

PARAMUS POLICE DEPARTMENT

VOLUME: 1

CHAPTER: 1

OF PAGES: 8

SUBJECT: WRITTEN DIRECTIVE SYSTEM

ISSUED BY:

EFFECTIVE DATE:

ACCREDITATION STANDARDS:

Acting Chief Christopher J. Brock

July 12, 2010

12.2.1

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The purpose of this policy is to establish a formal written directive system to provide a means for authorizing the issuance of written directives. Additionally, this policy will serve to describe the formulation of a written directive, identify the document source, verify distribution and provide a mechanism for purging, updating and revising directives.

POLICY The Paramus Police Department is compelled to provide essential services to the public to foster safe communities through crime control, reduction, and deterrence. The administration is obliged to train, supervise, and guide police personnel in performing a variety of tasks that helps maintain public safety. At the same time, administration must bolster employee competence and confidence in performing these tasks designed to achieve departmental objectives while reducing vulnerability to liability. Further, police personnel, both sworn and non-sworn, perform a wide range of activities, many of which are accomplished without direct supervision. To meet these obligations, the Paramus Police Department must manage itself according to written orders. These orders, commonly referred to as a written directive system are designed to guide the daily, legal and ethical functioning of this agency. It is recognized that this system cannot address every conceivable situation that may arise in the course of day-to-day activities. Common sense, consistent with our mission statement, core values and the policies embodied in this system, along with established procedures, may determine the appropriate course of action. The Paramus Police Department is dedicated to providing effective, efficient and high caliber services to all those that might require our assistance. The Chief of Police has the sole authority to issue, modify or approve General Orders and shall use this medium to disseminate his official position on specific issues.

PROCEDURE

I. Composition of the Written Directive System

- A. **Written Directive-** Any written documents used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, General Orders, Special Orders, Personnel orders, Memoranda, and Instructional Material.
- B. **General Order –** A broadly based directive dealing with policy and/or procedure and affecting one or more organizational subdivisions of the Department. The General Order will detail the assigned file/manual number, the CALEA standard (if applicable), a required distribution and receipt of information procedure and an effective date. Additionally, the General Order will bear the title and name of the issuing authority. A General Order may further be used to make permanent changes in organizational structure, establish personnel policy and procedures (other than employment status changes). Furthermore, this type of instrument can be used to address issues such as the use and distribution of police equipment, relations with non-department entities and the expenditure of funds.
- C. **Special Order-** Special Orders are issued by the Chief of Police to provide policy and direction in regard to circumstances or conditions that are temporary or self-canceling in nature. A copy of all Special Orders will be retained and assigned a sequential number to be consistent with the previous Special Order. A file of issued Special Orders will be retained in the Office of the Chief of Police and will be maintained by the Chief or his/her designee. Special Orders may be used in situations such as parades, training, special traffic details and other temporary or self-canceling events.
- D. **Personnel Order-** Personnel orders are those written instruments, issued by the Chief of Police, that address appointment, assignment, transfer, promotions, suspensions or any other status change of personnel within the Department. A copy of all personnel orders will be retained and assigned a sequential number to be consistent with the previous personnel order. A file of issued personnel orders will be retained in the Office of the Chief of Police and will be maintained by the Chief or his/her designee.
- E. **Memorandum-** These informational bulletins are primarily designed to provide information and/or direction in situations that do not warrant a more formal order or process. The Memorandum, however, is an official order and reflects the thinking/desire of the issuer as to a specific subject. Memorandums will not create policy; however, may direct the recipient(s) to take action in the future.
- F. **Rules and Regulations-** A rule directs the specific actions of a police officer. The essence of a rule is its inflexibility and it permits no deviations or exceptions. Due to its inflexibility, a rule is only justified when there is an unchanging feature in a situation. Violation of a rule is grounds for disciplinary action. All other written directives must be consistent with the rules and regulations. The Appropriate Authority, as provided for under N.J.S.A. 40A:14-118 has the sole authority to promulgate rules and regulations for governing a police department. Paramus Borough Ordinance Chapter 103 establishes the Rules and Regulations and designates the Police Committee as the appropriate authority for the Police Department. While an individual other than the Chief of Police promulgates these

Rules and Regulations, they are nonetheless a component of the overall written directive system of this agency and shall be maintained in the Borough of Paramus Police Department Rules and Regulations/ General Orders.

- G. Policy- A component of a written directive that summarizes the department's position on the direction or limitations of department authority in specific matters. Policies guide the organization toward achieving its goal, and reflect an overall plan for the department. It is based on the views of police administration, police ethics and experience, the desires of the community and its leaders, the results of research, and the mandate of law. Policy informs the public as well as the employees, about principles to be upheld in the performance of the police function
- H. Procedure- A component of a written directive that describes expected methods of operation. Procedures differ from policy in that they direct attention to the performance of a specific task within the guidelines of the policy. Procedures are methods of performing specific operations or a manner of proceeding on a course of action. A procedure is a component of a General Order.
- I. Instructional Material – Written or recorded material designed to provide continuous in-service training to all department employees. Instructional materials are usually issued by the Chief of Police or the department training officer and include the following:
 - 1. Training bulletins
 - 2. Manuals
 - 3. Lesson plans
 - 4. Reporting guides
 - 5. Job descriptions
 - 6. Audio or video tapes

II. Issuing Authorities

- A. The Chief of Police has the sole authority to issue, modify, and approve General Orders for the department. Others in the organization can research and/or write General Orders; however, they must be approved and signed by the Chief of Police to be in force.
- B. While the authority to prepare and issue certain types of orders may be delegated to various department members, the Chief of Police shall ultimately be responsible for the content of all such directives. As a result, the Chief of Police has the authority to prepare, issue, modify and approve or disapprove any written orders.
 - 1. The authority to issue orders is as follows:
 - a. General Orders- Only the Chief of Police may issue General Orders.
 - b. Special Orders- Only the Chief of Police may issue Special Orders.

The Chief may empower others to issue these orders.

- c. Personnel Orders- Only the Chief of Police may issue Personnel Orders.
- d. Memorandums- All personnel may issue Memorandums, but the Chief of Police must be made aware of each Memorandum.

III. Preparation of Written Orders

- A. In order to assure that written mandates/directions are being created in an appropriate manner, the following guidelines have been adopted and will be followed:
 - 1. The written orders/directives shall not conflict with existing rules and regulations or policy/procedures of this agency. Furthermore the General Orders shall not be crafted in such a way that they conflict with statutory law or with any directive issued by an agency that has the power to create policy/procedure that is binding on this agency.
 - 2. In order to assure that all documents pertaining to a particular issue are readily available, all orders will cross-reference other related documents. Written documents will note other instruments that supersede, cancel, rescind or amend the referenced article.

IV. Written Directive Format

- A. General Orders: will be issued in the format described below, as approved by the Chief of Police:
 - 1. Header Box – Police Department Manual
 - 2. Title Box:
 - a. Volume
 - b. Chapter
 - c. # of Pages
 - d. Subject
 - e. Issued By
 - f. Effective Date
 - h. Accreditation Standards
 - i. Supercedes Order#
 - j. Disclaimer – “The Written Directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer’s civil or criminal liability in anyway. They should not be construed as the creation of a higher standard of

safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be a basis of a complaint by this department, and then only in an administrative disciplinary setting.

3. Statement of Purpose
 4. Statement of Policy
 5. The specified Procedure in outline form starting with Roman numeral one.
- B. Special Orders and Personnel Orders: shall be issued in a format approved by the Chief of Police. At a minimum, these orders will contain the following information:
1. Header Box – Police Department Manual
 2. Title Box – indicate Special Order or Personnel Order
 - a. Volume Number
 - b. Volume Title
 - c. Subject
 - d. Issued by
 - e. Effective Date
 - f. Expiration Date
 - g. Order Number
 - h. Distribution
 - i. Text
- C. Memoranda and instructional materials shall be issued in Memorandum format in order to clearly identify the issuing authority and the personnel for whom the material is intended.
- D. Numbering system
1. All orders shall be numbered consecutively with a prefix consisting of the last two digits of the calendar year in which the order was issued. Each type of order shall have its own consecutive numbering format. (Examples: Personnel Order 01-001, General Order 01-001, etc.)
 2. Authorized members who are preparing an order for publication shall contact the Office of Professional Standards and request the next available sequential number for the type of order they are preparing. The Office of Professional Standards shall maintain a master list of all issued orders.

V. Distribution of Orders to Department Personnel

- A. Distribution of written directives and associated materials will be accomplished by way of a computerized document distribution program utilized by the department. The Power DMS system will enable the department to electronically distribute documents and retain a permanent record for each employee documenting receipt of the distributed materials. It is the responsibility of each employee to log into the Power DMS system on a daily basis to review the material that has been posted to the site. All employees must digitally sign for each document posted to the site.
 - 1. A master copy of department manuals will be maintained by the Chief of Police.
 - 2. Employees shall not make copies, distribute copies or release any written directive to anyone who is not a member of the Paramus Police Department without the prior expressed approval of the Chief of Police.
- B. The master copy contains a master alphabetical index, as well as individual chapter indices. All written directives created in the future will be assigned to the corresponding chapter that concerns the topic.
- C. Every employee of the department will be issued a copy of the agency Rules and Regulations. Each employee will be required to sign a sheet acknowledging receipt of the Rules and Regulations. The receipt shall be placed in the employee's personnel file. Employees will be responsible to maintain and update their copy of Rules and Regulations including the addition of new or modified rules and the purging of rules as directed by order of the Chief of Police.
- D. It shall be the responsibility of supervisors at the appropriate level of command to orally advise all employees affected by a written directive of the purpose, scope and intent of the written directive. Supervisors of the affected personnel should conduct review and discussion of each written directive.

VI. Employee Actions Where No Written Guidelines Exist

- A. Employees are occasionally confronted with situations where no written guidelines exist, and supervisory advice is not readily available. As it would be impossible and undesirable to attempt to address all possible situations with written guidelines, considerable discretion is given employees.

Faced with the need to make a decision or take an action where no guidelines exist, employees should rely on the following resources:

- 1. Organizational Values. The Department has developed a set of values used to guide the direction of the Department. These values are basically statements of what is important to the Paramus Police Department. Employees should take these values into consideration when making a decision.
- 2. Training. Previous training may give guidance in situations the Paramus Police Department has not specifically addressed with written guidelines.
- 3. Judgment. Each employee, as a professional, has developed the ability to judge situations based on experience.

VI. Purging, Updating or Revising Written Orders

- A. The Chief of Police or his/her designee will review the General Order manual annually and will make any alterations that are deemed necessary.
- B. The Chief of Police or his/her designee shall determine a process of archiving obsolete written directives. Any such process shall comply with existing Federal or State mandates regarding record retention.
- C. When the Chief of Police has identified an area or item in the Rules and Regulations that needs an addition, modification, and replacement or purging, he shall transmit a written report to the Borough of Paramus, Police Committee requesting the revision.
- D. General Orders will be reviewed at least once annually in accordance with the matrix maintained by the Deputy Chief of Police.
- E. The Office of Professional Standards will have overall responsibility for the maintenance and indexing of the department manual. Each directive will be indexed according to the general topic area it addresses. Each general topic area will comprise a volume of the directive system.
- F. Department employees may request a change in a written directive when an operational need has been identified that would warrant the modification by submitting a Special Report through the established chain of command.

VII. Formulation and Review of Proposed Written Directives

- A. Prior to promulgation of proposed or amended directives, the Chief of Police may direct a staff review of the directive to evaluate the probable effectiveness of the new or amended directive and to ensure the proposed or amended directive does not conflict with existing directives or laws.
- B. Staff review will generally be assigned to command officers and bureau/unit supervisors who will be directly affected by the proposed directive.
- C. Proposed or amended written directives assigned for review will be disseminated via the computerized written directive system. Likewise, any relevant feedback formulated by those supervisors will be returned using the computerized written directive system. This review shall also apply to any proposed additions or changes to the Borough of Paramus Police Department Rules and Regulations/General Orders.

VIII. Prosecutor and Attorney General Directives

- A. Upon receipt of directives and/or guidelines from the Prosecutor's Office or the Attorney General, existing rules and regulations and written directives will be examined to determine compliance. If necessary, a timely modification to existing written directives will be accomplished to ensure compliance with the directive/guideline.

IX. Compliance

- A. The written directive system is the operating system of the police department. Officers shall comply with any and all written orders without exception.
- B. Ensuring compliance with all written orders shall be a primary responsibility of supervisory officers. Disobedience of one or more provisions of the written orders of this agency shall form the basis for a disciplinary action.
- C. As the issuing authority, the Chief of Police is the only person authorized to order or allows deviations from the provisions of the General Orders.

PARAMUS POLICE DEPARTMENT

VOLUME: 1

CHAPTER: 3

OF PAGES: 3

SUBJECT: VALUE, MISSION, and ETHICS

ISSUED BY:

EFFECTIVE DATE:

ACCREDITATION STANDARDS:

Deputy Chief James J. Sheehan

September 8, 2010

1.1.2, 12.2.1a,

SUPERSEDES ORDER #:

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PURPOSE: The purpose of this directive is to provide all employees of the Paramus Police Department with the **Value and Mission Statement**, and the **Code of Ethics** which collectively are the foundation of professionalism. They establish a philosophy of trust between the police and the community.

POLICY: All employees of the Paramus Police Department shall abide by the Value and Mission Statement, and the Code of Ethics in the performance of their duties.

PROCEDURE:

I. Responsibilities

- A. It is the responsibility of each employee of the police department to understand and fully comply with this directive.
- B. Being an employee of the Paramus Police Department, places each of us in a position of trust and high esteem in the eyes of the public. As employees, we have access to privileged and confidential information and authority that far exceeds that of other citizens. We must be ever mindful that concurrent with this authority comes additional responsibility and that our actions are subjected to review and oversight through a variety of systems not imposed on others. Our jobs require professionalism and dedication and it is incumbent on all of us to adhere to the **Code of Ethics and the Value and Mission Statement.**

II. Code of Ethics

- A. All personnel shall read and abide by the Law Enforcement Code of Ethics.

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

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

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

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

III. Value and Mission Statement

A. All personnel shall read and abide by the Value and Mission Statement.

The Paramus Police Department is committed to preserving the peace, upholding the law, and providing quality service in partnership with our community.

We are committed to respecting individual rights, human dignity, and the value of all members of the community and the Police Department.

We are guided by the principles that every individual has dignity and worth, and we must show respect for the citizens we serve as well as for the men and women of the Paramus Police Department. The department recognizes the value and importance of its employees and will ensure that all employees are treated equitably and fairly. We encourage our employees and the community to achieve their greatest potential in an atmosphere that promotes communication, creativity, and participation.

We are committed to nurturing the public trust by holding ourselves accountable to the highest standards of professionalism and ethics.

We are committed to providing the highest quality of professional services to the community with the goal of enhancing the quality of life in the Borough of Paramus.

We are committed to empowering our employees and the community to resolve problems creating an environment that encourages solutions that address the needs of the community.

We endorse the philosophy of the community policing as a means of concentrating the attention, resources and creativity of individuals and groups in the community, at all levels in the police department and throughout all departments of our local government.

PARAMUS POLICE DEPARTMENT

VOLUME: 1

CHAPTER: 5

OF PAGES: 4

SUBJECT: ELECTRONIC MONITORING

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

September 20, 2018

ACCREDITATION STANDARDS:

12.2.1

SUPERSEDES ORDER #:

Original issued 1-1-2009

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The purpose of this order is to identify the Paramus Police Department's policy on Electronic Monitoring. The Chief of Police is responsible for maintaining a cooperative work environment that is free from intimidation and any form of harassment. To meet this goal it is this administration's position that employees have a reasonable expectation of privacy and that the surreptitious recording and or video monitoring of personnel subverts the good order of this department.

POLICY: Personnel employed by the Paramus Police Department have a reasonable expectation of privacy when engaged in personal and or business conversation. Non-interception of employee oral communication is our accepted practice and the surreptitious recording of conversations between personnel is strictly prohibited.

PROCEDURE:

I. Definitions

- A. Oral Communication: any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but does not include any electronic communication.
- B. Intercept: the aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical, or other device.
- C. Electronic Mechanical or Other Device: any device or apparatus that can be used to intercept a wire, electronic or oral or visual communication.
- D. Types of Recording Equipment: all cameras, digital and analog recording devices, cellular phones equipped with video cameras or other types of photographic and recording apparatus

II. Electronic Monitoring

- A. Those employees who want to record personal and or business oral communications between themselves and other employees must follow the below listed procedures.
 - 1. Prior to the recording seek permission from the Chief of Police.
 - 2. Personnel have the right to refuse to be recorded under these circumstances.
 - 3. If the employee(s) agree to being recorded, a copy of the taped conversation and a certified transcription of the conversation will be forwarded to all parties involved in the conversation. These materials will be forwarded to all parties within three days of the conversation.
 - 4. The cost of transcribing, packaging, postage and delivery of the materials will be at the expense of the employee.
- B. Department tapes, batteries, recorders, and microphones will not be used for this type of recording unless permission is first obtained from the Chief of Police.
- C. Failure to notify your supervisor and the other person(s) of your intent to record the conversation will result in disciplinary action.
- D. Personnel, who record employees' conversations that they are not a party to, are in violation of the wiretapping laws of the State of New Jersey. Refer to the below listed statutes:

2A:156A-3 Interception, disclosure or Use of Wire, Electronic or Oral Communications

2A:156A-9 Order Authorizing Interception of Wire, Electronic or Oral Communications.

III. Communication Center

- A. This department will monitor the following oral communications equipment that is located in the Dispatch Center and all other areas networked to the voice/data controller and recording devices of this department.
 - 1. 911 Phone Lines
 - 2. Emergency Phone Lines
 - 3. Administration or Borough Phone Lines
 - 4. Radio Communications
 - 5. Desk Communications
 - 6. Prisoner Holding Cells
- B. The desk officer is responsible for and will use the department's audio and video equipment to monitor the cell block area.
- C. The surreptitious recording or re-recording of this department's phone lines, close circuit camera system and or radio frequency by sworn and non-sworn members of the department is strictly prohibited unless the member has permission from the Chief of Police or the Bergen County Prosecutor.

- D. The Chief of Police or his designee may monitor the department's dispatch recording devices for policy compliance and complaints. The Operation Division Commander is responsible for making copies of all official communications in that division. Prior to making any recordings, the Operation Division Commander will obtain permission to record the conversations from either the Internal Affairs Supervisor or the Chief of Police.

IV. Criminal Investigations of Non-Employees

- A. The use of audio and video recording of persons who are being interviewed and or interrogated is permissible as long as the officer is in full compliance with laws of the State of New Jersey.
- B. When actively involved in a criminal investigation personnel will use departmental issued recording devices and equipment. Once the officer has completed the interview and or interrogation the tape(s) or digital file(s) will be considered evidence and the officer will follow proper evidentiary procedures. Police personnel will not maintain copies of evidence for their personal use.

V. Non-Criminal Investigation Non-Employees

Employees who are actively involved in non-criminal investigations, for example, motor vehicle stops, civil complaints; domestic disputes etc. will use the departments' mobile in-car video and audio system to document the incident. The tape(s) or digital file(s) will be considered evidence.

VI. Internal Affairs

The Internal Affairs Supervisor and designated Internal Affairs Personnel have the authority to electronically record interviews and interrogations of departmental employees.

Employees will be notified that their interview and or interrogation are being recorded.

Employees who are being interviewed or interrogated during an internal affairs investigation cannot object to the recordings.

The original and any copies of the recordings will be maintained in the Internal Affairs File.

Personnel are not permitted to obtain a copy of the recording unless the Chief of Police grants permission or the recordings are requested during the discovery process for hearing purposes.

Transcription of any Internal Affairs recordings must first be approved by the Chief of Police.

The Internal Affairs Unit may conduct video monitoring of employees when the actions of the employer are legal and when the Chief of Police has granted permission. The Internal Affairs Unit will only undertake video monitoring of employees when there are documented complaints of an on-going course of misconduct.

PARAMUS POLICE DEPARTMENT

VOLUME: 1

CHAPTER: 10

OF PAGES: 2

SUBJECT: GRIEVANCE PROCESS

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

October 1, 2018

ACCREDITATION STANDARDS:

25.1.1, 25.1.2, 25.1.3, 25.1.6

SUPERSEDES ORDER #:

Original issued 10-01-2009

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE:

One 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. This directive will codify certain management procedures regarding the grievance process.

POLICY:

It is the policy of this agency to act in accordance with the grievance process established through contractual agreements.

PROCEDURE:

- I. Nothing in this directive shall change, undermine, or deny employee contractual rights in the grievance process.
- II. All supervisors shall familiarize themselves with the terms and conditions of the various collective bargaining agreements and comport themselves to minimize the potential for grievances. Copies of the labor organizations contractual agreements are issued to all supervisors.
- III. The grievance procedure is established through controlling language in written contractual agreements between the members of PBA Local #186 and the Borough of Paramus.
- IV. The Chief of Police shall:
 - A. Have the responsibility for management's coordination and control of all grievances
 - B. Ensure that all managers/supervisors comply with the grievance procedures as outlined within contractual agreements.
 - C. Maintain and control all of management's grievance records to ensure confidentiality as required.

- V. Grievances should be forwarded as specified by contractual language.
- VI. A copy of each grievance shall be placed in a secure, centralized file in the Office of the Chief of Police. These copies shall include the final outcome of the grievance.
- VII. The Chief of Police shall cause an annual analysis of all grievances to identify any trends in the type of grievance being filed and to see what management changes can be taken to minimize the causes of grievances in the future.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 1

OF PAGES: 11

SUBJECT: ORGANIZATION, ADMINISTRATION & FUNCTION

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

January 17, 2017

ACCREDITATION STANDARDS:

11.1.1

SUPERSEDES ORDER #:

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PURPOSE:

The Paramus Police Department is divided into divisions and components to facilitate operations and maximize efficacy. Each division and component has its own responsibilities and functions that should not be overlapped by another component of the Department.

POLICY:

It is the policy of this department that all employees will be familiar with described Divisions, functions and responsibilities of each component of the Department

PROCEDURE:

The Paramus Police Department is divided into four major components; The Office of the Chief of Police; The Patrol Division; The Detective Division and the Operations Division. Some functions are assigned as they relate directly to the primary duties of the specific Division, and some are assigned due to specific skills, knowledge, abilities, and expertise of the Division Commander or members. The organizational structure, components, and functional responsibilities are periodically reviewed and reorganized if necessary to improve the efficiency and/or effectiveness of the overall operation of the department. Each component is interrelated with the other components, and operations may be coordinated through individual components or any combination of the four components. Each component may be further subdivided into units and/or functions that best meets operational needs.

Four Major Components:

- A. Office of the Chief of Police
- B. Patrol Division
- C. Detective Division
- D. Operations Division

I. Office of the Chief of Police:

The Office of the Chief of Police consists of the Chief of Police who is the Chief Executive of the Paramus Police Department, the Deputy Chief of Police and the Secretary to the Chief of Police.

The Chief of Police is the administrative head of the Department and is responsible for the overall effective and efficient management of the police department. The Chief of Police has the ultimate responsibility for the preservation of life and property, preservation of law and order, investigation of crimes, suppression of vice, and enforcement of state law and municipal ordinances. He shall direct the assignment of officers, establish training programs, maintain records, provide traffic control and enforcement, cooperate with other law enforcement agencies, establish rules, regulations, policies and procedures, and provide advice to the Mayor and Council members on matters pertaining to the police department. He shall develop annual budget proposals and control budgeted expenses. The Chief of Police is responsible for the direction of all activities of the Paramus Police Department. This direction will be accomplished through written and oral orders, policies, procedures, directives, guidelines, and guidance as well as personal leadership exerted through subordinate supervisors and officers. The Chief may delegate or grant particular authority to any members of the department as necessary for the efficient administration of the Department. The Chief reports directly to the Police Committee which is the "Appropriate Authority" under (N.J.S.A.40A:14-118 and Paramus Code 103-6)

The Deputy Chief of Police is the second highest rank in the Police Department and reports directly to the Chief of Police. The Deputy Chief is promoted from the rank of Captain. The Deputy Chief may be assigned to oversee the major organizational components such as Patrol Division, Operations Division, Detective Division, and/ or as the Chief of Staff. In addition to carrying out specific oversight duties, the Deputy Chief may assume the duties of the Chief of Police in his absence and perform related functions in that capacity.

