

Mahwah Police Department – Policies and Procedures		Number 005:05:05
Subject Oath of Office		
Issue Date 11012001	Effective Date 11012001	
Revisions: Reviewed 12/2011 Sgt.RC, Reviewed 2/2015 Capt SB, Reviewed 06/2018 D.Lt.GB		
Page 1 of 1.	Accreditation Number 1.1.1	

I. BACKGROUND

Sworn law enforcement officer by virtue of their profession must enforce the law and uphold the constitution of the United States of America. In order to understand the gravity of this responsibility, each candidate accepted for the position of patrol officer will take and subsequently abide by an oath of office.

II. POLICY

It is the policy of this department that all personnel, prior to assuming sworn status, take and abide by an oath of office.

III. ACTION

The oath of office that each member of the department shall take and abide by is as follows:

I, (Name of candidate) do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to governments established in the United States and in this state, under the authority of the people, so help me God.

I do further solemnly swear (or affirm) that I will impartially and justly perform all the duties of the office of Patrol Officer according to the best of my abilities.

This oath shall be sworn and subscribed by the candidate and dated at the time of signing.

Mahwah Police Department – Policies and Procedures		Number 005:05:10
Subject Law Enforcement Code of Ethics		
Issue Date 01302001		Effective Date 01302001
Revisions a. 10222008, b. 12202011 Sgt RC, c. Reviewed 2/2015 LtJD, d.06072018 D.Lt.GB		
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I. BACKGROUND

Law enforcement officers, by nature, are held to a higher standard than the general population. With this in mind, law enforcement officer should adhere to a code of ethics that holds them to a higher standard than that of the people they serve and protect.

II. POLICY

It is the policy of this department that all sworn officers and non-sworn employees of the department abide by a code of ethics in both their public and private lives.

III. ACTION

A. The International Association of Chiefs of Police, Law Enforcement Code of Ethics conveys the image that all law enforcement officers should strive to achieve. The department will adopt this code as our Code of Ethics and attempt to abide by its standards. The Law Enforcement Code of Ethics is as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

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

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

B. Ethics training will be conducted biennially for all personnel.

gMahwah Police Department – Policies and Procedures		Number 005:05:15
Subject Social Service Diversion Programs Intoxicated and Emotionally Disturbed Individuals		
Issue Date 11082001		Effective Date 05092005
Revisions a. 05092005, b. Reviewed 12/2011 Sgt.RC, c. Revised 2/2015 Lt. PT, d.Reviewed 06/2018 D.Lt.GB		
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I. BACKGROUND

Because not all individuals who come in contact with the police are capable of taking care of themselves, as in the case of intoxicated and emotionally disturbed persons, there are diversionary programs available to assist these individuals.

II. POLICY

It is the policy of this department to utilize the available social services diversion programs to assist intoxicated or emotionally disturbed individuals whenever the need arises.

III. ACTION

A. RECOGNITION OF MENTAL HEALTH ISSUES:

There are three types of indicators of mental health issues.

1. Verbal Cues, which might include the following:

- a. Expressing a combination of unrelated or abstract topics.
- b. Expressing thoughts of grandeur or greatness.
- c. Expressing ideation of being harassed or threatened.
- d. Preoccupation with death, sickness, guilt, etc.
- e. Nonsensical speech or chatter.
- f. Word repetition; using rhyming words or phrases.
- g. Pressured speech, expressing urgency in the manner of speaking.
- h. Extremely slow speech.
- i. Loud or excited speech.
- j. Argumentative, belligerent or unreasonably hostile.
- k. Threatening physical harm to self or others.

2. Behavioral Cues, which might include the following:

- a. Inappropriate physical appearance for the season or environment.
- b. Bizarre clothing or makeup.
- c. Strange posture or mannerisms.
- d. Lethargic, sluggish movements.
- e. Repetitious, ritualistic movements.
- f. Seeing things or hearing voices that cannot be confirmed.
- g. Confusion about or being unaware of surroundings.
- h. Lack of emotional response.
- i. Self injury.
- j. Nonverbal expressions of sadness or guilt.

- k. Overreacting in an overly angry or frightening way.
 - l. Reacting with the opposite of an expected emotion.
3. Environmental Cues, which might include the following:
- a. Strange decorations or aluminum foil covering windows, door, etc.
 - b. Non-disposed of waste or trash.
 - c. Packratting or accumulation of trash, papers or other items.
 - d. Urine or feces on the floors or walls.
 - e. Childish or age inappropriate objects.

B. ACCESSING AVAILABLE RESOURCES:

Care Plus New Jersey offers the Psychiatric Emergency Screening Program for Bergen County (PESP) as the designated screening center for emergency service on a 24 hour, 365 days per year basis. The program is designed to provide clinical assessment of psychiatric patients in the least restrictive setting possible, serve as the admissions screener and primary route of access to psychiatric short-term care facilities, and assure linkages and referrals to appropriate mental health, social service and community resources.

A staff of screeners is on duty around the clock to evaluate patients, develop treatment plans and respond to off-site emergencies with mobile crisis outreach. Services include: 24-hour mobile outreach, psychiatric availability and hotline; face to face follow-up service; 24-hour availability of certified screeners in the Emergency Room at Bergen Regional Medical Center; immediate referral and linkage services with a broad variety of private and public mental health providers; 24-hour extended crisis stabilization beds; consumer education to clients and families; evaluation of voluntary patients requesting admission with screening for medical necessity and consideration of possible alternatives to inpatient care; specialized children's behavioral healthcare evaluation and treatment services; and evaluation of involuntary commitment of individuals who are dangerous to themselves, others or property with consideration to treatment in the least restrictive setting.

The Psychiatric Emergency Screening Program 262-**HELP** (262-4357) is facilitated by the ATRA Law (Alcohol Treatment and Rehabilitation Act) that states: Intoxicated and incapacitated individuals shall be taken by police to the nearest ER. Individuals may be involuntary. Police can apprehend individuals who are incapacitated as a result of alcohol, if the person is unconscious or has impaired judgment that makes him/her incapable of making rational decisions and is likely to suffer substantial harm. **All Bergen County Hospitals should accept ATRA patients.** Police shall accompany the ATRA patient to the ER and assist in securing.

The New Jersey Screening Law for involuntary emotionally disturbed persons (EDP's) 18 years and older states: If a police officer believes that a person is a danger to self, others or property due to a mental illness, the officer shall take custody of the individual and may: 1) bring the person to Bergen Regional Medical Center (BMRC) or Hackensack University Medical Center (HUMC) for evaluation, 2) request a screener to come to the scene if available or 3) bring the individual to headquarters to await a screening outreach. Law Enforcement Personnel shall: 1) contact the screening center at 262-HELP with all information, 2) conduct or observe a "pat down" search for weapons or contraband and 3)

accompany the involuntary persons to BRMC or HUMC, call security and assist in securing the person.

Police are immune from criminal and civil liability when acting in good faith.

If the individual has an indictable charge, an officer must remain with that person at the hospital throughout evaluation or until disposition is obtained.

Any problems with the service can be referred to the supervisor or on-call administrator.

For EDP's under 18 years of age PESP provides services and evaluation for children but cannot authorize transport. Whenever possible, parental consent should be obtained and present during interview. If not: 1) Child protection and Permanency (CP&P) may be involved if abuse and neglect exists, 2) Family Crisis Unit may authorize transport (201-336-7360), but usually only following a PESP evaluation or 3) police may apprehend the youth under Juvenile in Crisis provision.

C. INTERACTIONS WITH THE MENTALLY ILL:

The mentally ill person in a crisis situation is generally, but not always, afraid. The officer or agency personnel speaking with the person should continually assess the situation for danger; maintain an adequate space between him/herself and the subject; remain calm; give firm and clear directions with only one officer/ personnel speaking at a time; respond to the suspects feelings rather than the content of their responses; be helpful and offer assistance to made the person feel safer and calmer.

It is often **not** advisable to join in with the behavior by agreeing/disagreeing with hallucinations or delusions; stare at the person; confuse the person; give the person multiple choices to further add to confusion; laugh or joke about the situation; whisper to others about the situation; intentionally deceive the subject or touch the person unnecessarily. These behaviors may increase the potential for violence or the subject's suspicions about the officer.

When interviewing a suspected mentally ill person remember that Miranda rights still apply. The subject must be able to understand their rights and be able to distinguish between right and wrong. After advising the subject of his/her Miranda rights, ask the subject to describe the right you have just explained to them. If only yes or no answers are given, ask questions that specifically point to an understanding of the Miranda warning ("What are rights?", "Why is a lawyer important?", "Why do you want to talk to me instead of a lawyer?").

D. TRAINING

Training of agency personnel will be through the use of video recordings, in-service updates, outside mental health professionals or shift briefing training. Entry level training is conducted at the Police Academy. Departmental training will be conducted by the Training Officer annually for any updates and content.

Mahwah Police Department – Policies and Procedures		Number 005:05:20
Subject Consular Notification		
Issue Date 10012007	Effective Date 10012007	
Revisions: a.122011 SgtRC, b.102013 SgtRC, c.02262015 LtJD, d.Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 1.1.4	

I. BACKGROUND

The cooperation of law enforcement agencies in extending consular notification and access to foreign nationals in accordance with international law helps the national government comply with its international treaty obligations. It also helps to ensure that citizens of every country are treated with the same respect and treaty compliance when arrested or detained in foreign countries; and provides a basis for national governments to assert their international rights.

II. POLICY

It is the policy of this department that all personnel understand and comply with United States State Department guidelines on Consular Notification.

III. ACTION

Upon the arrest or detention of a foreign national the officer will immediately notify his/her supervisor and complete the following steps:

- A. Determine the foreign national's country of origin. Normally, this is the country on whose passport or other travel document the foreign national travels.
- B. If the foreign national's country is not on the mandatory notification countries list at the end of this directive:
 1. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. Advise the foreign national that he/she is entitled to communicate with his/her consular officers and that the consular officer may be able to help obtain legal representation and/or contact the foreign national's family. Notification can be made at any time.
 2. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
- C. If the foreign national's country is on the list of mandatory notification countries at the end of this directive:
 1. Notify that country's nearest consular officials, without delay, of the arrest/detention.
 - ii. Tell the foreign national that you are making this notification. Advise that the foreign national is entitled to communicate with his/her consular officers. The foreign national is not required to accept the assistance, but the consular officers may be able to help obtain legal representation and/or contact the foreign national's family.
- D. Keep a written record of how the notification was provided and any actions

taken. A complete guide on consular notification is available at the Communications Center. This guide is entitled *Consular Notification and Access* and should be consulted as necessary. This information is also available at the United States State Department website on the internet.

Mandatory Notification Countries

Algeria	Malta
Antigua and Barbuda	Mauritius
Armenia	Moldova
Azerbaijan	Mongolia
Bahamas, The	Nigeria
Barbados	Philippines
Belarus	Poland ²
Belize	Romania
Brunei	Russia
Bulgaria	Saint Kitts and Nevis
China ¹	Saint Lucia
Costa Rica	Saint Vincent/Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia, The	Tajikistan
Georgia	Tanzania
Ghana	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia
Hong Kong	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom
Kiribati	U.S.S.R. ³
Kuwait	Uzbekistan
Kyrgyzstan	Zambia
Malaysia	Zimbabwe

¹Does not include the Republic of China (Taiwan) passport holders.

² Mandatory for nonpermanent residents only.

³ Passports may still be in use.

Mahwah Police Department – Policies and Procedures		Number 005:10:05
Subject Legally Mandated Authority of Sworn Personnel		
Issue Date 11012001		Effective Date 11012001
Revisions: a. Reviewed 12/2011 Sgt.RC, b. Reviewed 2/2015 LtJD, c.Reviewed 06/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 1.2.1	

I. BACKGROUND

Limiting the authority and power of a law enforcement agency ensures that the police are responsive to, and protect the Constitutional Rights of, the community being served by the agency. Clearly defining such limits also assists those responsible for carrying out law enforcement duties by setting guidelines and procedures, and communicating expectations.

Sworn personnel are those employees certified as Peace Officers by the State of New Jersey. Only sworn personnel have the powers and authority vested in their position as enumerated by federal constitutional mandates and provisions, state constitutional mandates and provisions statutory legislation and local legislation.

Sworn personnel as defined in this section, are the only employee class within the Mahwah Police Department to hold such powers and authority. Non-sworn civilian personnel have no such powers.

II. POLICY

It is the policy of this Department that all officers familiarize themselves with the below listed directive regarding the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances and arrests.

III. ACTION

A. FEDERAL CONSTITUTIONAL MANDATES AND PROVISIONS

The United States Constitution, as interpreted by the U. S. Supreme Court and various Federal, State and local courts and, as articulated in numerous case laws, defines the scopes and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances.

B. STATE CONSTITUTIONAL MANDATES AND PROVISIONS

The New Jersey Constitution, as interpreted by the New Jersey Supreme Court, various state appellate courts and local courts and, as articulated in numerous case laws, further defines the scopes and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances. The New Jersey Constitution specifically provides:

- Article 4, Subsection 7, paragraph 11, grants that the provision of the New Jersey Constitution and of any law concerning municipal corporations formed for local government shall be liberally construed in their favor. The powers of such municipal corporations shall include not only those granted in express terms but also those of necessary or fair implication, or incident to the powers expressly conferred, or

essential thereto, and not inconsistent with or prohibited by this Constitution or by law.

C. STATUTORY MANDATES AND PROVISIONS

Title 40A, Section 14, subsection 118 of the New Jersey Statutes Annotated grants that the governing body of any municipality, by ordinance, may create and establish, as an executive and enforcement function of municipal government, a police force.

Subsection 122 delineates the general qualifications of members of police departments and subsection 127 provides the age requirements for police officers.

Subsection 152 states that "the members and officers of a police department and force, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace. Said members and officers shall have the power to serve and execute process issuing out of the courts having local criminal jurisdiction in the municipality and shall have the powers of a constable in all matters other than in civil causes arising in such courts".

Subsection 152.1 states that "any full-time, permanently appointed municipal police officer shall have full power of arrest for any crime committed in said officer's presence and committed anywhere within the territorial limits of the State of New Jersey".

D. MAHWAH TOWNSHIP CHARTER PROVISIONS

The Revised General Ordinances, Township of Mahwah, Section 2-5.1a4 establishes a Police Department.

Section 2-9 provides for the Chief of Police and defines the Functions and Duties of the Department. Functions and Duties include: 1) Preservation of the peace, protection of life and property, prevention of crime, detection and apprehension of offenders against the penal laws and ordinances effective within the Township, suppression of riots, mobs and insurrections, dispersion of unlawful or dangerous assemblages, and preservation of order at all elections and public meetings and assemblages. 2) Administration and enforcement of laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic and use of the street and vehicles and persons, protection of the safety and facilitation of the convenience of motorists and pedestrians, and to make and enforce rules and regulations not inconsistent with the Charter and ordinances for such purposes. 3) Removal of all nuisances in the public streets, parks and other public places, inspection and observation of all places of public amusement, or assemblage and all places of business requiring any State or Township license or permit and reporting thereon to the appropriate department. 4) Provision of proper police attendance and protection at fires. 5) Provision for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperation fully with the law enforcement and prosecuting authorities of Federal, State and county governments. 6) Operation of a training program to maintain and improve the police efficiency of the members of the department. 7) Make, administer and enforce rules and regulations for the disposition, conduct and discipline of the department.

Section 2-16 stipulates the regulation and membership of the Police Department including appointments, qualifications, removal, compensation and authority. Section 2-16.9 states that the Chief of Police shall cause the members of the Police Department to obey the rules and regulations of the Department, the ordinances of the Township and the laws of the State of New Jersey and of the United States of America. Section 2-16.7

states that all members of the Police Department shall take and subscribe an oath of affirmation to support the Constitution of the United States and the Constitution of the State of New Jersey and to faithfully, impartially and justly perform all the duties of the office.

E. RELATED ISSUES

1. New Jersey Statutes Annotated, Title 2C, Section 3-7 defines the use of force by law enforcement officers.
2. Title 2A, Sections 156-1 and 156-2 defines "Fresh Pursuit" by police officers.
3. Powers of enforcement for motor vehicle laws are derived from Title 39.

Mahwah Police Department – Policies and Procedures		Number 005:10:15
Subject In-Custody Interviews, Interrogations and Access to Counsel		
Issue Date 11082001		Effective Date 11082001
Revisions: Reviewed 12/2011 Sgt. RC, Reviewed 06/2018 D.Lt.GB		
Page 1 of 3 .	Accreditation Number 1.2.3	

I. BACKGROUND

Coercion, obtaining involuntary confessions or admissions, delays in arraignment, failure to inform a defendant of his/her Miranda warnings, deprivation of counsel and pretrial publicity can jeopardize a criminal prosecution. In addition, such actions can subject officers and the department to civil and/or criminal penalties. In order to assist officers in the performance of their duties and to protect the constitutional rights of persons involved in criminal investigations, the following procedures have been established and shall be followed.

II. POLICY

It is the policy of this department that all members adhere to the below listed guidelines with interviewing or interrogating suspects, witnesses or other persons.

III. ACTION

A. INTERVIEWS AND INTERROGATIONS

This SOP addresses in-custody interviews and interrogations. The Department provides special rooms and equipment for officers to conduct interviews and interrogations. Field interviews are addressed in SOP 095:10:20.

1. Interviews

An interview is a non-accusatory conversation in which a police interviewer utilizes questions and answers in an attempt to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim or witness. Interviews may occur in a variety of circumstances and locations. Although interviews are non-accusatory conversations, officers engaged in interviews shall be aware of the nature of questions, the location of interview, and the conditions present when conducting interviews to ensure that the subject has no reason to believe he/she is in custody.

2. Interrogations

An interrogation is an accusatory procedure designed to elicit acknowledgment from a subject that he/she was involved in specific activity. The activity is normally criminal in nature, but an interrogation also involves an acknowledgment regarding omissions, truthfulness of prior statements, knowledge of another person's conduct, etc.

3. Use of Coercion to Obtain Statements

The use of coercion to obtain a statement from an individual makes the statement involuntary, resulting in exclusion of the evidence. When conducting interviews, officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.

4. **Miranda Warnings**

Prior to interrogating a suspect who is in custody or is otherwise deprived of his/her freedom, officer must consider specific legal issues. Officers are not required to give a subject his/her Miranda warnings prior to interrogation if the subject is not in custody. The test for determining whether a person is being subjected to custodial interrogation is whether he/she is physically deprived of his/her freedom in any significant way, or is placed in a situation in which a **reasonable person** would believe that his/her freedom of action or movement is restricted by such interrogation.

The U.S. Supreme Court, in *Miranda vs. Arizona* (1966), ruled that any officer conducting a custodial interrogation must first advise the suspect of his/her constitutional rights. Miranda warnings should be given verbally in all applicable situations. They should also be provided in written form, with a request that the suspect sign the written copy. Additional recommended safeguards include providing Miranda warnings in the presence of another officer or other witness, and making audio and/or videotapes of the Miranda warning and interrogation, when the situation/crime warrants taping.

Miranda warnings are not necessary in the following circumstances:

- Questioning of a person who was merely a witness to a crime or who may know something about a crime, but is not a suspect.
- Questioning of a suspect who has not been deprived freedom in any significant way and realizes he/she is free to terminate the interview at any time.
- Questioning of a motorist stopped for a routine traffic offense.
- Questions reasonably motivated by concern for public safety.

Without express questioning or its functional equivalent there is no "interrogation" within the context of Miranda, even though the suspect may be in custody.

5. **Access to Counsel**

Suspects and person in custody have a constitutional right to counsel. Access to counsel shall not be delayed or denied on the basis of a defendant's willingness to give a statement or otherwise cooperate with an investigation. Once a suspect or defendant has expressed a desire to exercise his/her right to counsel, he/she shall not be interrogated until the defendant has obtained counsel or a court appointed attorney.

Prior to interrogation, all persons in custody shall be advised of the right to speak to counsel as required in *Miranda vs. Arizona*.

When a detainee requests to speak to an attorney before or during a custodial interrogation, the interrogator shall cease questioning the detainee and provide the detainee the opportunity to confer with counsel.

Detainees may waive the right to counsel. However, only waivers that are made voluntarily and knowingly are admissible in court. To meet these requirements, officers would be required to show that the subject knew of his right to counsel before answering questions, and that he/she freely chose to answer questions without exercising that right. Documentation of the waiver shall be on the appropriate form(s) and noted in the narrative portion of the officer's report.

When an attorney presents him/herself at headquarters and advises he/she had been retained by a third party for the detainee all questioning must stop and access to the detainee must be given to the attorney. Should the detainee voluntarily waive the services of the attorney, the detainee should sign the Reed Warning Form and the completed form should be attached to the police report.

If the suspect waives his right to counsel after receiving the Miranda warnings, law enforcement officers are free to question him. But if a suspect requests counsel at any time during the interview, the interrogating officer shall not subject him/her to further

questioning until a lawyer has been made available or the suspect freely reinitiates conversation.

6. Arraignment/First Appearance

When a person is arrested with or without a warrant, the arresting officer shall bring the arrested person, if the person is not released on bond or his own recognizance, without unnecessary delay before the court having jurisdiction of the offense. The officer shall file or cause to be filed a complaint describing the offense for which the person was arrested and the person shall be given a first appearance by a judge as soon as possible after the arrest.

7. Pre-Trial Publicity

Pre-trial publicity can prejudice a defendant's right to a fair trial. Therefore, Departmental personnel will follow the guidelines outlined in Chapter 140. In any case, no member is to release any information, to any media personnel, which would tend to prejudice a fair trial.

Mahwah Police Department – Policies and Procedures		Number 005:10:30
Subject Alternatives to Arrest		
Issue Date 11012001	Effective Date 11012001	
Revisions: a. Reviewed 12/2011 CaptRS, Revised 2/2015 PT, Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 1.2.6	

I. BACKGROUND

The power of arrest granted to police officers is one of the alternatives available to them under circumstances that require some form of police action. Additional alternatives that are effective and still allow an officer an alternative to arrest and/or pre-arraignment confinement are issuing a summons in lieu of arrest; summons after arrest without warrant; minor misdemeanor citation; and traffic citation.

II. POLICY

It is the policy of this Department that all officers adhere to the below listed guidelines regarding alternatives to arrest.

III. ACTION

A. SUMMONS IN LIEU OF ARREST WITHOUT WARRANT AND COMPLAINT ON SUCH SUMMONS

Court Rule 3:2-2 of the Court Rules of New Jersey states, "A summons shall be made on a Complaint-Summons (CDR-1) form, a Uniform Traffic Ticket, or a Special Form of Complaint and Summons. The summons shall be directed to the person named in the complaint, requiring that person to appear before the court in which the complaint is made at a stated time and place and shall inform the person that an arrest warrant will be issued for failure to appear. The summons shall be signed by the judicial or law enforcement officer issuing it." These three complaints are considered summonses to appear and do not require detention as with a warrant. The person charged is served with the summons and released with a court appearance date in the future without formal detention. If the person does not appear on the specified court date, a warrant will be issued and formal detention may result.

B. SUMMONS AFTER ARREST WITHOUT WARRANT, AND COMPLAINT ON SUCH SUMMONS

Court Rule 3:4-1(b)(3) states that "if a complaint-summons (CDR-1) form has been prepared, or if a judicial officer has determined that a summons issue, after completion of post-arrest identification procedures required by law, the summons shall be served and the defendant released."

C. UNIFORM TRAFFIC CITATION

Court Rule 3:2-2 also specifies that a Uniform Traffic Ticket shall direct the person named in the complaint to appear before the court in which the complaint is made at a

stated time and place and shall inform the person that an arrest warrant will be issued for failure to appear.

D. INFORMAL RESOLUTION

In lieu of formal action, an officer may exercise discretion and choose informal action to solve the problem, such as referral, informal resolution, and warning. An officer, at his/her discretion, may offer informal resolutions to situations and conflicts when, in the officer's judgment, they can be adequately resolved by brief at-scene counseling; informing the proper agency or organization; advising parents of juvenile activity, etc.

E. REFERRAL

The officer may offer referrals to other agencies and organizations when in his/her discretionary judgment it is the most reasonable alternative for the offender and the violation.

F. WARNINGS

An officer may issue a written and/or verbal warning when, in his/her discretionary judgment, it is the most reasonable alternative for the offender and the violation.

G. RELEASE WITHOUT CHARGES

If the arresting officer arrests someone on probable cause and further investigation determines that sufficient probable cause no longer exists, a supervisor will be immediately notified. Upon review of the matter and concurrence that probable cause no longer exists, the supervisor must ensure that the suspect is released without delay. It is imperative that in these situations a detailed report of arrest is completed outlining the events that led to the probable cause for the arrest.

H. FORMS

When an officer exercises an alternative to arrest as outlined in SOP 005:10:30, the summons form issued to an adult shall be determined as follows.

Officers will use the Uniform Traffic Citation (Including E-Ticket) for traffic violations. These forms are provided by the Department and have been approved by the Municipal Court. The forms do comply with New Jersey Traffic and Court Rules.

On all other Non-Indictable criminal violations the officer may use either a Complaint Summons (CDR-1) or a Complaint Warrant (CDR-2). Procedures and guidelines regarding the use of a Summons or Warrant are covered in Court Rules 3:3-1 and 3:4-1. The procedures should be reviewed prior to the issuance of the Warrant or Summons and, if necessary, the Court Administrator should be consulted.

When an officer exercises an alternative to arrest as outlined in SOP 005:10:30, the summons form issued to a juvenile shall be determined as follows:

- On traffic violations the officer is to use the Uniform Traffic Ticket (Including E-Ticket) provided by the Department that is approved by the Municipal Court.
- On all other misdemeanor criminal violations the officer may use a Juvenile Complaint Form.
- On all felony/crime cases the Juvenile Complaint Form is to be used for the development of charges by the officer.

Nothing in this section shall be construed so as grant an officer the power to act outside the scope his authority nor shall any action taken by an officer pursuant to this section be in violation of any order, policy or procedure or any local, state or federal laws.

