

Rules and Regulations

4.1 *PROFESSIONAL CONDUCT AND RESPONSIBILITIES*

4.1.1 STANDARD OF CONDUCT. Members and employees should conduct their private and professional lives in such a manner as to avoid bringing the Sheriff's Office into disrepute.

a. Workplace Speech: All agency personnel will refrain from discussing all agency matters pertaining to internal investigations, external litigation, lawsuits and any other incidents deemed confidential by the Sheriff. In an effort to maintain professionalism, personnel will refrain from this type of verbal conduct. Speech of this nature hampers the ability of the Sheriff to operate and impinges on the ability to provide an efficient and effective public safety service. This section does not prohibit collective bargaining matters dealing with union activities.

b. Unbecoming Conduct (Conduct Unbecoming a Public Employee 4A:2-2.3(a) 6: Unbecoming conduct is broadly defined as any conduct that adversely affects the morale or efficiency of the governmental unit and has the tendency to destroy public respect or confidence in the delivery of governmental service. (Emmons, 63 NJ Super. 136,140 (app. Div. 1960).

c. DISCUSSION:

(1) The determination of what constitutes conduct unbecoming a public employee is primarily a question of law. Karins v. City of Atlantic City, 152 N.J. 532,553 (1998) (citing Jones v. City of Pittsburgh, 476 A.2d 895,898 (Pa. 1984). Moreover, a charge of conduct unbecoming a public employee, in many ways, is reminiscent of the common-law offense of misconduct in office.

(2) The contours of the common-law offense were not always perfectly clear. The Courts brought clarity to the offense by requiring as an element of the offense that the alleged conduct "involved and touched" the public employment of the accused. Whether the offense was committed off-duty or during working hours was not relevant. [Karins, supra, 151 NJ. At 553-54]

(3) A finding of misconduct supporting a charge of conduct unbecoming a public employee need not "be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.

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Karins supra, 151 N.J. at 555 (citing Hartmann v. Police Department of Ridgewood, 258 N.J. Super 32, 39-40 (App. Div. 1992).

d. The Courts have consistently applied a heightened standard of conduct for law enforcement officers, including Sheriff's Officers and Correction Officer's. The seminal case of *Moorestown v. Armstrong*, 89 N.J. Super 560 (App. 1965) states:

(1) It must be recognized that a [law enforcement] officer is a special kind of public employee. His or Her primary duty is to enforce and uphold the law. They carry a service weapon on their person and are constantly called upon to exercise tact, restraint, and good judgment in their relationship with the public. They represent law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public, particularly in a small community such as Moorestown.

4.1.2 **LOYALTY.** Loyalty to the Sheriff's Office is an important factor in Office morale and efficiency. Members and employees should maintain loyalty consistent with Federal and State law.

4.1.3 **COOPERATION.** Cooperation between the ranks and units of the Sheriff's Office is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the Sheriff's Office.

a. Officers or agencies from outside the Sheriff's Office who apply for assistance shall be directed to the senior Officer. Should the case be such as to require immediate attention, assistance shall be rendered and the senior Officer notified forthwith.

4.1.4 **ASSISTANCE.** In addition to those duties set forth in rule 4.1.5 all members are required to take appropriate action to aid law enforcement officers exposed to danger or in a situation where danger is imminent.

4.1.5 **GENERAL RESPONSIBILITIES.** Members shall always take appropriate action to:

a. Protect life and property;

b. Preserve the peace;

c. Prevent crime;

