

# ELIZABETH POLICE DEPARTMENT



**VOLUME: 1**

**CHAPTER: 3**

**# OF PAGES: 37**

**SUBJECT: RULES AND REGULATIONS**

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**BY THE ORDER OF:**

**CHIEF GIACOMO SACCA**

**BY AUTHORITY OF:**

**POLICE DIRECTOR EARL J. GRAVES**

**SUPERSEDES ORDER #: All previous versions of the Elizabeth Police Department Rules and Regulations**

Per Ordinance 2.56 of the City of Elizabeth, the Appropriate Authority established the Rules and Regulations of the organization. The rules are adopted and promulgated for the government of the force and serve to guide the disposition, conduct, and discipline of the members of the Department.

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## CHAPTER 1

### INTRODUCTION

#### 1:1. ESTABLISHMENT OF THE ELIZABETH POLICE DEPARTMENT

##### 1:1.1 Legal Authorization

The Police Department of the City of Elizabeth is established pursuant to N.J.S.A. 40A:14-118 and the City of Elizabeth Municipal Code §2.56.100 and shall hereafter be referred to as the "Police Department of the City of Elizabeth."

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

The Police Director as designated as the appropriate authority of the City of Elizabeth, hereby adopts and promulgates the Department Rules and Regulations, in accordance Municipal Code §2.56.220 of the City of Elizabeth and shall be known as the "Elizabeth 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 revoke any of the rules and regulations contained herein.

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

All rules and regulations previously issued, written directives, and policies and procedures that are contrary to the rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.

#### 1:2 THE NUMBERING SYSTEM

##### 1:2.1 Chapter and Section 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 police officers, auxiliary police 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 or through 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. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule, which is not fully understood. Failure to comply shall be considered neglect of duty.

### **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.

## **1:4 DEFINITION OF TERMS**

### **1:4.1 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.

### **1:4.2 Auxiliary Police**

The Elizabeth Auxiliary Police Unit shall be used as prescribed by N.J.S.A. App.A:9 (National Defense Title), Executive Order No. 101, (12/17/80), Directive No. 28, Directive No. 30 and all information bulletins and regulations and executive orders promulgated pursuant to the authority of

law by the Governor of the State of New Jersey in furtherance of the emergency management organization of the State of New Jersey.

**1:4.3 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.

**1:4.4 Commanding Officer**

A superior officer in charge of a division or unit.

**1:4.5 Days Off**

Those days on which a given employee is excused from duty by the appropriate supervisor or is not required to report to duty.

**1:4.6 Employee**

All employees of the Department, whether sworn regular, or civilian employees.

**1:4.7 Gender**

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

**1:4.8 Incompetence**

Inability to satisfactorily perform police duties.

**1:4.9 Insubordination**

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 their presence or in their absence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language towards a superior officer.

**1:4.10 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. All employees shall follow a lawful order.

**1:4.11 May/Should**

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

**1:4.12 Member**

Any duly sworn police officer of the Department.

#### **1:4.13 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 bargaining agreement(s).

#### **1:4.14 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 or assignment 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.

#### **1:4.15 Off-Duty**

The status of an employee during the period he is free from the performance of specified duties also known as days off and/or hours between tours of duties. Members are subject to recall at all times.

#### **1:4.16 On-Duty**

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

#### **1:4.17 Order**

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty which is not in violation of any department rule or regulation.

#### **1:4.18 Plurality of Words**

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

#### **1:4.19 Probationary Police Officer**

Any member of the Department serving a probationary period prior to permanent appointment to police officer, pursuant to the provisions of N.J.S.A. 52:17B-66 et seq. and civil service statutes, rules, and regulations.

#### **1:4.20 Seniority**

Seniority is determined in accordance with New Jersey Civil Service Commission guidelines.

#### **1:4.21 Shall/Will**

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

**1:4.22 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.

**1:4.23 Subordinate**

A member lower in rank than his superior officer.

**1:4.24 Superior Officer**

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

**1:4.25 Supervisor**

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

**1:4.26 Tense of Words**

The words used in the present tense include the future.

**1:4.27 Unpaid Leave of Absence**

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

**1:4.28 Working Test Period**

The working test period shall be in accordance with N.J.A.C. 4A:4-5.1 et seq.

**1:4.29 Zone/Sector/ Post**

A specific territorial assignment of a mobile patrol officer.