Mahwah Police Department – Policies and Procedures		Number 005:10:40
Subject Strip/Body Cavity Searches		
Issue Date 02011993	Effective Date 02011993	
Revisions: a. Reviewed 12/2011 Sgt. RC, b. Reviewed 2/2015 LtJD		
Page 1 of 6.	Accreditation Number 1.2.8	

I. BACKGROUND

A specific policy has been established regulating the procedures for strip/body cavity searches of detainees by members of this Department. The guidelines below are those of the Attorney General of New Jersey.

II. POLICY

It is the policy of this department that certain requirements be met according to the Attorney General's Guidelines prior to the strip searching and/or body cavity searching of detainees held by this department. Requirements and procedures for police officers will be followed in the manner as outlined below.

III. ACTION

Strip searches will be conducted in the holding cell area with the holding cell camera turned off and the door secured. Only the arresting officer or officer in charge will conduct the strip search. All officers of this department will follow the procedures in Section D below. Only officers of the same sex will conduct the strip search.

Body cavity searches will be conducted in one of the detention cells with the cameras turned off. Only a licensed physician or registered nurse shall conduct the search in the presence of the arresting officer or officer in charge. The police surgeon should be contacted and apprised of the circumstances prior to his arrival for the search of a male prisoner. The surgeon will designate a registered nurse to search a female prisoner.

A) Definitions

Strip Search

Removal or rearrangement of clothing to permit visual inspection of a person's:

- Undergarments
- Buttocks
- Anus
- Genitals
- Breasts

The following **does not** constitute a strip search:

- Removal or rearranging of clothing reasonably required to render medical treatment or assistance, or

Removal of articles of outer clothing, such as coats, ties, belts or shoelaces.

Body Cavity Search

Visual inspection or manual search of a person's:
Anal cavity
Vaginal cavity

B) Search requirements

Detention or arrest without custodial confinement

Strip search

NO exigent circumstances:

Search Warrant or consent, and

Authorization by officer in charge of the station house.

Exigent circumstances:

Probable cause to believe that the person is concealing a weapon, contraband or evidence of crime, and

Exigent circumstances prevent obtaining a search warrant or approval of officer in charge.

C) Body cavity search is not appropriate without custodial confinement.

Custodial confinement

Strip Search:

Officer in charge authorizes confinement in municipal detention facility or transfer to adult correctional facility, and

Officer in charge authorizes search, and

One of the following:

Search Warrant, or

Consent, or

Reasonable suspicion to believe that the person is concealing a weapon, contraband or Controlled Dangerous Substance.

Body Cavity Search:

Officer in charge authorizes confinement in municipal detention facility or transfer to adult correctional facility, and

Officer in charge authorizes search, and

One of the following:

Search Warrant, or

Consent

D) Procedures

Strip Search:

Conducted by person of same sex, and

Conducted in private, and

Conducted under sanitary conditions, and

Conducted in a professional and dignified manner, and

In custodial confinement, conducted in accordance with Department of Corrections regulations

Body Cavity Search:

Conducted by licensed physician or registered nurse of the same sex, and

Conducted in private, and

Conducted in a medically acceptable manner and environment, and

Conducted under sanitary conditions, and

Conducted in accordance with Department of Corrections regulations.

E) Reporting requirements

Officers who performs strip search or has body cavity search conducted must report the reason for this search on the record of arrest. The report must include:

A statement of facts indicating the reasonable suspicion or probable cause for the search.

A copy of the search warrant, if appropriate.

A copy of the consent form, if appropriate.

The name of the officer in charge who authorized the search.

The names of the persons conducting the search.

An inventory of any items found during the search.

If exigent circumstances were the basis for the search, the officer who conducted the strip search must file a separate written report stating the reasons for the immediate search.

F) Requirements and procedures for officer in charge of station house

The arrested person should be processed in accordance with R. 3:4-1, a summary of this court rule is attached, and, if applicable, with standard operating procedure adopted by the county prosecutor.

Where appropriate, a person arrested in accordance with R. 3:4-1 shall be released or have bail set without unnecessary delay but in no event later than 12 hours after arrest.

Unless authorized by search warrant or consent, a strip search should not be conducted if the arrested person will be released without custodial confinement or will soon be released on bail or own recognizance.

The officer in charge shall assure that a consent to a strip search or body cavity search is in writing whenever possible.

The officer in charge shall assure that all strip searches and body cavity searches are conducted in private and that these searches cannot be observed by persons not physically conducting the search.

When a body cavity search is conducted, the officer in charge shall request a sworn statement from the licensed physician or registered nurse who conducted the search stating that the body cavity search was conducted pursuant to statutory and medical requirements.

All reports pertaining to strip searches or body cavity searches are not public records. These reports shall be made available, upon request, only to the person searched, the county prosecutor, the Attorney General or the Commissioner of the Department of Corrections.

G) Procedure for the processing of suspects arrested without a warrant

Always consult with county prosecutor for local procedures

A summary of New Jersey Court Rule 3:4-1

1) A person arrested without a warrant for any offense shall be taken to the police station where a complaint shall be prepared forthwith.

2) A person arrested without a warrant for one of the following criminal

offenses:

- Murder
- Kidnapping
- Aggravated manslaughter
- Manslaughter
- Robbery
- Aggravated sexual assault
- Sexual assault
- Aggravated criminal sexual contact
- Criminal sexual contact
- Second degree aggravated assault
- Aggravated arson
- Arson
- Burglary
- Violations of Chapter 35 or Title 2C that constitute first or second degree crimes

Any crime involving the possession or use of a firearm or
Conspiracies or attempts to commit such crimes,
shall be taken to a police station. The police officer shall comply with the
criteria of Paragraph 5 below.

3) A person arrested without a warrant for an offense not listed in
Paragraph 2 above, shall be taken to the police station where the officer in
charge shall:

Complete all post-arrest identification procedures required by law;

Prepare a complaint-summons (CDR-1);

Issue the complaint-summons to the person arrested, and

Release the arrested person in lieu of continued detention.

4) The officer in charge has discretion not to prepare a complaint
summons if the officer determines that any of the following conditions
exist:

The person has previously failed to respond to a summons;

The officer has reason to believe that the person is dangerous to
himself, to others or to property;

There is one or more outstanding arrest warrants for the person;

The prosecution of the offense or offenses for which the person is
arrested or the prosecution of any other offense or offenses would
be jeopardized by the immediate release of the person;

The person cannot be satisfactorily identified; or

The officer has reason to believe the person will not appear in
response to a summons.

5) If the officer determines that one of the conditions in Paragraph 2 or 4
above applies, the officer shall:

Immediately prepare a complaint-warrant (CDR-2), and

Take the person arrested without unnecessary delay before the
nearest available committing judge to have bail set. Bail shall be
set no later than 12 hours after the arrest.

The officer shall present the matter to the appropriate judicial
officer authorized to set bail who shall determine whether there is
probable cause to believe that the defendant committed the offense.

References:

- 1) Attorney General=s Strip Search and Body Cavity Search Requirements and Procedures for Police Officers (R6-95)
- 2) New Jersey Court Rules R.3:4-1

Mahwah Police Department – Policies and Procedures		Number 005:15:05
Subject Use of Force		
Issue Date 02232001	Effective Date 02232001	
Revisions: reviewed 12/2011 Sgt.RC, Revised 12/2015 Ofc. KS., c.Reviewed 06/2018 D.Lt.GB, d. Revised Capt. GB 12/19/19		
Page 1 of 5.	Accreditation Number 4.1.1, 4.1.2, 4.1.3, 11.3.4, 46.1.10	

I. BACKGROUND

With the ever-present risks associated with law enforcement, it may become necessary to utilize force as a means of self-defense or to effectuate a legal arrest. In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. The use of force should never be considered routine. In determining to use force, the law enforcement officer shall be guided by the principal that the degree of force employed in any situation should be only that reasonably necessary. Law enforcement officers should exhaust all other reasonable means before resorting to the use of force.

II. POLICY

It is the policy of this Department that law enforcement officers will use only that force which is objectively reasonable and necessary and to follow the below listed procedures as they apply to the use of force.

III. ACTION

Table of Contents		
A.	Definitions	pp. 1-2
B.	Authorization and Limitations	pp. 3-4
C.	Training Requirements	p. 4
D.	Use of Force Reports	p. 4
E.	Notification, Reporting and Investigations	pp. 4-5

A. DEFINITIONS

1. Constructive Authority

- Constructive authority does not involve actual physical contact with the subject, but involves the use of the law enforcement officer's authority to exert control over a subject.
- Examples include verbal commands, gestures, warnings and unholstering a weapon.
- Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

2. Physical Contact

- Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective.
- Examples include guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.

3. Physical Force

- a. Physical force involves contact with a subject beyond that which is generally utilized to effect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the law enforcement officer's authority, or to protect persons or property.
- b. Examples include wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet or other similar methods of hand-to-hand confrontation.

4. Mechanical Force

- a. Mechanical force involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the law enforcement officer's authority.
- b. Examples include the use of a baton or other object, canine physical contact with a subject or chemical or natural agent spraying.

5. Deadly Force

- a. Deadly force is force which a law enforcement officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm.
- b. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force.
- c. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.

6. Reasonable Belief

- a. Reasonable belief is an objective assessment based upon an evaluation of how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the law enforcement officer at the scene.

7. Imminent Danger

- a. Imminent danger describes threatened actions or outcomes that may occur during an encounter absent action by the law enforcement officer. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations.
- b. The threatened harm does not have to be instantaneous, for example, imminent danger may be present even if a subject is not at that instant pointing a weapon at the law enforcement officer, but is carrying a weapon and running for cover.

8. Substantial Risk

- a. Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when a law enforcement officer disregards a foreseeable likelihood that innocent persons will be endangered.
- b. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk of harm.

9. Law Enforcement Officer

a. Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by a public safety agency and is authorized to carry a firearm under N.J.S.A. 2C:39-6.

B. AUTHORIZATION AND LIMITATIONS

1. Use of Force

a. A law enforcement officer may use physical force or mechanical force when the officer reasonably believes it is immediately necessary at the time:

- (1) to overcome resistance directed at the officer or others; or
- (2) to protect the officer, or a third party, from unlawful force; or
- (3) to protect property; or
- (4) to effect other lawful objectives, such as to make an arrest.

2. Use of Deadly Force

a. A law enforcement officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

b. A law enforcement officer may use deadly force to prevent the escape of a fleeing suspect

- (1) whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; and
- (2) who will pose an imminent danger of death or serious bodily harm should the escape succeed; and
- (3) when the use of deadly force presents no substantial risk of injury to innocent persons.

c. If feasible, a law enforcement officer should identify himself/herself and state his/her intention to shoot before using a firearm.

3. Restrictions on the Use of Deadly Force

a. A law enforcement officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, a law enforcement officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement purpose at no increased risk to the officer or another person.

b. A law enforcement officer shall not use deadly force to subdue persons whose actions are only destructive to property.

c. Deadly force shall not be used against persons whose conduct is injurious only to themselves.

d. Under current state statutes the discharge of any projectile from a firearm is considered to be deadly force, including less lethal means such as bean bag ammunition or rubber bullets. For that reason, these and similar less lethal means of deadly force can only be used when an officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

e. A law enforcement officer shall not discharge a weapon as a signal for help or as a warning shot.

f. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a fleeing suspect is disabled and loses control of his or her vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions which necessitated the use of deadly force.

(1) Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, officers shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle unless the officer reasonably believes:

(i) there exists an imminent danger of death or serious bodily harm to the officer or another person; and

(ii) no other means are available at that time to avert or eliminate the danger.

(2) A law enforcement officer shall not fire a weapon solely to disable moving vehicles.

4. Exhibiting a Firearm

a. A law enforcement officer shall not unholster or exhibit a firearm except under any of the following circumstance:

(1) For maintenance of the firearm;

(2) To secure the firearm;

(3) During training exercises, practice or qualification with the firearm;

(4) When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm;

(5) When circumstances create a reasonable belief that display of a firearm as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.

C. TRAINING REQUIREMENTS

1. Every law enforcement agency is required to conduct and document semi-annual training for all officers on the lawful and appropriate use of force and deadly force. This training must be designed to reflect current standards established by statutory and case law, as well as statewide, county and individual agency policy. It should include but not necessarily be limited to the use of force in general, the use of physical and mechanical force, the use of deadly force, and the limitations that govern the use of force and deadly force.

D. USE OF FORCE REPORTS

1. In all instances when physical, mechanical or deadly force is used, each officer who has employed such force shall complete

a. Any reports made necessary by the nature of the underlying incident; and

b. Use of Force Report (Attachment A or agency required format)

E. NOTIFICATIONS, REPORTING and INVESTIGATIONS

1. Immediate Notifications

- a. County and municipal law enforcement agencies shall immediately notify the county prosecutor when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by a law enforcement officer.
- b. County prosecutor's offices shall immediately notify the Division of Criminal Justice when a member of their agency uses physical, mechanical or deadly force which results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by agency personnel.
- c. State law enforcement agencies shall immediately notify the Division of Criminal Justice when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by a law enforcement officer.

2. Reporting

- a. County prosecutors shall within 24 hours report to the Division of Criminal Justice all situations where the use of deadly force by a law enforcement officer results in death or serious bodily injury, or in situations where any injury results from the use of a firearm by a law enforcement officer.
- b. For all situations involving the use of physical, mechanical or deadly force, county and municipal law enforcement agencies shall report at least annually to the county prosecutor in a manner established by the prosecutor.
- c. For all situations involving the use of physical, mechanical or deadly force, state law enforcement agencies shall report at least annually to the Division of Criminal Justice in a manner established by the Director of Criminal Justice.

3. Investigation

- a. For Police Use of Force Investigations – See Attorney General Directive 2019-4 Directive Ensuring the Independent Investigation of Criminal Cases Involving Police Use-of-Force or In-Custody Deaths.

Ref: Attorney General's Guidelines, Use of Force, Attorney General's Use of Force Policy, Revised June 2000

Mahwah Police Department – Policies and Procedures		Number 005:15:06
Subject Supervisory Use of Force Review		
Issue Date 12172002	Effective Date 12172002	
Revisions: Reviewed 12/2011 Sgt.RC		
Page 1 of 1.	Accreditation Number 1.3.7	

I. BACKGROUND

Supervisory review of use of force reports determines whether there are policy, training, weapon/equipment or discipline issues which should be addressed.

II. POLICY

It is the policy of this Department that all supervisors review and sign the below listed reports.

III. ACTION

All supervisors will review reports involving weapon discharge, use of deadly force or force greater than physical contact and use of force through less-than-lethal weapons.

By signing a Use of Force Report, Use of Oleoresin Capsicum Aerosol Report or an Investigation Report involving the discharge of weapon, the supervisor is certifying that the officer using the reported force has acted within the policies of the New Jersey Attorney General, The Bergen County Prosecutor and/or the Mahwah Police Department.

The supervisor has determined that there are no training, weapon/equipment or discipline issues that need to be addressed, and is satisfied that the officer using the force has acted properly.

In the event that the supervisor finds that there is an issue with policy, training, weapon/equipment or discipline, the supervisor will address the issue through the use of an Interdepartmental Correspondence to the appropriate office (Training Officer, Patrol Division Commander, Internal Affairs Officer, etc.) for retraining or other action.

Mahwah Police Department – Policies and Procedures		Number 010:05:10
Subject Concurrent Jurisdiction/Mutual Aid Plan		
Issue Date 11012001	Effective Date 11012001	
Revisions: Reviewed 12/2011 Sgt.RC, b.Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 2.1.2, .3	

I. BACKGROUND

Concurrent jurisdictions within the Township of Mahwah include those governed and patrolled by the Bergen County Prosecutors Office, the Bergen County Sheriff's Department and the New Jersey State Police. Although these agencies are ultimately responsible for investigation of incidents and calls for service within that jurisdiction, the Mahwah Police Department may be asked to investigate specific incidents or calls for service.

II. POLICY

It is the policy of this Department that all members become familiar with the concurrent jurisdictions within the Township.

III. ACTION

A. CONCURRENT JURISDICTION

The **Mahwah Police Department** has the responsibility of conducting preliminary investigations into all criminal matters, investigate motor vehicle and other types of accidents, and answer all calls for police service in the jurisdiction.

The **Bergen County Prosecutor** is the Chief Law Enforcement officer for Bergen County. The Prosecutor is appointed by the Governor of New Jersey and has the authority to conduct any criminal investigations he/she feels necessary and appropriate. The Prosecutor's Office is responsible for follow-up investigations and criminal prosecution in cases of Homicide, Death by Auto, Sexual Assault, Arson, and investigations into Organized Crime, Narcotics, Vice and internal investigations involving law enforcement agencies. The Prosecutor has the authority to set law enforcement policy and guidelines for all municipal police departments. The Bergen County Prosecutor's Office may be reached via telephone at (201) 646-2300.

The **Bergen County Sheriff's Department** has law enforcement powers throughout the County. This agency has the authority to conduct criminal investigations that are brought to its attention. This agency will answer calls for service on County owned property within the Township of Mahwah, however the responsibility for preliminary investigations may rest with the Mahwah Police Department when the Bergen County Sheriff's Department is not available. This agency provides support services such as a Bureau of Criminal Investigations, SWAT Team, Hostage Negotiation Team and Bomb Squad to this agency. A K-9 may be available at times when the Mahwah Police K-9 is

not. The Bergen County Sheriff's Department may be accessed via telephone or the Bergen County Alert radio system.

The **New Jersey State Police** has the power of arrest throughout the State and the authority to investigate any criminal matters brought to their attention. However, the primary responsibility for preliminary investigations and answering calls for service may rest with the Mahwah Police Department on the State maintained Interstate highways (Route 17 and Route 287). The NJSP provides support services and Criminal Identification Laboratory Analysis and Emergency Medical Air Evacuation (Northstar) services for all municipal departments. The NJSP may be accessed via telephone or the State Police Emergency Network radio system.

B. MUTUAL AID PLAN

Since February of 1994 the Bergen County Police Chief's Association has had in place the Mutual Aid Plan. The purpose of the Plan is to provide a uniform procedure for the coordination of the requesting, dispatching and utilization of law enforcement personnel and equipment whenever a local law enforcement agency requires mutual aid assistance from any other jurisdiction both contiguous and non-contiguous, in the event of an emergency, riot or disorder, in order to protect life and property. This Mutual Aid Plan was promulgated under the authority of and provisions of NJSA 40A:14-156 and 40A:14-156.1. The Mutual Aid Plan is kept in the Chief of Police's office and the office of the Patrol Division Commander for implementation in emergency situations.

Mahwah Police Department – Policies and Procedures		Number 010:05:20
Subject Requesting Assistance:Federal Law Enforcement/National Guard Assistance		
Issue Date 11202001	Effective Date 11202001	
Revisions: Reviewed 12/2011 Sgt.RC, b.Reviewed 06/2018 D.Lt.GB		
Page 1 of 1.	Accreditation Number 2.1.4	

I BACKGROUND

In certain instances, such as crimes committed on Federal property such as banks, the assistance of federal law enforcement authorities may be required. In other instances, such as natural disasters or riots, the assistance of the National Guard may be necessary. In either event, a policy has been established with respect to contacting the appropriate Federal Law Enforcement Agency.

II POLICY

It is the policy of this department that any officer who believes assistance is required of national law enforcement, security services or military assistance in emergency situations, should do so in the following manner.

III ACTION

In the event an officer from this department believes assistance should be requested from the Federal Government he/she should:

- 1) Contact the officer in charge and explain the situation and necessity of requesting the assistance. The officer in charge will determine which agency to contact and make the necessary arrangements. The Chief of Police, Investigative Captain or Patrol Captain will be contacted prior to the notification.

In order to contact the **National Guard** the officer in charge must contact the Bergen County Office of Emergency Management at **(201) 599-6210** (secondary number at times when the office is closed, (201) 646-2700-Bergen County Police Department). At that point the BC OEM will coordinate with the NJ State Office of Emergency Management and then with the NJ State Police and authorities at Fort Dix, New Jersey to activate the National Guard.

In order to request the **Federal Bureau of Investigation** contact the Garrett Mountain Field Office at **973-684-6614** and speak to the Special Agent in Charge. The FBI investigates crimes involving federal institutions, acts of terrorism and incidents that occur across state lines.

In order to request the **Bureau of Alcohol, Tobacco and Firearms** contact the Woodland Park Field Office at **(973) 247-3020**. The ATF investigates fires, bombings and trafficking in firearms. The ATF will assist with local investigations if requested and normally work on investigations involving federal installations and buildings. The

number for the firearms group is (973) 247-3010. The arson group can be contacted at the primary telephone number.

Mahwah Police Department – Policies and Procedures		Number 020:20:10
Subject Report Form Development/Modification/Deletion		
Issue Date 02202001	Effective Date 02202001	
Revisions: a. Reviewed 12/2011 RC, b. Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 11.4.2	

I. BACKGROUND

Report forms that are properly developed, periodically reviewed and modified when the need arises, will help assure that information obtained is accurate, current, and useful. This will have a direct impact upon the quality of information available in the Departments computer database.

II. POLICY

It is the policy of this Department that any modification of an existing report form as well as newly proposed form be reviewed as outlined below. This policy does not apply to forms supplied by other agencies, such as the courts, N.J. State Police, etc., of which we have no control over.

III. ACTION

Table of Contents		
A.	Management of Report Form Development	p. 1
B.	Goals of Form Development/Modification/Deletion	p. 1
C.	Making Recommendations for Form Development/Modification/Deletion	pp. 1-2
D.	Review of Suggestions	p. 2
E.	Approval	p. 2
F.	Response to the Employee Making the Suggestion	p. 2

A. MANAGEMENT OF REPORT FORM DEVELOPMENT: The Records Bureau will have the responsibility for the overall management of the report form development process. This includes coordinating the development, modification, review, approval and deletion of forms.

The Chief of Police will have final authority over any change to the report forms utilized by this agency. No change in the report forms will be instituted without prior approval of the Chief of Police.

B. GOALS OF FORM DEVELOPMENT/MODIFICATION/DELETION:

1. Prevention of duplication of information captured;
2. Information obtained is consistent with the records information system;
3. The forms serve the needs of the various Divisions/Sections within the Department who rely directly on the information obtained from these forms.

C. MAKING RECOMMENDATIONS FOR FORM DEVELOPMENT/MODIFICATION/DELETION: Any employee, sworn or civilian, may make a recommendation for form development/modification/deletion. The recommendation shall be recorded in writing and directed to the employees Division Commander, via the Chain of Command. If the Division Commander feels the suggestion has merit, he can either forward the memorandum to the Records Bureau or he can bring the topic up during a Staff Meeting.

If the Division Commander does not feel the suggestion has merit, he/she will record his feelings on the memorandum and return it to the employee.

D. REVIEW OF SUGGESTIONS: Once presented to the Records Bureau he/she will investigate the suggestion and determine if the proposal is of a benefit to the efficiency/operation of the Department. As part of his investigation, the Records Bureau will seek the input from personnel who will use the form and who will be directly impacted if the change is approved. This input is imperative in making a sound decision as to whether to adopt the change or deny it.

E. APPROVAL: Once the review is completed and the proposed change is deemed beneficial and satisfies/improves the existing data that can be obtained from the particular report, the Records Bureau will make a formal recommendation to the Chief, who will either approve the change or deny the change.

F. RESPONSE TO THE EMPLOYEE MAKING THE SUGGESTION: Once the investigation into the proposed change is completed, and the Chief has made his final decision, the Records Bureau will respond in writing to the recommending officer with the results of the investigation. If the suggestion is denied, the Records Bureau shall explain the reasons for the denial.

Mahwah Police Department – Policies and Procedures		Number 025:05:05
Subject : Chief Executive Officer--Authority		
Issue Date 02252002	Effective Date 02252002	
Revisions: a. Reviewed 12/2011 RC b. Reviewed 06/2018 D.Lt.GB		
Page 1 of 1 .	Accreditation Number 12.1.1	

I. BACKGROUND

The authority and responsibilities of the Chief of Police are specified by Township Ordinance.

II. POLICY

It is the policy of this Department that all members familiarize themselves with the below listed Ordinance regarding the authority and duties of the Chief of Police.

III. ACTION

Mahwah Township **Ordinance 2-16.9** specifies the authority and duties of the Chief of Police for the Township of Mahwah. The ordinance reads as follows:

“Authority and Duties of Chief” - The Chief of Police shall be the chief executive officer of the Police Department and shall obey and shall cause the members of the Police Department under him to obey the rules and regulations of the Department adopted by the Township Council, the ordinances of the Township and the laws of the State of New Jersey and of the United States of America. He shall be held responsible for the efficiency, general conduct and good order of the Department and shall promptly report to the Township Council every case of dereliction of duty coming in any way to his knowledge and also all complaints made to him against members of the Department.”

Mahwah Police Department – Policies and Procedures		Number 025:10:05
Subject Written Directives		
Issue Date 02142001		Effective Date 12242005
Revisions a. 12242005, b. Reviewed 12/2011 RC c. revised 9/2016 Ofc. KStewen d. Reviewed 06/2018 D.Lt.GB		
Page 1 of 4.	Accreditation Number 12.2.1	

I. BACKGROUND

To insure proper formatting, indexing, purging, updating, revising, and distribution of written directives and general information throughout the Department, as well as to insure that all directives are issued under the authority of the Chief of Police, the following guidelines have been devised.

II. POLICY

It is the policy of this Department that the Chief of Police, or his designee, has the authority to issue, modify or approve the Department written directives. Prior to promulgation, policies will be reviewed by any affected component of the agency and returned to the Chief of Police for final approval.

III. ACTION

Table of Contents		
A.	Department Rules and Regulations	p. 1
B.	General Orders/Policy	p. 2
C.	Divisional Orders	pp. 2-3
D.	Personnel Orders	p. 3
E.	Special Orders	p. 3
F.	Memorandums	p. 4
G.	Other Posted Information	p. 4

A. DEPARTMENT RULES & REGULATIONS:

1. Definition: Department legislation consisting of detailed directives binding members and employees of all ranks in terms of authority, responsibility, and conduct.