Specifically, the Deputy Chief oversees the Department's Division Commanders. The Deputy Chief has direct oversight of the Professional Standards and Internal Affairs Unit. The Deputy Chief may also be responsible for oversight of all operations including logistics, purchasing, recruitment, training, deployment, background investigation, plant management, grant and forfeiture management, and maintenance of personnel records. Also, the Deputy Chief represents the Department at community and business meetings to promote the Department's missions and goals in order to foster mutual trust between the community and the Department. In addition, the Deputy Chief acts as a Chief of Staff to the Office of the Chief of Police and keeps the Police Chief informed of all operational activities on a day-to-day basis.

The Secretary to the Chief of Police is a civilian confidential employee and reports directly to the Chief of Police. This position provides the Chief of Police with clerical, secretarial, and administrative support.

Functional Responsibility

The Office of the Chief of Police has functional responsibilities for:

Fiscal Management: The Chief of Police, in addition to other duties, has responsibility for budget management, payroll accountability, departmental purchasing and billing, managing the petty cash fund; developing specifications for items requiring standardized purchases; bidding procedures; maintaining rental agreements for equipment; tracking the initial appropriation in each line item, the balances at the commencement of the monthly period, the expenditures made during the month, and the remaining unencumbered balance; and, other fiscal non-cash management functions.

Personnel Structure and Management: The Chief of Police, in addition to other duties, has responsibility for personnel management and assignment; implementation of personnel policy; coordination between the Borough Administrator and Borough Clerk's Office and the department; maintenance of personnel records; and management of personnel benefits.

Recruitment and Management: The Chief of Police has responsibility for the development of the department's recruitment and selection process in compliance with the needs of the department and community as well as the applicable state and federal laws.

Research and Development: the Chief of Police is responsible for long and short term strategic planning for the department as well as the development and implementation of strategic goals and objectives for the department.

Public Information: The Chief of Police designates the Public Information Officer for the department who acts as liaison with the news media and coordinates the gathering and dissemination of news releases to the media and public.

Bureau Workload Analysis: The Chief of Police determines the workload for each Division based on an analysis of statistics and demand.

Personnel Workload Analysis: The Chief of Police determines the workload for personnel based on an analysis of statistics and demand.

Pursuit/Use of Force Review: Responsible for the review and update of Attorney General's Guidelines on Vehicular Pursuit and Use of Force as necessary.

Internal Affairs: Involves documenting the investigation, either formally or informally of allegations of police misconduct, commendations, and other matters pertaining to the internal affairs function of the Paramus Police Department. Ensures that the integrity of the department is maintained through an internal system where objectivity, fairness, and justice are assured by the intensive, impartial, investigation and review of complaint of misfeasance, malfeasance or nonfeasance against police officers. The internal affairs function being assigned in no way relieves any departmental supervisors of their obligation to maintain discipline and to investigate and document violations committed by personnel under their command.

Records Unit: The Supervising Administrative Analyst supervises the central records function of the department, as well as line command of the civilian personnel assigned to the records section. The Supervising Administrative Analyst reports to the Office of the Chief of Police. They are responsible for the privacy and security precautions for records, in accordance with applicable laws, and for the physical security of records. They have the responsibility to ensure that records and reports are complete and accurate. They are also responsible for records retention and destruction cycles and compliance with the schedule cycles. Under direction of the Chief of Police, The Supervising Administrative Analyst will perform the difficult statistical and analytical research involving the use of computer applications such as Microsoft applications, InfoCop and other Federal, State and Local databases; random statistical samplings, correlation and regression analysis, gathering and analyzing crime data for crime pattern detection, suspect-crime correlations, target-suspect profiles, and crime forecasting; conducting analysis of traffic data and statistical performance data; preparing reports on data and trends for police personnel and commanders; making presentations to police personnel, members of the community, and outside agencies. They perform other related work as required by the Chief of Police.

Emergency Medical Services- Responsible for the overall command and control of the Paramus Emergency Medical Services (PEMS). The Chief of PEMS will report directly to the Chief of Police or his designee.

Office of Emergency Preparedness-Responsible for the overall command and control of the Paramus Office of Emergency Preparedness. The Preparedness Coordinator and Emergency Management Coordinator will report to the Chief of Police or his designee.

Honor Guard: Represents the Department at ceremonial functions such as Police funerals, promotion ceremonies, Borough events and any other functions as determined by the Chief of Police or the Honor Guard Commander.

Line and Staff Inspections: Responsible for the coordination of the Investigative Division's responsibility in terms of Line and Staff Inspections in accordance to the direction of the Chief of Police.

Accreditation: If Accreditation is sought for the department, the Chief has responsible for the management, administration, and review of the Department's activities in attaining and maintaining accreditation with the Commission on Accreditation for Law Enforcement Agencies Inc. or the New Jersey State Chief Association of Chiefs of Police Association. The Chief will designate the Department's Accreditation Manager.

The Chief of Police may delegate functional responsibilities to subordinates as deemed appropriate and necessary, however the Chief of Police retains overall functional responsibility for those functions assigned to the Office of the Chief of Police.

II. Patrol Division

The Patrol Division consists of the two primary platoons which are broken into two squads for each platoon. The Patrol Division is under the command of a Division Commander who will hold the rank of Captain.

The Division Commander with the approval of the Chief of Police assigns Lieutenants and Sergeants as Squad Supervisors. The Lieutenants report directly to the Division Commander while the Sergeants report to the Lieutenants. Each Squad consists of one Lieutenant and two sergeants and approximately eleven (11) Police Officers. Each Tour works a staggered eleven-hour shift on a schedule that averages the workweek at forty-two (42) regular hours per week. The Patrol Division Tours provide continuous twenty-four (24) hour per day patrol coverage and calls for service response for the Borough of Paramus. The Patrol Division is responsible for the prevention of crime, suppressing disturbances, apprehension of offenders, responding to calls for service, rendering aid, relief and assistance to citizens as circumstances require, preliminary and follow-up investigations of criminal acts, preparation of reports as necessary, and presentation of court testimony.

Functional Responsibility

The Patrol Division has functional responsibility for:

Patrol Operations: Responsible for developing procedures, strategies and tactics for carrying out the patrol functions of the department. This includes but is not limited to evaluating calls for service and other work requirements, and assigning patrol resources to beats or sectors to efficiently deliver law enforcement services.

Work Schedules: Coordinates department scheduling between Divisions. Responsible for issuance of preliminary and final department schedules each four-week period. The Patrol Commander is responsible for issuance of projected preliminary yearly schedule in January of each year.

Community Policing: Assists the Chief of Police, Operations Division Commander and Community Outreach Officer with the implementation of community policing initiatives and the coordination of problem solving with other governmental and community agencies and organizations. Upon the request of the Chief of Police will investigate, employ problem solving strategies, and attempts to resolve neighborhood problems and/or police related issues in the community that are best handled by the department's command staff. Develops and initiates problem solving initiatives through community contacts, meetings, and involvement of outside agencies, as well as department resources.

Line and Staff Inspection Coordination: Responsible for the coordination of the Patrol Division's responsibility in terms of Line and Staff Inspections in accordance to the direction of the Chief of Police.

Fleet Management: The Patrol Commander is responsible for administration, management and maintenance of all vehicles and their equipment that come under the control and responsibility of the Patrol Division. This includes ensuring that a daily inventory is conducted of all items, specified to be carried in every patrol car.

Workload Analysis: Oversees the data collection and analysis of the distribution and allocation of personnel within the Patrol Division to ensure that Division goals, objectives and responsibilities are being met in accordance with the direction set by the Chief of Police. Prepares and delivers monthly reports to the Chief of Police analyzing productivity, workload and highlighting unusual and newsworthy activity.

Court Security and Patrol Division Liaison: Acts as the Liaison to the Municipal Court for purposes of providing court security and issues related to patrol division officers and activities.

Emergency Service Unit:

The Paramus Police Department's Emergency Service Unit's primary function is to provide services for the Borough of Paramus in situations that require a unique level of training and specialized functionality. ESU is comprised of officers from the Patrol, Detective, and Operations divisions. The ESU truck is staffed by ESU officers from the Patrol Division. When not assigned as a member of a duty team, ESU personnel perform their regular duty assignment, but are available for call outs and continue to participate in training. ESU also acts as a force multiplier for the Patrol force, and responds to all high risk calls for service.

ESU has extensive training in dealing with emotionally disturbed persons. In addition, ESU members are trained in hazardous material response. ESU works alongside and collaboratively with the Borough's Fire, Rescue and EMS personnel. The officers assigned to the Emergency Services Unit receive specialized weapons and tactics training; have developed expertise in protecting and securing critical infrastructures and providing dignitary escorts and security. ESU is specially trained to handle protests and demonstrations, provide crowd control and maintain order at large events. They regularly deploy radiation detection equipment and other monitoring devices and strategies to identify weapons of mass destruction.

Strategic Response Unit: SRU consists of Patrol Officers who have received intermediate and advanced training in active shooter, terrorism, forcible entry, hazardous material response, along

with a litany of other skills. These officers provide immediate response to major incidents and supplement the Emergency Service Unit when needed.

Director of Public Safety Communications: Reports to the Patrol Division Commander and is responsible for the operations of the Paramus Emergency Communications / 911 Center. The Directors responsibilities shall include but not limited to the following:

- A. Supervise, direct and evaluate all Communications Personnel and activities.
- B. Supervise, direct and evaluate the Assistant Communications Coordinator, Senior Shift Supervisors, and Shift Supervisors, their activities and assignments.
- C. Coordinate the interviewing, selection, training and evaluation of employees within the Communications Bureau.
- D. Assist in the planning and development of Communications strategies for large events such as parades carnivals and fireworks.
- E. Create, update and implement written policies and procedures for Communications
- F. Assist in the planning, coordination and implementation of CAD/RMS system, working with all other appropriate Departments and personnel.
- G. Conduct short and long term strategic planning for the development, maintenance and improvement of our public safety communications system.
- H. Coordinate with outside vendors and service providers, telephone companies, radio repair services and computer technicians.
- I. Attend necessary meeting representing the Department as the Communications Coordinator, available to discuss any issues related to the Communications.
- J. Assist in developing and implementing goals, objectives and priorities for the Communications Bureau.
- K. Attend necessary meetings, seminars, and drills to maintain a working knowledge of technical advancements in equipment and operations.
- L. Prepare necessary reports and statistics for Division Commanders.
- M. Notified in the event of major emergencies and may be requested to return to Communications or mobile field command to coordinate communications activities.
- N. Responsible for maintenance of radio and communication equipment and coordination of any repair services.
- O. May be called upon to provide information and support with operational and procedural issues.
- P. May be called in to troubleshoot problems with radio, telephone or computer equipment in Communications.
- Q. May be called in for emergency situations or equipment failures.
- R. Assume the position of Borough Communications Officer for the Paramus Office of Emergency Management and fulfills all responsibilities as required.

Patrol Division Secretary: The Secretary to the Patrol Division is a civilian employee and reports directly to the Patrol Division Commander. This position provides the Commander with clerical, secretarial, and administrative support.

The Patrol Division Commander may delegate functional responsibilities to subordinates as deemed appropriate and necessary, however the Patrol Division Commander retains overall functional responsibility for those functions assigned to the Patrol Division.

III. Detective Division

The Detective Division is under the command of a Division Commander who will hold the rank of Captain. The Detective Division is comprised of the Criminal Investigation Bureau, the Juvenile Bureau, and the Bureau of Criminal Identification, and the Special Investigations / Intelligence Unit. The Division has additional functional responsibilities for administrative and staff functions and activities as described in this SOP and/or assigned by the Chief of Police.

The Detective Division consists of the Division Commander (Captain), three (3) Detective Lieutenants, seven (7) Detective Sergeants and sixteen- (16) full-time Detectives (investigators).

The primary function of the Detective Division is the follow-up investigation of criminal offenses that occur within the jurisdiction of the Paramus Police Department and the eventual identification, apprehension, and successful prosecution of criminal offenders. The Detective Division is also responsible for but not limited to the following activities and functions;

- Conducting thorough investigations of criminal acts as assigned;
- Preparation of cases for the prosecutor and court presentation;
- Investigation, detection, and control of vice and organized crime activity;
- Conduct the background investigations of potential departmental employees as determined necessary by the Chief of Police;
- Coordinates the department's juvenile related investigative efforts with those of the juvenile prosecutor and the juvenile court;
- Oversees the coordination of all missing person cases to ensure proper follow-up by the department; and

Detective Division Secretary: The Secretary to the Detective Division is a civilian employee and reports directly to the Detective Division Commander. This position provides the Commander with clerical, secretarial, and administrative support.

Functional Responsibilities

Criminal Investigation Bureau: Responsible for the criminal offense investigative effort of the department. Maintains the case screening system for criminal offenses and monitors case reports to ensure that preliminary investigations are conducted and solvability factors indicated on offense reports. Screens and assigns cases investigative personnel for follow-up investigation, as appropriate. Assists patrol officers with case preparation and preparing testimony for court. The Division is responsible for reviewing applications for search warrants, and assisting in executing of such warrants. Has primary responsibility for conducting follow-up investigations inside the jurisdiction of Borough of Paramus. The Division serves as the primary liaison to the Bergen County Prosecutor's Office and the Paramus prosecutor.

Jails: Acts as the Liaison to the Bergen County Jail operation and coordinates planning for the department in relationship to the jail.

Workload Analysis: Oversees the data collection and analysis of the distribution of personnel within the Division to ensure that Division goals, objectives and responsibilities are being met in accordance with the direction set by the Chief of Police. Prepares and delivers monthly reports to the Chief of Police analyzing productivity, workload and highlighting unusual and newsworthy activity

Fleet Management: The administration, management and maintenance of all vehicles and their equipment that come under the control and responsibility of the Detective Division. This includes ensuring that a daily inventory is conducted of all items, specified to be carried in each car.

Line and Staff Inspection Coordination: Responsible for the coordination of the Detective Division's responsibility in terms of Line and Staff Inspections in accordance to the direction of the Chief of Police.

Juvenile Bureau:

The Juvenile Bureau is responsible for the investigation of crimes committed by and against juveniles and missing juvenile's cases while maintaining compliance with state and judicial mandates. The Juvenile Bureau is also responsible for:

L.E.A.D.- Is responsible for implementation and continuation of the L.E.A.D. program in the Paramus Public School system.

School Resources- Responsible to provide law enforcement related resources to all schools, public and private with the Borough of Paramus

Community Outreach- Will provide law enforcement outreach and assistance to any civic organization or groups located in Paramus such as "Seniors and Law Enforcement Together" (SALT), "Stigma Free" or other similar groups.

Human Services- the Human Service's social worker(s) will work in conjunction with the Juvenile/ Community-Outreach officers to aid victims and residents as needed

Megan's Law enforcement- Responsible for the monitoring and registration of all Megan's law suspects within the Borough of Paramus.

Bureau of Criminal Identification:

The Bureau of Criminal Identification (BCI) provides information and identification services that detect and apprehend criminals, which promote public and officer safety, and that support the criminal justice system in the prosecution, and adjudication, of offenders. The Bureau of Criminal Identification is responsible for all crime scene processing and analysis that is not under the jurisdiction of the Bergen County Sheriff's Department as per Prosecutors Guidelines. In addition BCI is responsible for the following duties and any other tasks that are directed by the Division Commander.

Evidence and Property Control- BCI is responsible for the security and control of all seized, found, recovered, and evidentiary property in agency custody. The BCI staff is responsible for evidence processing and direct control over the police property room and evidence control areas. Responsible for all required inspections, inventories, reports and final disposition of property, except as otherwise provided in the General Orders and SOPs of the Paramus Police Department.

Crime Scene Processing- BCI is responsible for the act of processing the crime scene in the field. The processing includes the entire task of examining, photographing, sketching, and using field techniques to identify, evaluate, document, process and collect physical and fingerprint evidence.

Firearms Application Unit- BCI is responsible for the timely processing of all firearms applications for the residents of the Borough of Paramus. BCI processes and conveys Firearms Identification Cards, Permit to Purchase and Carry Permit applications in compliance with all Federal and State laws.

Alcoholic Beverage Control- Investigates licensing of package goods stores and investigates the licensing of establishments that serve alcohol.

Special Investigations / Intelligence Unit:

The Paramus Police Special Investigation Intelligence Unit (SIU) Unit oversees and coordinates all major criminal investigations within the Borough of Paramus. These investigations include robbery, burglary and homicide. SIU is headed by a Detective Supervisor. This unit works closely with the Bergen County Prosecutors Office, Federal Bureau of Investigation, Drug Enforcement Administration and New Jersey State Police. The hallmark of this unit is their proactive collaboration with other Federal, State and local law enforcement agencies. Through the sharing of resources and intelligence, detectives work with units such as NYPD Operation Sentry, Newark Corr-Stat Region Real Time Crime Center and have detectives assigned as Task Force Officers with both the FBI Violent Crime Task Force and DEA

Major Case Investigation- The SIU will take overall supervision of major crimes such as homicide, kidnapping, robbery, burglary and other cases determined by the Office of the Chief of Police

Criminal Intelligence- Responsible for the collection, collation, dissemination, and analysis of criminal intelligence information from all sources.

Employment Background- responsible for conducting employment and background investigations for the department and the City as directed by the Chief of Police.

Anti-Crime Unit- The Paramus Police Departments Anti-Crime Unit also works under the umbrella of SIU. This unit made up of Detectives and Patrol officers operates during the year to combat narcotic, vice and other street crime within the Borough.

The Division Commander may delegate functional responsibilities to subordinates as deemed appropriate and necessary, however the Division Commander retains overall functional responsibility for those functions assigned to the Detective Division.

IV. Operations Division

The Operations Division is under the command of a Division Commander who will hold the rank of Captain. The Operations Division is comprised of the Training and Career Development Unit and Traffic Safety Unit and Infrastructure Protection Unit. The Division has additional functional responsibilities for administrative and staff functions and activities as described in this General Order and/or assigned by the Chief of Police.

Operations Division Secretary: The Secretary to the Operations Division is a civilian employee and reports directly to the Operations Division Commander. This position provides the Commander with clerical, secretarial, and administrative support.

Functional Responsibilities

Training Unit and Career Development Unit:

Career Development is the structured process by which the department provides opportunities for individual growth and development of skills, knowledge and abilities to individual officers. Primary in this program is the focus on development of general and specialized skills among the line police officers, to promote productive, effective and efficient job performance in all of the responsibilities of the department. The Unit provides skill development training to employees to prepare them for promotional opportunities or for appointment to specialized assignments.

Responsible for the administration of all specialized, remedial, in-service, roll call and advanced training (internal and external) including FTO and recruit training programs. This includes the review of curricula and lesson plans, and scheduling of all training classes. Responsible for the development, review and approval of the annual comprehensive training plan, and for the maintenance of and updating of training files on all employees of the Department. The Training Unit provides annual training and re-training opportunities for all employees as well as employees who are promoted or assigned new duties.

Traffic Safety Unit:

The Traffic Safety Unit's mission is to enhance the safe and expeditious movement of traffic throughout the Borough. This is achieved by way of many avenues in traffic safety, which includes engineering, education and enforcement. In addition, the Unit conducts traffic studies based on citizen input and crash trends. As a traffic calming method, the Bureau deploys an electronic radar warning unit that displays a motorist's speed. Variable message signs are strategically deployed throughout the borough to notify the public of hazards, traffic safety initiatives and community events. The bureau also handles the scheduling of officers for road construction as well as utility work which requires the altering of traffic patterns.

The Traffic Safety Unit conducts traffic enforcement and investigations of hit and run motor vehicle crashes. The Unit also provides support to various public and private entities. The Unit assists the Borough Planning, Zoning and Code Enforcement Departments by conducting site plan reviews and site inspections. The Traffic Safety Unit provides feedback to the borough and to private contractors on engineering and construction projects. One of the most important functions of the Traffic Bureau is the day-to-day interaction with local citizens within the borough.

Rotational Towing Regulations- The Traffic Safety Unit works with all of Paramus authorized towing companies to make sure they are complying with the Borough's Towing Ordinance.

Motorcycle Unit- The primary duties of the Motorcycle Unit are traffic complaint enforcement, high congestion traffic control and enforcement, accident reduction enforcement, escorts, and special event traffic control. Additionally, motorcycle officers respond to dispatched patrol calls as backup when needed. Because of their mobility, motorcycle officers may be the first units to respond to bank alarms, robberies, fires, or other incidents. Escorts, parades, and traffic and crowd control associated with special events are areas that motorcycle officers handle with great efficiency. Because of their mobility, motorcycle officers may be the first units to respond to bank alarms, robberies, fires, or other incidents.

Special Police Officers- Paramus utilizes and employs Class I Special Police Officers. Special Officers have less training than regular officers but do possess certain police powers. The Class I Special Officer goes through several weeks of training (depending on

the structure of the training schedule) and is trained in motor vehicle laws, first aid, criminal law, use of force and other basic areas. They are generally utilized for traffic control, parking and traffic enforcement, or to supplement a police presence in certain areas or at special events. Class I Special Officers do not carry firearms and have limited law enforcement powers.

School Crossing Guards- School crossing guards play an important role in the lives of children who walk or bicycle to school by helping them safely cross the street at key locations. A guard also helps children develop the skills to cross streets safely at all times. They remind drivers of the presence of pedestrians. The presence of adult crossing guards can lead to more parents feeling comfortable about their children walking or bicycling to school.

Police Service Details- the Traffic Safety Unit will be responsible for the organization, scheduling, and management of all Police Service Details. They will maintain all availability lists and will manage all escrow and payment accounts.

Building and Grounds-Responsible for the plant management of Police Headquarters by paying close attention to the buildings and the grounds with a concern for safety and security of the building and property. Facilities are inspected regularly for safety and upkeep, and any need for corrective action is given the highest priority. All issues are brought to the attention of the Chief of Police and the Paramus DPW Building and Grounds personnel.

Line and Staff Inspection Coordination: Responsible for the coordination of the Operations Division's responsibility in terms of Line and Staff Inspections in accordance to the direction of the Chief of Police.

Fleet Management: The administration, management and maintenance of all vehicles and their equipment that come under the control and responsibility of the Operations Division. This includes ensuring that a daily inventory is conducted of all items, specified to be carried in each car

The Division Commander may delegate functional responsibilities to subordinates as deemed appropriate and necessary, however the Division Commander retains overall functional responsibility for those functions assigned to the Operations Division

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 3

OF PAGES: 1

SUBJECT: COLLECTIVE BARGAINING

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

March 22, 2018

ACCREDITATION STANDARDS:

24.1.1 24.1.2

SUPERSEDES ORDER #:

Original issued: October 1, 2009

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The purpose of this directive is to codify this agency's role in the collective bargaining process.

POLICY: It is the policy of this agency to adhere to the tenets of the New Jersey Employer-Employee Relations Act, NJSA 34:13A-1 et seq. and NJAC 19:10-1 et seq. in both letter and spirit.

PROCEDURE:

- A. The Council Negotiation Committee is the Borough-appointed principal negotiator in collective bargaining issues and may establish a collective bargaining team comprised of as many persons as deemed necessary.
- B. The current collective bargaining units in the police department recognized by the Borough is Police Benevolent Association #186
- C. The Borough commits to participate in good faith bargaining with the duly recognized collective bargaining units representing its members.
- D. The Borough commits to abide by the ground rules for collective bargaining that arise out of the collective bargaining process or labor arbitration and/or mediation process.
- E. This agency commits to abide, in both letter and spirit, by the negotiated labor agreements that have been signed by management, labor representatives, and ratified by the bargaining units.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 4

OF PAGES: 2

SUBJECT: PERSONNEL BENEFITS

ISSUED BY:

Deputy Chief James J. Sheehan

EFFECTIVE DATE:

June 18, 2010

ACCREDITATION STANDARDS:

22.2.2

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE:

To outline the various personnel programs available to employees.

