

HAWTHORNE POLICE DEPARTMENT



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SUBJECT: RULES AND REGULATIONS

BY THE ORDER OF:

Chief of Police Richard McAuliffe

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Rules and Regulations (9/5/2012)

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CHAPTER 1

INTRODUCTION

1:1. Establishment of the Hawthorne Police Department

1:1.1 Legal Authorization

The Hawthorne Police Department has been established pursuant to N.J.S.A. 40A:14-118 and **Ordinance § 25-2** of the Borough of Hawthorne. In accordance with N.J.S.A. 40A:14-118, **Ordinance § 25-2** of the Borough of Hawthorne designates the Mayor as the Appropriate Authority responsible for adopting and promulgating Rules and Regulations for the government of the police force and the discipline of its members.

1:1.2 Rules and Regulations Established

The Rules and Regulations have been approved by the Mayor as the Appropriate Authority of the Borough of Hawthorne. The department rules and regulations shall be known as the "Hawthorne Police Department Rules and Regulations."

1:1.3 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 and regulations contained herein.

1:1.4 Previous Rules and Regulations, Policies and Procedures

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

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and number. 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 of the Hawthorne Police Department, and where appropriate, all civilian employees of the department.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department.

1:3.3 Responsibility for Maintenance

It is the continuing responsibility of each employee to maintain 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. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule and regulation which is not fully understood.

1:3.5 Ignorance of Manual Content

In the event neglect of duty is charged against an employee for failure to observe the rules and regulations, department policy, procedures or orders, ignorance of any provision of this manual or any department, policy procedure or order, will not stand as a defense to the charge(s).

1:3.6 Severability

If for any reason any portion or section(s) of these rules and regulations should be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to effect any other sections.

1:4 DEFINITIONS

1:4.1 Acting

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

1:4.2 Administrator

Administrator of the Borough of Hawthorne.

1:4.3 Annual Leave

Leave granted to all employees annually in accordance with current collective negotiations agreements, Borough of Hawthorne employee handbook, and any ordinances of the Borough of Hawthorne.

1:4.4 Appropriate Authority

The Mayor of the Borough of Hawthorne as defined and designated by the **Ordinance § 25-2** of the Borough of Hawthorne pursuant to **N.J.S.A. 40A:14-118**.

1:4.5 Authority

Authority is the statutory or policy 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 Borough of Hawthorne Police Rules and Regulations, and those persons in violation shall be subject to disciplinary action.

1:4.6 Borough

The Borough of Hawthorne, New Jersey.

1:4.7 Bureau

A unit immediately subordinate to a Division, within the table of organization.

1:4.8 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.

1:4.9 Chief of Police

Chief of Police of the Hawthorne Police Department and is the ranking officer of the department.

1:4.10 Command Officer

Police officers holding the rank of Captain or above and assigned to a command position by the Chief of Police.

1:4.11 Days Off

Those days on which a given member is excused from duty or is not required to report to duty.

1:4.12 Department

The Borough of Hawthorne Police Department.

1:4.13 Detail

A temporary assignment of personnel for a specialized activity.

1:4.14 Detective

A police officer, designated as a detective, assigned to conduct criminal and other investigations while in civilian clothes.

1:4.15 Division

A functional unit having jurisdiction wide coverage whose commanding officer reports directly to the Chief of Police or his/her designee.

1:4.16 Employee

All employees of the Hawthorne Police Department, whether sworn regular, special law enforcement officer, or civilian employees.

1:4.17 Function

The general activity of a subdivision of the department, e.g., the operations function, the administrative function, etc.

1:4.18 Gender

The use of the masculine gender in any directive or manual includes the female gender, when applicable.

1:4.19 Headquarters

The building that houses the sworn and civilian employees of the Hawthorne Police Department.

1:4.20 Incompetence

Incapable of satisfactory performance of police duties.

1:4.21 Informational Bulletins

Published materials containing information regarding wanted persons, crime patterns, and any other incidents calling for police attention.

1:4.22 Insubordination

A course of conduct including but not limited to: failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether

in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or **abusive** language towards **or in reference to** a superior officer is insubordination.

1:4.23 Lawful Order

Any written or oral 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.

1:4.24 Unpaid Leave of Absence

The period of time during which an employee is excused from duty and during which time no pay is received.

1:4.25 Loyalty

This is to include consideration of support of organizational policy, the ability to accept constructive criticism and putting the Hawthorne Police Department above outside interests (particularly pecuniary interests).

1:4.26 May/Should

Indicates that the action is permitted.

1:4.27 Member

Any duly appointed sworn police officer of the department.

1:4.28 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 or collective negotiations agreement.

1:4.29 Neglect of Duty

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

1:4.30 Off-Duty

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

1:4.31 Officer-In-Charge

The officer-in-charge shall be the highest ranking, senior member of the department on duty or as designated by the Chief of Police.