2. Format: Rules and Regulations are grouped into categories, which have an assigned sequential, numerical system. Any approved revisions shall be dated, indicating effective date.

3. Authority: Departmentally, only the Chief of Police has the authority to issue or revise a rule and regulation. In addition, all rules and regulations shall be subject to approval of the Mayor and Council and negotiated by the PBA.

4. Indexing, Purging, and Updating:

a. Indexing and issuance shall be the responsibility of the Accreditation Section upon final approval of the Chief of Police. Rules and Regulations are indexed by numbers according to specific subject for easy locating.

c. Purging: Each individual member is responsible for the purging/updating of his manual with information provided by the

B. GENERAL ORDERS/ POLICY

1. Definition: Written directives that pertain to and describe the existing policy and procedures of the Police Department.
2. Format: All orders and memorandums will be located on Departmental Order forms denoting a heading and body section. The heading section shall be comprised of sections identifying the Police Department, Date of Issue, Effective Date, Policy Number and Subject. The General Order/ Policy body shall consist of three sections, Background, Policy and Action. The background section consists of a general statement addressing the need for the particular policy. The policy section is a broad statement identifying this particular order as the policy of the Department. The action section consists of the particulars of the policy. General Orders/Policy shall have an effective date, and shall remain in effect until revised or rescinded.
General Orders/Policies are numbered using an organizational system, citing chapter section and sub-section designated by the Accreditation manager.
3. Authority: Only the Chief of Police has the authority to issue or revise a Departmental general order/policy.
4. Indexing, Purging, and Updating:
 - a. Updating of any general order/policy shall be subject to staff review. General orders/policy are continuously reviewed by Staff and the Accreditation Manager.
 - b. Indexing is the responsibility of the Accreditation Manager upon final approval of the Chief of Police. General orders/policy are indexed based on subject matter and the assigned numbering system.
 - c. Purging: Each individual member is responsible for the purging/updating of his manual with the information provided by the Accreditation Manager. Those general orders/policy that need immediate implementation will be published via memo and/or training programs until the formal policy can be issued. Said updates will be issued and signed for by the individual. This purging will be conducted at a minimum bi-annually.

The Accreditation Manager will purge those policy manuals located at specific locations within the Police Department.

C. DIVISIONAL ORDERS:

1. Definition: Written directives issued by commanding officers to their command, directing, describing, or informing subordinates of the official method of dealing with a given situation.
2. Format: Departmental Order form shall be utilized for Divisional Orders. All blocks shall be addressed, if applicable. The body of the divisional order shall indicate the particulars of the order.
Divisional Orders shall have an effective date, and shall remain in effect until revised or rescinded.
Divisional orders are numbered using a sequential numbering system, preceded by the last two digits of the year of issuance.
3. Authority: The Chief of Police or Division Commander shall have the authority to issue and/or revise a divisional order.
4. Indexing, purging, updating:

- a. The individual who issues the Divisional Order shall be responsible for distribution of that order. All Divisional Orders shall be posted on the bulletin board and/or directed to the individual section by the commander of the affected division.
- b. Any Divisional Order can be updated, revised, or canceled by the issuing Commander or the Chief.
- c. Indexing of the Divisional Orders is the responsibility of the Accreditation Manager. Divisional orders are indexed in a binder in the order of issuance, with the most recent order being first in the binder. Purging of the Divisional Orders shall also be the responsibility of the Accreditation Manager.

D. PERSONNEL ORDERS:

1. Definition: An order pertaining to change in position, transfer, promotion, reassignment, appointment, commendation, suspension, dismissal, resignation or retirement.
2. Format: Departmental Order form shall be utilized for Personnel Orders. All blocks shall be addressed, if applicable. The body of the Personnel Order shall indicate the particulars of the order.
Personnel Orders shall have an effective date, and may include a completion date. If it does not contain a completion date, it shall remain in effect until revised or rescinded.
Personnel Orders are numbered using a sequential numbering system, preceded by the last two digits of the year of issuance.
3. Authority: The Chief of Police or Division Commander shall have the authority to issue and/or revise a personnel order
4. Indexing, purging, Updating:
 - a. All Personnel Orders shall be distributed by the Commander of the Division in which the affected individual(s) is assigned. All Personnel Orders shall be posted on the bulletin board and/or directed to the individual(s) affected by the order.
 - b. Indexing of the Personnel Orders is the responsibility of the Accreditation Manager. Personnel Orders are indexed in a binder in the order of issuance, with the most recent order being first in the binder.

E. SPECIAL ORDERS:

1. Definition: Those directives affecting a specific unit, a specific event, or circumstance of a temporary or self-canceling nature or involving only specific segments of activities.
2. Format: Departmental Order form shall be utilized for Special Orders. All blocks shall be addressed, if applicable. The body of the Special Order shall indicate the particulars of the order.
Special Orders shall have an effective date, and are self-canceling in nature. Special Orders are numbered using a sequential numbering system, preceded by the last two digits of the year of issuance.
3. Authority: Any Superior Officer shall have the authority to issue a special order.
4. Indexing, purging, Updating:
 - a. All Special Orders shall be distributed/posted by the superior officer who issues the order.

b. Indexing of Special Orders is the responsibility of the Accreditation Manager. Special orders are indexed in a binder in the order of issuance, with the most recent order being first in the binder.

F. MEMORANDUMS:

1. Definition: Written information not warranting a formal order. Used to direct any segment or all of the Department personnel in specific situations or to inform them of coming events.

2. Format: Departmental Order form shall be utilized for memorandums. All blocks shall be addressed, if applicable. The body of the memorandum shall indicate the particulars of the order.

Memorandums are numbered using a sequential numbering system, preceded by the last two digits of the year of issuance.

3. Authority: Any Superior Officer shall have the authority to issue a Memorandum.

4. Indexing, purging, Updating:

a. All memorandums shall be distributed/posted by the Superior Officer who issues the memo.

b. Indexing of memorandums is the responsibility of the Accreditation Manager. Memos are indexed in a binder in the order of issuance, with the most recent order being first in the binder.

G. OTHER POSTED INFORMATION:

1. Wanted Notices/Information: Posted on the bulletin boards and reviewed at roll call.

2. County Prosecutor's Informational Bulletin: Posted on the bulletin boards, reviewed at roll call.

H. REVIEW AND REVISION

Every written directive will be reviewed at least every two years to determine if changes should be made due to changed circumstances or occurrences during previous years. All changes will be brought to the attention of the Accreditation Manager and must be approved by the Chief of Police.

Mahwah Police Department – Policies and Procedures		Number 025:10:10
Subject Dissemination and Storage of Written Directives		
Issue Date 02252002	Effective Date 02252002	
Revisions: a. 01242012 Chief JB b. revised 8/2016 Ofc. K Stewen c. Revised 06/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 12.2.2	

I. BACKGROUND

This agencies written directive system evolves from its legal authority, core values and mission statement. All agency personnel should have a clear understanding of their individual discretionary powers in carrying out their duties in accordance with agency written policy, procedure, rules and regulation.

II. POLICY

It is the policy of this department that all members maintain, review, understand and abide all written directives issued by this agency.

III. ACTION

Table of Contents		
A.	Rules and Regulations	p. 1
B.	Authority and Applicability of Written Directives	p. 1
C.	Latitude for Deviation from Procedure	pp. 1-2
D.	Dissemination and Storage of Hard-Copy Written Directives	pp. 2-3
E.	Receipt and Employee Review Process	p. 3

A. RULES AND REGUALTIONS

All members of the Department have been issued hard-copies of the Mahwah Police Department Standard Operating Procedures and the Mahwah Police Department Rules and Regulations. Each member is responsible for the maintenance of these documents and for reading, understanding and applying the directives and procedures on a day-to-day basis.

B. AUTHORITY AND APPLICABILITY OF WRITTEN DIRECTIVES

Written Directives are to be considered as guidelines for carrying out departmental activities. Directives are generally mandatory and dictate a particular course of action when the terms "shall," "will," and "must" are used in the directive. The word "should" strongly suggests a preferred course of action. Directives are generally advisory when the terms "may," "can," or "normally" are used, and imply a degree of choice.

C. LATITUDE FOR DEVIATION FROM PROCEDURE

Latitude for deviation from procedure by an officer is permitted whenever any of the following apply:

1. Circumstances in a particular incident are such that common sense dictates deviation from the directive. Whenever this deviation occurs an officer must be prepared to

- offer reasons which would cause the Chief of Police to believe that adherence to procedure in this instance would have been detrimental to effective police work;
2. When specifically ordered by a supervisor to handle a situation differently. If the officer has any questions as to the wisdom of a supervisor's order to violate procedure, the officer shall first follow the order and then document in writing the deviation to the Chief of Police as soon after the event as possible (exception - an obvious unlawful order); and
 3. Whenever a procedure or order conflicts with federal, state, or municipal law, the applicable law will supersede departmental policy. Also, whenever written Township policies conflict with department policy the Township policy will prevail. Any employee made aware of such conflict shall immediately bring it to the attention of his/her immediate supervisor. The immediate supervisor shall immediately notify the Chief of Police through the chain of command.

Violations of mandatory provisions of directives may be processed as disciplinary action under the Standards of Conduct of the department and the policies of the Mahwah Police Department. If an officer claims an exception under any of the provisions cited in the procedures above, the Chief of Police may appoint a panel of supervisors to review the incident and make a report with their findings and recommendations. It is that member's responsibility to submit a written Memo to his/her supervisor to justify any actions he/she takes which violate any written directive of the department. This will be reviewed by the officer's immediate supervisor and receive final review by the Chief of Police.

D. DISSEMINATION AND STORAGE OF HARD-COPY WRITTEN DIRECTIVES

The Accreditation Manager shall maintain Written Directives in two locations around the building, in addition to the original documents stored in **Power DMS**. Paper copies of the directives will be placed into binders, to include:

1. all current SOPs starting with 005:05:05 and ending with 190:05:05;
2. all Divisional Orders starting with the year of issue and the chronological number of the directive (for example, 01-001);
3. all Personnel Orders under the same numbering format;
4. all Special Orders under the same format;
5. all Memorandums under the same format

All manuals shall contain applicable Table of Contents and Indexes. The SOP Manuals shall have copies maintained in the following locations:

1. Communications
2. Report Writing Room

In addition to the binders stored in the above locations, all Divisional Orders, Personnel Orders, Special Orders and Memorandums will be posted in the Sign-in Room and purged as needed.

The Binders are available to all personnel at all times, although their primary purpose is as a back up to **Power DMS**. The Accreditation Manager will inspect the Hard Copy Department SOP Manuals each year for completeness and validity. A memo to the Chief of Police will document the inspection.

The Accreditation Manager will supervise the master files, including the historical drafts, on all written directives:

1. To review language consistency, clarity, and appropriateness;
2. The master file shall contain the SOP and other Written Directives which were

superseded by the new SOP in order to resolve any problem(s) where past Written Directives are of interest;

3. To ensure that the changes in the manual have been approved by the Chief of Police and/or his designee;
4. To review the SOP for obsolete, inconsistent, contradictory, and duplicate material;
5. To oversee the publication and dissemination of all Written Directive Changes.

E. RECEIPT AND EMPLOYEE REVIEW PROCESS

All departmental personnel will have access to the Written Directives in ***Power DMS*** and can view the hardcopies placed in Communications and the Report Writing Room. The employee is responsible for reading the written directive and understanding its contents. The employee is responsible for seeking clarification on any questions concerning the Written Directive from his/her supervisor, a Division Commander or the Chief of Police.

Each Officer will have to electronically sign off on the Directive/SOP showing he/she read and understands the article through ***Power DMS***.

Mahwah Police Department – Policies and Procedures		Number 035:05:05
Subject Allocation and Distribution of Personnel		
Issue Date 11092002		Effective Date 08132007
Revisions a. 08132007, b. Reviewed 12/2011RC, c. Revised 06/2018 D.Lt.GB		
Page 1 of 2 .	Accreditation Number 21.2.3-4	

I. BACKGROUND

In order to ensure the most effective use of its resources, the Mahwah Police Department will deploy its personnel by calculating service demands based on: 1) workload assessments and 2) appropriate methods of allocation and distribution.

II. POLICY

It is the policy of this Department to establish calculated workload assessments by ascertaining the personnel required to complete specific tasks and to meet specific objectives.

III. ACTION

A. POSITION MANAGEMENT SYSTEM

The Department Organizational Chart, included with SOP **020:05:05** Organizational Structure, serves as a staffing table and reflects the following information:

1. The total police personnel strength as authorized by the Township of Mahwah.
2. Number of personnel, by rank, within each organizational component, including civilians.
3. Position status information, whether filled or vacant for each authorized position in the agency.

B. ALLOCATION AND DISTRIBUTION

At least once every four years, the Chief of Police and Department staff will assess the allocation and distribution of personnel to organizational components of the department. This assessment, based on workload data of the previous period, goals and objectives, attempts to prevent either over- or under-staffing by ensuring that the personnel strength of any Departmental component is consistent with the work load. The nature or number of tasks as well as their complexity, location or time required for completion are some of the factors influencing work load demands. Recommendations concerning needs for additional personnel authorizations will be submitted as part of the Departmental budget.

Allocations of personnel to patrol shifts are based on a work load assessment containing an analysis of the following, at a minimum:

1. Number of incidents handled by patrol personnel during the specified period.
2. Average time required to handle an incident at the patrol level or measurement of a sampling of cases.
3. Calculation of the percent of time, on average, that should be available to the patrol officer for handling incidents during any twelve-hour shift.
4. Time lost through days off, holidays and other leave, compared to the total time required for each patrol assignment.

The Management Information Systems officer will collect and analyze data on the hourly distribution of incidents, and on the basis of this data and data pertaining to reporting areas, the Chief of Police will determine any reallocation or redistribution of patrol resources necessary to ensure proportional distribution of resources by time and place of incidents. The purpose of this effort is to ensure that:

1. Sufficient patrol officers are assigned to each shift to equitably distribute work load and provide prompt and efficient police response.
2. The number of patrol sectors on each shift is proportionate to the work load occurring on each shift.
3. The boundaries of each patrol sector are based on reporting areas and equalized work load.

Mahwah Police Department – Policies and Procedures		Number 035:20:05
Subject Civilian Personnel		
Issue Date 12172002	Effective Date 12172002	
Revisions: a. Reviewed 12/2011 RC b. revised 8/2016 Ofc. K. Stewen		
Page 1 of 1.	Accreditation Number 16.4.1, .2, .3	

I. BACKGROUND

Per-diem dispatchers and civilian crossing guards are not commissioned as law enforcement officers. Per-diem dispatchers and crossing guards are considered auxiliary officers and as such, have limited powers and authority.

II. POLICY

It is the policy of this Department that all members be familiar with the directives governing Per-diem dispatchers and crossing guards

III. ACTION

A. SCOPE OF AUTHORITY

Crossing guards assist the sworn personnel in the performance of their duties and the Department in achieving its goals and objectives with respect to pedestrian school traffic. Per-diem dispatchers assist full time dispatchers in the performance of their duties and the Department in achieving its goals and objectives with respect to Communications Center operations. They exist as support members to the Mahwah Police Department. The role of such personnel includes, but is not necessarily limited to:

1. Assisting the police department and its members in activities and services related to police traffic operations (crossing guards) and police communications operations (per-diem dispatchers). The scope and limitations of authority are set State Statute and the direction of the Chief of Police.

B. TRAINING

All Dispatchers and per-diem dispatchers must have proper training in place in order to assist with communications operations to include APCO certification, EMT-D and 9-1-1 CPR certification and department operations. Department training will be administered by full-time dispatchers once hired.

Crossing guards will receive training in the proper actions of a school crossing guard. Crossing guards will be trained and observed by the Crossing Guard Coordinator. Records Clerks/Technicians are trained to meet mandatory state police requirements as well as department operations. Records Clerks/Technicians will be trained by Department Personnel.

C. UNIFORMS

All per-diem dispatchers will wear a uniform similar to that of full-time dispatchers. Crossing guards will be issued a retro-reflective traffic vest and bright red stop paddle for use on the crossing post.

Mahwah Police Department – Policies and Procedures		Number 035:25:05
Subject Civilian Personnel		
Issue Date 09062002	Effective Date 09062002	
Revisions: a. Reviewed 12/2011 RC		
Page 1 of 1.	Accreditation Number 16.5.1	

I. BACKGROUND

In any police agency certain tasks that need not be performed by qualified, sworn law enforcement officers may be more efficiently performed by a civilian employee.

II. POLICY

It is the policy of this department that all members, both sworn and non-sworn, familiarize themselves with the below listed guidelines regarding civilian personnel.

III. ACTION

A. DEPARTMENT CIVILIAN POSITIONS AND STAFF

Whenever practical, Department positions not requiring specific knowledge, skills and abilities of a sworn police officer will be specified as a civilian position and staffed accordingly. The following positions within the police department are specified as civilian:

1. Administrative Assistant to the Chief of Police;
2. Records Secretary;
3. Records Technician;
4. Telecommunicator.

This is not to be construed as to prohibit officers from performing these duties at times, such as when an urgent need arises for assistance in the civilian position or for purposes of broadening the officer's experience. Sworn personnel may be temporarily assigned to these positions in the event of an urgent department need, which includes, but is not limited to times when officer(s) are placed on temporary light duty or administrative assignments.

In conjunction with the development of the annual budget for the Mahwah Police Department the Chief of Police will assess which positions, if any, should be reclassified and designated as civilian. The reclassification of positions must be approved by the Township Administrator and be in conformance with the provisions of all applicable ordinances and statutes relative to same.

All Police Department civilian personnel are governed by all "Standards of Conduct, "Rules and Regulations," "Policies and Procedures," and other written directives approved by the Chief of Police and the Township Administrator and/or Township Council and the existing MMEA contract. Any exceptions will be specifically stated in writing in the written directive.

Mahwah Police Department – Policies and Procedures		Number 040:05:05
Subject Fiscal Management		
Issue Date 11092002		Effective Date 12232002
Revisions a. 12172008, b. 02/2012 Chief JB c. revised 9/2016 Ofc. K. Stewen d. Revised 06/2018 D.Lt.GB		
Page 1 of 4	Accreditation Number 17.1.1-5.2	

I. BACKGROUND

The Mayor is responsible for preparing and submitting to the council the annual budget, after receiving proposed budgets made by the heads of department. The Mayors authority in preparing the budget is in accordance with Title 40.

II. POLICY

It is the policy of this department to explain departmental procedures and practices concerning, and to assign certain responsibilities for, fiscal management within the Mahwah Police Department.

III. ACTION

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A.	Fiscal Management	p. 1
B.	Budget	pp. 1-2
C.	Purchasing	p. 2
D.	Accounting	pp. 2-3
E.	Agency-Owned Property	p. 3

A. FISCAL MANAGEMENT

The Chief of Police has the authority and responsibility for fiscal management and fiscal matters for the Mahwah Police Department. The Chief of Police will be personally involved in departmental financial management.

B. BUDGET

1. The budgetary process is prescribed by the Township Administrator and Chief Financial Officer and is an essential planning tool which enables the Department to organize its financial resources in an objective-directed effort to derive the maximum return for the tax dollars expended.

Annually, in September, the department budget for the next fiscal year is prepared. All Division Supervisors will actively participate in the development of budget lines and provide documents and instructions as to budget line development and justification. The Chief of Police is responsible for final budget preparation and management, and submission to the Mayor.

2. Budgeting is a continuous process which is the responsibility of each Division supervisor. It involves the identification of objectives and the determination of organizational needs based upon a reasonable assessment of future requirements.

Division supervisors communicate organizational needs by means of budget requests. Such requests should be limited to items which are necessary to continue the present standard of service, materially improve the standard of service or reduce the cost of service. It is the responsibility of Division supervisors to weigh needs carefully and to present estimates which incorporate reasonable and economically sound requests. If an item is requested, it should be on the basis that it will improve the standard of service. The justification should show conclusively that the objective will be reached and that the cost will be returned in some concrete manner.

The departmental budget represents an evaluation of relative needs based upon quantitative and qualitative data. It involves a decision regarding objective priorities with consideration given to the volume and type of work required and costs involved.

Written recommendations and justification for budget lines, particularly those dealing with requests for additional personnel or major new capital item acquisition will be based on detailed operational and activity analysis which will clearly demonstrate need, operational capability to be enhanced, etc. These recommendations will become part of the Chief's budget backup information or may be submitted as part of the budget for consideration by the Mayor.

C. PURCHASING

All requisition and purchasing procedures are done in accordance with New Jersey Local Government Finance laws, which include:

1. specifications for items requiring standardized purchases;
2. bidding procedures for purchases in excess of \$26,000;
3. quotes for purchases exceeding \$1,000;
4. criteria for the selection of vendors and bidders;
5. procedures for the emergency purchase or rental agreements for equipment;

When emergency situations arise involving any circumstances that could not have been anticipated by prior fiscal planning, the Chief of Police must request additional funding from the Mayor, who may, in turn, seek Council approval and authorization.

D. ACCOUNTING

1. Budget printouts received from the Chief Financial Officer (CFO) will provide:
 - a. initial appropriation for each account;
 - b. balances at the commencement of the monthly period;
 - c. expenditures and encumbrances made during the period;
 - d. unencumbered balance, and this information is available through the Edmunds system.
2. The Departmental Petty Cash fund is authorized by the Township Administrator to provide a ready source of cash to reimburse personnel for small purchases, small meal/travel expenses, postage or shipping fees, etc. Maintenance of the fund includes:
 - a. All written evidence of expenditure will be turned in to the CFO at the time replenishment of petty cash is requested. This memorandum will include initial balance, credits, debits and balance on hand.
 - b. All requests for reimbursement from petty cash must be accompanied by written evidence of expenditure (cash receipts or statement of expenditure signed by the employee requesting reimbursement).
 - c. Normally, the maximum amount payable from petty cash will be twenty-five dollars. Reimbursement for expenses in excess of that amount must be approved in advance by the Chief of Police.
 - d. Records, documentation or invoices are required for cash expenditures.

- e. The Chief's Secretary is responsible for the administration and maintenance of the Petty Cash Fund. The Chief is authorized to disburse funds.
 - f. The Records Secretary is responsible for the administration and maintenance of payments and receipts for all copies of reports given to civilians or attorneys requesting discoveries.
 - g. Agency cash activities will be reconciled each time a request is made for reimbursement for the petty cash account. The individual receipts will be reconciled against the voucher request. This will occur at a minimum quarterly each year.
3. An independent audit is conducted annually of the accounts and finances of the Township of Mahwah. All police department accounts are audited at that time. The audit is conducted by a certified public accountant selected by the Township. A copy of the audit is on file with the Chief Financial Officer of the Township.

E. AGENCY-OWNED PROPERTY

1. The Management Information Systems (MIS) officer is responsible for compliance with inventory control procedures and will ensure:
- a. proper accession of all capital or other major items of equipment on department inventory, assignment of control numbers and proper markings.
 - b. required inventory verification as requested by the Township Administrator.
 - c. maintenance of complete records for Department property, equipment and other assets.
 - d. appropriate deletion of items properly authorized for disposal or auction by the Township Administrator and then deletion from inventory.
 - e. proper reporting of and disposition of damaged, excess and surplus property as directed by the Business Administrator.

The Patrol Division Commander is responsible for:

- a. proper issue of individual clothing and equipment to employees, maintaining an individual account and responsibility thereof.
- b. maintenance of complete records for all Department property, equipment and other assets assigned to the Patrol Division.
- c. Storage and control of all weapons and ammunition retained in the armory assigned to the Patrol Division. The patrol Division Commander will assign the senior Firearms Instructor to maintain and update an inventory of all firearms issued in the agency.
- d. Proper issue of weapons to employees, including maintenance, inspection and test-fire prior to issue.
- e. As necessary, the Patrol Division Commander will assign officers to inventory and replenish equipment needed for day to day operations.

The Investigative Division Commander is responsible for:

- a. Storage and control of all surveillance equipment assigned to the Investigative Division
- b. Proper issue of surveillance equipment, including maintenance, inspection and testing prior to issue.
- c. Maintenance of complete records for all major items of equipment assigned to the Investigative Division.

2. Individual, tour and division equipment and supply requests and inquiries should be directed to the Patrol Division Commander by use of an inter-office memorandum with an explanation of need.

3. Each Division Commander will be responsible for stored equipment assigned to their respective divisions and for repair or replacement due to deficiencies. Readiness reports will be submitted as directed to the Chief of Police.

Mahwah Police Department – Policies and Procedures		Number 045:10:15
Subject Delineation of Duties and Responsibilities		
Issue Date 11082002		Effective Date 11082002
Revisions: a. Reviewed 12/2011 RC, b. Reviewed 3/2015 DetGB, c. Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 21.2.2	

I. BACKGROUND

In an effort to guide individual employees and their supervisors concerning their duties and responsibilities in assigned positions, policy has been established to provide such guidance.

II. POLICY

The Mahwah Police Department shall retain responsibility for defining job descriptions, knowledge and ability requirements for Agency employees.

III. ACTION

A. DELINEATION OF DUTIES AND RESPONSIBILITIES:

Each position within the Mahwah Police Department shall have its duties and responsibilities identified in written form and shall be available to all its members via **Job Description Manual**. Duties and responsibilities unique to each position shall be performed on a daily basis, or as need be. Positions within the Police Department are as follows:

1. Chief of Police
2. Captain
 - a. Investigative Division Commander;
 - b. Patrol Division Commander;
3. Lieutenant
 - a. Investigative Division;
 - b. Patrol Division;
 - c. Administrative
4. Sergeant
 - a. Investigative Division;
 - b. Patrol Division;
 - c. Administrative;
5. Detective
 - a. General Assignment;
 - b. Juvenile Section;

6. Police Officer
 - a. Patrol Section;
 - b. D.A.R.E. Officer;
7. Special Assignments
 - a. Police Officer-K-9;
 - b. Traffic Officer
8. Civilian Employee
 - a. Chief's Secretary;
 - b. Police Records Secretary;
 - c. Police Records Technician;
 - d. Telecommunicator

A copy of the Mahwah Police Department, Job Description Manual is available for review in the Communication Center.