## 1:5 CODE OF ETHICS

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

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

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

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

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

## 1:6 MISSION STATEMENT AND CORE VALUES

### 1:6.1 Mission Statement

The mission of the Elizabeth Police Department is to provide professional law enforcement and crime prevention services with compassion, dignity, and proficiency. The agency's guiding principles are essential in supporting and defending the Constitution of the United States equally, for all. The Elizabeth Police Department is committed to preserving life, protecting property, enforcing the law, and relentlessly fighting crime while reducing fear of criminal activity. In partnership with the diverse communities we serve, the Elizabeth Police Department seeks to maintain the peace, safeguard the well-being of the community, and enhance quality of life throughout the City of Elizabeth.

### 1:6.2 Core Values

- *Honor*
- *Respect*
- *Integrity*

## CHAPTER 2

### ORGANIZATION

#### 2:1 GENERAL DUTIES AND RESPONSIBILITIES

##### 2:1.1 Police Director

1. Pursuant to City of Elizabeth Municipal Code §2.56.010, the Director shall be the head of the Police Department.
2. The Police Director shall:
  - a. Be the official responsible for the administration of the police department, with final authority on all matters of policy, procedures and discipline, as prescribed by the administrative code;
  - b. Make, adopt, amend or revoke any police department rule, regulation or procedure in accordance with N.J.S.A. 40A:14-118; and
  - c. Appoint officers to the Department and promote officers within the Department.

##### 2:1.2 Chief of Police

1. Pursuant to N.J.S.A. 40A:14-118, and City Ordinances, the Chief of Police shall be directly responsible to the Director for the efficiency and routine day-to-day operation of the Police Department. Pursuant to policies established by the Police Director, the Chief of Police 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 may deem necessary for the efficient operation of the Department exercised under his direction and supervision; and
  - e. Report at least monthly to the Director in such form as shall be prescribed by the Director on the operation of the Department during the preceding month, and make such other reports as may be requested by the Director.

##### 2:1.3 Deputy Chief of Police

1. The Deputy Chief of Police, under the authority delegated by the Police Chief and in accordance with these rules and regulations shall:
  - a. Assists the Chief of Police in the management and discipline of the Police Department;
  - b. Inspects, reviews and makes recommendations regarding departmental procedures;

- c. Assigns work to subordinates and delegates such of his authority as is necessary to properly carry out their duties; and
- d. Review work of subordinate to assure proper workmanship, conduct and production.

#### **2:1.4 Police Captain**

- 1. Under the supervision of a Deputy Chief, shall:
  - a. Command a division, shift or unit of the Department;
  - b. Be responsible for the direction and supervision of personnel under their command, consistent with the authority delegated to them and in accordance with these rules and regulations;
  - c. Analyze and properly assign the work of his command;
  - d. Delegate such authority to subordinate as is necessary to properly carry out their duties;
  - e. Perform inspections to insure that their command is working properly and efficiently and recommend or institute changes as necessary;
  - f. Investigate, or cause to be investigated, complaints regarding police service or infractions of the rules and regulations;
  - g. Make recommendations regarding disposition of complaints against personnel and in the case of minor infractions, discipline subordinates; and
  - h. Respond to calls for service when necessary.
    - 1) When the demands for police assistance is greater than anticipated, it will be necessary to call on all available resources, including supervisors, captains, lieutenants and sergeants, to meet the increased demands.

#### **2:1.5 Police Lieutenant**

- 1. Under the supervision of a Deputy Chief or Captain, shall:
  - a. Analyze and properly assign the work of their unit;
  - b. Delegate such authority to subordinates as is necessary to properly carry out their duties
  - c. Inspect the work of their unit to assure that work is carried out in a proper and efficient manner;
  - d. Respond to calls for service.
    - 1) When the demands for police assistance is greater than anticipated, it will be necessary to call on all available resources, including supervisors, captains, lieutenants and sergeants, to meet the increased demands.

### **2:1.6 Police Sergeant**

1. Under the supervision of a Captain or Lieutenant, shall:
  - a. Assign and instruct subordinates and provide training when needed;
  - b. Enforce department rules and ensure proper compliance with department policies and procedures;
  - c. Direct the proper preparation of reports;
  - d. Inspect personnel and correct or report any conditions, which require the attention of their commanding officer;
  - e. Supervise criminal and non-criminal investigations;
  - f. Investigate complaints of improper conduct of employees.
  - g. Respond to calls for service.
    - 1) When the demands for police assistance is greater than anticipated, it will be necessary to call on all available resources, including supervisors, captains, lieutenants and sergeants, to meet the increased demands.