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- d. Detect and arrest violators of the law;
 - e. Report all activity potentially illegal or in violation of Sheriff's Office Policy and Procedures;
- 4.1.6 DUTY RESPONSIBILITIES. Members of the Sheriff's Office are always subject to duty although periodically relieved of its routine performance. They shall always respond to the lawful orders of superior officers and other proper authorities. Proper action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the office does not relieve members of other unit's from the responsibility of taking prompt, effective action.
- 4.1.7 NEGLECT OF DUTY. Members and employees shall not commit any affirmative act nor shall they commit any omission that constitutes neglect of their responsibilities.
- 4.1.8 PERFORMANCE OF DUTY. All members and employees shall perform their duties as required or directed by Federal Law, State Law and office rule, regulation, policy or procedure. All lawful duties shall be performed promptly as directed.
- 4.1.9 QUESTIONS REGARDING ASSIGNMENTS. Members and employees in doubt as to the nature or detail of their assignment shall seek clarification from their supervisors through the chain of command.
- 4.1.10 INSUBORDINATION. Members and employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:
- a. The failure or deliberate refusal to obey a lawful order.
 - b. Any disrespectful, mutinous or abusive language or action.
- 4.1.11 CONDUCT. Members and employees shall treat supervisory officers, subordinates and associates with respect. They shall always be civil and courteous in their relationships with one another. When on duty and particularly in the presence of other members, employees or the public, officers shall be referred to by rank.

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4.1.12 OBEDIENCE TO LAWS, REGULATIONS AND TRUTHFULNESS.

- a. Members and employees shall obey all Federal Laws, State Laws, and agency rules, regulations, policies or procedures.
- b. Members and employees are required to be truthful at all times regardless of any situation.

4.1.13 CRITICISM OF OFFICIAL ACTS OR ORDERS. Members and employees shall not criticize actions, instructions or orders of any supervisory officer, subordinate or associate in a manner that is defamatory, obscene and unlawful or which tends to impair the efficient operation of the Office.

4.1.14 MANNER OF ISSUING ORDERS. Orders from Supervisory Officer's to subordinates shall be in clear, understandable language, civil in tone and issued in pursuit of Office business.

4.1.15 UNLAWFUL ORDERS. No Supervisory Officer shall knowingly issue an order that is in violation of any federal law, state law or local ordinance.

4.1.16 OBEDIENCE TO UNLAWFUL ORDERS. Obedience to an unlawful order is never a defense of an unlawful action. Therefore, no member or employee is required to obey any order, which is contrary to federal, state or local law. Responsibility for refusal to obey lawful orders rests with the member who shall be strictly required to justify their action as provided for in Rule 4.1.19.

4.1.17 OBEDIENCE TO UNJUST OR IMPROPER ORDERS. Members or employees who are given orders which they feel to be unjust or contrary to office rules, regulations, policy or procedures must first obey the order to the best of their ability and then proceed to appeal as provided in Rule 4.1.19.

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

4.1.19 REPORTS OF UNLAWFUL, UNJUST OR IMPROPER ORDERS. A member or employee receiving an unlawful, unjust or improper order shall at first opportunity, report in writing to the Division Commander through the chain of command. In cases where the member or employee's supervisor is the subject of such report, the chain of command may be circumvented

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and the report delivered to the next ranking supervisory officer. This report shall contain the facts of the incident.

- 4.1.20 **KNOWLEDGE OF LAWS AND REGULATIONS.** Every member is required to establish and maintain a working knowledge of applicable Federal Laws, State laws and Office rules, regulations, policy or procedure. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the applicable Federal laws, State laws and Office rules, regulations, policy or procedure.
- 4.1.21 **SOLICITING GIFTS, GRATUITIES, FEES, LOANS and COMMISSIONS.** Members and employees shall not under any circumstances solicit any gift, gratuity, loan, reward, fee or commission where there is any connection between the solicitation and their employment.
- 4.1.22 **ACCEPTANCE OF GIFTS, GRATUITIES, FEES, LOANS AND COMMISSIONS.** Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other object arising from or offered because of Sheriff's Office employment or any activity connected with said employment. Members and employees shall not accept any gift, gratuity, loan, fee, commission or other object, which might tend to influence the actions of said members or employees or any other member or employee in the matter of Sheriff's Office business, or which might tend to cast an adverse reflection on the Office or any member or employee thereof. No member or employee of the Office shall receive any gift or gratuity from other members or employee's junior in rank, which might tend to cast an adverse reflection on the Office, any member or employee.
- 4.1.23 **OTHER TRANSACTIONS.** Members and employees are 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 their attention or which arose out of their Sheriff's Office employment except as may be specifically authorized by law.
- 4.1.24 **REWARDS.** Except for lawful salary, members and employees shall not accept any gift, gratuity or reward in money or other compensation for services rendered in the line of duty, from any person, business or agency.
- 4.1.25 **DISPOSITION OF UNAUTHORIZED GIFTS, GRATUITIES ETC.** Any unauthorized gift, gratuity, loan, fee, commission or any other object coming into the possession of any member or employees shall be forwarded to the Sheriff together with a written report.