Mahwah Police Department – Policies and Procedures		Number 050:05:05
Subject Compensation, Benefits and Conditions of Work		
Issue Date 09062002		Effective Date 09062002
Revisions a. 10012007, b. 10302008, c. 12252011 OfcGF, d.01202015 OfcKS, e.032015 OfcKS, f. Reviewed 06/2018 D.Lt.GB		
Page 1 of 6.	Accreditation Number 22.1.1-4, 22.1.6-7, 22.2.1-2, 33.8.4	

I. BACKGROUND

The Township of Mahwah Police Department provides employee benefits to its members. There are certain benefits that are negotiated between the Township governing body and the respective employee collective bargaining groups, such as salary, number of vacation days, holidays and personal days, terminal leave, and certain health benefits. The Township also provides retirement benefits, workman's compensation, and liability protection. Employees are expected to fully avail themselves of the benefits of employment offered by the Department.

Negotiated benefits are described in the employee's respective collective bargaining contracts, which are made available to individuals through the bargaining unit. Descriptions of other Township benefits are available to employees, upon request, through the Township of Mahwah Finance Office. In addition, the Accreditation Officer maintains informational employee benefit booklets for viewing by personnel. The following generally lists current employee benefits.

II. POLICY

It is the policy of this Department that all permanent members familiarize themselves with the current PBA and UPSE contract and other documentation regarding compensation, benefits and conditions of work.

III. ACTION

The following listed employee benefits are protected through contractual agreements between the Township of Mahwah and the bargaining unit of PBA Local 143 and the bargaining unit of the United Public Service Employees Union.

- Salary and wage increase (employee's salary/wages are governed by existing collective bargaining agreements. The Department of Finance will advise new hires of their starting salary and steps, if applicable. Refer to salary appendix in the current PBA and UPSE contract. Employees are paid bi-monthly on the 15th and 30th of the month).
- Hours of work and schedule compensation days (the current work contract for a police officer is 2080 hours per year. The present work schedule obligates the officer to 2190 hours per year. The balance of 110 hours is returned to the officer in "Kelly Time." The Chief of Police will provide the scheduling of assignment, hours of work, and days off for all employees).

- Overtime may be taken in pay or in compensatory time per departmental guidelines (see PBA/UPSE contract).
- Court time
- Vacations and holidays (annual leave shall be selected on a rotating seniority basis, by squad within rank for members assigned to patrol division, and by seniority within rank for all other divisions within the department. All vacation picks shall be in compliance with the PBA contract. The number of vacation days allotted to each employee is determined by the collective bargaining agreement between the Township and the PBA/UPSE (see PBA/UPSE contract).
- Military leave (a member or employee, who is a member of the Organized Reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, United States Marine Corps Reserve or other affiliated organization, shall be entitled to a leave of absence from duty, without loss of pay or time, on all days during which s/he shall be engaged in field training. Such leave of absence shall be in addition to the regular annual leave allowed such member or employee (source NJSA 38:23-1). Enlistment or Re-enlistment in National or State Military Organization: Members and employees of the Department shall not enlist, re-enlist, or accept a commission, in any federal or state military organization without having made prior notification to the Chief of Police.
- Sick leave and leave of absence for death in family
- Longevity (longevity increments are governed by existing collective bargaining agreements. This information will be provided to new hires by the Finance Department (see PBA/UPSE contract).
- Personal (administrative) leave
- Special reimbursement
- Clothing, equipment and weapons
- Medical, dental, optical and death benefits
- Tuition credit and education incentive
- Terminal leave and maternity leave

Newly Hired Sworn Officers and Civilian Employees

All newly hired sworn officers and civilian employees will be notified of employee benefits provided by the Township of Mahwah within the first two weeks of commencing employment.

All new hires will be provided with required Township or State forms, in regard to benefits, by the Finance Department. Forms are to be completed fully and returned to the Finance Department without delay.

The Township Finance Department will provide all new hires with information or informational booklets on all employee benefits provided by the Township or State.

The Chief of Police or his designee will provide new hires with instruction on work schedules, shift rotation, days off, holidays, personal days, vacation and overtime.

A. COMPENSATION

The salary program for the Department is covered in the current PBA/UPSE contract. The contract explains the following types of compensation:

1. Entry-level salary;
2. Salary differential within ranks;
3. Salary differential between ranks;

4. Compensatory time policy;
5. Overtime policy; and
6. Provision of salary augmentation.

These benefits are explained in the individual articles and appendices of the present PBA/UPSE contract.

B. BENEFITS

The leave program for the Department is covered in the current PBA/UPSE contract.

The contract explains the following types of leave:

1. Personal (Administrative) leave;
2. Holiday leave;
3. Sick leave; and
4. Vacation (annual) leave.

These benefits are explained in the individual articles of the present PBA/UPSE contract.

The New Jersey Family Medical Leave Act (NJSA 34:11B1-34:11B-16) explains family medical leave benefits.

C. RETIREMENT PROGRAM

The retirement program is administered through the State of New Jersey Police and Fireman's Pension System. Sworn police officers are eligible for full retirement after 25 years of uninterrupted service (see Pension booklet). The Public Employees Retirement System covers civilian personnel. As of January 2000 members of the Policeman's and Fireman's Retirement System may retire at 20 year of service without benefits from the town.

D. HEALTH INSURANCE PLAN

Medical Coverage

The Township provides medical coverage for employees during their working career and through retirement after 25 years of uninterrupted service. Medical coverage by the Township is provided in collective bargaining agreements. Refer to the benefits booklet for a description of the health plan.

Dental Coverage

Dental coverage will be in accordance with existing collective bargaining agreements (see PBA/UPSE contract).

Eyeglass Plan

The eyeglass plan will be in accordance with existing collective bargaining agreements (see PBA/UPSE contract).

E. DISABILITY AND DEATH BENEFITS

Employee disability and death benefits are as prescribed by the Police and Fireman's Retirement System. See the State of New Jersey Police and Fireman's Retirement System Member Handbook for specific details.

F. SUPPORT SERVICES/LINE-OF-DUTY DEATHS

Support services include providing information on employee benefits and help for the employee and family in cases of injury or death. Any employee in need of support services should consult with the accreditation manager, who is familiar with the employee benefit and assistance package offered by the Township. In the event of a death or serious injury incurred by a member of the Department, see SOP 145:10:30, Notification, Next of Kin and SOP 145:05:05, Victim/Witness Assistance. To ensure

support information remains contemporary, an annual review of Line-of duty death resources will be conducted by the Office of Professional standards.

G. LIABILITY INSURANCE

The Township maintains a liability program to protect police department employees for acts or omissions directly related to their law enforcement function. Liability protection is provided in a variety of ways, typically including officers' liability coverage, vehicle liability coverage and self-insurance. Since the exact components of the liability protection program are subject to periodic change through contract expiration and renegotiation, any employee desiring to know the specific components currently in effect may contact the Chief of Police.

The liability protection program covers all police officers, school crossing guards and full- and part-time civilian employees of the department.

Any employee who receives notice, in any form, of actual or impending legal suit or claim, shall, as rapidly as possible, explain the circumstances through command channels to the Chief of Police. The Chief of Police, shall, in turn, provide appropriate notification to both the Township administrator and the Township attorney.

No employee shall imply or accept financial liability for loss or damage on behalf of the town. Any inquiries concerning financial liability will be referred to the Township attorney.

The Department may not cover an act or omission of duty by an officer, when that act or omission constitutes gross and willful negligence.

H. CLOTHING AND EQUIPMENT

Clothing allowance for the maintenance and replacement of uniforms and equipment is paid in accordance with existing collective bargaining agreements (see PBA/UPSE contract).

I. EDUCATIONAL BENEFITS

Tuition credit and Education incentive are paid in accordance with the collective bargaining agreement (see PBA/UPSE contract).

J. EMPLOYEE ASSISTANCE PROGRAM

An employee assistance program is intended to assist employees who are suffering from persistent problems that may tend to jeopardize the employee's psychological and/or physical well being. The goal of this type of program is to help individuals who have developed problems by providing services for consultation, treatment and rehabilitation in order to prevent their condition from progressing to a degree that it will prevent the employee for functioning effectively in the workplace.

The employee assistance program is administered by the West Bergen Mental Health Center. Services provided by West Bergen include counseling and psychotherapy, consultation and education, a partial hospital and residential and in-home services. The Center for Children and Youth is part of the West Bergen organization and services young people ages 2-18 and their families. Specific services include assessments, evaluations, therapy, education and support groups, divorce programs, attention-deficit clinic, substance abuse treatment and therapeutic learning.

In order to obtain any of these services employees should make an appointment for a free assessment. Treatment needs will be determined and billed separately to the employee's health plan.

Confidential, appropriate and timely problem assessment services will be determined by the staff of West Bergen.

Referrals to services, either workplace or community resources for appropriate diagnosis, treatment and follow-up would normally be made by the staff of West Bergen.

Referral and mandatory participation in any rehabilitation/treatment program would be at the discretion of the Chief of Police based on conduct that is detrimental to the department or is determined to cause the employee to be unfit for duty. The department would compensate any mandatory participation and all program particulars would be kept confidential.

All supervisors should be cognizant of and identify any employee behaviors that would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance. It is the supervisor's responsibility to be familiar with the services described in this SOP and determine if any of the available services are necessary in order to refer the employee in question to that service.

Another service available to employees is the Law Enforcement Intervention Hotline (1-866-COP 2COP). This is a toll-free 24-hour service that is staffed by qualified retired officers and trained counselors that provide services for active and retired officers and their families. The help and referral services are confidential and include peer counseling, assessments, and critical incident stress management. The program provides assistance for personal or job-related depression, anxiety, stress, tension, trauma or other problems.

K. PHYSICAL EXAMINATIONS

Self-initiated physical examinations are recommended for all employees on an annual basis. A physical examination is a benefit to both the employee and the agency. Should the necessity arise for requiring a physical exam for a member of the department, the department will incur any costs associated with that physical exam. The required physical exam would be conducted only to confirm the employees' continued fitness to perform the tasks of their assignments and to inform them of their general physical condition, not to identify employees with disabilities who are otherwise able to perform their assigned duties, with or without reasonable accommodation.

L. GENERAL HEALTH AND PHYSICAL FITNESS

The functions of a law enforcement agency require a level of physical fitness not demanded by many other occupations. Rule #14 of the Mahwah Police Department Rules and Regulations requires that employees shall report to work and, while working, remain mentally, physically and emotionally ready to assume and competently perform all their responsibilities, duties and tasks. This rule is necessary because employees who lack the physical and mental capabilities to assume the responsibilities and duties expected of their jobs create a public safety hazard for themselves as well as other who may depend on their performance to provide effective, efficient and safe protective service.

M. INFORMATION REGARDING EMPLOYEE BENEFITS

For the convenience of Department employees, the Accreditation Officer shall have on file informational booklets and bulletins describing certain benefits provided by the Township. These booklets are for reference only and are not to be removed from the office except for copying purposes.

The Township of Mahwah Finance Department maintains informational booklets that are available to employees on a limited basis.

The collective bargaining units within the Department are responsible for the distribution of contracts to their respective members concerning negotiated benefits.

Mahwah Police Department – Policies and Procedures		Number 050:15:15
Subject Outside Employment		
Issue Date 01312001	Effective Date 12232002	
Revisions a. 01152002, b. 12232002, c. Reviewed 12/2011 CaptRS, d. Reviewed 06/2018 D.Lt.GB		
Page 1 of 5.	Accreditation Number 22.2.4-5	

I. BACKGROUND

In order to maintain the integrity of the Police Department and to avoid the implications of conflict of interests, policy has been established regulating the approval of "outside employment."

II. POLICY

It is the policy of this Department that all members (sworn and non-sworn) adhere to the following guidelines regarding "Outside Employment."

III. ACTION

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C.	Extra-Duty Employment	pp. 3-5

A. DEFINITIONS

Police Department Employees - Means all persons employed by the Mahwah Police Department, sworn or civilian--whether full time, part time, or temporary part time.

Secondary Employment – Any outside employment, which is either extra-duty or off-duty.

Off-Duty Employment - is any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee.

Extra-Duty Employment – is any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the officer or employee.

According to the current agreement between the Township of Mahwah and PBA Local 143, the maximum number of hours per calendar week to be worked by any employee on the 12 hours schedule is 60 hours (not including Township of Mahwah police overtime).

B. OFF-DUTY EMPLOYMENT

1. LIMITATIONS

Employees of the Mahwah Police Department may engage in off-duty employment subject to the following limitations:

- Employees may not use their police position to gain personal advantage in off-duty employment or in any manner which would be prejudicial to the interests of the Mahwah Police Department;
- Employees will submit a written notification for off-duty employment through the chain of command to the Chief of Police for authorization, prior to engaging in any off-duty employment. If authorization cannot be given, the Chief of Police will meet

- with the employee. Employees represented by the bargaining unit may be accompanied by a union representative or alternate, if desired;
- Any change in conditions described in the original request requires resubmission for administrative review. When any off-duty employment has been terminated, the employee will notify, in writing, the Chief of Police;
 - Members will immediately report in writing, through the chain of command to the Chief of Police, any incidents arising from or connected with their off-duty employment which might adversely affect the Department or its personnel;
 - Members engaged in off-duty employment will at all times and in all places, conduct themselves in a manner creditable to the Mahwah Police Department and that will not give the appearance of impropriety. Misconduct may result in termination of the off-duty employment work permit and/or disciplinary action;
 - Police personnel will conform to all federal, state and municipal laws and regulations applicable to their off-duty employment;
 - An employee, if needed in exigent circumstances, may at any time be called away from off-duty employment to meet the needs of the Department. Off-duty employment shall not render the employee unavailable during an emergency;
 - Off-duty employment may not interfere with official duties. Approval may be denied or withdrawn by the Chief of Police if there is an indication that the off-duty employment is having an adverse effect upon the Department or the employee's on-duty job performance. Such off-duty employment shall not physically or mentally exhaust the employee to the point where their job performance at the Mahwah Police Department may be adversely affected. Such employment shall not interfere with the employee's ability to perform full-time responsibilities to the Mahwah Police Department;
 - Off-duty employment shall not require any special consideration be given to the scheduling of the employee's regular duty hours;
 - It is understood that the Department does not encourage its officers to carry weapons outside the Township when they are not acting within the scope of their police duties while employed in an off-duty status. In no instance is a Department-issued weapon, or Department-issued equipment or uniforms, to be used in the performance of off-duty employment. Members of the Mahwah Police Department may not report to or leave the place of off-duty employment in uniform or distinguishable parts thereof;
 - Neither the Township of Mahwah nor the Mahwah Police Department accepts any responsibility or liability for any action arising out of an employee's off-duty employment; and
 - Notification authorizing off-duty employment will become a part of the employee's personnel file maintained by the Chief of Police. A copy will be furnished to the employee and the employee's supervisors.

2. PROHIBITIONS

Employees of the Mahwah Police Department may not engage in any off-duty employment or business, which is connected with or requires any of the following;

- Any type of work for a liquor-permit premise where alcoholic beverages are sold by the glass, or where the distribution of alcoholic beverages is the primary business concern within the jurisdiction of the Mahwah Police Department;
- Employment by credit agencies for the purpose of investigating or collecting accounts, including the repossession of motor vehicles and collection of bad debts;
- Pre-employment investigations for private industry;

- Any type of work related to bail-bonding;
- Investigative work for insurance companies, attorneys or private security services;
- With any company within Mahwah which is affected by a strike;
- While on sick or injury leave;
- Any position which requires appointment as a law enforcement officer for another jurisdiction, unless otherwise approved by the Chief of Police; and
- While this list is not all-inclusive, a general rule of thumb regarding prohibitions would include off-duty employment in any capacity, which harbors the potential to cause conflict of interest or bring discredit upon the employee and/or the Mahwah Police Department.

3. DENIAL, REVOCATION AND RENEWAL OF WORK PERMITS

Whenever there has been a change in the nature of work or the type of work conditions in an off-duty employment situation, it is the responsibility of the employee to immediately notify the Police Chief in writing of the specific change. An off-duty work permit may be denied, revoked or not renewed for any of the following reasons:

- A determination that the nature of the off-duty employment poses a conflict of interest with the primary duties of the employee or the department;
- If the employment could involve the potential exercise of police authority or access to confidential information, and a determination that jurisdiction may be questionable or that the exercise of police powers may be inappropriate;
- Reasonable grounds to believe that the type of work, or amount or duration of hours at the off-duty employment will affect the employee's ability to perform primary duties while working for the Mahwah Police Department, including required overtime and court appearances;
- Failure of the off-duty employer to include the off-duty employment of police employees on their worker's compensation contract;
- The presence of a risk that the public image of the police department could be compromised.

4. IMMEDIATE REVOCATION

The Chief of Police may immediately revoke an off-duty work permit for any of the following reasons;

- Any change in a condition of the original application; or,
- A strike, labor dispute, or other change at the employer's place of business that has the potential to place the police officer or employee in a vulnerable or controversial situation; or,
- Revocation as a personnel action taken by the Police Chief; or,
- Emergency mobilization of off-duty personnel.

C. EXTRA-DUTY EMPLOYMENT

1. GENERAL PROCEDURES

Employees must receive agency permission to engage in extra-duty employment. Requests should be submitted in a similar fashion as that for off-duty employment. The Chief of Police may revoke approval for extra-duty employment at any time and for any reason that the Chief deems appropriate and in the best interests of the Department. In addition the following may be grounds for rejection of extra-duty employment requests;

- Any extra-duty assignment that the Chief of Police believes to be improperly or inadequately planned or managed will not be approved;

- Any extra-duty assignment that the Chief of Police believes will pose an excessive risk to the assigned officers will not be approved;
- Any extra-duty assignment that requires manpower resources beyond the capability of the Department or which may compromise the Department's ability to provide its basic services;
- Any extra-duty assignment in which the contractor, organization or individual will not agree to relinquish complete control of the officer(s) and their assignment to the Department will not be approved;
- Any extra-duty assignment that would not be consistent with the mission, values, goals, ethics of the Department;

2. CONTACT, COORDINATION AND ADMINISTRATION

The Administrative Officer is designated as the Department's representative to administer the extra-duty employment function on the Chief's behalf. The Administrative Officer has the functional responsibility for taking the initial requests for approval, coordinating the approval process with the approval of the Chief of Police, securing the manpower for the event, administering the request, overseeing the adherence to the aforementioned policies, processes, and other matters deemed appropriate by the department.

3. SELECTION AND SCHEDULING

Procedures for the selection and scheduling of personnel working extra-duty assignments have been established by an agreement between the Mahwah Police Department and the Mahwah Policeman's Benevolent Association. Those procedures are available to all employees through the PBA secretary or by the posting in the calendar room, scheduling will be done as far in advance as practical.

Officers/employees working extra-duty employment will be compensated at the rate agreed to by the PBA and the Police Department. Officers scheduled to work and unable to do so because of illness, injury, or other approved leave will be replaced in accordance to the overtime policy. Once scheduled, no personnel changes are permitted without specific prior approval of the Administrative Officer.

4. BEHAVIOR OF EMPLOYEES

All extra-duty employment involving officers of the Mahwah Police Department will always be contracted through the Department with the approval of the Chief of Police. There are no provisions for Mahwah Police Officers to secure extra-duty employment as a Mahwah Police Officer, individually. The Department controls all such extra-duty employment. No officer shall engage in any extra-duty employment situation without the approval and permission of the Chief of Police.

Extra-duty assignments, like all other assignments, will be handled in accordance with the policies and procedures of the Department and are subject to all requirements, limitations, responsibilities, and authority normally associated with Departmental assignments.

All personnel of the Mahwah Police Department who are assigned to extra-duty employment through these procedures are working as employees of the Police Department, not the organization contracting for the services. As such, officers and employees of the Department working in an extra-duty employment situation are covered by the Department's workman compensation, liability, and indemnification policies and programs for issues arising from injuries or other incidents occurring during such extra-duty employment.

Officers and employees engaged in such extra-duty employment are compensated by the Township of Mahwah directly through normal payroll policies and practices. The Department utilizes an escrow system to ensure that proper funds are available to compensate those members engaging in extra-duty employment.

Officers assigned to extra-duty employment are authorized to utilize police department property (weapons, uniforms, cruisers, and other assigned equipment). The assignment primarily will involve uniform assignments, but in some instances a plainclothes assignment may be requested by the contracting organization. Officers are required to comply with the Department's Uniform, Equipment, Grooming, Personal Appearance and Dress Code policies in all extra-duty employment situations.

The officer(s) assigned to an extra-duty assignment will notify the Communications Center of the assignment and its location. Any significant incident occurring during a special event (i.e., arrests, injury, citizen complaints, etc.) which would reduce the ability of the detail to handle its responsibilities will normally be referred to on-duty patrol personnel. In all cases, the incident will be documented with the initiation of an incident report.

Officers working such extra-duty employment have the same duties, responsibilities, authority, and limitations as officers on regular duty.

The Chief of Police may suspend or revoke an officer's privilege to participate in extra-duty employment for cause.

5. DOCUMENTING SIGNIFICANT ASPECTS

The officer assigned to an extra-duty assignment will notify the Communications Center of the assignment, its location, and the patrol vehicle utilized for notation by the dispatcher. The assigned officer(s) will submit required reports for use of force, injury to personnel, arrests or citations, and other incidents that normally require reports.

The Mahwah Police Department has agreed to provide police services for Mahwah High School sporting events played in Mahwah. The numbers and assignments of officers vary depending upon the athletic event.

Mahwah Police Department – Policies and Procedures		Number 055:05:05
Subject Collective Bargaining		
Issue Date 11112002		Effective Date 11112002
Revisions a. 11012008, 12202011 OfcGF, c. Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 22.3.1-2	

I. BACKGROUND

Collective bargaining is the process by which the Township of Mahwah and the local chapter of the New Jersey State Policeman's Benevolent Association (PBA Local 143) and United Public Service Employees Union (civilian) negotiate contractual issues.

II. POLICY

It is the policy of this department that all members be familiar with the process and procedures of collective bargaining.

III. ACTION

A. COLLECTIVE BARGAINING

Generally, the President of PBA 143 will select a salary committee from those members of the Union who volunteer to be on such a committee.

The Mahwah Police Department will not engage in bargaining with the Township, rather leave collective bargaining to the Local Chapter of the New Jersey State Policeman's Benevolent Association, commonly known as PBA Local 143 or the Mahwah Policeman's Benevolent Association and its representatives.

1. The President of PBA Local 143 will act as the designated principal negotiator and choose a collective bargaining team for the agency from the pool of volunteers.
2. The bargaining unit for the membership of the Mahwah Police Department shall be known as the Mahwah Policeman's Benevolent Association for contractual purposes.
3. To the extent possible and allowable by law the Department will participate in "good faith" bargaining with the President and salary committee of PBA Local 143. Collective bargaining will generally be conducted between the Union representatives and representatives of the Township, specifically the Mayor and Administrator.
4. To the extent possible and allowable by law the Department will abide by the ground rules for collective bargaining that arise out of the collective bargaining process or labor arbitration.
5. To the extent possible and allowable by law the Department will abide, in both letter and spirit, by the negotiated labor agreement that has been signed by management, labor representatives and ratified by the bargaining unit.
6. The UPSE will negotiate their own contract in accordance with their union rules and guidelines.

B. CONTRACT MANAGEMENT

When a negotiated labor agreement is ratified by all parties, the Chief of Police, or his designee, will:

- a. obtain a written, signed copy of the agreement;
- b. review and amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreement; and
- c. disseminate information relative to a new labor agreement, including modifications to existing agreements, to all members of the Department.

Mahwah Police Department – Policies and Procedures		Number 060:05:05
Subject Grievance Procedures		
Issue Date 11102002		Effective Date 11102002
Revisions: a. 01042011 Chief JB, b. 01192015 OfcKS, c. Reviewed 06/2018 D.Lt.GB		
Page 1 of 2 .	Accreditation Number 22.4.1-3	

I. BACKGROUND

An important element of a sound personnel system is the existence of a formal method that allows employees to resolve their grievances with management fairly and expeditiously. The grievance process can help to reduce personnel dissatisfaction, improve morale, identify problems and increase positive attitude.

II. POLICY

It is the policy of this Department that all members follow the below listed guidelines, as spelled out in the current Agreement between the Township of Mahwah and the Mahwah Policemen's Benevolent Association, regarding grievances.

III. ACTION

A. INTRODUCTION

The grievance procedure of the Mahwah Police Department was established through written contract between the members of the Mahwah Policemen's Benevolent Association, Local Number 143 and the Township of Mahwah. These grievance procedures are part of a collective bargaining agreement and will be listed as written in the current contract according to Agreement **Article XXIV**.

B. GRIEVANCE ADJUSTMENT PROCEDURE

1. The purpose of the grievance adjustment procedure shall be to secure, at the lowest possible level, disposition and solution of difficulties which may arise as the result of an Officer's employment.
2. A grievance is defined as the interpretation, application or violation of policies, agreements and administrative decisions affecting employees and may be raised by an individual, or the PBA.

C. STEPS OF THE GRIEVANCE PROCEDURE

1. The aggrieved party shall institute action within fourteen (14) days of the occurrence of the grievance. The first step shall be a discussion of the grievance between the employee and the members of his chain of command.
2. If the aggrieved party is unsatisfied with the discussion of the grievance between the employee and the members of his chain of command, and the grievance is an alleged violation of this Agreement only, grievant(s) shall, in writing, file a written statement of the grievance with the Chief of Police within one (1) week following the discussion between the employee and the members of his chain of command. Within one (1) week of such submission, the aggrieved party, a

- representative of the PBA, and the Chief of Police shall attempt to settle the dispute.
3. In the event that the above fails to resolve the grievance, then, within one (1) week following the determination of the Chief of Police, the matter shall be submitted to the Mayor for review. The Mayor shall respond within one (1) week of such submission.
 4. In the event the aggrieved party is unsatisfied with the decision of the Mayor, then within one (1) week following the determination of the Mayor, the matter shall be submitted to the Township Council for adjustment. The Township Council shall respond within thirty (30) days.

