employee's rights pertaining to said statutory time lines, the discovery proceedings, as well as other legal rights and remedies appurtenant thereto.

50-27 ADMINISTRATIVE INVESTIGATIONS

The Mayor and Township Committee or the Appropriate Authority with governing body approval, may appoint a committee and/or designate special counsel to conduct investigations of the operation of the police force and may delegate to such committee or special counsel any and all lawful powers of inquiry. The Appropriate Authority or his designee for this purpose, or special counsel appointed by the governing body, may examine the operations of the force or the performance of any officer or member thereof. Any resolution of the governing body appointing special counsel for the purpose of examining or investigating the operation of the police force or the performance of any officer or member thereof shall be considered to vest the examining or investigating official or body with the authority to perform a municipal investigation pursuant to N.J.S.A. 40:48-25 and the County and Municipal Investigations Law, N.J.S.A. 2A:67A-1 to 4. Any such subpoenas as authorized by N.J.S.A. 40:48-25 shall be in the name of the Appropriate Authority. In conducting any such external investigation or examination, the investigating or examining authority shall not be bound by those internal affairs investigation guidelines or regulations governing the police department in conducting its own internal investigations, although all applicable statutory restrictions and particularly N.J.S.A. 40A:14-147 shall not thereby be circumvented.

50-28 EMERGENCY DIRECTIVES

Nothing herein contained shall infringe upon or limit the power or duty of the Appropriate Authority to act to provide for the health, safety or welfare of the municipality in an emergency situation through special emergency directives. (N.J.S.A. 40A:14-118; 40A:14-146.9)

50-29 POLICE DEPARTMENT RULES AND REGULATIONS

AND POLICE MANUAL

A. Adoption and Promulgation: The Appropriate Authority, pursuant to N.J.S.A. 40A:14-118, is hereby authorized to update, adopt and promulgate rules and regulations for the governing of the Police Department and for the discipline of its members with a view to making the Police Department and all members thereof efficient, vigilant and effective in the service of the Township of Waterford. Said rules and regulations will be in manual form and shall be called the "Rules and Regulations of the Police Department for the Township of Waterford and shall govern the conduct of and be binding upon the entire membership of said Police Department. Said Rules and Regulations shall provide for discipline of the members of the police force. In the event of any mutually inconsistent provisions between the police ordinance and the Rules and Regulations, the

ordinance shall govern; however, both shall be interpreted so as to give full affect to both this ordinance and the Rules and Regulations wherever possible.

B. Distribution: The Rules and Regulations shall be distributed through Power DMS as follows: An electronic copy will be, issued to and electronically signed for, by each employee of the Police Department for the Township of Waterford. A copy will be maintained by the Township Clerk for the personnel designated as Special Officers and to provide public access to same.

C. Members Responsibility for Manuals No police department operating policies will be inserted as part of this manual unless and until properly assimilated by the Appropriate Authority. Each police officer and each civilian employee is duty-bound to thoroughly familiarize himself/herself with the provisions of the Rules and Regulations. Failure to comply shall be considered neglect of duty. In the event neglect of duty is charged against a member for failure to observe the rules and regulations or Department procedures or orders, ignorance of any provision of this manual will not be accepted as an excuse.

50-30 ADOPTION

A. Repealer: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

B. Severability: If for any reason any section or any provision of this Ordinance shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to effect any other sections or provisions of this Ordinance.

C. When Effective: This Ordinance shall take effect immediately after publication and as provided by law.

CHAPTER 5: FOREWORD

The purpose of this Manual is three-fold: (1) to set forth rules and regulations governing the conduct of police officers and civilian employees of the department; (2) to define personnel procedures, and (3) to provide procedural guidance for members of the department in carrying out the duties imposed upon them by law.

The success of a Police Department in the performance of its duties is largely measured by the degree of support and cooperation it receives from the people of the community, which it serves. It is of paramount importance that we secure the confidence, respect, and approbation of the public. The cultivation of such desirable attitudes is dependent upon proper performance of duty by all the members of the department. Professionalization of police is gaining general recognition, but it can win universal acclaim and permanent status only if the actions of the police are reflected in intelligent, sincere, efficient and courteous service. The Police profession must embody the highest attributes of every other profession. Not private profit, nor personal reward, but service to the community is the earmark of the professional police officer, and the price tag for professionalism is accountability.

The contents of this Manual have been developed to guide and assist members in reaching these goals. Adherence to these principles and guidelines by all members of the department will eliminate the need for disciplinary action, and will insure our acceptance by the community as a truly professional police department.

CHAPTER 6: CODE OF ETHICS

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 impel a police officer to discharge his/her responsibility in full measure.

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

He/she does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interests of the State, the Township or the Department.

He/she does not seek to benefit personally by any confidential information, which has come to him by virtue of his/her assignment. He is respectful and courteous to all citizens. He/she is faithful and loyal to his/her organization, constantly striving to cooperate and promote better relations with all regularly constituted law enforcement agencies and their representatives in matters of mutual interest and obligation.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position in the police department. Acceptance of these principles should not be perfunctory; they should be weighed carefully. Citizens are quick to criticize any misconduct of members of the department; the community places a trust in a police officer 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.

CHAPTER 7: ESTABLISHMENT OF THE WATERFORD

TOWNSHIP POLICE DEPARTMENT

7:1 Township Ordinance: The Police Department is established by authority of Township Ordinance.

7:2 All members of the Police Department shall perform all duties provided by law and any further duties as properly directed and in accordance with these Rules and Regulations.

7:3 All police members of the department and all special police officers shall render aid to all distressed, injured, infirm and/or sick persons.

7:4 All police members of the department shall have the power, and it shall be their duty to keep order in all public places of this Township; to prevent, restrain and suppress any riot, disturbance, disorderly assembly or breach of the peace in any street, alley or house of said Township.

7:5 All police members of the Department shall have the power and it shall be their duty to enforce all Ordinances of the Township of Waterford.

7:6 All police members of the Department shall have the power and authority to serve and execute all processes issuing out of the Municipal Court, and shall have all the power and authority of constables of the state, except as to the service of civil processes out of the courts other than the Municipal Court.

7:7 Each police member of the Department shall devote his/her whole time and attention to the services of the Department. Although certain hours may be allotted for the performance of regular tours of duty, officers are considered at all times available for duty and must act promptly at any time their services are required.

7:8 No member of the Police Department shall engage in improper electioneering or other actions of a political or party nature while on duty or which would conflict with their appointed office; nor shall any on duty police officer be present at the polls at any election, except such reasonable time as may be required by him for the purpose of voting, unless he/she shall be detailed by the Police Chief to be present thereat for the preservation of peace and good order during such election.

CHAPTER 8: DEFINITION OF TERMS

The terminology listed in this section has been defined to provide uniformity in usage and to clarify meanings when these terms are used.

8:1 Annual Vacation: Vacation period granted to all members annually.

8:2 Authority: Authority is the statutory or vested right in police officers 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 manual and those persons in violation shall be subject to disciplinary action.

8:3 Chain of Command: The unbroken line of authority extending from the Governing Body through a single subordinate at each level of command down to the level of execution and vice-versa.

8:4 Chief of Police: The Chief of Police of the Township of Waterford, New Jersey, is the highest-ranking uniformed officer of the department.

8:5 Commanding Officer: Any rank of Sergeant and above.

8:6 Days Off: Those days determined by the Chief of Police on which a given member is excused from duty.

8:7 Department: The Waterford Township Police Department.

8:8 Detail: A temporary assignment of personnel for a specialized activity.

8:9 District: A geographical subdivision of the township for election purposes.

8:10 Division: A functional unit having jurisdiction-wide coverage. It may be comprised of one or more subdivisions.

(A) Operations/Patrol Division - The functional unit of the Department which is responsible for the day to day delivery of service(s) to the public in furtherance of the organization mission.

(B) Administrative/Support Services Division - The support service personnel, which provide the logistical, administrative, communications and criminal investigation functions for and in support of the Operations/Patrol Division.

8:11 Divisional Order: Written directive issued by Commanding Officers to their command, directing, describing, or informing subordinates of the official method of dealing with any given situation.

8:12 Employee: Any member, civilian or officer, of the Police Department covered by these Rules and Regulations.

8:13 Equipment, Personal

(A) Belts (Trouser and Gun)

(B) Magazine Carrier

(C) Departmental Shoulder Insignias

(D) Flashlight

(E) Holster

(F) Insignia of Rank

(G) Rain Gear

(H) Weapon - Service Issued

(I) Handcuffs

(J) Cap-Stun

(K) Bullet Resistant Vest

(L) Personal Body Camera

(Anything else as further deemed necessary by the Chief of Police)

8:14 Executive Assistant: This position is created by ordinance and will constitute a civilian position that serves as the administrative assistant to the Chief of Police to provide secretarial duties and those duties delegated by the Chief of Police necessary to assist him with his duties and responsibilities. Those duties are defined by ordinance and at no time will the Executive Assistant be in command or control over sworn police positions subordinate to the Chief of Police. (See graphic Table of Organization for the Waterford Township Police Department.)

8:15 Gender: Use of the masculine gender herein and hereafter shall also include, where applicable, the female gender.

8:16 General Orders: General Orders are written directives that pertain to the procedures of the police department. General orders are to be prepared by the Chief of Police, subject to the approval of the Appropriate Authority as applicable. Examples of proper subjects of General Orders:

(A) Institution of permanent procedures, rules, policies and related manuals.

(B) Permanent changes in organization.

(C) Installation of permanent programs that affect more than one unit subordinate to the appropriate authority; e.g., citizen complaint, internal affairs procedures, etc.

(D) Permanent personnel policies and procedures including recruiting, hiring, training, and promotion policies, but not including changes of status, such as transfers and promotions.

(E) Use of public facilities and equipment.

8:17 Headquarters: The police building(s) that house the headquarters staff and the members of this department.

8:18 Incompetence: An inability to perform the normal duties inherent in the position under consideration, either demonstrated or inherently obvious.

8:19 Insubordination: Failure or deliberate refusal of any member or employee to obey a lawful order given by a commanding officer, judicial authority, or higher elected or appointed authority. Ridiculing a superior or his/her order, whether in or out of his/her presence. Disrespectful, mutinous, insolent, or abusive language directed toward a supervising officer.

8:20 Lawful Order: Any written or oral directive issued by a superior authority 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.

8:21 May/Should: As used herein, words may and should shall mean that the action indicated is permitted or suggested, but NOT required.

8:22 Member: Any duly appointed police officer, civilian employee or other appointee of the department.

8:23 Memoranda: Written directives issued by the Chief of Police. They specify instruction governing particular situations. They are automatically canceled when their objectives are achieved. Memoranda will be utilized as information bulletins, which are primarily designed to inform, and secondarily to direct issues at departmental and divisional level. This type of memoranda may not necessarily be official orders, but will express the thinking of the issuing authority on the subject under consideration.

8:24 Military Leave: The period of time during which an employee is excused from duty by reason of serving the Armed Forces of the United States in an active capacity, as provided by law.

8:25 Neglect of Duty: Failure to give suitable attention to the performance of duty. Examples include, but are not limited to: failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from a patrol during a tour of duty; failure

to perform duties or comply with provisions prescribed in the Police Manual; failure to conform to the department's operating procedures.

8:26 Off Duty: The status of a member during the period he is free from the performance of specified duties.

8:27 Official Channels: Through the hands of the superior in the chain of command.

8:28 On Duty: The status of a member during the period of the day when he/she is actively engaged in the performance of his/her duties. Technically, a police officer is subject to call at all times.

8:29 Operations Orders: Written directives issued by the Chief of Police, subject to the approval of the Appropriate Authority as applicable. Operations orders remain in full force and effect until amended, superseded, or canceled by the Chief of Police. Operations Orders establish policy, procedure or regulations governing matters which affect the entire department, or two or more subordinate units. They are the second most authoritative directive issued in the department and may be used to amend, supersede, or cancel any other order.

8:30 Order: Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty and which is lawful in nature.

8:31 Personnel Orders: Appointment, assignment or any other status change of personnel within the department accomplished by department personnel orders issued by the Chief of Police.

8:32 Police Manual: Reference guide specifying the rules and regulations governing the conduct of personnel and the operation of the department as well as specifying department policies and procedures.

8:33 Procedure: The official method of dealing with any given situation prescribed by Chief's order or procedural guide.

8:34 Rules and Regulations: Quasi-legislation in regard to the Police Department detailing the duties, responsibilities, powers, conduct and methods of operation of the department and governing the members thereof.

8:35 Sector: A specific territorial assignment of a police officer.

8:36 Seniority: Length of employment as a member of the Police Department of Waterford Township. It will be calculated only upon "good time" service and by deleting all periods of suspension and/or breaks in service.

8:37 Shall/Will: The words "shall" and "will" as used herein shall indicate that the action required is mandatory.

8:38 Shift: A scheduled tour of duty.

8:39 Sick Leave: The period of time during which an officer is excused from active duty by reason of illness or injury not otherwise covered as a disability injury leave.

8:40 Special Assignment: Police service, the nature of which requires that the member be excused from the performance of his/her regular duties.

8:41 Special Orders: Those directives affecting a specific unit, a specific event, or circumstance of a temporary or self-canceling nature or involving only specific segments of activities. Examples of proper subjects of Special Orders:

- (A) The assignment of individual duties to public gatherings or parades.
- (B) Seasonal change of uniforms.
- (C) Annual budget preparation and special instructions for the current year.
- (D) Assignment of Police vehicles.

8:42 Special Law Enforcement Officer: Persons vested with special Police authority pursuant to N.J.S.A. 40A:14-146, et seq.

8:43 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.

8:44 Standard Operating Procedures: Standard Operating Procedures (SOPs) are an explicit and in-depth explanation of the relevant Operations Orders or other departmental policy and which establish procedural requirements.

8:45 Subordinate: A member lower in rank than his/her commanding officer(s).

8:46 Superior Officer: A person holding a rank higher than that of a Sergeant.

8:47 Supervisory Officer: Member of the department assigned to a position requiring the exercise of immediate supervision over the activities of other members and employees.

8:48 Suspension: Suspension is the act of temporarily denying a member the privilege of performing his/her duties, and relieving him from duty, with or without pay, for a period of time, in consequence of alleged dereliction of duty or violation of department regulations. The member remains subject to the command and control of the police department despite suspension of his/her power and authority.

8:49 Table of Organization (T.O.): A chart to show graphically the structure of the department and/or the personnel structure within the department.

8:50 Tense of Words: The words used in the present tense include the future.

8:51 Time (Creditable): The time in service of a full time recognized police agency within the United States on either the Federal, State, County or Municipal level and that which is not adversely affected by periods of suspension, disability or leaves of absence.

8:52 Tour of Duty: The number of days of work on a given shift during which an individual member is on duty.

8:53 Uniform: Prescribed or regulation uniform worn by members of the Police department.

8:54 Unit (Tactical): A functional group or team subordinate to a subdivision 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.

8:55 W.T.P.D.: The accepted initials and abbreviation to be used to identify the Waterford Township Police Department.

CHAPTER 9: ORGANIZATION

9:1 Office of the Chief: The Chief of Police is responsible for the general direction, control and supervision of the Police Department as authorized and provided for by State Statute, Township Ordinance and these rules and regulations.