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- 4.1.26 **FREE ADMISSION OR PASSES.** Members and employees shall not solicit or accept free admission to theaters, places of amusement or other places of business where an admission fee is charged.
- 4.1.27 **INTERCESSION - SOLICITING.** Members and employees shall not solicit anyone to intercede in relation to promotion, assignments and disposition of pending charges or findings in a disciplinary hearing or other related matters. Union Officials performing their official functions as Union representatives shall be exempt from the above.
- 4.1.28 **PERSONS AND PLACES OF BAD REPUTATION.** Members and employees shall not frequent places of bad reputation, nor associate with any persons convicted of a crime or of a bad reputation, except as may be required in the course of duty.
- 4.1.29 **WITHHOLDING INFORMATION.** Members and employees shall not at any time, withhold any information from their superiors or the Sheriff, concerning official business of the Sheriff's Office.
- 4.1.30 **REPORTING VIOLATIONS OF LAW, ORDINANCES, RULES AND ORDERS.** Members and employees who are charged with and/or found guilty of violating any federal law, state law, local ordinance or office rules, regulations, policy, procedure or orders, or know of other members or employees violations shall verbally report the incident immediately to their Supervisor. A detailed written report on the incident shall be submitted prior to the conclusion of their tour of duty. Any violations occurring after regular working hours, weekends or holidays shall be reported to their Supervisor through Sheriff's Communications. If their Supervisor is not available, contact with the Operations Commander is to be made through Sheriff's Communications. After regular working hours, during a weekend or holiday, the above written reports shall be submitted immediately upon returning to work.
- 4.1.31 **REPORTING UNUSUAL INCIDENTS OR OCCURRENCES.** Members and employees involved in any unusual incidents and occurrences shall verbally report the incident immediately to their Supervisor. A detailed written report on the incident shall be submitted prior to the conclusion of their tour of duty. Unusual incidents or occurrences occurring after regular working hours, weekends or holidays shall be reported to their Supervisor through Sheriff's Communications. If their Supervisor is not available, contact with the Operations Commander is to be made through Sheriff's Communications. After regular working hours, during a weekend or holiday, the above written reports shall be submitted immediately upon returning to work.

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- 4.1.32 DEBT. Members shall promptly pay all just debts and meet all legal responsibilities.
- 4.1.33 POLICE POWERS. All sworn members of the Law Enforcement Division and Correctional Division shall have law enforcement powers at all times whether on or off duty within their legal jurisdiction and shall be subject to recall to duty. Correctional Officers cannot enforce N.J. Title 39
- 4.1.34 PHOTOGRAPHS, VIDEOS AND SOUND RECORDINGS. No photograph, drawing, movie, video, or sound recording shall be permitted to be made of any part of the interior of a Sheriff's Office building or facility, or any person, or conversation what so ever without express prior authorization from the Sheriff. This rule shall also apply to the interior of any building or crime scene while such building is under law enforcement control.
- a. For the purpose of this section, any recordings obtained will be for a law enforcement purpose under the direction of agency Standard Operating Procedures, on-scene commanders or other agency personnel authorizing said recordings. All recording will be in conformance with SOP 219.
- 4.1.35 PUNCTUALITY. Members and employees shall be punctual in reporting for duty or work. If unable to report on schedule, the member or employee will contact their supervisor at least one hour before the tour of duty or work commences, unless an emergency exists.
- 4.1.36 RECORDS. No official record shall be copied or removed from its proper place or released without the express prior authorization of the respective Division Custodian of Records. Anyone requesting the review of information that is available and / or authorized by the laws of this state for release, shall be reviewed by the Division Commander or his designee for all releases including OPRA requests.