

## Personal Relationship Conflicts

### 1008.1 PURPOSE AND SCOPE

It is the policy of the Newark Police Department to eliminate conflict of interest due to personal relationships. Pursuant to Rule II, Section 5 of the Personnel Rules and Regulations, no person shall be appointed to or transferred into any department of the City where such action would compromise supervision or reduce the effectiveness of an internal audit procedure due to the relationship of the individuals involved. All employees are obligated to perform their duties and responsibilities consistent with the best interests of the City. No employee shall allow personal relationships, financial, or business interests to conflict with professional responsibilities or job performance. Managers and supervisors must ensure decisions are made devoid of any favoritism based on personal, financial, or business interests. Failure to do so by the superior compromises the integrity of the City, disrupts the work environment, causes a decline in morale, and reduces productivity.

The purpose of the Policy is to establish guidelines on relationships between employees which give rise to an actual or potential conflict of interest between professional responsibilities and personal relationships.

### 1008.2 PERSONAL RELATIONSHIP DEFINED

It is not feasible to identify every type of personal relationship that might give rise to an actual or potential conflict of interest. This Policy will provide broad guidelines for assessing personal relationships between employees which give rise to an actual or potential conflict of interest between professional responsibilities and personal relationships. However, situations will be evaluated on a case by case basis by the Chief of Police. The final determination on actual or potential conflicts of interest due to personal relationships will be made by the City Manager.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, or grandparent.

**Personal Relationship** - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

**Business Relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than \$250.

**Conflict of Interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

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**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority or a supervisor.

#### 1008.2.1 CONFLICT OF INTEREST DEFINED

It is not feasible to identify every situation that might create an actual or potential conflict of interest. Generally, however, an actual or potential conflict of interest shall be considered to exist when:

- (a) There is a reasonable concern that the employee may take action, fail to take action, make a decision, or fail to make a decision, based in whole or in part, on the employee's personal relationship, as defined in this policy.
- (b) One party to a personal relationship would be subject to direct supervision, evaluation, or discipline by the other party to the personal relationship.

#### 1008.3 CONFLICT OF INTEREST GUIDELINES

In order to prevent an actual or potential conflict of interest in the workplace, the following guidelines have been established:

- (a) The appointment or placement of individuals who have a personal relationship, as defined in this policy, to a position of direct supervision shall be precluded. The City Manager may authorize an exception to this preclusion if the actual or potential conflict of interest can be eliminated or minimized to the satisfaction of the City Manager.
  - 1. An employee will be considered the direct supervisor of another when the responsibilities of the employee with the higher rank include evaluating, assigning work, counseling, investigating, directing, instructing, or approving time reports of the other employee.
- (b) Assignments that place a supervisor or manager in the chain of command, but not direct supervision, over an employee who meets the criteria for personal relationships shall not be permitted unless the conflict of interest can be eliminated or minimized to the satisfaction of the Chief of Police.
- (c) In no event will a supervisor or manager in the chain of command, but not directly supervising an employee with whom the employee has a personal relationship as defined in this policy, participate in any disciplinary or evaluation procedure involving said employee nor process any complaints on behalf of said employee. Such matters shall be forwarded up the chain of command without comment or endorsement by the supervisor or manager who has a personal relationship with the employee.
- (d) An employee shall not be placed in an assignment where he or she will be directly supervised by an employee with whom there is a personal relationship as defined in this policy. An employee shall not request an assignment where he or she will be directly supervised by an employee with whom the employee has a personal relationship.

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- (e) Employees involved in personal relationships shall not be placed in an assignment, or request assignment to a shift, where they will work directly with each other, with the exceptions listed below:
  - 1. Due to special circumstances, i.e., SWAT call-out, additional staffing needs, etc, a supervisor may require employees involved in personal relationships to work together for a minimal period of time.
  - 2. Due to special circumstances, i.e., one-time events, unique circumstance, etc. Employees involved in a personal relationship may request to work together for a minimal period of time. The involved employees must obtain prior approval from their supervisor who will process the request via the chain-of-command.