1:4.32 Official Channels

Through the hands of the superior officers in the chain of command.

1:4.33 On-Duty

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

1:4.34 Order

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

1:4.35 Police Officer

Any sworn full-time member of the department below the rank of Sergeant.

1:4.36 Plurality of Words

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

1:4.37 Police Incident

An occurrence or incident suggesting or requiring police action or service by members.

1:4.38 Police Vehicle

All vehicles under the control of the Hawthorne Police Department, whether marked or unmarked, with or without radio equipment.

1:4.39 Post

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

1:4.40 Probationary Period

Each member shall be required to serve a probationary period prior to regular appointment to the department. The probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment, as pursuant to **N.J.S.A. 52:17B-66 et seq.**

1:4.41 Probationary Police Officer

Any member of the Hawthorne Police Department serving a probationary period prior to regular appointment as a police officer, as pursuant to **N.J.S.A. 52:17B-66 et seq.**

1:4.42 Section/Squad

A functional unit subordinate to a Bureau or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.

1:4.43 Senior Officer

Unless otherwise provided by law, ordinance or collective negotiations agreement, seniority in the department is a member in any given rank with the longer service in that rank. Seniority in the department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the

recommendation list from which the appointments were made is deemed to be the senior. In situations requiring decision making or control, where the officers are of equal rank and the decision or control is required in their area of responsibility, the senior will make the decision and exercise control unless otherwise designated by a higher ranking command or supervisory officer.

1:4.44 Shall/Will

Indicates that the action or conduct is required and mandatory.

1:4.45 Sick Leave

The period of time during which an officer is excused from active duty by reason of illness or injury by a commanding officer or designee.

1:4.46 Special Duty

Police service, the nature of which requires the member to be reassigned from the performance of his regular duties to perform other duties as required from time to time by the Chief of Police.

1:4.47 Special Law Enforcement Officer

Persons vested with special police authority pursuant to **N.J.S.A. 40A:14-146.8 et seq.**

1:4.48 Staff Supervision

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

1:4.49 Subordinate

A member, lower in rank than his/her superior officer.

1:4.50 Superior Officer

A person holding a higher supervisory or command rank or position.

1:4.51 Supervisory Officer

Member of the department assigned to a position requiring exercise of immediate supervision over the activities of members and employees.

1:4.52 Suspension

Suspension is the act of temporarily denying a member the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time, in consequence of alleged dereliction or violation of department regulations, or for other special reason.

1:4.53 Tense of Words

The words used in the present tense include the future.

1:4.54 Tour of Duty

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

1:4.55 Unit

Any number of members and/or employees of the department regularly grouped together under one authority to accomplish a police purpose.

1:4.56 Zone

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

1:5 CODE OF ETHICS

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

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

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

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

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

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 Mission Statement

We the employees of the Hawthorne Police Department are here to serve all people within our jurisdiction with respect, fairness and sensitivity. Our commitment is to the prevention of crime and to the protection of life and property; the preservation of peace, order and safety; the enforcement of laws and ordinances; and to the safeguarding of constitutional guarantees. With community policing as our foundation, we are driven by goals to enhance the quality of life, conduct thorough investigations, seek solutions and foster security for citizens in our community. We nurture public trust by holding ourselves to the highest standards of performance and ethics. To fulfill our mission, the Hawthorne Police Department is dedicated to providing its employees with quality training and leadership.

1:6.2 Core Values

The Hawthorne Police Department will be guided by our core values in pursuit of our mission. Our core values are:

HONORABLE - We guarantee to uphold the principles and values embodied in the constitutions of the United States and the State of New Jersey.

ACTION - We believe in creating action-driven solutions to address the issues relating to crimes, traffic enforcement, and the quality of life for our community.

WHOLE HEARTED - We understand and recognize the importance of responding with sensitivity, and sincerity to those in need of our services.

TRUST - We have committed ourselves to elevated standards of trust, responsibility and discipline while promoting justice in a fair and impartial manner. We are dedicated to ourselves, our department, and to the community and citizens that we serve.

HELPFUL - We provide service in a courteous, efficient, and accessible manner. We foster community and employee involvement through problem-solving partnerships. We believe in a partnership of support between the police and the community that we serve. We will continue to strengthen that support by developing new outreach programs and expand existing ones.

ORGANIZED – We pride ourselves on organized, structured responses to community issues that affect the lives of our residents, and visitors to the Borough of Hawthorne.

RESPECT - We are proud of the reputation our department has built over the years and are committed to continuing this through diligence and hard work.

NOBLE - We will treat all persons in a dignified and courteous manner, and exhibit understanding of ethnic and cultural diversity, in both our professional and personal endeavors. We will continue to build trust with our community and within our department through honesty and integrity in our decision-making

EXCELLENCE - We are proud of our profession and will ensure that our members are dedicated, highly trained and capable of handling the daily demands of the law enforcement profession. We promote a collaborative environment for sharing information, resources, assistance and expertise.

