

MODEL RULES AND REGULATIONS

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INTRODUCTION

Over the years, the scope of department rules and regulations has been narrowly focused. It was once thought the rules and regulations should contain everything a police officer needed to know to do his job. It is now recognized that the rules and regulations should provide broad guidance for police officer behavior. Specifics of day-to-day police operations properly belong in department policies and procedures. In addition, the adoption of rules and regulations is not the responsibility of the chief of police, but instead it is the responsibility of the Appropriate Authority within the municipality. Issuing policies and procedures, orders and directives that govern the day-to-day operation of the police department is, however, the responsibility of the police executive.

Authority for Rules and Regulations

Before establishing rules and regulations, municipal police departments must have a current and valid municipal ordinance. N.J.S.A. 40A:14-118 states, in part:

Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adopting and promulgation *by the appropriate authority* of rules and regulations for the government of the force and the discipline of its members. *[Emphasis added]*

Only when the municipal ordinance identifies the appropriate authority can valid rules and regulations be adopted and promulgated. In order for rules and regulations to be valid, each municipality must comply with the sequence of events described in the statute. The municipal ordinance is the essential foundation upon which rules and regulations rest.

Below are a number of model provisions for consideration by municipalities when implementing police ordinances. The use of these model provisions will to a degree be dependant upon the municipal form of government. Furthermore, depending upon circumstances, the model provisions may not be all-inclusive for purposes of implementing a police ordinance. Every police executive should always consult with the municipal attorney to determine the validity of a current municipal police ordinance and to determine whether amendments are necessary.

The recommended model ordinance provisions are as follows:

§ There is hereby created in and for the **[name of municipality]**, a Police Department which shall consist of no more than **[enumerate each rank and the number of individuals which may be appointed to each rank*]** to be appointed to these positions by the **[governing or appointing authority]**.

** For example, "a Chief of Police, one Deputy Chief, two Captains, three Lieutenants, four sergeants and sixteen patrolmen."*

§ The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the **[municipality]**; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members and officers. (N.J.S.A. 40A:14-152)

§ The **[proper designee of governing body]** shall be designated as the Appropriate Authority as provided in the New Jersey Statutes. The Appropriate Authority shall be responsible for the overall performance of the Police Department. The Appropriate Authority shall adopt and promulgate Rules and Regulations for the government of the Police Department and for the discipline of its members. (N.J.S.A. 40A:14-118)

§ The Chief of Police¹ shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day to day operations. Pursuant to policies established by the Appropriate Authority, the Chief of Police shall:

Administer and enforce the Rules and Regulations of the Police Department and any special emergency directive for the disposition and discipline of the Department and its members and officers;

Have, exercise and discharge the functions, powers and duties of the Police Department;

Prescribe the duties and assignments of all members and officers;

Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised

¹ If the position of chief of police is established, a section should be included in the ordinance similar to this model.

under the Chief's direction and control; and

Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Appropriate Authority. (N.J.S.A. 40A:14-118)

- § No member or officer of the Police Department shall be suspended, removed, fined or reduced in rank for any cause other than for incapacity, misconduct or disobedience as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. (N.J.S.A. 40A:14-147)

- § No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The Appropriate Authority may also require that an applicant for appointment to the Police Department shall successfully complete a physical, mental and psychological examination. (N.J.S.A. 40A:14-122 and N.J.S.A. 40A:14-127)

- § The **[governing body of the municipality]** may appoint from time to time special law enforcement officers in accordance with New Jersey Statutes for terms not exceeding one year. They shall possess and exercise all the powers and duties provided by said statutes during their term in office, but shall not be continued as regular members of the Police Department and shall not be entitled to tenure. The Chief of Police may authorize special law enforcement officers when on duty to exercise the same powers and authority as regular members of the Police Department including the carrying of firearms and the power of arrest. (N.J.S.A. 40A:14-146.8 et seq.)