9:2 Operations/Patrol Division: As defined by Section 8:10(A). It consists of the Patrol Platoons/Squads, Supplemental Squads and/or units.

9:3 Administrative/Support Services Division: As defined by Section 8:10(B). It consists of the Criminal Investigation Division, the Office and Records Section, and the Special Law Enforcement Officers.

9:4 Operations/Patrol Division: The Operations/Patrol Division is responsible for the performance of the following functions:

(A) Preventive patrol activities.

(B) Protection of life and property, preservation of the peace, enforcement of the law, and suppression of crime.

(C) Investigation of police incidents and minor crimes, preliminary investigation of serious crimes.

(D) Traffic law enforcement, traffic control, and traffic accident investigation.

(E) Follow-up investigations, as applicable.

9:5 Criminal Investigation Division (C.I.D.): The Criminal Investigation Division is responsible for the following functions:

(A) Initial and follow-up investigations of serious crimes, vice crimes and other investigations specifically assigned by the Chief of Police.

(B) Preparation of cases for prosecution.

(C) Recovery of stolen property.

(D) Performance of all identification functions.

(E) Prevention and control of juvenile delinquency.

(F) Processing of juvenile offenders.

(G) Maintaining liaison with the juvenile courts.

(H) Crime prevention.

(I) Evidence storage and control.

9:6 Administrative/Support Services Division: The Administrative/Support Services Division is responsible for the following functions:

(A) Processing, indexing, and filing of all reports and case files; miscellaneous record services to the public and the department.

(B) Reception of all complaints, reports of crime and requests for police services from the public, and dispatching of personnel to investigate these cases.

(C) Operation of all radio and communications equipment.

(D) Arranging for basic, in-service, and specialized training for department personnel, and maintaining training records.

(E) Providing maintenance programs and procedures for vehicles, communications and other equipment.

(F) Assignment, control and supervision of Class I and Class II Special Police Officers, and other special services personnel.

(G) Assist Criminal Investigation Section functions pursuant to 9:5(B), (H) and (I) when related to their normal duties.

9:7 General: Duties and responsibilities are not limited to those listed herein. Other duties and responsibilities may be assigned as necessary to accomplish the objectives of the department.

9:8 Rank Established: Rank in the Waterford Township Police Department shall descend in the following order:

(A) Chief of Police

(B) Lieutenant

(C) Sergeant

(D) Detective

(E) Police Officer or Investigator (Investigator is an assignment only)

(F) Special Law Enforcement Officer

It is understood that the Appropriate Authority, as a result of no qualified applicants, may leave one or more of the positions vacant, as he/she, or the governing body deems appropriate or necessary.

9:9 Rank and Seniority: When officers are the same grade, they shall rank according to their seniority determined by time in rank.

9:10 Chief of Police - Authority and Responsibilities: The Chief of Police shall be the head of the department and shall be directly responsible to the Appropriate Authority for the conduct, efficiency and management of the department and, pursuant to policies established by the Appropriate Authority, shall:

(A) Be the Chief Executive Officer of the police force;

(B) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the Department, force and its officers and personnel. Also, recommend to the Appropriate Authority changes to said rules and regulations;

(C) Implement the procedures for the hearing and determination of charges alleging violation of department rules and regulations by any subordinate member of the police force; members are to be penalized in accordance with Chapter 12, et seq. on written charges made or preferred against him or her, after such charges have been examined, investigated and heard by the proper hearing authority, upon such reasonable notice to the member charged, and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department and the Township Ordinance.

(D) In his/her discretion, deduct and withhold salary from any member of the police force as a result of absence for any cause without leave;

(E) Have and exercise all of the functions, powers, and duties of a Department Head;

(F) Have, exercise, and discharge any functions, powers, and duties of the force and department;

(G) Prescribe the internal organization of the Department and the duties of his/her subordinates and other personnel, or assistants, pursuant to policies established by the Appropriate Authority;

(H) Administer the work of the Department through the divisions established and such other units of administration as he may find necessary or desirable;

(I) The Chief of Police will coordinate with the appropriate Division Commander, whereby they will each make periodic unannounced and unexpected inspections of police headquarters and patrols at various and diverse times during the day and night. Such activity will be recorded on the Daily Activity Report kept by the Chief or his designee;

(J) Delegate such of his/her powers and authority as he may deem necessary for the efficient administration of the Department to be exercised under his/her direction and supervision; and

(K) Report, as required, on the work of the Department to the Appropriate Authority on the forms and in the format prescribed.

9:11 Police Lieutenant - Authority and Responsibilities:

(A) Command: The direction and control of personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies, and procedures. Provide for continuation of command and supervision in his/her absence.

(B) Loyalty and Esprit de Corps: The development and maintenance of esprit de corps and loyalty to the Department.

(C) Discipline and Morale: The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.

(D) Interdivisional Action: The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not regularly assigned to his/her command when delay to inform the proper unit might result in a failure to perform a police duty.

(E) Organization and Assignment: Organization and assignment of duties within his/her unit to assure proper performance of Department functions and those of his/her command.

(F) Reports and Records: Preparation of required correspondence, reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command, as required.

(G) Maintenance: Assurance that quarters, equipment, supplies and material assigned to his/her command are correctly used and maintained.

(H) Division Commanders will hold the rank of Lieutenant and will be further responsible for such "General" and "Specific" duties as defined by S.O.P.

In the event higher elected authority determines that this position is to be left vacant; the Chief of Police will assign these functions to the police personnel the Chief deems appropriate

9:12 Sergeant - Authority and Responsibilities: In addition to the general and individual responsibilities of all members and employees, sergeants are specifically responsible for the following:

(A) Supervision: Closely supervise the activities of their subordinates, making corrections where necessary and commending where appropriate.

(B) Leadership: Provide on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

(C) Direction: Exercise direct command, when necessary, in a manner that assures the good order, conduct, discipline, and efficiency of subordinates. Exercise of command may extend to subordinates outside their usual spheres of supervision if the police objective or reputation of the department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor required a subordinate other than his/her own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.

(D) Enforcement of Rules: Enforcement of Department rules and regulations and requiring compliance with Department policies and procedures.

(E) Inspection: Inspection of activities, personnel, and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct or neglect of duty by a subordinate.

(F) Assisting Subordinates: Having a working knowledge of the duties and responsibilities of his/her subordinates. Observing contacts made with the public by his/her subordinates and being available for assistance or instruction as may be required. He shall respond to calls of serious emergencies, crimes in progress, assaults, and others unless actively engaged in a police incident. He should observe the conduct of the assigned personnel and take active charge when necessary.

(G) Leadership: Provide on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

(H) Good Order: The general good order of his/her command during his/her tour of duty includes proper discipline, conduct, welfare, field training, and efficiency.

(I) Roll Call: Conduct prescribed roll calls, communication of all orders, or other information at roll call and inspection and correction of his/her command as necessary.

(J) Reporting: Reporting as required by a commanding officer.

(K) Personnel Complaints: Inquiry into personnel complaints against members and employees under his/her command in accordance with the provisions of this Manual.

9:13 Police Detective: - Authority and Responsibilities: In addition to the general and individual responsibilities of all members and employees, detectives are specifically responsible for the following:

(A) Initial and follow-up investigations of serious crimes, vice crimes and other investigations specifically assigned by the Chief of Police.

(B) Preparation of cases for prosecution.

(C) Recovery of stolen property.

(D) Performance of all identification functions.

(E) Prevention and control of juvenile delinquency.

(F) Processing of juvenile offenders.

(G) Maintaining liaison with the juvenile courts.

(H) Crime prevention.

(I) Evidence storage and control.

9:14 Shift Supervisor/Senior Officer - Authority and Responsibilities: In the absence of a lieutenant and sergeant, the senior available member of the shift is in charge, unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the Senior Officer is then responsible for the relevant duties and responsibilities assigned to the sergeant and which cannot wait for his return to duty.

9:15 Police Officer Serving within Criminal Investigation Section-Duties and Responsibilities: All of the same duties and responsibilities as assigned to police officers serving within Operations/Patrol Division; however, with emphasis placed in the specialized areas as defined by Section 9:5.

9:16 Police Officer Serving within Operations/Patrol Division-Duties and Responsibilities: Police Officers serving within Operations/Patrol Division are responsible for performing a variety of duties related to the protection of life and property, enforcement of criminal and traffic laws, prevention of crime, preservation of the public peace, and the apprehension of criminals. They will perform these duties as prescribed in Department orders and as directed by their supervisors. In addition to these and the general and individual responsibilities of all members and employees, police officers are specifically responsible for the following:

(A) Police Mission: A Police Officer functioning in Operations/Patrol Division is responsible for the accomplishment of the police mission on his/her patrol. He shall constantly be alert for violations of the laws and ordinances and shall make every effort to prevent breaches of the peace and offenses against persons and property. He/she shall be held accountable for crime, accidents, disorders, and other criminal conditions on his/her patrol beat or post.

(B) Reporting for Duty: The Police Officer shall report promptly at the designated hour and place, in proper uniform for assignment and inspection. He/she shall listen attentively to orders and instructions of his/her superior officers and read such materials as are made available to him. The Officer shall make written memoranda of such information as necessary and shall immediately proceed to his/her post or beat upon completion of these tasks.

(C) Familiarization with Patrol: A Police Officer shall thoroughly familiarize himself with his/her assigned area. He shall be familiar with all public business, offices, and their entrances, exits, skylights, fire escapes, and other possible means of escape. While making security checks of doors, he shall familiarize himself with the location of safes and night lights. Changes in night lights will be particularly noted.

(D) Method of Patrol: During his/her tour of duty, the Police Officer shall continuously patrol every part of his/her assigned area giving attention to and frequently rechecking locations where the crime hazard is great. As far as possible, he shall not patrol his/her assigned area according to any fixed route or schedule, but shall alternate frequently and backtrack in order to be at the location least expected.

(E) Unlocked Buildings

(1) When a door or window is found open under suspicious or unusual circumstances on any tour of duty, a Police Officer shall make a thorough investigation and determine, if possible, whether a burglary or other crime has been committed and whether the door or window can be secured. He shall, if necessary, summon assistance to examine the premises and to secure such doors and windows. He shall notify his/her shift commander and the property owner.

(2) Under circumstances indicating that an intruder is still inside a building, the officer discovering same should immediately summon assistance and then stand guard. When the assistance arrives, he may enter and search the building.

(F) Field Interviews: When the occasion demands it, the officer shall courteously, but firmly, question persons on the public streets as to their names, addresses, reason for being on the street, and other matters relating to the circumstances. In all cases, good judgment, probable cause, and discretion shall be used in making a decision to arrest.

(G) Vice Suppression: Uniformed officers shall give particular attention to places where vice violators might congregate. They shall use every lawful means to suppress the illegal activities of such persons, prosecute them, and require all establishments to operate in accordance with municipal ordinances and state laws and shall report all violations.

(H) Traffic Law Enforcement: When on duty, Police Officers are charged with the enforcement of all provisions of local and state traffic codes. Failure to take appropriate action in traffic violations cases is considered neglect of duty. When off duty, Officers will **NOT** involve themselves in such summary matters unless it is necessary to preserve life or property. See Rule 10:14(B).

(I) Complaint Action: A police officer shall carefully investigate all complaints on or near his/her patrol, which are assigned to him or which are brought to his/her attention by citizens. He shall take suitable action in those cases, which come under his/her jurisdiction, and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside the jurisdiction of the police department, he shall advise the complainant accordingly and refer him to the proper authority.

(J) Preliminary Investigations: At the scenes of major crimes, subject to direction of higher authority, the first officer at the scene, after it has been established that the perpetrator is no longer

present, will begin the preliminary investigation. In the event of a homicide, a member of the Detective Bureau will be called to the scene immediately. In all instances, members not assigned will not enter the premises or do any other thing that might interfere with the investigation or destroy evidence. In cases of homicide, the first duty of the officer is to guard the scene, exclude all unauthorized persons, and detain all witnesses for interrogation.

(K) Radio Failure: Police Officers shall pay strict attention to all regular radio transmissions. When they fail to hear any radio transmissions or time signals for a period not to exceed 30 minutes, they shall immediately call the dispatcher for a special test. If he fails to receive an acknowledgment, he shall immediately contact the desk officer by telephone. In case of radio trouble, the officer shall notify his/her shift commander and/or dispatcher of the nature of the trouble.

(L) Police Officers will be further responsible for daily performance standards and such other duties as defined by S.O.P.

CHAPTER 10: PERSONNEL; ORGANIZATION

REQUIREMENTS; AND REGULATIONS

10:1 Police Officer Serving within Operations/Patrol Division: Except as otherwise provided by law, the basic requirements of a police officer serving within the Operations/Patrol Division are as follows:

(A) Must be a citizen of the United States and a resident of New Jersey.

(B) Must have received a high school diploma or equivalency.

(1) Must have 64 credits from an accredited college, this requirement is subject to waiver as provided by Ordinance 50-23(B).

(C) Must be able to read, write and speak the English language well and intelligently.

(D) Must be of good moral character.

(E) Shall not have been convicted of any indictable offense or any crime or offense involving moral turpitude.

(F) Shall submit to and pass such physical and psychological examination as may be prescribed by the Appropriate Authority with the approval of the Township Committee.

(G) Shall submit to and pass such written, oral, psychiatric, psychological or performance evaluation tests as prescribed by the Appropriate Authority with the approval of the Township Committee.

(H) Shall submit to and cooperate with any background investigation as may be prescribed by the Appropriate Authority with the approval of the Township Committee.

(I) Re hires: If an applicant for Police Officer previously served in that capacity with the Waterford Township Police Department, he/she may be eligible for rehire if it is in the Department's best interest to do so and subject to the following criteria:

(1) The applicant for rehire must have had an acceptable performance record up to the date of separation from service.

(2) The applicant for rehire must have had an acceptable disciplinary record (positive vs. negative) prior to separation from service.

(3) An applicant for rehire may not be considered if during his/her separation he has experienced legal or fiscal problems that would reflect unfavorably on police service.

(4) All applicants for rehire should have the recommendation of the Appropriate Authority before he/she is considered.

10:2 Police Officer Serving within Criminal Investigations Section- Eligibility Requirements

(A) Must satisfy all of the requirements under Section 10:1.

(B) Must have shown a demonstrated propensity to investigate crime.

10:3 Sergeant - Eligibility Requirements

(A) Should have served at least three (3) years with the Waterford Township Police Department (N.J.S.A. 40A:14-130).

(B) A minimum of sixty four (64) credits from an accredited college is required, Bachelor's Degree preferred.

(C) Must successfully pass all written, oral, and/or other tests if same are required by the Chief of Police, pursuant to policies established by the Chief of Police, with the approval of the Appropriate Authority.

(D) In the event no personnel within the department meet the established requirements for this rank, an outside appointment of a person that does may be made after advertising, investigating, and screening of applicants as per N.J.S.A. 40A:14-118. No person shall be passed over for any promotion or position for any reason, other than a deficiency in qualifications or just cause.

10:4 Lieutenant - Eligibility Requirements

(A) Should have served with the Waterford Township Police Department for a period of at least ten (10) years and has served in the rank of sergeant for at least one year.