POLICY:

It is the policy of the Paramus Police Department to make available information to employees regarding the available personnel programs provided during their employment.

I. Personnel Benefits

A. Retirements Programs

1. Eligible employees will be enrolled in either the Public Employees Retirement System (PERS) or the Police and Fireman's Retirement System (PFRS) as administered by the State of New Jersey.

B. Health Insurance Program

1. The New Jersey Division of Pensions and Benefits web site maintains up to date health insurance handbooks, which provides a detailed explanation of benefits and employee premium sharing fees, if applicable. Handbooks are also available on the Internet at:

<http://www.state.nj.us/treasury/pensions/index.html>.

C. Disability and Death Benefits

1. Employees shall be provided with death benefits and disability benefits as provided for in their applicable retirement system (PFRS, PERS), and consistent with state and federal statutes.

D. Liability Protection

1. Sworn personnel shall be provided with liability protection for actions arising from their law enforcement responsibilities consistent with the provisions of their respective collective bargaining agreement, and in the case of employees with no collective bargaining agreement, the liability protection shall be as set forth in the Borough Code.

E. Employee Educational Benefits

1. Employees shall be entitled to education reimbursement, consistent with the provision in their respective collective bargaining agreement, for money spent on eligible continuing education programs.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 5

OF PAGES: 5

SUBJECT: COMMAND PROTOCOL

ISSUED BY:

Deputy Chief James J. Sheehan

EFFECTIVE DATE:

August 5, 2010

ACCREDITATION STANDARDS:

SUPERSEDES ORDER #:

12.1.2

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: To provide a clear illustration to all employees of the established lines of authority in the department and to briefly explain the attendant responsibilities of those employees serving in positions of rank.

POLICY: In all law enforcement agencies it is imperative that a clear line of authority is identified and recognizable to all employees. The lines of authority in this department have been established in furtherance of the management concepts of "unity of command" and a manageable "span of control". In police departments it is essential that only one person be in complete control of each situation and that the number of officers reporting to any one supervisor do not exceed the number that he can effectively supervise. Department employees promoted to supervisory and command positions have specific responsibilities that must be exercised without exception.

PROCEDURE:

I. Definitions

- A. **Command Officer:** Any officer appointed to the rank of Lieutenant or higher that is in command of a Division, Unit, Bureau or Squad.
- B. **Supervisory Officer:** A sworn employee of the Department assigned to a position requiring exercise of immediate supervision over the activities of employees.

II. Chain of Command

- A. Rank in the police department as established by municipal ordinance shall descend in the following order:
 - 1. Police Chief
 - 2. Deputy Chief
 - 3. Captain
 - 4. Lieutenant
 - 5. Sergeant
 - 6. Officer
 - 7. Civilian Employee
- B. The Chief of Police is responsible for the day-to-day operation of the police department. When absent, the Chief of Police will designate a member of the Command Staff with operational and administrative authority over the police department.
 - 1. In a situation where two or more employees of equal rank are in the line of succession, and there is no personnel order designating assumption of command, the employee with the greater length of department service shall be deemed the next in line.

III. Responsibilities

- A. The following information is intended to serve as a brief description of the responsibilities of each listed rank as it relates to their position in the chain of command.
- B. **Command Officers**
 - 1. Subject to higher authority, a command officer has direct control over all employees and employees within his command. In addition to the general and individual responsibilities of all employees and employees, a command officer is responsible for the following:
 - a. **Supervision:** the direction and control of personnel under his command to assure the proper performance of duties and

adherence to the written directives of this agency, and providing for the continuation of adequate supervision in his absence.

- b. Loyalty and Esprit de Corps: the development and maintenance of esprit de corps and loyalty to the department.
- c. Discipline and Morale: the maintenance of discipline and morale within the command and the investigation of personal complaints not assigned elsewhere.
- d. Interdepartmental Action: maintain a harmonious relationship with other elements of the department, allied agencies, other borough departments and the public.
- e. Organization and Assignment: proper organization and assignment of duties within his unit to assure proper performance of departmental functions and those of his unit.
- f. Reports and Records: preparation of required correspondence, reports and maintenance of records relating to the activities of his command. Assure that information is communicated up and down the chain of command as required.
- g. Maintenance: assurance that quarters, equipment, supplies and material assigned to his command are correctly used and maintained.

C. Supervisors

1. In addition to the general and individual responsibilities of all employees and employees, each supervisor is specifically responsible for the following:
 - a. Supervision: a supervisor may be assigned to field or office duties. During his tour of duty he must closely supervise the activities of the subordinates assigned to his charge, making corrections where necessary and commending outstanding service where appropriate.
 - b. Leadership: effective supervision demands leadership. Leadership includes on the job training of subordinates and the coordination of effort of more than one (1) employee as needed for efficient operation. Additionally, leadership is the ability of a supervisor to demonstrate to his subordinates the qualities necessary to be a good police officer.
 - c. Direction: Supervisors must exercise direct supervision in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside of his established line of authority if the police objective or preservation of the reputation of the department so dictates; or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercise unnecessarily.
 - d. Enforcement of Rules, etc.: supervisory officers must enforce all provisions of the police manual without exception.

- e. Inspection: supervisors are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
- f. Assisting Subordinates: a supervisor shall have a working knowledge of the duties and responsibilities of his subordinates. He shall observe contacts made with the public by his subordinates and be available for assistance or instruction as may be required. A field supervisor shall respond to calls of serious emergencies, crimes in progress, assaults and others, unless actively engaged in a police incident. They shall observe the conduct of assigned personnel and take active command when necessary.

IV. General Provisions

- A. In the absence of a personnel order to the contrary, command shall always be exercised by virtue of rank, and in cases of equal rank, by length of time in department service.
- B. The Chief of Police or his designee may, based upon specialized training/expertise/experience, appoint a specific person, not necessarily by rank, to be in charge for a predetermined emergency/unusual occurrence or for a specific operational activity/special event.
- C. Upon all occasions when a body of employees of the department is assembled, the ranking officer present shall take command and will be held responsible for the official action and conduct of those present. He shall be familiar with all that affects his command and he shall exact from his subordinates efficient performance of duty.
- D. Consistent with the provisions herein stated, when personnel from two or more Bureaus, Section or Units are operational at the same event, the overall commander should delegate operational command to the highest ranking subject matter expert when applicable.
- E. When two or more employees are sent upon any special duty and no ranking employee accompanies them, absent a designation of command by competent authority, the employee senior in terms of department service shall have command.
- F. Unless extenuating circumstances exist, personnel wishing to move up or down the chain of command shall adhere to the established structure.
 - 1. Extenuating circumstances would be any on-going situation resulting in the emergent need for immediately reporting such situation to prevent injury to any person or to protect the integrity and/or reputation of the police department.
- G. In order to promote efficiency, it may from time to time be necessary for a supervisor to relay an order through a subordinate employee. In such situations, the employee receiving a relayed order shall treat the order as though directly

issued by the applicable superior officer, regardless of the rank of the employee relaying the order.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 7

OF PAGES: 2

SUBJECT: CASH ACCOUNTS AND AGENCY PROPERTY

ISSUED BY:

Deputy Chief James J. Sheehan

EFFECTIVE DATE:

June 17, 2010

ACCREDITATION STANDARDS:

17.4.2, 17.5.3

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The purpose of this directive is to establish the policy and procedures concerning this agency's cash account management and agency-stored property.

POLICY: It is the policy of this agency to conduct its fiscal matters in comportment with applicable state law, specifically NJSA 40A: 4-1 et seq.; and in compliance with Borough ordinance and related policies.

PROCEDURE:

I. Records Fund Maintenance

- A. Records personnel shall maintain a ledger that identifies the initial balance, income received, disbursed, if any, (disbursement means monies turned over to the finance office), and the balance on hand. This ledger can be accomplished by hand or by electronic means. A minimum a \$30.00 will be maintained in the account.
- B. Records personnel shall issue a receipt for all funds received into the account.
- C. Making change for cash payments is not considered a cash disbursement. Disbursements are not authorized.
- D. Records personnel can accept payments in cash or check or money order.
- E. As a general rule accumulated funds shall be transferred to the Borough Finance Office daily. However, the transfer must take place within 72 hours of receipt.
- F. A monthly accounting of all cash activities shall be conducted by Records personnel and a record of such accounting shall be made.

II. Petty Cash Fund

- A. The agency does not maintain a petty cash fund. All petty cash disbursements are administered by the Borough Finance Department.

III. Agency Owned Property

- A. All personnel issued agency owned property will sign a receipt indicating that all listed items were received in operating condition. When the property is returned, an appropriate return receipt indicating the same will be acknowledged by both the returning party and an agency representative.
- B. The respective officer in charge prior to re-issuance will inspect all returned agency property and equipment.

IV. Maintenance of Stored Property

- A. All personnel will properly maintain agency owned and assigned property. Agency guidelines will be followed if an item requires repair, removal, and replacement. Those items not in immediate use will be maintained at an operational level. Inspection of these items will be the responsibility of the assignee and completed on a continual basis.
- B. Command and supervisory staff shall ensure that all stored items under their direct responsibility are available for use. Those items not in immediate use will be maintained at an operational level. Inspection of these items will be the responsibility of the appropriate commander or supervisor and completed on a continual basis.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 8

OF PAGES: 7

SUBJECT: HARASSMENT IN THE WORKPLACE

ISSUED BY:

Deputy Chief James J. Sheehan

EFFECTIVE DATE:

June 21, 2010

ACCREDITATION STANDARDS:

26.1.3

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The purpose of this policy is to ensure all employees of the Borough of Paramus a work environment free of any type of unlawful discrimination, including freedom from harassment on the basis of any protected classification.

POLICY: It is the policy of the Paramus Police Department that all personnel have the right to work in an environment free of all types of harassment. The Paramus Police Department will not tolerate, condone, or permit harassment of or by employees, and other non-employees who conduct business with the department. Harassment and discrimination are considered forms of serious employee misconduct. The Paramus Police Department will take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment and discrimination.

The conduct proscribed within this directive does not have to produce a concrete economic injury to be a violation. This directive forbids conduct based upon someone's protected class that interferes with the person's work or creates a hostile or offensive work environment regardless of injury.

All employees of the Police Department shall also adhere to the Harassment in the Workplace procedures established by the Borough of Paramus.

PROCEDURE:

I. DEFINITIONS

- A. Harassment is defined as discrimination or disparate treatment against any person because of their protected class that includes: race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class, **(N.J.S.A. 10:5-1 et seq.)**.
1. The harassing conduct must be unwelcomed and coercive. Sexual harassment may be homosexual or heterosexual in nature. Gender based harassment need not be sexual in nature to violate the law. Under New Jersey law harassment can be in the form of either sexual advances or intimidation or hostility towards a woman solely because she is a woman.
- B. Sexual Harassment is further defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including, but not limited to when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 4. Sexual harassment generally falls into three categories:
 - a. Quid pro quo sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexual bribery or other verbal or physical conduct based on the gender of the affected employee when submission to such conduct is made either explicitly or implicitly a term or condition of employment or submission to or rejection of such conduct by an individual is used as a basis for employment decisions.
 - b. Hostile work environment sexual harassment includes unwelcome sexual advances, sexual assault, sexual coercion, requests for sexual favors, seductive behavior and other verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.

- c. Third party sexual harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work environment.

II. AUTHORITY

- A. Authority is established under:
 - 1. Title VII of the Civil Rights Act of 1964 as amended
 - 2. **N.J.S.A. 10.5-1 et seq.** (New Jersey Law Against Discrimination)

III. PROHIBITED CONDUCT

- A. It is a violation of this directive for any person to use their authority to make any sexual advances toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, actions, or inactions.
- B. It is a violation of this directive to engage in any employment practice that treats a person less favorably based upon their protected class.
- C. It is a violation of this policy to use derogatory or demeaning slurs to refer to a person's protected class that may have the effect of harassing a person or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.
- D. Examples of prohibited behaviors that constitute sexual harassment include, but are not limited to:
 - 1. General or specific gender-based remarks and comments;
 - 2. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body, impeding or blocking movement;
 - 3. Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing;
 - 4. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects cartoons posters, magazines or pictures of scantily clad individuals;
 - 5. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
 - 6. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any

- employment practice such as performance evaluations or promotional opportunity;
 - 7. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior;
 - 8. Retaliation because of an individual's complaint or testimony about harassment.
- E. Examples of behaviors that may constitute prohibited workplace discrimination or harassment include, but are not limited to:
- 1. Discriminating against an individual with regard to terms and conditions of employment because of that individual's protected class;
 - 2. Treating an individual differently because of their protected class or because an individual has the physical, cultural or linguistic characteristics of a protected class or group;
 - 3. Treating an individual differently because of marriage to or association with persons of a protected class or group; or because an individual's name or spouse's name is associated with a protected class or group;
 - 4. Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic, racial, etc. jokes, parables, or stories that harasses an employee or family member or create a hostile work environment;
 - 5. Using derogatory references regarding any of protected characteristics in any job-related communication;
 - 6. Engaging in threatening, intimidating, or hostile acts in the workplace based on the protected class;
 - 7. Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning based upon any protected class.

IV. EMPLOYEE RESPONSIBILITIES

- A. It is the responsibility of each employee to respect the rights of co-workers
- B. Employees subjected to any form of prohibited discrimination/harassment, including sexual harassment, are encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint.
- C. Employees are expected to document all incidents of harassment in order to provide the fullest basis for investigation.
- D. Any employee who believes that they had been harassed or are being harassed shall report the incident(s) as soon as possible, in writing, so that the appropriate steps are taken to protect the employee from further harassment, and so that appropriate investigative measures are initiated.

- E. Any employee with knowledge of any form of prohibited harassment, whether directed at them or against others, must immediately report it in writing as indicated below.
- F. Employees should submit the **Internal Affairs Complaint Form** through their immediate supervisor. If the offending person is in the employee's chain of command, the **Internal Affairs Complaint Form** may be sent directly to the Internal Affairs Officer or Chief of Police. If the offending person is the Chief of Police, the **Internal Affairs Complaint Form** shall be forwarded to the Bergen County Prosecutor's Office.
 - 1. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The receiving party shall complete as much of the information as possible pursuant to the department's Internal Affairs Policy.
- G. If the **Internal Affairs Complaint Form** is submitted confidentially to the Internal Affairs Officer or Chief of Police, the person reporting should include as many facts and circumstances mentioned above.
- H. Employees who observe any behavior by another employee that constitutes prohibited harassment shall promptly report the incident. Employees who observe any condition, such as graffiti, cartoons, posters or calendars that are sexual in nature, sexually suggestive, discriminatory or harassing in nature shall promptly report the condition to their supervisor.
- I. The Chief of Police shall make the notification to the Mayor and Council when harassment in the workplace complaint is received.

V. SUPERVISOR RESPONSIBILITIES

- A. In order to ensure the integrity of the work environment supervisors are required to ensure adherence to and compliance with this directive and to create an atmosphere free from harassment and to communicate the department's policy of non-discrimination to all subordinates. Upon becoming aware of possible prohibited discrimination/harassment, including sexual harassment, supervisors at all levels are required to:
 - 1. Take appropriate immediate action to stop the harassing condition and/or behavior; and
 - 2. Inform the employee of their right to file a discrimination complaint; and
 - 3. Document and preserve any evidence/exemplars present; and
 - 4. Notify the Chief of Police through the chain of command of the incident and the action taken; and
 - 5. Submit an **Internal Affairs Investigation Report** to the Internal Affairs Unit documenting their actions and observations.

VI. INVESTIGATION PROCEDURES

- A. All investigations shall be forwarded to the Internal Affairs Unit for investigation pursuant to the Internal Affairs Policy.

VII. SUPPLEMENTAL

A. Retaliation

- 1. Retaliation against any employee who alleges that they were the victim of prohibited discrimination/harassment, including sexual harassment, or against any employee who provides information in the course of the investigation into claims of prohibited discrimination/harassment, including sexual harassment, in the workplace is prohibited.
- 2. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall not be subjected to adverse employment consequences based on such involvement or be the subject of retaliation.

B. False Accusations and Information

- 1. Purposely or knowingly making a false accusation of unlawful discrimination/harassment, including sexual harassment, or knowingly providing false information in the course of an investigation of a complaint is grounds for criminal, civil, and administrative sanctions. However, complaints made in good faith, even if found to be unsubstantiated, will not be considered false accusations.

C. Confidentiality

- 1. All complaints and investigations shall be handled to the extent possible, in a manner that will protect the privacy of those involved.
- 2. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss claims with the alleged harasser or other persons who may have relevant knowledge. It is therefore, may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

D. Training

- 1. Training regarding this directive shall be provided to all employees to ensure continued compliance.

E. Additional remedies can be made to:

- 1. Superior Court of New Jersey

2. New Jersey Division of Civil Rights
 3. Federal District Court
- F. Remedial Action
1. Punitive measures shall be consistent with Department's Rules and Regulations.
- G. Borough Liability
1. Because the Borough of Paramus prohibits harassment of its employees in any form, any individual charged with harassment in a civil action or by way of an administrative complaint shall be solely responsible for paying all costs of defense and/or any damages resulting there from which shall be awarded by proper court of law or by an administrative hearing unless the Mayor and Council agree otherwise in writing.
 2. Nothing in this section, prohibit a recognized collective bargaining unit from exercising its rights under a current collective bargaining agreement.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 9

OF PAGES: 4

SUBJECT: PROFILING & DISCRIMINATORY PRACTICES

ISSUED BY:

EFFECTIVE DATE:

ACCREDITATION STANDARDS:

Deputy Chief James J. Sheehan

October 25, 2010

1.2.9

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE The purpose of this directive is to codify this department's policy and procedures regarding profiling and discriminatory practices.

POLICY It is the policy of this department to prevent and prohibit the practice of bias-based profiling and other discriminatory practices by employees of this agency

PROCEDURES

I. General

- A. In accomplishing the mission of this department, personnel must not exercise their authority based upon an individual's or class of individuals' race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability.
- B. The following terms are defined:
 - 1. Citizen Contact is a consensual encounter between an agency employee and a member of the public, initiated by either party, wherein the person is free to terminate the encounter at any time.
 - 2. Detain or Detention is the act of stopping or restraining a person's freedom to leave; approaching and questioning a person outside the realm of a consensual encounter, or stopping a person suspected of being personally involved in criminal activity.
 - 3. Discriminatory Profiling is the disparate treatment of an individual or class of individuals on the basis of their race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability.
 - 4. Search is looking for or seeking out that which is otherwise concealed from view.
 - 5. Stop is the restraining of a person's liberty by physical force or a show of authority.
- C. Discriminatory profiling of persons by employees of this agency is strictly prohibited.
- D. Absent a valid warrant, reasonable suspicion, or probable cause, race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability (unless a danger to themselves or others) will not be a factor in determining whether to interdict, detain, stop, arrest or take a person into custody.
- E. Unless acting on a valid warrant or in response to a specific report of criminal activity, race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability will not be a factor in determining the existence of probable cause to arrest a person.
- F. The stop or detention of any person(s) or vehicle(s) that is not based on factors related to a violation or violations of the laws and ordinances of the United States, State of New Jersey, County of Bergen, local ordinance, BOLO, or in response to the community caretaking function is prohibited.
- G. No employee of this agency shall search a person, their effects, or vehicle based upon their race, color, gender, creed, national origin, ethnicity, religious beliefs, age, marital status, sexual orientation, physical or mental disability.

- H. Race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability shall not be a factor in any asset seizure or asset forfeiture proceeding.

II. Responsibilities

- A. Supervisors of all ranks and assignments are responsible for providing effective supervision to reasonably monitor employees under their command to ensure compliance with this directive and to take or recommend corrective action where indicated. Corrective action includes, but is not limited to:
1. Counseling;
 2. Training;
 3. Punitive discipline (up to and including termination).
- B. Supervisors of all ranks and regardless of assignment shall take or recommend corrective action if a police employee not under their direct command does not appear to be in compliance with this directive.
- C. All counseling, training, and/or punitive discipline must be documented and forwarded to the Chief of Police.
- D. Employees witnessing behavior contrary to this directive are required to take immediate action to end the behavior.
1. Employees must immediately report their knowledge of the incident to their immediate supervisor in writing.
 2. If their supervisor is the subject of the report or in the absence of their supervisor, the employee must report it directly to Internal Affairs or the Chief of Police.
- E. The Chief of Police, or designee, will be this department's community liaison on discriminatory profiling matters.
- F. All department personnel will receive periodic training regarding cultural diversity and the prohibition against discriminatory profiling, including legal aspects. This training shall be conducted minimally once every three years.
1. Training topics include, but are not limited to the harms of discriminatory profiling practices, sound police practice, and a review of this directive.
 2. This training is intended to supplement the initial cultural diversity and awareness and profiling training that officers receive in the basic recruit training academy.
- G. The Chief of Police or designee shall conduct an annual administrative review of this department's practices, including citizen and community concerns regarding profiling and other discriminatory practices.
1. This administrative review is a documented review to determine whether policy, training, equipment, or disciplinary issues should be addressed.

2. Agency practices are best described as what the agency does. Officer-initiated encounters with the public are best suited for annual analysis to assess possible or potential bias-based profiling. These agency practices can include, but are not limited to:
 - a. Vehicle stops;
 - b. Field interviews;
 - c. Consent searches;
 - d. Arrests;
 - e. Complaints of differential treatment by department employees whether formal or informal;
 - f. Asset seizure & forfeiture incidents.
3. The annual administrative review should be completed generally by February 15th. The Chief of Police shall cause any remedial action as recommended in the annual review.
4. The Chief of Police or designee may cause periodic random reviews of traffic and field contacts to ensure that this directive is being followed.
5. In addition to the annual administrative review, a review may be conducted at any time based upon citizen concerns brought to the attention of the agency.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 10

OF PAGES: 6

SUBJECT: SPECIAL LAW ENFORCEMENT OFFICER PROGRAM

ISSUED BY:

Deputy Chief James J. Sheehan

EFFECTIVE DATE:

October 8, 2010

ACCREDITATION STANDARDS:

16.3.1, 16.3.2, 16.3.3, 16.3.5,
16.3.6

SUPERSEDES ORDER #:

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PURPOSE The purpose of this directive is to establish policy and procedures for a Special Law Enforcement Officer Program to enhance the services provided to the public by the Borough of Paramus Police Department

POLICY It is the policy of the Borough of Paramus Police Department to maintain a Special Law Enforcement Officer Program to supplement and not supplant the regular police department in accordance with the requirements of NJSA 40A:14-146.8, et seq., and Borough of Paramus Municipal Ordinances.

PROCEDURES

I. General

- A. Special Law Enforcement Officer (SLEO) means any person appointed pursuant to NJSA 40A:14-146.8, et seq. to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local unit, or to provide assistance to a police force during unusual or emergency circumstances.
1. SLEO personnel are considered part-time employees and can be terminated for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing (NJSA 40A:14-146.14).
 2. Under no circumstances do the contents of this directive intend to create a contract for any purpose of a guarantee of continued employment between the Borough of Paramus and SLEO personnel.
- B. Borough of Paramus Ordinance 103-7 authorizes Special Law Enforcement Officers Class I (SLEO I).
1. SLEO I are authorized to perform routine traffic detail, spectator control and similar duties. SLEO I have the power to issue summonses for disorderly persons and petty disorderly person offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes.
 2. SLEO I are prohibited from carrying and using a firearm and no SLEO I shall be assigned any duties that may require the carrying or use of a firearm.
 3. SLEO I are authorized to carry the following less lethal weapons while on duty only after demonstrating proficiency in the use of these weapons with the same frequency as regular police officers:
 - a. Straight Baton
 - b. ASP expandable baton
 - c. Oleoresin Capsicum
 4. SLEO I are authorized to utilize handcuffs and other restraining devices consistent with this department's directives and only after demonstrating proficiency in the use of these devices.
 5. SLEO I duties include, but are not limited to:
 - a. Traffic Direction;
 - b. Court Bailiff duties;
 - c. Security/spectator control at special events;
 - d. Municipal building and facilities security;
 6. SLEO I shall not be primary response personnel.