CHAPTER 2

ORGANIZATION

2:1 RANK

2:1.1 Rank Established

Rank in the department shall be established pursuant to **Ordinance § 25-3** of the Borough of Hawthorne.

2:1.2 Authorized Strength

The official strength of the Hawthorne Police Department shall be authorized by **Ordinance § 25-3** of the Borough of Hawthorne, as approved by the Borough's governing body. The rank structure does not preclude or prohibit the Chief of Police when deemed appropriate or necessary to assign personnel to a specific section or function wherein the function or section calls for a higher ranking officer than a lesser ranking officer can serve for an interim period.

2:2 CHIEF OF POLICE AUTHORITY AND RESPONSIBILITIES

2:2.1 Chief of Police - Authority and Responsibilities

The Chief of Police shall be the head of the Hawthorne Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day-to-day operations. The Chief of Police shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in **N.J.S.A. 40A:14-118** and **Ordinance § 25-4** of the Borough of Hawthorne.

CHAPTER 3

GENERAL RULES AND REGULATIONS

3:1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

3:1.1 Standard of Conduct

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

3:1.2 Loyalty

Loyalty to the department and to associates is an important factor in departmental morale and efficiency. Members and employees shall maintain a loyalty to the department and their associates as is consistent with the law, department code of ethics, and personal ethics.

3:1.3 Cooperation

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

3:1.4 Assistance

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

3:1.5 General Responsibilities

1. Protect life and property;
2. Preserve the peace;
3. Prevent crime;
4. Detect and arrest violators of the law;
5. Enforce all State, and local laws and ordinances coming within the departmental jurisdiction;
6. Safely and expeditiously regulate traffic;
7. Aid citizens in matters within police jurisdiction;
8. Take appropriate police action in aiding fellow officers, as needed;
9. Provide miscellaneous services;
10. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department;
11. Be accountable and responsible to their supervisors for obeying all lawful orders;

12. Coordinate their efforts with other employees of the department to achieve department objectives;
13. Strive to improve their skills and techniques through study and training;
14. Familiarize themselves with the area of authority and responsibility for their current assignment;
15. Perform their duties promptly, faithfully, diligently;
16. Perform all related work as required.

3:1.6 Duty Responsibilities

Members of the department are always subject to duty and they shall at all times, respond to the lawful orders of superior officers and of other proper authorities, as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and codes to particular units of the department does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and codes when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

3:1.7 Neglect of Duty

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

3:1.8 Insubordination

Members and employees shall not commit acts of insubordination, as defined in Section 1:4.21. The following specific acts are examples of the conduct prohibited by this Section:

1. Failure or deliberate refusal to obey a lawful order given by a superior officer.
2. Any disrespectful, mutinous, insolent, or abusive language or action toward or in reference to a superior officer.

3:1.9 Questions Regarding Assignment

Members and employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by going through the chain of command.

3:1.10 Knowledge of Laws and Regulations

Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the municipality, the rules and policies of the department, and the orders of the department thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule or policy in question.

3:1.11 Performance of Duty

All members and employees shall perform their duties as required or directed by law, departmental rule, policy or order, or by verbal/oral order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

3:1.12 Actions Off-Duty

While off duty, police officers shall take appropriate action as needed in any police matter of which he/she is aware within their jurisdiction as authorized by New Jersey Law and department policy.

3:1.13 Obedience to Laws and Regulations

Members and employees shall obey all laws, ordinances, codes, rules, policies, and procedures and directives of the department.

3:1.14 Reporting Violations of Laws, Ordinances, Codes, Rules or Orders

Members and employees knowing of other members or employees violating laws, ordinances, codes, rules of the department, or disobeying orders, shall report same in writing to the Chief of Police via official channels. If the member or employee believes the information is of such gravity that it must be brought to immediate personal attention of the Chief of Police, official channels may be bypassed.

3:1.15 Conduct Toward Superior and Subordinate Officers and Associates

Members and employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other members, employees or the public, officers should be referred to by rank.

3:1.16 Criticism of Official Acts or Orders

Members and employees shall not criticize the official actions, instructions, or orders of any department member in a manner which is defamatory, profane, obscene, unlawful, or which tends to impair the efficient operation of the department.

3:1.17 Manner of Issuing Orders

Orders from superiors to subordinates shall be in clear and understandable language, civil in tone, and issued in pursuit of departmental business.

3:1.18 Unlawful Orders

No commander or supervisory officer shall knowingly issue any order which is in violation of any law, ordinance or departmental policies and procedures.