(B) A minimum of sixty four (64) credits from an accredited college is required, Bachelor's Degree preferred.

(C) Must successfully pass all written, oral, and/or other tests if same are required by the Chief of Police, pursuant to policies established by the Chief of Police, with the approval of the Appropriate Authority.

(D) In the event no personnel within the department meet the established requirements for this rank, an outside appointment of a person that does may be made after advertising, investigating, and screening of applicants as per N.J.S.A. 40A:14-118. No person shall be passed over for any promotion or position for any reason, other than a deficiency in qualifications or just cause.

10:5 Chief of Police; Eligibility Requirements and Promotional Procedure:

Candidates for the position of Chief of Police shall participate in a promotional procedure administered by the Appropriate Authority if there are multiple candidates that meet the qualifications set forth herein. In the event no personnel within the police department meet the established requirements for this rank, an outside appointment of a person that does may be made after advertising, investigating, and screening of applicants as per NJSA 40A:14-118. No person shall be passed over for any promotion or position for any reason, other than a deficiency in qualifications or just cause. The reviewing committee, which shall be made up of the Appropriate Authority and the current Chief of Police (Unless he/she is involved in pending discipline or litigation where he/she is at odds with the Township) shall consider the following: the candidates' knowledge of criminal law and procedure, police science and administration, leadership and management ability, general knowledge of Waterford Township local government and N.J.S.A. 40A:14-118, the candidates' poise, alertness, ability to communicate clearly and effectively, ability to effect good working and public relations and moral character. Eligible candidates must have a minimum of fifteen (15) years progressive police experience and must possess a minimum of ten (10) years of supervisory police experience. A minimum of sixty four (64) credits from an accredited college is required, Bachelor's Degree preferred. To be considered for the position of Chief of Police, the candidate(s) must be currently serving with the Waterford Township Police Department, in a non-probationary status, in a Superior Officer Rank.

10:6 General Requirements: Any person appointed to or promoted by the Appropriate Authority to a ranking position within the Waterford Township Police Department must have and satisfy all of the requirements under Section 10:1, in addition to the advanced requirements for the position in consideration. All promotions will be made by the Appropriate Authority, in his/her discretion, subject to approval of Mayor and Committee and all applicable New Jersey Statutes.

10:7 Candidates on Eligibility List: The Appropriate Authority shall, at all times, have the option of choosing from the top three (3) candidates on the eligibility list for all promotions.

10:8 Oath of Office: All new police officers and civilian employees, before their assignment to duty and prior to their promotion to higher rank, shall be required to take an oath of office, as follows: "I (name of police officer or employee), do solemnly swear I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of (state rank or position) of the Township of Waterford, according to the best of my ability. So help me God."

10:9 Probationary Period:

(A) Each appointee, regardless of previous experience, shall serve a probationary period of one (1) year from the date of police academy graduation and shall be designated as a probationary officer and shall not be considered a permanent member of the police department during the term of probation. Upon satisfactory performance of his/her duties as a probationary officer, his/her appointment to the position of police officer becomes tenured. For purposes of seniority, pension, and vacation privileges, the period of probation shall be included in determining the length of service. All appointments of probationary officers shall be made in accordance with N.J.S.A. 40A:14-118. No probationary officer shall be appointed a permanent police officer unless he has successfully completed a police training course at an approved school as required by N.J.S.A. 52:17B-68, or has satisfied the statutory requirements in some other way provided by law.

(B) All promotions shall be probationary for a six month period, and then automatically permanent, if not vacated by the Appropriate Authority for the Township of Waterford. In the event an

appointment is made to a ranking position in the Police Department, due to no qualified candidate being available for promotion, said appointment will be probationary for one year.

(C) All probationary appointments and/or promotions may be vacated or terminated after written notice without any further due process or right to a hearing.

10:10 Promotions:

A. The Township of Waterford governing body desires to promote the most qualified candidates to positions of higher ranks. This chapter establishes the eligibility requirements and the process for promotion to all higher ranks except Chief of Police (which is outlined in 10:5). The promotion process shall be on the basis of merit, experience, education, demonstrated ability and competitive examinations. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the department. No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Waterford Township Police Department for at least a period of three years (N.J.S.A. 40A:14-130). No person shall be eligible for promotion to be a superior officer unless he or she has previously served as patrolman in such department or force (N.J.S.A. 40A:14-129).

B. Upon receiving instruction from the Appropriate Authority to do so, the Chief of Police shall announce the promotional process to members of the department at least 45 days before a written test is to be conducted. The announcement shall be distributed through Power DMS to all members of the department. The announcement shall contain, at a minimum, the rank to be filled, the dates of any exams that will be given, if so prescribed by the Chief of Police, the source materials or reading lists from which the exam questions will be taken or topics from which the questions will be formulated. Candidates who qualify shall notify the Chief of Police of his or her interest in participating in the promotional process by submitting a letter of interest no later than 10 calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the process.

C. Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-122.6.

D. The Appropriate Authority shall appoint the reviewing committee for departmental promotions, which shall at a minimum consist of the Appropriate Authority, Chief of Police and a Superior Officer of the highest existing rank, if available. This committee will be tasked with finalizing the rankings of all candidates who participate in the promotional process and developing a promotional list.

E. Promotional testing procedure. The promotional testing procedure for the Waterford Township Police Department for the rank of Sergeant and Lieutenant shall consist of a written examination conducted by the NJ State Association of Chiefs of Police, if so prescribed by the Chief of Police, and an oral examination also conducted by the NJ State Association of Chiefs of Police in which all candidates will be given the same questions, a review of the candidates service record, education, merit and experience.

1. Written Examination:

The written examination shall be prescribed by the Chief of Police or the highest ranking Superior Officer in the absence of a Chief of Police. To proceed to the oral portion of the examination procedure, a candidate must achieve a minimum score of 70%. If a written examination is not prescribed by the Chief of Police all eligible candidates will proceed to the Oral Examination. Written Exams will be conducted by the NJ State Association of Chiefs of Police.

2. Oral Examination:

- a) Candidates shall be notified, in writing, of their successful or unsuccessful completion of the written portion of the exam by the Chief of Police or his (her) designee, if one is prescribed. Oral Exams will be conducted by the NJ State Association of Chiefs of Police.
- b) Candidates that successfully achieve a score of 70% on the written examination shall be permitted to sit for an oral examination. The oral examination shall take place after the receipt of the written examination scores.
- c) Candidates must score at least 70 out of 100 in the oral examination to proceed to the next step in the promotional process.
- d) For all positions above the rank of sergeant, the process will consist of an interview with the Appropriate Authority and the Chief of Police (Review Committee) or highest ranking Superior Officer in the absence of a Chief of Police. Candidates for positions below the rank of Lieutenant will proceed from the oral exam directly to the review of service record.
- e) The interview with the Appropriate Authority and Chief of Police shall focus on leadership and management skills, knowledge of Waterford Township's form of government., knowledge of the Police Department Ordinance, familiarity with the municipal budget process and knowledge of N.J.S.A. 40A:14-118. All candidates will be asked the same questions. Each candidate shall be graded on a one hundred point scale by the Review Committee.

3. Record Review:

Candidates for Sergeant that successfully achieve a score of 70% on the written examination, if so prescribed, and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

The reviewing committee shall examine the length and merit of the candidate's service. The examination process shall give weight to job performance, experience, military service, demonstrated leadership ability, education and disciplinary history.

4. Scoring of Examination Results:

The weight or percentage of each portion of the process shall be as follows:

[a.] Sergeant

<u>Type</u>	<u>Weight %</u>
Written Test	40%
Oral Exam	40%
Leadership Assessment	15%
Education (see below)	5%
Associates Degree or 64 College Credits =	2.5%
Bachelor Degree =	5%

Two years of honorable military experience may be substituted in the absence of an Associate's Degree equal to 2.5%.

*Discipline shall be deducted per occurrence, for each event that incurred a suspension of 10 days or more in the preceding five years of the announcement of the examination process. For this type of discipline 2.5% will be deducted from the overall score.

* If the Chief of Police does not prescribe a written examination all eligible candidates will receive credit for the full percentage potential of the written test (40%).

[b.] Superior Officer (Lieutenant)

<u>Type</u>	<u>Weight %</u>
Written Test	40%
Interview with Review Committee	40%
Leadership Assessment	15%
Education Maximum Total (see below)	5%
Associates Degree or 64 College Credits =	2.5%

Bachelor Degree = 5%

Two years of honorable military experience may be substituted in the absence of an Associate's Degree equal to 2.5 %

*Discipline shall be deducted per occurrence, for each event that incurred a suspension of 10 days or more in the preceding five years of the announcement of the examination process. For this type of discipline 2.5% will be deducted from the overall score.

* If the Chief of Police does not prescribe a written examination all eligible candidates will receive credit for the full percentage potential of the written test (40%).

F. Promotional List: The Review Committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to the lowest based on score. The list shall include the candidates' names and the final overall scores.

(1).The Chief of Police shall then submit the results of the process listing the breakdowns and final scores of the candidates and any other information that may be pertinent to the Appropriate Authority for final decision.

(2) Candidates who achieve an overall score of 70% or greater shall be placed on a promotional list which will be ranked in descending order. This list will expire two years from the date that such promotional list is created.

G. Eligibility for testing: All candidates for promotion must have served a minimum of three years with the Waterford Township Police Department as a full-time police officer by the date of the written examination to be eligible to participate in the promotional process. In order to be eligible to test for any rank above sergeant, officers must have served at least one year in grade at the next lowest rank.

H. Promotional List: A promotional list will be created and officers will be ranked in descending order in accordance with overall scoring of the exam process, this list will remain in effect for a period of two years from the date that such list was distributed to personnel through Power DMS. This list will be distributed, through Power DMS, to all sworn officers of the police department.

10:11 Outside Employment (Moonlighting)

Waterford Township Police Officers are expected to give their whole time and attention to their duties in serving the public interest and public safety of/for the residents of Waterford Township. They are required by Police rules and regulations to be armed at all practical times and are subject to duty recall when determined to be necessary by the Chief of Police or other appropriate authority. Additionally, there are certain private employment activities that are in direct conflict with police power vested in the officer by the Township of Waterford. Accordingly, effective upon passage of this ordinance, no Waterford Township Police Officer will be allowed to Moonlight in employment apart from their Township held position except as follows:

A. Any officer wishing to moonlight must FIRST submit a written request through the Chief of Police, with his endorsement recommending approval or not, to the Appropriate Authority for a permit to do so. The request will contain all necessary information to include, at a minimum: the type of employment; the hours to be worked; the name, address and phone number of the prospective employer and company; a certification from the employer that the duties will not involve police powers, that there will not be any conflict with the officers police career, and that the company will provide the officer with full insurance benefits to indemnify the Township and cover the officer for his actions or inactions or if injured in the course of or during actions arising out of or related to the prospective moonlighting job. That is, the outside employer must provide proof of sufficient insurance coverage to protect the Township against liability for tort actions or other actions of the officer outside the officers official police department duties, and to defend and indemnify and hold the Township and the officer harmless in any legal proceedings not arising out of and not directly related to the lawful exercise of police powers in furtherance of official police duties and related to the moonlighting employment. Said permit will only be issued by the Appropriate Authority, for officers who have been productive employees for the Township as documented and certified by the Chief of Police. All such permits will be revoked for employees whose performance does not meet departmental performance standards. The approved permit will be valid for a period of two years and will need to be reapplied for within 90 days prior to expiration. At any time this permit may be revoked by the Chief of Police, without due process, if it impedes or diminishes the ability to attain the departmental objectives of this agency in any way or compromises the reputation of the police department.

B. Entrepreneurial endeavors (e.g self-employment) are strictly prohibited subject to the same permit requirements listed in paragraph A above. Additionally, no permits for those endeavors will be issued for any business conducted within the boundaries of Waterford Township. The appearance of impropriety (even in the absence of actual wrongful behavior) necessarily stemming from paying attention to such business practices on Township time and/or using police powers in regard to such business enterprises has arisen in the past and may be particularly troublesome.

C. Permit Criteria: The following standards shall be used to guide the Appropriate Authority in deciding requests from officers to engage in off duty employment as well as operation of a business enterprise (i.e. self-employment) off duty:

(1) Whether the business/employment has the potential to be aided or furthered by an officers use of confidential information that the officer is privy to solely by virtue of his police position, whether or not the officer may actually so use such information, based on the appearance and potential conflict created;

(2) Whether the business/employment might tend to result in a loss of departmental control or authority over the officer while engaged in the business/employment beyond any loss of control over other off duty officers not so employed or engaging in their own private business;

(3) Potential for loss of the officer's police services as a result of injury sustained in the alternate employment/business;

(4) Whether the employment/business has the potential to create the appearance that those who patronize the business or place of employment might curry favorable treatment by the officer in his police capacity or the department, or the appearance that those who patronize a competitor of the business/employer might be subject to unfavorable treatment by the officer or department;

(5) Whether the business/employment has the potential to cause diminished physical and mental capacity of the officer while on duty;

(6) Whether the employment/business is in a publicly regulated industry which might create actual or appearance of conflicts of interest, even if with other branches or levels (e.g., state, county, municipal) of government;

(7) Whether the employment/business has the potential for the creation of an appearance of favoritism among officers from the operation of a joint enterprise among multiple police officers holding different ranks on the police force when the same officers exercise their supervisory authority over each other in the course of their police duties;

(8) The potential for possible pursuit of police time or resources to pursue private employment/business functions;

(9) The potential civil liability of the Township for acts committed by the officer in the private employment/business;

(10) Potential for the employment/business to affect the reputation and effectiveness of the police force;

(11) The potential for the officer to be involved in the collection/accounts receivable aspects of the business/employment such that those dealing with the officer in the employment/business capacity might feel pressure/coercion in paying debts beyond that which would be present if such activities were not performed by an off duty police officer;

(12) Any other factor unique to the employment/business request with the potential to create a conflict or appearance of conflict with police employment.

D. Divestiture: All employees currently moonlighting, conducting a side business, or involved in any form of secondary employment without the required permit will immediately submit written application for same, or terminate such employment within two weeks, and/or divest themselves of all side businesses prohibited in paragraph B above within thirty days. A violation of this ordinance constitutes grounds for immediate removal from service as a Waterford Township police officer.

10:12 Surrender of Department Property

(A) Upon separation from the Department Members and employees are required to surrender all department property in their possession upon separation from the service. For failure to return a nonexpendable item, the person concerned will be required to reimburse the department for the fair market value of the article.

(B) Under Suspension: Any police officer under suspension shall immediately surrender his/her badge, firearm, and all other requested department property to his/her commanding officer, pending

disposition of the case. Any other employee under suspension shall immediately surrender all department or municipal property in his/her possession to the commanding officer, or the civilian supervisor of the unit to which he is assigned. A Police Officer, while suspended from duty, may not thereafter identify himself as a policeman or take any police action even though, by law and/or this regulation, he remains under the command and control of the police administration.

10:13 Injuries While Off Duty: Employees who have sustained injury while off duty and who have received salary from the Township while injured shall notify the Chief of Police, in writing.