For other New Jersey law enforcement agencies, the source of the authority for rules and regulations is not specifically addressed by statute. In the cases of county prosecutors and sheriffs, the authority to promulgate rules and regulations rests with the prosecutor or sheriff, respectively. In county police departments and county park police departments, the authority to issue rules and regulations may rest with the agency head, the governing body, or some other authority. For those agencies which operate under a commission, such as multi-state bridge police, the authority for promulgating rules and regulations may rest with the commission itself. In these cases, the law enforcement agency should consult with its own legal counsel, county prosecutor or the Division of Criminal Justice to determine who has the authority to issue rules and regulations.

In any case, the practical approach to the promulgation of rules and regulations is one in which the police department management prepares a draft of proposed rules and regulations. This draft must take into consideration the needs of the police department, the impact of collective bargaining agreements, local ordinances and personnel rules, State and Federal law. The properly designated authority, as well as the municipal attorney, should review the draft rules and regulations and modify them as necessary. The appropriate authority can then issue the rules and regulations in final version.

Policies and Procedures

Rules and regulations cannot stand by themselves in guiding the operations of a police department. It is essential that the rules are part of a comprehensive policy management system. In the Second Edition of *Model Rules and Regulations*, many long sections have been removed and often replaced with a short rule containing the phrase "...pursuant to department policies and procedures..." The content of these sections, such as Use of Force, are critical to police operations. However, this information does not belong in department rules and regulations, but belongs instead in department policies and procedures.

Information on how to accomplish specific job related tasks should be contained in policies and procedures. For example, a rule might require officers to be in proper uniform when so assigned. However, the specific features of the clothing and the equipment that comprise "proper uniform" must be spelled out in policies and procedures. Similarly, the detailed procedures for processing prisoners or using department equipment should be found in policies and procedures, not in rules and regulations.

In general, rules and regulations are guidelines outlining the acceptable and unacceptable behavior of personnel and are typically broad in nature. Policies, on the other hand, are detailed statements of procedures covering various aspects of day-to-day police operations. Rules and regulations provide the framework for the effective management of a police department; policies and procedures flesh out the details for all manner of police operations. In adopting new rules and regulations, a police department should completely review the policy system as well to insure that all relevant areas of police operations are adequately covered.

MODEL RULES AND REGULATIONS

- I. Establishment of police department rules and regulations
 - A. Police department authority
 1. The Police Department of the **[municipality name]** is established pursuant to N.J.S.A. 40A:14-118 and **[municipal ordinance citation]**. The **[police department name]** shall after this be called the "department."
 - B. Department rules
 1. Rules and Regulations Established. The appropriate authority of the **[municipality name]** hereby adopts and promulgates the department Rules and Regulations, known as the **[police department name]** Rules and Regulations and after this called the "rules."
 2. Right to Amend or Revoke. In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority to amend or to revoke any of the rules contained herein.
 3. Previous Rules, Policies and Procedures. All rules previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked to the extent of any inconsistency. All other policies and procedures shall remain in force.
 4. Application. These rules are applicable to all police officers of the department and to all civilian employees of the department where appropriate.
 5. Distribution. One copy of these rules shall be distributed to each employee of the department.
 6. Responsibility for Maintenance. It is the continuing responsibility of each employee to maintain a current copy of the rules, including all additions, revisions and amendments as issued.
 7. Familiarization. Employees shall thoroughly familiarize themselves with the provisions of the rules. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these rules. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule which is not fully understood.
- II. Definitions
 - A. Authority. The right to issue orders, give commands, enforce obedience, initiate action and make necessary decisions commensurate with rank or assignment as provided for in the department rules, policies and procedures. Authority may be

delegated by those so designated. Acts performed without proper authority or authorization shall be considered to be in violation of the rules.