D. ARBITRATION

1. If the grievance is not settled through Steps One, Two, Three and Four, grievant(s) may refer the matter to the Public Employees Relation Commission (PERC) within ten (10) days after the determination by the Township Council. An arbitrator shall be selected pursuant to the Rules of PERC.
2. The Arbitrator shall be bound by the provisions of this Agreement and by the Laws and Constitutions of the State of New Jersey and of the United States and restricted to the application of the facts presented to him involved in the grievance. The Arbitrator shall not have the authority to add to, modify, detract from or alter in any way the provision of this Agreement or any amendment or supplement thereto. The decision of the Arbitrator shall be in writing with the findings of fact and reasons therefore, and shall be binding upon the parties.
3. The costs for the services of the Arbitrator shall be borne equally between the Township and the PBA. Any other expenses, including, but not limited to, the presentation of witnesses, shall be paid by the party incurring same.
4. The time limits expressed herein shall be strictly adhered to. If any grievance has not been initiated within the time limits specified, the grievance shall be deemed to have been waived. If any grievance is not processed to the next succeeding step in the Grievance Procedure within the time limits prescribed, then the disposition of the grievance at the last preceding step shall be deemed to be conclusive. Nothing herein shall prevent the parties from mutually agreeing to extend or contract the time limits provided for processing the grievance at any step in the Grievance Procedure.

E. COORDINATION, MAINTENANCE AND CONTROL OF RECORDS

The Chief of Police shall have the responsibility of coordination, maintenance and control of grievance records. Due to the sensitive nature of these records, the Chief of Police shall secure these files in his office.

Should a supervisor receive a grievance from an employee in accordance with contractual procedures and is able to resolve the grievance at this "level", he will forward the grievance along with his written "remedy" to the Chief of Police for review and filing.

F. ANNUAL REVIEW OF GRIEVANCES

The Chief of Police shall complete an annual analysis of all grievances, as well as supporting policies, and practices, submitted by employees to determine any trends in the types of grievances being filed and the steps necessary to minimize the causes of such grievances in the future. The analysis should be completed even in the absence of grievances for that year.

Mahwah Police Department – Policies and Procedures		Number 065:05:05
Subject Code of Conduct – Rules and Regulations		
Issue Date 09062002		Effective Date 06202003
Revisions a. 06202003, b. 01062012 CaptRS, c. Revised 06/2018 D.Lt.GB		
Page 1 of 3 .	Accreditation Number 26.1.1	

I. BACKGROUND

Discipline is a process whereby an employer can ensure that each employee's behavior conforms to standards established by the employer. The department encourages, to the fullest degree, positive and supportive behavior of each employee towards its goals. The department recognizes the need for progressive discipline when an employee's actions, job conduct, or job performance is not consistent with department goals and/or contrary to standards of conduct, policies, procedures, or other directives.

Discipline is the responsibility of each individual, and a well-disciplined police department is one that voluntarily and ungrudgingly conforms to all standards of conduct and orders. The Mahwah Police Department employs a structured disciplinary system to be followed in cases of alleged or suspected violations of department standards of conduct, orders, ordinances, or any applicable state or federal statute by members. This procedure is meant to assure the prompt and thorough investigation of complaints to clear the innocent, establish the guilt of wrongdoers, and facilitate fair, suitable and consistent disciplinary action.

Discipline will generally be administered in a progressive fashion; i.e., from minimal to maximum. The seriousness of the incident; the circumstances surrounding the incident; the employee's past disciplinary records; the employee's past work performance; the overall negative impact on the organization the incident caused; and the prognosis for future similar problems will all be taken into consideration in the administration of discipline.

The Mahwah Police Department believes that a clearly written discipline policy will serve to promote fairness and equality in the work place, and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the Department believes that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly corrects unsatisfactory job behavior and performance;

1. Employees shall be advised of expected job behavior, the types of conduct that the Department has determined to be unacceptable, and the penalties for such unacceptable behavior;
2. Immediate attention shall be given to policy infractions;
3. Discipline shall be applied uniformly and consistently throughout the Department and any deviation from standard procedure must be documented;
4. Each offense shall be dealt with as objectively as possible;
5. Discipline shall be progressive as outlined in this SOP;
6. An employee's immediate supervisor, Division Commander, and/or the Chief of Police shall be responsible for administering discipline.

II. POLICY

It is the policy of this Department that all members make themselves familiar with the below listed Rules and Regulations Manual and adhere to its principles and tenets.

III. ACTION

A. RULES AND REGULATIONS

The Mahwah Police Department maintains a "Rules and Regulations Manual". These standards are applicable to all personnel employed by the department regardless of assignment or rank. All personnel are required to become familiar with the contents of the "Rules and Regulations Manual".

The "Rules and Regulations Manual" is a separate document from the "Standard Operating Procedure Manual" and copies are available to each member of the department in Power DMS. In addition, members of the department will find copies of the "Rules and Regulations Manual" in Office of the Chief of Police, Tour Commander's Office, Accreditation Manager's Office and Break Room.

The "Rules and Regulations Manual" was revised by Council - February 12, 2018.

Mahwah Police Department – Policies and Procedures		Number 065:05:10
Subject Awards System		
Issue Date 11082002	Effective Date 11082002	
Revisions: a. Reviewed 12/2011 RC, Revised 2/2015 PT, c. Reviewed 06/2018 D.Lt.GB, d.Revised 05/2019 GB		
Page 1 of 4.	Accreditation Number 26.1.2	

I. BACKGROUND

The purpose of this Awards System is to recognize, commend and cite exemplary performance through a set of established criteria, with procedural guidelines.

II. POLICY

It is the policy of this Department that any outstanding achievement accomplished by a member of this Department, sworn and not sworn, which meets the criteria as outlined below shall be eligible to receive an award.

III. ACTION

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F.	Schedule of Award Compensation Time	p. 4

A. SYSTEM

Commendations have been divided into three (3) distinct categories. The categories have been divided as follows: those awarded based upon a measurable criteria (Category 1), those awarded at the discretion of the Chief of Police (Category 2), and those awarded based upon the Awards Committee recommendation (Category 3).

Category 1

Those commendations which a member is eligible to receive based upon a measurable criterion which needs no interpretation as to criteria. The member needs to bring to the attention of his/her immediate supervisor (in writing) that he/she believes the requirements of a specific award have been met. The supervisor will forward the paperwork to the Chief of Police, who will approve the award if the criteria have been met.

Category 1 Commendation Awards

1. **Perfect Attendance** (nine months without sick leave absence)

Category 2

Those Commendations which are awarded to department members at the discretion of the Chief of Police. The Chief may award the commendation based upon personal

knowledge or information that has been brought to his attention by another member of the department and/or community.

Category 2 Commendation Awards

- 1. Chief of Police Award**
- 2. Police Officer of the Year Award**
- 3. Certificate of Appreciation**

Category 3

Those Commendations for action taken by an officer which needs to be interpreted and evaluated to determine if the criteria have been met. The recommendation for the awarding of the medal will be place on the appropriate form and forwarded to the Chief of Police. Upon receipt, the Chief of Police will direct the Awards Committee to assemble and submit the recommendation to him. The Chief of Police will have the final approval.

Category 3 Commendation Medals

- 1. Medal of Honor**
- 2. Meritorious Service**
- 3. Life Saving Medal**
- 4. Exceptional Duty**
- 5. Honorable Service**
- 6. Unit Citation**
- 7. Child Birth**
- 8. Communications Operator Citation**
- 9. Letter of Commendation**
- 10. Certificate of Appreciation**

B. FORMATION OF AWARDS COMMITTEE

The Mahwah Police Department Awards Committee will be comprised of:

1. The Chief of Police or his designee
2. Patrol Captain
3. Detective Captain
4. Patrol or Administrative Lieutenant
5. Patrol or Administrative Sergeant
6. Detective
7. PBA President
8. Two Patrol Officers

When duly assembled, three Committee members shall constitute a quorum and the Committee can conduct business. The Chief of Police shall designate who shall preside as chairman.

The Committee will review all recommendations and present their findings to the Chief of Police for review.

C. METHOD OF SUBMISSION

1. The department member's immediate supervisor will investigate and verify the facts, and submit any recommendations in writing on the appropriate form to the Patrol Captain. The department member should include a copy of the investigation report or a resume of the facts surrounding the incident.
2. The Chief of Police will direct the Awards Committee to assemble and investigate the request. Whenever possible, statements from disinterested witnesses will be obtained and submitted with the report.

3. The Awards Committee will make recommendations as to granting or denying the request to the Chief of Police.

D. CEREMONY

1. The award will be presented by the Chief of Police or a member of the Department who holds the rank of captain.
2. The presentation will be recorded by photographs whenever possible and submitted to local newspapers.
3. The presentation will be held in a formal manner
 - a. The recipient and presenter should be in uniform.
 - b. The ceremony will be conducted at a Township Council meeting, or other location designated by the Chief of Police.
 - c. The accompanying certificate or an explanation of the circumstances surrounding the event will be read aloud.

E. CRITERIA FOR AWARDS

Category 1

1. **Perfect Attendance:** This award is for perfect attendance in a nine month period. The individual department member should inform his/her immediate supervisor of the total number of nine month periods included during which no sick time was accrued. One day (equivalent to current shift 8 or 12 hours) will be added to the department member's holiday sheet for each nine month period.

Category 2

1. **Chief of Police Award:** Awarded at the discretion of the Chief of Police for service to the Department that is deemed beneficial to the image of the Department or is beneficial to the Department itself.

2. **Certificate of Appreciation:** The Chief of Police will draft a Certificate of Appreciation to be presented to retiring members of the Department with a cover letter issued from the Mayor and Council at the Council's discretion.

Category 3

1. **Medal of Honor:** An outstanding act in the line of duty, at imminent personal hazard of life, with full knowledge of the risk involved.

2. **Meritorious Service Medal:** A highly unusual accomplishment, under adverse conditions with some degree of hazard to life and limb to the nominee or where death or injury to a third party is prevented.

3. **Life Saving Medal:** An act performed in the line of duty which, through disregard of personal safety or prompt and alert action, results in the saving of a life.

4. **Exceptional Duty Medal:** A highly credible accomplishment, bringing public acclaim to the officer, the Department or the police profession, as a result of devotion to duty, service to the public, training or the investigation of a crime.

5. **Honorable Service Medal:** A credible act in the line of duty, which meets some, but not all of the requirements for other medals, unusual in nature showing initiative and accomplishment.

6. **Unit Citation:** A unit's credible act or accomplishment of specific and outstanding performance.

7. **Child Birth Award:** Award given for delivering a child in the performance of ones duty.

8. **Communications Operator Commendation:** A credible act and/or exceptional performance in the line of duty, showing initiative and accomplishment, which, through

coordinated communications efforts, results in the saving of a life, the apprehension of a criminal suspect or successfully aids and/or assists to overcome any dangerous encounter.

9. **Letter of Commendation:** Awarded for recognition of exceptional performance of routine duties that would not qualify for recognition in other areas of award.

10. **Certificate of Appreciation:** Awarded to civilians for recognition of exceptional efforts to assist the police department.

Nothing in this SOP will be construed so as to restrict the Chief of Police from issuing or recommending any award to a member of the Police Department.

F. SCHEDULE OF AWARD COMPENSATION TIME

Medal of Honor	1 Day
Meritorious Service Award	1 Day
Life Saving Medal	1 Day
Exceptional Duty Medal	6 Hours
Honorable Service Medal	4 Hours
Communications Operator Commendation	4 Hours

Mahwah Police Department – Policies and Procedures		Number 065:05:15
Subject Harassment		
Issue Date 02252002	Effective Date 02252002	
Revisions: a. 12282011 CaptRS, b.02262015LtJD, c. Revised 06/2018 D.Lt.GB		
Page 1 of 4 .	Accreditation Number 26.1.3	

I. BACKGROUND

The purpose of this order is to establish Department Policy concerning allegations of sexual and other forms of unlawful harassment, to establish proper reporting procedures for reporting instances of sexual and all forms of unlawful harassment, and to define instances, happenings and occurrences of sexual and other forms of unlawful harassment.

II. POLICY

It is the policy of this Department to provide a businesslike work environment free from all forms of employee discrimination including instances of sexual and other forms of unlawful harassment. No employee shall be subjected to unsolicited and unwelcome sexual advances or conduct, either verbal or physical or any other form of unlawful harassment. Sexual and other forms of unlawful harassment will be treated as misconduct with appropriate disciplinary sanctions. The Township of Mahwah has adopted **Ordinance 19-17** regarding Sexual Harassment. All officers are expected to review the ordinance and this policy and strictly adhere to it.

III. ACTION

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I.	Annual Review	p. 4

A. DEFINITIONS

1. Employee: All Department personnel, both sworn and non-sworn.

2. "Sexual Harassment shall mean and include any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or (ii) submission or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or (iii) such conduct has the

purpose or effect of unreasonably interfering with a person's work performance; or (iv) such conduct creates an intimidating or offensive work environment."

3. Unlawful Harassment: Behavior that has the effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile, or offensive work environment.

B. GUIDELINES

"The Township policy prohibits unwelcome sexual advances; requests for sexual acts or favors with or without accompanying promises, threats or reciprocal factors or actions; or other verbal or physical conduct or a sexual nature which has the purpose or effect of adversely affecting an employee's performance or which creates a hostile or offensive working environment. Examples of prohibited conduct include but are not limited to lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; commentary about an individual's body; slurs and other verbal graphic or physical conduct relating to an individual's sex; or any display of sexually explicit pictures, greeting cards, articles, comic books, magazines, photos, or cartoons. Such behavior and displays are prohibited anywhere in the Township, including locker rooms and bathrooms, and in any public place."

C. COMPLIANCE PROCEDURE

1. "Who May File. Any Township employee who feels that he or she has been the victim of sexual harassment, or who witnessed acts of sexual harassment against a fellow employee of the Township, may file a complaint of sexual harassment with the following persons in the following order: (1) his or her department head, (Unless the complaint is against the Department Head e.g. Chief of Police. In such circumstances the employee would then bypass the Department Head and report the act to the Business Administrator) (2) the Business Administrator, or (3) the Mayor. Any filing of a complaint against a person other than the complainant's department head must be accompanied by a statement that the person to whom the complaint should otherwise be addressed in accordance with the list hereinabove, cannot, according to the complainant, be objective about the sexual harassment charge the complainant wishes to file.

2. Contents of Complaint. The complaint must include the following information:
- a. The name, department and position or title of the complainant;
 - b. The name, department and position or title of the charged party;
 - c. The date, time, nature and circumstances, in detail, of each instance of alleged sexual harassment, including but not limited to, the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions at issue; and
 - d. Whether such harassment has been previously reported and, if so, the date and to whom it was reported.

Nothing in this section shall prevent the complainant from providing other information or documents they believe are essential to the fair adjudication of their case.

3. Investigation of Filed Complaint. The Business Administrator, or a designee appointed by Mayor (if the complainant has declared the nonobjectivity of the Business Administrator) shall be responsible for the prompt and thorough investigation of each claim. The investigation shall be completed within five (5) business days of filing of the complaint, and a written report of the investigation shall be forwarded to the Mayor

disciplinary action may be taken against the individual who provided the false information.”

G. DEPARTMENTAL REPORTING

1. An employee who believes that he/she has been sexually/unlawfully harassed shall contact either their immediate supervisor or the Internal Affairs Officer to handle such employee complaints. A report will be prepared and forwarded to the Chief of Police by the next business day.
2. Allegations of unwelcome sexual/unlawful harassment shall be reported by the employee immediately.
3. Until the complaint is found to be valid, the identities of the involved shall be kept confidential.
4. If the offending party is in the complainant's chain of command the complaint should make the complaint to the next higher-ranking officer in the complaining officer's squad/division.

H. COMMAND AND SUPERVISORY PERSONNEL

Command and Supervisory Personnel shall:

1. Be responsible for reporting instances of sexual harassment by way of an Internal Memorandum.
2. Be responsible for initiating immediate disciplinary action and if the situation warrants same, and
3. Take immediate action to limit the affected employees from any further work contact.
4. The Command or Supervisory officer handling the complaint will prepare a report and forward it to the Chief of Police immediately upon completion of the investigation.

I. ANNUAL REVIEW

In conjunction with the annual performance evaluations each employee shall review the Sexual and Other Forms of Harassment policy and complete a review form indicating that they understand the provisions of SOP 065:05:15. The employee's immediate supervisor shall also include they have reviewed the policy with the employee.

Mahwah Police Department – Policies and Procedures		Number 065:05:20
Subject Disciplinary System—Procedures		
Issue Date 11122002		Effective Date 11122002
Revisions: a. 01242012 Chief JB, b.03022015LtHH, c. Reviewed 06/2018		
Page 1 of 9.	Accreditation Number 26.1.4	

I. BACKGROUND

Discipline is the responsibility of each individual and a well-disciplined police department is one that voluntarily and ungrudgingly conforms to all standards of conduct. The Mahwah Police Department employs a structured disciplinary system to be followed in cases of alleged or suspected violations of departmental “Rules and Regulations”, Standard Operating Procedures, policies, ordinances, or any applicable state or federal statutes by members.

One of the tasks of a supervisor is the administration of discipline. Discipline may be positive or negative. It may involve a range of responses including encouragement, training, counseling, or the imposition of punitive sanctions. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action.

The exercise of positive discipline requires foresight and planning rather than mere reaction. Positive discipline requires an assessment of actual performance and performance capabilities, which when combined with proper training, recognition, and positive rewards, may result in effective contributions to the organization.

II. POLICY

It shall be the policy of this Department to utilize positive disciplinary procedures so as to minimize the necessity of negative, punitive disciplinary actions. The primary methods to be used in positive discipline may include supervisory coaching, training, tangible and intangible rewards, and supervisory counseling.

III. ACTION

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A. TRAINING AS A FUNCTION OF DISCIPLINE

Discipline is partly training or experience that corrects, molds, strengthens, or perfects. Such discipline allows for a professionally oriented police department. Training should take place as follows;

- in recruit academy;
- recruit field training;
- in-service training;
- advanced training; and
- remedial training.

The training program is designed to reinforce desirable behavior patterns and call attention to noticeable actions, which are deemed to be desirable. A well-disciplined department is a well-trained department.

The supervisor, by his actions, sets the example for employees to follow. A good example is necessary if positive discipline is to work. Principal responsibility for maintaining the appropriate level of discipline lies with the first-line supervisor. Employees' acts, which are committed because he/she either misunderstood procedures or was never made aware of the correct action, are indicators of training needs. These needs may be corrected by remedial training programs. Remedial training is personalized training to correct a specific deficiency which is usually identified either by testing, evaluations during training, by a supervisor evaluating an employee during routine job performance, or by acts requiring disciplinary actions.

1. TRAINING PROCEDURES

- a. Verbal Instruction: The supervisory officer may, depending on the circumstances, provide individual on the spot training where such is indicated.
- b. Peer Training: The supervisor may assign the officer to another officer with experience in the area where training is needed for peer training.
- c. In-Service Training: The supervisor may refer the officer to his/her Division Commander or the department Training Officer for selection to an in-service training program.

Internal Affairs Investigations should analyze information to determine training needs in identifying undesirable behavior trends of those individuals in need of retraining. Training may be used as part of the Department's disciplinary system by itself or along with other disciplinary actions determined by the Chief of Police. An employee may be assigned to remedial training upon recommendation to the Chief of Police during a disciplinary investigation or by the Chief of Police as a positive measure to correct a deficiency.

In a non-disciplinary action, an employee may be assigned to remedial training if his supervisor recommends the process to correct a lack of skill, knowledge, or abilities to perform their assigned tasks. Any recommendations are to be in the form of an Inter-Office Memo (IOM) forwarded through the chain-of-command to the Chief of Police. Appropriate comments are to be added at each level of the chain.

B. COUNSELING AS A FUNCTION OF DISCIPLINE

Counseling is assisting an employee in the process of problem solving and it may be corrective or preventive in nature. It may focus on the necessity for a person to change his present behavior or work methods. It may focus on the necessity for a person to behave differently in preparation for responsibilities and challenges that lie ahead. It may focus on a disciplinary problem, which may be handled in a positive manner by itself, or with other disciplinary measures. The following criteria exist for counseling and either the employee or his supervisor may initiate the process;

The employee has an existing problem or is experiencing difficulty understanding or adjusting to matters which are;

- job related;
- policies and procedures;
- interpersonal relationships with coworkers; or
- personal matters affecting his work.

1. COUNSELING PROCEDURES

- a. Minor infractions may be handled by one on one individual counseling;
- b. Take the employee aside and discuss the problem, candidly and openly;
- c. These actions may or may not be formally documented at the supervisor's discretion;
- d. Facts to be considered in making these decisions will include, but will not be limited to the employee's intentions to do well , the employee's appreciation of the supervisory consulting and the employee's immediate action to correct the problem;
- e. More serious infractions may indicate the need for a stronger response, in place of, or in addition to, counseling.

The process may also be initiated by an Internal Affairs Investigation complaint or inquiry concerning a disciplinary matter, by recommending counseling for the employee to the Chief of Police, or as ordered by the Chief of Police, as a positive measure to correct a deficiency.

C. PROGRESSIVE PUNITIVE DISCIPLINE

1. Oral Reprimand

An oral reprimand is the first step in the progressive discipline system, unless circumstances of the case justify a higher level of discipline, in which case this can be bypassed. They are intended to be the least intrusive form of discipline. To be effective, however, oral reprimands must be timely. Otherwise, the member may believe future infractions will be tolerated.

1. Written Reprimand

A written reprimand is the next step in the progressive discipline system. This type of reprimand would become a permanent addition to the officer's file and should be utilized when the circumstances dictate a higher level of discipline than an oral reprimand.

Several written reprimands may indicate that further action is required by the officer's supervisor or some other type of intervention.

2. Suspensions or Forfeiture of Paid Leave

Suspensions are serious interventions and occur when a member fails to respond positively to lesser forms of discipline. Suspensions can also be the first step in progressive discipline if the act, and/or the result of the act, is serious enough that a written warning or reprimand would not promote the intent or spirit of the purpose and need for disciplinary action. Members should have a hearing, if they desire, when suspensions occur. Title 40 of the New Jersey Statutes will govern procedural issues or suspensions.

3. Demotions as a Form of Discipline

Demotion as a form of discipline is intended to be punitive and can occur concurrently with a suspension when a supervisor is involved. This is perhaps the most serious form of disciplinary action for a supervisor and the last effort for the office to try and save the member's position. Title 40 will govern procedural issues on demotion.

Whenever disciplinary action is used, inform the member in writing of the following specific elements:

- the exact offense violated
- how the violation affects the organization's ability to be an effective, efficient or safe employer
- what the member must do to avoid future disciplinary action
- how much time the member has to correct the problem
- what further disciplinary action—possibly including termination—will occur if performance does not improve

This section assures members that when discipline is used it will be used only for just cause, it will follow a due-process procedure and it will not be used in an illegally discriminatory manner. The essence of these three concepts is incorporated in the following elements:

- the member receives advance notice of the possibility of discipline (in the form of Rules and Regulations, etc.)
- directives are reasonably related to the office's business necessity
- a fact-finding effort was made prior to disciplinary action
- a fair and objective investigation will be held
- the level of proof required to support a disciplinary action will be substantial
- the decision to discipline will be made and applied in an equal and equitable manner
- the member is entitled to know all the facts surrounding a disciplinary decision and is given an opportunity to present a defense

4. Termination

All Department members are subject to termination for the following general conditions:

- reductions in work force brought about by economic considerations such as lack of work
- consistent performance failure(s) or a single performance failure that results in serious consequences to the office's public credibility or ability to do business in an effective and efficient manner, with or without fault
- decisions of the administration as permitted and retained by law

Termination for reductions in work force results from many factors, including reduced operating budgets and events that increase current operational expenses. These

events may include excessive overtime costs, damage awards, unplanned management costs, and poor member performance, among others. In such cases, it is management's intent to make termination decisions based on the effective, efficient and safe continued operations of this office. Seniority is the determining factor if all other factors between members are similar, as in compliance with contractual agreements, for example.

Termination for performance failure (through acts of omission or commission while on or off duty) can occur with or without fault on the member's part. While no attempt is being made here to list all situations that may result in such removals, the following examples illustrate the kinds of failures that lead to this cause for termination:

- a. **Termination with fault:** Examples include insubordination, threatening a supervisor, fighting and assaults or provoking a fight or assault, forbidden harassment, endangering another, drug or alcohol abuse, theft, and false reporting or witnessing. In cases of termination with fault, management attempts to establish, through substantial evidence, that the member had culpability—in other words, that the member acted purposefully, knowingly, recklessly or negligently.
- b. **Termination without fault:** Examples include chronic substantial impairment of the employment relationship, and situations where performance is not reasonably expected to improve or where problems are not expected to be resolved in a reasonable time.

Chronic problems include such things as being excessively absent from duty, failure to consistently accomplish expected levels of performance results on assigned tasks, having to be constantly told what to do or supervised.

Examples of substantial impairment of the employment relationship include unreasonable disruption to normal operations of the organization, endangering the organization's mission, actions or inactions that contribute to an unnecessary risk to the public image, and creating conflicts of interest.

Situations where performance is not reasonably expected to improve include past failures to respond positively to progressive discipline; habitual violations of directives; work effort requiring excessive supervision after reasonable training has occurred to prepare the member for the duties and responsibilities of the position; the member's failure to learn the informal aspects of the job not covered by formal training but that are reasonable to expect of a competent member who has gained knowledge and experience from the normal work environment; and the member's failure to accept the organization's business purpose, mission, code of conduct, or oath of office.