10:14 Hours of Duty

(A) Members of the Department shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. They shall, however, be subject to duty as needed.

(B) The fact that they may technically be off duty shall not be held as relieving members from the responsibility of taking proper police action on any serious matter coming to their attention at any time. Off duty police actions will be immediately reported in a special report to the office of the Chief of Police. This includes all police confrontations with citizens and prior approval must be obtained from the Chief before any summonses or complaints are issued after the fact of any confrontation that does not result in an on-view arrest. All such police actions are strictly limited to on-view crimes of an indictable nature, disorderly offenses rising to the level of a breach of the peace, and/or action necessary to protect life or property. At no time will any member of this department involve him/herself in off duty motor vehicle enforcement or other minor infractions other than to call the proper jurisdiction, if moved to do so, and report the infraction. It is reiterated, all such off duty activity will be immediately reported to the Chief in a special report.

(C) Days Off: Members and employees are entitled to days off which are to be taken according to a schedule arranged by the police administration, and approved by the Chief of Police.

10:15 Suspension of Vacation, Day off or Leave of Absence: Any vacation, day off, or leave of absence may be suspended when a sudden and serious emergency arises and when, in the judgment of the Chief of Police or his/her designee, such action be taken. Compensation for same will be as per the police contract and existing law.

10:16 Absence from Duty for Five Days Continuously: Except as otherwise provided by law, any permanent member or officer of such police department and force who shall be absent from duty without just cause or leave of absence, for a continuous period of five (5) days, shall cease to be a member of such department and force. (Source: N.J.S.A. 40A:14-122.)

10:17 Vacation Scheduling: Vacation schedules shall be arranged by the Chief of Police or his/her designee. The Chief of Police shall determine the number of members who may be granted vacation during a given vacation period.

10:18 Reporting Sick or Injured: Members and employees unable to report for duty because of sickness or injury shall make an immediate report to their commanding officer or desk officer, in person or by telephone, but no later than one hour before the beginning of the member's shift. If the member is unable to contact the commanding officer personally, then a relative or other responsible person shall notify the commanding officer or desk officer of all pertinent facts either in person or by telephone, within the same time frame. Same will be documented and forwarded to the Police Clerk and to the Chief's Office.

(A) Address of Confinement: Members and employees, when sick or injured, shall be responsible for notifying their supervisors as to their places of confinement or of any subsequent change in their places of confinement.

(B) Township doctors may have to be used and all required sick reports will be filed as soon as practical.

10:19 Sick or Injured on Duty: Members taken sick or injured on duty shall report the facts to their command and shall remain on duty until relieved, unless excused by a superior officer. The only exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance. All requisite insurance forms will be filled out as soon as possible.

10:20 Unauthorized Absence: Members or employees who absent themselves in an improper manner shall be subject to disciplinary action being preferred against them. Unauthorized absence occurs when members or employees:

(A) Are not at home or who are not at their place of confinement, while on sick leave, when visited by the department doctor or a superior officer.

(B) Feign illness or injury, or otherwise abuse sick leave.

(C) Deceive the department doctor in any way as to their true condition.

(D) Are injured or become sick as a result of improper conduct or of intemperate, immoral or vicious habits or practices.

(E) Violate any provisions concerning the reporting of sickness or injury or of Section 10:16.

(F) A prima facie case of unauthorized absence and sick leave abuse exists whenever a sick leave abuse pattern is identified and/or when an excessive number of one-day illnesses occur without a doctor's authorization for any given employee. (Excessive, while less may reflect a pattern, is generally six or more in any given year.)

10:21 Leave of Absence for Death in Family: Members or employees will be allowed the time off as negotiated in the Police Contract. Exceptions to this rule may be made at the discretion of the Chief of Police, to grant time to employees in need of same, subject to review and approval of the Appropriate Authority.

10:22 Military Reserve Leave: A member or employee who is a member of the Organized Reserve of the Army of the United States, U.S. Naval Reserve, U.S. Air Force Reserve, U.S. Marine Corps Reserve, or other affiliated organization shall be entitled to leave of absence from duty without loss of pay or time on all days during which he shall be engaged in weekend or summer field training. Such leave of absence shall be in addition to the regular vacation allowed such member or employee. (Source N.J.S.A. 38:23-1.)

(A) Enlistment or Re-enlistment in National or State Military Organization: Members and employees of the department shall not enlist, reenlist, or accept a commission in any Federal or state military organization, without having made prior notification to the Chief of Police and the Appropriate Authority.

(B) Extended Leave (Surrender of Department Property): Before reporting for extended military service, police officers of the Department shall surrender all department property held by them to their commanding officer.

(C) Field Training Leave: Members or employees going on military leave for field training must notify the commanding officer at least thirty (30) days before the date their training period is scheduled to begin. They must also submit copies of their official military orders at least five (5) days prior to the date they are to report for duty.

10:23 Leave of Absence: State or County Agency: Leave of absence without pay may be granted by the Chief of Police, subject to review and approval of the Appropriate Authority, to a member or officer of a municipal police department or force, in order that his/her services may be made available to the State or a County, or to a State or county department or agency. A request for a leave of absence shall be made in writing by the member or officer and the State or County, or the State or County department or agency desiring his/her service; but no such leave of absence shall be used to displace an incumbent. Source: N.J.S.A. 40A:14-136. This statute authorizes the Police Administration to grant or refuse to grant a leave of absence to a Police Officer in order that the Police Officer may render his/her services to another department or agency, subject to Civil Service Rules and Regulations.

(A) Limitation on Period of Absence Extension: Any such leave of absence shall not be for more than one (1) year, but may be extended, in the same manner as originally granted, but in the aggregate, shall not exceed five (5) years. Source: N.J.S.A. 40A:14-136.

(B) Retention of Pension and Retirement Benefits: Neither membership in the municipal police department or force, nor pension or retirement rights shall be affected by such leaves of absence, but pension contributions shall be payable notwithstanding such leaves of absence. Source: N.J.S.A. 40A:14-136.

(C) Rights on Resumption of Office, Position or Employment: Upon the expiration of any such leave of absence, the member or officer shall return to his/her original duties and resume his/her office, position or employment with the said department or force and be entitled to all salary adjustment, increment, seniority and pension rights, as if no leave had been granted. Source: N.J.S.A. 40A:14-136.

10:24 Death or Serious Injury: When a member is killed or seriously injured on or off duty, his/her immediate supervisor will, as soon as possible, verbally notify the Chief of Police or the officer acting in the Chief's absence. This will be followed by a written report no later than the following workday. Information shall include the date, location, cause, extent of injuries, and property damage.

(A) Death of Member or Employee: Any member or employee receiving notice of the death of any member or employee during regular business hours shall notify the Chief of Police and the commander of the deceased. At other times, the officer-in-charge shall be notified, and he shall relay such information to the Chief of Police immediately.

(B) Non-serious Injury: In cases where the injuries are other than of a serious nature, a written report will be submitted on the first workday (excluding Sat., Sun., & holidays) following the incident, including all information required above. These reports are in addition to those accident and sick reports otherwise required for insurance, etc.

(C) Notification of Family: The family of a member or employee killed or seriously injured on duty shall be notified immediately by the highest-ranking member available. Such notice will be made in person unless physically impossible to do so.

10:25 Grievance Procedure: Grievances arising in regard to these rules and regulations, which affect the negotiated terms and conditions of employment, shall be processed in the same manner as grievances arising in regard to "...conditions of employment...", the method being set forth in the

Agreement between the Department and the Township of Waterford and that procedure is hereby adopted and incorporated by reference. No other rules and regulations, adopted pursuant to statutory or management prerogatives, are subject to any such grievance procedure. Any such rules or regulations, regulating conduct and disciplinary procedures, are expressly reserved for and governed by state statute. (N.J.S.A. 40A:14-147, et seq. and Jersey City v. Jersey City Police, 179 N.J. Super. 137 (App. Div. 1981).)

10:26 Resignations to be in Writing: All resignations of members or employees must be in writing and bear the signature of the person resigning. Members and employees shall provide the Chief of Police not less than ten (10) days written notice.

CHAPTER 11: PROFESSIONAL CONDUCT AND RESPONSIBILITIES

11:1 Standard of Conduct: Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Department into disrepute.

11:2 Loyalty: Loyalty to the Department and to associates is an important factor in Department morale and efficiency. Members and employees shall maintain loyalty to the Department and their associates as is consistent with the law and personal ethics.

11:3 Cooperation: Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.

11:4 Assistance: All members are required to take appropriate police action toward aiding a fellow police officer exposed to danger or in a situation where danger might be impending.

11:5 General Responsibilities: Members shall at all times take appropriate action to:

- (A) Protect life and property
- (B) Preserve the peace
- (C) Prevent crime
- (D) Detect and arrest violators of the law, and
- (E) Enforce all Federal, State, and local laws and ordinances coming within department jurisdiction, or as otherwise legally mandated, subject to the limitations imposed by Rule 10:14(B).

11:6 Duty Responsibilities: Members of the Department are always subject to duty although periodically relieved of its routine performance. 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 units of the Department does not relieve members of other units 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 not relieved from taking proper action outside the scope of their specialized assignment, when necessary and as provided pursuant to Rule 10:14(B).

11:7 Neglect of Duty: Members and employees shall not commit any act nor shall they be guilty of any omission that constitutes neglect of duty.

11:8 Performance of Duty: All members and employees shall perform their duties as required or directed by law, department rule, policy or order, or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

11:9 Questions Regarding Assignment: Members and employees in doubt as to the nature or detail of their assignment shall seek clarification from their supervisors by going through the chain of command.

11:10 Insubordination: Members or employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:

- (A) Failure or deliberate refusal to obey a lawful order given by a superior officer.
- (B) Any disrespectful, mutinous, insolent, or abusive language or action toward a superior officer.
- (C) Disobedience of policies established by the Chief of Police and/or the Appropriate Authority.

11:11 Obedience to Laws and Regulations: Members and employees shall observe and obey all laws and ordinances, all rules and regulations, and policies of the Department.

11:12 Criticism of Official Acts or Orders: Members and employees shall not criticize the official actions, instructions, or orders of higher elected authority or any Department member in a manner which is defamatory, obscene, unlawful or which tends to impair the efficient operation of the Department.

11:13 Conduct Toward Superior and Subordinate Officers: Members and employees shall treat superior officers and subordinates 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, officers shall be referred to by rank.

11:14 Manner of Issuing Orders: Orders from superior to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of Department business.

11:15 Unlawful Orders: No command or supervisory officer shall knowingly issue any order which is in violation of any law, Ordinance, or Department rule.

11:16 Obedience to Unlawful Orders: Obedience to an unlawful order is never a defense for an unlawful action; therefore, no member or employee is required to obey any order which is contrary to Federal or State law or local Ordinance. Responsibility for refusal to obey rests with the member. He shall be strictly required to justify his/her action.

11:17 Obedience to Unjust or Improper Orders: Members or employees who are given orders which they feel to be unjust or contrary to rules and regulations must first obey the order to the best of their ability, and then they may proceed to appeal as provided in Section 11:19.

11:18 Conflicting Orders: Upon receipt of an order conflicting with any previous order or instruction, the member or employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be

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

11:19 Reports and Appeals - Unlawful, Unjust, Improper Orders: An employee receiving an unlawful, unjust or improper order shall, within five (5) days, report in writing to the Chief of Police, through official channels. The officer or officers referred to in said report shall respond in writing, within five (5) days, to the Chief of Police, again through official channels. These reports and responses shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Interdepartmental action regarding such an appeal shall be conducted through the office of the Chief of Police. Immediate relief, if necessary, will be through the "open door" policy of the Chief of Police.

11:20 Soliciting Gifts, Gratuities, Fees, Rewards, Loans: Members and employees shall not, under any circumstances, solicit any gift, gratuity, loan, reward, or fee where there is any connection between the solicitation and their Department membership or employment.

11:21 Acceptance of Gifts, Gratuities, Fees, Loans: Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment or any activity connected with said employment. Members and employees shall not accept any gift, gratuity, loan, fee, or other object of value, the acceptance of which might tend to influence the actions of said members or employees or any other member or employee in any matter of police business, or which might tend to cause an adverse reflection on the Department or any member or employee thereof. No member or employee of the Department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Chief of Police.

11:22 Other Transactions: Members and employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention, or which arose out of their department employment, except as may be specifically authorized by the Chief of Police.

11:23 Rewards: Members and employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty to the community or any person, business, or agency except lawful salary and that which may be authorized by law.

11:24 Disposition of Unauthorized Gifts, Gratuities: Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any member or employee shall be forwarded to the office of the Chief of Police, together with a written report explaining the circumstances. The Chief of Police, in turn, shall attempt to return said item to the donor or giver, and failing this, shall dispose of said item in a manner that is provided for by law.

11:25 Debts - Incurring and Payment: Members and employees shall pay all just debts and legal liabilities incurred by them.

11:26 Intercession Soliciting: Members and employees shall not solicit anyone to intercede with the Chief of Police, Mayor, or members of the Township Committee in regard to promotion, assignments, disposition of pending charges, or findings in a Department trial or other Department related matters.

11:27 Persons and Places of Bad Reputation: Members and employees shall not frequent places of bad reputation, nor associate with persons of bad reputation, except as may be required in the course of police duty.

11:28 Withholding Information: Members and employees shall not, at any time, withhold any information concerning criminal activity.

11:29 Reporting Violations of Laws, Ordinances, Rules or Orders: Members and employees knowing of other members or employees violating laws, ordinances, or rules of the Department, or disobeying orders, shall report same verbally and/or in writing to the Chief of Police through official channels. If the member or 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.

11:30 Prohibited Activity on Duty: Members and employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

- (A) Sleeping, loafing, idling
- (B) Recreational reading (except at meals)
- (C) Conducting private business or other non-police activity
- (D) Gambling, unless to further a police purpose

11:31 Alcoholic Beverages and Drugs

(A) No member or employee of the Department will appear for, or be on duty under the influence of liquor or drugs, or be unfit for duty because of their excessive use.

(B) Members or employees of the Department shall not drink any kind of intoxicating beverage while on duty or take any drugs not duly prescribed and necessary for health at any time.

(C) Employees of the Department shall refrain from drinking intoxicating beverages for a period of at least eight (8) hours before going on duty.

(D) No member of the Department shall, at any time when in uniform, except in the performance of duty, enter any place in which intoxicating liquor is served.

(E) Intoxicating beverages may not be consumed at any police station or Township building.

(F) Members and employees shall not bring into or keep any intoxicating liquor or drugs on Department premises, except when necessary in the performance of a police task. Liquor or drugs brought into Department premises in a furtherance of a police task shall be properly identified and stored according to Department policy.

11:32 Absence from Duty: Every member or employee 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 within the period of one (1) day must be reported, in writing, to the Chief of Police. Any employee who shall be absent from duty without just cause or leave of absence, for a continuous period of five (5) days, shall cease to be an employee of the Police Department.

11:33 Roll Call: Unless otherwise directed, members shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions, avoiding unnecessary talking or movement.

11:34 Physical Fitness for Duty: Members shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer. All members shall strive for their proper height/weight ratios.

