

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION 24-154**

**UPDATING THE RED BANK POLICE DEPARTMENT RULES AND REGULATIONS**

**WHEREAS**, the Governing Body of the Borough of Red Bank has determined that there is a need to update the Red Bank Police Department Rules and Regulations.


**WHEREAS**, the purpose of the Department Rules and Regulations is to set forth standards, guidelines, and policies governing the conduct of police officers and civilian employees of the Red Bank Police Department; to define personnel procedures and to provide procedural guidance for members of the Department in carrying out the duties imposed upon them by law.


**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Red Bank that the Red Bank Police Department Rules and Regulations manual attached hereto are hereby adopted.

**BE IT FURTHER RESOLVED** that in the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Borough of Red Bank employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Red Bank Borough Governing Body.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Red Bank, in the County of Monmouth and State of New Jersey, that the Red Bank Police Department Rules and Regulations annexed hereto are hereby adopted and shall be incorporated into the Red Bank Police Department's Standard Operating Procedures.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	<p>I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on June 27, 2024.</p>  <p>Laura Reinertsen. Borough Clerk</p>
Councilmember Bonatakis			X				
Councilmember Cassidy			X				
Councilmember Facey-Blackwood		X	X				
Councilmember Forest	X		X				
Councilmember Jannone			X				
Councilmember Triggiano			X				
Mayor Portman			X				
<b>ON CONSENT AGENDA</b>	Yes	x		No			

<b>Red Bank Borough Police Department</b> <b>STANDARD OPERATING PROCEDURES</b>		
SUBJECT: RULES AND REGULATIONS		
EFFECTIVE DATE: June 27, 2024	NUMBER OF PAGES: 34	
ACCREDITATION STANDARDS:		
BY THE ORDER OF: Capt. Frazee	APPROPRIATE AUTHORITY: Borough Manager	

*PAGE NUMBERS ALTERED DUE TO FORMATTING*

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## **CHAPTER 1 INTRODUCTION**

### **1:1. ESTABLISHMENT OF THE RED BANK POLICE DEPARTMENT**

#### **1:1.1 Legal Authorization**

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

#### **1:1.2 Rules and Regulations Established**

The Borough Manager as the "Appropriate Authority" of the Borough of Red Bank hereby adopts and promulgates the Department Rules and Regulations, in accordance with the Borough of Red Bank Municipal Code §118-4 and shall be known as the "Red Bank Police Department Rules and Regulations."

#### **1:1.3 Right to Amend or Revoke**

The Borough Manager of the Borough of Red Bank reserves the right to amend or revoke any of the rules and regulations contained herein.

#### **1:1.4 Previous Rules, Policies, and Procedures**

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

### **1:2 THE NUMBERING SYSTEM**

#### **1:2.1 Chapter, Section, and Subsection Designation**

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

#### **1:2.2 Chapter and Section Sequence**

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

#### **1:2.3 Subsection Sequence**

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

#### **1:2.4 Series Lettering**

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

#### **1:2.5 Flexibility of System**

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

### **1:3 RULES AND REGULATIONS MANUAL**

#### **1:3.1 Application**

These Rules and Regulations are applicable to all sworn employees, including special law enforcement officers, and to all civilian employees of the department, where appropriate.

**1:3.2 Distribution**

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

**1:3.3 Responsibility for Maintenance**

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

**1:3.4 Familiarization**

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

**1:3.5 Severability**

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

**1:4 DEFINITION OF TERMS**

**1:4.1 Acting**

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

**1:4.2 Annual Leave**

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

**1:4.3 Appropriate Authority**

Pursuant to the Borough of Red Bank Municipal Code §118-4, the Borough Manager shall be designated as the "Appropriate Authority."

**1:4.4 Authority**

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

**1:4.5 Chain of Command**

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

**1:4.6 Chief of Police**

The Chief of Police shall be the highest-ranking sworn member of the Red Bank Police Department.

**1:4.7 Days Off**

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

**1:4.8 Department**

The Red Bank Police Department.

**1:4.9 Detail**

A temporary assignment of personnel for a specialized activity.

**1:4.10 Employee**

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

**1:4.11 Incompetence**

Incapable of satisfactory performance of police duties.

**1:4.12 Insubordination**

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

**1:4.13 Lawful Order**

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

**1:4.14 May/Should**

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

**1:4.15 Member**

Any duly sworn police officer of the department.

