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*This manual has been put on the Internet by the New Jersey Libertarian Party ([www.njlp.org](http://www.njlp.org)) as a public service.*

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**THE UNIFORM AND NON-UNIFORM PERSONNEL  
POLICE DEPARTMENT MANUAL  
FOR THE BOROUGH OF LAWNSIDE**

January 10, 2006

**INTRODUCTION**

Under the Constitution and Laws of the United States, and the Sovereign State of New Jersey, you as law enforcement officers have the responsibility to protect life and property, to preserve the peace, to prevent crime, to enforce the laws of the State of New Jersey and the Ordinances of the Borough of Lawnside and to detect and arrest all violators of the law.

This manual contains information and guidance necessary in the proper performance of the duties of members of the police department. All such members, regardless of rank or position, shall understand that no rules or regulations can be established which will embrace all cases arising in the general discharge of their duties. They shall know that their duties may be defined in greater or lesser degree than is herein set forth; omission of the subject must necessarily be left to the intelligence and discretion of the individual. Over-attention to technicalities may result in a condition which could be avoided by application of broad principles. It shall be understood that the right is reserved to amend or revoke any of the rules and regulations or to make changes from time to time as the circumstances or the good of the department may require.

As members of the police department you shall thoroughly familiarize yourselves with the contents of this manual. Each member shall perform his duties in accordance with the provisions of the manual and shall comply with the rules, regulations, orders and instructions set forth therein.

**POWERS AND DUTIES OF CHIEF OF POLICE**

A. The Chief of Police shall be the executive officer of the police department and shall be responsible for its efficient operation. All orders and instructions to the members of the department shall be transmitted through the Chief who shall be responsible to the Mayor and Borough Council.

B. It shall be his duty to obey all rules and regulations for the government of the police department and to see that they are strictly obeyed by all members of the police department and he shall:

- (1) See that all public laws and Borough Ordinances are enforced.
- (2) Assign the duties and work schedules of his subordinates.

- (3) Have authority to suspend any subordinate, without pay, pending hearing and disposition by the Police Committee of written charges.
- (4) Submit to Council, for its regular meeting each month, a written report of the activities of the police department during the previous month.
- (5) Notify the Mayor and Borough Council if illness or other cause shall require his prolonged absence from duty.
- (6) Keep, with the assistance of such subordinates as he shall designate, a daily report in which shall be entered all happenings, circumstances or events which shall occur during each day in which the police department or any of its members shall be involved.

C. He is the administrative head and the commanding officer of the police department. He shall maintain, or cause to have maintained, constant supervision of the general conduct and efficiency of the police department.

D. He will, within limits of the budget of the department, submit estimates of costs and requests for equipment and personnel deemed necessary to handle the business of the department.

E. He is responsible for the contact, liaison and cooperation of the police department with other departments of the Borough, and the departments and agencies of Federal, State and other local governments.

F. He shall have the power to assign any and all members of the department to their respective duties and require them to perform the same, and he shall assign the men in his command to such duties, as in his judgment shall be for the best interest of the department, and for the safety and welfare of the residents of the Borough of Lawnside.

G. He may at his discretion, appoint a ranking officer to be his Executive Officer for the purpose of putting into effect all orders and instructions that may be issued from time to time.

H. He shall, when acting in a Patrolman's capacity, abide by all rules and regulations that apply to Patrolmen.

### **POWERS AND DUTIES OF THE CAPTAIN OF POLICE**

A. The Captain of Police is next in command to the Chief of Police and in every case of absence or disability to the Chief of Police the Captain shall perform all of the duties of the Chief of Police.

B. The Captain shall have the following duties, responsibilities and authority:

- (1) He will assist the Chief with the administration of the department in personnel assignments, vacation schedules, equipment requirements, etc.
- (2) He will insure that general orders, departmental procedures and assignments are being executed thoroughly and promptly.
- (3) He will observe the Lieutenants, Sergeants and Patrolmen in the performance of their daily duties: to comment and instruct if necessary.

- (4) He will review all police reports and prescribe action as indicated.
- (5) He shall see that every member of the police department is properly instructed in his duties, paying particular attention to the instructions of new members of the force. He, or his designee, shall see that all members of the department are attired in the proper uniform and with the proper equipment to perform their duties.
- (6) He, or his designate shall, from time to time, review the manner in which the crossing guards perform their duties and instruct if necessary.
- (7) He shall be directly responsible to the Chief of Police for the maintaining of all records, data, files and inventory of the police department. He shall insure that a modern and progressive filing system is kept and supervise its maintenance and security.
- (8) He will make such observations of new procedures and review existing procedures as to make recommendations for increased efficiency. He shall supervise all personnel assigned to him and be responsible for their conduct and efficiency.
- (9) He shall keep records of all supplies, equipment and materials assigned to the police department and know-their whereabouts or to whom it is assigned. He shall also keep the running inventory, know the average rate of consumption and re-order when necessary.
- (10) He shall be in charge of investigation of all major crimes, to include: Crime scene, security, evidence control and filing and processing of reports and complaints.
- (11) He shall not depart from established policy in his duties or responsibilities.
- (12) He shall perform such duties as may be assigned to him by the Chief of Police.
- (13) He shall, when acting in a Patrolman's capacity, abide by all rules and regulations that apply to Patrolmen.