- C. With the exception of education requirements, minimum qualifications for SLEO I are the same as regular police officers:
 - 1. Must be a citizen of the United States;
 - 2. Must be a resident of the State of New Jersey during the term of appointment;
 - 3. Must be at least 18 years of age;
 - 4. Must be able read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
 - 5. Must be sound in body and of good health and be able to perform the physical functions of the duties assigned;
 - 6. Must be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude;
 - 7. Has successfully undergone the same psychological testing that is required of all full-time police officers.
- D. No person shall be appointed to be a SLEO in more than one municipality at the same time, nor shall any permanent, regularly appointed full-time police officer of any municipality be appointed as a special law enforcement officer. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall be appointed as a special law enforcement officer.
- E. Any person who at any time prior to appointment had served as a duly qualified, fully-trained, full-time officer in any municipality of this State and who was separated from that prior service in good standing, shall be eligible to serve as a SLEO. The basic training requirements may be waived by the PTC with regard to any such person eligible to be appointed as a SLEO.
- F. SLEO personnel may only be appointed to assist regular police officers and may not be employed, used, or deployed to replace or substitute for regular police officers of this department, or in any way diminish the number of full time officers employed.
- G. SLEO personnel in good faith carrying out, and complying with, or attempting to comply with rules and regulations made and promulgated or performing any authorized service shall have and possess all the rights, privileges and immunities conferred upon regular officers by the laws of this State.
- H. SLEO personnel are covered by state and federal statutes for compensation insurance in case of death or personal injury only when on duty.
- I. SLEO personnel are provided with public liability protection equal to that provided to regular police officers.

II. Selection Process

- A. Candidates for SLEO positions shall be subject to the same selection criteria as regular police officers.

- B. All applicants shall be fingerprinted and subject to a background investigation, including, but not limited to:
 - 1. Verification of qualifying credentials;
 - 2. A review of any criminal record; and
 - 3. Verification of at least three personal references.
- C. Applicants being considered for appointment and following a conditional offer of employment shall undergo a psychological evaluation and will be required to obtain a medical release by a physician licensed to practice medicine in the State of New Jersey.
- D. Appointments are made by the Borough Council upon recommendation by the Chief of Police who shall certify the eligibility and qualifications of all applicants, in writing, to Borough Council prior to appointment.
- E. This selection process may be waived for regular police officers of any political subdivision of the State of New Jersey who have retired, or are retiring, in good standing.

III. Training

- A. All SLEO I must successfully complete a PTC approved basic training course before commencing duties.
- B. Basic training may be waived by the PTC consistent with subsection I.F.
 - 1. Minimum training topics (basic and subsequent in-service) include, but are not limited to:
 - a. Introduction to basic law;
 - b. Community interaction;
 - c. Introduction to traffic;
 - d. Field activities;
 - e. Use of Force;
 - f. First Aid/CPR;
 - g. Vehicle operations (if vehicle operation is required);
 - h. Personnel policies (Borough of Paramus)
- C. SLEO personnel are required to attend other mandatory training made necessary by their assignment or duties. Those training topics statutory required of regular police officers shall be provided. These topics include, but are not limited to:
 - 1. Use of Force refresher (with the same frequency as regular officers);
 - 2. Weapons proficiency (with the same frequency as regular officers)

3. Pursuit Guidelines (with the same frequency as regular officers only if vehicle operation is required);
4. Right to Know;
5. Hazardous Materials Awareness;
6. Court security;
7. Domestic Violence (with the same frequency as regular officers only if they handle domestic violence related incidents);
8. Other topics mandated by the Chief of Police.

IV. Appointment, Terms, Regulations, and Duties

- A. SLEO personnel must be appointed by the Borough Council for a term not to exceed one year.
- B. Reappointment is not guaranteed at the expiration of the one year term.
- C. Prior to annual reappointment, SLEO personnel shall undergo a supplemental criminal history check to ensure a non-disqualifying criminal record.
- D. SLEO personnel are not members of the regular police force and their powers and duties shall cease at the expiration of the term for which appointed.
- E. SLEO personnel shall not perform any duties other than authorized by the Chief of Police.
- F. SLEO personnel shall not leave any assigned detail/assignment without notification to and permission from the Chief of Police or designee.
- G. Regular police officers shall not abdicate their authority and responsibilities to a SLEO. When a regular police officer is present, the regular officer is responsible for any decisions made and/or actions taken.
- H. SLEO personnel shall be deemed on duty only when they are performing the public safety functions on behalf of the Borough of Paramus and when receiving compensation as established by Borough Ordinance or Resolution.
- I. SLEO personnel shall not be deemed on duty while performing private security duties for private employers, unless those duties are assigned by the Chief of Police or designee through the Borough of Paramus, (e.g. extra duty assignments.) SLEO personnel on an extra duty assignment shall be considered on duty for the duration of the assignment.
- J. SLEO personnel are subject to all rules, regulations, policies, procedures, and directives of this department.
- K. The tour commander is responsible for inspecting all SLEO personnel to verify fitness for duty prior to the start of any SLEO detail.

V. Uniforms & Equipment

- A. SLEO personnel shall report for duty in the uniform of the day as defined in this
- PARAMUS POLICE DEPARTMENT – Special Law Enforcement Officer Program - Page 5 of 6**

department's uniform directive.

- B. The SLEO uniform shall prominently display a patch that clearly indicates the status as a SLEO I.

VI. Documentation

- A. SLEO personnel shall complete all reports and forms required by their assignment prior to reporting off duty.
- B. SLEO personnel shall be issued an ID number, which shall be used on all documentation.

VII. Supplemental

- A. SLEO personnel shall not be permitted to work in excess of statutory limits except in a declared state of emergency requiring their presence.
- B. SLEO personnel shall be permitted to access the DMS program to read and sign for all rules, regulations, policies, procedures, orders, or directives issued by the Chief of Police or designee and to partake of any training or testing programs mandated or offered by the Chief of Police or designee.
- C. SLEO personnel shall receive annual performance evaluations in accordance with this department's Performance Evaluation directive.
 - 1. All SLEO personnel shall be evaluated.
 - 2. Personnel shall be evaluated by their immediate supervisor, or a designee of the Chief of Police with input from other officers and personnel.
- D. SLEO personnel shall be paid at a rate established by Borough Ordinance and shall be reimbursed for the costs of in-person training when done at the request of the Borough. Note: required DMS training, testing, and review of any directive as required by the Chief of Police is not subject to reimbursement or remuneration.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 11

OF PAGES: 11

SUBJECT: AUXILIARY POLICE PROGRAM

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

February 15, 2019

ACCREDITATION STANDARDS:

16.3.1, 16.3.2, 16.3.3, 16.3.5,
16.3.6

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE The purpose of this directive is to establish this department's policy and procedures relating to the Paramus Police Auxiliary.

POLICY It is the policy of this department to utilize the Paramus Police Auxiliary to achieve its training mission in preparation for a disaster or local emergency and not to supplant regular sworn police personnel in accordance with procedures set forth in this directive.

The Paramus Police Auxiliary shall be under direct supervision of the Chief of Police during a properly declared state or local emergency or disaster and during periods of bona fide training in preparation for such occurrence, as approved by the Municipal Council in cooperation with the Mayor and Municipal Emergency Management Coordinator.

PROCEDURES

I. Purpose and Authority

- A. In cooperation with the New Jersey State Police Office of Emergency Management, the Paramus Office of Emergency Management, the Paramus Police Department and pursuant to Resolution #88-1-71 of the Borough Council, dated January 19, 1988, the Borough of Paramus, County of Bergen, has established a Police Auxiliary Unit.
- B. The Paramus Police Auxiliary shall be used as prescribed by NJSA 58:9 et seq., Appendix A, Chapter 9 (National Defense Title) and other related orders and directives of the State Director of Emergency Management, or the Governor of the State of New Jersey, and the State Civil Defense Act (Chapter 251, P.L. 1942) as amended.

II. Definitions

- A. Chief of Police includes the Chief of Police or designee.

- B. **Disaster** shall mean any unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of one or more municipalities of the State, and which is or may become too large in scope or unusual in type to be handled in its entirety by regular municipal operating services.
- C. **Emergency** shall mean and include disaster and war emergency as defined above in this section.
- D. **Emergency Management Coordinator** is a person, appointed by the Mayor, who is responsible for the planning, activating, coordinating, and the conduct of emergency management operations within the Borough of Paramus.
- E. **Local Disaster Emergency** shall mean and include any disaster or imminence thereof, resulting from the natural or unnatural causes other than enemy attack and limited to the extent that action by the Governor under the Civilian Defense and Disaster Control Act (App.A:9-33 et seq. this act is not required.
- F. **Local Emergency Management Council** is a group of not more than fifteen (15) members, appointed by the Mayor, that shall assist the Borough of Paramus in establishing local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with rules and regulations established by the Governor in pursuance of the provisions of App.A:9-33 et seq.
- G. **Police Advisory Committee** is an adjunct of the New Jersey State Association of Chiefs of Police that helps to develop curriculum for the basic auxiliary police training program.
- H. **Training Mission** shall mean any duty assignment or on the job training authorized by the Chief of Police that is necessary so that the auxiliary police will be adequately trained and qualified to render proper service in the event of an emergency and for the general protection of the community.
- I. **War Emergency** shall mean and include any disaster occurring anywhere within the State as the result of enemy attack or the imminent danger thereof.

III. General Provisions

- A. All members of the Police Auxiliary must be residents of and maintain residence in the Borough of Paramus. Exceptions will be considered on a case by case basis and only when:
 - 1. There is no auxiliary police program in the municipality in which the applicant resides; and
 - 2. The applicant's residence is not more than five (5) miles from the nearest corporate borders of the Borough of Paramus; and
 - 3. Upon approval of the Chief of Police.
- B. Applications and requests for exceptions noted above must be submitted through the Chief of Police, accompanied with written justification (in the case of a request for exception), approved, and certified by the Chief of Police.
- C. Except for educational requirements, qualifications for membership in the Paramus Police Auxiliary are the same as for regular police officers:

1. Citizen of the United States and the State of New Jersey;
 2. At least 18 years of age;
 3. Able to read, write and speak the English language;
 4. Good moral character (based upon contemporary standards);
 5. Physically qualified to perform assigned duties. Physical disability is not a disqualifier if the person is able to perform assigned duties;
 6. Free of criminal conviction involving moral turpitude.
 7. Must possess a valid New Jersey driver's license by date of appointment if vehicle operation is required;
- D. Applications for appointment to the Police Auxiliary shall be made on a form prescribed by the Chief of Police.
- E. The Chief of Police shall cause a background check on all applicants to determine their suitability and ensure that the applicant is not a security risk and is not engaged in an activity that would bring discredit to the Borough of Paramus, the Paramus Office of Emergency Management, the Paramus Police Department, and the Paramus Police Auxiliary.
1. Background investigation files shall be maintained by the Chief of Police or designee and disposed of only in accordance with criteria established by the New Jersey Bureau of Archives.
- F. All Police Auxiliary officers are required to successfully complete a basic training course for auxiliary police as prescribed by the Police Advisory Committee prior to taking an oath of office.
- G. Continued membership in the Paramus Police Auxiliary requires a contribution of an average of eight (8) hours of service per calendar month.
- H. All Police Auxiliary officers, before assuming the duties of their office, shall take and subscribe to the oaths required by NJSA 41:1-1, et seq. The original executed oaths shall be filed with the Municipal Clerk. Copies shall be forwarded to:
1. The police auxiliary officer taking the oath;
 2. The Chief of Police;
 3. If not a Paramus resident, to the clerk of the municipality in which the officer(s) reside(s).
 4. Newly sworn auxiliary police officers are subject to a probation period of one (1) full year from their date of appointment. During this period, probationary officers may be dismissed for any cause, following a review by the Chief of Police and Liaison Officer.
- I. Upon appointment, the Chief of Police must issue the police auxiliary officer an identification card.

1. Police Auxiliary officers must be in possession of this identification card at all times while on duty;
 2. Police Auxiliary officers must promptly report any lost, stolen, or damaged identification cards to the Chief of Police;
 3. Police Auxiliary officers will be held financially responsible for any replacement costs;
 4. Police auxiliary officers must surrender their identification card upon separation from the Paramus Police Auxiliary including temporary separation (leave of absence, suspension, etc.)
- J. Police Auxiliary officers in good faith carrying out, and complying with, or attempting to comply with rules and regulations made and promulgated or performing any authorized service shall have and possess all the rights, privileges and immunities conferred upon civilian defense volunteers by the laws of this State.
- K. Police Auxiliary personnel are not regular sworn police officers. NJSA App. A:9-45 reads that auxiliary police shall have the powers of a regular police officer only during a declared emergency, disaster, or assigned training mission.
1. Regular police officers, regardless of rank or assignment, shall not relinquish their authority to any member of the Police Auxiliary.
 2. Auxiliary Police officers shall obey the instructions of any regular police officer except as provided in the Paramus Police Department Rules & Regulations. Regular Officers and Supervisors should avoid giving contradictory orders that may lead to confusion.
 3. Powers granted to the Auxiliary Police can be restricted and controlled in accordance with applicable laws, statutes, guidelines, and directives issued by the New Jersey Legislature, New Jersey Office of Emergency Management, New Jersey Attorney General, Bergen County Prosecutor, Borough Council, or the Chief of Police.
- L. Police Auxiliary personnel are covered by state and federal statutes for compensation insurance in case of death or personal injury only when on duty during a declared emergency, disaster, or assigned training mission.
- M. Police Auxiliary officers are provided with public liability protection equal to that provided to regular police officers.
- N. Police Auxiliary personnel must comply with all rules and regulations of the Paramus Police Department, those established for the Police Auxiliary and applicable written directives as may be prescribed by the Chief of Police.
- O. Police Auxiliary officers are prohibited from using their identification card, badge, or affiliation with the Paramus Police Auxiliary or the Borough of Paramus for any financial gain, advantage, or other unethical purpose.
- P. Arming of the Police Auxiliary with firearms has **NOT** been authorized by the Borough Council or by the Chief of Police.

Q. Arming of the Police Auxiliary with less lethal weapons is authorized subject to the following:

1. The only authorized less lethal weapons are the:
 - a. ASP expandable baton
 - b. Oleoresin Capsicum
2. Auxiliary officers are also authorized to carry and use handcuffs in comportment with any training provided in basic training and/or in-service training provided by the police department.
3. Only those Police Auxiliary officers who have been instructed in the Paramus Police Department's use of force and weapons directives and have demonstrated proficiency with the above less lethal weapons are authorized to carry these weapons.
4. All Police Auxiliary officers must receive refresher training in the use of force and weapons directives and demonstrate proficiency with the above authorized less lethal weapons with the same frequency as regular police officers.
5. These authorized weapons and equipment can only be carried on duty during a disaster, declared emergency, or authorized training mission.
6. These authorized weapons must be stored in a safe manner while off duty to retard theft or unauthorized possession or use by unauthorized persons.
7. Police Auxiliary officers shall promptly report any lost or stolen weapons or equipment to the Paramus Police Department as soon as possible following discovery of the loss.
8. Any use of force must comply with the Paramus Police Department's use of force and weapons directives.
9. Police Auxiliary officers are financially responsible for any lost or damaged weapons.
10. Police Auxiliary officers must surrender their department-issued weapons and equipment upon separation from the Paramus Police Auxiliary including temporary separation (leave of absence, suspension, etc.)

R. **UNDER NO CIRCUMSTANCES** shall a Police Auxiliary officer initiate or participate in any motor vehicle pursuit or high-speed response.

1. A high speed response is any call response that exceeds the posted speed limit.
2. Auxiliary police are authorized to use emergency lights and sirens under certain conditions to include:
 - a. Parades;
 - b. Funerals;

- c. Other special events as authorized by the Chief of Police.
- 3. Police Auxiliary personnel are permitted to utilize a Paramus PD vehicle only when assigned during a declared emergency, disaster, or training mission, when clearly designated by sign or emblem denoting Auxiliary Police, and with the approval of the tour commander or designee.
- 4. Auxiliary Police are not authorized to utilize emergency lights or siren when driving to any fixed post assignment.
- S. The following list is representative of the functions that may be proper and appropriate for assignment to the Police Auxiliary. The list is not all inclusive and other functions may be assigned at the discretion of the Chief of Police or designee.
 - 1. Vehicular and pedestrian traffic control;
 - 2. Receive and disseminate warnings or information and instructions to the public as directed;
 - 3. Crowd and assemblage control;
 - 4. Security of Federal, State, County, or local government buildings, excluding the Municipal Court, within the Borough of Paramus;
 - 5. Security of essential industrial sites, utility and power stations, sewage systems, water distribution facilities, transportation centers, media and communications stations within the Borough of Paramus;
 - 6. Assist with the staffing and functioning of the Borough's Emergency Operations Center, field command posts, staging areas, or police headquarters operations;
 - 7. Enforcement of law and maintenance of order as required and/or directed;
 - 8. Satisfactory documentation of all assigned tasks initiated or completed, and reporting unusual incidents encountered during assigned duty.

IV. Organization

- A. The Auxiliary Police Unit may establish and maintain an internal rank and organizational structure subject to the approval of the Chief of Police.
- B. The duties and responsibilities of the Auxiliary Police Chief include, but are not limited to:
 - 1. Responsible for overall supervision of the auxiliary police;
 - 2. Schedule and conduct monthly meetings and training sessions for auxiliary police personnel. Will assure proper documentation of these meetings and training sessions are prepared and forwarded to the Police Liaison in a timely fashion;

3. Will coordinate all assignments concerning the auxiliary police. When assignments are made, will assure proper notification to the Police Liaison, in writing;
4. Compile and certify an annual report listing all activities performed by the auxiliary police and forward this report to the Police Liaison;
5. Will evaluate operations and forward recommendations to the Police Liaison;
6. Develop new methods of operations when the need arises and assures they are properly carried out;
7. Will develop new programs and forward recommendations to the Police Liaison for approval;
8. On an ongoing basis, will evaluate subordinates noting areas where improvement is needed. Will conduct formal evaluations on an annual basis indicating performance of subordinates based on personal observations and those observations forwarded by other officers. When complete, these evaluations will be reviewed with the individual involved and forwarded to the Police Liaison;
9. Attend monthly meetings with the Police Liaison to coordinate new procedures and discuss problem areas when they occur;
10. Maintain an approved assignment schedule for auxiliary police, assuring that these assignments are executed properly and any changes to the schedule are conducted along established policy and procedures;
11. Must follow all policies, procedures, rules and regulations established by the department and assure that all subordinates are made aware of and abide by these policies and procedures and rules and regulations;
12. Will coordinate and supervise all subordinates during major events;
13. Will report to the Police Liaison.

V. Uniforms and Equipment

- A. No auxiliary officer shall appear on duty in other than the posted uniform of the day as defined in the Paramus Police Uniform and Appearance directive.
- B. The basic uniform, as defined in the uniform regulation, shall be approved by the Chief of Police.

VI. Conduct & General Duties

- A. Auxiliary officers shall conduct their private and public lives in such a manner as to avoid bringing the police department and the Auxiliary Police Unit into disrepute.
- B. Auxiliary officers shall at all times treat superior officers, subordinates, and associates with respect. They shall be courteous and civil at all times in their

relationships with one another and with the public.

- C. When on duty, and particularly in the presence of other members, employees, or the public, auxiliary officers shall be referred to by rank.
- D. Auxiliary officers shall not give interviews or talk for publication or broadcast, or divulge any information relating to police matters, or auxiliary police matters, unless so authorized by the Chief of Police or the Police Liaison Officer.
- E. Auxiliary officers shall not communicate to any person outside the organization or police department any proprietary information, orders, rules, regulations or other items that may represent a breach of security. Neither shall any member permit the use of photographs of himself/herself in uniform, in connection with testimonials or advertisements.
 - 1. No auxiliary officer shall appear in uniform or otherwise as a representative of the Borough of Paramus on any electronic social networking site including, but not limited to MySpace®, Facebook®, Twitter®, personal website or personal webpage.
 - 2. No auxiliary officer shall take photographs or electronic images of any crash/crime scene on a personal camera, cell phone, or other electronic device.
 - 3. No auxiliary officer shall release any photograph or electronic image of any crash/crime scene to any person without the express written permission of the Chief of Police.
 - 4. The use of any electronic device to surreptitiously photograph or record a crash/crime scene or conversation is subject to criminal, civil, and administrative sanctions.
- F. Auxiliary officers are required to give their name and shield number upon request.
- G. Auxiliary officers shall be held personally responsible for the proper discharge of their assigned duty. He/she will take advice or direction from no one except his/her superior officer(s) or officer in charge (regular police or auxiliary officer).
- H. Any property that may come into the possession of any auxiliary officers in their official capacity, shall be carefully preserved, marked and delivered intact to their superior officer (or the duty tour commander), with complete details of how the property came into their possession.
- I. Auxiliary officers shall not, while on duty or in uniform, drink intoxicating beverages, or engage in unlawful gambling of any form, or enter any place where intoxicating beverages are sold or furnished, except in the performance of their duties.
- J. Auxiliary officers shall not smoke tobacco or use tobacco products while on a duty post.
- K. Auxiliary officers are responsible for the care, maintenance and serviceable condition of all auxiliary police or Borough property committed to their care. Auxiliary officers shall promptly report to their superior officer any loss of: damage to, or any unserviceable condition, of any such property.

- L. Auxiliary officers shall neither interfere with, nor attempt to influence, the lawful business of any person.
- M. While on duty, auxiliary officers should observe all street, signal, and traffic lights, and immediately report any that are inoperative or in need of repair.
- N. Auxiliary officers shall not, without the express permission of a regular police superior officer, withdraw a complaint he/she has made against an offender, or counsel, advise, or procure such withdrawal.

VII. Duty Schedules

- A. A schedule will be published periodically for all routine traffic or other assignments known sufficiently in advance.
- B. If an auxiliary police officer is unable to fulfill their assigned tour, they will review their copy of the duty schedule and roster to determine a possible replacement. He/she will make an honest attempt to obtain a replacement and pay back the time owed at a future date and notify the Police Liaison of the change.
- C. In the event a replacement cannot be found, as stated above, the auxiliary officer must notify the Police Liaison.
- D. The Police Liaison will keep a record of all scheduling changes and will be responsible for establishing a report of all unexcused absences.

VIII. Duty Procedures

- A. All assignments of the Police Auxiliary Unit shall be approved by the Chief of Police.
 - 1. In the absence of the Chief of Police, assignments shall be approved by the next senior ranking officer.
 - 2. While on duty, Auxiliary Police officers shall be under the direct supervision of the Patrol Tour Commander or their designee.
- B. Police Auxiliary officers shall document all tasks initiated or completed and shall report any and all incidents encountered during their tours of duty on a form approved for use by the Chief of Police.
- C. Before assuming their assignment(s), each Police Auxiliary officer shall report in person to the tour commander and be logged into the CAD system.
- D. Once on-duty whether for disasters, emergencies or training missions, they can be given assignments utilizing existing CAD codes to account for their duty time. Upon completion of their tour of duty, they shall report to the tour commander and dropped from the CAD system.
 - 1. All training time must be documented listing the topic(s), time spent, and the results of any examinations, if applicable.

- E. In the event there is a need to summon auxiliary officers for a declared state of emergency, disaster, or other specialized duty assignment, the following procedures shall be adhered to:
 - 1. The duty tour commander or senior ranking supervisor shall make the determination on whether or not to summon auxiliary officer(s) to duty and how many officers are needed.
 - 2. Any emergent recall of auxiliary officers must be promptly reported to the Chief of Police, the Auxiliary Police Liaison Officer and the Executive Command Email Notification.
- F. Auxiliary officers shall not issue any criminal complaint or uniform traffic ticket to any person. Instead, auxiliary police officers shall report the incident to a regular police officer who shall use the auxiliary officer's statement as probable cause to issue the complaint or uniform traffic ticket.
 - 1. Auxiliary officers must be on duty at the time of the offense and are responsible for the accuracy, completeness, and appropriateness of any statement or report in support of the process.
 - 2. Auxiliary officers shall be prepared to appear in Court when required without consideration of remuneration.