**1:4.16 Military Leave**

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

**1:4.17 Neglect of Duty**

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

**1:4.18 Off-Duty**

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

**1:4.19 On-Duty**

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

**1:4.20 Order**

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

**1:4.21 Post**

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

**1:4.22 Plurality of Words**

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

**1:4.23 Probationary Police Officer**

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

**1:4.24 Probationary Period**

Each member shall be required to serve a probationary period of one (1) year prior to permanent full-time appointment to the department.

**1:4.25 Shall/Will**

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

**1:4.26 Shift**

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

**1:4.27 Staff Supervision**

Staff supervision is an advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.

**1:4.28 Subordinate**

A member lower in rank than his superior officer.

**1:4.29 Superior Officer**

A member holding the rank of Sergeant or higher.

**1:4.30 Supervisor**

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

**1:4.31 Tense of Words**

The words used in the present tense include the future.

**1:4.32 Tour of Duty**

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

**1:4.33 Zone/Sector**

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

**1:5 CODE OF ETHICS**

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

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

**I WILL** keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

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

## **1:6 MISSION STATEMENT, VALUE STATEMENT, AND VISION STATEMENT**

### **1:6.1 Mission Statement**

The mission of the Red Bank Police Department is to make a significant contribution to improve the quality of life for the citizens living, working, or visiting our community. In cooperation with the community, the department is dedicated to providing police services by protecting life and property, by preventing crime; by enforcing the laws of the State of New Jersey and the ordinance of the Borough of Red Bank; and by maintaining order for all people.

**WE** believe that it is our responsibility to protect the Constitutional Rights of all persons, and that we are accountable to the community.

**WE** believe that all individuals that we have contact with should be treated with dignity and respect.

**WE** believe that crime is not just a problem for the police, but is a social problem, which affects the entire community. As such, we are committed to work with the community to address these problems in identifying and solving these problems.

**WE** believe that it is our responsibility to provide a safe community through innovative approaches to the suppression of crime and violence, to prevent public disorder, and to create and maintain a feeling of security in the community.

**WE** are committed to fostering a work environment, which promotes excellence, communication, cooperation, and trust.

### **1:6.2 Value Statement**

The members of the Red Bank Police Department are committed to the following organizational values, which guide our conduct and help to accomplish our mission:

**Courage:** We uphold and follow the law in the face of fear, danger, and criticism.

**Integrity:** We are committed to the highest standards of honesty and ethical conduct.

**Professionalism:** Whether on or off duty, our conduct reflects both the highest standards of police service and personal responsibility.

**Respect:** We recognize the authority we hold and will treat others as we would like to be treated.

### **1:6.3 Vision Statement**

The vision of the Red Bank Police Department is to be a model in providing excellence in police service through community policing, effective problem solving, positive leadership, impartial law enforcement, and efficient and effective use of our resources.

We will commit to be the model of innovative community policing. We will use data to identify chronic offenders and locations of crime and disorder. In order to reduce crime and disorder, we will empower our officers to use problem solving approaches and by increasing our community partnerships and outreach. We will advocate for the health and welfare of our officers; and will focus on continually developing their skills through training and education. We will identify and adopt new technologies to improve our work processes. We will always commit ourselves to excellence in the delivery of professional police services.

## **CHAPTER 2 ORGANIZATION**

### **2:1 GENERAL DUTIES AND RESPONSIBILITIES**

#### **2:1.1 Chief of Police**

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

#### **2:1.2 Commanders and Supervisors**

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

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

#### **2:1.3 Police Officers**

Police officers shall:

1. Exercise authority consistent with the obligations imposed by the oath of office and in



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

#### **2:1.4 Civilian Employees**

Civilian employees shall:

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

### **CHAPTER 3 RULES OF CONDUCT**

#### **3:1 PROFESSIONAL AND GENERAL CONDUCT**

##### **3:1.1 Standards of Conduct**

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

##### **3:1.2 Loyalty**

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

**3:1.3 Cooperation**

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

**3:1.4 Assistance**

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

**3:1.5 Performance of Duty**

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

**3:1.6 Action Off-Duty**

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

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

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

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

**3:1.8 Withholding Information**

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

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

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

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

**3:1.10 Neglect of Duty**

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

**3:1.11 Insubordination**

Employees shall not:

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

**3:1.12 Conduct Toward Other Department Employees**

Employees shall treat other department employees with respect. They shall be courteous and civil

at all times in their relationships with one another. When on-duty and in the presence of the public, an officer shall be referred to by rank.

**3:1.13 Compromising Criminal or Traffic Cases/Investigations**

Employees shall not interfere with the proper administration of justice.