3:1.19 Obedience to Unlawful Orders

Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no member or employee is required to obey an order which is contrary to Federal or State law or local ordinance. Responsibility for refusing to obey rests with the member. He shall be strictly required to justify his action.

3:1.20 Improper Orders

No supervisor shall knowingly issue any order which is in violation of department rule, policy or procedure.

3:1.21 Obedience to Unjust or Improper Orders

Members or employees who are given orders they feel to be unjust or contrary to policies and procedures, must first obey the order to the best of their ability and then may proceed to appeal as provided below.

3:1.22 Conflicting Orders

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

3:1.23 Reports and Appeals - Unlawful, Unjust, Improper Orders

A member or employee receiving an unlawful, unjust or improper order, shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-departmental action regarding such an appeal shall be conducted through the office of the Chief of Police.

3:1.24 Gifts, Gratuities, Fees, Rewards, Loans, Etc., Soliciting

Members and employees shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between solicitations and their departmental membership or employment.

3:1.25 Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value arising from or offered because of police employment or any activity connected with said employment. Members and employees shall not accept any gift, gratuity, loan, fee or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said member or employee or any other member or employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any member or employee thereof. No member or employee of the department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Chief of Police.

3:1.26 Other Transactions

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

3:1.27 Rewards

Members and 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.

3:1.28 Disposition of Unauthorized Gifts, Gratuities, Etc.

Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any member or employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances connected therewith.

3:1.29 Debts - Incurring and Payment

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

3:1.30 Intercession – Soliciting

Members and employees shall not solicit anyone to intercede with the Chief of Police, Hawthorne Borough Administrator, Mayor, or any member of the governing body in relation to promotion assignments, disposition of pending charges, or findings in a departmental trial or other related matter. This shall not preclude, however, a member's right to legal counsel or Union representation.

3:1.31 Persons and Places of Bad Reputation

Members and employees shall not frequent places of bad reputation, nor associate with persons of bad reputation, where the member's position could be compromised, except as may be required in the course of police duty.

3:1.32 Withholding Information

Members and employees shall not, at any time, withhold any information concerning criminal activity.

3:1.33 Harassment in the Workplace

All employees of the department shall adhere to the policy and procedures established by the Chief of Police and by the Borough of Hawthorne regarding Harassment in the Workplace.

3:1.34 Civil Rights

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

3:1.35 Work Expectation

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

3:1.36 Use of Position

Employees shall not, at any time, use or attempt to use their official position, badge, credentials, or affiliation with the department or profession for personal or financial gain or advantage.

3:1.37 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.

3:1.38 Personal Relationships

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

3:2 GENERAL CONDUCT ON DUTY

3:2.1 Prohibited Activity on Duty

Members and employees are prohibited from engaging in the following activities while on duty, with exceptions as noted:

1. 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 conduct;
7. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
8. Conducting secondary employment activities while on duty;
9. Taking any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence with any personal analog or digital device, camera or cellular telephone, except as directed by a superior officer;
10. Releasing any 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;
11. Audio recording which is not connected with an official investigation or duties is prohibited;

12. Employees are forbidden to videotape or record conversations with other employees.
 - a. This prohibition does not apply to videotaped interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the Borough of Hawthorne Police Department telephone system via any recording system approved by the Chief, or to the use of mobile video recorders installed in police vehicles as authorized by the Chief of Police or to an Internal Affairs investigation as authorized by the Chief of Police or representatives of the involved prosecutorial authorities.
13. Any other activity deemed inappropriate by the Chief of Police.

3:2.2 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage or drugs, or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable suspicion of a supervising officer that the employee is under the influence or has alcohol or drugs in the employee's system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol as tested by breath, blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of intoxicants 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 member or employee whose fitness for duty is questionable due to the use of alcoholic beverages, drugs or medication. The superior officer shall submit a written report of the incident to the Chief of Police.
2. Employees of the department, shall not drink any kind of intoxicating beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink any kind of intoxicating beverage while in uniform. An employee, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons therefore and the amounts consumed.
3. Uniformed, armed members of the department shall disclose to Chief of Police that they are taking medication (prescription or non-prescription) that may affect their ability to use a firearm or operate a motor vehicle, or may affect their ability to perform the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Such members shall also disclose the expected duration of their use of said medication. 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 appropriate action. The department reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties. The department reserves the right to take appropriate action in case of any member or employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication.
4. Intoxicating beverages may not be consumed at or in the police station or ancillary facilities.
5. No sworn member of the department shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which intoxicating liquor is served/sold, unless authorized by a supervisor. This provision does not include establishments with a

separate dining area where the serving of alcoholic beverages is not the primary function (e.g. certain diners and restaurants which have a liquor license).