11:35 Loitering: Members on duty, or in uniform, shall not enter theaters or other public places, except to perform a police task. Loitering and unnecessary conversation in such locations are forbidden. Members and employees off duty shall not loiter in police department areas.

11:36 Relief: Members and employees are to remain at their assignments and on duty until properly relieved by other members or employees, or until dismissed by competent authority.

11:37 Suspending Patrol for Lunch or Coffee Break

(A) Members will be permitted to suspend patrol for the purpose of having one meal during their shift, but only such period of time shall be allowed therefore as is reasonably necessary. Furthermore, he shall arrange to suspend patrol, only at such time as it will cause the least interference with his/her regular duties.

(B) Members are to arrange to take meals and coffee breaks at times during shift so not more than one unit is at any one location at the same time.

11:38 Training: Members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police, or commanding officer. Such attendance is considered a duty assignment and, when required, will be compensated as such. However, each member is strictly charged with the responsibility of maintaining a minimum level of proficiency as trained in the Police Academy, particularly in the areas of First Aid and Firearms Qualification, and must insure the updating of all certifications reference same.

11:39 Inspections: From time to time, the Chief of Police may call for full dress inspections of the Department, or any part thereof. Members directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as absence without leave.

11:40 Military Courtesy: When meeting in public, members shall conform to normal courtesy standards and refer to each other by rank. Commissioned officers shall be saluted, regardless of departmental affiliation.

11:41 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.

11:42 Address and Telephone Numbers: Immediately upon reporting for duty, members and employees shall record their correct residence address and telephone numbers with the commanding officer. Members and employees are required to have a telephone in the place where they reside. Changes in address, or telephone number, shall be reported to the Chief of Police within 24 hours of the change. This shall be done in writing on the appropriate form and within the specified time, whether the member or employee is working or on leave. An answering machine may not be used to avoid or delay departmental contacts or notices. Any such attempted contact from the department shall be deemed completed if and when a message is left on an employee's machine subject to notice having been properly filed with the department that said member is out of the area and/or not otherwise available.

Uniforms, Equipment and Appearance

11:43 Regulation Uniforms Required: All members shall maintain regulation uniforms. Uniforms shall be kept neat, clean, and well pressed at all times and footwear shall be polished and in good condition.

11:44 Manner of Dress on Duty: Normally, members will wear the duty uniform on a tour of duty, however, commanding officers may prescribe other clothing as required by the nature of the duty which a particular member is assigned. Employees will wear and maintain an employee uniform unless an exception is made by the Chief of Police and subject to policies issued by the Appropriate Authority.

11:45 Wearing or Carrying Badge or I.D. Card: A member, when in uniform, shall wear the regulation badge on the outside of the outermost garment over the left breast and always in sight. When not in uniform or off duty, he shall carry his/her badge and Department I.D. card in his/her pocket.

11:46 Wearing of Name Badge: A member, when in uniform, shall wear the regulation name badge on his/her uniform shirt or dress jacket, whichever is outermost, in accordance with Department instructions.

11:47 Altering Style of Uniform: Uniforms shall be made of the material and the style prescribed in police department orders, and such style shall not be altered or changed in any manner whatsoever, unless authorized by the Chief of Police with the approval of the Appropriate Authority and Mayor and Council.

11:48 Carrying Required Equipment when in Uniform: While on duty, except when assigned to office duties, members who are required to wear the specified uniform shall always carry as full equipment, the following:

- (A) Badge
- (B) Police Department I.D. card
- (C) Service sidearm and ammunition (department issued.)
- (D) Two spare magazines for service weapon
- (D) Handcuffs and Key
- (E) Flashlight
- (F) Wristwatch or timepiece
- (G) Pens
- (H) Driver's License
- (I) Cap-Stun
- (J) Department Radio
- (K) Any other equipment deemed necessary by the Chief of Police

A member shall also carry specially issued equipment and forms necessary for performing his/her duties.

11:49 Equipment in Civilian Clothes and on Duty: While on duty, members who are required to wear civilian clothes shall carry as full equipment the following:

- (A) Badge
- (B) Service sidearm and ammunition (department-issued)
- (C) Handcuffs
- (D) Police Department identification card
- (E) Wristwatch or timepiece
- (F) Pens
- (G) Driver's License

A member shall also carry specifically issued equipment and forms necessary for performing his/her duties. The exception to the above may be where the members are assigned to station office duties.

11:50 Carrying Equipment Off Duty: When "off duty", each member will carry or have in his/her immediate possession, his/her badge, department sidearm, or a pistol or revolver, as authorized by the Department, and the police department identification card. This rule shall not apply when members are engaged in sports and activities of such a nature as to make it impractical or when imbibing alcoholic beverages.

11:51 Civilian Clothing - Manner of Dress: Male members and employees permitted to wear civilian clothing during a tour of duty shall wear either a business suit or sport coat and slacks. A dress type shirt with a tie shall be worn. Commanding officers may prescribe other types of clothing, when necessary, to meet a particular police objective. Female members and employees permitted to wear civilian clothing shall conform to standards normally worn by office personnel in private business firms, unless otherwise directed.

11:52 Equipment: All equipment must be clean, in good working order, and conform to Department specifications.

11:53 Uniform and Equipment Damage Claim: Any claims for damage to clothing, equipment, and eyeglasses caused by performance of duty shall be made in accordance with current department directives.

11:54 Personal Appearance: Every member and employee of the Department, while on duty, must at all times be neat and clean in person, his/her clothes clean and pressed, and his/her uniform in conformity with the rules and regulations. He shall, as often as necessary, examine and clean his/her equipment and always keep it in good serviceable condition. Male members and employees shall conform to the following additional standards of appearance:

(A) Hair shall be evenly trimmed at all times while on duty. The hair shall at no point extend downward over the shirt collar in normal posture or be over the top portion of the ear.

(B) Sideburns shall not extend below the bottom of the ear. The maximum width at the bottom of the sideburns shall not exceed 3/4 inch.

(C) A clean-shaven appearance is required, except that mustaches are permitted. Mustaches shall be neatly trimmed and shall not extend more than ½" beyond the corners of the mouth, nor more than ¼" below the corners of the mouth. Remainder of the face shall be clean-shaven.

(D) Beards or earrings shall not be permitted unless considered by the Chief of Police to be an attribute to the nature of the officer's work assignment.

(E) Personnel with a medical condition, which precludes shaving shall be required to present a written statement, signed by a medical doctor, verifying such condition.

Department Property and Equipment

11:55 Members and employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

11:56 Damaged/Inoperative Property or Equipment: Members and employees shall immediately report to their commanding officer on designated forms any loss of or damage to Department property assigned to, or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any department equipment or property.

11:57 Care of Department Buildings: Members and employees shall not mar, mark, or deface any piece of equipment or surface in any department building. No material shall be affixed in any way to any wall in department buildings without specific authorization from the Chief of Police.

11:58 Notices: Members and employees shall not mark, alter or deface any posted notice of the Department. Notices or announcements shall not be posted on Department bulletin boards without permission of a commanding officer and his/her initialing of same. (No initials - no posting.)

11:59 Department Vehicles, Use of: Members shall not use any department vehicle without the permission of the Chief of Police. Department vehicles shall never be used for personal business or pleasure without said permission. Passenger authorization must be obtained from the Chief of Police.

11:60 Operation of Motor Vehicles: Members and employees, when driving vehicles of any description, private or of the department, shall not violate the traffic laws, except in cases of absolute emergency and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles.

11:61 Emergency Calls and Use of Red Light and Siren: Members driving any department vehicle, when responding to an emergency call, shall exercise judgment and care with due regard to the safety of life and property. They shall slow down at all street intersections to such degree that, when crossing same, they will have safe control of their cars, especially when crossing street intersections where the traffic signal lights are against them, or where there are stop signs. They shall use the red light and sound the siren on such calls and use the utmost precaution.

11:62 Transporting Citizens: Citizens will be transported in Department vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with department policy or at the direction of a commanding officer or immediate supervisor. When transporting any person of the opposite gender, starting and ending mileage and times will be broadcast to a dispatcher and recorded on the officer's Daily Activity Report.

11:63 Reporting Accidents: Accidents involving municipal personnel, property, and equipment, must be reported in accordance with department procedures.

11:64 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. Any and all notices required from personnel by any of these rules and regulations will be submitted on an Operations Report, unless specified otherwise, and all required forms (e.g. insurance claims) will be attached to same.

Communications and Correspondence

11:65 Restrictions: Members and employees shall not use Department letterheads for private correspondence.

11:66 Forwarding Communications to Higher Commands: Any member or employee receiving a written communication for transmission to a higher command shall, in every case, forward such communication. A member receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgment.

11:67 Department Address - Private use of: Members and employees shall not use the Department mailing address for private purposes. The Department address shall not be used for any private motor vehicle registration or driver's license. All mail received at the official address must be presumed to be official in nature and will, therefore, be opened and scrutinized.

11:68 Telephones: Department telephone equipment may not be used for the transmission of personal messages involving toll charges.

11:69 Radio Discipline: All members of the Department operating the police radios shall strictly observe regulations for such operations as set forth in department orders and by the Federal Communication Commission.

Investigations

11:70 Command of Scene: At the scene of any crime, accident, or other police incident, the ranking officer present shall assume command and direction of police personnel to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This provision coordinates the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

11:71 Responsibilities of Members Arriving at Crime Scenes: The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to that situation:

- (A) Summoning medical assistance and administering first aid as required to prevent further injury or loss of life.
- (B) Arrest of violator(s)
- (C) Security of the scene
- (D) Conducting the initial primary investigation

11:72 Responsibilities of Assigned Members at Crime Scene: The members officially assigned to perform an initial or supplemental investigation of an alleged crime, or other incident, are responsible for the duties in Section 11:71 and the completion of the initial or supplemental investigation as directed. This shall include securing statements and other information which will aid in the successful completion of the investigation, locating, collecting, and preserving physical evidence, and identifying, locating, and apprehending the offender(s).

11:73 Identification as Police Officer: Except when impractical, or where the identity is obvious, officers shall identify themselves by displaying the official badge or identification card before taking police action.

11:74 Release of Information at Crime Scene: Unauthorized persons, including members of the press, shall be excluded from crime scenes. When requested by the media, information which will not hinder or nullify an investigation shall be given to the press by the superior officer in charge of the investigation pursuant to department policy and consistent with the Attorney General and Prosecutor's guidelines reference same.

11:75 Confidential Information

(A) Members and employees shall not reveal any confidential business of the department. They shall not impart confidential information to anyone, except those for whom it is intended, or as directed by their commanding officer.

(B) Members shall not make known to any person any department order, which they may receive, unless so required by the nature of the order and a "need to know" has been established.

(C) Contents of any department records or report filed in the police department shall not be exhibited or divulged to any person, other than a duly authorized police officer, on approval of the Chief of Police, or under due process of law, or as permitted under department regulations.

11:76 Compromising Criminal/Court Cases: Members and employees shall not interfere with the proper administration of criminal justice.

(A) Members and employees shall neither attempt to interrupt the legal process (except where a manifest injustice might otherwise occur), nor participate in or be involved with any activity which might interfere with the process of law.

(B) Members and employees shall not attempt to have any traffic summons or notice to appear reduced, voided, or stricken from the calendar.

(C) Any member or employee having knowledge of such action and failing to inform his/her superior officer thereof, shall be subject to disciplinary action.

11:77 Arrests: In making arrests, members shall strictly observe the laws of arrest and the following provisions:

(A) The arresting officer shall employ only such force and necessary restraint to assure the safety of other persons, other police officers, and himself.

(B) Every member shall refrain from using unnecessary force or violence in making arrests and must not strike a prisoner, or any other person, except when necessary in self-defense or to overcome actual physical resistance in making an arrest. However, he/she must be firm, resolute, and energetic, when exercising the necessary means to perform his/her duty properly. When it is necessary to use force, the circumstances shall be included in the police report on the case.

(C) The arresting officer is responsible for the safety and protection of the arrested person while in his/her custody. He shall notify the transportation officers of any injury, apparent illness, or other conditions, which indicate that the arrested person may need special care.

(D) The arresting officer is responsible for the security of the personal property in possession or under the control of the arrested person at the time of arrest. Except for vehicles, this responsibility transfers to the transportation officers when they accept custody of the arrested person.

(E) Searches will be conducted in accordance with department policy.

11:78 Assisting Criminals: Members and employees shall not communicate any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment, or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained.

11:79 Complaints by Members for Assault Against Themselves: Members shall arrest perpetrators of assaults, assaults and batteries, and criminal offenses directed against them. The perpetrators shall be charged as per the existing Operations Order. Whenever it is impossible or impracticable to consummate the arrest at the time of the offense, the member shall make a complete report of the incident to his/her commanding officer with a request that he be allowed to make a complaint in the proper court at the next session. A warrant which may be issued as a result of filing such a complaint shall in no case be served by the aggrieved member.

11:80 Custody of Prisoners: Members charged with the custody of prisoners shall observe all laws and department orders regarding this activity. Prisoners shall be kept securely, treated firmly and humanely, and shall not be subjected to unnecessary restraint.

11:81 Custody and Detention of Juveniles: The custody and detention of juveniles shall be governed by the Code of Juvenile Justice, N.J.S.A. 2A:4A-20. et. Seq.

11:82 Custody of Juveniles

(A) Any duly-appointed Police Officer may take a juvenile into custody pursuant to any order or warrant of any court having jurisdiction; or for delinquency, as defined in N.J.S.A. 2A:4A-23, where no process has been issued by a court. In taking a juvenile into custody, the Police Officer shall conform his/her conduct to the laws governing arrest and to the Rules of Court. Reference: N.J.S.A. 2A:4A-31(a).

(B) When delinquent conduct is not alleged, a juvenile may be taken into short-term custody by a Police Officer without order of the court as follows:

(1) The officer has reasonable ground to believe that the health and safety of the juvenile is seriously in danger and immediate police custody is necessary for his/her protection;

(2) The officer has reasonable grounds to believe that the juvenile has left the home and care of his/her parents or guardian without the consent of such persons; or

(3) An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from "out of home placement", provided, however, that in any case where the law enforcement officer believes that the juvenile is an "abused or neglected child" as defined in section 1 of P.L. 1974, c. 119 (C. 9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in that act.

Under no circumstances shall any juvenile taken into short-term custody be held for more than six (6) hours. A juvenile taken into short-term custody shall not be retained in a detention facility or jail. The release of juveniles held in short-term custody is governed by N.J.S.A. 2A:4A-32.

(C) Any Police Officer taking a juvenile into custody shall immediately notify the parents or the juvenile's guardian, if any, that the juvenile has been taken into custody.

(D) The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well-being of the juvenile.

11:83 Juvenile Complaints: Whenever a juvenile has been taken into custody for an offense that shall be adjudicated, the Police Officer taking the juvenile into custody, or his/her duly-constituted superior, shall proceed to file a complaint. The complaint shall be filed with the clerk of the court and contain the information set forth in N.J.S.A. 2A:4A-30a.(1)-(5).

11:84 Juveniles Released

(A) Where it will not adversely affect the health, safety or welfare of a juvenile, the juvenile shall be released pending the disposition of a case, if any, to a person or agency provided for in the Code of Juvenile Justice upon assurance being received that such person or persons will accept responsibility for the juvenile and will bring him before the court as ordered.