**3:1.14 Recommending Attorney and Bail Bond Brokers Prohibited**

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

**3:1.15 Posting Bail**

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

**3:1.16 Use of Force**

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

**3:1.17 Physical and Mental Fitness for Duty**

Police officers are required to be capable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Officers, who are aware of any reason why they are incapable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others, shall notify their supervisors. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other action. The department reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties. Nothing contained herein shall supersede any current collective bargaining agreements.

**3:1.18 Driver's License**

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

**3:1.19 Address and Telephone Numbers**

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

Consistent with the responsibilities of an emergency service provider, employees may be called to duty or sought for consultation at any time. Members must respond to attempted contacts by Department personnel by telephone or cell phone immediately upon receipt or becoming aware of the call or message.

**3:1.20 Electronic and Voicemail**

All employees are required to monitor their e-mail and voicemail messages regularly and timely respond to e-mail and voicemail messages from supervisors, other employees, and members of the public.

**3:2 ISSUING ORDERS**

**3:2.1 Manner of Issuing Orders**

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

**3:2.2 Unlawful Orders**

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

**3:2.3 Improper Orders**

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

**3:3 RECEIVING ORDERS**

**3:3.1 Questions Regarding Orders**

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

**3:3.2 Obedience to Unlawful Orders**

Employees are not required to obey any order which the employee reasonably believes to be contrary to any law or ordinance or clear mandate of public policy. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

**3:3.3 Obedience to Improper Orders**

Employees, who are given any order, which is not unlawful as defined in §3:3.3, but the officer nevertheless reasonably believes to be contrary to department rules and regulations or written directive, must first obey the order to the best of their ability, and then report the improper order as provided in 3:3.5.

**3:3.4 Conflicting Orders**

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

**3:3.5 Reports of Unlawful or Improper Orders**

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

**3:3.6 Criticism of Official Acts or Orders**

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

**3:4 POLICE RECORDS AND INFORMATION**

**3:4.1 Release of Information**

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

**3:4.2 Department Records**

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

### **3:4.3 Reports**

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

## **3:5 GIFTS, REWARDS, ETC.**

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

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

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

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

### **3:5.3 Other Transactions**

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

### **3:5.4 Disposition of Unauthorized Gifts and/or Gratuities**

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

### **3:5.5 Debts - Incurring and Payment**

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

### **3:5.6 Intercession – Soliciting**

Employees shall not attempt to circumvent, undermine, or improperly influence department procedures for determining promotions, assignments, disposition of disciplinary charges, appeals

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

### **3:6     ALCOHOLIC BEVERAGES AND DRUGS**

#### **3:6.1   Alcoholic Beverages and Drugs**

1. No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage (any beverage containing alcohol) (hereinafter “alcohol”), cannabis or illegal drugs (including the illegal use of prescription drugs) (hereinafter “drugs”), or be unfit for duty because of use of cannabis, drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence of cannabis, alcohol, or drugs shall be sufficient to take further actions to determine whether the officer is impaired in the workplace, consistent with law. In addition, the presence of detectable level of alcohol or drugs as tested by blood, urine or other medical test shall constitute a violation of this provision, except as otherwise provided by the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act or its governing regulations and applicable guidelines of the New Jersey Office of the Attorney General . Superior officers shall not assign to duty any employee in an unfit condition due to the use of alcohol or drugs and shall immediately relieve of duty and service weapon any employee found on duty in such condition. Supervisors shall not allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or drugs. The superior officer shall submit a written report of the incident to the Chief of Police or designee. (See Procedures for Employees Using Prescription Drugs in a Legal Manner Under Section 3 below)
2. Employees of the department shall not drink alcohol while on duty, ingest cannabis, or take any drug as defined herein, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink alcohol or take drugs while in uniform or during any activity where the employee is acting as a representative or has identified himself as an employee of the Department. An employee, while assigned to duty in civilian clothes, may use alcohol or drugs only when absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Employees should not, to the extent possible, engage in any behavior that could put him/herself in danger or the public in danger after consuming alcohol or drugs, for example, driving. All use of alcohol or drugs used in the performance of an employee’s duty must be documented in writing, detailing the reasons therefore and the amounts consumed as soon as possible after such consumption. An employee may be subject to testing to confirm the level of alcohol/drugs in their system.
3. Taking Prescription or other Medication While on Duty/Notification about Medication – Pursuant to the Americans with Disabilities Act, 42 U.S.C. §12112, (“ADA”) employees of the department shall disclose to the Chief of Police that they are taking medication (prescription or non-prescription) that may affect their ability to perform their duties, including but not limited to using a firearm, operating a radio, or operating a motor vehicle. Such employee shall also disclose the expected duration of their use of such medication. Medical information may be disclosed to supervisors where they need such information to provide a reasonable accommodation or to meet an employees work restrictions. The department reserves the right in appropriate cases to require medical clearance before