- B. Chain of command. Vertical lines of communication, authority and responsibility within the organizational structure of the department.
- C. Day Off. Those days determined by the appropriate supervisor on which a given employee is excused from duty.
- D. Directive. A document detailing the performance of a specific activity or method of operation. "Directive" includes:
 - 1. General order: Broadly based directive dealing with policy and procedure and affecting one or more organizational subdivisions of the department.
 - 2. Special order: A directive dealing with a specific circumstance or event that is usually self-canceling.
 - 3. Personnel order: A directive initiating and announcing a change in the assignment, rank or status of personnel.
- E. Employee. All employees of the department, whether sworn regular or special police officers or civilian employees.
- F. May/Should. As used herein words "may" and "should" mean that the action indicated is permitted.
- G. Order. Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.
- H. Policy. A statement of department principles that provides the basis for the development of procedures and directives.
- I. Procedure. A written statement providing specific direction for performing department activities. Procedures are implemented through policies and directives.
- J. Shall/Will. The words "shall" and "will" as used herein, shall indicate that the action required is mandatory.
- K. Supervisor. Employee assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

III. General duties and responsibilities

- A. Police officers shall:
 - 1. Take appropriate action to:

- a. Protect life and property;
 - b. Preserve the peace;
 - c. Prevent crime;
 - d. Detect and arrest violators of the law;
 - e. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
 - f. Safely and expeditiously regulate traffic;
 - g. Aid citizens in matters within police jurisdiction;
 - h. Take appropriate police action in aiding fellow officers as needed.
 - i. Provide miscellaneous services.
2. Support and defend individual protections, rights and privileges guaranteed by the Constitutions of the United States and New Jersey.
 3. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department.
 4. Abide by all rules, regulations and departmental procedures and directives governing police officer employees.
 5. Be accountable and responsible to their supervisors for obeying all lawful orders.
 6. Coordinate their efforts with other employees of the department to achieve department objectives.
 7. Conduct themselves in accordance with high ethical standards, on and off-duty.
 8. Strive to improve their skills and techniques through study and training.
 9. Familiarize themselves with the area of authority and responsibility for the current assignment.
 10. Perform their duties promptly, impartially, faithfully and diligently.
 11. Perform all related work as required.
- B. Supervisors in the department shall:
1. Enforce department rules and insure compliance with department policies and procedures.
 2. Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.

3. Exercise necessary control over their subordinates to accomplish the objectives of the department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use department disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the department disciplinary process.

C. Chief of Police

1. Pursuant to N.J.S.A. 40A:14-118 and municipal ordinance, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and day to day operations of the department. Pursuant to policies established by the appropriate authority, the Chief of Police shall:
 - a. Administer and enforce the Rules and Regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its members and offers;
 - b. Have, exercise and discharge the functions, powers and duties of the Police Department;
 - c. Prescribe the duties and assignments of all members and officers;
 - d. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the direction and control of the Chief; and
 - e. Report at least monthly to the appropriate authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the appropriate authority.
2. Responsibilities. The Chief of Police is responsible to:
 - a. Establish and maintain the efficient operation of the department.
 - b. Organize, control and maintain all property and resources of the department.
 - c. Develop the written organizational structure of the department, including chain of command and duty assignments.
 - d. Develop and implement policies and procedures necessary to govern and

direct the day to day operations of the police department.

- e. Provide for the proper training of all department employees.
- f. Provide for periodic inspections of all police operations to insure compliance with department rules, policies, and procedures.
- g. Maintain the overall discipline of the department.
- h. Maintain a constructive relationship with the public, community organizations, the media and other law enforcement agencies.
- i. Prepare and submit the annual budget and proposed expenditure programs to the appropriate authority or other designated officials.
- j. Allocate funds within the budget which are appropriated by the governing body.
- k. Provide for performance evaluations of all department employees.