#### **1008.4 FIELD TRAINING OFFICER/TRAINER - TRAINEE**

- (a) The relationship between the Field Training Officer or trainer and the probationary trainee is defined as a supervisory subordinate relationship for purposes of this policy. This relationship extends past the duration of actual training and shall be deemed ongoing until such time the employee passes his or her probationary status.
- (b) During such time as the probationary officer/employee is being actively trained and evaluated in a probationary status, Field Training Officers or trainers will not socialize nor associate with probationary officers/employees while either is off-duty, unless at a department or bargaining unit sponsored event. Any relationship will be of a professional nature and strictly business related.
- (c) FTO or trainer personnel will not date or attempt to date recruit officers or employees while they are in the FTO/training program. If an FTO/trainer is related to a recruit officer/employee or if he or she had a personal or business relationship with the recruit officer/employee, the FTO/trainer must advise the FTO Coordinator and Division Commander of the relationship. The FTO/trainer will be excluded from the recruit's/employee's training team.
- (d) FTO's/trainers will not live with or rent rooms to any recruit/employee while they are in the FTO/training program, nor enter into any financial arrangements with any recruit/employee.
- (e) FTO's/trainers will not accept gifts from nor give gifts to the recruits/employees while they are in the FTO/training program.

#### **1008.5 APPOINTMENT**

For business reasons of supervision, safety, security, and/or morale, the City may refuse employment to an individual who has a personal relationship as defined in this policy with an employee, where the individual's employment involves potential conflict of interest or other hazard.

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#### **1008.6 CHANGES IN RELATIONSHIP AFTER EMPLOYMENT**

In the event that employees establish a personal relationship as defined by this Policy, the employees are required to disclose the personal relationship to the Chief of Police. If such personal relationship is determined to be a conflict of interest, the Chief of Police may:

- (a) Transfer employee (s) to another assignment, within the same class, as determined by the Chief of Police.
- (b) Establish a work schedule for each individual involved in the personal relationship that would preclude them from working the same shift or schedule.
- (c) With approval of the Chief of Police develop working conditions and special requirements to eliminate or minimize problems of supervision, safety, security, or morale.

#### **1008.7 MEMBERS OF THE PUBLIC**

- (a) Department personnel shall refrain from developing personal, financial or business relationships with witnesses, victims, informants, or any other party to matters of official business, including active investigations and/or prosecution, with the Department that may affect the agency's ability to accomplish its mission. The purpose of this order is to avoid the appearance of a conflict of interest, whether or not a conflict of interest actually exists.
- (b) Any member of this Department, in any capacity, required to take enforcement action involving a person with whom that member has a personal, financial, or business relationship shall notify a supervisor of the circumstances as soon as it is practical, and after taking any emergency actions necessary to stabilize the incident. The supervisor summoned to the scene of the incident will make a determination as to the appropriateness of the employee's continued participation in the enforcement action by evaluating the potential conflict of interest and the possible impact to any anticipated prosecution.
- (c) Employees who believe they may have an actual or potential conflict of interest shall make their circumstances known to their immediate supervisor(s). In evaluating the circumstances, the supervisor shall consider the needs of the individual and those of the Department.

#### **1008.8 RESPONSIBILITY**

- (a) Employees are responsible for informing the Chief of Police, in writing, if they are in a personal relationship as defined in this policy.
- (b) If the personal relationship is determined to be a conflict of interest, the Chief of Police shall notify the Personnel Director and take appropriate action to eliminate the actual or potential conflict of interest, keeping in mind the best interests of the City.

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- (c) Information about personal relationships shall be kept confidential to the extent possible and only those individuals who have a need to know shall be informed of the personal relationship and any employment conditions that might apply.
- (d) It is the responsibility of managers and supervisors to maintain a professional work environment free from actual or potential conflicts of interest through model behavior and actions. As a result, it is inappropriate for supervisors to enter into personal relationships, as defined by this policy with subordinate employees.
- (e) Managers and supervisors will review this regulation with all their employees to ensure compliance with these provisions.