#### **POWERS AND DUTIES OF LIEUTENANT OF POLICE**

- A. The Lieutenant of Police is next in command to the Captain of Police, and in every case of absence or disability of the Chief of Police and the Captain of Police, the Lieutenant shall perform all of the duties of the Chief and Captain of Police.
- B. The Lieutenant may issue such orders or take such action as may be necessary, but in every case he shall make a full report of the entire occurrence to the Captain of Police, or to the Chief of Police at the earliest practicable moment.
- C. The Lieutenant shall assist the Captain of Police in his duties, and he shall share responsibility with the Chief of Police and the Captain of Police for the preservation of the peace and the protection of life and property, and for the discipline, good conduct and efficiency of the police force.
- D. The Lieutenant of Police shall see that every person connected with the force is properly instructed in his duties by the Sergeants and himself, paying particular attention to the instructions of new members

of the force. He shall see that Sergeants require all members of the department to be attired in the proper uniform, with the proper equipment to perform their duties.

E. The Lieutenant shall keep a record of the department personnel's time and such other records that the Chief of Police may direct.

F. The Lieutenant shall perform such other duties as may be assigned to him from time to time by his superior officers.

G. The Lieutenant shall, when acting in a Patrolman's capacity, abide by all rules and regulations that apply to Patrolmen.

### **POWERS AND DUTIES OF SERGEANTS**

A. The Sergeant is next in command to the Lieutenant of Police and in every case, unless otherwise so stated, during the absence disability of other ranking officers, will assume command during his tour of duty. He will insure that general orders, departmental procedures and assignments are being executed thoroughly and promptly.

B. The Sergeant shall have the following duties, responsibilities and authority:

- (1) It shall be the duty of the Sergeant to report at police headquarters before his tour of duty starts to acquaint himself with police information and activity that has occurred during his absence and to prepare himself for his coming tour of duty. He shall see that the men under his command are promptly instructed as to their duties and that all orders are promptly and properly carried out.
- (2) He shall see that men reporting to him properly relieve the officers who are going off duty, and that his men are in proper uniform with the necessary equipment to perform their duties properly.
- (3) The Sergeant shall constantly patrol his assigned area and he shall check on the work of the patrolmen and determine whether police duties, orders and instructions are promptly and efficiently performed.
- (4) During his tour of duty he shall inspect, or supervise such inspection, of all police vehicles used by him or the men under his command, noting their condition and serviceability and if he finds that any police vehicle is in need of repair, or unsafe to operate, he shall report same to the Chief of Police.
- (5) He shall prepare or cause to have prepared, a daily report listing the activities of the men under his command during their tour of duty. This report will include summons issued, patrol car mileage and calls and complaints answered.
- (6) The Sergeant shall review all written reports made by his men during a tour of duty, and if they meet with his approval he shall approve them. If reports fail to meet with his approval he shall instruct his men as to the proper form and information to be supplied. All police activity occurring within a tour of duty must be properly reported in writing and on the prescribed forms before the Sergeant and the men under his command leave the police station.

- (7) If he is unable to report for duty because of illness he shall notify the senior officer on his shift and relay any information of concern to the senior officer.
- (8) He is responsible for the operation of headquarters including all prisoners that are confined to the cell and to make sure that all persons confined are searched. He shall not permit the confinement in a cell of any unconscious person in need of medical attention. He shall summon a doctor to police headquarters or have such person, or persons, taken to a doctor or to a hospital without unnecessary delay.
- (9) He shall be responsible for all monies received, property taken from prisoners, either as evidence of a crime or for safekeeping and/or any other monies, valuables or other property entrusted to him. He will complete the necessary forms for held or confiscated property making certain that one copy is filed properly and the other copy is given as a receipt.
- (10) In addition to the above, all rules and regulations that apply to Patrolmen also apply to the Sergeant.

### **POWERS AND DUTIES OF PATROLMAN**

- (1) A patrolman will report to police headquarters before his tour of duty starts to acquaint himself with police information and activities that have occurred during his absence and to prepare himself for his coming tour of duty.
- (2) He shall hold himself in readiness at all times to obey and carry out courteously, efficiently and properly, all orders, instructions and assignments given written or oral to him by his superior officers.
- (3) He shall be responsible for all phases of police work, not just his specific assignments.
- (4) He shall serve all criminal and motor vehicle warrants issued by our court or a court out of our jurisdiction.
- (5) When on patrol he will be alert for hazardous conditions such as: Street and sidewalk obstructions or defects, street light out or in need of repair, street signs down or defaced, fire hydrants open or leaking, and other situations that may present a danger or nuisance to the public.
- (6) He will carry at all times while on patrol, a clip-board, notebook or portfolio with all of the necessary forms available in which he may record all information of importance coming to his attention.
- (7) He will confine his patrol to the Borough of Lawnside unless otherwise instructed.
- (8) He will conduct preliminary investigations at the scene of crimes and accidents and shall gather evidence, locate and interview witnesses, make proper arrest and submit proper reports.
- (9) He will be alert and watchful of actions of suspected or known criminals and suspicious persons, note their movements, habits, associations and any premises they may enter or frequent. He shall submit all such information to his superior officer.