IX. Supplemental

- A. Auxiliary police officers are required to attend mandatory training made necessary by their assignment or duties. Those training topics statutory required of regular police officers shall be provided. These topics include, but are not limited to:
 - 1. Use of Force;
 - 2. Weapons proficiency (authorized less lethal)
 - 3. Right to Know;
 - 4. Hazardous Materials Awareness;
 - 5. Other topics mandated by the Chief of Police.
- B. The content of any training programs for the Police Auxiliary is the responsibility of the Chief of Police in coordination with the Emergency Management Coordinator.
 - 1. Every Police Auxiliary officer must participate in a minimum of eight (8) hours of training per month.
- C. Annually, the Chief of Police or designee shall submit to the State Director of Emergency Management the names and addresses of current Police Auxiliary officers and an outline of the proposed training program.
- D. Police Auxiliary officers who, because of illness or other extraordinary circumstances, are unable to comply with these training and service requirements may submit a request for a leave of absence to the Chief of Police.
- E. Auxiliary officers who resign, are on a leave of absence, or who are suspended for

a period of one year or more, shall at the discretion of the State Director of Emergency Management, be required to successfully complete the basic training course or other refresher courses before being reinstated as an active member.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 12

OF PAGES: 10

SUBJECT: DUTY DEATH AND SERIOUS INJURY

ISSUED BY:

EFFECTIVE DATE:

ACCREDITATION STANDARDS:

Deputy Chief James J. Sheehan

July 13, 2010

22.2.4

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: To define the departmental response in the event of the line of duty serious or fatal injury of an active employee of this department and to ensure that the employee's family is afforded all of the family assistance, legal assistance, financial assistance and agency wide support that they deserve.

POLICY: Due to the inherent dangers associated with police work, the possibility of an employee suffering a serious or fatal injury cannot be ignored. In the event of such injury or death, the department shall immediately mobilize sufficient personnel to ensure that a timely in-person notification to the employee's family is conducted. Additionally, the department shall arrange for grief counseling for the employee's family and co-workers as necessary. The focus of departmental efforts during this traumatic period shall remain on providing the employee's family with tangible and emotional support.

PROCEDURE:

I. Serious Injury Notifications

- A. Generally, all of the provisions applicable to the line of duty death notifications and family support apply to serious injury notifications when the injured employee has a poor prognosis for survival. Accordingly, the provisions shall be adapted and applied as appropriate.
- B. One of the most important tenants of a proper notification is the timeliness of the action. If an appropriate level of command is unavailable to respond immediately, the notification cannot be delayed until their arrival.
 - 1. This is especially true in situations regarding serious injury where the family may have an opportunity to respond to the hospital prior to the demise of the employee.

II. Death Notifications

- A. The following notification procedure shall be followed with the understanding that the wishes of the family take precedence over the desires of the agency. This procedure is intended to serve the needs of the family, employees and survivors of any employee suffering a serious or fatal injury. Responding personnel shall conduct all reasonable measures to accommodate the needs, wishes and desires of the family and survivors, but shall not make any promises to the family that cannot be guaranteed.
- B. The first and possibly most important aspect of a line of duty death notification is the prompt delivery of the notification made in-person by personnel of this department.
 - 1. It shall be the responsibility of the duty shift supervisor to ensure that immediate command notifications are made whenever an employee is seriously injured or killed in the line of duty.
 - 2. Simultaneous to this notification shall be the assignment of an agency representative to travel to the employee's residence to provide the appropriate notification to the family.
 - a. Unless relieved of this responsibility by a member of the command staff, the duty shift supervisor shall make this a top priority in an effort to lessen the possibility that the employee's family will learn of the tragic event through someone other than a department representative.
 - b. Supervisors should not underestimate the speed with which word of an employee's death or serious injury will travel through unofficial channels. Immediate action is required regarding the family notification.

3. The assignment should include a minimum of two on duty personnel, at least one of which should be a supervisor.
 - a. If readily available for the assignment, it is desirable that a member of the command staff participates in the notification.
 - b. If possible, an on duty employee who is a close friend of the seriously injured or deceased employee's family should also be assigned to provide comfort to the surviving family members.
- C. While the period of time immediately following the line of duty death of an employee will certainly be traumatic and somewhat confusing for on duty personnel, the need to exercise discretion regarding radio transmissions and independent notifications is important.
 1. Radio transmissions regarding the death of an employee shall be avoided at all costs to negate the possibility of the message being intercepted by a civilian scanner and the subsequent unofficial release of the information through the grapevine. (The best method for communication is hardwired telephones, as cellular communications are also susceptible to interception on a scanner.)
 2. The release of information concerning a line of duty death to family, friends and co-workers by on duty personnel must also be avoided until the surviving family of the deceased employee has been properly notified.
- D. A death notification shall only be made upon definitive confirmation of the death of an employee provided by a reliable and trusted source. Otherwise, the family shall be advised of the seriousness of the injury and transported to the appropriate hospital at the earliest possible opportunity.
 1. The Chief of Police and other command personnel must be kept apprised of the notification and/or transportation of an employee's family so they can respond to the appropriate location to offer support and/or sympathy.
- E. There are several considerations and plans that must be developed in the brief period of time between the death and the death notification.
 1. The notification officer should decide who will speak and the designated spokesman should rehearse the context of his comments prior to arrival at the employee's residence.
 - a. This should include a contingency plan for remarks in the event that the family has learned of the situation from an independent source not associated with the department.
 2. Advanced planning for the possibility of an adverse medical reaction to the shocking news should be anticipated if a pre-existing medical condition is known to exist with a family member.
 3. If necessary, emergency medical services personnel shall be requested to standby while the notification is made.

4. The notification officers should travel to the residence in at least two (2) vehicles. This will provide a degree of flexibility to facilitate transportation when appropriate.
- F. Upon arrival at the residence for the notification, the following principals shall be followed:
1. Ask to come into the residence. The mere presence of a department officer will provide the survivors with a signal that something very serious has happened. Do not conduct the notification on the steps or porch of a home.
 2. If the notification takes place at a location other than the survivor's residence, attempt to secure a private area or room to provide the survivors with a degree of privacy for their initial outpouring of shock and grief.
 3. Be certain you are notifying the proper person unless you are personally familiar with the family.
 4. If children are present, consider having the officer take the children aside until such time as the adults present receive the notification.
 5. Older children will probably sense a tragic event has occurred and will not want to leave.
 6. After the adult survivors have been notified, ask how they want the children to be told. If they are incapable of making the notification, and they would like your assistance, then the officer should tell them.
 7. When conducting the notification the notification should be direct and state exactly what has happened.
 - a. Begin by saying "I have some bad news to tell you" and pause to allow the survivor time to prepare from the shock.
 - b. Establish eye contact with the survivor and state what happened in plain language. (i.e., "Your (husband, wife, son, daughter) was injured tonight and has died")
 - c. Avoid vague or confusing terms such as "your husband was lost", "he is no longer with us", or "he didn't make it".
 - d. Anticipate a reaction that may include anger, physical abuse, fainting, confusion, etc.
 - e. Refer to the deceased employee by name and avoid terms such as "the body".
 - f. Frankly answer all questions posed by the survivors if you know the answer. If not, document the question and advise the survivors you will contact them later with the information. Make sure the question gets answered and the follow-up contact is made.

- g. Although there is nothing that can be said at this point to relieve the grief, an expression of condolence and sympathy should be extended.
 - h. Avoid appearing stiff and cold. Allow yourself to show emotion when so moved.
 - 8. Do not attempt to talk the survivors out of their grief and never impose religious beliefs on another person at this time.
 - a. Police survivors have reported negative reactions to the following statements in such situations:
 - 1. "It was God's will"
 - 2. "You will be okay in time"
 - 3. "I know how you feel"
 - 9. If immediate transportation to a hospital is required or requested by any of the survivor's, department personnel should provide the transportation in a police vehicle. If the survivor should refuse the offer for transportation, the officer should attempt to convince the survivor that they should not be driving in such an obvious emotional state.
 - a. In cases where the transportation is being provided to allow the survivor to view the body, an officer should first contact the hospital to determine if the body has been prepared for viewing.
 - b. Personnel providing the transportation for the survivors shall remain at the hospital throughout the observation process and will transport the survivors back to their residence when completed.
 - 10. In a situation where there are children who must be watched while the survivor travels to the hospital, the officer must be prepared to arrange for or provide temporary childcare services.
 - a. Consideration should be given to summoning a nearby relative, friend, neighbor or spouse of a department employee to conduct the babysitting services.
 - G. The officer should attempt to gather information relative to the deceased employee's parents, where applicable. Notification to the employee's parents should be conducted in the same manner as the surviving spouse unless the surviving spouse wishes to conduct the notification personally.
 - 1. The officer must be flexible here as well. If the surviving spouse wishes to personally visit and notify the employee's parents, then the offer of transportation should be extended to facilitate that visit.
 - 2. The officer should also offer to assist in making the notification if the surviving spouse so desires.

- H. Other relatives of the deceased employee will have to be notified and the officer should offer to provide assistance with this task.
 - 1. Often the assistance of a close relative can be solicited for this task.
- I. It is very important that the officer or other department representatives plan on staying with the survivors for a sufficient period of time. Never make a notification and then leave.
 - 1. Department personnel remaining at the residence shall be called upon to provide information and obtain answers to questions that may arise concerning any number of topics.
- J. The personal belongings of the deceased employee should be treated with care and secured for eventual delivery to the survivors. The survivors should be told that the property is being held and will be delivered when they are ready.
 - 1. The delivery of personal belongings should be handled with dignity and respect. For some survivors this is another extremely emotional moment and the department representative should be prepared for such a reaction.
- K. Additional follow-up visits are an extension of the death notification process and should be conducted by a department representative on a daily basis for a reasonable period of time.
 - 1. The purpose of these visits is to ensure that the survivors do not feel as if the department has abandoned them at a time when their family has suffered the worst tragedy imaginable.
 - 2. There will also be much planning and arrangements taking place in the days following the employee's death. Depending on the family's wishes, the department may or may not be heavily involved in this process.
- L. The appointment of a family representative should occur within hours of the employee's death. The family representative should be a department employee who is a trusted friend of the employee's family whose responsibility it is to represent the concerns of the survivors. This is a considerable responsibility and should only be undertaken by a person who is available to dedicate the required amount of time to this task.
 - 1. The family representative will work closely with department representatives in the days following the death to plan the funeral, if department assistance and participation is requested, and to provide counseling and daily assistance to the surviving family until the funeral is completed.
 - 2. On the day of the funeral, the family representative should be with the primary survivor(s) from the start of the day, until the primary survivor(s) returns home at the end of the day. If this is not possible for any reason, the family representative shall ensure that uniformed personnel of the department are available to escort the primary survivor(s) at all times throughout the day.
- M. The Concerns of Police Survivors (C.O.P.S.) is a group whose employeeship includes widows and survivors of other police employees killed in the line of duty.

This group can provide invaluable assistance to the deceased employees survivors immediately following the employee's death. Upon approval of the survivors, they should be promptly contacted at (314) 346-4911 and requested to provide available assistance.

III. Hospital Procedures

- A. The primary purpose of department personnel at the hospital is to provide support and assistance to the family of any employee seriously injured or killed in the line of duty. The Chief of Police, or next highest-ranking officer in the Chief of Police's absence, shall join the family upon his arrival at the hospital to express the agency's support. The next highest-ranking officer shall assume responsibility for the following:
 - 1. Ensure that arrangements are made to establish waiting facilities in a private area for use by the injured or deceased employee's immediate survivors. Access to this area shall be strictly limited to persons having a reasonable need to enter and those requested by the family.
 - a. Instruct medical personnel to report pertinent medical information on the employee's condition to the family before any other parties are notified.
 - b. Assist the family in gaining access to the injured or deceased employee in accordance with their wishes.
 - 2. If a possibility exists that the family may be able to visit with an employee prior to death, they should most certainly be afforded that opportunity.
 - a. The family should be made aware of what they might see in the emergency room/trauma unit and shall be accompanied at all times if so requested.
 - 3. Provide hospital personnel with all necessary billing information for the medical services being rendered. The bills shall be directed to the Borough through the workman's compensation insurance carrier and not the employee's personal home.
 - 4. Confer with a representative of the law enforcement agency providing primary police service in the jurisdiction where the hospital is located, if outside Paramus, to ensure adequate security is maintained.
 - 5. Designate a staging area for the press and provide information concerning scheduled press briefings.
 - 6. Greet any officials arriving to show support to the family.
 - 7. Ensure that the family is promptly made aware of new developments concerning the incident that gave rise to the employee's injury or death.
 - 8. Provide for the constant presence of an officer to provide assistance as needed and to transport the family home when appropriate.

IV. Appointment of Coordination Personnel

- A. The Chief of Police shall appoint personnel to serve in specific capacities relative to the planning and coordination of the funeral and associated events when a request for such assistance is expressed by the deceased family. Additionally, an employee shall be designated to provide immediate and long-term assistance to the family in regards to any aspect of their lives that can reasonably be addressed or influenced by the department. The Line of Duty Death Packet must be reviewed by the Chief of Police prior to the appointment of coordination personnel in order to determine the wishes of the employee.
- B. Department Liaison - the Chief of Police shall appoint a department employee to function as the liaison. This is a critically important assignment that should go to a supervisory officer who is familiar with the employee's family, but should not be so emotionally involved with the loss that he/she would become ineffective. The liaison's duties shall include, but not be limited to:
 - 1. Maintain the position of "facilitator" between the deceased family and the police department.
 - 2. Guarantee that perspective is maintained and the needs of the family are placed before the wishes of the department.
 - 3. Fully explain his responsibilities to the family and extend the offer for any reasonable assistance needed.
 - 4. Obtain frequent updates concerning the circumstances of the death and the progress of any ongoing investigation and/or court proceedings. This information shall be shared with the family unless they have indicated a desire not to be briefed.
 - 5. Remain available to respond to the family's needs and provide the family with a mechanism for immediate contact should the need arise.
 - 6. Meet with union leaders to discuss what financial assistance may be provided to assist in the cost of travel and lodging for out-of-town relatives, reception following the funeral, etc.
 - 7. Ensure proper recognition of the surviving parents of the deceased employee including proper placement during the funeral and funeral procession.
 - 8. Conduct briefings with the family on the funeral protocol where applicable (i.e, procession, taps, bagpipes, 21 gun salute, presentation of flag, etc)
 - 9. Assisting the family in their dealings with the funeral director.
 - 10. Coordinate security checks at the deceased employee's residence for whatever reasonable period of time requested. Specific security shall be ensured at the time of the viewing and funeral.
 - 11. Upon request, ensure that department vehicles are made available to the family for the purpose of traveling to and from the funeral home.

- C. Funeral Coordinator – the Chief of Police shall appoint an employee to function as the funeral coordinator. Due to the necessity for making judgments and decisions without advanced notice, this assignment should be given to a supervisory officer and the responsibilities shall be as follows:
1. Coordinating all official law enforcement notifications and arrangements including the honor guard, pallbearers, traffic control, and liaison with visiting law enforcement agencies, when applicable.
 2. Plan and coordinate a formal police funeral with military honors if requested by the family, when applicable.
 3. Conduct periodic briefings for the benefit of the department command staff relative to the viewing and funeral services planned.
 4. The funeral coordinator can make the family aware of houses of worship with seating capacity large enough to accommodate the anticipated attendance at the funeral. However, houses of worship will need to be made aware of the fact that the family shall designate the desired clergyman to officiate at the service. The final decision regarding the location of the service rests with the family.
- D. Media Representative– the designated public information officer (PIO) of the department shall complete all necessary press releases and briefings as appropriate.
1. The funeral home director will prepare and distribute an obituary for the decedent, however the news media may request additional information concerning the circumstances surrounding the employee's death and the employee's biographical information.
 - a. When applicable, prepare a formal news release concerning the events that caused the employee's death and secure permission from the Bergen County Prosecutor's Office for release.
 - b. When applicable compile a short historical account of the decedent's law enforcement career for release to the media.
 - c. Whenever possible, a recent photograph of the deceased employee shall also be made available to the media.
 2. There may be printed news accounts concerning the death and/or other employees involved. The department must remain available to press inquiries in an effort to guarantee accurate information is provided. This cooperation with the press should assist in paying a proper tribute to the deceased employee.
 3. All distributed press releases should include a notice of the date, time and location for the viewing and/or funeral services.
 4. The department PIO should confer with the designated family representative to determine what if anything the survivors want to say to

the news media and if they require assistance with press releases or media interviews.

- F. Benefits Coordinator – the benefits coordinator is responsible for working with the survivors to ensure that all necessary claim forms are filed in a timely fashion and to guarantee that the survivors are aware of all of the benefits to which they are entitled.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 13

OF PAGES: 7

SUBJECT: EXTRA DUTY EMPLOYMENT

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

January 17, 2014

ACCREDITATION STANDARDS:

22.3.5

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: To establish a procedure for the efficient and orderly delivery of contracted police related services for a person or entity other than the Borough; service which the police department is not obligated or expected to provide or does not normally provide as part of its regular plan of police services.

POLICY: The Borough shall allow officers to engage in extra-duty employment on a voluntary basis. In order to insure that extra-duty employment assignments are administrated and conducted in accordance with all applicable laws, ordinances, written directives and prevailing opinions (Attorney General, Section of Pensions, Department of Labor, etc.), the Police Chief shall designate an officer of the department to act as administrator of the extra-duty employment assignments.

PROCEDURE:

I. Definitions

- A. Regular Duty: regularly scheduled shifts of police duty, overtime, special assignments, and department sanctioned schooling in lieu of regular duty, and court appearances arising out of an officer's employment with this department.
- B. Extra-duty Employment: is defined as police related employment not performed during normal duty hours, and is conditioned on the actual or potential use of law enforcement powers by a police officer. Extra-duty employment is also referred to as special duty or side jobs.
- C. Secondary Employment: any other off-duty employment that is not sanctioned by the Borough of Paramus or the Paramus Police Department.

II. Extra-Duty Employment

- A. The fee for extra duty employment services shall be paid by the person or entity requesting the services.
- B. Extra-duty employment will be regulated by the department and may be considered for approval provided the employment does not represent a conflict of interest and the employment and/or tasks do not reflect unfavorably on the integrity or professionalism of the police officer employee or the police department. Officers are prohibited from engaging in extra-duty employment that has not been approved by the Police Chief or designee.
- B. The following illustrates some, but not all, examples of employment representing a conflict of interest:
 - 1. Duties performed in a police uniform other than that of a police nature;
 - 2. Duties or tasks that assist (in any manner) the case preparation for the defense in any criminal or civil action or proceeding;
 - 3. Service of Civil Process.
- C. Extra-duty employment is generally restricted to the geographical boundaries of the Borough.
 - 1. The Police Chief may authorize extra-duty employment at locations outside of the Borough if so requested by the Police Chief or Police Chief of a local police department in need of such services.
 - 2. All of the applicable provisions of this written directive governing approval and actual performance of extra-duty employment assignments will apply.

III. Management of Extra-Duty Employment Assignments

- A. The Police Chief has designated the Operations Division Commander or their designee to function as the extra duty employment manager. The extra duty employment manager will be the point of contact for all extra-duty employment assignments.
- B. The designated extra duty employment manager shall be responsible for ensuring that all of the proper approvals have been obtained prior to scheduling any officer for extra-duty employment.
- C. All extra duty detail sheets are to be placed at the front desk area and communication center and be available to all on duty personnel.
- D. The extra duty employment manager shall forward all special instructions, traffic/security plans, etc. necessary to carry out the assignment to the officers so assigned.

IV. Approval Process

- A. All persons or entities requesting extra-duty police services will be required to submit a completed request to the agency at soon as possible prior to the date the services are needed.
- B. The Police Chief or designee will evaluate all requests for extra-duty police services to ensure that the request is lawful and consistent with a positive image of law enforcement officers.
 - 1. Extra-duty employment that is found to be detrimental to the image of law enforcement or the department, inconsistent with a law enforcement purpose, a potential conflict of interest, or that creates a risk to an officer or the public will not be approved.
 - 2. Approval to work extra-duty employment may be suspended where it is determined that such extra-duty employment is not in the best interest of the department.

V. Scheduling and Compensation

- A. Detail forms listing all extra duty police related employment details shall be sent to the Paramus Police Department front desk and communications center and available to duty supervisors.
- B. Compensation for extra duty related employment shall be in accordance with current collective bargaining agreements and or Borough Ordinances.

VI. Eligibility and Limitations

- A. In order to be eligible to work extra-duty employment, an officer must have completed their field-training program and cannot be on medical or other leave due to sickness, temporary disability or an on-duty injury. Officers who are working light duty are also not eligible to work extra duty employment.
- B. Officers are required to report for their scheduled shift fit for duty, well rested, alert, and in good physical and mental condition.
- C. Unless otherwise directed by competent authority, all officers are required to have a period of at least eight (8) consecutive hours time off in each twenty-four (24) hour period. An officer may not waive this mandatory rest period. No regular duty, secondary or extra-duty employment shall be performed during such rest period unless so directed by the Police Chief or his designee.

VII. Supervision of Extra-Duty Employment Assignments

- A. All officers working in an extra-duty capacity shall be classified as "on-duty" and as such will be subject to the authority of the supervisor or other competent authority.
 - 1. When one or more department supervisory officers are assigned to an extra-duty employment assignment, the senior supervisor in terms of rank and assignment in the department shall be in charge of the assignment.
 - 2. In the absence of a supervisor, the officer with the greatest amount of department seniority shall take charge of the employment assignment.

- B. The supervisor may order the suspension of work or modification of any work site deemed to be a hazard to public safety or the assigned officer.
- C. Department supervisors are expected to make periodic visits to extra duty employment sites to ensure that the activities occurring are safe and within the parameters of acceptable police duties.

VIII. Uniforms and Equipment

- A. Employees working extra duty police related employment assignments will wear the designated police duty uniform. The Chief of Police may elect to allow the employee to wear the agency issued Class "B" types uniforms for certain jobs depending on the nature of the work (i.e., road jobs).
- B. Plain clothes extra duty police related assignments would be conducted only with expressed authorization of the Chief of Police.
- C. Officers working extra-duty employment assignments are required to carry police identification, approved firearm, OC spray, handcuffs and a functional police portable radio, inclusive of non-uniformed extra duty assignments.
- D. Unless otherwise ordered by the Police Chief, officers working uniformed extra-duty traffic control assignments will be provided with a marked police vehicle at the direction of Operations Division or the Police Desk Supervisor.

IX. Performance of Duty - Professional Conduct

- A. Officers engaged in extra-duty employment are required to conduct themselves in accordance with the rules of conduct of this department and all applicable written directives.
- B. It is essential that all officers employed in an extra-duty capacity consider the professional image of the police department and the dignity and status of the profession prior to honoring any requests for unusual or suspect tasks.
 - 1. All officers engaged in extra duty employment are on-duty officers and shall not perform any task not associated with police work that might demean the image of the department or diminish the respect for the profession.
 - 2. Any officer having questions concerning such a request shall summon a supervisor for consultation.
 - 3. In the event that a conflict results from the refusal of an officer to perform a task in accordance with the provisions of this section, the officer shall summon the supervisor for consultation.
 - a. If the supervisor cannot resolve the matter, he shall order the suspension of the extra-duty employment assignment until the Police Chief can complete a review of the circumstances.

- b. The supervisor must immediately notify any additional officers scheduled for the assignment of this suspension to prevent unnecessary response of such officers.
 - c. The affected officer must complete a special report and forward it through the chain of command to the Police Chief. Upon consideration by the Police Chief the approval for the extra-duty employment may be restored or permanently revoked.
- C. Officers employed in an extra-duty capacity shall immediately terminate their employment if it is deemed to be unsafe to the working personnel or unlawful. The notification and review procedures as outlined above shall apply to these situations as well.
- D. All officers assigned to extra-duty employment are required to foster a professional image of the department by promptly arriving at the designated location on the date and time scheduled.
 - 1. Lateness and/or unannounced absence are sufficient justification for disciplinary action.
 - 2. Under no condition, except those identified below, shall an officer leave an extra-duty employment assignment prior to the scheduled termination of the assignment without the expressed permission of the employer and the supervisor.
 - 3. Officers shall not distract themselves from their responsibilities of providing police protection. Engaging in extended social contacts or family obligations is prohibited.