6. Employees shall not bring into or keep any alcoholic beverages or drugs on department premises except when necessary in the performance of a police related task. Alcoholic beverages or drugs brought into department premises in the furtherance of a police related task shall be properly identified and stored according to department policy.
7. No employee shall report for duty, with the odor of an alcoholic beverage on his or her breath.
8. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.
9. The Division of Alcoholic Beverage Control (ABC) prohibits the employment of police officers who are employees of the local force in the municipality in which the licensed business is located. Hence, members of the Hawthorne Police Department may not be employed by a business located in the Borough which is licensed to sell alcoholic beverages in this State. However, ABC laws and regulations do not prohibit members of the Hawthorne Police Department from being employed by such licensed businesses, which are located outside the Borough of Hawthorne.
 - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

3:2.3 Absence from Duty

Every employee who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence must be reported in writing to their supervisor immediately. Absences without leave in excess of one day must be reported in writing to the Chief of Police. Any member who is absent without leave for a continuous period of 5 days shall cease to be a member of the department, pursuant to **N.J.S. 40A:14-122**.

3:2.4 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.

3:2.5 Loitering

All members on duty or in uniform shall minimize exposure in any public place, so as to not create an impression of loitering to the general public. Loitering and excessive conversation in such locations is forbidden.

3:2.6 Military Courtesy

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

3:2.7 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.

3:2.8 Roll Call

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

3:2.9 Relief

All members and employees are to remain at their assignment and on duty until properly relieved by another member or employee or until dismissed by competent authority.

3:2.10 Meals/Breaks

1. Members, while on lunch/meal breaks, must have their portable radios "ON" to monitor the activities of the shift and to ensure immediate radio contact, if necessary.
2. Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having a meal or taking a break at the direction of the shift supervisor.
3. The member shall report their location to the communication center.

3:2.11 Reporting

Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.

3:2.12 Inspections

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

3:2.13 Training

All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Chief of Police. Such attendance is considered a duty assignment.

3:2.14 Smoking/Smokeless Tobacco Products

Members and employees shall not smoke or use smokeless tobacco products on duty except in authorized areas. Members and employees shall not smoke or use smokeless tobacco products on duty while in direct contact with the public.

3:2.15 Address and Telephone Numbers

Members and employees shall record their correct residence address and telephone number with the office of the Chief of Police. Changes in address or telephone number shall be reported to their supervisor and Chief of Police within 24 hours of the change. This shall be done in writing within the specified time whether the member or employee is working or on leave.

3:2.16 Member/Employee Telephone Numbers

Members or employees shall not disclose the home or cellular telephone numbers and address of any member or employee of the police department without the express permission of that member or employee.

3:2.17 Distracters

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

3:2.18 Driver's License

Employees operating department motor vehicles shall possess and maintain a valid New Jersey driver's license, with appropriate endorsements when made necessary by their assignment. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor.

3:2.19 Substance Testing

Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the following procedure.

1. The Chief of Police or County Prosecutor must approve any reasonable suspicion test.
2. A written report shall be prepared to document the basis for the reasonable suspicion. The report will be reviewed by the Chief of Police or County Prosecutor before the reasonable suspicion test may be ordered.
3. The drug test must be administered in accordance with the procedures contained in the Attorney General's Law Enforcement Drug Testing Policy then in effect.
4. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test.
5. A negative test result is a condition of employment as a sworn officer. A positive result will result in: a) the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and, c) the officer being permanently barred from future law enforcement in New Jersey.

3:2.20 Use of Force

Employees shall follow department policy and procedure on the use of force.

3:2.21 All Other Conduct

Misconduct by a police officer need not be predicated on the violation of any particular departmental 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.

3:3 UNIFORMS AND APPEARANCE

3:3.1 Regulation Uniforms Required

All members and uniformed civilians of the department shall maintain in good order a regulation uniform. Members and uniformed civilians shall be neat appearing, clean-shaven and well groomed while in uniform. All articles of uniform shall conform to the departmental uniform regulations. Members and uniformed civilians shall not wear the uniform or any part thereof off duty, except while traveling to and from duty, without the permission of the shift supervisor.

3:3.2 Manner of Wearing the Uniform

Uniforms shall be kept neat, clean and well pressed at all times. While wearing the uniform, members and uniformed civilians shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling and hands in the pockets. The uniform hat shall be worn whenever engaged in an official police matter, except when impractical.

3:3.3 Manner of Wearing Civilian Attire

Employees shall wear proper civilian attire to meet the task objective such as court, and training assignments. The employees may wear corporate casual or traditional business attire as prescribed by the Chief of Police.

3:3.4 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.

1. Male Employees

Hair shall be neatly trimmed and groomed. Hair shall be cut to present a tapered appearance on the side and back and when combed, shall not fall over the ears or eyebrows, or extend over the shirt or coat collar when standing with the head in a normal position. There shall be no designs cut into the head hair. Designs such as numbers, insignias, or other inscriptions are strictly forbidden. Hair coloring, if used, must appear natural.