(B) A Police Officer may release a juvenile charged with delinquency on his/her own recognizance if all of the following circumstances have been met:

(1) The nature of the offense charged is not such that a danger to the community would exist if the juvenile was released;

(2) There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;

(3) The juvenile is at least 14 years of age;

(4) The identity and address of the juvenile are verified through a positive form of identification; and

(5) Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his/her hearing.

11:85 Juvenile Detention: No juvenile shall be placed in detention without the permission of a judge or the court intake service and only in conformity with N.J.S.A. 2A:4A-34.

11:86 Juveniles Place of Detention or Shelter

(A) No juvenile shall be placed in detention or shelter care in any place other than that specified by the State Department of Corrections or Department of Human Services.

(B) A juvenile being held for a charge under this act including a juvenile who has reached the age of 18 years after being charged, shall not be placed in any prison, jail or lockup nor detained in any police station, except that if no other facility is reasonably available, a juvenile may be held in a police station in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime for a brief period if such holding is necessary to allow

release to his/her parent, guardian, other suitable person, or approved facility. No juvenile shall be placed in a detention facility, which has reached its maximum population capacity, as designated by the Department of Corrections.

(C) No juvenile charged with delinquency shall be transferred to an adult county jail solely by reason of having reached age 18.

11:87 Rights of Juveniles: All defenses available to an adult charged with a crime, offense or violation shall be available to a juvenile charged with committing an act of delinquency. All rights guaranteed to criminal defendants by the Constitution of the United States and the Constitution of this State, except the right to indictment, the right to trial by jury and the right to bail shall be applicable to cases arising under this act.

11:88 Transportation of Prisoners: Members transporting prisoners shall do so in accordance with department policy.

(A) Prisoners requiring medical attention shall be delivered to the appropriate emergency hospital, and the transporting officers shall be responsible for the security of the prisoner(s) until properly relieved by a guard officer, unless otherwise directed by a superior officer.

(B) Prisoners and their property shall be surrendered at the jail to custodial officers or as otherwise directed by competent authority.

(C) Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by an officer, unless police exigencies dictate otherwise. In the latter case, a guard will be arranged for the prisoner as soon as possible.

11:89 Use of Derogatory Terms: Members and employees shall:

(A) Neither speak disparagingly of any race or minority group, nor refer to them in insolent or insulting terms of speech, whether prisoners or otherwise.

(B) Neither use uncomplimentary terms of speech when referring to any prisoner or other person, nor willfully antagonize any person with whom he comes in contact.

11:90 Reports and Bookings: No member or 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.

11:91 Recommending Attorneys and Bail Bond Brokers Prohibited: Members and employees shall not suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming into their custody or whom they are dealing with, as a result of performing their police duty. Any person requesting this information shall be referred to the telephone directory.

11:92 Acting as Bailor Prohibited: Members and employees cannot act as bailors for any person in custody, except relatives, and in no case where any fee, gratuity, or reward is solicited or accepted.

11:93 Assisting Escape of Prisoners, Handling of and Safekeeping: Members shall not communicate any information to assist evasion of justice, nor shall they aid a person to escape custody or arrest, nor shall they delay in taking action to apprehend an offender.

11:94 Maltreatment: No member shall willfully mistreat or harm a prisoner in custody, or in the custody of the station house.

11:95 Use of Force: Members shall not use excessive force on any person at any time, no matter what the provocation may be. Any member guilty of the use of excessive force shall be subject to disciplinary action.

11:96 Safekeeping of Prisoners: Members shall be responsible for maintaining the safekeeping of prisoners and preventing their escape. The escape of a prisoner shall be considered "prima facie evidence" of gross neglect of duty and shall result in disciplinary action.

11:97 Searching of Prisoners: It is the responsibility of the arresting officer to search all prisoners. The superior officer will insure that a proper search of the person of a prisoner had been made before his/her placement in a lock up or before being transported to another location.

11:98 Male and Female Prisoners: Desk officers shall cause all prisoners to be thoroughly searched before being lodged in a cell. The following items shall be removed from a prisoner's possession:

(A) All drugs, liquor, weapons;

(B) All property unlawfully carried, or which is required as evidence;

(C) All other property which is lawfully carried but is dangerous to life, or which would facilitate escape;

(D) All other property, which can be used to damage or deface department property;

(E) All other property such as money and valuables, except clothing, for safekeeping;

(F) An inventory will be made of all such property in front of a witness and it will be recorded on a properly executed property report.

11:99 Strip Searches: If, in the opinion of the officer in charge, a strip search of a prisoner is necessary, the following guidelines shall be adhered to, as well as the controlling statute and New Jersey Attorney General Guidelines reference same:

(A) No strip search may be conducted upon a person who has been detained or arrested for the commission of an offense other than a crime, without a warrant or the consent of the person to be searched unless there is probable cause to believe that a weapon, controlled dangerous substance, or evidence of a crime will be found.

(B) No body cavity search may be conducted upon a person who has been detained or arrested for the commission of an offense other than a crime, without a warrant or the consent of the person to be searched.

(C) For the purpose of this section, "strip search" means any search of an arrested or detained person which requires the removal or rearrangement of some or all of his/her clothes so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or underwear covering those areas of the person. "Body cavity search" means any search of the anal or vaginal cavities.

(D) Any strip search or body cavity search conducted pursuant to this section shall be performed by persons of the same sex as the arrested person and at a location where the search cannot be observed by persons not physically conducting the search. The police officer or other person authorized to conduct a strip search or body cavity search shall obtain permission of the officer in charge of the stationhouse to conduct the search and shall report the reason for the search on the record of arrest. This report shall not be deemed a public record but shall be released only to the person searched upon the written request of that person or upon court order. Where emergency conditions require immediate action to prevent bodily harm to the officer or others, the requirements of this section shall not apply. In all cases where a strip search is conducted as an exception to the requirements of this section, the officer conducting the search shall file a separate written report setting forth the emergency conditions, which required the immediate action. This written report shall be filed with and reviewed by the officer in charge who had the authority to authorize a strip search.

(1) Where it is determined that a strip search or body cavity search is necessary, it shall be performed under sanitary conditions. A body cavity search, pursuant to subsection 2 of this section, shall only be conducted by a licensed physician or registered professional nurse.

(2) Any person conducting a body cavity search pursuant to this section, shall, upon request, furnish to any law enforcement agency a certificate stating that the body cavity search was pursuant to the requirements of this section and performed in a medically acceptable manner. The certificate shall be signed under oath before a notary public or other person empowered to take oaths and shall be admissible in any proceeding as evidence of the statements contained therein.

(3) No person may claim the physician and patient privilege with respect to the conducting of a body cavity search pursuant to this section.

(F) Failure to comply with any provisions of this section shall subject the Police officer or other authorized person to administrative disciplinary action. Nothing in this section shall be construed as limiting such person's criminal liability pursuant to the laws of this state.

(G) Nothing in this section shall be construed as limiting any statutory or common law rights of any person for purposes of any civil action or injunctive relief.

(H) Nothing in this section shall prohibit a strip search or body cavity search of a person unable to post bail after a reasonable opportunity to do so, who is lodged by court order or pursuant to an arrest authorized by law in a lockup, detention facility, prison, jail or penal institution. The Administrative Office of the Courts shall promulgate a bail schedule for all offenses, other than crimes, and bail may be fixed and accepted by the law enforcement officer in charge of the station house.

(I) A violation of the provisions of subsections (E) and (F) of this section shall not affect the admissibility of evidence seized pursuant to a strip search or body cavity search. [Reference: N.J.S.A. 2A:161A-1, et seq.].

11:100 Searching Female Prisoners: The search of a female prisoner by male officers (unless when otherwise deemed necessary and appropriate in an emergency situation for the preservation of the officer's own safety) is restricted to a search of the female prisoner's purse and those articles of outer clothing, which can be removed from the prisoner and searched with propriety. A female department officer or other responsible female such as a matron, registered nurse, a female court attendant, or a county or state prison matron, shall be summoned to make a thorough search of all female prisoners with all the privacy that circumstances permit. The items to be removed from her possession shall be the same as those enumerated in Section 11:98. A strip search of a female prisoner shall be conducted in conformity with Section 11:99.

11:101 Search of Unconscious or Injured Prisoner: When an unconscious or seriously injured prisoner is removed to a hospital, a Police Officer shall search the prisoner, if a male, in the presence of witnesses. If the prisoner is a female, the search of the prisoner shall be left to the hospital authorities. Any property in her possession unlawfully carried or lawfully carried but dangerous to life or that may be used to facilitate escape or required as evidence shall be taken by the arresting officer and delivered to the desk officer for safekeeping. An itemized receipt shall be given to the hospital authorities of all property received by the officers.

11:102 Unconscious or Injured Prisoner: A police officer shall not transport an unconscious or seriously injured prisoner to police headquarters or other designated place for detention. An ambulance or other conveyance shall be summoned and such prisoner shall be removed to the nearest hospital for medical attention.

11:103 Assisting a Citizen in Arrest: When a citizen charges another with the commission of a crime and insists that the person charged be taken into custody and the circumstances, based on probable cause, appear to warrant an arrest, a Police officer shall take the accused to police headquarters, and shall require the accuser to accompany him as the complainant. Once probable cause of a crime has been established, the Investigating Officer will make the arrest. In the absence of probable cause, the complainant will be advised of the perils of false arrest and given the option of initiating a complaint independent of police action, subject to judicial oversight and the summons procedure in lieu of physical arrest.

11:104 The Citizen's Arrest: Prisoners arrested by citizens shall be processed and detained in the usual manner, subject to judicial oversight in the event that the Officer can NOT establish probable cause independent of the civilian complainant.

11:105 Desk Officer's Responsibility: The superior officer in charge shall not permit a person arrested by a citizen to be detained until and unless he, the superior officer, has carefully considered the factors in the case and is satisfied that there is probable cause to believe a crime has been committed and that the person arrested has committed it.

11:106 Citizen as Arresting Person: Citizens making arrests shall be carried on all forms as the arresting person and shall be instructed by a superior officer or police officer where he is to make a sworn complaint, and when and where to appear for the arraignment of the prisoner.

11:107 Services of Detective Division: Where arrests are made by citizens, the desk officer shall use discretion as to whether such cases warrant the services of a detective. If so, a superior officer of the command having responsibility shall be immediately notified so that a citizen may be interviewed and an investigation conducted, if necessary.

Bail

11:108 Offenses Bailable by Municipal Judge: A municipal judge may admit to bail any person charged with any offense except murder, kidnapping, manslaughter, aggravated manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, or a person arrested in any extradition proceeding. See Court Rules 3:26-2; 7:5-1.

11:109 Denial of Bail by Municipal Judge: When a person charged with an offense shall have been committed to jail after a hearing by reason of bail having been denied, only a judge of the Superior Court may thereafter admit him to bail. See Court Rules 3:26-2; 7:5-1.

11:110 Indictable Offenses Reserved to Court: Only a Municipal Judge, as well as other judges provided by law, shall have the power to admit to bail any person arrested and charged with an

indictable offense; however, he cannot bail in all cases; see section 108 and 109 above. Court Rule 7:5-3.

11:111 Absence of the Municipal Judge: In the absence of the Municipal Judge, a person arrested and charged with a criminal offense which is not an indictable offense and which may be tried by the Municipal Judge, may be admitted to bail by the clerk of the court. Court Rule 7:5-3.

11:112 Absence of Both Judge and Clerk: In the absence of the Judge and the clerk, a person arrested and charged with a criminal offense which is not an indictable offense and which may be tried by the Municipal Judge, may be admitted to bail by the Chief of Police, or the officer acting in that capacity; or the Police Officer in responsible charge of the Police building or detective division desk. Court Rule 7:5-3; New Jersey Statutes 2A:8-27.

11:113 Absence of Municipal Judge Defined: The Municipal Judge shall be considered absent when his/her court is closed or when he has left his/her court for the day.

11:114 Absence of Clerk Defined: The clerk of the court shall be considered absent when the court is closed (Saturdays, Sundays, and Holidays), or has closed for the day.

11:115 Business Hours of the Court Clerk: The regular business hours of the Court Clerk shall be as established by the Municipal Court.

11:116 Police Shall Not Accept Bail During Business Hours: Police Officers shall not admit to bail during the regular business hours of the court clerk, unless the court clerk's office is closed.

11:117 Police Officer Shall Not Set Bail: No police officer shall fix bail in any offense. The court must be involved at this state of proceedings as defined above.

11:118 Accepting Bail in Indictable Offenses: After the Municipal Judge has set bail for a person who has been arrested and charged with an indictable offense, which is bailable, authority is granted to the Chief of Police, or officer acting in the capacity; or to the police officer in responsible charge of the desk to accept bail in the amount set by the Municipal Judge. Court Rule 7:5-3.

11:119 Procedure for Acceptance of Bail: When bail is taken, the officer accepting the bail shall:

(A) Make proper entry in the bail bond record(s) at the police station and complete the bail bond receipt.

(B) List the necessary information on the Bail Bond, endorse the recognizance (in duplicate) and forward to the court having jurisdiction over the offense charged.

11:120 Bail for Witness: Every Municipal Judge shall, when the interest of justice requires, bind with sufficient surety all persons who can give testimony against one accused of a criminal offense punishable by death or imprisonment in State Prison, whether or not the offender be arrested, imprisoned, or bailed. Court Rule 3:26-3; 7:5-1.

11:121 The Payment of Bail: Bail shall only be accepted by a Police Officer who is authorized to admit to and accept bail.

11:122 Release on Own Recognizance: When directed by any Municipal Judge, no cash need be required and the person arrested may be released on his/her own recognizance, Court Rule 3:26(a). Police officers shall assist the Municipal Judge, if he should inquire, by advising him of the defendant's background, residence, family status and employment, if it is known or can easily be learned.

11:123 Amount of Bail for Other Non-Indictable Offenses: The police officer admitting to bail persons arrested and charged with other non-indictable offenses, shall accept bail in conformance with applicable departmental orders and in accordance with the bail ordered by the court. In unusual circumstances the police officer may assist the Municipal Judge in arriving at a proper bail and shall consider the amount that will insure their presence in court when requested, having regard for their background, residence, employment, and family status.

11:124 Under Influence of Narcotics or Intoxicants: Police officers shall not admit to bail persons who are apparently under the influence of narcotics or intoxicants unless they can be released to the care of a responsible person.

11:125 Police Shall Not Bail on Warrants That Issue Out of Superior Courts: When arrests are made on warrants on a complaint that originated in the Superior Courts, bail must be set by a Superior Court Judge.

11:126 Juveniles Shall Not Be Bailed: Police officers shall not admit to bail any juvenile offender who may be taken into custody. The disposition of juvenile offenders shall be in accordance with Sections 11:81 through 11:87 and applicable law.

11:127 Bail Forwarded to Court: The department shall make available to the Court all bail receipt record(s), containing the cash, bond, check, etc.

Firearms

11:128 Firearms: Departmental regulations concerning the care and use of firearms are designed to protect the lives of police officers and the lives and property of the public.

(A) Handling of Firearms: Police officers shall exercise caution and the utmost care in handling firearms on and off duty.