### **2:1.7 Communications Sergeant**

1. In addition to the duties and responsibilities of a Police Sergeant listed in Rule 2:1.6, shall be responsible for ensuring that all calls for service are dispatched promptly utilizing all available resources, including supervisors. Although the Communications Sergeant may not be the ranking officer, the broadcast is with authority of the Chief of Police.

### **2:1.8 Detective**

1. Under the direction of a Detective, Juvenile or Narcotics Division supervisor, shall:
  - a. Investigate criminal and non-criminal complaints thoroughly, using all legal means and all possible sources of information;
  - b. Keep Division supervisors up to date on progress of investigations;
  - c. Prepare all cases in a timely manner, which insures the best possible court presentation;
  - d. Notwithstanding his assignment as an investigator, shall immediately respond to emergencies where police action is needed;
  - e. From time to time, temporarily serve in a uniformed capacity, when required.

### **2:1.9 Police Officers**

1. Under the direction of a supervisor shall:
  - a. Take appropriate action to:

- 1) Protect life and property;
  - 2) Preserve the peace;
  - 3) Prevent crime;
  - 4) Detect and arrest violators of the law;
  - 5) Enforce all federal, state and local laws and ordinances;
  - 6) Regulate traffic to ensure safety;
  - 7) Aid citizens and fellow officers by taking appropriate action;
  - 8) Provide miscellaneous services;
  - 9) Ensure the civil treatment and observance of rights if all persons coming under the scope of their authority;
  - 10) Take the most direct route to an assignment, eliminating all unnecessary delays.
- b. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department;
  - c. Abide by all departmental rules, regulation, policies and procedures;
  - d. Be accountable and responsible to their supervisors for obeying all lawful orders;
  - e. Coordinate their efforts with other department employees to achieve department objectives;
  - f. Conduct themselves in accordance with high ethical standards, on and off duty;
  - g. Maintain all Department assigned equipment in a functional and presentable manner;
  - h. Be familiar with their assignment and provide diligent police service within their assigned area;
  - i. Conduct thorough investigations and prepare complete reports of incidents or crimes they are assigned to handle or in which they become involved;
  - j. Report on time for duty, training and all other assignments;
  - k. Inspect their assigned post carefully throughout their tour;
  - l. Remain on duty until the scheduled conclusion of their daily tour, check out with their immediate supervisor, and ensure that all necessary reports have been submitted.

### **2:1.10 Civilian Employees**

1. Under the direction of a police department supervisor, civilian employees shall:
  - a. Perform duties of their positions promptly, faithfully and diligently;
  - b. Exercise authority consistent with their positions while conforming to departmental policy;
  - c. Obey all lawful orders of department supervisors;
  - d. Coordinate their efforts with other department employees to achieve department

objectives;

- e. Conduct themselves in accordance with high ethical standards on and off duty;
- f. Abide by all departmental rules, regulations, policies and procedures; and
- g. Perform all related work as required.

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

**3:1 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 and their associates 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 the 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 Elizabeth 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 Neglect of Duty**

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

**3:1.8 Obedience to Laws, Ordinances, Rules, and Written Directives**

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

### **3:1.9 Withholding Information**

Employees shall report any and all information concerning suspected criminal activity of others.

### **3:1.10 Reporting Violations of Laws, Ordinances or Rules, and Written Directives**

Employees knowing of other employees violating laws, ordinances, or 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 to their commanding officer through the chain of command.

### **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 specific supervisor.

### **3:1.12 Providing False Information**

Employees shall not knowingly lie, give false or misleading information, or provide a false oral/written communication in any investigation when it is reasonable to expect that the information maybe relied upon by the Department.

### **3:1.13 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. Employees must acknowledge the appropriate authority, superior officers, and elected officials if addressed by him/her.

### **3:1.14 Compromising Criminal or Civil Matters**

Employees shall not interfere with the proper administration of justice by arranging any compromises between parties to a criminal or civil matter.