allowing the employee to return to regular duties. The department reserves the right to take appropriate action in the case of any employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication who has failed to give proper advance notification. Employees shall not be required to disclose to the department if they are taking medication which a licensed physician has advised them will not impair their ability to carry out their duties as defined in this subsection.

4. Alcohol and cannabis may not be consumed at or in the police station or ancillary facilities.
5. No uniformed employee shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which alcohol is served or sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcohol is not the primary function (e.g. certain diners and restaurants that have a liquor license). If an employee is unclear whether an establishment would violate this section, he should contact his supervisor.
6. Employees shall not bring into or keep any alcohol or drugs on department premises except when necessary in the performance of a police related task. Alcohol or drugs brought into department premises in the furtherance of a police related task shall be properly identified and stored according to department written directives.
7. Any employee reporting for duty with the odor of alcohol on his breath or appearing to be under the influence may be subject to testing as set forth in Section 3:6.1.
8. No liquor license or cannabis dispensary license shall be held by any police officer, or by any profit corporation or association in which any police officer has a direct or indirect ownership or other financial interest.
9. Pursuant to law, members of the Red Bank Police Department may not be employed by a business located in the Borough, which is licensed to sell alcoholic beverages or cannabis in New Jersey. Members of the Red Bank Police Department may be employed by such licensed businesses, which are located outside the Borough of Red Bank with prior notice to the Chief of Police and under the following legal conditions:
  - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages or cannabis: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia, which would identify them as a police officer.
  - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

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

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

### **3:6.2 Substance Testing**

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

### **3:7 DUTY CONDUCT**

#### **3:7.1 Reporting for Duty**

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

#### **3:7.2 Absence from Duty**

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

#### **3:7.3 Harassment and Discrimination in the Workplace**

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

#### **3:7.4 Civil Rights**

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

#### **3:7.5 Work Expectation**

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

#### **3:7.6 Retaliation**

No employee shall take any official action or initiate or engage in any conduct with the intention to retaliate against any person for criticizing or complaining about any employee or for engaging in conduct protected by New Jersey law, departmental procedures, or the Borough's policies. This shall not apply to situations where employees are disciplined for engaging in actions, which constitute insubordination.

#### **3:7.7 Personal Relationships**

The Borough expects officers to abide by the terms of the Borough's Dating Policy and to report all consensual relationships between officers as required by that policy, including with respect to relationships involving officers who are in a supervisor/subordinate status as set out in the Policy.

#### **3:7.8 Smoking**

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

#### **3:7.9 Distracters**

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department, including but not limited to personal cellphones and other electronic devices, is prohibited while on duty, except insofar as the Department permits employees minimal use of their cellphones for necessary purposes only..

#### **3:7.10 Relief**

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



### **3:7.11 Meals/Breaks**

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

### **3:7.12 Training**

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

### **3:7.13 Military Courtesy**

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

### **3:7.14 National Colors and Anthem**

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

### **3:7.15 Inspections**

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

### **3:7.16 Prohibited Activity On-Duty**

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

1. Meeting with other officers (except in performance of their police duties) without permission of supervisor, sleeping, loafing, idling;
2. Reading material other than department required materials (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking in public view;
6. Sexual activity of any kind;
7. Pursuing personal relationships with or without coercion that results from an imbalance in the power dynamic due to an officer's official authority over the other officer;
8. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
9. Conducting secondary employment activities while on duty;
10. Taking any photographs, pictures, digital images that are not related to the job, including but not limited to pictures of any crime scenes, traffic crashes, people, or job related incidents or occurrence with any personal analog or digital device, camera or cellular telephone, except as may be necessary for the furtherance of official duties, and only in accordance with established department procedures pertaining to preservation of evidence and chain of custody;
11. Releasing any personal or department photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police or designee;
12. Video or audio recording, which is not connected with an official investigation or duties, is prohibited;

13. Employees are forbidden to video or audio record conversations with other employees unless related to the job and approved in advance by the Chief of Police or designee. This prohibition does not apply to video recorded interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the department telephone system via any recording system approved by the Chief of Police or designee. The exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or designee or representatives of the involved prosecutorial authorities.
14. Any other activity deemed inappropriate by the Chief of Police.