(B) Official Police Sidearm: The official police sidearm shall be the weapon approved by or issued to each police officer by the department. Carrying personal unapproved firearms on duty or during emergencies is prohibited.

(C) Qualification (semi-annual): All members must qualify with their service sidearm and their approved off-duty firearm at least twice during every twelve (12) calendar months. If less than a qualifying score is attained, their right or privilege to carry a firearm will be revoked and they must be suspended without pay until minimum proficiency is attained.

11:129 Off-Duty Weapon: The Chief of Police may authorize a police officer to carry an "off duty" weapon other than the official police firearm, providing that the police officer follows the steps prescribed herewith:

(A) He submits a written report through channels requesting permission to carry an "off duty" firearm.

(B) He submits to the Chief of Police for inspection the "off duty" firearm that he intends to carry in order to determine whether it meets the same standards set for safety and serviceability that apply to the official police weapon.

(C) He submits his/her authorized "off duty" firearm for test fire and inspection upon his/her appearance for scheduled firearms retraining and qualifies with same.

(D) He carries the authorized "off duty" firearm only after he has secured the approval of the Chief of Police, and only during the time this approval remains in effect.

(E) He observes and is bound by any part of, or any section of these rules and regulations, which pertain to the official police firearm(s), and he understands that these same rules and regulations also apply to the use of an "off duty" firearm which may be authorized by the Chief of Police.

11:130 On Duty and Off Duty Holsters: The official police firearm or authorized "off duty" firearm shall be carried only in department issued holsters, or in authorized holsters which conform to department specifications.

11:131 Nonregulation Firearm Prohibited: Police officers who carry and/or employ weapons other than those that have been inspected and approved by the police department shall be subject to disciplinary action.

11:132 Tampering with Police Weapon(s): All repairs and adjustments to the official police firearm(s) shall be made by gunsmiths. Police officers shall not use unauthorized molded grips, special type grips, or pearl-handled grips. Also, they shall not make any change in the trigger pull mechanism or effect any other unauthorized alteration or addition. Grip adapters may be used in special cases, but only after the police officer first has obtained the approval of the Chief of Police.

11:133 Care of Firearms to Avoid Accidental Discharge: To avoid an accidental discharge, a police officer shall not carry his/her firearm in his/her waistband or in any of his/her pockets.

11:134 Care of Firearms "off duty", at Home: A police officer shall keep his/her firearm in a secure place, readily available, in case of emergency.

11:135 Removing Weapon from Belt: When removing a firearm from his/her person, a police officer shall keep the weapon holstered and jointly remove both the weapon and holster from his/her belt. A police officer shall not remove the weapon from its holster, except to clean it or fire it. However, when circumstances require, a police officer may unload his/her firearm before storing it in a secure place, providing he observes all the safe practices prescribed and taught by authorized department firearms instructors for the unloading of the weapon.

11:136 Discharge of Firearm Report: When a firearm is discharged by a police officer, either in the performance of police duty or accidentally, the police officer shall:

- (A) Promptly notify the Chief of Police
- (B) Be guided by the instruction of his/her superior officer
- (C) Submit reports as required by department order.

11:137 Unauthorized Discharge of Firearms: Example of instances in which firearms shall not be discharged are cases involving:

- (A) The commission of a misdemeanor
- (B) A violation of any municipal ordinance
- (C) A violation of the disorderly person act
- (D) A violation of the motor vehicle act

(E) A fleeing motor vehicle when the occupant is a minor offender and is not wanted by the authorities for a grave high misdemeanor.

(F) A person called to halt on mere suspicion and who, without resisting, simply runs or drives away to avoid arrest. Neither shall a police officer shoot at a person who is running or driving away to avoid arrest for **ANY** offense, unless a clear and imminent threat to life exists.

11:138 Authorized Discharge of Firearms: A police officer may discharge his/her firearm in the performance of police duty under the following restrictive circumstances:

(A) In the actual defense of his/her own life or the life of another when other reasonable means of defense have failed.

(B) When attacked with a deadly weapon.

(C) When effecting the arrest or preventing the escape of a person who, to the personal knowledge of the officer, has actually committed a crime of no lesser degree than a heinous common law felony such as arson, robbery, rape, murder, or the statutory crime of kidnapping, and there is no other way of taking him into custody. When fleeing the scene of the crime, this justification no longer exists. This provision is further governed by the New Jersey Attorney General use of force guidelines adopted here by reference.

(D) When in attendance at an approved firing range.

11:139 Firing of the Weapon Under Other Circumstances A police officer may fire his/her weapon to dispose of an animal that is dangerous or that is seriously injured when other means of disposition are unavailable and it can be done safely.

11:140 Carrying Firearm - General Police officers shall carry their official police sidearm or authorized off duty firearm fully loaded and in a serviceable, operating condition so that they may be prepared when called upon to carry out a police duty, service, function, or responsibility. They shall also carry a minimum of six (6) rounds of extra ammunition when a revolver is used. Police officers who may be sick, injured, or on vacation leave may, but are not required to, carry a firearm. Police officers who are suspended, or whose weapons have been officially taken from them for other reasons, shall not carry a firearm under any circumstances.

11:141 Carrying Firearm - On Duty Police officers in uniform shall carry their firearms in holsters attached to their uniform belts or to supplementary belts beneath the blouses or overcoats when these garments are worn. Detectives and other police officers not in uniform shall carry their firearms in authorized holsters. Policewomen, when in plainclothes, shall carry their firearms securely, but readily accessible to use.

11:142 Loss of a Firearm Loss of any official police firearm through carelessness or neglect shall be deemed a serious violation of department regulations.

11:143 Ammunition Issue The initial issue and the replacement of ammunition for department firearms shall be made by the department without expense to the police officer. The department shall replace rounds of ammunition that have become unserviceable and rounds that have been expended in the line of police duty. Only department issued ammunition shall be used.

Public Activities

11:144 Conduct Toward the Public Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane, or insolent language and shall always remain calm regardless of provocation. Upon request, they are required to supply their names and badge numbers in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

11:145 Impartial Attitude All members, even though charged with vigorous and relentless enforcement of the law, must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under the law. Exhibiting partiality for or against a person because of race, creed, economic status, or any other improper reason, is conduct unbecoming an officer. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming an officer.

11:146 Disparaging Nationality, Race or Creed Courtesy and civility toward the public is required of all members of the Department. Members shall not use words which humiliate, disparage, demean, degrade, ridicule or insult a person because of his/her race, creed, color, national origin, age, marital status, sex or affectional or sexual orientation or ancestry.

11:147 Public Statements Members of the department shall not make public statements concerning the work, plans, policies, or affairs of the department, which may impair or disrupt the operation of the department or which are obscene or unlawful.

11:148 Subversive Organizations No member or employee shall knowingly become a member of or connected with any subversive organization, except when necessary in the performance of duty and then only under the direction of the Chief of Police.

11:149 Affiliation with Certain Organizations Prohibited Police officers shall not join or affiliate themselves with any organizations whose constitution embraces provisions which might in any way exact prior consideration and 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 for or during any period of training, or pursuant to or in connection with the operation of any system of selective service." (Source: N.J.S.A. 38:23.4)

11:150 Affiliation with Radical Groups No police officer or civilian 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 racial or religious group.

11:151 Commercial Testimonials Members and employees shall not permit their names or photographs to be used to endorse any product or service which is any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the written 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 the department.

11:152 Public Appearance Requests All requests for public speeches, demonstrations, and the like, will be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his/her request to the Chief of Police.

Political Activities

11:153 Partisan Political Activities Prohibited No member shall actively engage in partisan political campaigns and activities while on duty or in the performance thereof.

11:154 Participation in Politics Members of the Police Department are prohibited from active participation in politics other than to exercise the right of suffrage; neither shall they discuss politics when it concerns directly or indirectly, the discharge of police duty.

11:155 Political Activity Limited No member shall directly or indirectly use or seek to use his/her position to control or affect the political action of another person engaged in political activity on or off duty. Also, the election or appointment to certain public offices will effect forfeiture of positions within the department, by operation of law.

11:156 Soliciting Prohibited Members of the department shall not solicit contributions for political purposes, nor shall they interfere with or use the influence of their office for political reasons.

Judicial and Investigative Actions, Appearance and Testifying

11:157 Court Appearances Attendance at a court or quasi-judicial hearing as required by subpoena is an official duty assignment. Permission to omit this duty must be obtained from the prosecuting attorney handling the case, or other competent court officials. When appearing in court, either the official uniform or a business suit with shirt and tie shall be worn. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the Court.

11:158 Testifying for the Defendant Any member or employee subpoenaed to testify for the defense in any trial, hearing, or against the municipality or department in any hearing or trial, shall notify his/her commander upon receipt of the subpoena. The commander shall notify the municipal attorney.

11:159 Refusal to Testify Any member or employee appearing as a witness before any competent investigative authority, a judicial tribunal, a hearing board, or a person authorized to take testimony, who invokes his/her constitutional privilege and refuses to testify when no jeopardy exists, shall be subject to disciplinary action.

11:160 Department Investigations - Testifying Members or employees are required to answer questions by or render material and relevant statements to a competent authority in a department personnel investigation when so directed. Failure to comply with this order, when no jeopardy for criminal prosecution exists, is grounds for immediate dismissal.

11:161 Truthfulness Members and employees are required to be truthful at all times whether under oath or not. False statements, whether verbal or written, and/or false entries on any police report or document are grounds for immediate dismissal.

11:162 Civil Action, Court Appearances - Subpoenas A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of department employment, or if the member or employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify his/her commanding officer and the Chief of Police of the service or notification and of the testimony he is prepared to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with current directives.

11:163 Civil Cases Members shall not serve civil process or assist in civil cases, unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

CHAPTER 12: DISCIPLINARY REGULATIONS AND CODE

12:1 Disciplinary Action Department members, 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, or municipal ordinances, or failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment, for violation of any general order or rule 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.

(A) Charging Authority: The procedures with regard to the Charging Authority are more specifically set forth in the Township Ordinances for the Township of Waterford, which are adopted herein by reference thereto as if set forth at length. (See Chapter 4 of this manual and Municipal Ordinance 50-25B.)

(B) Hearing Authority: The procedures with regard to the Hearing Authority are more specifically set forth in the Township Ordinances for the Township of Waterford, which are adopted herein by reference thereto as if set forth at length. (See Chapter 4 of this manual and Municipal Ordinance 50-25A.)

12:2 Establishing Elements of Violation Existence of facts establishing a violation of the law, ordinance, rule, or the expected standard of behavior of a police officer is all that is necessary to support any allegation of such as a basis for disciplinary action. Nothing in this Manual prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in Department orders, or in laws and ordinances within the cognizance of the department.

12:3 Penalties The following penalties or measures may be assessed against any member or employee of the department as a result of disciplinary action:

- (A) Oral reprimand
- (B) Written reprimand
- (C) Voluntary surrender of time off in lieu of other action
- (D) Fine
- (E) Suspension
- (F) Referral for professional evaluation and/or counseling
- (G) Demotion
- (H) Dismissal

12:4 Disciplinary Authority Within the limitations set forth in N.J.S.A. 40A:14-118 to 151 inclusive, and municipal ordinances, the department disciplinary authority and responsibility rests with the

Appropriate Authority and/or the Chief of Police. Except for oral reprimands and emergency suspensions, department discipline must be taken or approved by the Chief of Police or his designee when assessed against a subordinate in the Police Department. (N.J.S.A. 40A:14-118) If it is the Chief of Police that is to be disciplined, action must be taken or approved by the Appropriate Authority.

12:5 Intermediate Disciplinary Authority Other supervisory personnel may take the following disciplinary measures:

- (A) Oral reprimand
- (B) Written reprimand (subject to approval by the Chief of Police)
- (C) Emergency suspension
- (D) Written recommendations for other penalties

12:6 Emergency Suspension Any command or supervisory officer of the rank of Sergeant or above, shall have the authority to impose an emergency suspension until the next business day against a member or employee when it appears that such action is in the best interest of the Department.

12:7 Emergency Interdivisional Disciplinary Action When the improper conduct of a member or employee of one unit is of such a nature that immediate or emergency disciplinary action is required by a command or supervisory officer of another unit, such action may be taken at once within the following limitations:

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

12:8 Interdivisional Reprimand When the command or supervisory officer of one unit orally reprimands a member or employee of another unit, he shall notify the supervisor of the member so disciplined as soon as possible. He shall also submit a written report of this action and reason therefore to the Chief of Police.

12:9 Follow-up on Emergency Suspensions A member or employee receiving an emergency suspension shall be required to report to the Chief of Police, or the Appropriate Authority if the Chief is not available, on the next business day at 9:00 A.M., unless otherwise directed by competent authority. The command or supervisory officer imposing the suspension shall also report at the same time.

12:10 Reports of Disciplinary Action Taken or Recommended Whenever disciplinary action involving formal charges is taken or recommended, a written report should be submitted immediately 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 misconduct.
- (C) The section number of the violated rule and common name of the infraction.
- (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/her position in relation to the member being disciplined.

12:11 Distribution of Reports of Disciplinary Action Reports may be distributed as follows by the officer imposing or recommending the disciplinary action:

(A) Original to the Chief of Police and a copy to the Appropriate Authority;

(B) A copy retained by the officer preparing the report, imposing or recommending any action.

12:12 Informing the Person being Disciplined The member or employee being disciplined shall be informed of the charges, in writing, as provided by N.J.S.A. 40A:14-147. Specification(s) of charge(s) will also be provided by the charging authority, in accordance with due process.

12:13 Appeals from Penalties Appeals from penalties imposed as disciplinary measures may be taken as provided by N.J.S.A. 40A:14-147 to 151, and the municipal ordinances. Appeals must be filed timely and in compliance with applicable law and procedure.

12:14 Misconduct Observed by Police Personnel Whenever any 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/her actions to his/her commanding officer. This would include, if necessary, the arrest of any employee committing a crime.

12:15 Citizen Complaints Against Police Personnel Complaints by citizens against members or employees of the Department shall be processed in accordance with the Standard Operating Procedures and forms prescribed by the Chief of Police. Such documents are on file with the Chief of Police and each member is charged with knowledge thereof.

12:16 Serious Complaints or Allegations If, in the opinion of the concerned officers, the incident is of sufficient gravity, he shall notify the appropriate commanding officer regardless of the hour. In addition, he shall take any immediate action necessary to preserve the integrity of the Department until the arrival of the commanding officer.

12:17 Investigation of Alleged Misconduct The member assigned the investigation of an alleged act of misconduct on the part of a member or an employee of the Department, shall conduct a thorough and accurate investigation. Such investigation should include signed statements, from all parties concerned when necessary and pertinent, the gathering and preservation of any physical evidence pertaining to the case, and developing all other information bearing on the matter.

12:18 Reports of Investigation of Alleged Acts of Misconduct An alleged act of misconduct must be investigated, and the results of the investigation shall be submitted in a written report, entitled "Report of Investigation and Findings". The investigating member shall summarize the pertinent facts including:

(A) A summary of the complaint or alleged act of misconduct.

(B) Pertinent portions of the statements of all parties to the incident.