### **3:1.15 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.

### **3:1.16 Posting Bail**

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

### **3:1.17 Use of Force**

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

### **3:1.18 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.

### **3:1.19 Driver's License**

Members shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost the employee shall be reported before the next tour of duty giving full particulars. Employees shall not operate department vehicles unless they have a valid New Jersey driver's license.

### **3:1.20 Address and Telephone Numbers**

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

## **3:2 ISSUING ORDERS**

### **3:2.1 Manner of Issuing Orders**

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

### **3:2.2 Unlawful Orders**

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

### **3:2.3 Improper Orders**

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

## **3:3 RECEIVING ORDERS**

### **3:3.1 Questions Regarding Orders**

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

### **3:3.2 Obedience to Unlawful Orders**

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

### **3:3.3 Obedience to Improper Orders**

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

### **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.

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

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

## **3:4 POLICE RECORDS AND INFORMATION**

### **3:4.1 Release of Information**

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

### **3:4.2 Department Records**

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

### **3:4.3 Reports**

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

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

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

Except as stated herein, employees shall not under any circumstances solicit any gift, gratuity, fees, rewards, loans, etc. where there is any direct or indirect connection between solicitations and their

department membership or employment. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Union County Prosecutor's Office. Employees shall not solicit for any organization that in anyway references their employment as an employee of the City of Elizabeth without the knowledge of the Chief of Police pursuant to the standards set forth above. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq.

### **3:5.2 Acceptance of Gifts, Gratuities, Fees, 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 City of Elizabeth 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 permission of the Chief of Police.

### **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.

### **3:5.4 Rewards**

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.

### **3:5.5 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 together with a written report explaining the circumstances.

### **3:5.6 Debts - Incurring and Payment**

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall promptly pay all just debts and legal liabilities incurred by them.

### **3:5.7 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, ordinance, department rules and procedures, ordinance or written directive, and collective bargaining agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives. Any lawyer

or union representative consulted shall not be permitted to speak on behalf of the employee and shall not interfere in any investigatory process, including a prohibition against delaying the process.

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

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

1. No employee of the Department will appear for, or be on duty, under the influence of an alcoholic beverage (any beverage containing alcohol) (hereinafter “alcohol”) or illegal drugs (including the illegal use of prescription drugs) (hereinafter “drugs”), or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence of, or has alcohol or drugs in the employee’s system shall be sufficient to establish a violation of this provision. In addition, the presence of detectable level of alcohol or drugs as tested by blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of alcohol or drugs and shall immediately relieve of duty and service weapon any employee found on duty in such condition. Supervisors shall not allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or drugs. The superior officer shall submit a written report of the incident to the Chief of Police. (See Procedures for Employees Using Prescription Drugs in a Legal Manner Under Section 3 below)
2. Employees of the Department shall not drink alcohol while on duty, or take any drug as defined herein, except on special assignment authorized by the Chief of Police. 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 – Employees of the Department shall disclose to their supervisors if 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, radio communications, or operating a motor vehicle. Such employees shall also disclose the expected duration of their use of such medication. The Department reserves the right to take appropriate action in such circumstances, which may include deeming the employee unfit for duty, placing the employee on sick leave status, or other appropriate action. The Department may also consider other appropriate accommodations if the employee has a disability as defined by law. 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 case of any employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication who has failed to give proper advance notification.
4. Alcohol may not be consumed at or in the police station or ancillary facilities.

5. No employee shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which alcohol is served or sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcohol is not the primary function (e.g. certain diners and restaurants which have a liquor license). If an employee is unclear whether an establishment would violate this section, he should contact his supervisor.
6. Employees shall not bring into or keep any alcohol or drugs on department premises except when necessary in the performance of a police related task. Alcohol or drugs brought into department premises in the furtherance of a police related task, shall be properly identified and stored according to department written directives.
7. Any employee reporting for duty with the odor of alcohol on his breath or appearing to be under the influence may be subject to testing as set forth in Section 3:6.2 below.
8. No liquor license shall be held by any police officer, or by any profit corporation or association in which any police officer has an interest, directly or indirectly.
9. Pursuant to law, members of the Elizabeth Police Department may not be employed by a business located in the City of Elizabeth, which is licensed to sell alcoholic beverages in New Jersey. Members of the Elizabeth Police Department may be employed by such licensed businesses, which are located outside the City of Elizabeth with prior notice prior to the Chief of Police, in accordance with State laws, and under the following legal conditions:
  - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
  - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

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

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

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

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

and Department written directive. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.