D. Civilian employees shall:

- 1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
- 2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
- 3. Be accountable and responsible to their supervisors for obeying all lawful orders.
- 4. Coordinate their efforts with other employees of the department to achieve department objectives.
- 5. Conduct themselves in accordance with high ethical standards, on and off-duty.
- 6. Strive to improve their skills and techniques through study and training.
- 7. Familiarize themselves with the area of authority and responsibility for the current assignment.
- 8. Abide by all rules, regulations and departmental procedures and directives governing civilian employees.
- 9. Perform all related work as required.

IV. Rules of conduct

A. General conduct

1. Performance of Duty. All employees shall promptly perform their duties as required or directed by law, department rule, policy or directive, or by lawful order of a superior officer.
2. Action Off Duty. While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department policy.
3. Obedience to Laws and Rules. Employees shall obey all laws, ordinances, rules, policies, and procedures and directives of the department.
4. Withholding Information. Employees shall report any information concerning suspected criminal activity of others.
5. Reporting Violations of Law or Rules. Employees knowing of other employees violating laws, ordinances, or rules of the department, shall report same in writing to the Chief of Police through official channels. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, official channels may be bypassed.
6. Insubordination. Employees shall not:
 - a. Fail or refuse to obey a lawful order given by a supervisor;
 - b. Use any disrespectful or abusive language or action toward a supervisor.
7. Conduct Toward Other Department Employees. Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and in the presence of the public, officers should be referred to by rank.
8. Compromising Criminal Cases. Employees shall not interfere with the proper administration of criminal justice.
9. Recommending Attorney and Bail Bond Brokers Prohibited. Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.
10. Posting Bail. Employees shall not post bail for any person in custody, except relatives.
11. Use of Force. Employees shall follow department policy and procedure on the

use of force.

12. Fitness for duty. Police officers shall maintain sufficient physical and psychological condition in order to handle the variety of activities required of a law enforcement officer.
13. Driver's License. Employees operating department motor vehicles shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full particulars.
14. Address and Telephone Numbers. Employees are required to have a telephone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

B. Orders

1. Issuing Orders
 - a. Manner of Issuing Orders. Orders from a supervisor to a subordinate shall be in clear and understandable language.
 - b. Unlawful Orders. No supervisor shall knowingly issue any order which is in violation of any law or ordinance.
 - c. Improper Orders. No supervisor shall knowingly issue any order which is in violation of any department rule, policy, or procedure.
2. Receiving Orders
 - a. Questions Regarding Orders. Employees in doubt as to the nature or detail of an order shall seek clarification from their supervisors through the chain of command.
 - b. Obedience to Unlawful Orders. Employees are not required to obey any order which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.
 - c. Obedience to Improper Orders. Employees who are given any order which is contrary to department rule, policy, or procedure must first obey the order to the best of their ability, and then report the improper order as provided.
 - d. Conflicting Orders. Upon receipt of an order conflicting with any previous order, the employee affected will advise the person issuing the second

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

- e. Reports of Unlawful or Improper Orders. A employee receiving an unlawful or improper order shall, at first opportunity, report in writing to the next highest ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted by the Chief of Police.
- f. Criticism of Official Acts or Orders. Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

C. Police Records and Information

- 1. Release of Information. Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department policy and procedure.
- 2. Department Records. Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under department policy and procedures.
- 3. Reports. No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.

D. Gifts, rewards, etc.

- 1. Soliciting or Accepting Benefits. Employees shall not directly or indirectly solicit, accept or agree to accept any benefit not allowed by law to influence the performance of their official duties.
- 2. Rewards. Employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty, except that which may be authorized by law and department policy.
- 3. Disposition of Unauthorized Gifts, Gratuities. Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.