(C) A description of the incident, physical evidence and other evidence important to the case.

(D) The observations and conclusions of the investigating member.

This report is a management tool for the Chief of Police or his designee and it may either be waived by him or submitted in whatever form the Chief believes to be useful or adequate.

12:19 Findings One of the findings listed below will be included in the Report of Investigation and Findings of an alleged act of misconduct:

(A) Unfounded: The investigation indicates that the act or acts complained of did not occur or failed to involve department personnel.

(B) Exonerated: Acts did occur, but were justified, lawful and proper.

(C) Not Sustained: Investigation fails to discover sufficient evidence to prove or disprove clearly the allegations made in the complaint.

(D) Sustained: Investigation disclosed evidence sufficient to prove clearly the allegations made in the complaint.

Disciplinary Code

12:20 Schedule of Offenses The following is a schedule of offenses and shall be a guide for the Appropriate Authority and the Chief of Police or his designee.

12:21 Penalties The penalties or measures listed in Section 12:3 shall serve as guidelines for the Appropriate Authority and the Chief of Police or his designee in imposing appropriate penalties. They shall not in any way limit the penalties which may be imposed, consistent with other provisions of this Code.

12:22 Offenses Not Included in Schedule The Schedule of Offenses listed in Section(s) 12:34 et seq. shall not limit the nature of the offenses for which penalties may be imposed.

12:23 Repeated Violations Repeated violations of Department rules and regulations, or any other course of conduct indicating that an employee has little or no regard for the obligations of members of the Police Department, shall be cause for dismissal. This shall apply regardless of the severity of the offenses, regardless of whether or not these violations are of the same type.

12:24 Waiver and Guilty Plea Any person so charged with a violation of the rules or regulations of this Department shall be entitled to waive a hearing and enter a plea of guilty as charged. Said waiver will be in express terms and signed by the person waiving his/her right after he has had the charge(s) read to him and certifies that he understands same. This will be witnessed by the charging authority and the Appropriate Authority or Special Counsel as applicable. If the Department is in agreement, plea bargaining on the penalty to be given will be permitted.

12:25 Demotions and Extra Duty Except for a first offense where a reprimand is stipulated, an officer may receive, in addition to any other penalty, demotion from the grade he holds. When it is agreeable by the person charged and the municipality, extra duty on the employee's days off may be substituted without pay in lieu of suspension from duty with loss of pay, and such person charged shall perform whatever duty he is assigned.

12:26 Duration of Office and Employment The members of the Police Department shall severally hold their respective offices and continue in their respective employment during good behavior, efficiency and compliance with the residence requirement established by law and ordinance for the Township of Waterford. No person shall be removed from office or employment in the Police Department for political reasons, or for any cause - other than incapacity, misconduct, or

disobedience of rules and regulations established for the government of the police force and department in the Township of Waterford.

12:27 Examination by Physician or Professional Superior officers, with the approval of the Chief of Police, shall send for examination any subordinate reporting for duty in an unsatisfactory condition to the appropriate physician or other professional (including but not limited to a Psychologist or Psychiatrist, as needed) as may be designated by the Chief of Police.

12:28 Suspension Pending Charges The Appropriate Authority, if applicable, or the Chief of Police or his designee may suspend without pay, any employee in the department, for any period not exceeding five (5) days, pending the filing of formal charges within that time because of inefficiency, incompetency, misconduct, negligence, insubordination, or other sufficient cause as determined by the Charging Authority. Suspension, with or without pay, pending a disciplinary hearing is at the charging authority's discretion subject to criteria established by applicable law and regulation.

12:29 Hearing, Complaint, Notice, Time No person, whether officer of, or employee in, such police department, shall be suspended, removed, fined or reduced from office, rank, or employment, therein, except for just cause as hereinbefore provided. Written charge or charges must be filed in the office of the charging authority, and a copy thereof served upon the involved employee. After the charge or charges have been examined by the charging authority, and upon reasonable notice to the person charged, requested hearings (if applicable) shall be commenced in not less than ten (10) days, nor more than thirty (30) days after said copy of such charge or charges has been served. The hearing must be requested within five (5) days, pursuant to applicable law and procedure.

12:30 Fair Hearing It is intended to give any person against whom a charge or charges may be preferred which may result in either suspension without pay, removal, reduction in rank or a fine, a fair trial upon said charge(s), and every reasonable opportunity to make any defense he has or chooses to make. In the event of failure to comply with any provision to convene a timely hearing, such charge(s) may be dismissed if the employee's ability to defend himself has been prejudiced.

12:31 Subpoena The Hearing Authority shall have the power to issue writs or subpoenas to compel the attendance of witnesses, pursuant to N.J.S.A. 40A:14-148, and the production of documents, evidence and/or other discovery pursuant to West New York v. Bock.

12:32 Delay in Hearing If any employee is suspended without pay pending a trial on charges, such trial shall be commenced not sooner than ten (10) days, and within thirty (30) days after service of the charges upon him, unless otherwise agreed to by the parties.

12:33 Appeal Any member of the Police Department who has been convicted of any administrative charge and/or violation of any of the rules or regulations of such department by the designated Hearing Authority and suffers the penalty of either suspension, removal, fine or reduction in rank may appeal such conviction in the manner provided by law.

SCHEDULE OF OFFENSES

12:34 Conduct Unbecoming an Officer

Offense

- (A) Accepting bribes or gratuities for permitting illegal acts.
- (B) Permitting illegal acts.
- (C) Involved in a crime of moral turpitude or engaging in immoral behavior which casts the department in disreputable light.
- (D) Illegal use or possession of narcotics or drugs.
- (E) Convicted of any indictable offense.
- (F) Knowingly, willfully or with negligence make a false report or entry in any departmental records.
- (G) Idle conversation with known gamblers while on duty.
- (H) Engaging in gambling while on duty.
- (I) Physical fighting among members of the department.
- (J) Using rude or insulting language or conduct to the public.
- (K) Publicly criticizing the official action of a superior officer.
- (L) Odor of alcohol on breath when on duty.
- (M) Failure to recognize and satisfy any debt that has been determined to be due and owing.
- (N) Conduct, either while on or off duty, detrimental to the service.
- (O) Cowardice, either physical or moral: shirking from responsibility or danger will be deemed sufficient cause for removal from the service.
- (P) Overbearing, oppressive or tyrannical conduct in discharge of duty.
- (Q) Immorality: lack of discretion in meeting the community's moral standard, bringing discredit to the service and having a demonstrably negative impact on the department.
- (R) Uncleanliness in person or dress.
- (S) Soliciting a bribe and/or the soliciting of any unlawful act.
- (T) Soliciting and/or attempting to influence any person to falsely cover or conceal facts under investigation.
- (U) Making false statements, verbal or written, pertaining to any internal investigation.

(V) Refusing to answer lawful interrogatories propounded by proper authority when no jeopardy of criminal prosecution exists.

12:35 Intoxication

(A) On duty.

(B) Off duty, in uniform.

(C) Off duty, not in uniform and arrested.

(D) Off duty, in part uniform.

(E) On or off duty when involving property damages and/or death or injury to any person from any means whatsoever. (e.g., injury from domestic violence when drunk, traffic accident, etc.)

12:36 Insubordination

(A) Refusal to obey proper orders from higher authority; neglect or disobedience of any order or failure to comply with departmental rules and regulations.

(B) Using profane or insulting language to a superior officer or to higher elected or appointed authority.

12:37 Neglect of Duty

(A) Failure to take police action when necessary, at any time, in or out of uniform, and/or failure to submit a written report of same.

(B) Asleep on duty.

(C) Sick leave abuse: While not necessarily limited thereto, a prima facie case will exist when identifiable sick leave abuse patterns are present.

(D) Failure to properly supervise subordinates or to prefer disciplinary charges or to take other appropriate disciplinary action.

(E) Failure to comply with any orders of the Chief of Police, general orders, special orders, procedural directives, regulations, including but not limited to these regulations, or other lawful orders, written or verbal and regardless of format utilized.

(F) Failure to conduct proper, thorough and complete investigations.

(G) Failure to report as a witness or a complainant in any court procedure when duly notified.

(H) Subpoena to appear in court - When an officer receives a subpoena for court, it is his/her duty to see that all evidence and witnesses that he may have in the case are produced in court.

(I) Failure to report hazardous condition.

(J) Allowing a prisoner to escape through neglect or carelessness.

(K) Failure to thoroughly search for, collect, preserve and identify evidence on persons, property and in locations where an arrest (or investigation) is effected.

(L) Failure to properly patrol the municipality; found out of the municipality while on duty without authorization; failure to respond to a radio call, or loafing.

(M) Failure to properly cover a school crossing, when assigned.

(N) Failure to lock and remove keys from an unattended patrol car, or allowing same to idle while unattended (whether locked or not), except as may be necessary for a canine unit.

(O) Failure to meet minimum performance standards and/or being consistently below the average level of departmental productivity.

(P) Failure to properly care for assigned equipment.

(Q) Failure to take appropriate action concerning vice conditions and/or to make a written report of same.

(R) Proficiency Levels: Each member is strictly charged with the responsibility of maintaining a minimum level of proficiency as trained in the Police Academy, particularly in the areas of First Aid and Firearms Qualification, and must insure the updating of all certifications reference same.

(S) Incapacity for duty, either mental, physical or educational.

(T) Inefficiency and incompetency: While not necessarily limited thereto, a prima facie case will exist when an officer is consistently (3 or more times) evaluated below his/her prior evaluations, his/her peers, his/her unit and the Department average(s).

(U) Horseplay; Standard of Behavior: All personnel are strictly prohibited from engaging in horseplay. Horseplay that results in any injury to an employee will be reported immediately to the Chief of Police. Horseplay not resulting in injury will be investigated by the duty supervisor and reported through the chain of command.

(V) Absence without leave, less than five (5) consecutive days.

12:38 Disobedience of Orders

(A) There will be no soliciting of money or any valuable thing on or off duty without proper authorization.

(B) Failure to be at home without legitimate reason and/or authorization after reporting sick.

(C) Failure to obtain medical treatment or certificate while on sick leave, as required.

(D) Failure to follow State Statute or departmental procedure for the handling of evidence, personal effects and other property.

(E) Misappropriation: Converting any lost, found, stolen, departmental or evidence property to his/her own use, without proper legal authorization.

(F) Flagrant misuse, handling or display of firearms.

(G) Failure to submit a properly written (required) report within a reasonable or prescribed period of time as per regulations or upon order to do so by higher authority.

(H) Failure to advise dispatcher of absence from radio car.

(I) Failure to carry proper identification at all times, unless specifically required not to.

(J) Unexcused tardiness.

(K) Violating prescribed residency requirements.

(1) Change of residence; temporary absence from municipality. Members of the Police Department are required to report, in writing, to the Chief of Police or, in his/her absence, the officer-in-charge, any change in residence or temporary absence from Waterford Township exceeding forty-eight (48) hours, at least twenty-four (24) hours before it takes effect, giving street and number and floor (if an apartment), and nearest phone number, so that he may be located without delay.

(2) All police employees will reside in Waterford Township for enhanced eligibility in hiring or promotion. Moving out of the Township after being hired will adversely affect promotional considerations.

(3) Establishing primary residence outside of the State of New Jersey will legally void appointment as a police officer.

(L) Unauthorized persons in patrol car, contrary to Section 11:59.

(M) Communicating or imparting confidential police information or communicating departmental affairs to unauthorized persons, either in writing or verbally.

(N) No one shall appear as a character witness for any defendant in a criminal trial or inquiry unless authorized by the Chief of Police or the Appropriate Authority.

(O) Refusal to give name and badge number when properly requested.

(P) Willful mistreatment of a prisoner.

(Q) Solicitation of Favors, Coffee, Food, Services, Subscriptions or Contributions: No member of the Police Department shall suggest, solicit, collect or receive favors, coffee, food, services or a subscription or contribution for any purpose, nor enter a prize contest, unless permission is granted through the Appropriate Authority or the Chief of Police, which shall be in writing.

(1) No member shall "strong-arm", suggest, solicit, accept, collect, or receive any gratuity at any time (Holidays or otherwise) which may be deemed as having been derived by the color of his/her office or such other impropriety.

(2) Acceptance of "favors", coffee, goods or services from any Township business will constitute a prima facie case of Solicitation of a Contribution to the officer.

(R) Interference in Civil Matters: Members of the Police Department shall not interfere in civil matters, except to prevent a breach of the peace or to quell a disturbance actually commenced or underway.

(S) Participation in Politics: Pursuant to Regulation 11:156 et seq., members of the Police Department are prohibited from an improper active participation in politics, other than to exercise

the right of suffrage; neither shall they discuss politics when it concerns, directly or indirectly, the discharge of police duty.

(T) Engagements for Special Services: No member of the Department will be permitted to make any engagement for special services at any wedding, club, ball, entertainment, meeting, picnic, excursion or other occasion of a similar nature. Applications for special service shall be made to the Chief of Police, who shall have the power to detail any member or members he determines to satisfy a public safety objective. Members will be held to as strict a level of accountability while in the performance of a special service as they are when on regular duty.

(U) Saluting National Colors; National Anthem; Military Courtesy: Members of the Police Department shall salute the national colors as they pass on all occasions, provided they are facing the colors and their attention is not otherwise engaged. Members in uniform shall give a regulation salute; those not in uniform shall salute by taking their hat off and standing at attention. On all occasions, when the national anthem is being played, members of the Police Department shall stand at attention; those not in uniform shall take their hat off and those in uniform shall make the regulation salute at the conclusion of the music, as appropriate. All commissioned officers, police and military, shall be saluted regardless of departmental affiliation.

(V) Regulation Uniforms While on Duty or in Court: Members of the Police Department, while on duty or in Court on police cases, shall wear full regulation uniform, unless authorized to appear in regular civilian dress. The Waterford Township Police Department uniform is not to be worn otherwise, or on other occasions, unless approved by the Chief of Police. No officer shall wear his/her uniform when not on active duty without said approval.

(W) Condition of Equipment: All uniforms and equipment must be kept in good condition and such articles as are furnished by the Police Department must be immediately surrendered to a commanding officer upon suspension or separation from the service. Superior officers are responsible for strict enforcement of this rule.

(X) Medical Attention for Prisoners: When a prisoner or other person in headquarters is in need of medical attention, the immediate supervisor shall summon a Department doctor(s), or if none can be reached, send the case to the hospital; if it appears in any way to be a serious case, send same immediately to a hospital without attempting to summon a doctor. Whenever the latter course is followed, a member of this department must accompany the patient and submit a detailed report regarding the condition of the patient, etc., as soon as possible.

(Y) Disposition of Stolen, Abandoned, or Confiscated Goods: All such goods that may come into the possession of the police and which are impossible to identify, or if unclaimed, shall, in accordance with the law, be sold at public auction, and such auction is to be duly advertised.

(Z) Receipt for Property Returned to Rightful Owner. Whenever lost or stolen property is returned to the rightful owner, a receipt for same must be obtained by the officer.

12:39 Part-Time "Off Duty" Employment: All such moonlighting and/or police related off-duty employment is governed by Chapter 50 of the Municipal Ordinance (incorporated into these rules in its entirety at chapter 4 herein) and Rule 10:11.

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