### **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. Employees are to remain on duty, performing functions in accordance with departmental Rules, Regulations, and General Orders, until the completion of their appropriate work day.

#### **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. 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 forfeit their position in the Department, pursuant to N.J.S.A. 40A:14-122.

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

All employees of the Department shall adhere to the written directive established by the Chief of Police and the City of Elizabeth regarding Harassment in the Workplace. Employees may be subject to discipline for a violation of the Department written directive or City policy.

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

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

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

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

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

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

#### **3:7.7 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 Elizabeth 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. Smoking on city property or in city owned vehicles is also in violation of City Ordinance 8.66.20.

### **3:7.8 Distracters**

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

### **3:7.9 Relief**

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

### **3:7.10 Meals/Breaks**

All meals/breaks are to be consumed in within time, procedure, and location in accordance with the departmental policy set by Special Order 2016-7.

### **3:7.11 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.

### **3:7.12 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.

### **3:7.13 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 the permission of his/her 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 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 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;

10. 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;
11. Video or audio recording, which is not connected with an official investigation or duties, is prohibited;
12. 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 to the use of mobile video recorders installed in police vehicles as authorized by the Chief of Police. The exception to this is for 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.
14. Officers shall not leave their assigned post, or the City boundaries, without permission from a superior officer, communications.
15. Playing video or other type of games while on duty.

### **3:7.14 Personal Relationships**

If a supervisor and subordinate enter into a romantic relationship, including marriage, civil union, domestic partnership, cohabitation, or a dating or any other intimate relationship beyond mere friendship, during the course of employment, and the Department reasonably believes the relationship may create a conflict of interest, one of the employees may be transferred to another shift or assignment. For purposes of this policy, "conflict of interest" may be an actual, potential, or reasonably perceived conflict of interest in which a private or other personal interest could influence or interfere with, or be perceived to influence or interfere with, either employee's objective judgment in the performance of employment duties, or which creates an adverse impact on supervision, safety, operations or morale. A supervisor or subordinate involved in a relationship as described herein shall promptly report the relationship to the Chief of Police through the chain of command. Failure to disclose such a relationship may subject the involved employees to the disciplinary process. Employees may not confront, harass, or take any action against another employee based on a personal relationship.

### **3:7.15 Extra Duty Assignments**

Extra duty assignments are recognized by the Elizabeth Police Department and shall be governed by the department general order and City Ordinance.

### **3:7.16 All Other Conduct**

Misconduct by a police officer need not be predicated on the violation of any particular department rule, regulation, or New Jersey Civil Service Commission Rule violation. 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 members and civilian employees of the Department who are required to wear a uniform shall maintain regulation uniforms. Uniforms shall be kept neat, clean and well pressed at all times. All uniform/equipment must be clean, in good working order, and conform to department specifications.

### **3:8.2 Manner of Dress On-Duty - Uniform**

Members and civilian employees of the Department required to wear a uniform will wear the prescribed duty uniform while on duty. The Chief of Police or his/her designee may prescribe other clothing as required by the nature of the duty, which a particular employee is assigned. Members and civilian employees will wear and maintain an employee uniform when so directed by the Chief of Police in accordance with Department written directives.

### **3:8.3 Wearing or Carrying Identification**

Employees shall wear or carry their department identification at all times. Employees must receive prior supervisory approval to not wear or carry their department identification during any special detail/assignment.

### **3:8.4 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.

### **3:8.5 Altering Style of Uniform**

Uniforms shall be made of the material and in the style prescribed in accordance with Department written directive, and such style shall not be altered or changed in any manner whatsoever, unless authorized by the Chief of Police.

### **3:8.6 Manner of Dress - Civilian Attire**

Employees may wear corporate casual or traditional business attire as prescribed by the Chief of Police or his/her designee, while on duty.

### **3:8.7 Personal Appearance**

Every employee of the police department, while on duty, must at all times be neat and clean in person, clothes clean and pressed, and uniform in conformity with Department written directives. Further, they shall, as often as necessary, examine and clean equipment and keep it always in good serviceable condition. Personnel on special assignment including, but is not limited to,

undercover assignment may be permitted to deviate from the appearance regulations as authorized by the Chief of Police.