E. Alcoholic Beverages and Drugs

1. Consuming Alcoholic Beverages Before Duty. Employees shall not consume alcoholic beverages within four hours prior to reporting for duty.
2. Being Under the Influence. Employees shall not report for duty under the influence of any alcoholic beverage.
3. Consuming Alcoholic Beverages on Duty. Employees of the department shall not consume any alcoholic beverage while on duty.
4. Exception. Employees while assigned to duty in civilian clothes may consume alcoholic beverages only if such consumption:
 - a. is absolutely necessary in the performance of duty, and
 - b. has been approved by the appropriate supervisor, and
 - c. does not render the employee unfit for proper and efficient performance of duty.
5. Consuming Alcoholic Beverages Off Duty in Uniform. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.
6. Alcoholic Beverages in Police Buildings. Alcoholic beverages shall not, at any time, be consumed in police buildings or facilities.
7. Supervisors' Responsibility. Supervisors shall not assign to duty or allow to remain on duty any employee whose fitness for duty is questionable due to the use of alcohol or medication.
8. Possession of Alcoholic Beverages. Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any police department building or vehicle, except for evidential or other authorized purpose.
9. Entering Licensed Premises. Employees in uniform shall not enter any licensed premises where alcoholic beverages are sold or stored, except in the performance of duty and in compliance with department policy.
10. Taking Medication on Duty. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
11. Notification about Medication. When employees are required to take any

prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

12. *[If the agency will do random drug testing, this rule must be included: This department shall conduct random drug testing of police officers in accordance with the Drug Testing Policy of the Attorney General.]*

F. Duty conduct

1. Reporting for Duty. Employees shall report for duty at the time and place specified, properly uniformed and equipped.
2. Absence from Duty. An employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave.
3. Prohibited Activity on Duty. Employees who are on duty are prohibited from engaging activities which are not directly related to the performance of their duty (e.g., sleeping, conducting private business, or gambling).
4. Smoking While On Duty. Employees shall not smoke except in authorized areas. Employees shall not smoke on duty while in direct contact with the public.
5. Distracters. The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.
6. Relief. Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.
7. Meals. All meals are to be consumed within authorized areas, subject to modification by the supervisor.
8. Training. Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.
9. Inspections. Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

G. Uniforms, appearance and identification

1. Regulation Uniforms Required. All police officers and uniformed civilians shall maintain uniforms prescribed in department policy and procedure. Uniforms shall be kept neat, clean and well-pressed at all times.
2. Manner of Dress on Duty. Employees shall wear the uniform or civilian clothing on duty as prescribed by department policy and procedure for the employee's current assignment.
3. Wearing Jewelry on Duty. Police officers on duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform officers on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with department policy.
4. Personal Appearance. Employees, while on duty, shall be neat and clean in person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform officers on duty from dressing appropriately for the conditions of their current assignment in accordance with department policy.
5. Wearing or Carrying Identification. Employees shall wear or carry their department identification at all times, provided that it is practical under the circumstances.
6. Identification as Police Officer. Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

H. Department equipment and property

1. Equipment on duty. Employees shall carry all equipment on duty as prescribed in department policy and procedure based on their assignment.
2. Equipment off duty. Employees shall carry equipment off duty as prescribed in department policy and procedure based on their assignment.
3. Firearms. Employees shall follow department policy and procedure on the care and handling of firearms.
4. Department Property and Equipment. Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty.
5. Use of Department Property and Equipment. Employees shall not use any department property or equipment for personal business or pleasure.

6. Damaged or Inoperative Property or Equipment. Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment or property.
7. Care of Department Buildings. Employees shall not mark or deface any surface in any department building. No material shall be affixed to any wall in department buildings without specific authorization from the appropriate supervisor.
8. Notices. Employees shall not mark, alter or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining units.
9. Use of Department Vehicles. Employees shall not use any department vehicle without the permission of a supervisor. Department vehicles shall never be used for personal business or pleasure except as provided for in department policy.
10. Operation of Department Vehicles. When operating department vehicles, employees shall not violate traffic laws except in cases of emergency and then only in conformity with state law and department policy and procedure regarding same.
11. Transporting Citizens. Citizens will be transported in department vehicles only in conformance with department policy.
12. Reporting Accidents. Accidents involving department personnel, property, equipment and vehicles must be reported in accordance with department policy and procedure.
13. Inspection. Departmental property and equipment is and remains the property of the department and is subject to entry and inspection without notice.
14. Liability. If department property is damaged or lost as a result of misuse or negligence by an employee, that employee will be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.
15. Surrender of department property.
 - a. Upon Separation From the Department. Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.