- (10) He will be particularly directed to confront persons soliciting, scavenging or peddling wares without a license, and all vagrants and alcoholics who are a public nuisance.
- (11) He will prohibit loitering on the sidewalks or streets to the inconvenience of the public.
- (12) If unable to report to duty because of illness he shall notify the Chief of Police, Captain or duty officer in charge, at least four (4) hours in advance to his tour of duty so that proper relief may be obtained for him if necessary.
- (13) He shall maintain harmonious relationships with his associates by courteous and considerate demeanor, guarding himself against envy, jealousy or other unfriendly feeling, and refraining from all careless communications to their discredit.
- (14) He shall communicate to his supervisors and co-workers all information he may obtain which is pertinent to the achievement of common objectives; including when applicable, the supervision and guidance of school crossing guards or other civilian members of the department.
- (15) Ordinarily his hours of duty will be established by his supervisor via a schedule; however, he shall be subject to recall at any time in case of special needs or emergencies and shall respond punctually to all of his assignments.
- (16) He shall report for duty physically fit, mentally alert, neatly and properly groomed and with prescribed uniform and equipment.
- (17) He shall devote the maximum possible time to the performance of his basic duties, remaining in the police station only when necessary.
- (18) Before beginning his tour of duty he shall inspect the vehicle assigned to him and report any damage or deficiency. He shall not operate any vehicle which is illegal or unsafe for use. During his tour of duty he shall use the vehicle assigned to him in the most safe and economical manner, avoiding hazardous or careless operation.
- (19) He shall promptly report, on prescribed forms, all accidents involving the vehicle assigned to him and a detailed report of same to the Chief of Police.
- (20) He shall maintain his arms and equipment in a functional, presentable condition, promptly correcting and reporting defects to his supervisor.
- (21) He shall exert every effort to satisfy the needs of citizens requesting service, assistance or information and courteously explain any instance where jurisdiction does not lie with the police department, suggesting procedures to be followed and assisting further if the citizen is ill, confused, illiterate or unable to do so for good reason.
- (22) He shall be accountable for the securing, receipting and proper transporting of all evidence and property coming into his custody.
- (23) He shall enforce traffic laws and ordinances and seek to eliminate conditions interfering with the safe and expeditious movement of vehicles and pedestrians. He shall be alert to the need for improvement in traffic control and report defective traffic signs, signals and other warning devices.

- (24) He shall keep a vigilance of business places after their normal working hours as a degree of security for burglary and fire prevention.
- (25) He shall confine his basic patrol effort to the Borough. If required to leave for any reason he shall request the permission of his supervisor prior to the time he leaves, or as soon as possible in an emergency situation.
- (26) He shall conduct a thorough investigation of all offenses within his area of assignment and scope of activity. He shall collect evidence and record data which will aid in identification, apprehension and prosecution of offenders and the recovery of property.
- (27) He shall use radar and other devices for speed enforcement as need dictates.
- (28) While on duty, he shall not enter any house, saloon, bar, cafe, poolroom, theatre or other place of amusement, except when necessity requires it or in the strict discharge of his duty.
- (29) Any failure to detect crime, cope with traffic conditions or prevent repetition of disorder by appropriate official action within his area of assignment shall be prima facie evidence of negligence.
- (30) He shall note conditions which adversely affect the appearance, safety and health of the community, enforcing applicable law, ordinances and regulations and/or making referrals to agencies having primary responsibility.
- (31) He shall take necessary and appropriate action whenever circumstances dictate, whether in or out of his assigned work area, on or off duty.

### **POWERS AND DUTIES OF SPECIAL POLICE**

- A. No person shall be appointed as a special police officer unless he or she:
- (1) is a citizen of the United States;
  - (2) Is able to read, write and speak the English language well and intelligently;
  - (3) Is sound in body and of good health;
  - (4) Is of good moral character; and
  - (5) Has not been convicted of any criminal offense involving moral turpitude.
- B. They shall be under the direction and supervision of the Chief of Police and shall perform their duties only in the Borough of Lawnside.
- C. No special officer shall be armed on duty unless specifically ordered otherwise by the Chief of Police, and he shall never be armed off duty.
- D. Each special officer shall receive compensation as provided for in the salary ordinance of the Borough of Lawnside.

E. No special police officer shall wear the police uniform except while actually on duty, nor shall they carry any police equipment in any private vehicle unless reporting to or returning from duty.

F. The duties of special officers will be limited to parades, dances, traffic control, security, etc., unless otherwise ordered by the Chief of Police.

## **RULES AND REGULATIONS CONCERNING FIREARMS**

1. Only issued weapons, ammunition and all leather will be carried and used by members of this department when on duty. Periodic checks by persons designated by the Chief of Police will be used to enforce same.
2. Off duty officers may carry a personal weapon providing:
  - (a) the weapon was acquired through legal means.
  - (b) is loaded with legal and acceptable ammunition.
  - (c) he has familiarized himself with and fired said weapon.
  - (d) all paperwork is filed on said weapon and is first approved by the Chief of Police.
3. It is the full responsibility of each individual officer to use firearms only when absolutely necessary and fully justified by the circumstances.
4. Officers shall not use firearms or force likely to produce great bodily harm or injury upon any person who is arrested solely on a disorderly or misdemeanor charge.
5. Firearms must be regarded as a defensive weapon and facts must exist to substantiate that the particular felon constitutes a danger to persons, not merely property.
6. Any officer involved in a shooting of a person is subjected to the same type of civil action for damages as may be against any citizen under such circumstances.
7. Firearms shall not be discharged at vehicles or persons, involved only in violations of traffic laws. A misdemeanor or disorderly offense involving a vehicle does not warrant discharging of rounds at said vehicle.
8. A weapon may be used on a seriously injured or dangerous animal when other action is impractical and all other means have been exhausted. The officer must be sure there is no danger to bystanders and the round(s) are fired in such a way as to minimize the distance of travel and ricochet.
9. Under no circumstances shall an officer surrender his weapon voluntarily and he must use all means available to prevent this from occurring.
10. Any discharge of a weapon must be reported to the Chief of Police or superior on duty. A written report detailing the entire chain of events will be made available to the Chief of Police upon request.
11. Failure to notify the firearms instructor or Chief of Police of an unsafe weapon, or failure to maintain a clean weapon will not be tolerated.