## 1. **Male Employees**

- a. A clean-shaven appearance is required except that moustaches are permitted. Moustaches shall be neatly trimmed and shall not extend more than one-half (1/2") inch beyond the corners of the mouth, nor below the corner of the mouth.
- b. Beards shall not be permitted while in uniform. Personnel with a medical condition, which precludes shaving, shall be required to present a written statement, signed by a medical doctor, verifying such condition every ninety (90) days. Beards may be permitted for religious reasons upon approval of the Chief of Police. Non-uniformed employees may deviate from the above beard standard as authorized by the Chief of Police.
- c. Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with normal wearing of all standard headgear. In addition, no employee will be permitted to wear a hairstyle, which results in a design or pattern being cut into the hair pattern. No hair restraining devices such as elastic bands or hair ties are permitted. No pony or pig tails or hair buns shall be allowed. Hair coloring, if used, must appear natural.
  - 1) Wigs or hairpieces are permitted if they conform to the above listed standards for natural hair.
- d. Sideburns shall be neatly trimmed and shall not extend downward beyond the lowest part of the ear opening. The base shall be a clean horizontal line.
- e. Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers.
- f. An expectation of the aforementioned provisions may be granted for religious purposes, by the Chief of Police.

## 2. **Female Employees**

- a. Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear. In addition, no employee will be permitted to wear a hairstyle, which results in a design or pattern being cut into the hair pattern. No hair restraining devices such as elastic bands or hair ties are permitted. No pony or pig tails or hair buns shall be allowed. Hair coloring, if used, must appear natural.
  - 1) Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
  - 2) Non-uniformed employees may deviate from the above hair length standard as authorized by the Chief of Police.
- b. Cosmetics – Cosmetics may be worn provided they are subdued and blended to match the natural skin color of the individual. False eyelashes are not permitted.

Non-uniformed employees may deviate from the above cosmetics standard as authorized by the Chief of Police.

- c. Fingernails – Fingernails shall be clean and trimmed. Nails shall not extend beyond the tips of the fingers. Fingernail polish, if worn, shall be clear. Non-uniformed employees may deviate from the above fingernail standard as authorized by the Chief of Police.

### 3. **Jewelry and Body Piercings (All)**

- a. Police Officers on duty shall not wear loose fitting jewelry which may be grasped during a struggle or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform employees on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with Department written directives.
- b. No visible body piercing jewelry shall be worn while on duty. This shall include but not limit to nose, eyebrow and tongue piercing.

### 4. **Tattoos or Similar Markings (All)**

Definitions:

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

The following tattoos, scarifications and brands are prohibited:

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

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

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

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

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

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

### **3:9.3 Firearms**

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

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

Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty. Equipment and/or property will be handled and maintained in accordance with Department written directive.

### **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. Department vehicles shall not be used for personal business or pleasure.

### **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 Citizens**

No citizen shall 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 commanding officer, immediate supervisor or communications center.

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

Employees involved in motor vehicle accidents, while operating City owned vehicles; shall promptly notify their immediate supervisor or any on duty supervisor of the accident. The supervisor shall respond to the scene of the accident and ensure that an accident report is made. The employee's commanding officer, or his designee, will conduct an investigation into the circumstances of the accident to ensure that all motor vehicle laws and department procedures were followed and shall make recommendations based upon the investigation.

### **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 Surrender of Department Property**

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

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

### **3:10.1 Restrictions**

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

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

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

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

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

### **3:10.4 Telephones**

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor. Department telephone numbers may not be given out as numbers for police officer's personal use or contact. The use of cell phones while driving a motor vehicle is prohibited.

### **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 CONDUCT TOWARD PUBLIC**

### **3:11.1 Publicity**

Employees may identify themselves as employees of the Elizabeth Police Department. However, members and employees shall not use or refer to their affiliation with the Elizabeth 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 City of Elizabeth. The Police Director 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, or local City of Elizabeth Ordinances.

### **3:11.2 Personal Preferment**

No 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 where legally required and where not duplicative the review, appeal and grievance procedures provided by statute, ordinance, department rules and procedures, City policy, and collective bargaining agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives where required by law.

### **3:11.3 Commercial Testimonials**

Employees 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 the Elizabeth Police Department. Nothing herein shall limit the right of the police department to enforce the rule and regulation regarding police image.

### **3:11.4 Public Appearance Requests**

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

### **3:11.5 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, 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.