Sideburns shall not extend below the bottom of the ear. The maximum width at the bottom of the sideburns shall not exceed one and one-quarter inch. A clean-shaven appearance is required at all times except that mustaches are permitted. Mustaches shall be neatly trimmed and shall not exceed more than one quarter of an inch below the corner of the mouth. Mustache ends will not be waxed or twisted. Beards shall not be permitted.

Hair growing from the chest, neck, ears or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie or exposed t-shirt. Facial hair below the top lip, on the chin or below the sideburns on the jaw, is not permitted.

2. Female Employees

Hair shall not be worn longer than the bottom of the shirt or coat collar at the back of the neck when standing with the head in a normal position. Hair may be worn slightly over the ears, but in no case shall the bulk or length of hair interfere with the wearing of the authorized uniform head-gear. Braids, ponytails, etc., shall not be permitted on duty. A bun or twist will be permitted on the back of the head, provided it is worn in a neat manner and does not interfere with the wearing of department headgear. No ribbons or ornaments shall be worn in the hair except for neat inconspicuous bobby pins or conservative barrettes, which blend with the hair color. Hair coloring, if used, must appear natural.

Cosmetics, if worn, shall be subdued and blended to match the natural skin tones of the individual. False eyelashes are not permitted. Fingernails shall be clipped and trimmed and shall not exceed more than one eighth of an inch from the tip of the finger. Only clear or conservative nail polish shall be worn on the fingernails.

3. Jewelry and Apparel (All)

Earrings shall not be worn while on duty, even when covered or concealed. Engagement rings, wedding rings and class rings are permitted. Pinkie rings and other rings are not permitted while on duty. Any chains or crosses worn around the neck shall not be visible to the public when in uniform. They may be worn underneath the uniform.

No bracelets shall be worn while on duty beside one wristwatch and any bracelet medically required. No visible body piercing jewelry shall be worn while on duty. This shall include but not limit to nose, eyebrow and tongue piercing. All jewelry shall be worn at the officer's risk if lost and/or damaged.

4. Tattoos or Similar Markings (All)

Definitions:

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

The following tattoos, scarifications and brands are prohibited:

- a. Any tattoo, scarification or brand located on the head, face or neck.
- b. Depictions of nudity or violence; sexually explicit or vulgar art, works, phrases or profane language; symbols likely to offend other members, employees, or members of the public, i.e., swastikas, pentagrams or similar symbols; initials, acronyms or numbers that represent criminal or historically oppressive organizations, i.e., AB, KKK, SS, MM, BGF, HA, 666 or any street gang names, numbers and/or symbols; or, any language or depiction that may impair or disrupt the operations of the department, or is inconsistent with the mission of the department.

5. **Eyeglasses (All)**

Eyeglasses worn by sworn police personnel while on duty or in uniform shall be conservative in design.

3:4. DEPARTMENT PROPERTY AND EQUIPMENT

Members and employees are responsible for the proper care of department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. Employees shall not use any department property or equipment for personal business or pleasure.

3:4.1 Surrender of Department Property

Members and employees are required to surrender all department property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the department for the fair market value of the article(s). The Chief of Police shall withhold a final paycheck upon separation until all department property is surrendered. Any member or 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.

3:4.2 Department Vehicles, Use

Members shall not use any departmental vehicle without the permission of a shift supervisor. Departmental vehicles shall never be used for personal business or pleasure.

3:4.3 Operation of Motor Vehicles

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

3:4.4 Care of Departmental Vehicles

A police officer assigned to drive any departmental vehicle is accountable for the proper care of such vehicle and its equipment. He shall not leave such vehicle unattended, except when necessary in the performance of police duty. It shall be the responsibility of the driver to see that the vehicle is securely locked when it is necessary to leave it unattended.

3:4.5 Passengers

A driver shall only allow such persons as are necessary in the proper performance of his duty to ride in a departmental vehicle assigned to him.

3:4.6 Notification of Accidents Involving Departmental Vehicles

Whenever a police officer shall be involved in any accident, or cause any damage, while in charge of or using a motor vehicle owned by the department, he shall as soon as possible notify the officer in charge. It shall be the duty of the officer in charge to cause an investigation to be made of same, and a written report made to the Chief of Police.

3:4.7 Transporting Citizens

Citizens will be transported in departmental vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with departmental policy or at the direction of the commanding officer, immediate supervisor or communications center.

3:4.8 Presumption of Responsibility

In the event that Borough of Hawthorne property is found bearing evidence of damage, it shall be incumbent upon the discoverer to report same immediately. Failure to do so may result in disciplinary action.

3:4.9 Inspection

Departmental property and equipment is and remains the property of the department and is subject to entry and inspection without notice.