12. Firearms training and qualification sessions must be attended according to policy and procedure of this department.

13. Officers are not to be restricted in the lawful performance of their duty. They have a positive duty to use firearms when the necessity exists in the protection of their own life and the lives of others.

### **POLICY:**

A. It is the policy of this department that its officers employ force in the performance of their duties only to the degree and in the manner provided by law and consistent with the provisions of the New Jersey Code of Criminal Justice.

B. Warning shots by officers performing their duties are not authorized by this department.

### **GUIDELINES FOR THE PURSUIT OF VEHICLES BY POLICE OFFICERS**

1 Definition:

A vehicle pursuit is defined as an active attempt to stop a moving motor vehicle when the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or by ignoring the officer's attempt to stop him.

2. General Considerations:

A. It is the policy of the Police Department that violators of the law be apprehended whenever it is feasible under the existing conditions. It is not expected, however, that a person be pursued to the point where the life of the officer, the violator, pedestrians and passengers of other motor vehicles be subjected to the possibility of death or serious injury. Pursuits may also result in damage to personal property.

B. After a pursuit is undertaken, officers should be prepared to discontinue the pursuit if it becomes unreasonable under the circumstances to continue the chase. Pursuits should not be continued through areas of heavy traffic congestion, through school zones where children are going to or from school, or in other situations where there exists an unreasonable risk of serious injury or death. When engaged in a pursuit, and when deciding whether or not the pursuit should be continued, officers should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the chase is continued.

C. Officers must not assume that all persons who flee from the police and refuse to yield are felons. Experience has shown that most pursuits involve disorderly and motor vehicle violations only. Officers should also be aware that in the heat of a chase, the violator frequently refuses to give up and the officer likewise feels an obligation to succeed in the pursuit.

D. This psychological phenomenon can cloud an officer's judgment and may cause him to continue a chase beyond the point where common sense and good judgment would require the pursuit to be terminated.

3. Policy:

A. Initiating the pursuit: In the event an officer becomes involved in the pursuit of a vehicle that fails to stop for the officer's emergency lights and siren, or upon being directed to stop, the officer shall immediately notify police radio of the following information:

- (1) a complete description of the vehicle being pursued, including:
  - (a) registration number and state of issue.
  - (b) color
  - (c) number of occupants, including description, if possible.
- (2) reason for the pursuit, including the offense involved.
- (3) direction of travel at frequent intervals.

B. Radio Priority: Radio priority shall immediately be granted to the pursuing vehicle, until such time as an apprehension is made or the pursuit terminated.

C. Assisting Units: Assisting units should attempt to station themselves at strategic points in anticipation of rendering assistance when the suspect is stopped, or becoming the primary pursuit vehicle if the original pursuing officer loses the suspect vehicle or becomes disabled, under no circumstances shall assisting units fall in line behind the primary pursuit vehicle or otherwise become actively involved in the chase. In order to avoid unnecessary confusion, the primary pursuit vehicle shall be the only vehicle to use emergency lights and sirens during the pursuit.

D. Unmarked Vehicles: In the event that a pursuit is initiated by an unmarked vehicle, that unmarked vehicle shall abandon the pursuit when a marked vehicle is in a position to assume the pursuit.

E. Pursuits By Other Law Enforcement Agencies: Unless specifically authorized by the officer in charge or his designee, no officer shall join in an active pursuit by another law enforcement agency. This does not preclude an officer from being assigned to a point of advantage or at the scene of the termination of the pursuit to provide assistance to officers of another law enforcement agency.

F. Barricading Roadways: Barricading a roadway must be considered as a force that is likely to result in death or serious bodily harm. Therefore, this tactic shall not be used in pursuits for minor offenses, and shall only be used as a last resort in serious offenses where the violator constitutes an immediate and continuing major threat to the safety of the public, and all other efforts have failed. Under no circumstances shall a vehicle belonging to a private citizen be used to barricade a roadway.

### **DISCIPLINARY CODE**

1. The following list of penalties shall be a guide for the Chief of Police in the interest of uniformity and fairness.
2. Offenses not listed in the following shall result in penalties that are similar to those specified for a listed offense of comparable seriousness.
3. The "Reckoning Period" as used in this section is that period during which an officer is expected to have a record free of the same type of offense he was found guilty of previously. The period shall start

with the date of the disposition of the first offense. Second, third and subsequent violations of the same type during the reckoning period shall be treated as second, third and subsequent offenses.