### **3:11.6 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, 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.

### **3:11.7 Disparaging Comments Regarding Protected Personal Characteristics**

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

### **3:11.8 Public Statements/Electronic Blogs, Website, and Social Media**

Employees of the Department shall not make public statements including posting on electronic blogs, website, and social media 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.

### **3:11.9 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.

### **3:11.10 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.

### **3:11.11 Affiliation with Radical Groups**

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

## **3:12 POLITICAL ACTIVITIES**

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

Employees should not be permitted to engage in political activity while on duty, and no employee shall be permitted to use his official position to influence another person's partisan or non-partisan political activity.

### **3:12.2 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 Union County Prosecutor.

### **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 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 City.

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

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

Employees must attend court or quasi-judicial hearings as required by a subpoena. Officers are required to cooperate with prosecuting or civil attorneys on behalf of the City. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. Officers who are sick and cannot attend court sessions must notify the appropriate

Prosecutor and their Commanding Officer. 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. Overtime for court appearances shall be paid according to the bargaining contract in place. At disciplinary hearings officers shall be required to wear their class A uniform unless otherwise approved by the Police Director.

### **3:13.2 Testifying for the Defendant**

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the City of Elizabeth in any hearing or trial shall notify their supervisor upon receipt of the subpoena. He/she shall also notify the appropriate prosecutorial authority handling the case.

Letters of recommendations attempting to influence official decisions, indicating or implying official capacity as an Elizabeth Police Officer, are strictly prohibited without the express written consent of the Police Director.

### **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.

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

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

### **3:13.5 Truthfulness**

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

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

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

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

Employees shall confer with their supervisor before giving a deposition or affidavit on a civil case. If the supervisor determines that the case is of importance to the City of Elizabeth, he shall inform the Chief of Police through the chain of command before the deposition or affidavit is given.

### **3:13.9 Civil Action, Expert Witness**

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

### **3:13.10 Civil Process**

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.

### **3:13.11 Employee Filing Action Against the City**

Employees who sue or file claims for damages or compensation against the city for on duty injuries shall immediately notify their commander of the details of the suit or claim.

### **3:13.12 Jury Duty**

Employees summoned for jury duty on days they are scheduled to work shall notify their commanding officer, in writing. Employees shall report to the appropriate court to serve. If employees are excused from serving, they shall notify their commanding officer immediately and shall report to work on their next scheduled workday.

### **3:13.13 Internal Affairs Investigations**

The Elizabeth 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 CORRECTIVE ACTION

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. 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.

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

#### 4:2 DISCIPLINARY ACTION

##### 4:2.1 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.

#### **4:2.2 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.

#### **4:2.3 Disciplinary Authority, Criteria, and Procedures**


All disciplinary authority, criteria, and procedures shall be in accordance with N.J.A.C. 4A:2-2.1 et seq. through 4A:2-3.1 et seq., the laws of the State of New Jersey, applicable case law, collective bargaining agreements, and municipal ordinance. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.

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.

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


### **4:3 APPEAL PROCEDURES**

Appeals from penalties imposed as a result of discipline or corrective action may be taken in accordance with N.J.A.C. 4A:2-1.1 et seq., the laws of the State of New Jersey, applicable case law, collective bargaining agreements, and municipal ordinance.

<b>ELIZABETH POLICE DEPARTMENT</b>			
<b>VOLUME: 1</b>	<b>CHAPTER: 2</b>	<b># OF PAGES: 36</b>	
<b>SUBJECT: RULES AND REGULATIONS</b>			
<b>EFFECTIVE DATE:</b>		<b>ACCREDITATION STANDARDS:</b> 1.1.1d, 1.4.1, 1.4.3, 1.5.2a	
<b>BY THE ORDER OF:</b> <b>CHIEF GIACOMO SACCA</b>			
<b>BY AUTHORITY OF:</b> <b>POLICE DIRECTOR EARL J. GRAVES</b>			
<b>SUPERSEDES ORDER #: Previous Rules and Regulations</b>			

Per Ordinance 2.56 of the City of Elizabeth, the Appropriate Authority established the Rules and Regulations of the organization. The rules are adopted and promulgated for the government of the force and serve to guide the disposition, conduct, and discipline of the members of the Department.

  
 Earl J. Graves,  
 Police Director

  
 Giacomo Sacca,  
 Chief of Police 5458