- b. Under Suspension. Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.
- I. Communications, correspondence
 - 1. Restrictions. Employees shall:
 - a. Not use department letterheads for private correspondence.
 - b. Only send correspondence out of the department under the direction of the appropriate supervisor.
 - 2. Forwarding Communications. Any employee who receives a written communication for transmission to another employee shall forward same without delay.
 - 3. Use of Department Address. Employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any private vehicle registration or driver license.
 - 4. Telephones. Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.
 - 5. Radio Discipline. Employees operating the police radios shall strictly observe the procedures and restrictions for such operations as set forth in department policy and procedure and by the Federal Communications Commission.
- J. Conduct toward public
 - 1. Courtesy. Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, avoiding profane language and shall always remain calm regardless of provocation.
 - 2. Request for Identification. Upon request, employees are required to supply their name and identification number in a courteous manner.
 - 3. Impartiality. Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, influence or political affiliation.
 - 4. Use of Derogatory Terms. Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.
 - 5. Affiliation with Certain Organizations Prohibited. No employee shall knowingly become a member of any organization which advocates the violation of law, or

which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.

6. Representing the Police Department. Employees shall not give public speeches or demonstrations on behalf of the department, nor shall they endorse any product or service as a representative of the department, without prior approval from the Chief of Police.

K. Political activities

There may be different restrictions on political activity in each county. Law enforcement agencies should contact their county prosecutor to determine what restrictions apply in their county.

1. Employees shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the county prosecutor.
2. Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.
3. Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.
4. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
5. Employees shall not engage in any polling duties except in the performance of their official duties.
6. Employees shall not display any political material on any government property or on their person while on duty or in uniform.

L. Judicial appearance and testimony

1. Duty of Employee to Appear and Testify. Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, or the State Commission of Investigation.
2. Subpoena. Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court officials.
3. Court Appearance. When appearing in court on department business, employees shall wear either the department uniform or appropriate business attire.

4. Testifying for the Defendant. Any employee subpoenaed to testify for the defense or against the municipality or department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena.
5. Department Investigations. Employees are required to answer questions, file reports, or render material and relevant statements, in a departmental investigation when such questions and statements are directly related to job responsibilities. Employees shall be advised of, and permitted to invoke, all applicable constitutional and statutory rights, including consultation with their designated representative.
6. Truthfulness. Employees are required to be truthful at all times whether under oath or not.
7. Civil Action, Subpoenas. Employees shall not volunteer to testify in civil actions arising out of department employment and shall not testify unless subpoenaed. If the subpoena arises out of department employment or if employees are informed that they are a party to a civil action arising out of department employment, they shall immediately notify the appropriate supervisor.
8. Civil Depositions and Affidavits. Employees shall confer with the appropriate supervisor before giving a deposition or affidavit on a civil case relating to their police employment.
9. Civil Action, Expert Witness. Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the county prosecutor.
10. Civil Process. Employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate supervisor.

V. Personnel regulations

A. Hours and Leave

1. Hours of Duty. Employees shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty. Employees are subject to be recalled to duty as needed.
2. Scheduled Days Off. Employees are entitled to days off pursuant to appropriate collective bargaining agreements and are to take such days according to a schedule arranged by the appropriate supervisor.
3. Vacation Leave. Employees are entitled to vacation days off pursuant to appropriate collective bargaining agreements, department policy and procedure, and approval of the vacation schedule by the appropriate supervisor.

4. Other Leaves. Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by department policy and procedure, subject to approval of the schedule by the appropriate supervisor.
5. Sick Leave. Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and department policy and procedures.
6. Abuse of Sick Leave. Employees who take sick leave in violation of department policy shall be subject to disciplinary action.
7. Suspension of Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by appropriate department authority, and which unavoidably requires utilization of additional employees who are not scheduled to work.