5. The same type of offense committed after the reckoning period expires, counts as the first offense.
6. Repeated violation of department rules and regulations or any other course of misconduct, indicating the officer has little or no regard for his responsibilities and obligations to the Police Department shall be cause for dismissal. This shall apply regardless of the severity of the offenses, regardless of any "Reckoning Period" and regardless whether these violations are the same nature. Unless otherwise specified, a fourth offense will be grounds for dismissal.
7. The "Reckoning Period" unless otherwise specified shall be for period of two (2) years.
8. Any person charged with a violation of the rules or regulations of this department shall be entitled to waive a hearing and enter a plea of guilty as charged. Said waiver will be in expressed terms and signed by the person waiving his right after he has had the charge(s) read to him and certifies that he understands all specifications. This will be witnessed by the Chief of Police, and immediate superior of the person so charged. If the parties involved are in agreement, plea bargaining on the Penalty to be given will be permitted.
9. Except for a first offense where a reprimand is stipulated, a ranking officer may receive in addition to any other penalty, demotion from the grade he holds to the last rank he held.

### **HEARING, COMPLAINT, NOTICE, TIME**

No employee of the Lawnside Police Department shall be suspended, removed or reduced in rank except for just cause as herein before provided, and then only after a written charge(s) have been filed by or through the Chief of Police, and a copy thereof served upon the person within fifteen (15) days after the filing thereof. A copy of the charge(s) will be examined by the police committee and a hearing date set no later than thirty (30) days from the date the charges were filed. Postponement or other delay may be caused only by extenuating circumstances such as illness or death relating to parties involved.

Exception: The Chief of Police may suspend without pay, any member of the department if circumstances so dictate, for a period not to exceed five (5) days, pending the filing of formal charges during that time for inefficiency, incompetency, misconduct, negligence, criminal acts, insubordination or other sufficient cause.

Fair Hearing: It is intended by this subsection to give any person against whom a charge or charges may be preferred to any cause under this section, a fair trial relating to said charge(s), and to give that person every reasonable opportunity to make his defense if he so chooses. In the event there is a failure to comply with any provision in this section, such charges may be dismissed.

No officer shall be removed from employment in the Lawnside Police Department strictly for political or personal reasons.

### **HEARING AND CHARGES**

Upon the filing of charges against a member of this department for a violation of the rules or regulations, a hearing shall be held in accordance with the law. Charges shall be submitted to the Borough Council, who shall provide for a hearing board empowered to conduct an official hearing into

the charge(s) and make a determination of guilt or innocence. The board shall conduct the hearing and render their decision, along with any recommendations, to the Chief of Police. A hearing board shall consist of the Police Committee and one officer designated by the Borough Council. The Chairman of the Police Committee should preside over such a hearing and determine the date and time of said hearing as well as be responsible for conducting such hearing in accordance with this code and the law. Hearings will not be open to the public and the presiding official shall determine who may be admitted.

### **REPRESENTATION**

Any member of this department who has been charged with a violation of its rules or regulations may have representation of their choice to assist them on their behalf. This may be an attorney at law, a representative of a fraternal association or someone else who is willing to assist them in presenting the facts of their case. Any fee to be paid on behalf of the person receiving the hearing shall be born by that person in the preparation and presentation of his case.

### **CHARACTER OF HEARING**

All hearings shall be conducted in a formal manner with order and decorum observed at all times. Any person or persons who fail to behave in such a manner may be ordered removed by the presiding official and such action brought against said person or persons as the law may prescribe. The presiding official shall be bound by only those rules of law which are express in their intent to conduct a fair hearing of the facts. The intent of a departmental hearing is for the issuance of discipline resulting from infractions of the rules or regulations and not for a violation of the State criminal code.

### **CONFLICT OF INTEREST**

If the complaining official or a person giving testimony in the case happens to be one of the presiding officials, the person so charged may submit a challenge where he believes a conflict of interest is present. He shall submit his challenge to the Borough Council as soon as he becomes aware of the presiding officials identity. In the event of a waiver, this section will not apply.

Any officer, except in the performance of his duty, that is charged with a serious crime or indictable offense, may be suspended without pay, for an indefinite period of time pending the outcome of trial. In such a case and whenever possible, departmental charges will be held in abeyance until the conclusion of said trial, in an effort to prevent adverse influence of that trial.

### **HEARING BEYOND THE PRESCRIBED LIMIT**

If a hearing will not begin before the thirty (30) day limit by request of the person being charged, he shall be obligated to sign a waiver that he agrees to such a postponement.

### **REPETITION OF CHARGES**

Where an officer or member of the police department has been found guilty of the same breach of discipline four (4) times within a thirty-six (36) month period, he may be dismissed from the force.

### **DEMOTION FROM RANK HELD**

In addition to any charge w/which permits demotion per se, charges which tend to demonstrate a person's inability to hold superior rank shall be cause for demotion upon a finding of guilt. Demotion

shall not be for more than one (1) grade (rank) at a time, unless that person could otherwise be removed from the force for such an offense.

## **OFFICIAL REPRIMAND**

Basically, an official reprimand can be received by an officer of this department in two ways: (A) Upon a finding of guilt after charges have been preferred: (B) Upon direct presentation from the Chief of Police for an infraction committed with either their personal knowledge or that of a superior officer.

TYPE A - This form of reprimand carries with it all of the implications and results that any conviction would bring. Included here would be a permanent record of the disciplinary proceeding in that person's service file; accumulation credit toward the maximum limit of convictions permitted before dismissal; and, the denial of a second reprimand for the same offense during the period of limits set by this manual.