Failures to comply with directives are normally handled through an investigative process. These investigations are conducted to determine the appropriateness of discipline and administrative sanctions. Important considerations in decisions to discipline include maintaining and advancing the organization's effectiveness, efficiency and safe operations. These considerations are combined with the demonstrated performance conduct, proficiency and behavior of the member.

c. **Notice of Termination**

If a member's performance requires an investigation, the member may be placed on paid administrative leave pending outcome of the investigation. Depending on the findings, the member may then be terminated. If this occurs, members are provided with information that includes:

- the reasons for the termination
- the effective date of termination
- whom to contact regarding status of fringe and retirement benefits

- a statement that the content of the member's record relating to the termination will be made available to the member according to state public law

This department does not intend to illegally discriminate against current members, potential members or member groups on the basis of sex, ethnic background, race, religion, color, age, sexual orientation or physical handicap in any disciplinary or termination proceedings.

This section informs members that this policy does not intend to illegally discriminate against any member or group of members.

Disciplinary action may be administered in a progressive fashion utilizing the principle of "equity." Equity means that management reviews each member's performance deficiency and considers the following circumstances to help determine the amount and degree of administrative action:

1. the seriousness of the deficiency or offense;
2. management's expectation that the type and level of administrative action will facilitate or deter the conduct, work proficiencies or behaviors of others;
3. the member's overall conduct, work productivity, time between other violations (if other offenses occurred) and behavior record;
4. Management's expectation based on the member's overt behavior, that the type and level of administrative action will improve the member's future performance. (In other words, does the member respond positively to discipline?); and
5. the member's seniority.

Title 40 of New Jersey statutes will govern procedural issues on termination.

D. FORMAL DISCIPLINARY ACTIONS

Formal disciplinary action may consist of one or more of the following:

1. Written Reprimand;
2. Suspensions without Pay or Forfeiture of Paid Leave;
3. Demotion; and
4. Termination

Probation - as part of, or exclusive of, any other formal disciplinary action, the implementation of any disciplinary action may be delayed, at the discretion of the Chief of Police, for a period of time not to exceed six months. During this period the immediate supervisor and other command personnel are to closely monitor the work and performance of the member. Should the member fail to meet acceptable standards, the Chief of Police may implement the previously approved disciplinary action. Supporting documentation is to become part of the employee's personnel file and noted in the personnel evaluation for the period.

E. DISCIPLINARY INVESTIGATIONS AND REPORTING

The immediate supervisor has the responsibility to investigate incidents of employee misconduct or disciplinary incidents. The immediate supervisor shall immediately conduct an investigation of the incident and report in writing the results of such investigation to the Internal Affairs Officer when the incident involves a minor rule infraction or demeanor complaint. Complaints/Incidents of a serious nature will be investigated by the Internal Affairs Officer. The report should contain all the necessary facts of the case, supporting documents, statements, a conclusion of fact, and a

recommendation regarding disciplinary action. After review and comment by the Internal Affairs Officer, the Chief of Police will make the final determination. This procedure is meant to assure the prompt and thorough investigation of complaints to clear the innocent, establish the guilt of wrongdoers, and facilitate fair, suitable and consistent disciplinary action.

A "conclusion of fact" for each allegation of employee misconduct will be clearly stated and will identify the following concerns when applicable:

1. Proper conduct;
2. Improper conduct;
3. Policy failure;
4. Insufficient evidence; and
5. Unfounded complaint.

The following are classifications of the outcomes of each allegation of employee misconduct which are described in greater detail in SOP 130, Internal Affairs

1. **Unfounded** - if the allegation is false;
2. **Exonerated**- if the alleged act occurred, but the action was lawful and proper;
3. **Not Sustained** - if there is insufficient evidence to either prove or disprove the allegation;
4. **Sustained** - if the allegation is supported by sufficient evidence and the action violates either criminal law or Departmental "Rules and Regulations";

F. CONCLUSION OF A DISCIPLINARY INVESTIGATION

If it is apparent that an employee is guilty of a violation and punitive disciplinary action is appropriate, discipline will be administered as follows:

1. **Counseling** - if the employee misconduct is minor, consisting of only a minor procedural mistake or inappropriate judgment, employees as a general rule will be counseled or given appropriate remedial training. Counseling will be completed by the officer's immediate supervisor, at the supervisor's initiative, and will be documented as an "Oral Warning".
2. **Written Reprimand** - if the employee misconduct is serious or is part of a continuing pattern of behavior involving repeated minor misconduct or mistakes, employees as a general rule will be reprimanded in the form of a "Written Reprimand" as approved by the Chief of Police. Written reprimands will contain charges (what standards of conduct have been violated) and specifications (description of the conduct that constituted the violation). This notice will be forwarded and acknowledged by all supervisors in the chain-of command of the employee and will be filed in the employee's personnel record. The signature of the Chief of Police will constitute acceptance of this form of discipline as final in this case on behalf of the Department and close this discipline case.
3. **Recommendations for Suspension Resulting in Loss of Pay or Accrued Leave or Demotion** - if the employee misconduct is very serious or is part of a continuing pattern of behavior involving repeated serious misconduct, employees may be recommended for suspension. The Chief of Police has the authority to implement a suspension without loss of pay until the employee can appear before the Township Council. Any suspension without pay must be made by the Mayor. If the employee guilty of misconduct is a supervisor and the offense is such that it significantly impedes the officer's ability to continue functioning at that officer's current rank, the supervisor could be recommended for demotion to the next lower rank. Recommendations for demotion must be approved by the Mayor. Recommendations for suspension or demotion will include charges and specifications for the particular offense. Suspensions/demotions will become a part of an employee's personnel file.

4. **Recommendation for Termination** - if the employee misconduct is so serious that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious or very serious misconduct, employees will as a general rule be recommended for termination. Recommendations for termination will contain charges and specifications for the particular offense. Terminations must be made by the Mayor and will become part of the individual's final employment record with the Police Department. Title 40 of New Jersey Statutes will govern protocol issues on all scenarios involving termination.

G. ACCEPTED AND APPEALED DISCIPLINE

1. **Accepted Discipline** - If accepted, the written warning, written reprimand or other disciplinary recommendation will be endorsed and presented to the employee by the employee's immediate supervisor. The reprimand will be filed in the member's personnel file permanently.

Whenever the recommended penalty is a loss of pay or accumulated leave, demotion, or termination a pre-disciplinary conference will be scheduled as outline in the section entitled "Pre-Disciplinary Conference" of this procedure to give the employee a chance to offer an explanation of the alleged conduct. The employee may appear, fail to appear, or waive appearance at the pre-disciplinary conference.

2. **Appealed Discipline** - If the disciplinary recommendation is not accepted by the accused employee, they can appear at the scheduled pre-disciplinary conference and contest the allegation of misconduct. Appeal procedures shall then be followed as outlined in this procedure and the current Agreement between the Township and the Mahwah PBA.

H. PRE-DISCIPLINARY CONFERENCE

Whenever the Chief of Police determines that an employee may be disciplined for cause, resulting in a loss of pay or accrued leave, demotion, or termination, a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.

1. Prior to the scheduled conference, the Chief of Police will provide to the employee a written outline of the charges, which may be the basis for disciplinary action. The employee must choose to:
 - appear at the conference and have a chosen representative attend but not participate or be represented by legal counsel;
 - appear at the conference and not have a chosen representative or legal counsel present;
 - elect in writing to waive the opportunity to have a pre-disciplinary conference.

Failure of the employee to appear at a scheduled pre-disciplinary conference shall be considered as a waiver by the employee of his right to such conference.

2. At the pre-disciplinary conference the Chief or his designate will ask the employee to respond to the allegations of misconduct, which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action;
3. At the conference the employee may present any testimony or documents, which explain whether or not, the alleged conduct occurred. The employee may be represented by any member of the bargaining unit or legal counsel he or she chooses. However, no conference will be delayed more than 24 hours to enable an employee representative to attend;
4. Pre-disciplinary conferences will be held by the Chief of Police;
5. It will be the responsibility of the Chief or designee to hear testimony of the employee

and the officer making the accusation in order to determine whether or not the alleged incident or infraction actually occurred. The Chief or designee will prepare a written report of the conference and his findings within five working days of the date of the conference. A copy of the report shall be made available to the employee involved;

I. MULTIPLE INFRACTIONS

All multiple policy infractions shall be dealt with by following the system of progressive discipline set forth in this SOP.

Mahwah Police Department – Policies and Procedures		Number 065:05:25
Subject Role and Authority of Supervisors in Disciplinary System		
Issue Date 11122002		Effective Date 11122002
Revisions: a. Reviewed 12/2011 RC, b. Reviewed 3/2015 DetGB, c. Reviewed 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 26.1.5	

I. BACKGROUND

The role of supervisors, especially first-line supervisors, is crucial in the disciplinary process. First-line supervisors often have the best opportunity to observe the conduct and appearance of officers/employees and detect those instances that warrant disciplinary actions. First-line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline. The provision of quality police services to the community requires a disciplined police department with supervisors who understand their role and attendant authority in the disciplinary process.

II. POLICY

It is the policy of this Department that all supervisors understand their role and authority in the disciplinary system.

III. ACTION

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A. SUPERVISORY AUTHORITY

Supervisors who personally observe employee misconduct have the authority to exercise limited disciplinary action. Supervisors may counsel, issue written warnings, issue emergency suspensions, and offer recommendations for other penalties, as follows:

- If the misconduct is very minor, such as a minor mistake, departure from procedure, or the exercise of inappropriate judgment, the supervisor may take immediate corrective action in the form of counseling. This is documented as an "Oral Warning.";
- If the misconduct is serious, or of a repeated minor nature, and the supervisor believes that a written reprimand is appropriate, necessary documentation of the incident shall be prepared explaining the details of the situation and outlining the supervisor's decision. This documentation shall be forwarded to the Internal Affairs Officer. This will be reviewed by the Internal Affairs Officer and turned over to the Chief of Police. Upon review of the

documentation, the Chief of Police may approve the issuance a written reprimand. A copy of the written reprimand should be placed in the employee's personnel file after review with the employee;

- If the misconduct is very serious and the supervisor believes that a suspension or forfeiture of paid leave, demotion or termination may be appropriate, documentation shall be completed explaining the details of the situation. The documentation will be forwarded to the Internal Affairs Officer. After consultation with the Chief of Police, the misconduct may be logged into internal affairs records and, if necessary, assigned for follow-up investigation and discipline recommendations.

If a supervisor feels it is necessary to relieve an employee from duty because the conduct observed is extremely serious, or the employee is unfit for duty due to intoxication or other reasons, supervisors may suspend any employee for the remainder of the day with pay. The Internal Affairs Officer and the Chief of Police shall be notified immediately. The suspended employee shall be ordered to meet with the Chief of Police on the next working day before returning to work. The administration will adhere to Title 40 and Internal Affairs Guidelines that govern time frames and documentation relating to an officer being relieved from duty.

B. ROLE OF IMMEDIATE SUPERVISORS IN THE DISCIPLINE PROCESS

- To observe the conduct and appearance of employees and detect those instances that warrant disciplinary action;
- To investigate allegations of employee misconduct when within the scope of their responsibility and authority;
- To recommend the most effective methods of discipline, taking into consideration the behavior history and personality traits of the personnel under their supervision;
- To implement the disciplinary action approved by the Chief of Police.

C. AUTHORITY OF THE CHIEF OF POLICE

The Chief of Police shall have exclusive authority to issue reprimands to the employees of the Mahwah Police Department and to recommend suspensions and dismissals to the Mayor and Council as the officer in charge of the department as established by ordinance.

D. AUTHORITY OF THE MAYOR

The Mayor has exclusive authority to remove (layoff, suspend, and terminate employees) upon recommendation of the Chief of Police and in accordance with federal and state laws and local ordinances.

Mahwah Police Department – Policies and Procedures		Number 065:05:30
Subject Appeal and Records Retention Procedures in Disciplinary Actions		
Issue Date 11122002	Effective Date 11122002	
Revisions: a. Reviewed 12/2011 SgtRC, b. Reviewed 3/2015 DetGB, c. Revised 06/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 26.1.6, .7, .8	

I. BACKGROUND

Appeals of disciplinary actions are explained in the current agreement between the Township of Mahwah and the Mahwah Policeman's Benevolent Association. Records of disciplinary actions are retained in accordance with the New Jersey Department of State, Records Retention and Disposition Schedule.

II. POLICY

It is the policy of this Department that all members be aware of the appeals procedure and retention schedule for disciplinary actions.

III. ACTION

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A. APPEAL PROCEDURES IN DISCIPLINARY ACTIONS

The disciplinary appeal procedures for sworn employees of the Mahwah Police Department are specified in the current Agreement between the Township of Mahwah and the Mahwah Policeman's Benevolent Association, Article XXIV. The Grievance Adjustment Procedure includes specific procedures for appeals of disciplinary actions including, but is not limited to the following;

- Initiation Procedures;
- Time Frames;
- Steps in the Procedure; and
- Arbitration

The disciplinary appeal procedures for non-sworn employees of the Mahwah Police Department are specified in the current Agreement between the Township of Mahwah and the United Public Service Employee's Union, Article XIX. The Grievance Adjustment Procedure includes specific procedures for appeals of disciplinary actions including, but is not limited to the following;

- Initiation Procedures;
- Time Frames;
- Steps in the Procedure; and
- Arbitration

B. INFORMATION PROVIDED TO AN EMPLOYEE DISMISSED FOR MISCONDUCT,
If employee misconduct results in dismissal, the following information will be provided to the employee in writing:

- A written statement citing the reasons(s) for termination;
- The effective date of termination;
- A statement of the status of accrued employee benefits after termination.

This written notice shall be issued by the Chief of Police and a copy placed in the employee's personnel file. This section does not, under any circumstances, apply to entry-level probationary employees.

C. MAINTENANCE OF RECORDS FOR DISCIPLINARY ACTIONS

The commitment of being held accountable to the highest standards of professional and ethical conduct requires that all disciplinary actions be properly documented and maintained by the Department. As such, it is the policy of the Mahwah Police Department to require written records of disciplinary actions, to specify where these records are maintained, how long they are maintained, and the circumstances under which they may be purged from Departmental files.

Normally, documentation relating to the circumstances of an Internal Affairs Investigation will not be placed in the concerned employee's personnel file maintained in the Office of the Chief of Police, unless there is a finding of "sustained" in the incident.

In those cases where a complaint is sustained and discipline imposed, the only items to be placed in the employee's personnel file are a copy of the administrative charging form and a copy of the disposition form.

Employees may review anything placed in their personnel file. Requests for the purging of any item from an employee's personnel file must be submitted to the Chief of Police and is a contractual issue. Unless otherwise approved by the Chief of Police, records of disciplinary action shall be kept in the employee's personnel file in accordance with the applicable provisions of the labor agreement, the New Jersey Department of State Records Retention Schedule, and applicable sections of New Jersey's Public Records Act.

Procedures governing Internal Affairs records are described in SOP **130:05:05**.

Mahwah Police Department – Policies and Procedures		Number 070:05:05
Subject Recruitment		
Issue Date 11052002		Effective Date 11052002
Revisions: 12282011 SgtRC, b. Revised 06/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 31.1.1-2	

I. BACKGROUND

Recruitment of law enforcement personnel should be approached from a positive viewpoint. This agency attempts to identify and employ the best candidates available, not merely eliminate the least qualified. The benefits of effective recruitment are manifested in lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations and more efficient and effective services.

II. POLICY

It is the policy of this department to recruit the best possible candidates for positions in law enforcement in the Township of Mahwah

III. ACTION

A. DEPARTMENT PARTICIPATION

Recruitment Program

A recruitment program has been established to attract applicants for actual or forecasted departmental vacancies. One of the highest priorities of the Mahwah Police Department is to provide quality service through quality personnel. The recruitment program to attract applicants will include the following elements:

- Creation of a job announcement providing a description of the duties, responsibilities and requisite skills, educational level and physical requirements of the position to be filled based on a job task analysis for the position open.
- Publication of job vacancies at least ten working days prior to any official application deadline; and
- Entry level job vacancies are advertised through the mass media to include publishing in a newspaper of general circulation, the Mahwah Police website and possible social networking websites. Job announcements will also be posted in Township offices. Included in all job announcements and job applications will be language identifying the Township as an equal opportunity employer.

The recruitment program will be conducted in a manner that is consistent with Township of Mahwah Administrative Policies on hiring and Equal Employment Opportunity (EEO) regulations.

Department Participation in Recruitment

The Police Department is committed to working closely with the Human Resources Officer in implementing the recruitment program. The Chief of Police has authority and

responsibility for administering the Police Department's role in the recruitment program. The Department's role includes:

- Requesting employees to encourage qualified applicants known to them to apply for posted job openings;
- Whenever possible, police personnel will be actively used in recruiting activities;
- Representatives of the Department will attend functions of educational institutions and community organizations, within our service area and outside, to inform youth of careers in law enforcement; and
- Providing whatever additional support is necessary to ensure a successful recruitment effort.

Department Recruitment Program Administrator

The Chief of Police will have the authority and responsibility to administer the recruiting program on the Department's behalf in collaboration with the Human Resources Officer. This responsibility and/or portions of this responsibility may be delegated to one of the Division Commanders at the discretion of the Chief of Police.

Non-jurisdictional Recruitment

The mass media, which serves the Township of Mahwah, also covers many other local communities insuring a greater selection of qualified candidates. The Department will maintain contact with various educational institutions, community organizations, and law enforcement agencies both inside and outside of the Department's jurisdiction for recruitment purposes.

B. DEPARTMENT PERSONNEL IN RECRUITMENT

Recruitment Program Training

Prior to active participation in recruitment activities, Department personnel assigned to recruitment activities will undergo a training program that provides knowledge and skills in personnel matters, especially equal employment opportunity and key recruitment objectives. Among the knowledge and skills to be maintained are:

- Department's recruitment needs and commitments;
- Career opportunities, salaries, benefits, and training;
- Federal and state compliance guidelines;
- The community and its needs (including demographic data, community organizations, educational institutions, etc.);
- Cultural awareness of different ethnic groups in the community;
- Techniques of informal record-keeping systems for candidate tracking;
- The selection process including procedures for background investigation, written, oral, physical and psychological testing;
- Recruitment programs of other jurisdictions;
- Characteristics that disqualify candidates;
- Medical requirements;
- Physical Fitness and Abilities Requirements; and
- Other subject areas as determined by the Chief of Police.

The above subject areas for the Department's Recruitment Program may be accomplished through formal education, formal external in-service training, internal in-service training, and/or on-the-job training, whichever is the most appropriate in the discretion of the Chief of Police for the particular individual involved in the recruitment process. This is

decided on a case-by-case analysis. As the Chief of Police and the Division Commanders have the overall responsibility for the management and administration of the recruitment program it is expected that they will have more formal and extensive training and education in recruitment issues. Other officers and personnel participating in the actual recruitment activities on a direct level with potential recruits may have formal training, but informal and on-the-job training will suffice. All recruitment training will be documented in the Department's training records.

Employees' Role in Recruitment Program

All police personnel are encouraged to participate in recruitment efforts. An employee, in his/her daily contact with the public, can be the Department's best recruiter. By demeanor and enthusiasm, the employee favorably impresses and attracts the type of individual, which the police service needs. Because of individual experience and knowledge, the employee is able to counsel persons who show an interest in law enforcement careers and is able to encourage applications by those who appear qualified.

Minorities and Females Role in Recruitment Program

Whenever possible minority and female (officers) employees of the Department should be included in formal recruiting presentations and pre-employment counseling programs. The Department recognizes that by having minorities and female officers active in recruiting the following will occur:

- Demonstration of commitment to the minority community and prospective female officers;
- Demonstrate the promotability by virtue of their rank;
- Enhancement of the receptivity of the minority community and females to the recruiter; and
- Increase the potential for recruiting minority and female officers and/or personnel.

Mahwah Police Department – Policies and Procedures		Number 070:10:05
Subject EEO and Recruitment		
Issue Date 11052002		Effective Date 10012007
Revisions a. 10012007, b. 01302012 SgtRC, c. Revised 06/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 31.2.1-.3	

I. BACKGROUND

Equal Employment Opportunity understands equal opportunity as the removal of barriers that prevent people from being treated fairly for employment purposes.

II. POLICY

It is the policy of this Department to comply with the Equal Employment Opportunity Act and not prevent candidates for law enforcement positions from being treated fairly for employment purposes.

III. ACTION

A. ETHNIC/GENDER COMPOSITION OF THE DEPARTMENT

The Civil Rights Act of 1964, Executive Order 11246, the Equal Employment Opportunity Act of 1972, the Civil Rights Act of 1991 and the Americans With Disabilities Act, provide the legal basis for equal employment opportunity to all without regard to race, color, religion, sex, age, sexual orientation or handicap status. Therefore, it is the policy of this Department to treat each person with respect, dignity, and integrity due him as an individual and to prohibit discrimination in all phases of the employer/employee relationship. Discrimination shall not be exercised in any manner by any Township official or any employee against or in favor of any applicant or employee because of his political or religious opinions or affiliations, or because of sex, race, creed, color, age, national origin or disability.

Whenever the Department does not have ethnic and gender composition in the sworn police officer ranks in approximate proportion to the makeup of the available work force in the Department's service community, it will formulate and implement a "Recruitment Plan". The Department will direct recruitment steps towards the goal of approximating within the sworn officer ranks the demographic composition of the community served.

B. RECRUITMENT PLAN

The Mahwah Police Department has a "Recruitment Plan" for sworn personnel that include the following elements:

- a. Statement of objectives;
- b. Plan of action designed to achieve the objectives identified in bullet (a); and
- c. Procedures to periodically evaluate the progress toward objectives and revise/reissue the plan.

The "Recruitment Plan" is written so that it can be easily understood and followed by Department personnel. The foundation of a successful recruitment drive is to include strong management commitments, an analysis of demographic/geographic features of the Department's service area, and specific knowledge of past recruitment efforts by similar

agencies. The "Recruitment Plan" will be a part of the written directive system and/or a separate and distinct planning document. The plan will govern Department activities relating to recruitment during a specific period of time, which will be reviewed annually to determine: (1) progress toward stated objectives, and (2) revisions to the plan as needed.

The objectives of the "Recruitment Plan" will be reasonable, obtainable, and directed toward the goal of achieving a sworn work force that is representative of the composition of the community served by the Department. The specific action steps contained in the Department's "Recruitment Plan" will be reasonable, obtainable, and directed towards the goal of achieving a sworn work force that is representative of the community served by the Department and will be identified in the plan.

To this end the Mahwah Police Department may conduct research, develop, and implement specialized minority and female recruitment methods. These methods may include, but not necessarily be limited to:

1. Application form and related pre-employment inquiry forms that are in compliance with applicable federal, state, and local EEO laws;
2. Job descriptions that are reviewed periodically to properly identify job related requirements;
3. Liaison with local minority community leaders to emphasize police sincerity and encourage referrals of minority applicants to the police agency;
4. Active cooperation and utilization of the minority media as well as the general media, in minority recruiting efforts;
5. Regular personal contact with the minority or female applicant from initial application to final determination of employment;
6. Increased overall recruitment efforts with special attention to college campuses;
7. Periodic review of the entire selection process to ensure it is non-discriminatory; (No standards are used which have the effect of eliminating from consideration a significantly higher percentage of minorities or women than of non-minorities or men;
8. The encouragement of minority and women employees to refer friends to the agency for potential employment;
9. Becoming involved with and providing notification to local minority organizations, women's organizations, community action groups, and community service programs, at the time of recruitment;
10. The encouragement of minority and women employees to participate in community programs;
11. Utilizing in the Department's recruitment activities minority personnel who are fluent in the community's non-English languages and are aware of the cultural environment, where this would be applicable;
12. Depicting women and minorities in law enforcement employment roles in the agency's recruitment literature;
13. Conducting recruitment activities outside of the Department's jurisdiction, when necessary, to attract viable law enforcement candidates. Restricting recruiting to the Department's service area may limit the potential number of qualified applicants available from underrepresented groups; and
14. Periodically conducting a "career" or "information" night for a particular target group,

An evaluation of the Department's "Recruitment Plan" will be performed annually in order to:

1. Measure the plan's effectiveness;
2. Determine the degree to which the objectives and goals have been achieved; and
3. Indicate any need for additional action.

C. EQUAL EMPLOYMENT OPPORTUNITY PLAN

The Township of Mahwah abides by, and supports, all elements of the Equal Employment Opportunity Act. The Township of Mahwah (Mahwah Police Department) has an "Equal Employment Opportunity Policy". The "Equal Employment Opportunity Policy" ensures equal opportunities for employment and employment conditions for minority persons and women. The "Equal Employment Opportunity (EEO) Policy" contains provisions such as the following;

1. A strongly worded statement from the Township Administrator that it is Department policy to ensure that all individuals should be given equal opportunity for employment, regardless of race, sex, creed, color, age, religion, national origin, or physical impairment;

The Township of Mahwah is an Equal Employment Opportunity Employer. As such, the Township of Mahwah will not discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, national origin, marital status, ethnic heritage or handicap, with respect to recruitment, hiring, training, promotion or other terms and conditions of employment.

The Chief of Police or his designee will conduct a periodic review, analysis, and evaluation of the Department's existing recruitment and employment policies, practices and procedures relevant to their effective impact on the employment and utilization of minorities and women.

D. EVALUATION

This agency recognizes the importance of recruiting minority employees. In order to assess progress being made in this area at the completion of each testing process, data will be compiled to determine the number of minorities that participated in each phase of the testing process. This data will strictly be used for empirical purposes to determine the effectiveness of our recruiting program. By evaluating the data at each phase (i.e. written, physical, etc.) we will be able to determine if any barriers exist that would require review and modification of our hiring process. At the direction of the Chief of Police a report will be prepared to be reviewed and analyzed by Administrative Officers of the agency.

Mahwah Police Department – Policies and Procedures		Number 070:15:05
Subject Job Announcements and Publicity		
Issue Date 11052002		Effective Date 10012007
Revisions a. 10012007, b. Reviewed 12/2011 RC c. Revised 12/2015 Ofc. KS, d. Revised 06/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 31.3.1-3 , 33.8.4	

I. BACKGROUND

Announcements of jobs should contain the most accurate and precise job description possible to avoid undue delay and wasted time on the part of the agency and the applicant.