X. Emergency Recall

- A. In certain limited cases the supervisor may need to recall to full duty one or more officers assigned to extra-duty employment assignments for reasons of a public safety emergency. While the provisions of this subsection make this a permissible action, it should be noted that this shall be considered an extraordinary action that must only be exercised in the face of a bona fide police emergency.
- B. In making such a determination the supervisor must consider the following:
 - 1. The nature and degree of the exigency;
 - 2. Possible hazard created by removing officers from their assignment (risk vs. need);
 - 3. Less drastic alternatives (e.g., mutual aid, recall of extra duty personnel, etc.).
- C. If one or more officers are recalled from an extra-duty assignment to assist in an emergency, the supervisor shall, at the earliest opportunity, return those officers to their extra-duty assignments or arrange to have the assignment covered by another officer.

1. A supervisor ordering the recall of any officer to full duty for any length of time from an extra-duty assignment shall submit a special report to the Chief of Police or his designee detailing the reasons and justifications for such action.
2. The Chief of Police or his designee shall evaluate the report and make recommendations concerning a reduction in the number of hours billed to the contracting entity.

XI. Other Considerations

- A. As per the New Jersey Attorney General's legal opinion dated 12/1/77, only officers **employed and compensated** through the municipality will be considered "on-duty" for liability and indemnification purposes.
- B. As per a memorandum issued by the Chief of the Section of Pensions in the State of New Jersey, "**Only service as a policeman or fireman paid by an employer**" is considered creditable service under PFRS (N.J.S. 43:16A4) and other conditions or types of employment may affect the accidental disability and death benefits of the PFRS.
- C. Officers employed in an extra-duty capacity are required to take appropriate police action when necessary and retain all police/arrest powers as if they were working a normal watch.
 1. Any officer employed in an extra-duty capacity who utilizes police powers (arrest, force) in the course of such employment shall be required to conform to all of the reporting requirements of a department officer on duty as set forth in the applicable written directives.
 2. In addition, a special report, prepared by the officer involved, and describing the incident in detail, shall be forwarded to their immediate supervisor for review and forwarding through the chain of command.
- D. When it becomes necessary for an officer engaged in an extra-duty employment assignment to take enforcement action necessitating the arrest and processing of a suspect, the duty supervisor shall be immediately contacted and advised of the circumstances surrounding the arrest.
 1. Whenever possible, the supervisor shall assign an officer from the on-duty platoon to handle the transportation and booking of the suspect.
 2. If the officer assigned to the extra-duty employment assignment is required to leave the location of the extra-duty employment assignment as a result of enforcement actions, the supervisor shall, when deemed necessary, assign an officer from the on-duty platoon to cover such assignment for the duration of the absence of such officer.
- E. An officer suffering any injury while engaged in extra-duty employment shall be required to fully comply with the provisions of written directive governing Employee Injuries.

- F. Complaints received concerning the actions or inactions of officers engaged in extra-duty employment will be handled in accordance with the guidelines established in the written directive governing Internal Affairs & Discipline.
- G. All court appearances arising out of actions taken by an officer while engaged in extra-duty employment will be treated as any other court obligation. Accordingly, officers are entitled to all of the salary and benefits provided for in their applicable collective bargaining agreements for attendance at court sessions.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 14

OF PAGES: 29

SUBJECT: UNIFORM STANDARDS

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

August 1, 2017

ACCREDITATION STANDARDS:

26.1.1

SUPERSEDES ORDER #:

Original Issued January 1, 2009 formerly 1.15.00

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: To promote professionalism, efficiency and esprit de corps in the police department by identifying the required uniform, dress and accessories that are necessary for all employees to successfully discharge their duties and to conform to established uniform, dress and accessories regulations.

POLICY: In order to promote an atmosphere of professionalism, it is important for police officers, not only to be highly trained and adequately equipped, but also to present a neat, well-groomed and uniform appearance. Accordingly, all employees of this department will be required to report for duty in neat, clean, pressed and well-maintained uniforms, or appropriate civilian attire, which conforms to the requirements as herein stated.

PROCEDURE:

I. Uniforms – General Information

- A. All department members who are required to wear a department issued uniform while on duty will wear the uniform of the day as defined in this directive.
- B. No department employee shall be authorized to utilize department issued uniforms, equipment, or display or wear the Paramus Police Patch insignia or badges while engaged in off duty employment, without the expressed permission of the Chief of Police.

- C. All department employees shall, upon separation from police service, promptly surrender all uniforms and equipment issued as reflected in department records.
- D. Department employees shall not attend political meetings, public gatherings or places of amusement while on or off duty if in uniform, except if they are conducting official police business, are specifically assigned by a supervisor or are performing in an official capacity while off duty (extra-duty employment) when duly authorized by the Chief of Police.
- E. Officers promoted to the rank of Detective, Detective Sergeant and Detective Lieutenant, will be required to maintain a Class A uniform. One Winter, One Summer Uniform, including hat.

F. **Prohibited Items**

- 1. Members are specifically prohibited from wearing any items with the uniform that might be offensive or distasteful to any segment of the public. Items that associate a member with civic, fraternal, or other organizations are strictly prohibited unless otherwise authorized by this directive.
- 2. Members should refer to the department general order regarding personal grooming and appearance to review other prohibitions concerning jewelry, accessories and general appearance on duty.

H. **Uniform Dates;**

May 1st to September 30th

Short sleeve shirts all tours. Lightweight jackets optional.

November 1st to March 31st

Long Sleeve shirts all tours. Leather Jackets or Lightweight jacket will be worn as outer wear.

October 1st to October 31st

Short sleeve shirts or long sleeve shirts optional all tours

April 1st to April 30th

Short sleeve shirts or long sleeve shirts optional all tours

Note: Sweaters to be worn with long sleeve shirt and tie only

II. Uniform of the Day – Sworn Personnel

A. Designation of Uniforms

- 1. Class A uniforms will be worn by all officers unless specified in this general order, or by the direction of the Chief of Police or designee.
- 2. Ties will be worn with all Class A long sleeve uniforms except

during patrol functions or as designated by the Chief of Police. Ties for patrol functions will be determined by the sole discretion of the Chief of Police.

3. Class B may be worn on 1730 and 1930 start times or by direction and approval by the Chief of Police.

B. Maintenance of Uniforms and Equipment

1. All members are required to maintain their issued uniforms and equipment in a neat, clean and operational condition.
2. If an article of the uniform becomes worn to the point where it no longer conforms to department standards, and it cannot be repaired, it shall be the responsibility of the assigned member to remove the article from active service,
 - a. If an article of the uniform should become damaged in the performance of duty, and the uniform can be repaired, the issued member shall submit a report to his division commander through the chain of command.
 - b. If an article of the uniform is damaged in the performance of duty, and the extent of the damage prohibits repair, the issued member shall complete a report requesting replacement and forward it to his division commander through the chain of command. The damaged article shall be surrendered to the department at the earliest opportunity.
3. If any department issued property shall become damaged, the issued member shall complete a report explaining the circumstances that resulted in the damage and requesting repair or replacement of the issued item. If the item is critical to the performance of the member's assigned duties (i.e., handgun, portable radio, etc.); the member's immediate supervisor shall be advised and will be responsible to coordinate the items immediate replacement.

C. Inspections and Inventory

1. All members of the department are subject to an inspection of department issued property.
2. Line inspections of personnel will be conducted on a continuous basis by first line supervisors of the department

D. Badges –Breast Badge & Hat Badge

1. All uniformed officers shall wear the department issued breast badge on the outermost uniform garment over the area of the left breast pocket.
 - a. Patrolmen- V.H. Blackinton Style B4
 - b. Patrol Sergeants- Smith&Warren Style S126
 - c. Patrol Lieutenants-V.H. Blackinton Style A9704-R

- d. Detectives- V.H. Blackinton A9705R
 - e. Detective Sergeants- V.H. Blackinton A9705R
 - f. Detective Lieutenants- V.H. Blackinton A9705R
 - g. Captains- V.H. Blackinton Style A9715-R(no stars)
 - h. Deputy Chief - V.H. Blackinton Style A9715-R(1 star centered)
 - i. Chief - V.H. Blackinton Style A9715-R(2 stars)
2. Police officers in plain clothes acting in their official capacity and while in public shall affix their breast badge immediately adjacent to their holster so it can clearly be seen by the public unless there is a legitimate reason for not having their identity known.
 3. Department issued hat badges will be affixed to the uniform hat in the manufactured opening for that purpose.
 4. Mourning Bands
 - a. Upon approval of the chief of police, a black elastic mourning band may be worn horizontally across the mid-line of the breast badge for a period of fifteen (15) days following the death of a local law enforcement officer.
 - b. The black elastic mourning band may be worn for a period of fifteen (15) days following the death of a retired member of this department. The black mourning band may be worn for a period of thirty (30) days following the death of a current member of this department.
 - c. The chief of police may authorize the wearing of the black mourning band for a specified period of time following the death(s) of any law enforcement officer(s) where special circumstances surrounding their death(s) would make it appropriate.

E. Class "A" Shirts

1. **Long Sleeve Class "A" Uniform Shirt:** French Blue long sleeve winter shirt. Brand will be Brigadier or equivalent.
 - a. Tailoring: All stitches must be of proper tension and size so as to avoid puckering after the shirt has been laundered and to give best durable press performance. All sewing shall be with Dacron Core Thread to match the shirt fabric. The collars and cuffs are to be single stitch ¼" from edge. The pockets and flaps shall be single stitch on the edge.
 - b. Shirt Material: 65% Polyester, 35% Rayon
Tropical weave, Ventilator one ply, Weight: 10.5 to 11 oz. per linear yard.
 - c. Creasing: Pockets and pocket flaps to be die creased to give uniform shape and size.
 - d. Sleeves: To be straight and whole. The sleeves must be secured to the body of the shirt by means of a merrow

stitch with a safety stitch so as to properly strengthen the stitch.

- e. Pockets: Shirt will have two breast pockets with mitered corners to finish 5 5/8" wide and 6" long. The left breast pocket to have a pencil compartment. Both pockets will have flaps. Flaps will have one button hole and button sewn into the center of the flap. That flap will be secured down with Velcro fasteners.
- f. Badge Tab: To be reinforced on inside of the shirt by means of a strip of material stitched and folded so that no raw edges are showing. The reinforcement strip is to extend from the flap setting stitch to the joining seam at the front of the yoke. The tab is to have two small horizontal button holes to secure the badge to.
- g. Shoulder Straps: The shoulder straps shall be pointed at the end toward the neck of the shirt.
- h. Sewn in Creases: Shirt is to have five sewn in-creases. Two creases will be in the front of the shirt extending from hem to joining seam. Three creases will be in the back one centered and two on the sides of the back.
- i. Buttons: All buttons shall be made from thermo-setting polyester material and must match color of fabric. All buttons on the uniform shirt shall remain buttoned.
- j. Paramus Police patch is worn on left sleeve centered 3/4" from the top. (See Appendix 2A) Optional: American flag will be worn on right sleeve centered 3/4" from the top and . the flag patch is displayed with the stars facing forward . A gold boarder will surround the patch. Size of flag is standard 2" X 3 1/2". Service stripes or hash marks for every 5 years of service can be worn on the left lower sleeve on winter shirts only. Service stripes or hash marks will be gold with black boarder. All specialized units can replace the flag with appropriate specialized unit patch.
- k. Rank Insignia: All sergeant stripes will be gold with black boarder. The size of the stripes will be 3" X 3". This will be on both the winter long sleeve shirt and the summer short sleeve shirt. Stripes will be midway on sleeve. (See Appendix 2B) Lieutenants will wear rank on the collar of the shirts. (see Appendix 1B)
- l. All members shall wear a white crew neck t- shirt beneath the uniform shirt.
- m. Officers may wear an optional Black Mock Turtle Neck during cold weather

2. Short Sleeve Class "A" Uniform Shirt: French Blue Short sleeve shirt. Brand will be Brigadier or equivalent.

- a. **Short Sleeve Shirts:** Short sleeve shirts will be the same specification as that of the long sleeve shirt. Shirt is to be worn with the top collar button opened. Under garment is optional wear, however if under garment is worn, color must be white.
- b. **Patches:** Paramus Police patch is worn on left sleeve centered $\frac{3}{4}$ " from the top. Optional: American flag will be worn on right sleeve centered $\frac{3}{4}$ " from the top and the flag patch is displayed with the stars facing forward. A gold boarder will surround the patch. Size of flag is standard 2" X 3 $\frac{1}{2}$ ". (See Appendix 2A)
 - c. **Rank Insignia:** All sergeant stripes will be gold with black boarder. The size of the stripes will be 3" X 3". This will be on both the winter long sleeve shirt and the summer short sleeve shirt. Stripes will be midway on sleeve. (See Appendix 2B)
 - #1a) Lieutenants will wear rank on the collar of the shirts. (See Appendix 1B)
- d. All buttons on the uniform shirt shall remain buttoned except for the top button nearest the collar.
- e. All members shall wear a white crew neck t- shirt beneath the short sleeve uniform shirt.

3. Ties, Tie Clasps and Pins.

- a. A plain black clip-on or breakaway style uniform tie shall be worn whenever the long sleeve uniform shirt is worn.
- b. **Tie Clasps and Pins:** Only the following are authorized wear by the Chief of Police
 - 1. Pin or clasp bearing New Jersey State Seal
 - 2. Pin or clasp bearing American Flag
 - 3. Pin or clasp bearing Paramus Police emblem
 - 4. Pin or clasp bearing P.B.A. seal

4. Insignia and Name Tags: Chrome and Brass plated collar insignia and name tags.

- a. **P.P.D.** size will be 9/16". Chrome Plated. Detectives will wear brass color **P.P.D.**
- b. Officers attaining the rank of Sergeant or above shall wear collar brass insignias commensurate with their rank on all uniform shirts

- c. **Name Tag:** Will be chrome plated for Patrol Officers and Brass for ranks of Detective, Sergeants and above. The lettering will be 3/8" in height and color will be black. Size of the tag will be 2 1/2" X 1/2". (Preferably pin style)
- d. **Wearing of Name Tag:** Tag will be worn as per Appendix 4A.

F. Class "A" Trousers

- 1. **Winter All Ranks**
- 2. **Summer All Ranks**
- 3. **Year Round All Ranks**
 - a. **Color;** Navy BlueStyle; Cut in approved regulation police style, with two sided pockets, two hip pockets and two billy pockets below each hip pocket. One drop watch pocket.
 - b. **Hip Pockets:** Two double welt pockets. Double welt shall not be more then 1/4" finished.
 - c. **Crotch:** Length should fit snugly in the crotch.
 - d. **Belt Loops:** The belt loops should be placed evenly throughout and should be able to support the Garrison belt.
 - e. **Waistband:** Waistband cut in separate piece 2" wide, lined with regulation material with waistband. Clip on hooks to be used on the waistband with a heavy duty front zipper.
 - f. **Sewing:** All sewing to be done with pre-shrunk thread and material.
 - g. **Permanent Creasing:** All trousers to be permanently creased. No sewn in-creases will be permitted on pants.
 - i. **Stripping:** All uniform pants will have 1 1/4" gold color stripe. The stripe will be centered over the outseam and not sewn into the seam. Trim shall run the full length of the leg, including the front of the hip pockets. Striping color is gold style # 6953-400. Striping is made of pre-shrunk material. Stripes can be two types of fabric;
 - 1. Polyester (wash and wear)
 - 2. Wool (dry clean only)

G. Uniform Hats

- 1. **Class A Group Cover Dark Navy Blue with Navy Blue Head Band.**
 - a. **Style:** Top of the cap to measure 10 1/2" in diameter. To be 5 1/2" from the extreme top of the cap to the tip of the visor. To measure 2 1/2" from the top of the band to the top of the crown

(measure from center front) and to taper each away from the front to 2" at the side point and 1 ¾" at the back. To be full lined with fade proof material guaranteed not to fade into outside material when cleaned.

- b. Crown: To be constructed in the round top trooper style. Two eyelets to be placed in the center of the cap for the cap badge. Crown to be held in shape with a galvanized wire 10" diameter or equivalent.
- c. Band: 2 ¼" band of solid fiber or equal fade proof material to finish 2" outside measurement. Band to be covered with navy blue material. Sweat band inside the outer band will be of foam base with vinyl face, 1 ½" wide.
- d. Visor: To be of composition material with black patent leather finish. To be 2 ¼" wide at the center front installed to drop at an angle of 40 degrees.
- e. Straps: Black leather strap with metal buckle over top of the hat fasten with two N.J. State buttons on either side. Silver hardware for patrolmen and gold hardware for detectives and supervisors. Front strap will be black patent leather for patrolmen and detectives and gold cloth for supervisors and detective supervisors. The front strap will be gold metal bullion for the Chief and Deputy Chief. See Appendix 1E
- f. Chief of Police and Deputy Chief of Police shall wear Gold Bullion scrambled eggs across the visor of the hat.
- g. Hat Badge: Will be worn in the prescribed location on the front center of the hat and will be the badge that is authorized by the Chief of Police.

2. Optional Winter Hats

Black Heavyweight Knit Caps

- a. 8.5 inches Solid Black Knit Skull Cap or Knit Watch Cap with no visible logo

Full Grained Black Vinyl Fur Trooper Cap

- a. Crown measures 4" high, Brim 3 1/2" long, and earflaps 4" long
- b. Hat Badge: Will be worn in the prescribed location on the front center of the hat and will be the badge that is authorized by the Chief of Police.

3. Wearing of Uniform Hats

All members shall wear the uniform hat as a component of the uniform in the following circumstances:

- a. Formal police function – i.e., graduations, funerals, etc.

- b. Inclement weather.
- c. Traffic or Pedestrian Control
- d. All members shall have the uniform hat readily available when on duty.
- e. Members may be required to wear the uniform hat at other times as directed by competent authority.

H. Foot Wear and Socks

1. Foot Wear

- a. Style: Plain toe, smooth quality, leather, lace type with flat sole and raised heel. Highly polished black or clarion leather black (Low Quarters).
- b. Boots: Plain Black toe, smooth quality, leather lace type with flat or treaded sole and raised heel. Boots will be no more that 12 inches in height. (ie; Rocky All Terrain or Rocky Lights or equivalent)
- c. Inclement Weather Foot Wear: Lightweight vulcanized rubber boots or Totes or equivalent styles may be worn. Color will be black.
- d. Members in specialized units may wear alternate footwear that is approved by the Chief of Police.
- e. All footwear worn with the uniform must be clean and shined when reporting for duty.
- f. Medical exceptions may be made upon documentation from a physician.
- g. ***No Sneaker Type Styles will be permitted wear.***

2. Socks

- a. Members shall wear black socks when in uniform.
- b. Members who opt to wear a black military style boot may wear white socks provided the socks are not visible when the member is walking or sitting.

A. Sweater

1. 100% Virgin wool ribbed knit with reinforced patches on the sleeve and elbows.
 - a. Style: Quartermaster Brigade V neck style, #USMC or equivalent.
 - b. Color: Navy Blue.
 - c. Patches: Patches: Paramus Police patch is worn on left sleeve centered $\frac{3}{4}$ " from the top. Optional: American flag will be worn on right sleeve centered $\frac{3}{4}$ " from the top and the flag patch is displayed with the stars facing forward. A gold border will surround the patch. Size of flag is standard 2" X 3 $\frac{1}{2}$ ".
 - d. Badge and Badge Holder: A Paramus Police Department badge shall be displayed on the sweater whenever the sweater is worn on duty. If an officer wears the sweater and the leather jacket, then both articles of clothing must display a Paramus Police badge. A metal badge holder will secure badge to sweater.
 - e. Options: Sergeants stripes can be either sewn on sleeves a quarter of the way down, or shoulder boards with the rank authorized can be worn. Lieutenants and above will only wear rank on shoulder boards.

I. Lightweight Jacket

1. Black Nylon lightweight jacket. Approved models: Gerber (70B3), Blauer (6120 B.Dry), Elbeco All-in-One (SH3724RV)
 - a. Style: Waist length with two breast pockets that are secured with chrome State of New Jersey buttons, if rank of rank of detective, sergeant or above is obtained, buttons will be Brass. Must have badge holder which will be located over the left breast pocket. Heavy duty zipper down the center of the jacket. Two shoulder straps pointed at the ends toward the neck, secured with two brass State of New Jersey buttons. Jacket will have two lower hand pockets.
 - b. Rank Collar Brass: If authorized collar brass must be worn centered on collar points and approximately $\frac{1}{4}$ " from the forward edge or on the Shoulder Straps $\frac{1}{4}$ " from the outer edge.
 - c. Patches: Patches: Paramus Police patch is worn on left sleeve centered $\frac{3}{4}$ " from the top. (See appendix #1a) Optional: American flag will be worn on right sleeve centered $\frac{3}{4}$ " from the top and the flag patch is displayed with the stars

facing
forward . A gold boarder will surround the patch. Size of flag is
standard 2" X 3 ½".

- d. Optional: Removable inner-liner may be worn for extra warmth.

J. UNIFORM COAT (BLOUSE) –

1. Specifications

- a. This specification covers the requirements for uniform blouses for the Paramus Police Dress uniform. Approved model: Flying Cross (style 34891)
- b. The garments shall be tailored to fit according to individual measurements and fittings.
- c. The production of the blouse shall be first class in every respect. All material necessary to produce the blouse must be first quality and the garments shall be clean, well-finished and pressed.

2 Blouse Fabrication

- a. Style: Command style, four button front, notch lapel, and form fitting
- b. Color: Dark navy Blue
- c. Fabric: Poly-wool
- d. Pockets: Blouse shall have four front simulated pockets with scalloped flaps
- e. Side vents with zipper closures including cross-stitched shoulder straps and badge tab
- f. Buttons: All buttons on the blouse will be gold for supervisors and detectives and silver for patrolmen.
- g. Sleeve: Three buttons on sleeve. Paramus Police patch shall be sewn on the left sleeve 1 ½" inches below shoulder seam. Specialty Unit may be worn on right sleeve 1 1/2" below shoulder seam. Patches shall be supplied by the agency.
 - a. Piping on sleeve will be as follows:
 - Chief = (2) ½" gold piping
 - Deputy Chief = (1) ½" gold piping
 - Captains = (1) 1" black piping
 - Sergeants/Lieutenants = (1) ½" black piping

K. Leather Winter Coat (Required to Maintain)

- 1. Governor style or equivalent, constructed out of smooth quality leather.
 - a. Color: Black.
 - b. Sleeves: To be full and to have inside knit wristlets for wind breaking resistance.
 - c. Closure: To have heavy duty zipper and to be centered in the front of the jacket.

- d. Badge attachment: Badge tab to be on the left side above pocket or located on the left breast pocket flap.
- e. Patches: Paramus Police patch is worn on left sleeve centered $\frac{3}{4}$ " from the top. (See appendix #1a) Optional: American flag will be worn on right sleeve centered $\frac{3}{4}$ " from the top and the flag patch is displayed with the stars facing forward. A gold border will surround the patch. Size of flag is standard 2" X 3 $\frac{1}{2}$ ".
- f. Rank collar brass: Will be worn centered on the collar points and approximately $\frac{1}{4}$ " from forward edge or on the Shoulder Straps $\frac{1}{4}$ " from the outer edge.
- g. Optional: Two lower hand pockets on the front of jacket, high rise zippers on the side to supply comfort for the gun belt. Pleats on the rear of the jacket on each side to permit free movement. Fur collar for extra warmth. Fur leather hat can be worn when wearing above described leather coat **only**.
- h. Motor Unit Winter Jacket:
 - 1) Reefer style jacket commonly referred to as the " $\frac{3}{4}$ quarter leather" up to 35" in length. Material: Top quality (2.5- 3oz.) black leather pile lining in body.
 - 2) Pockets: Two large bottom flaps, with two deep leather inside pockets and with one pen/pencil holder.
 - 3) Zippers: Two leather covered 9" zipper inside slits.
 - 4) Buttons: Silver state buttons (brass for supervisors) (size #25) two on each sleeve cuff, one on each epaulet and at neck. Silver state buttons (brass for supervisors) (size #40) one on each pocket flap, six on double breasted front, two on lapels
 - 5) Duty belts shall be worn on the outside of the jacket supported by metal hooks sewn into the back of the jacket.