TYPE B - This form of reprimand, while not based on a hearing or formal charges, should only be used for minor infractions to discipline and based on first-hand knowledge by the superior causing such action. Upon the issuance of a Type B reprimand, which shall be upon a form provided, the issue shall be considered closed. If the cited person so desires,, he may submit a written statement within five (5) days regarding extenuating circumstances and it shall be placed with the reprimand in his service record. Unlike a conviction of formal charges, this type reprimand shall not be considered toward any accumulation credit, although repetition of this type of reprimand may result in departmental charges being brought against the individual. The purging of this type of reprimand from a person's service record may be done by the Chief of Police upon being satisfied that it has accomplished its purpose. A reprimand of this type may be considered during an evaluation and may have a bearing upon assignments or promotions.

### Who May Issue A Reprimand: (Section 1)

- A. Chief of Police
- B. Member of Borough Council and Mayor.
- C. Any officer delegated this authority by the Chief of Police

### Who May Cause A Reprimand To Be Issued: (Section 2)

- A. Any officer of superior rank to the Person being reprimanded or member of the governing body.
- B. Any officer, employee or competent member of the force when sufficient inquiry has been made by the Chief of Police and he believes it to be warranted.

### Method To Be Used: (Section 3)

- A. When applied by any person, in Section 1, direct presentation of said form, with a copy to the file.
- B. When applied by any person in Section 2A, upon establishing such person's authority" to issue a reprimand.

- C. When applied by any person in Section 2B, upon preparation of a written report stating the facts, signed and presented to the Chief of Police for his consideration.
- D. In most instances an official reprimand should follow a verbal reprimand when issued by a superior officer and should be accomplished without delay in the interest of expedience to discipline.

### **LOCAL RECORD OF DISCIPLINARY PROCEEDING**

A decision of guilt or innocence shall be by a majority vote of the hearing board members sitting on any hearing. The presiding official may require all persons giving testimony to be sworn and shall make due note in his report of any testimony given under oath. A record of the proceedings shall be made and filed with the Chief of Police as soon as possible. The presiding official shall be responsible for initiating such action and his report will become part of the proceedings. The record shall include:

- (1) The identity of the accused, along with the date and time of the hearing.
- (2) A brief statement of charges.
- (3) The identity of counsel present.
- (4) The identity of all witnesses (including accused) in the order they presented their testimony.
- (5) The identity of the hearing board, stating who was presiding.
- (6) A brief statement of the proceedings without comment on testimony. (Order and circumstances of hearing).
- (7) A definitive statement of findings incorporating how the board voted followed by their signatures.
- (8) A brief summary; including,
- (9) A synopsis of all testimony.

### **DISCIPLINARY CODE**

The following acts, though not intended to be an all inclusive list, shall be deemed violations of the Rules and Regulations.

#### **ARTICLE I - Conduct Unbecoming An Officer**

Section 1 - Permitting illegal acts for bribe, gratuity or otherwise.

1st Offense - 30 Days  
2nd Offense - Dismissal

Section 2 - Convicted of any indictable offense or being involved in a crime of moral turpitude.

1st Offense - Dismissal

Section 3 - Knowingly and willfully making a false report, or false entry in any departmental records, or removing any departmental records without authorized permission. (All changes in any such records, whether the change be an addition, deletion or alteration, shall be by a written supplement and dated on the date of the making thereof).

1st Offense - 30 Days  
2nd Offense - Dismissal

Section 4 - Associating with known criminals, or idle conversation with known gamblers while on duty, except in the performance of duty.

1st Offense - 5 Days  
2nd Offense - 15 Days  
3rd Offense - Dismissal

Section 5 - Engaging in games of chance or gambling while on duty.

1st Offense - Reprimand to 5 Days  
2nd Offense - 20 Days  
3rd Offense - Dismissal

Section 6 - Conducting business with criminals or persons engaged in unlawful activities, except in the performance of duty.

1st Offense - Dismissal

Section 7 - Fighting among members of the department.

1st Offense - Reprimand to 5 Days  
2nd Offense - 10 Days  
3rd Offense - 15 Days

Section 8 - Using rude, insulting, profane or obscene language or conduct to the public.

1st Offense - Reprimand to 5 Days  
2nd Offense - 10 Days  
3rd Offense - 15 Days

Section 9 - Soliciting money or any other thing of value for personal gain.

1st Offense - 5 Days  
2nd Offense - 10 Days  
3rd Offense - 20 Days

Section 10 - Publicly criticizing the official action or inaction of a superior officer.

1st Offense - Reprimand to 5 Days

2nd Offense - 10 Days

3rd Offense - 20 Days

Section 11 - Failing to properly perform police duties because of inability to satisfy any just debts or manage financial affairs.

1st Offense - Reprimand

2nd Offense - 2 Days

3rd Offense - 5 Days

Section 12 - Refusing to give name and badge number when properly requested.

1st Offense - Reprimand

2nd Offense - 2 Days

3rd Offense - 5 Days

Section 13 - Being under the influence of or impaired by intoxicating beverages or drugs.

A. While on duty.

1st Offense - Dismissal

B. While off duty, in uniform.

1st Offense - 10 Days

2nd Offense - 30 Days

3rd Offense - Dismissal

C. While off duty, not in uniform and arrested.

1st Offense - 30 Days

2nd Offense - Dismissal

D. While off duty, in part uniform.

1st Offense - 5 Days

2nd Offense - 15 Days

3rd Offense - 30 Days

E. While off duty, not in uniform and disorderly.

1st Offense - 10 Days

2nd Offense - 30 Days

3rd Offense - Dismissal

## ARTICLE II - Insubordination

Section 1 - Refusing to obey lawful orders from a superior officer.