II. POLICY

It is the policy of this Department to announce jobs in the most accurate and precise way possible.

III. ACTION

A. JOB ANNOUNCEMENTS AND RECRUITMENT NOTICES

The job announcements and recruitment notices for all personnel of the Mahwah Police Department will:

- a. provide a description of the duties, responsibilities, requisite skills, educational level, and other minimum qualifications or requirements;
(Minimum education requirements for entry level police officer only):
 1. Bachelor degree, or
 2. High School Diploma and honorable discharge from Armed Services, or
 3. High School Diploma and four (4) years of service as a sworn law Enforcement Officer or Police Dispatcher at Municipal, County, State or Federal level, or
 4. Alternate Route graduate from an approved New Jersey Police Academy, AND High School Diploma or higher.
- b. advertise entry-level job vacancies through electronic, print, or other sources;
- c. advertise the agency as an equal opportunity employer on all employment applications and recruitment advertisements; and
- d. advertise official application filing deadlines.

The Mahwah Police Department will provide the most accurate and precise job description possible to avoid undue delay and wasted time on the part of the Department and the applicant. When the most important performance dimensions are known, potential applicants are in a better position to relate their particular knowledge, understanding, and skills to those required by the position to be filled. The Department will save the time and expense of making determinations that the applicants could have made, had they been fully apprised.

The Department will ensure that job announcements do not set standards or criteria that unintentionally screen out, or tend to screen out, an individual with a disability or class of individuals with disabilities, unless the criteria are job-related and consistent with business necessity. Job announcements will not set standards that cannot be specifically supported and will avoid general requirements such as "excellent health" or "no history of psychological or emotional disorders."

Entry level job vacancies of the Mahwah Police Department are advertised through the mass media to include publishing in newspapers of general circulation, the Mahwah Police website and possible social networking websites. Job announcements will also be posted in Township offices. Included in all job announcements and job applications will be language identifying the Township as an equal opportunity employer. The Department will supply the media with special information for stories on publicizing the Department's recruitment effort and interest in attracting qualified applicants including minority group members and women. If appropriate, Department recruitment literature may depict minority and/or female personnel in law enforcement by way of photographs or other reference.

B. POSTING WITH COMMUNITY SERVICE ORGANIZATIONS

Introduction

The Department seeks permission to post job announcements with community organizations that are in contact with individuals who are likely candidates for recruitment. The Department will forward job vacancy announcements to various community service organizations to achieve broader dissemination and greater exposure of recruitment efforts. The Human Resources Officer will maintain a mailing list of organizations that will receive the announcements. The Department seeks to achieve broader dissemination and greater exposure of recruitment information.

The Department will seek recruitment assistance, referrals and advice from community organizations and key leaders through both formal and informal contacts to increase and broaden the Department's exposure within its service area. Formal contact may be achieved through correspondence and informal contacts through attendance at organization meetings by Department personnel who may be members of the group.

Recruiter Visitations

The Police Department will provide personnel for recruiting presentations to educational institutions and community organizations for entry-level police officer positions. The Chief of Police or his designee will maintain contact with career counselors and make application and position advertisement and material available to them on a timely basis. The Police Department will provide speakers for recruitment purposes when an opportunity is presented.

Law Enforcement Intern Program

The department recognizes the need to nurture student interests in the law enforcement field and has established a student intern program. The program is designed as an unpaid position whereby candidates are recommended by their college or university for assignment to this program. The candidates are interviewed and the selection made by the Chief of Police or his designate. The intern will undergo a background examination due to the sensitive areas they may be exposed to during his tenure in the intern program. The Chief of Police and the college or university will determine the length of time spent in the program by an intern. The assigned Division Commander will administer the

program. Students that do not abide by the restrictions of the program may have their internship cancelled by decision of the Chief of Police.

C. MAINTAINING CONTACT WITH APPLICANTS

Introduction

The Mahwah Police Department maintains contact with applicants for all positions from initial application to final employment disposition. Human Resource Officers acknowledge receipt of all employment applications within fourteen working days of their submission. Applicants are periodically informed of the status of their applications throughout the course of the recruitment and selection process. Applicant contacts are documented and logged by the Human Resource Officer.

Pre-Application Contact Form

The Mahwah Police Department pre-application contact form contains the following information:

- Name;
- Address;
- Phone number with area code
- Driver license number and state;

The purpose of this form (when used) is to aid recruiters by supplying them with basic information on those individuals interviewed at the various recruiting efforts who have expressed an interest in making formal application so they may take the written test given by the Department. The forms, when completed, will be turned into the Human Resources Officer.

Application Filing Deadline

The application-filing deadline will be boldly (prominently) printed on employment announcements and recruitment advertisements and this deadline will be well publicized through the media.

Applicant Contacts

The Human Resources Officer will be responsible for seeing that contact is maintained with applicants from the initial application to the final employment decision. Generally, the contacts will include the following:

- Acknowledge receipt of all employment applications;
- Periodically inform applicants of the status of their applications; and
- Documentation and logging of all applicants contacts.

D. NON-REJECTION OF APPLICATIONS

Applications for all positions in the Mahwah Police Department are not rejected because of minor omissions or deficiencies that can be corrected prior to the testing or interview process. Applications that are deficient are processed routinely if the deficiency can be rectified prior to the testing or interview process. Applicants who file applications with minor omissions and/or deficiencies will be notified of the problem and advised of the steps necessary to rectify the issue.

Mahwah Police Department – Policies and Procedures		Number 075:05:05
Subject: Selection		
Issue Date 11082002		Effective Date 12172002
Revisions a. 12172002, b. 12292011, c. Reviewed 2/2015 LtJD, d. Revised 06/2018 D.Lt.GB, e. Revised 03/2019 D.Lt.GB		
Page 1 of 7.	Accreditation Number 31.4.1-6	

I. BACKGROUND

The selection process is defined as the combined effect of components and procedures leading to the final employment decision. It is a key component in defining the operational effectiveness of a law enforcement agency.

II. POLICY

It is the policy of this Department that all members be familiar with the selection process and how it affects the hiring process.

III. ACTION

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A. ELEMENTS AND ACTIVITIES OF THE SELECTION PROCESS

(Sworn and non-sworn full time and part-time personnel)

Lateral Entry of Sworn Officers

1. The Township of Mahwah does permit "lateral entry" into the Probationary Police Officer classification within the Mahwah Police Department. Lateral applicants must complete all the required phases of non-lateral applicants.

Announcements/Advertisement and Applications

The Chief of Police or his designee will prepare an announcement/advertisement publicizing the fact that the Township of Mahwah is seeking qualified candidates for the position of Police Officer (sworn), Dispatcher, Executive Assistant or Records Clerk (non-sworn)/ Technician. The announcement/advertisement shall contain such information as the required minimum qualifications, residency requirements, the place to obtain information regarding the position and the selection process, the deadline for application, and any other employment related data deemed appropriate by the Chief of Police or his designee. Formal pre-applications will be accepted and information relative to the position and the selection process will be provided to all candidates. Each candidate's pre-application shall be reviewed to determine whether or not he/she meets the required minimum qualifications.

Each candidate not meeting the minimum requirements for **Police Officer only**, shall then receive written notification of his/her status with respect to his/her eligibility to participate in the online examination, prior to the examination date.

LESI onlinePHQ and/or other video/online assessments such as: Ergo Metrics FrontLine National Video Testing System (For Police Officer candidates only)

A LESI onlinePHQ examination online link will be provided to the police applicant once the hiring process has commenced. The applicant will be provided a completion/ due date for the onlinePHQ examination. In order to continue in the selection process, applicants must attain an examination score equal to or greater than the minimum score established for this test. The minimum score will be set, based on the current needs of the police department and the total number of applicants participating in the process. The Chief of Police or his designee shall retain results of the LESI onlinePHQ examination in written form.

The LESI onlinePHQ, is a patented life history questionnaire, presented in electronic format and designed to develop comprehensive background information as well as derive critical items, negative indicators and risk factors for follow up investigation by background investigators.

Candidates will be notified in writing of their score and whether they progress to the next phase of the selection process.

Physical Fitness Evaluation (For Police Officer candidates only)

Department personnel may conduct a physical fitness examination on each candidate, depending on the current needs of the police department. The physical fitness evaluation may be conducted for the purpose of ensuring that the candidate possesses the general fitness necessary to perform the essential job functions of a Township of Mahwah Police Officer, and to ensure that no physical condition exists that would preclude the candidate from performing job functions or would pose a direct threat to the health and safety of himself/herself or others. The procedures shall be conducted in a valid, useful, and non-discriminatory manner to ensure accuracy and legal defensibility. The examination will consist of several components designed to assess physical fitness in relation to essential job functions. The examination is designed to assess fitness in, but not limited to, the following areas:

- lower back strength;
- upper body strength;
- cardiovascular condition;
- flexibility.

Candidates are disqualified during the physical fitness evaluation only if they fail to meet the minimum standards established for passing these assessments.

Oral Interview (For Police Officer candidates only)

Upon completion of the LESI onlinePHQ and physical examinations(if utilized), candidates will be ranked based on their combined scores from the examinations. Each candidate's combined score will be determined by adding their LESI onlinePHQ score and their time in seconds for the successful completion of the physical test.

An oral interview of those candidates progressing on to this step in the selection process shall be administered by the assigned Oral Interview Board, using a free-form technique to evaluate each candidate on the following:

- Decision making and judgment;
- Oral communication;

- Personal Integrity;
- Work Perspective; and
- Interpreting Information.

Prior to the Oral Interview, those candidates progressing on to this step in the selection process shall complete a Mahwah Police Department "Candidate Personal History Statement"; which will be reviewed by the Oral Interview Board - prior to the candidate's oral interview.

Certification of Eligible Candidates (For Police Officer candidates only)

At the conclusion of the Oral Interview, the candidates will be placed in rank order on an eligibility list.

Final Interview with Appointing Authority (Conducted for sworn and non-sworn personnel)

The final interview occurs at this stage and includes the candidate being interviewed by the Chief of Police or his designee and members of the Command Staff. The highest ranking candidates will be interviewed and considered for each available vacancy. If multiple vacancies exist, the Chief of Police or his designee will interview the required number of candidates necessary to fill the multiple vacancies.

If, during or after the final interview, the Chief of Police or his designee learns that a candidate has misrepresented his/her qualifications, skills, abilities, prior employment history, etc., or in general has been dishonest, and the subject of the misrepresentation or dishonesty is subsequently verified, the Chief of Police or his designee will have the authority to disqualify the candidate from future consideration and remove the candidate's name from the eligibility list. The Chief of Police or his designee shall notify the candidate, in writing, stating the reason(s) for his/her disqualification and removal from the eligibility list. Prior to, or after, the final interview, the candidate may be given a tour of the police facility.

During the final interview, a review of employee benefits may be conducted. At the conclusion of the interview, each candidate shall have a final opportunity to ask questions. Candidates selected for available vacancies shall be extended a conditional offer of employment and advised they will be appointed based on the condition that they pass a complete background investigation, records check and thorough medical examination, including a drug screening test and a Psychological Examination.

Background Investigation (Conducted for sworn and non-sworn personnel)

A thorough and complete investigation will be initiated on the candidate's conditional offer of employment. The function of the background investigation is to assist in the determination of each candidate's suitability for employment with the Mahwah Police Department. The background investigations will be conducted by the Police Department and may proceed concurrently with the remaining phases of the process. Findings of the investigator may be used in conjunction with results of other phases of the process to determine whether a candidate should be given further consideration. The findings of the investigator may be used in and of itself as a reason for disqualification of a candidate from the process. The investigator shall be furnished with the application and other information pertaining to each candidate. The background investigation shall include, but not be limited to, the following:

- verification of the candidate's credentials, educational achievement, past and present employment, age, residence, citizenship and driver's license;

- review of each candidate's criminal and traffic record, if any;
- interviews with past and present employers, neighbors, school officials, and personal references
- review of applicants social media use;

The following occurrences or incidents in a candidate's background may result in disqualification from the selection process:

- untruthfulness in any phase of the process
- felony conviction;
- illegal use of controlled substances and/or conviction for a controlled substance violation;
- intemperate use of alcohol;
- poor work record;
- poor driving record;
- numerous debts which are not being regularly paid; and
- other related and/or similar occurrences or incidents that would be unacceptable or undesirable in a police department employee given the power, authority, and responsibilities incumbent to the position.

Record Check (Conducted for sworn and non-sworn personnel)

The Mahwah Police Department will conduct a complete and thorough record check of each candidate. The Detective Bureau will check for criminal and traffic records. Each candidate's name shall be entered in state and national computers for wants and prior records.

When the background investigation is completed and the results reviewed and analyzed by the investigating officer for each candidate, the investigating officer will submit an investigative report to the Chief of Police.

Psychological Evaluation (For Police Officer candidates only)

A psychological evaluation will be conducted on each candidate to determine whether he/she possesses the appropriate, adequate, acceptable, or desirable psychological, emotional, and personality profile, characteristics, traits, qualities, attributes, tendencies, etc., to perform as a Mahwah Police Officer. Each candidate will be administered a variety of psychological tests and participate in a variety of procedures and exercises, the purpose of which shall be to identify a variety of personality, emotional, and psychological characteristics, traits, qualities, attributes, tendencies, etc.

Candidates who possess identifiable personality, emotional, and psychological characteristics, traits, qualities, attributes, tendencies, etc., which, in the judgment of the Township of Mahwah's consulting psychological or psychiatric professional reflect a significant potential for inadequate, unacceptable, undesirable, or inappropriate performance as a Mahwah Police Officer, may result in disqualification from the selection process. The following characteristics, traits, qualities, attributes, tendencies, etc., are examples of inadequate, unacceptable, undesirable, or inappropriate tendencies or behaviors, and may result in disqualification from the selection process; however, this list is not all inclusive:

- anti-social behavioral patterns and attitudes;
- quick temperedness;
- inability/unwillingness to accept supervision and to carry out orders of a superior;

- lack of compassion or sympathy;
- low level of self-esteem or confidence, or an inordinately high level of same;
- deceptiveness in answering questions;
- inability to accept constructive criticism;
- inability to deal with verbal abuse in a proper and effective manner;
- tendency to abuse the power and position of a Police Officer;
- inability to deal effectively with the stress inherent to police work;
- racial/sexual prejudice; and
- other related and/or similar traits, tendencies, characteristics, qualities, or attributes, that would be inadequate, unacceptable, undesirable, or inappropriate in a police officer given the power, authority, and responsibilities incumbent to the position.

A second purpose for administering a variety of psychological tests and having each candidate participate in a variety of procedures and exercises is to determine whether each candidate has the ability to endure the stress associated with the nature of the job. Qualified psychological or psychiatric professionals shall conduct the psychological evaluation and submit their findings and recommendations in writing to the Township of Mahwah.

Medical Examination (For Police Officer candidates only)

A complete and thorough medical examination shall be conducted on each candidate to whom a conditional offer of employment has been extended. The medical examination shall be conducted by a licensed physician selected by the Township of Mahwah, and shall be paid for by the Township of Mahwah. The purpose of the medical examination is to insure a candidate possesses the general health status necessary to perform the essential job functions of a Township of Mahwah Police Officer, and to insure no medical condition exists that would pose a direct threat to the health and/or safety of the candidate or others. The candidate shall be certified by the Township's examining physician as being in good general health and free of any medical conditions which would pose a direct threat to the health or safety of him/her or others, or which may preclude the candidate from performing the essential job functions of a Mahwah Police Officer.

Any lab or other test which the examining physician feels, in his professional opinion, would assist the Township in reaching such a determination may be authorized by the Chief of Police or his designee. Generally accepted medical and health standards shall be the basis for this examination process. The Township of Mahwah's examining physician and assistants shall examine candidates for the position of Police Officer based upon the following general checklist of medical standards. A candidate may be disqualified if he/she fails to meet any valid medical standard, including the following, if such failure would preclude that candidate from performing the essential job functions of a Police Officer or would pose a direct threat to the health and/or safety of him/her or others. Candidates shall be evaluated based upon the following requirements at a minimum:

1. Audio Examination;
2. Eye Examination;
3. Blood Evaluation to include a drug screen;
4. Medical History and Clinical Examination;
5. Blood Pressure Evaluation; and
6. Other tests such as EKG, chest x-ray, spine x-ray, cardiac stress test, and hemocult test may be performed at the discretion of the Chief of Police and/or

Results of the medical examination shall be submitted to the Chief of Police or his designee for consideration. The results of medical examinations shall be kept strictly confidential.

House Bill 648 Requirements Effective December 1, 1998;

The candidate shall be also be certified by the Township's examining physician as to meeting the minimum standards as required by House Bill #648 which is effective on December 1, 1998. House Bill #648 requires that physical examinations incorporating the tests referenced below must be given to prospective Police and Fire Disability Pension Fund (PFDPF) members (sworn police officers of the department) and submitted to the prospective Police and Fire Disability Pension Fund (PFDPF) within 30 days of the individual becoming a member of the fund. These examinations may be given as early as 180 days before the prospective member begins employment or becomes a PFDPF member, but cannot occur any later than the day before employment begins. The medical testing and diagnostic procedures to be incorporated into the physician's report should include, at a minimum;

1. Medical questionnaire including past medical, family, and occupational history;
2. Physical Examination;
3. Minimum medical testing including
 - Spirometry;
 - Chest X-Ray;
 - Lipids;
 - Electrocardiogram (EKG); and
 - Cardiac stress test;
4. Diagnoses and conclusions of currently identified and past conditions;
5. Diagnosis and evaluation of the existence of any heart, cardiovascular, or respiratory diseases; and
6. Attending physician's opinion of whether or not the applicant is capable of performing duties as defined in the "*U.S. Department of Labor's Occupational Characteristics for Police Officer (Government Service) and Fire Fighter (an industry) Positions.*"

Drug Testing (For Police Officer candidates only)

Each candidate to whom a conditional offer of employment is extended may be required to submit to and pass a urinalysis to detect the presence of illegal drugs, or legal drugs, which may have been obtained and used illegally, in his/her system. It shall be the policy of this agency not to appoint any candidate who does not consent to a drug test or whose test results are confirmed to be positive for the presence of illegal drugs or legal drugs for which the candidate cannot submit sufficient proof that such drugs were legally obtained or used. Prior to the testing of any candidate, the candidate shall be advised that:

- a drug test is a required part of the Township's selection process;
- the test will be administered only after a conditional offer of employment is made;
- after a conditional offer is made, the candidate will be required to submit to and successfully pass such a test in order to be appointed;
- the test will screen for the presence of drugs in his/her bodily fluids;

H. REAPPLICATION

Candidates whose scores make them ineligible to proceed on to any phase of the testing procedure are eligible to reapply after the expiration of the testing process they participate in. The list of eligible candidates compiled from the testing process will be valid for a period of one year after the expiration of the testing process they participated in.

Mahwah Police Department – Policies and Procedures		Number 075:10:05
Subject Selection--Administration		
Issue Date 11082002	Effective Date 11082002	
Revisions: a. 122011RC, b. 02262015LtJD c. 05302018 JNB, d. Revised 06/2018 D.Lt.GB		
Page 1 of 5.	Accreditation Number 31.5.1-2, 31.5.6-8	

I. BACKGROUND

A job-related, useful and nondiscriminatory selection process is dependent upon a number of professionally and legally accepted administrative practices and procedures, which include informing candidates of all parts of the selection process at the time of formal application; maintaining written procedures governing lateral entry and reapplication of unsuccessful candidates; and ensuring timely notification of candidates about their status at all critical points in the process. These procedures and practices significantly contribute to a more efficient, effective and fair selection process. This process shall be conducted for all full time and part time sworn and non-sworn personnel.

II. POLICY

It is the policy of this Department that all members be familiar with the selection process and its administration.

III. ACTION

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A. BACKGROUND INVESTIGATIONS

A thorough and complete "employment background investigation" will be initiated on the candidate's finishing in the top five places of the eligibility list. The function of the background investigation is to assist in the determination of each candidate's suitability for employment as a Mahwah Police Officer. The background investigations will be conducted by the Police Department and will proceed concurrently with the remaining phases of the process. Findings of the investigator may be used in conjunction with results of other phases of the process to determine whether a candidate should be given further consideration. The findings of the investigator may be used in and of itself as a reason for disqualification of a candidate from the process. The investigator shall be furnished with the application and other information pertaining to each candidate.

The background investigation shall include, but not be limited to, the following:

- verification of the candidate's credentials, educational achievement, past and present employment history, age, residence, citizenship and driver's license;
- review of each candidate's criminal and traffic history, if any;
- interviews with past and present employers, neighbors, school officials, and personal references;
- review of relevant national or state decertification resources if available

The following occurrences or incidents in a candidate's background may result in disqualification from the selection process:

- felony conviction;
- illegal use of controlled substances and/or conviction for a controlled substance violation;
- intemperate use of alcohol;
- poor work record;
- poor driving record;
- numerous debts which are not being regularly paid; and
- other related and/or similar occurrences or incidents that would be unacceptable or undesirable in a police officer given the power, authority, and responsibilities incumbent to the position.

Record Check

The Mahwah Police Department will conduct a complete and thorough record check of each candidate. The Detective Bureau will check for criminal and traffic records. Each candidate's name shall be entered in state and national computers for wants and prior records.

Polygraph Examination / Computerized Voice Stress Analysis

- A polygraph examination and/or computerized voice stress analysis examination will not be administered to each candidate in accordance with New Jersey law.

When the background investigation is completed and the results reviewed and analyzed by the investigating officer for each candidate, the investigating officer will submit an investigative report to the Chief of Police.

A background investigation of each candidate will be conducted prior to appointment to probationary status. Background investigations are to be done in person except in those instances where telephone or mail inquiries are more appropriate (criminal history, driving record, etc.). The Chief of Police must approve exceptions. The following steps are to be conducted in each background investigation. The components are generally listed in the order of occurrence, although variations may occur:

1. Upon being so notified that a background investigation is to be conducted, the investigator is to contact the respective candidate and have him/her come to the Department as soon as practical. Upon arrival the following is to occur;
 - If not already provided, give the candidate the Township of Mahwah Application Form and the Background Investigation Questionnaire, which are to be completed and returned within two working days; and
2. The Township of Mahwah Application and Background Investigation

Questionnaire should be reviewed with the candidate to ensure that all information is complete and any needed instructions such as the locations of schools, employers, etc. can be obtained. This step actually involves a face-to-face interview with the candidate by the assigned background investigator, which will serve as the "*Integrity Interview*" of the candidate;

3. Fingerprint and Photograph the candidate. Candidate fingerprint are to be electronically (via LiveScan) forwarded to the New Jersey State Police and the FBI for criminal records checks;
4. Have candidate complete the "Candidate's Waiver to Release Information" form;
5. Request the candidate to provide copies of the following:
 - Birth certificate;
 - Driver's License;
 - Social Security Card;
 - High school diploma;
 - College transcript;
 - Marriage certificate;
 - Military discharge;
 - Divorce papers;
 - Certificates of training; and
 - Other licenses, diplomas, etc.
6. The candidate should be contacted and the items list above collected and placed in file to be turned in with the background investigation report;

The actual formal background investigation is then initiated and conducted with the minimum of the following occurring:

1. Review of the candidate's criminal record/ police contacts (FBI, N.C.I.C., C.C.H., NJSP, local departments, departments near past employment/residence, etc.);
2. Review of driving records from states where operator's license had been issue;
3. Review credit history (local credit bureaus);
4. Review military records;
5. Review college and high school records;
6. Contact past/present employers and obtain work history;
7. Contact and verify at least three personal references of the candidate (teachers, neighbors, coaches, co-workers, parents, spouse, boyfriend/girlfriend, friends, guidance counselors, landlords, etc.). The investigation should routinely involve a home visit with the candidate and his or her family and interviews with neighbors at that homes, if possible; and
8. Verification of candidate's qualifying credentials.

A written report is then to be completed by the assigned background investigator. This report is to be submitted to the Chief of Police, along with the background file records for review and approval. Should the Chief of Police make a tentative job offer to the candidate, a post-offer background investigation will then be conducted prior to the candidate starting employment. These post-offer phases will also include of an examination and review of the candidate's medical and psychological history and condition.

B. BACKGROUND INVESTIGATOR TRAINING

In order to better ensure the confidentiality of the inquiry and enhance the overall quality of investigative techniques, only sworn personnel, after receiving appropriate training, are to conduct background investigations. The Chief of Police shall designate the personnel responsible for conducting background investigations in each individual circumstance.

C. RETENTION OF BACKGROUND INVESTIGATIONS

Each candidate's background investigation is to be secured and maintained by the individual background investigator in a secure manner, until turned over to the Chief of Police. Access to these records is limited to those persons having a need to know and authorized by the Chief of Police.

All records of candidates participating in any phase of the selection process and not appointed to probationary status shall be forwarded to and maintained by the Human Resource Officer. This will provide the necessary information to insure the ability of the Human Resources Officer to complete continuing research, independent evaluation, and defense against lawsuits regarding the selection process. Once the Mahwah Police Department compiles all background investigation and testing under its responsibility, those records are retained for disposition in accordance to established policy and law.

Copies of all original records on candidates hired by the Township of Mahwah and given probationary appointments will be forwarded to the Chief of Police to be filed in the Department's Personnel Files for that particular employee. The original documents are forwarded to the Human Resources Officer in the same manner as described above for those candidates not hired by the Township. The Police Department personnel files are secured in the Office of the Chief of Police and can only be accessed with approval of the Chief of Police and in accordance to the New Jersey Open Public Records Act and other state and federal statutes.

The Human Resource Officer will determine the requirements, consistent with applicable laws, for maintaining identifying information, such as names and addresses. The Township of Mahwah will comply with all federal, state, and local requirements for the privacy, security, and access to information of all candidates' records and data, consistent with the record retention schedule applicable.