B. Secondary Employment

1. Secondary Employment. Employees may engage in secondary employment consistent with department policy.

C. Resignation

1. Resignation to be in Writing. All resignations of employees must be in writing and bear the signature of the person resigning. Employees shall provide no less than two weeks written notice to the Chief of Police.

VI. Discipline

A. Disciplinary Action

1. Disciplinary Action. Employees, regardless of rank, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for:
 - a. committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or any other State, or municipal ordinances;
 - b. failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment;
 - c. violation of any rule, policy, procedure, or directive of the department; or
 - d. failure to obey any lawful instruction, order, or command of a supervisor.
2. Repeated Violations. Repeated violations of the rules of conduct shall be indicative of employees' disregard for their duty and may be cause for dismissal. This shall apply regardless of the type or severity of the offenses.

B. Disciplinary Procedure

The specific disciplinary procedures and penalties for the law enforcement agency should be included at this point.

Procedures. The disciplinary procedures must be in accordance with the laws of the State of New Jersey, municipal ordinance, case law, collective bargaining agreements, administrative regulations, Department of Personnel rules (if applicable) and municipal personnel department rules. These procedures should include details on charging, hearings, and appeals.

Penalties. A system of progressive discipline must be instituted within the department's rules and regulations. Progressive discipline serves an important role in the process by which the department deals with minor complaints of misconduct. In providing a range of penalties, the department can use the disciplinary process to achieve the basic goals of instruction and addressing inappropriate behavior before minor problems escalate into major problems. At the same time, the accused officer is made aware that repeated violations of department rules will lead to ever increasing penalties. A progressive discipline scale can include:

1. Counseling
2. Oral reprimand or performance notice
3. Written reprimand
4. Monetary fine¹
5. Transfer/reassignment
6. Suspension without pay
7. Loss of promotion opportunity¹
8. Demotion
9. Dismissal

The possible penalties an officer might receive when an allegation of misconduct is substantiated should be included in the rules. It is suggested that the agency set different levels of penalty based on the seriousness of the violation. For instance, four "classes" of violations could be used in which Class A violations represent only the most serious infractions, Class D violations are relatively minor rule violations, and Class B and Class C are in between. For each class, presumptive minimum and maximum penalties should be specified. This does not limit the hearing authority from imposing a penalty outside of the established classes. If the hearing authority should impose a penalty outside of the set range, this action must be clearly justified in the hearing documentation.

Penalties must be imposed on a case by case basis. In each case, the hearing officer should consider all the aggravating and mitigating circumstances surrounding the accused

¹ Agencies operating under the Department of Personnel statutes (N.J.S.A. 11A:2-20) and regulations may only assess a fine in lieu of a suspension where loss of the officer from duty would be "detrimental to the public health, safety or welfare" or if the assessment is restitution or is agreed to by the employee.

officer's behavior.

Examples of penalty classification might be:

<i>Class</i>	<i>Violation</i>	<i>Minimum / Maximum Penalty</i>
<i>A</i>	<i>Soliciting, accepting, or agreeing to accept, directly or indirectly, any benefit not allowed by law to influence the performance of their official duties.</i>	<i>Suspension to Dismissal</i>
<i>B</i>	<i>Reporting for duty under the influence of an alcoholic beverage.</i>	<i>Written reprimand to Demotion</i>
<i>C</i>	<i>Knowingly issuing an order which is in violation of any department rule, policy, or procedure.</i>	<i>Oral reprimand to Suspension</i>
<i>D</i>	<i>Transporting citizens in department vehicles not in conformance with department policy.</i>	<i>Oral reprimand to Suspension</i>

These are examples only. Each police department must develop its own scale of penalties based on State law, case law, municipal ordinance, collective bargaining agreements, and Department of Personnel or local personnel regulations.