L. Rain Coat (Required to Maintain)

- 1. Fully vulcanized rubber or nylon reversible high visibility orange, green or yellow to black. Approved models: Blauer (26990 or 733)
 - a. Style: Full sleeved, must have reach through slash pockets. Length will be $\frac{3}{4}$ to full.
 - b. Color: Black with high visibility orange, green or yellow reversible.
- 2. Rain cap cover: Must be constructed out of the same material as the rain coat and must be black in color or high visibility orange, green or yellow.

M. Tactical Safety Vest –See Appendix 6F

- 1. High visibility florescent safety vest. Conforms to ANSI/ISEA 207-2006

standards.

- a. Vest is mandatory, whenever vehicular traffic presents a danger to officers.
- b. Vests are located in all marked patrol units.
- c. Vests are issued to all members of the Traffic Bureau.
- d. Vests will be issued on an individual basis for work safety zone details (Construction/ Police Service Details)

N. Gloves and Glasses

1. Gloves

- a. Black gloves may be worn as a safety measure or in extreme weather for comfort.
- b. Optional: High visibility orange or yellow gloves during traffic control details. White cotton dress gloves for ceremonial use.

2. Sunglasses

- a. Members may wear sunglasses during periods of time when the weather conditions outside so dictate. Members shall select sunglasses that reflect a professional image to the public. Specifically prohibited are sunglasses that are of radical design and/or color that would be considered inappropriate for wearing with the uniform.
- b. Due to the potential for a compromise of officer safety, leash cords and other retention devices are prohibited.

O. Duty Gear and Belt

Members must wear a combination of a Garrison Belt and a Sam Browne style belt, with plain leather keepers to secure the Sam Browne to the Garrison Belt. All belts shall be constructed of high quality plain black leather.

- a. Gun belt: Class A: 2 1/4" black leather, Sam Browne style halved or full lined with hooks and buckle. Class B: Black nylon Bianchi Accumold Sam Browne BeltGun Holster: Plain black department issued Safariland ALS STX Tactical holster for Sig P226 full picatinny rail. Officers may utilize the approved Safariland 6075 UBL-2 holster drop extender if they wish.
- b. Magazine pouch: Class A: Plain black quality leather, dual pouch with wide separation. Must be fitted for duty magazines. Must have security flaps and be slotted for duty belt. Class B: Black nylon Bianchi Accumold handcuff case
- c. Optional pouches and holders: Class A: All holders and pouches will

be constructed of plain quality leather. Class B: All holders and pouches will be black nylon Bianchi Accumold brand.(Flashlight holder, OC holder, key or whistle holder, knife holder, baton holder, surgical glove pouch,etc.)

- d. Hardware: Brass finish – Detectives, Sergeants and above. Chrome finish- Patrol Officers.

P. Award Procedures

The following shall be adhered to when wearing award bars. The following procedures shall not supersede N.J.S.A. 40A:14-153.

1. Medal of Honor and Wound bar: The above bars are to be worn centered over name tag on right breast. The height will be ¼" from the top of the name tag.
2. All other awards: The following have been approved wear by the Chief of Police and shall be worn in order as described:

LEFT BREAST ABOVE BADGE CENTERED

COMBAT CROSS
MERITORIOUS SERVICE
BAR EXCEPTIONAL DUTY
BAR LIFE SAVING BAR
HONORABLE SERVICE
BAR
PARAMUS POLICE DEPT. 20, 25, 30, 35 YEAR
SERVICE BAR
P.B.A. LOCAL 186 AWARD BAR
HONOR LEGION BAR
TORCH RUN BAR
ALL OTHER BARS APPROVED BY THE CHIEF OF
POLICE

RIGHT BREAST ABOVE NAME TAG CENTERED

MEDAL OF HONOR
WOUND MEDAL
SHOOTING AWARDS

3. The above awards shall be worn with the highest merit award on the top and any other awards will be worn below. **A cluster will be worn on a third and additional awards of the same merit. One exception will be the P.B.A, local 186 award, only one bar shall be worn additional awards will be designated by a number on the award.**
4. Shooting bars: Shooting bars bearing the word Distinguished, Expert, Sharpshooter, shall be centered over name tag ¼" from the top of tag. If any officer is authorized to wear the Medal of

Honor or the Wound bar then the shooting awards will be worn over the badge on the left breast.

5. Pins: Any Pins authorized by the Chief of Police can be worn. Placement will be centered over the badge on the left breast. If officer is authorized to wear awards then the pins will be worn over the awards centered.
6. Optional: Leather badge holder and awards holder can be worn over centered left breast pocket. Badge holder must be constructed of high quality leather and must be black.

Q. Class "B" Uniform

1. Class "B" Long Sleeve Uniform Shirt

- a. French Blue long sleeve winter shirt. Blauer model 8703-7A or equivalent. (Equivalency will be determined by a comparison of specifications on file with the Chief of Police).
- b. Rank Insignia: All sergeant stripes will be gold with black back border. All ranks above sergeant will wear rank sewn on a patch on the epaulette. (*Not directly onto the shirt*). That rank insignia will be gold with no border.
- c. Patches: Paramus Police Patch, Service Stripes and Flag. See Appendix 2
- d. Ties: No tie will be worn with Class B uniform shirts
- e. Collar Brass: All ranks will wear embroidered collar "PPD" on a patch in ½" Times New Roman gold M1137 lettering in identical positioning manner to Class A uniform specifications. See Appendix 1C for positioning.
- f. Name Tag: All ranks will wear embroidered last name in Block 2 gold M1137 lettering over right pocket. All ranks will have a separate tag underneath their name with their badge number in identical lettering size and color. See Appendix 3D. Letters will be no more than ½" and no less than 3/8" in height. Variation in lettering size is necessary for proportion due to varying lengths of names.
- g. Badge: All ranks will have a "PARAMUS POLICE" embroidered patch over their left shirt pocket in Times New Roman font type gold M1137 lettering. "PARAMUS" will be 5/8" font size and "Police" will be 3/4" font size. See Appendix 3A
 1. Detectives will have a "Paramus Police Detective Division" patch embroidered over their left shirt pocket in the same font type and color. "Paramus" and "Detective Division" will be 1/4" font size and "Police" will be 3/4" font size. See Appendix 3B

h. Undergarment: All officers shall wear a black crew neck tee shirt beneath the long sleeve uniform shirt.

Optional: Plain black mock turtle neck shirt . No visible logos

i. All other specifications will conform with this general order when wearing Class B uniform shirts. This includes badge tab and creasing undergarments.

2. Class "B" Short Sleeve Uniform Shirt

a. French Blue short sleeve summer shirt. Blauer model 8713-7A or equivalent. (Equivalency will be determined by a comparison of specifications on file with the Chief of Police).

b. Rank Insignia: All sergeant stripes will be gold with black back border. All ranks above sergeant will wear rank sewn on a patch on the epaulette. (Not directly onto the shirt). That rank insignia will be gold with no border.

c. Patches: Paramus Police Patch, Service Stripes and Flag. See Appendix 2

d. Ties: No tie will be worn with Class B uniform shirts

e. Collar Brass: All ranks will wear embroidered collar "PPD" on a patch in ½" Times New Roman gold M1137 lettering in identical positioning manner to Class A uniform specifications. See Appendix 1C for positioning

f. Name Tag: All ranks will wear embroidered last name in Block 2 gold M1137 lettering over right pocket. All ranks will have a separate tag underneath their name with their badge number in identical lettering size and color. See Appendix 3D Note that letters will be no more than ½" and no less than 3/8" in height. Variation in lettering size is necessary for proportion due to varying lengths of names.

g. Badge: : All ranks will have a "PARAMUS POLICE" embroidered patch over their left shirt pocket in Times New Roman font type gold M1137 lettering. "PARAMUS" will be 5/8" font size on top and "Police" will be 3/4" font size underneath. See Appendix 3A

1. Detectives will have a "Paramus Police Detective Division" patch embroidered over their left shirt pocket in the same font type and color. "Paramus" and "Detective Division" will be 1/4" font size and "Police" will be 3/4" font size. See Appendix 3B

h. Undergarment: All officers shall wear a black crew neck t- shirt beneath the short sleeve uniform shirt.

i. All other specifications will conform with this general order when wearing Class B uniform shirts. This includes badge tab and

creasing undergarments.

3. Class "B" Uniform Pants

- a. Dark Navy BDU Pants Blauer Model 8819-7A or 511Tactical Model 74371-724 . Stripe will be gold and 1 ½" in width (note size of stripe differs from standard uniform). Class B trousers will be hemmed with drawstring removed and will not be worn bloused.

4. Tactical Body Armor (Exterior carrier)

- a. All officers when on duty will have the option to wear a black exterior carrier, Second Chance TAC-Molle Model E98-BK or Point Blank Maverick Crossover Vest utilizing the ballistic panels of the officer's soft body armor. The make of the exterior carrier **MUST** match that of the officer's issued soft body armor. The carrier will be worn over the top of the French blue class B uniform shirt.

- b. Name Tag: All ranks will wear a 5 ¼" x 2" black Velcro patch in Block 2 style white lettering over right breast. The patch will have the officer's name centered above their badge number which will also be centered. See Appendix 3E Note that letters and numbers will be no more than ½" and no less than 3/8" in height. Variation in lettering size is necessary for proportion due to varying lengths of names.

- c. Badge: All ranks will wear a 5 1/4" x 2" black "PARAMUS POLICE" Velcro patch over their left breast in Times New Roman style white lettering. "PARAMUS" will be 5/8" font size on top and "Police" will be 3/4" font size underneath. See Appendix 3E

- d. Back Patch: All ranks will wear an 11" x 3" black "PARAMUS POLICE" Velcro patch on the back of the carrier with white block lettering. "PARAMUS" will be 1/2" font size on top and "POLICE" will be 1 ½" font size on bottom. See Appendix 3F

5. Class "B" Uniform Foot Wear and Socks

- a. Boots: Plain Black toe, smooth quality, leather lace type with flat or treaded sole and raised heel. Boots will be no more that 12 inches in height. (ie. Rocky All Terrain or Rocky Lights or equivalent)
- b. Inclement Weather Foot Wear: Lightweight vulcanized rubber boots or Totes or equivalent styles may be worn. Color will be black.
- c. Members in specialized units may wear alternate footwear that is approved by the Chief of Police.
- d. All footwear worn with the uniform must be clean and shined when reporting for duty.
- e. Medical exceptions may be made upon documentation from a physician.
- f. ***No Sneaker Type Styles will be permitted wear.***

- g. Members may wear white socks provided the socks are not visible when the member is walking or sitting.

6. Class "B" Uniform Hats

- a. Plain Dark Navy Baseball Cap with "Paramus Police" embroidered in Block style ½" gold M1137 letters. "Paramus" is to be embroidered on top and "Police" is to be embroidered below. See Appendix 2E
- b. Solid black Heavyweight Knit Skull Cap or Watch Cap is acceptable for cold weather
- c. Cap is to be worn with the embroidery displayed in the front and centered.

7. Full Grained Black Vinyl Fur Trooper Cap

- a. Crown measures 4" high, Brim 3 1/2" long, and earflaps 4" long
- b. Hat Badge: Will be worn in the prescribed location on the front center of the hat and will be the badge that is authorized by the Chief of Police.

R. Class "C" Uniform

1. Class "C" Short Sleeve and Long Sleeve Uniform Shirt

- a. Cornerstone brand Dark navy colored Tactical Polo
 - 1. Men's style# CS410
 - 2. Women's style # CS411
- b. Badge: :
 - 1. Grey embroidered Patrolman patch utilizing ROBISON-ANTON thread in Banner Grey and Black See Appendix 6B
 - 2. Gold embroidered Detective patch utilizing ROBISON-ANTON thread in 14k Gold, Black, Oriental Blue, White, Brown, and Red. See Appendix 6C
 - 3. Gold embroidered Supervisor patch utilizing ROBISON-ANTON thread in Fire Blue and 14k Gold. See Appendix 6D
 - 4. Gold embroidered Administrator patch utilizing ROBISON-ANTON thread in Fire Blue and 14k Gold. See Appendix 6E
- c. Undergarment: All officers shall wear a black crew neck t- shirt beneath the short sleeve and long sleeve Class "C" uniform shirt.

2. Class "C" Uniform Pants

- a. Dark Navy BDU Pants Blauer Model 8819-7A or 511Tactical Model 74371-724. Stripe will be gold and 1 ½" in width (note size of stripe differs from standard uniform). Class B trousers will be hemmed with drawstring removed and will not be worn bloused.

3. Class "C" Uniform Foot Wear and Socks

a. Boots: Plain Black toe, smooth quality, leather lace type with flat or treaded sole and raised heel. Boots will be no more than 12 inches in height. (ie. Rocky All Terrain or Rocky Lights or equivalent)

b. Inclement Weather Foot Wear: Lightweight vulcanized rubber boots or Totes or equivalent styles may be worn. Color will be black.

c. Members in specialized units may wear alternate footwear that is approved by the Chief of Police.

d. All footwear worn with the uniform must be clean and shined when reporting for duty.

e. Medical exceptions may be made upon documentation from a physician.

f. No Sneaker Type Styles will be permitted wear.

g. Members may wear white socks provided the socks are not visible when the member is walking or sitting.

4. Class "C" Uniform Hats

- b. Plain Dark Navy Baseball Cap with "Paramus Police" embroidered in Block style 1/2" gold M1137 letters. "Paramus" is to be embroidered on top and "Police" is to be embroidered below. See Appendix 2E
- c. Solid black Heavyweight Knit Skull Cap or Watch Cap is acceptable for cold weather
- d. Cap is to be worn with the embroidery displayed in the front and centered.

5. Full Grained Black Vinyl Fur Trooper Cap

- e. Crown measures 4" high,
Brim 3 1/2" long, and earflaps 4" long
- b. Hat Badge: Will be worn in the prescribed location on the front center of the hat and will be the badge that is authorized by the Chief of Police.

S. Specialty Uniforms

ESU Duty Uniform:

1. ESU Long Sleeve Duty Uniform Shirt

- a. French Blue long sleeve winter shirt. Blauer model 8703-7A
- b. Rank Insignia: All sergeant stripes will be gold with black back border. All ranks above sergeant will wear rank sewn on a patch on the epaulette. (Not directly onto the shirt). That rank insignia will be gold with no border.
- c. Patches: Paramus Police patch is to be worn on left sleeve centered 3/4" from

the top. Emergency Service Unit patch is to be worn on the right sleeve centered $\frac{3}{4}$ " from the top. See Appendix 2C

d. Ties: No tie will be worn with ESU uniform shirts

e. Collar Brass: All ranks will wear embroidered collar "PPD" on a patch in $\frac{1}{2}$ " Times New Roman gold M1137 lettering in identical positioning manner to Class A uniform specifications. See Appendix 1C for positioning

f. Name Tag: All ranks will wear embroidered last name on a blue tag in Block 2 gold M1137 lettering over right pocket. All ranks will have a separate tag underneath their name with their badge number in identical lettering size and color. See Appendix 3D. Note that letters and numbers will be no more than $\frac{1}{2}$ " and no less than $\frac{3}{8}$ " in height. Variation in lettering size is necessary for proportion due to varying lengths of names.

g. ESU Badge: All ranks will have a "PARAMUS POLICE EMERGENCY UNIT" embroidered patch over their left shirt pocket in Times New Roman font type gold M1137 lettering. "PARAMUS" and "EMERGENCY SERVICE UNIT" will be $\frac{1}{4}$ " font size and "POLICE" will be $\frac{3}{4}$ " font size. See Appendix 3C

h. Undergarment: All officers shall wear a solid black crew neck tee shirt beneath the long sleeve uniform. Optional: Plain black mock turtle neck. No visible logos.

2. ESU Short Sleeve Duty Uniform Shirt

a. French Blue short sleeve summer shirt Blauer model 8713-7A or equivalent. (Equivalency will be determined by a comparison of specifications on file with the Chief of Police).

b. Rank Insignia: All sergeant stripes will be gold with black back border. All ranks above sergeant will wear rank sewn on a patch on the epaulette. (Not directly onto the shirt). That rank insignia will be gold with no border.

c. Patches: Paramus Police patch is to be worn on left sleeve centered $\frac{3}{4}$ " from the top. Emergency Service Unit patch is to be worn on the right sleeve centered $\frac{3}{4}$ " from the top. See Appendix 2C

d. Ties: No tie will be worn with ESU uniform shirts

e. Collar Brass: All ranks will wear embroidered collar "PPD" on a patch in $\frac{1}{2}$ " Times New Roman gold M1137 lettering in identical positioning manner to Class A uniform specifications. See Appendix 1C for positioning

f. Name Tag: All ranks will wear embroidered last name on a blue tag in Block 2 gold M1137 lettering over right pocket. All ranks will have a separate tag underneath their name with their badge number centered under their name in identical lettering size and color. See Appendix 3D Note that letters and numbers will be no more than $\frac{1}{2}$ " and no less than $\frac{3}{8}$ " in height. Variation in lettering size is necessary for proportion due to varying lengths of names.

g. ESU Badge: All ranks will have a "PARAMUS POLICE EMERGENCY UNIT" embroidered patch over their left shirt pocket in Times New Roman font type. "PARAMUS" and "EMERGENCY SERVICE UNIT" will be ¼" font size and "POLICE" will be ¾" font size. See Appendix 3C

h. Undergarment: All officers shall wear a black crew neck tee shirt beneath the short sleeve uniform shirt.

3. ESU Tactical Body Armor (Exterior carrier)

a. All ESU officers when on duty will have the option to wear a black exterior carrier, Second Chance TAC-Molle Model E98-BK or Point Blank Maverick Crossover Vest utilizing the ballistic panels of the officer's soft body armor. The make of the exterior carrier **MUST** match that of the officer's issued soft body armor. The carrier will be worn over the top of the French blue ESU uniform shirt.

b. Name Tag: All ranks will wear a 5 ¼" x 2" black Velcro patch in Block 2 style white lettering over right breast. The patch will have the officer's name centered above their badge number which will also be centered. See Appendix 3E. Note that letters and numbers will be no more than ½" and no less than 3/8" in height. Variation in lettering size is necessary for proportion due to varying lengths of names.

c. Badge: All ranks will wear a 5 ¼" x 2" black "PARAMUS POLICE" Velcro patch over their left breast in Times New Roman style white lettering. "PARAMUS" will be 5/8" font size on top and "Police" will be 3/4" font size underneath. See Appendix 3E

d. Back Patch: All ranks will wear an 11" x 3" black "PARAMUS POLICE" Velcro patch on the back of the carrier with white block lettering. "PARAMUS" will be 1/2" font size on top and "POLICE" will be 1 ½" font size on bottom. See Appendix 3F

4. ESU Duty Uniform Pants

a. Dark Navy BDU Pants Blauer Model 8819-7A, or 511Tactical Model 74371-724. Stripe will be gold and 1 ½" in width (note size of stripe differs from standard uniform). Class B trousers will be hemmed with drawstring removed and will not be worn bloused.

5. ESU Duty Uniform Foot Wear and Socks

- a. Members in specialized units may wear alternate footwear that is approved by the Chief of Police.
- b. Members may wear white socks provided the socks are not visible when the member is walking or sitting.
- c. Medical exceptions may be made upon documentation from a physician.

6. ESU Duty Hats

a. Uniform Dark Navy Baseball Cap with "Paramus Police" embroidered in Block style ½" gold letters. "Paramus" is to be embroidered on top and "Police" is to be embroidered below. See Appendix 2E

- b. Solid black Heavyweight Knit Skull Cap or Watch Cap is acceptable

ESU Tactical Uniform:

1. ESU Tactical Shirt

- a. 511 Tactical Model 72194-190 TDU Green Rapid Assault Shirt will be worn for all coordinated team training events. ESU subdued green and Paramus Police subdued green patches will be worn on the the sleeves at all times.

2. ESU Tactical Pants

- a. 511 Tactical Model 74280-190 TDU Green TDU Pants will be worn for all coordinated team training events.

3. ESU Tactical Belt

- a. Officers are to wear a black nylon tactical belt with with black mretal buckle along with the above Training uniform for all coordinated team training events.

4. ESU Tactical Hat

- a. 5.11 Model 89260 Adjustable Uniform hat in color black or Condor fleece watch cap in color black will be worn for all coordinated team training events.

S. Ceremonial Honor Guard

1. **The Ceremonial Honor Guard** maintains separate unique uniform components and equipment requirements for members of the department assigned to this unit. Conditioned upon approval of the Chief of Police, the unit/team leaders shall establish these uniform components and equipment requirements.

- a) All department members assigned to the aforementioned unit are required to fully comply with the uniform and equipment requirements of the unit.
- b) Compliance with the above-described requirements are mandatory whenever members of the respective unit are activated for any official operation or training session.

T. Sworn Employees – Civilian Attire for While on Duty, Reporting to Court and Training

1. Business Attire

- a. Members who report for duty in civilian dress shall be required to wear neat, clean and conservative business attire.
- b. Male employees shall wear slacks with a dress shirt, necktie, and a sport coat or blazer, or a business suit. A sport coat, blazer or business suit coat must be worn when interacting with the public.

Otherwise, the article should be readily available (office, vehicle, etc.) in the event it should be needed.

- c. Female employees shall wear appropriate attire including, but not limited to, dresses, skirts, pantsuits, blouses, sweaters and blazers, intended to present a professional image. Dresses/skirts shall be no shorter than 3 inches above the knee.
- d. Prohibited items include, but are not limited to: any items deemed too casual for a professional image.

2. Plain-Clothes Casual Attire

- a. Option A: A long sleeve or short sleeve polo style shirt (Brand: Cornerstone, Hollows, or equivalent) with approved Paramus Police embroidered badge and 5.11 Tactical, Covert pants or similar style
 - b. Option B: Long sleeve or short sleeve buttoned down collared shirt and dress casual slacks (Brand: Dockers or equivalent)
- 3. Off duty members reporting for Municipal, County or State Court shall wear either the Class A uniform or conservative business attire as described above.
 - 4. Members reporting for external in-service training shall wear the uniform of the day or conservative attire.
 - 5. Exceptions to dress policy shall be granted when the duties of the assignment or the school require otherwise. All employees will be required to provide justification for casual dress when challenged.

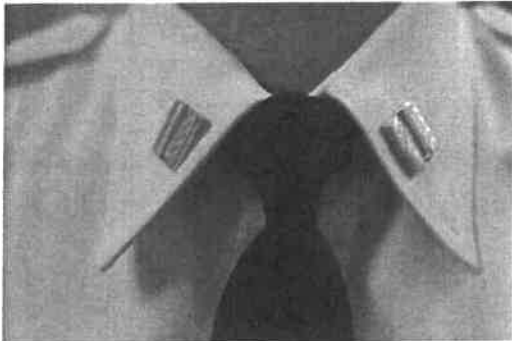
U. Identification Cards

- 1. Members are issued two identification cards- one landscaped format which has the door access to the Paramus Police Department. One portrait format. While on duty, members shall have at least one of the identification cards on their person. The identification card and any other means of identification shall be displayed whenever the identity of the member is questioned. Members shall not lend their identification cards or badges to other persons, or permit these items to be photographed or reproduced without the approval of the Chief of Police.

V. Exceptions

- 1. The chief of police may authorize any person to wear a uniform that deviates from the above stated requirements when the officer's assignment so dictates.
- 2. At the discretion of the chief of police, members assigned to administrative duties may not be required to conform to all of the uniform requirements as they apply to equipment.