1st-Offense - 5 Days

2nd Offense - 15 Days

3rd Offense -.30 Days



Section 2 - Using profane or insulting language to a superior officer.

1st Offense - Reprimand to 5 Days

2nd Offense - 10 Days

3rd Offense - 15 Days

### ARTICLE III - Neglect of Duty

Section 1 - Failing to take appropriate action concerning illegal activity or vice conditions coming to the knowledge and attention of an officer and to make a written report of same unless officer shows good cause for such failure.

1st Offense - 5 Days

2nd Offense - 10 Days

3rd Offense - 15 Days

Section 2 - Asleep on duty.

1st Offense - 5 Days

2nd Offense - 15 Days

3rd Offense - 30 Days

Section 3 - Being absent without leave.

1st Offense - 15 Days

2nd Offense - 30 Days

3rd Offense - Dismissal

Section 4 - Failure to properly supervise subordinates; or to prefer disciplinary charges, or to take appropriate disciplinary action.

1st Offense - Reprimand to 5 Days

2nd Offense - 10 Days to Demotion

3rd Offense - Demotion

Section 5 - Failure to conduct proper, thorough and complete investigation.

1st Offense - Reprimand

2nd Offense - 5 Days

3rd Offense - 10 Days

Section 6 - Failure to report hazardous conditions.

1st Offense - Reprimand

2nd Offense - 2 Days

3rd Offense - 5 Days

Section 7 - Failure to report as witness or complainant in court procedure when duly notified.

1st Offense - Reprimand to 5 Days  
2nd Offense - 10 Days  
3rd Offense - 15 Days

Section 8 - Allowing prisoner to escape through carelessness or neglect.

1st Offense - 5 Days  
2nd Offense - 15 Days  
3rd Offense - 30 Days

Section 9 - Failure to properly patrol Borough; found out of Borough limits while on duty without authorization, failure to respond to a radio call or loafing.

1st Offense - Reprimand to 5 Days  
2nd Offense - 10 Days  
3rd Offense - 10 Days

Section 10 - Failure to properly and thoroughly search for, collect, preserve, identify and photograph evidence or persons, property and location in an arrest or investigation.

1st Offense - 5 Days  
2nd Offense - 10 Days  
3rd Offense - 15 Days

Section 11 - Failure to remove keys from unattended patrol car.

1st Offense - Reprimand  
2nd Offense - 2 Days  
3rd Offense - 5 Days

Section 12 - If patrol car is stolen due to neglect of Section 11.

1st Offense - 5 to 10 Days  
2nd Offense - 15 Days to Dismissal

Section 13 - Failing to properly care for assigned equipment and vehicles; damaging same due to neglect or carelessness.

1st Offense - Reprimand  
2nd Offense - 5 Days  
3rd Offense - 10 Days

Section 14 - Failure to advise dispatcher of absence from radio car and where or how to be reached.

1st Offense - Reprimand  
2nd Offense - 5 Days  
3rd Offense - 10 Days

ARTICLE IV - Disobedience Of Orders

Section 1 - Failure to be at home without legitimate reason after reporting off sick.

1st Offense - 10 Days  
2nd Offense - 30 Days  
3rd Offense - Dismissal

Section 2 - Failure to obtain medical treatment or certificate while on sick leave.

1st Offense - 10 Days  
2nd Offense - 30 Days  
3rd Offense - Dismissal

Section 3 - Failure to follow departmental procedures for the handling of evidence, personal effects and other property taken into custody.

1st Offense - Reprimand to 5 Days  
2nd Offense - 15 Days  
3rd Offense - 30 Days

Section 4 - Flagrant misuse, handling or display of firearms, on or off duty.

1st Offense - Reprimand to 15 Days  
2nd Offense - 30 Days  
3rd Offense - Dismissal

Section 5 - Failure to submit properly written required report within a reasonable or proscribed period of time.

1st Offense - Reprimand  
2nd Offense - 2 Days  
3rd Offense - 5 Days

Section 6 - Failure of Control Sergeant to acknowledge call from officer in patrol car.

1st Offense - Reprimand  
2nd Offense - 5 Days  
3rd Offense - 10 Days

Section 7 - Failure to carry proper identification at all times unless specifically required not to.

1st Offense - Reprimand  
2nd Offense - 2 Days  
3rd Offense - 5 Days

Section 8 - Unexcused tardiness.

1st Offense - Reprimand to 5 Days  
2nd Offense - 5 Days  
3rd Offense - 10 Days

Section 9 - Communicating or imparting confidential police information, or communicating departmental affairs to unauthorized person(s) either in writing or verbally.

1st Offense - 10 Days  
2nd Offense - 20 Days  
3rd Offense - Dismissal

#### Section 10

- (a) Officers who develop off duty jobs independent of the department must first receive the approval of the Chief.

1st Offense - 5 Days  
2nd Offense - 10 Days  
3rd Offense - 15 Days

- (b) No officer is eligible for outside employment unless he has a good work record, a low sick leave record and is known to be performing his duties properly.
- (c) Off duty jobs are restricted to work which is not police related or to work that does not impair the reputation of the police department or abuse the Borough's police power. Officers are not allowed to accept work which involve: Collecting bad debts, collecting bad checks, investigating accidents, adjusting claims, recovering cars in default of payment, working as a bouncer in taverns, bars or clubs, working where liquor is sold and working at scenes of labor disputes.
- (d) No officer is allowed to wear their uniform or any part of same in off duty employment.
- (e) Police uniforms may be used on off duty police related assignments only. This shall be determined by the Chief.
- (f) Police supervisory authority must prevail, in times of emergency, over the authority of any part-time employer.
- (g) No officer shall engage in business for himself, nor become a partner or associate in a business to the detriment of this department or to where his ability to perform his duties is hampered.