3:4.10 Liability

All department property or equipment issued to or placed at the disposal of any member of the department shall be properly cared for, maintained and secured by said member. In the event of any misuse or loss of said property by any member, that member may be held liable to reimburse the department for said damage or loss. This shall also include transportation vehicles of any type.

3:5. COMMUNICATIONS AND CORRESPONDENCE

3:5.1 Restrictions

Members and employees shall not:

1. Use departmental letterhead for private correspondence.
2. Send correspondence out of the department over their signatures without the general permission of the Chief of Police.

3:5.2 Forwarding Communications to Higher Commands

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

3:5.3 Department Address (Private Use of)

Members and employees shall not use the department as a mailing address for private purposes. The department address shall not be used on any motor vehicle registration or operator's or chauffeur's license.

3:5.4 Telephone

Departmental telephone equipment may not be used for the transmission of private messages without the express approval of a superior officer.

3:5.5 Radio Discipline

All members of the department operating the police radio shall strictly observe regulations for such operations as set forth in departmental orders and by the Federal Communications Commission.

3:6. PUBLIC ACTIVITIES

3:6.1 Publicity

Employees shall not seek personal publicity in the course of their employment.

3:6.2 Personal Preferment

No member or employee may seek the improper influence or intervention of any person outside of the department for purposes of personal preferment, advantage, transfer or advancement. Members and employees may utilize the review, appeal and grievance procedures provided by statute, ordinance, departmental rules and procedures, Borough policy, and collective negotiations agreements. Nothing in this section shall prohibit members and employees from lawful consultation with attorneys and union representatives.

3:6.3 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service, which is in any way connected with law enforcement 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.

3:6.4 Public Appearance Requests

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

3:6.5 Conduct Toward the Public

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

3:6.6 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, 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.

3:6.7 Disparaging Nationality, Race or Creed

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, 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.**).

3:6.8 Availability When on Duty

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

3:6.9 Responding to Calls

Members of the department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, will be considered misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any call directed to him. The police dispatcher will be informed when leaving the air, and when returning to a duty status. Members will notify the police dispatcher of their location whenever they leave their police vehicle.

3:6.10 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, profane, unlawful, or defamatory.

3:6.11 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.

3:6.12 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.

3:6.13 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 racial or religious group, or political entity.

3:6.14 On-line Social Network/Personal Web Page/Blogs

While employees have a right to maintain personal web pages, websites, and blogs, their status as employees of the police department requires that the content of those web pages and websites not be in violation of existing department policy or directives.

1. Members and employees are not authorized to speak, comment, or express statements or opinions on behalf of the Department. Under no circumstances will members or employees express or imply, directly or indirectly, that their statements or opinions are authorized by, or made on behalf of, the Borough of Hawthorne or the Hawthorne Police Department.
2. Any item, object, or material that could be used or misconstrued as official department sanctioned property shall not be used or depicted on any personal Internet posting without the express written permission of the Chief of Police.
 - a. These items, objects, or materials include, but are not limited to: photographs, images, reproductions or other depictions of department uniforms, badges, patches, equipment, weapons, marked or unmarked units, reports, evidence, crime or crash scenes, etc.
3. Members and employees shall comply with department rules and policies regarding communications with the public on police department matters, including but not limited to Section 3:6.10 of these Rules.

3:7. POLITICAL ACTIVITIES

3:7.1 Political Activities Prohibited

Members and employees should not be permitted to engage in any political activity while on duty, and should not be permitted to use their official positions to influence another person's political activity.

3:7.2 Election to Public Office

Employees shall not be candidates for or hold in 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.

3:7.3 Soliciting Prohibited

Employees of the department shall not solicit contributions for political purposes, nor shall they interfere with or use the influence of their office for political reasons.

3:7.4 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.

3:7.5 Polling Duties

Employees shall not engage in any polling duties except in the performance of their official duties.

3:7.6 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.

3:8. JUDICIAL AND INVESTIGATIVE ACTION, APPEARANCES AND TESTIFYING

3:8.1 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 a suit or jacket and tie (female members shall wear 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.

3:8.2 Testifying for the Defendant

Any employee subpoenaed to testify in any trial, hearing or deposition or against the Borough of Hawthorne in any hearing or trial shall immediately notify the Commanding Officer upon receipt of the subpoena. He shall also notify the appropriate prosecutorial authority handling the case.

3:8.3 Duty of Member of Employee to Appear and Testify

It shall be the duty of every member or 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. Any member or employee failing or refusing to so appear and to so testify shall be subject to removal from his office, position or employment.

3:8.4 Departmental Investigations – Testifying

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

3:8.5 Truthfulness

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

3:8.6 Civil Action Interviews

Civil action interviews involving members or employees which arise out of departmental employment shall be conducted according to departmental directives.