D. USE OF POLYGRAPH/COMPUTER VOICE STRESS ANALYZER (C.V.S.A.)

Polygraph/Computer Voice Stress Analyzer (C.V.S.A) examinations will not be conducted by the Mahwah Police Department in accordance with New Jersey law.

E. MEDICAL EXAMINATIONS/STRESS TEST

Prior to appointment each candidate must successfully pass a job-related medical examination. The intent of the medical examination is to discover any medical problems that might inhibit work performance, shorten a career or contribute to work-related disabilities. Procedures used during the medical examination are to be valid, useful and non-discriminatory. Medical examinations conducted on behalf of the Township are only to be conducted by licensed physicians. The medical examination is to be administered by a licensed physician arranged for by the Township and the entire cost of the examination will be at the expense of the Township.

F. PSYCHOLOGICAL EXAMINATIONS

Prior to appointment each candidate must successfully pass a psychological examination. The intent of the psychological examination is to determine a candidate's emotional and psychological stability as it relates to his ability to function as a police officer. Procedures used during the psychological examination are to be valid, useful and non-discriminatory. Psychological examinations conducted on behalf of the Township are only to be conducted by licensed psychologists and/or psychiatrist with experience in dealing with law enforcement officers and candidates for law enforcement positions. The psychological examination is to be administered by licensed psychologists and/or psychiatrist arranged for by the Township and the entire cost of the examination will be at the expense of the Township.

In the case of hiring alternate route/ lateral or transfer candidates and pursuant to N.J.A.C.13:1-8.1 upon graduating and meeting all the requirements set forth by the Basic Police Training Course and New Jersey Police Training Commission (PTC) will satisfy the requirements for psychological examination

G. MEDICAL AND PSYCHOLOGICAL REPORTS RETENTION

Pursuant to the American with Disabilities Act the medical/psychological records of a candidate not appointed and those appointed are to be considered confidential records and filed separately from other records in the office of the Chief of Police. Access to these records is limited to persons having a need to know and authorized by the Chief of Police. Due to the nature of these medical/psychological records they require greater security and very limited access when compared to other employment background investigation records. These records will be maintained, secured, and retained in accordance with federal, state and local law.

H. PROBATIONARY PERIODS OF ENTRY LEVEL OFFICERS

All candidates appointed shall serve a probationary period beginning on the date of graduation from the police academy and ending twelve months later. New officers hired who are currently certified by the New Jersey Police Training Commission are placed in the formal Field Training Program for approximately three (3) months. As a result, these officers have approximately nine (9) more months of probationary status, prior to consideration of permanent status. New officers hired who are not certified are upon hire immediately sent to Basic Police Training Academy for approximately six (6) months. Upon completion of that classroom training these officers spend approximately three (3) months in the Department's formal Field Training Program. These officers then have approximately nine (9) more months of probationary status, prior to consideration of permanent status.

Mahwah Police Department – Policies and Procedures		Number 080:05:05
Subject Training		
Issue Date 02012001	Effective Date 02012001	
Revisions a. 12242005 b. 10012007 c. 10272008 d. 01052012LtPT e. 02262015 LtJD, f. Revised 06/2018 D.Lt.GB		
Page 1 of 9 .	Accreditation Number 33.1.1-.7, 33.2.3-4, 33.4.1-.2, 33.5.1-2, 33.6.1, 33.7.1-.2, 33.8.1-2	

I. BACKGROUND

Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad services. First, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, it fosters cooperation and unity of purpose. Furthermore, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial, remedial, or update training. The Mahwah Police Department recognizes the importance of training and is committed to providing the best training available to all personnel.

II. POLICY

The purpose and intent of this policy is to establish goals, procedures, responsibilities, and accountability for all training provided to personnel of the Mahwah Police Department.

III. ACTION

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A. GOALS

The goals of the Mahwah Police Department Training Program include to:

1. Meet training needs of the members of the Department;
2. Provide better-educated and more professional personnel;
3. Provide more efficient and effective accomplishment of Departmental objectives;
4. Improve police/community relations;
5. Provide career development opportunities within the Department;
6. Provide training in specialized areas of law enforcement;
7. Provide consistency in training with Department law enforcement responsibilities.

B. RESPONSIBILITIES

While training is a continual, never-ending process involving all members of the Department, the overall training function is on a part-time basis, the responsibility of the Training Section Leader. This responsibility will include at a minimum:

1. Training for both sworn and civilian personnel;
2. Planning and developing training programs;
3. Notifying personnel of required training and training that is available to Department personnel;
4. Maintaining training records;
5. Assuring that training programs are attended, and progress evaluation reports, vouchers, and records related thereto are maintained;
6. Implementing training programs;
7. Assist in selection and training of instructors;
8. Evaluating training programs;
9. Coordinating training programs;
10. Acting as liaison between the Department and any training academy utilized by the Department;
11. Ensuring that all training activities are conducted within the framework of Departmental goals in cooperation with all operational units;
12. Over-seeing the Field Training Program.

C. PERFORMANCE-BASED TRAINING

1. The Mahwah Police Department Training Program has been based on a relationship of training to Job-Task analysis. This method of training will be used in all training done by the Department. This method of training requires that performance objectives will be submitted to the Training Section Leader for approval before such training will commence. The objectives should:

- a. Focus on the elements of the job-task analysis for which training is needed;
 - b. Provide clear statements of what is to be learned.
 - c. Provide the basis for evaluating the participants;
 - d. Provide the basis for evaluating the effectiveness of the training program.
2. The use of performance objectives acquaints the training participants with the information they are required to know; the skills that must be demonstrated; and the circumstances under which the skills will be used. This approach also enables the instructors to relate training directly to the job performance that will be expected by supervisors.

D. TRAINING COMMITTEE

The Training Committee will assist the Training Section Leader in developing and evaluating training needs as well as serve as a means of input from those representing different Department shifts and divisions. The Training Committee will be made up of five members as follows:

- a. Patrol Division Commander;
- b. Investigative Division Commander;
- c. A Lieutenant;
- d. Training Section Leader;
- e. A Shift Sergeant;

The selection and/or replacement of committee members is at the discretion of the Chief of Police. The Training Committee will report through the Chain of Command to the Chief of Police who will have final authority on any recommendations or proposals made by the committee.

The Training Committee will meet, at a minimum, annually and as necessary for the purpose of reviewing the Department's training programs to assure that they meet personnel and operational needs, legal requirements and agency policies, and to evaluate, update, and revise all Department training programs. The evaluating and updating process should include a review of new laws, court decisions, and Department directives.

The resources used to evaluate the Department's training programs will include, at a minimum, inspection reports, staff meetings, consultation with field personnel and field operations, training committee reports, training evaluations, and any internal affair reports which show a lack of training as a cause.

E. TRAINING ATTENDANCE REQUIREMENTS

Members of this Department are expected to attend any training programs they may be scheduled for. Attendance will be documented by either the instructor, (if Departmental training), or in cases where the training is at a location other than the Department, documentation of proof of the successful completion of the course will be furnished by the individual attending the course. There are cases where attendance at a training program may be excused, i.e., court appearance or sickness. (In cases of sickness, the officer scheduled shall notify both the Department as well as the school as to the reason for his absenteeism.) Any absence must be properly excused by the administrators of the program being attended and must be in compliance with the directives under which the training program is being operated. The time lost must be made up, (if allowed) before any certificate of completion will be issued. Certificate of completion will be issued to those students who satisfactorily complete any training program administered by an Academy. A copy of such certificates must be submitted to the Training Officer for inclusion in individual training records.

F. AGENCY REIMBURSEMENT POLICY

Any request for reimbursement must be accompanied by receipts and must be submitted within fifteen (15) working days of the conclusion of the training. Prior approval must first be received from a Division Commander. Reimbursement for mileage will be paid at the rate as specified by the current contract.

G. LESSON PLAN REQUIREMENTS

Lesson plans are required for all training courses done by the Department. It is the responsibility of the individual instructor to provide the Training Section Leader with a copy of the lesson plans prior to conducting the class. The Department will provide each

instructor with the guidelines and format for lesson plan development, and when applicable, send the instructor to Methods of Instruction class. The development of lesson plans should ensure that the subject to be covered in training is addressed completely and accurately and is properly sequenced with other training materials. Lesson plans establish the purpose of the instruction; set forth the performance objectives; relate the training to critical job-tasks; and identify the matters that will be taught. Lesson plan shall be required of any instructor, either employed by the Department or invited in from the private sector.

The lesson plan shall include a statement of performance objectives, the content of the training, and specification of the appropriate instructional techniques. The lesson plans should also include references, teaching techniques (lecture, group discussion, panel, seminars, and debate), relationships to job-tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants.

Instructors of the Mahwah Police Department shall cooperate with the area Academies in preparing lesson plans when instructing at the academy. The Department's Training Section will approve lesson plans for use in-house. Approval process will consist of development, review, legal review (if appropriate) and final approval by the Chief or his designee.

In order to evaluate in-house training, if necessary, some type of testing may occur. Testing may be done by written test, (i.e., question-answer) or by the use of practical job-related situations. The testing will consist of competency-based items that use performance objectives and measure participant knowledge of abilities to use job-related skills.

Lesson plans will be retained for as long as the topic is relevant and up to date.

H. REMEDIAL TRAINING

Remedial training is directed at solving a particular problem or improving the performance of an employee in a particular area within a given time period and with expected results and/or standards of improved performance.

Criteria used to determine the need for remedial training would be gained from the employee counseling/evaluation report or in the case of new recruits, from the FTO/Supervisor's Evaluations.

Supervisors, when counseling employees in reference to sub-standard performance should confer with the Training Officer about the possibility of including remedial training in the area of poor performance only if training is required.

The remedial training should be conducted "in-house" within a three (3) week period, or in a formalized classroom setting (Academy class) at the next available opportunity.

Remedial training assignments, just as all other training assignments, are a duty assignment.

I. UPDATING RECORDS

Following participation in training programs, employee records will be updated to reflect such training. As personnel complete training programs, the date of the training, the types of training received, any certificates received, attendance and test scores should be recorded for each trainee.

J. INDIVIDUAL TRAINING RECORDS

The Training Section will maintain updated records of training on all Departmental personnel as follows:

1. Individual training records will reflect:

- a. Date of training;
 - b. Type of training;
 - c. Any certificate received (roll call training exempt);
 - d. Attendance;
 - e. Test score (if applicable).
2. Training class records for all Departmental training will be maintained by the Training Coordinator in a separate file and will include:
- a. Course content (lesson plan);
 - b. Name(s) of instructor(s);
 - c. Personnel in attendance;
 - d. Course date(s);
 - e. Performance of individual attended as measured by tests, if administered.
3. Training records will be treated the same as personnel records. Only those persons authorized by law will have access to the records, or if a court so orders to have said records produced. All training files are kept locked in the Training Officers Cabinet.

K. DEPARTMENT/ACADEMY RELATIONSHIP

Pursuant to state law, all recruits must successfully complete a state recognized Police Academy within one year of appointment. Until a recruit successfully completes a state recognized police Academy, he shall not have powers of arrest, nor shall he assume any responsibility that would entail Police powers, nor shall he be issued a firearm. Any in-service training conducted by the Academies that are made available to the Department will be utilized when sufficient manpower and economics allow.

Requests from Academies for utilization of Department equipment/instructors shall be considered on a case-by-case basis. Manpower and economics permitting, the Department will make every effort to make the equipment/instructors available. All requests for equipment/instructors from an Academy shall be forwarded to the Office of the Chief of Police for final determination.

L. POLICE ACADEMY TRAINING

Prior to entrance into any Police Academy, the recruit is required to attend an orientation session at the academy in which he is given a copy of the academy rules and regulations, a schedule of the classes (what is to be taught and when), as well as an outline of the structure of the academy. During the recruit's attendance at the academy, he will be bound by the rules and regulations, policies, and procedures of the academy.

M. NEW RECRUITS

Basic Training Prerequisite to Duty Assignment: All newly sworn officers are required (pursuant to state law) to successfully complete a State recognized basic training academy within one year of being sworn in. Furthermore, this Department will not utilize any recruit who has yet to successfully complete a state recognize basic training academy in any capacity in which the recruit must perform law enforcement duties which would require the carrying of a firearm or the affecting of an arrest. Also, the recruit shall not be recognized as being fully trained until he has successfully completed the Departments' own Field Training Program, which is administered upon successful completion of a state recognized basic training academy.

Pre-academy Training: All new recruits, prior to entrance into any police academy, are required to successfully complete training in regards to various Departmental policies, procedures, and equipment. The training, known as "Performance Objectives", is state mandated. The recruit is also expected to perform certain aspects of

the training. Any area in which the recruit is found to be deficient will be so noted on the Training Section supervisor's evaluation, and remedial training will be given.

Post-academy Training: All new recruits, upon completion of academy training will receive training regarding Department policies, procedures, rules and regulations specifically via the Mahwah Police Department Standard Operating Procedures. This training will be self-initiated by the new recruit immediately after completion of academy work.

N. INSTRUCTOR TRAINING

Prior to being allowed to instruct any courses within the Department, instructors will be:

1. Required to attend a Methods of Instruction Course (M.O.I.) that teaches the instructor on:

- a. Lesson plan development;
- b. Development of performance objectives;
- c. Instructional techniques;
- d. Learning theory;
- e. Testing and evaluation techniques;
- f. Resource availability and use.

Or

2. If he/she has not completed M.O.I., have specialized knowledge/training in an area that is deemed beneficial for other members of the Department to have. In this case, the individual who will instruct the course shall assist the Training Section in the writing of the lesson plans and related material.

Normally, officers selected and trained as instructors in particular subjects will be expected to teach those subjects when needed for a minimum of two years. Individuals who wish to attend M.O.I. training must have one (1) full year of law enforcement service to be eligible to receive this training.

O. REQUESTS FOR INSTRUCTORS

1. Outside Requests for Instructors: Requests from outside agencies, academies, or groups for utilization of Department instructors shall be considered on a case-by-case basis. Manpower permitting, the Department will make every effort to make the instructors available. All requests for instructors from outside of the Department shall be forwarded to the Office of the Chief of Police.

2. Requests for Instructors from Outside the Agency: Any instructor invited to instruct the members of this Department either from another agency or from the private sector shall supply the Department with a lesson plan of the material to be taught, as well as prove knowledge of the subject he/she plans to instruct. Selection process shall be based on the knowledge offered and the ability of this knowledge to meet the training needs of the Department.

P. CERTIFIED ACADEMIES

All academies utilized by this Department provide training and evaluation techniques as mandated by the N.J. Police Training Commission. The Commission mandates specific standards, unit goals, and performance objectives to be covered/achieved. They also review all lesson plans to be utilized by the academies as well as the allotted time for instruction.

Q. IN-SERVICE TRAINING

Training in addition to recruit training, may include periodic retraining or refresher training, specialized training, career development, promotional training, advanced training, and roll call training. Also included in "In-Service" training are the following:

1. Firearms training and qualifications, which are held twice a year.
2. Classes required by or at the discretion of the Chief of Police and Department. These classes may include but are not limited to:
 - a. Supervisory and management training;
 - b. Policy and procedure training;
 - c. Training which is required to be updated on a prescribed basis, such as CPR/First Aid, radar training, Breathalyzer, AED, etc.;
 - d. Any training as deemed necessary (could include remedial, advanced, introductory, etc.).
 - e. Legal update training.
3. All sworn personnel are required to complete an annual retraining program that will include legal updates.
4. Additional training may be conducted during shift briefing and roll call deployment. Training may be directed by the shift supervisor, or may be at the direction of the Chief of Police, or his designee.

R. SPECIALIZED TRAINING

Opportunities: Nominations for attendance at any special advanced outside training shall be made of the Chief of Police. The Chief shall take into consideration the following criteria in making decisions on nominating employees for special/advanced outside training. The criteria will consist of:

1. Length of service (with M.P.D., time in grade);
2. Present position within the P.D.;
3. Possibilities for advancement within the P.D.;
4. Projected duties/assignments;
5. Current voids/openings within the P.D.;
6. Educational background; and
7. Work experience background and performance.

These opportunities include such training as the FBI Academy at Quantico, Certified Public Manager (CPM), or any other special training that involves extended leave/distance/expense.

Upon completion of such special advanced training, the officer graduate will be assigned to duties which meet the maximum opportunity to utilize the training received through assisting the Police Department other officers, conducting training, etc.

Any special advanced training that is of such a nature as to meet the minimum requirements of any agency mandated training, (or go beyond it) shall be accepted as meeting the mandated training.

Specialized training is intended to enhance skills, knowledge, and abilities beyond the level of instruction provided for recruits or through other in-service programs, and may include supervisory, management, and/or executive development training, as well as technical and job-specific topics. Certain courses or elements of training may be identified as mandatory training for certain specialized positions and other training may be suggested as optional.

The following specialized areas or positions require specialized training pre-assignment and may require retraining after initial certification:

1. Radar Operator (Academy training, Department certification);
2. Firearms Instructor (Firearms Instructors Course);

3. ASP Instructor, Impact Weapon Instructor, Self Defense Instructor (Instructor Course);
4. Breath Testing Instrument Operator (Alcotest Operator Course);
5. Field Training Officer (FTO Course);
6. Evidence Technician (Evidence Collection and Processing Course);
7. D.A.R.E. Officer (D.A.R.E. Officer/Instructor Course);
8. Traffic Accident Reconstructionist (Accident Investigation and Reconstruction Course);

The following specialized areas or positions shall require specialized training post-assignment and may require retraining after initial certification:

1. First Aid and C.P.R. (Departmental on the job training);
2. TAC Officer (NJSP Coordinator Course);
3. Supervisory Positions (Management and on the job training);
4. Investigator (Investigators Course and on the job training);
5. Bicycle Patrol Officer (Bicycle Officer Certification Course);
6. Juvenile Officer (Juvenile Law Course and on the job training);
7. Public Information Officer (PIO Course and on the job training);

The Patrol Division Commander will maintain on file an inventory of career specialties, which is to include the skills, knowledge, and abilities needed for each specialty.

Specialized training is to include the following:

1. Development and/or enhancement of the skills, knowledge and abilities particular to the specialization;
2. Management, administration, supervision, personnel policies and support services of the function or component;
3. Performance standards of the function or component;
4. Department policies, procedures, rules and regulations specifically related to the function or component; and
5. Supervised on-the-job training. This agency encourages supervised on-the-job training and specialty in-service training designed to foster personal growth and development in new areas of interest, specialization, and to enhance the overall potential of the employee for upward mobility. The nature of such training should be determined by the skills, knowledge, and abilities required of each specialty.

S. NON-SWORN PERSONNEL

All newly appointed non-sworn personnel would receive the following training and information:

1. Orientation of the Department's role, purpose, goals, policies, and procedures.
2. Working conditions, rules and regulations.
3. Responsibilities and rights of employees.
4. Re-training in areas that are changed or added to the existing policies/procedures affecting the component in which they are assigned.

Non-sworn personnel would retraining shall occur annually, unless problems arise in which training is deemed necessary on a more frequent basis.

T. TRAINING OPPORTUNITIES/RESOURCES

The Training Officer is responsible to keep abreast of training provided through area police academies. The Department will send members to said training classes who show an interest/desire to attend specific classes, when manpower and budget limitations allow for the scheduling of these classes, where the knowledge gained is deemed beneficial for

the entire Department and where officer performance is deemed satisfactory or better. Any classes offered by the private sector will also be considered in the same manner as those offered by the police academies.

In order to increase effectiveness, improve coordination and promote better understanding among criminal justice system agencies, members of this Department who have specialized skills will be made available upon request for academy instruction.

Also, the Mahwah Police Department will utilize available instructors from other criminal justice agencies when said instructors offer a benefit by way of expertise and are available. Any requests to attend an in-service training course shall be done by completing a Training Request Application form and submitting same to the training officer.

U. DEPARTMENTAL TRAINING FACILITIES

The Mahwah Police Department has available space in which classes may be held. The Department also has audio-visual equipment available, (DVD, VCR, TV, tapes, etc.). Utilization by outside groups of any of this equipment shall be strictly controlled and limited, and approved by the Chief of Police.

V. POST-PROMOTIONAL TRAINING

All newly promoted officers will receive training commensurate with their new duties and will take place within the first year following promotion. This training could consist of academy/private sector training classes, field training, self-initiated study or a combination thereof.

Mahwah Police Department – Policies and Procedures		Number 080:25:15
Subject Accreditation Training		
Issue Date 09062002	Effective Date 09062002	
Revisions a. 09062006 b. 10242008 c. Reviewed 12/2011, d. Revised 06/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 33.5.3-4, 33.2.4	

I. BACKGROUND

The accreditation process was initiated to coincide with the Mahwah Police Department Standard Operating Procedures. As such, all members of the department should be familiar with the accreditation process.

II. POLICY

It is the policy of this department that all members receive training and understand the accreditation process.

III. ACTION

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A. CHRONOLOGY

Familiarization with the accreditation process is provided to agency employees as follows:

1. To all newly hired agency personnel within 30 days after their employment begins.
2. To all agency personnel during the self-assessment phase associated with achieving initial accreditation and each reaccreditation.

B. INTENTION

The intent of this SOP is two-fold. First, it ensures that all employees are familiar with accreditation and what it entails during the self-assessment process. Second, familiarizing new employees with the process will provide a historical perspective and emphasize the importance of accreditation to the organization.

C. TRAINING

Training will include the history and background of accreditation and the agency's involvement in the process, the accreditation process, the goals and objectives of accreditation, and the advantages of accreditation and its impact on the agency. This training may be through a memorandum or classroom settings.

D. HISTORY

Accreditation has been in existence for over 200 years with criminal justice applications available since 1974 (corrections). The first law enforcement agency was accredited in 1985. The accreditation movement had its origins in this country when the New York State Regents were established in 1787. The mission of the regents was to determine whether colleges in New York State met minimum standards. Regents visited and reviewed the work of every college in the state on an annual basis and submitted a report to the state legislature.

From education, accreditation spread to other fields, such as hospitals. The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) was established in 1983, accrediting its first law enforcement agency in 1985. To accredit means to vouch for or recognize an agency as conforming to a body of standards related to a specific profession, in this case, law enforcement.

Our organization is voluntarily, and through a self-motivated approach, seeking to achieve, objectively verify and maintain high quality in our operations through periodic evaluations conducted by an independent, nongovernmental body that has established standards for law enforcement agencies.

In order to comply with the standards required by CALEA, we have undertaken the task of issuing a complete and comprehensive Standard Operating Procedure for our department. This SOP will not only meet the standards required for accreditation but also encompass other requirements and guidelines our agency must follow (for example, the NJ Attorney General's Guidelines). Once the SOP is "complete", every member of our agency will have a guide or reference manual to consult when necessary. The SOP is a living document that will need to be updated or modified as legal requirements or conditions change and therefore, will remain comprehensive and fresh as time goes by.

Each member of this department will in some way be involved in the accreditation process. This could take the form of writing a particular standard operating procedure, reviewing procedures and policies or simply reading, understanding and putting into practice the SOPs of this agency.

E. PROCESS

In order to be successful, our agency will undertake a self-assessment phase that will consist of issuing SOPs that meet the standards set by the Accreditation Commission. Each standard will be addressed by either a single SOP or an SOP that encompasses multiple standards. There are over 400 standards that must be achieved in order to meet the accreditation requirements. Our agency is fortunate in that our unwritten standard operating procedures have paralleled the Commission requirements in many aspects. The SOPs issued all meet specific standards. Some SOPs are strictly tailored for our agency and do not satisfy a particular standard. This is the reason that our SOP has been incorporated into the accreditation process. We will not only meet the standards required for accreditation, but also work in required guidelines set by the NJ Attorney General and the Bergen County Prosecutor. For the first time our agency will have a document that

brings together all the elements required for successful and professional operation of our agency.

Once the self-assessment phase is complete, our agency will be inspected by representatives of the Accreditation Commission. This initial assessment will take approximately three days to complete. During this assessment the inspectors will examine our SOPs and facility to determine whether or not we have fulfilled the requirements for accreditation. Once complete our agency will be fully accredited for three years. In the fourth year, our agency will once again be inspected in order to determine if we have been complying with the standards and SOP's as written.

In general, the purpose of self-assessment is to achieve compliance with applicable standards, establish proofs of compliance with those standards and facilitate the on-site review by the Commission's assessors.

F. GOALS AND OBJECTIVES

The objective of accreditation is to standardize many of the tasks patrol officers are required to perform on a daily basis. Our goal is to equip each officer with the necessary tools to handle almost any situation that presents itself. All members of this agency will be able to reference almost any question or problem at any time of the day or night simply by opening up the SOP and locating the pertinent directive. For the first time officers will be able to reference NJ Attorney General's Guidelines, Bergen County Prosecutor's Directives and New Jersey State Police Guidelines instantly and efficiently.

By creating an SOP that is not only comprehensive but also flexible when mandates change the agency is creating more efficient and capable police officers. This, in turn, increases professionalism and individual pride in each officer.

G. ADVANTAGES AND IMPACT

The advantages of having a written SOP and achieving accreditation include standardization of tasks performed on a daily basis by every officer, allowing for instant and easy reference of policies and procedures, showing the public that our agency is more professional and above reproach because it was evaluated by an outside, nongovernmental agency and giving individual officers the chance to educate themselves on the necessary skills and knowledge required to perform to the best of their abilities. The impact accreditation will have on our agency will be positive in that accreditation is achieved by a very small margin of police agencies worldwide. Earning accreditation shows the public we serve that our members can and will perform to the best of their abilities. Standardization creates confidence in individual officer in that once a specific procedure is learned it will be utilized time and time again and not left to be figured out "on the fly". Although there is still room for improvisation in certain situations, the nuts and bolts of many situations will be readily available.

H. ACCREDITATION MANAGER TRAINING

Any employee assigned to the position of CALEA Accreditation Manager will receive specialized training within one year of being appointed. This training should be accomplished through attendance at a CALEA Conference within the first year of appointment and/or at least once during the current award period. The Accreditation Manager will also join and participate in the New Jersey Public Safety Accreditation Coalition and take advantage of any training offered by the PSAC.