### **3:7.17 Availability While on Duty**

Employees while on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public and their supervisors during duty hours.

### **3:7.18 All Other Conduct**

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

## **3:8 UNIFORMS, APPEARANCE, AND IDENTIFICATION**

### **3:8.1 Regulation Uniforms Required**

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

### **3:8.2 Manner of Wearing the Uniform**

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

### **3:8.3 Manner of Wearing Civilian Attire**

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

### **3:8.4 Wearing or Carrying Identification**

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

### **3:8.5 Identification as Police Officer**

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

### **3:8.6 Personal Appearance**

Every employee of the department, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the rules and regulations of this department. Officers may display body art while in uniform provided that such body art may not be visible below the officer's wrists or above their neck color. Visible body art worn by officers

while on duty may not be offensive or derogatory in any way. Additionally, officers are permitted to wear facial hair, including beards and goatees, subject to the condition that all such facial hair must be properly groomed and maintained in a professional manner.

### **3:9 DEPARTMENT EQUIPMENT AND PROPERTY**

#### **3:9.1 Equipment On-Duty**

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

#### **3:9.2 Equipment Off-Duty**

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

#### **3:9.3 Firearms**

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

#### **3:9.4 Department Property and Equipment**

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

#### **3:9.5 Use of Department Property and Equipment**

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

#### **3:9.6 Damaged or Inoperative Property or Equipment**

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

#### **3:9.7 Care of Department Buildings**

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

#### **3:9.8 Notices**

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

#### **3:9.9 Use of Department Vehicles**

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

#### **3:9.10 Operation of Department Vehicles**

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

#### **3:9.11 Transporting Non-Borough Employees**

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

### **3:9.12 Reporting Accidents**

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

### **3:9.13 Inspection**

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

### **3:9.14 Liability**

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

### **3:9.15 Presumption of Responsibility**

In the event that Borough of Red Bank property is found bearing evidence of damage, which has not been reported, it shall be considered presumptive evidence that the last person using the property or vehicle was responsible.

### **3:9.16 Surrender of Department Property**

1. Upon Separation from the Department - Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.
2. Under Suspension - Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.
3. Voluntary Surrender - Any employee who surrendered their badge and gun to the department without being asked to do so shall be considered to have tendered their resignation from employment with the police department.

## **3:10 COMMUNICATIONS, CORRESPONDENCE**

### **3:10.1 Restrictions**

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

### **3:10.2 Forwarding Communications**

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

### **3:10.3 Use of Department Address**

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

### **3:10.4 Telephones**

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

### **3:10.5 Radio Discipline**

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

## **3:11 PUBLIC ACTIVITIES**

### **3:11.1 Publicity**

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

### **3:11.2 Commercial Testimonials**

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

### **3:11.3 Public Appearance Requests**

All requests for public speeches, demonstrations, etc., will be forwarded to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police. This provision does not apply to activities covered in §3:12.

### **3:11.4 Courtesy**

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

### **3:11.5 Impartial Attitude**

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

### **3:11.6 Disparaging Comments Regarding Protected Personal Characteristics**

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, disability, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A. 10:5-1 et seq.).

### **3:11.7 Public Statements**

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

### **3:11.8 Subversive Organizations**

No employee shall knowingly become a member of or connected with a subversive organization, except when necessary in the performance of duty, and then only under the direction of the Chief of Police or designee. A subversive organization is defined as one that has as a stated principle opposition to the government of the United States of America, law enforcement or unlawful behavior.

### **3:11.9 Affiliation with Certain Organizations Prohibited**

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

### **3:11.10 Affiliation with Radical Groups**

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

## **3:12 POLITICAL ACTIVITIES**

### **3:12.1 Political Activities Prohibited**

Members shall not actively engage in political campaigns and activities, while in uniform or on duty. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another.

### **3:12.2 Election to Public Office**

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

### **3:12.3 Soliciting Prohibited**

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

### **3:12.4 Contributions**

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

### **3:12.5 Polling Duties**

Members shall not engage in any polling duties while on-duty. Any member working at a polling place while off duty shall not have an exposed firearm or exhibit ANY evidence of his employment as a police officer.