3:8.7 Civil Action, Court Appearances – Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of departmental employment or if the member or employee is informed that he is a party to a civil action arising out of departmental employment, he shall immediately notify the Chief of Police, who in turn shall notify the proper authorities. He shall also notify the Chief of Police of testimony he is to give. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with department directives.

3:8.8 Civil Depositions and Affidavits

Members and employees shall confer with the Commanding Officer before giving a deposition or affidavit on a civil case. If the Commanding Officer determines that the case is of importance to the Borough of Hawthorne, he shall inform the Chief of Police before the deposition or affidavit is given.

3:8.9 Civil, 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 and the Chief of Police.

3:8.10 Civil Cases

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

3:8.11 Internal Affairs Investigations

The 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 punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank or assignment; or for violation of any special order, policy and procedure or rule or regulation 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 may 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 this manual prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein, in the department, or in laws and codes within the cognizance of the department.

4:2 DEPARTMENT AUTHORITY TO DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, Borough of Hawthorne employee handbook, administrative regulations and the municipal codes of the Borough of Hawthorne. With the exception of emergency suspensions, department discipline of its employees must be taken or approved by the Chief of Police.

4:2.1 Corrective Actions/Disciplinary Dispositions

A system of progressive discipline shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established by State law. The following actions may be taken regarding any conduct felt to be in violation of any policy, procedure, rule and regulation of the police department:

4:2.1.1 In certain situations, discipline is not required in order to correct employee performance in various areas. 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. Performance based issues may be corrected by using the following actions:

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 are no appeal rights for counseling notices except as may exist under applicable collective negotiations agreements. The performance notice shall be filed in the employee's personnel file pursuant to departmental policy.

4:2.1.2 Repeat performance based issues or minor misconduct issues may be corrected through formal discipline by using the following actions:

Verbal Reprimand (written) - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal 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 are no appeal rights for oral reprimands except as may exist under applicable collective negotiations agreements. The disciplinary document shall be filed in the employee's personnel file indefinitely pursuant to departmental policy.

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 are no appeal rights for written reprimands except as may exist under applicable collective negotiations agreements. The reprimand notice shall be filed in the employee's personnel file indefinitely pursuant to departmental policy.

4:2.1.3 Serious misconduct issues or repeated minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:

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

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

4:2.1.4 All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

4:2.2 Causes for Removal or Other Disciplinary Action

Any one of the following shall be cause for removal from the service, although removal/discipline may be made for sufficient causes other than those listed:

1. Neglect of duty.
2. Incompetence or inefficiency.
3. Incapacity due to mental or physical disability.
4. Insubordination or serious breach of discipline.
5. Intoxication while on duty.
6. Chronic or excessive absenteeism.
7. Disorderly or immoral conduct.
8. Willful violation of any of the provisions of the rules or regulations or other statutes relative to the employment of public employees.
9. The conviction of any criminal act or offense.
10. Negligence of or willful damage to public property or waste of public supplies.
11. Conduct unbecoming an employee in the public service.
12. The use or attempt to use one's authority or official influence to control or modify the action, political or otherwise, of any person.

4:2.3 Informing the Person Being Disciplined

Any employee or member being subjected to discipline where the penalty is suspension, removal, a reduction rank from or in office, employment, or position therein, or a forfeiture of leave time, shall be informed of the charges, in writing, as provided by State law.

4:2.4 Misconduct Observed by Police Personnel

Whenever any Commanding Officer or supervisory officer observes or is informed of the misconduct of another member or employee, which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his Commanding Officer.

4:2.5 Appeals Procedure

The appeal of discipline imposed against an employee may be taken consistent with laws of the State of New Jersey and/or the grievance procedures of the current collective negotiations agreements and Borough of Hawthorne employee handbook.

Specifically, employees who are not members of a collective negotiations agreement may pursue an appeal pursuant to the applicable provisions of the Borough Handbook. Employees, including sworn police officers, who are represented by a collective negotiations unit may invoke the appropriate provision of the applicable collective negotiations agreement, if any. Additionally, sworn police officers may have the right to proceed as set forth below.

1. Appeal to Superior Court
 - a. Pursuant to N.J.S.A. 40A:14-150, any member or officer of the police department who has been tried and convicted upon any disciplinary charge or charges involving formal discipline (above the level of a reprimand) may obtain review in Superior Court.
 - b. Such review shall be obtained by serving a written notice of an application therefore upon the officer or board whose action is to be reviewed within 10 days after written notice to the member of the conviction. The officer or board shall transmit to the court a copy of the record of such conviction, and of the charge or charges for which the member was tried.
 - c. The court shall hear the cause de novo on the record below and may either affirm, reverse or modify such conviction. If the member shall have been removed from his position, the court may direct that he be restored to such position and all his rights pertaining thereto, and may make such other order judgment as said court shall deem proper.
 - d. Either the Borough of Hawthorne or the member may supplement the record with additional testimony subject to the rules of evidence.