**IN ALL CASES OF PENALTIES, THE LOSS OF PAY SHALL ACCOMPANY  
THE PERIOD OF TIME GIVEN AS A PENALTY.**

#### **UNIFORMS**

- A. All members of the department, regardless of the duty to which he has been assigned, shall have at all times and in good condition, a uniform of proper rank and design and the necessary equipment that goes with such uniform.

- B. Uniforms shall be neat and clean before each tour of duty. Should the uniform become soiled, wrinkled or torn from any cause arising out of the weather or some discharge of duty, it shall be cleaned and put in good order as soon as possible.
- C. The full uniform shall be worn on duty except when authorized to wear civilian clothing.
- D. All members of the department are prohibited from selling any part of their uniform to any other person of this department or any other municipality.
- E. All members will wear the proper uniform, conforming with the weather and prescribed by the Chief of Police:

### **UNIFORM OF THE DAY**

The following uniform will be worn by personnel for the season designated unless excused from having to wear a uniform during a tour of duty. A thirty (30) day grace period between the seasons will be granted for unseasonal weather, fifteen (15) days on each side of the effective date. During this period, personnel may be flexible in the choice of their uniform with permission of their superior as long as each officer within that unit or platoon are dressed alike. A change of uniform not within the grace period can only be granted by the Chief of Police.

#### **SUMMER**

May 13 to September 15  
Regulation hat with badge  
Short sleeve shirt with badge  
Regulation trousers  
Black or navy blue socks  
Black shoes  
Regulation holster and revolver  
Handcuff case and cuffs  
Name tag

#### **WINTER**

September 15 to May 15  
Regulation hat with badge  
Long sleeve shirt with badge and tie  
Regulation trousers  
Black or navy blue socks  
Black Shoes  
Regulation holster and revolver  
Handcuff case and cuffs Name tag  
Jacket with badge

**NOTE:** With the exception of the grace period, the winter shirts may only be worn as part of the summer uniform as an optional garment when the temperature is unseasonably cool and with permission of the platoon leader. During the winter season all officers will have with them their jackets and wear them as needed on the

street. Issued fur caps may be worn during extreme cold or snow. Personal black rubbers may be worn in lieu of issued rain boots. Range medals or lodge pin (PBA or FOP) may be worn on the shirt. Personal jackets, sweaters and vests are not to be worn as outer wear.

## **GENERAL ORDERS**

By order of the Chief of Police, the following list of orders will be adhered to and the supervisor on duty will be accountable for the men under him for any orders that may be violated repeatedly during his tour of duty.

- (1) No loitering in the hall by on-duty personnel.
- (2) No loitering in the hall by non-police personnel.
- (3) Patrol sergeants are in complete charge of their shift during their tour of duty. They are responsible for:
  - A. Personnel assigned
  - B. Equipment assigned
  - C. The efficient operation of a mission
  - D. Strict obedience to rules and regulations
- (4) Any time a firearm is discharged when in the performance of their duty, on or off duty, the police officer responsible will immediately notify his supervisor and a written report will be submitted to the Chief of Police.
- (5) An accident report will be completed on all motor vehicle accidents upon request, and it's mandatory to complete a report when damage is judged to be over \$200.00 or personal injury is involved.
- (6) All police vehicles must be kept clean inside and out, and should be taken to the car wash as needed.
- (7) Before going off duty, the shift supervisor should note for the report any problems incurred with police vehicles such as dents, equipment, running condition, vehicle put out of service, etc.
- (8) Day shift (8:00 a.m. - 4:00 p.m.) will check vehicles every Monday.
- (9) Only one car may respond to assist another town when assistance is requested from them unless:
  - (A) There is a major problem and it occurs near our border.
  - (B) We are called to answer a call for another town with anticipated risk. It will be up to the officer in charge as to which car may respond.

- (10) No member of this department shall go on mutual aid assignments to another town without orders from the Chief of Police or the Captain if the Chief is not available, or the Lieutenant if neither of the two aforementioned individuals are available.
- (11) Mealtime should be staggered, so one car is on patrol or available at all times.
- (12) All vehicles with less than a half a tank of gas should be gased up before going off duty.
- (13) No person shall leave his patrol unit and break communications with dispatch without first informing them of his departure and stating the reason.
- (14) All warrants will be served by patrol and proper procedures taken and duly recorded in shift's log.
- (15) Radar will be put into service at least some portion of each platoon's day shift and for selective enforcement in accordance with written or verbal directives.
- (16) Whenever a vehicle is towed, a tow sheet will be completed plus an entry for the daily report.
- (17) A record must be made of all evidence and confiscated items and property turned into this department.
- (18) Hats must be worn on traffic duty (school and church traffic) and other assignments such as parades, carnivals and prolonged traffic control at fires or accidents.
- (19) The Chief of Police and Captain are to be notified immediately of any serious crime such as homicide, suicide, fatal accident, etc. They in turn will notify the Lieutenant and Public Safety Director.