### **3:12.6 Displaying of Political Material**

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

## **3:13 JUDICIAL APPEARANCE AND TESTIMONY**

### **3:13.1 Court Appearances**

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

### **3:13.2 Testifying For Non-Duty Related Purposes**

Any employee subpoenaed to testify in any trial or hearing, including against the Borough of Red Bank in any hearing or trial, whether civil or criminal, shall notify the Chief of Police or designee through the chain of command upon receipt of the subpoena. The employee shall also notify the appropriate prosecutorial authority or the Borough's attorney handling the case, if applicable.

### **3:13.3 Duty of Employees to Appear and Testify**

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

### **3:13.4 Department Investigations – Testifying**

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

### **3:13.5 Truthfulness**

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

### **3:13.6 Civil Action, Court Appearances – Subpoenas**

An employee shall not volunteer to testify in civil actions and shall not testify in connection with their duties as a Borough employee or police officer unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify the Chief of Police or designee, who in turn shall notify the proper authorities. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with department directives. This provision does not apply to employees who are plaintiffs or witnesses in civil suits against the Borough of Red Bank and wish to testify in support of the case.

### **3:13.7 Civil Depositions and Affidavits**

Employees shall notify their supervisor before giving a deposition or affidavit on a civil case. If the supervisor determines that the case is of importance to the Borough of Red Bank, he shall inform

the Chief of Police or designee before the deposition or affidavit is given.

### **3:13.8 Civil Action, Expert Witness**

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

### **3:13.9 Civil Process**

Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police or designee is obtained. They shall avoid entering into civil disputes, particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases. This provision does not apply to employees who are plaintiffs in civil suits against the Borough of Red Bank.

### **3:13.10 Internal Affairs Investigations**

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

## **CHAPTER 4 DISCIPLINARY REGULATIONS**

### **4:1 DISCIPLINARY ACTION**

#### **4:1.1 Disciplinary Action**

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

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

#### **4:1.2 Establishing Elements of Violation**

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

### **4:2 DEPARTMENT AUTHORITY FOR CORRECTIVE ACTION/DISCIPLINE**

Final charging authority and responsibility rests with the Chief of Police. When necessary, the Chief of Police may suspend any employee from duty pending the filing of formal charges. A system of progressive discipline/corrective action shall be used, wherever appropriate and practicable.



Discipline shall follow the basic concepts of due process. Basic guidelines include:

#### **4:2.1 Corrective Action**

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

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

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

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

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

#### **4:2.2 Discipline**

1. Employees, regardless of rank, shall be subject to disciplinary action for:
  - a. Incompetency, inefficiency or failure to perform duties;
  - b. Insubordination;
  - c. Inability to perform duties;
  - d. Chronic or excessive absenteeism or lateness;
  - e. Conviction of a crime;
  - f. Conduct unbecoming a public employee;
  - g. Neglect of duty;
  - h. Misuse of public property, including motor vehicles;
  - i. Discrimination that affects equal employment opportunity, including sexual harassment;
  - j. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder; and
  - k. Violation of New Jersey residency requirements as set forth in P.L. 2011, c. 70; and
  - l. Other sufficient cause, including any violation of the foregoing Rules and Regulations.

2. Violations of any of the causes listed above may subject an employee to discipline up to and including dismissal.
3. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.
4. All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, administrative regulations, and municipal ordinance.

5. Minor Discipline

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

Performance Notice – In certain circumstances, the Department shall provide officers with performance notices, also known as “gig slips,” which document problems that the officer has exhibited in carrying out their duties. Employees who are issued six or more performance notices in a 12-month period will be given an oral reprimand.

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

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

- 1) Minor discipline includes oral and written reprimands.
- 2) Minor discipline shall be administered under the provisions of N.J.S.A. 40A:14-147, current collective negotiation agreements, and applicable case law.

6. Major Discipline

- a. Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:

- 1) Major discipline shall include:

- a) Removal;
- b) Disciplinary demotion;
- c) Suspension.

- 2) Major discipline shall be administered under the provisions of N.J.S.A. 40A:14-149, and applicable case law.

- b. Such actions are taken when an employee's performance deficiency is repeated despite prior corrective action, or when a violation is serious and significant enough

to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior.

7. All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

#### **4:2.3 Appeals Procedure**

1. Appeals from penalties imposed as a result of discipline or corrective action may be taken as provided in Borough personnel policies, manuals, ordinances, collective bargaining agreements and laws of the State of New Jersey.
2. Disciplinary hearings involving penalties of suspensions, loss of time, demotion and termination shall be conducted as set out in N.J.S.A. 40A:14-147, et seq.