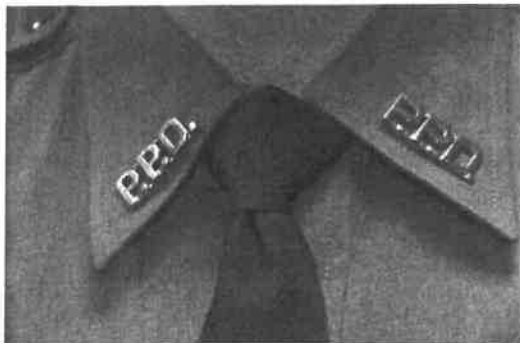
APPENDIX 1



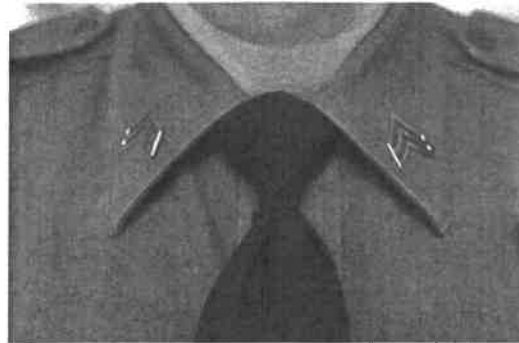
A. Class A Captain Collar



B. Class A Lieutenant Collar



C. Class A Patrolman Collar



D. Class A Sergeant Collar



Patrolman Class A Cover



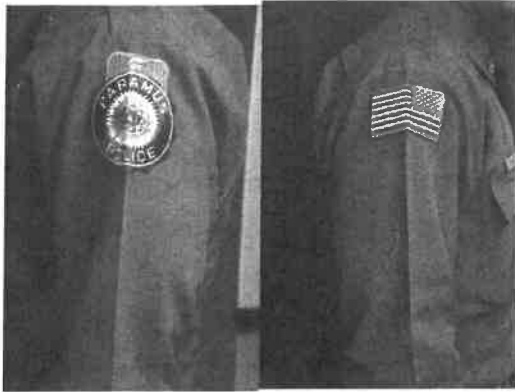
Detective Class A Cover



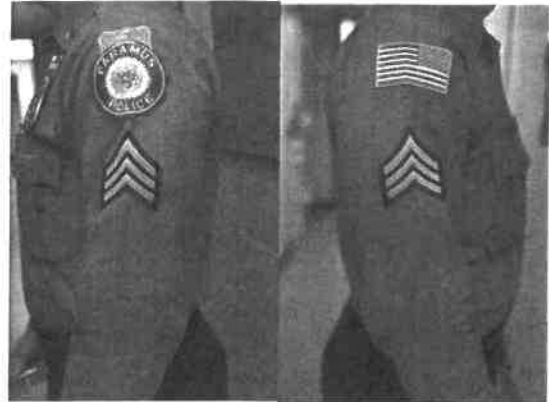
Supervisor Class A Cover

E.

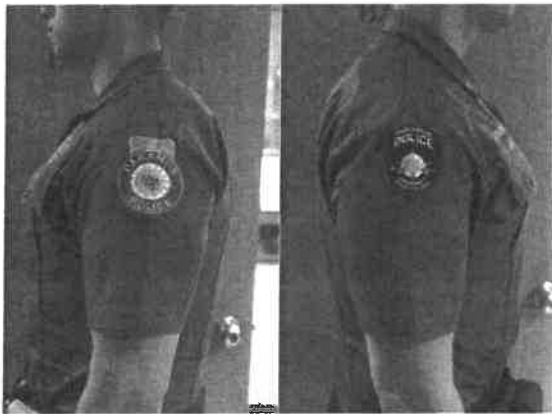
APPENDIX 2



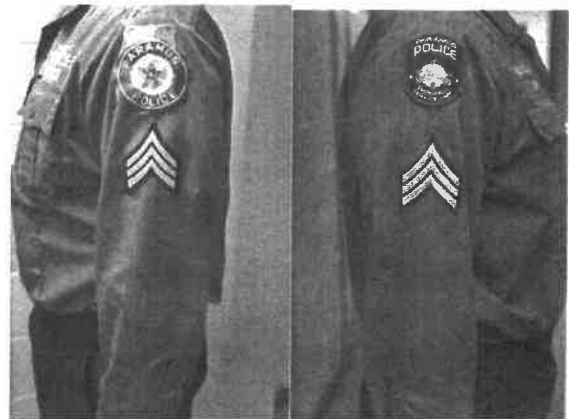
A. Class A Sleeves



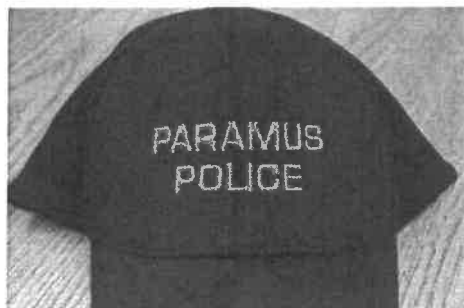
B. Class A Sgt. Sleeves



C. ESU Sleeves



D. ESU Sgt. Sleeves



E. Class B Hat

APPENDIX 3



A. Class B Patrolman Badge



B. Class B Detective Badge



C. ESU Badge



D. Name and Badge # Tapes (Class B and ESU)



E. Exterior Carrier (Front)

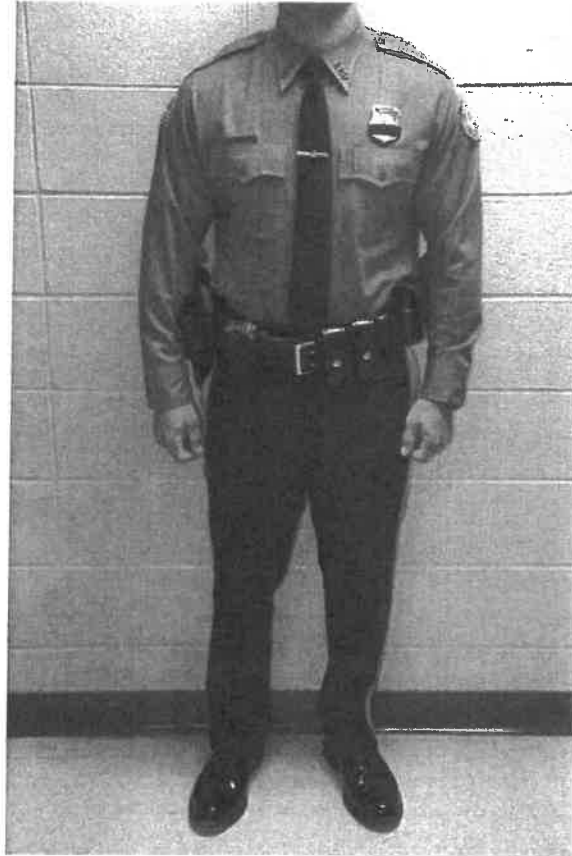


F. Exterior Carrier (Back)

APPENDIX 4

26 of 29

General Order 1.15.00



A. Class A Full Uniform Example

APPENDIX 5



A. Patrolman

B. Sergeant

C. Lieutenant



D. Detective

E. Det. Sergeant

APPENDIX 6



A. Class C Shirt



B. Class C Badge



C. Class C Sup. Badge



D. Class C Det. Badge



E. Class C Admin. Badge



F. Traffic Vest

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 15

OF PAGES: 4

SUBJECT: GROOMING STANDARD

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

July 25, 2018

ACCREDITATION STANDARDS:

26.1.1

SUPERSEDES ORDER #:

Original 01/01/2009

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: To provide employees with a guideline for acceptable appearance while on duty and/or in uniform and to clearly identify those styles and items that are strictly prohibited.

POLICY: It is the policy of this department that all members shall present a professional appearance, and all members shall comply with the specifications outlined in this order.

PROCEDURE:

I. General Appearance

- A. All employees shall maintain a professional appearance whether in or out of uniform and conform to the department general order on uniform and dress regulations.
- B. Members who are assigned to duties that require an appearance that would otherwise be prohibited by this directive are exempted from these standards provided prior permission is secured from the member's division commander or other competent authority.

II. Hair Style

Male Employees

- A. Men's hair should be styled in a conservative manner, cut short enough to prevent hair from interfering with the wearing of the uniform hat. The hair should be evenly tapered from the sideburns around to the back of the neck. Hair shall be worn so as not to protrude outward when the uniform hat is worn. Hair should not touch the collar of the shirt when a member is standing erect.

- B. Members who desire to wear a hairpiece or wig may do so provided it fits properly and is of good quality. It should present a natural appearance and not interfere with the wearing of the uniform hat. All wigs and hairpieces must otherwise meet the standards as set forth above.
- C. Specifically prohibited by this directive are hairstyles that would be regarded as unusual, bizarre, or inappropriate for a professional appearance. This would include hair dye that is of an unnatural color and the practice of shaving symbols, letters and related items into one's hairstyle.

Female Employees

- A. Women's hair should be styled in a conservative manner that will not interfere with the wearing of the uniform hat. In the interest of officer safety, female members are encouraged to wear their hair no longer than the bottom of the collar line of the uniform shirt. If the hair is generally worn longer than this, the female member must wear it in a bun style on top of her head when on duty and in uniform.
- B. When a female member wears her hair up or otherwise places objects in her hair to hold it in place, the objects so employed should also be conservative in color and style.
- C. Specifically prohibited by this directive are hairstyles that would be regarded as unusual, bizarre or inappropriate for a professional uniformed appearance. This would include hair dye that is of an unnatural color and the practice of shaving symbols, letters and related items into one's hairstyle.

III. Facial Hair

- A. Sideburns shall not extend below the bottom of the ear and shall be consistent in width and horizontal at the bottom.
- B. Mustaches must be neatly trimmed and combed and must not extend beyond or below the corners of the mouth.
- C. Beards, goatees and other growths of hair on the facial area are strictly prohibited without the expressed permission of the Chief of Police.
 - 1. Members working in specialized assignments where the growth of facial hair is practical and desirous may be granted permission upon written request.
 - 2. Members having a bona fide medical condition that requires the growth of facial hair or prohibits shaving may be granted permission upon submission of medical documentation from the member's attending physician.
- D. Members shall be otherwise clean-shaven when reporting for a scheduled tour of duty.

IV. Body Art

- A. For purposes of this General Order:

1. Body art is defined as procedures used to alter the body's appearance including, but not limited to, branding, piercing, scarification and tattoos.
 - a. Branding. The act of burning the skin for the purpose of creating a design, form figure of art.
 - b. Piercing. The act of creating a hole in any part of the body for the purpose of inserting an object, jewelry or ornamentation.
 - c. Scarification. The act of cutting the skin for the purpose of creating a design, form, figure or art.
 - d. Tattoo. The act of marking the skin with indelible designs, forms, figures, art, etc. by puncturing the skin and inserting pigment.
- B. Members will not expose any offensive form of body art while on duty, except for reasonable cosmetic purposes or with written approval from the Chief of Police. The Chief of Police or designee will determine whether body art is offensive. The Chief's decision shall not be arbitrary and capricious, but shall be based upon acceptable standards for the law enforcement profession and the community served by the Paramus Police Department.
- C. Members with visible tattoos prior to January 1, 2009, are exempt from this General Order, however:
 1. No Member shall expose any offensive form of body art which include images that are sexually explicit, racially and/or sexually biased or could be viewed as discriminatory in nature. Visible body art on the face and neck is prohibited. At the discretion of the Chief or designee, "Sleeve" tattoo art on a member's arms may be ordered to be covered or concealed while the member is on-duty.
 - a. Exempt members considering additional body art will be subject to this General Order.

IV. Jewelry and Accessories

- A. Female Uniform officers may wear small stud earrings. Male officers shall not be permitted to wear earrings while on duty.
- B. The wearing of any items of jewelry (rings, rods, etc.) through any pierced area of skin that is visible or noticeable is strictly prohibited. (i.e., bodypiercing)
- C. Bracelets, necklaces worn by uniform officers must not be visible.
- D. Decorative hair accessories may not be worn in uniform.
- E. Unobtrusive rings and wristwatches may be worn.

V. Miscellaneous

- A. Proper personal hygiene is a requisite when in any duty status or situation.

- B. First line supervisors shall conduct uniform and grooming inspections prior to the start of each shift or official function.
- C. Any variations or exceptions to this policy shall be at the discretion of the Chief of Police

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 16

OF PAGES: 32

SUBJECT: INTERNAL AFFAIRS

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

02/01/2014

ACCREDITATION STANDARDS:

26.1.4, 26.1.6, 52.1.1, 52.1.2

SUPERSEDES ORDER #: GO 2.15.00 07-13-2010

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The purpose of this directive is to maintain a high quality of law enforcement services. Improving the relationship between employees and the public facilitates cooperation vital to the department's ability to achieve its goals. This department is committed to providing law enforcement services that are fair, effective, and impartially delivered. Employees are held to the highest standards of conduct and are expected to respect the rights of all citizens. This department must be responsive to the community by providing formal procedures for the processing of complaints regarding individual employee performance. An effective disciplinary framework permits department personnel to monitor employee compliance with department directives, assist employees in meeting department objectives, enhance performance, and permit managers to identify problem areas which require increased training or direction. Finally, this directive shall ensure fundamental fairness and due process protection to citizens and employees alike.

POLICY: It is the policy of the Paramus Police Department to accept and investigate all complaints of agency and employee's alleged misconduct or wrongdoing from any citizen, department employee or any other sources, including anonymous sources. Following a thorough and impartial examination of the available factual information, a conclusion will be determined and the employee shall be either exonerated or held responsible for the alleged misconduct. Discipline shall be administered according to the degree of misconduct. Officers and employees, regardless of rank, shall be subject to disciplinary action for violating their oath and trust. Committing an offense punishable under the laws of the United States, the State of New Jersey, or Municipality constitutes a violation of that oath and trust. Employees are also subject to disciplinary action for the willful or negligent failure to perform the duties of their rank or assignment. In addition, employees may be disciplined for violation of any rule or regulation of the department or for failure to obey any lawful instruction, order, or command of a superior officer or supervisor. Disciplinary action in all matters will be determined based upon the merits of each case. Officers conducting the investigation of any allegation of misconduct shall strive to conduct a thorough and objective investigation respecting the rights of the principal, any other law enforcement officer, and all members of the public. Accordingly, any supervisor and any officer who may be called upon to conduct an internal investigation must be thoroughly familiar with the department's Internal Affairs policy. This policy has been developed in accordance with the New Jersey Attorney General Guidelines on Internal Affairs.

PROCEDURE:

I. DEFINITION OF TERMS

A. The following forms/reports shall be used in accordance with this directive:

1. **Request for Extension of Investigation - (IA-1):** This form shall be used to seek approval from the Chief of Police when additional time, beyond the thirty day period, is needed to complete the internal affairs investigations.
2. **Investigation Plan - (IA-2):** This form shall be used to develop an investigative plan prior to conducting internal affairs investigations.
3. **Investigation Report - (IA-3):** This report shall be used to memorialize the investigation of any internal affairs matter or performance deficiency.
4. **Continuation Page of Investigation Report - (IA-4):** This report shall be used if additional pages are needed to memorialize the investigation of any internal affairs matter or performance deficiency.
5. **Supplemental Internal Investigation Report - (IA-5):** This report shall be used to supplement the initial investigation report.
6. **Attachment Log - (IA-6):** This form shall be used to account for all attachments accumulated during the investigation.
7. **Internal Investigation Allegations and Conclusions Form - (IA-7):** This form shall be used to establish a narrative of the alleged misconduct, and the relationship to the specific provision of the Rules and Regulations and/or written directive allegedly violated.
8. **Internal Investigation Review Sheet - (IA-8):** This form shall be used when an internal affairs investigation is reviewed through the chain of command.
9. **New Principal/Allegation Identification Form - (IA-9):** This form shall be used when an employee shifts from a witness to a principal. This form shall also be used to document perceived violations of policy and procedure not relevant to the complaint or the alleged misconduct being investigated.
10. **Administrative Advisement Form - (IA-10):** This form shall be used during internal affairs investigation interviews when interviewing the principal in an internal affairs investigation.
11. **Miranda and Waiver Form - (IA-11):** This form shall be used in an internal affairs investigation when interviewing an employee accused of committing a crime after consultation with the Bergen County Prosecutor's Office.
12. **Witness Acknowledgment Form - (IA-12):** The form shall be used during internal affairs investigation interviews when interviewing a witness in an internal affairs investigation.

13. **Weingarten Representative Acknowledgement Form - (IA-13):** This form shall be provided to the Weingarten representative present during an internal affairs interview.
14. **Reportable Incident Form - (IA-14):** This form shall be utilized by department employees to document a reportable incident on any department employee.
15. **Internal Affairs Investigation Manual - (IA-15):** This is an investigative manual detailing the process and procedures for conducting an internal affairs investigation, and the forms required in accordance with this directive.
16. **Complaint Form - (IA-16):** This form shall be offered to any citizen who wants to complain about an employee of the department. The employee receiving the complaint form shall complete the reportable incident form and submit it along with the citizen's complaint to Internal Affairs.
17. **Performance Notice - (IA-17):** This form shall be completed by a supervisor to memorialize the corrective action taken to address an employee's performance deficiency. This form shall also be used to commend an employee for positive performance.
18. **Annual Report - (IA-18):** This report shall be submitted to the Bergen County Prosecutor's Office annually, detailing all internal affairs investigations investigated by the department during the year.
19. **Internal Affairs Information Sheet - (IA-19):** This form, which explains the department's internal affairs procedures, shall be provided to all citizen complainants.
20. **Notice of Charge Form - (IA-20):** This form shall be used to notify formally, the principal of charges approved by the Chief of Police in connection with the completed internal affairs investigation. This disciplinary form shall only be used for charges that exceed a written reprimand.
21. **Reprimand Notice - (IA-21):** This form shall be used to notify formally, the principal of discipline approved by the Chief of Police in connection with the completed internal affairs investigation. This disciplinary form shall only be used for discipline that includes counseling, training, and does not exceed a written reprimand.

B. **Reportable Incident:** is any behavior, performance, or non-performance that may violate department rules, regulations, procedures, applicable criminal and civil laws, and the United States or New Jersey Constitutions. All reportable incidents shall be carefully and thoroughly reviewed by the Chief of Police or Internal Affairs Supervisor to determine the manner of response that best serves the public, the department, and the employee. Reportable Incidents classified as misconduct will result in an internal investigation conducted in accordance with the New Jersey Attorney General's Internal Affairs Guidelines and this directive. Reportable incidents include, but are not limited to the following:

1. A complaint that an employee has engaged in any form of misconduct, as defined in this directive, whether on or off-duty;
2. An alleged violation of any of the Department Rules and Regulations;
3. An alleged violation of any written directive issued by this department or appropriate authority as defined by ordinance;
4. A refusal to or a failure to comply with a lawful written or verbal order, directive, or instruction;
5. The filing of a civil suit by a civilian alleging any misconduct by an employee while on duty or acting in an official capacity;
6. The filing of a civil suit against an employee for off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threat of physical violence;
7. Criminal arrest of or filing of a criminal charge against an employee;
8. Allegation(s) that an employee has engaged in an act of domestic violence.

C. **Classification:** There are three classifications of a reportable incident. All reportable incidents shall be forwarded to the Chief of Police or Internal Affairs Supervisor to screen, record and classify the incident as one of the following (**See Figure #1**):

NOTE: All allegations of misconduct regardless of the source of the allegation shall result in an internal investigation.

1. Criminal Misconduct - Reportable Incidents classified as criminal misconduct will result in immediate notification of the County Prosecutor. No further action shall be taken, including the filing of charges against an employee, until directed by the Prosecutor.
 - a. Criminal Misconduct is defined as a reportable incident where there is an allegation of a crime or an offense.
2. Administrative Misconduct - An incident may be classified as administrative misconduct, in which case an investigation shall be conducted in accordance with this directive.
 - a. Administrative Misconduct is defined as a reportable incident where there is a serious violation of department rules and regulations, written directive; or, conduct which adversely reflects upon the employee or the department.
 - b. Repeat performance deficiencies may be classified as administrative misconduct.
3. Performance Deficiency - An incident which is classified as a performance deficiency shall be referred to the supervisor for addressing through non-disciplinary corrective actions, (corrective action shall be training or counseling only).

- a. A performance deficiency is defined as a reportable incident of any minor rule infraction that can be addressed at the supervisory level of an employee. This department recognizes that not all reportable incidents constitute misconduct and certain reportable incidents are more effectively handled outside of the disciplinary process. Performance deficiency incidents are not internal affairs investigations.

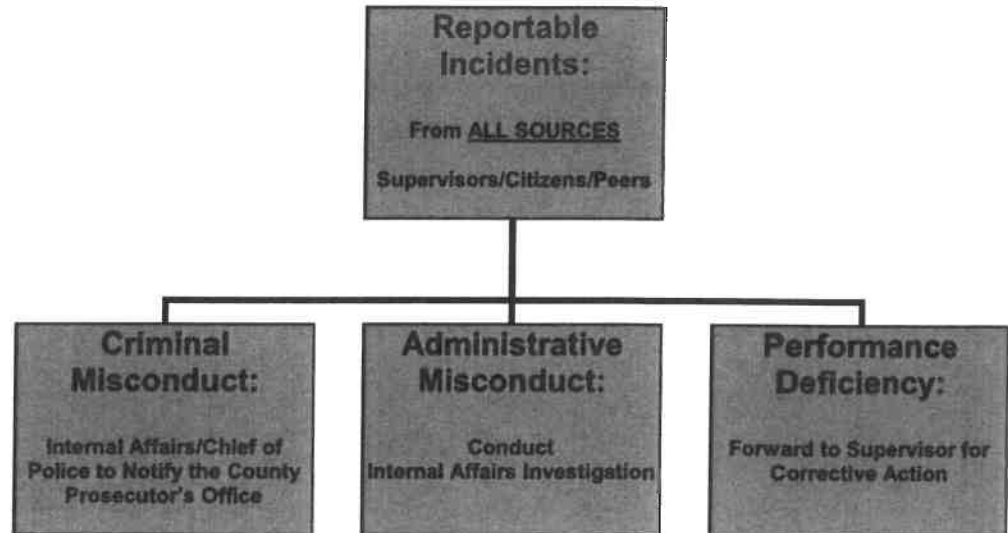


Figure #1 (Classification Process)

II. GUIDING PRINCIPLES

- A. The investigative process should seek to locate and identify all evidence available to either prove or disprove allegations made against an employee.
- B. With the exception of internal investigations that are part of an ongoing or potential criminal investigation, the majority of internal investigations are administrative in nature. Unlike criminal investigations where the burden of proof is beyond a reasonable doubt, the standard for administrative cases is a preponderance of the evidence.
- C. Also important is that strict rules of evidence and certain constitutional protections that apply in criminal cases do not attach to these investigations. In accordance with established case law, the investigator, reviewing authority and the Chief of Police can rely on types of evidence that would be inadmissible in a criminal proceeding providing, there is some indication of reliability.
- D. Furthermore, unlike criminal investigations, certain specific legal protections that arise in employment & labor matters and in police discipline matters apply to employees subject to an internal investigation. These include rights and practices commonly referred to as Weingarten, Loudermill, and Garrity rights, as well as contractual rights or those based on state or federal statute.
- E. Investigators and reviewers shall scrupulously adhere to the principles that all employees shall be afforded all rights to which they are entitled. At the same time, investigative and review personnel will also be aware of their obligations to determine the facts of each case utilizing investigative methods, which are consistent with acceptable practices in employee discipline cases.

- F. Internal Affairs investigations shall not rely solely on the outcome of related criminal matters or traffic matters. The conviction of a citizen complainant shall not be dispositive as to the citizen's complaint regarding the employee's conduct related to the incident. However, the court proceedings will be relevant and should be reviewed. Unless otherwise determined by the investigative plan, most cases involving a court action will require the collection and analysis of court records and transcripts of court appearances by the principal, complainant, or critical witnesses. The investigator should make every attempt to attend court proceedings, to monitor the progress/outcome of the case. As a monitor, the investigator need not notify the prosecutor, judge, or other court personnel of his/her presence and should not have any input in the proceedings.
- G. If a civilian signs criminal or traffic complaints, in addition to making an internal affairs complaint against an employee, a not guilty disposition of the court shall not automatically determine the outcome of the internal complaint. However, it will be relevant and part of the investigation.
- H. The investigator and reviewing authority shall consider that administrative charges have a different threshold of proof as well as less restrictive rules of evidence.
- I. As internal affairs investigators, a tendency to automatically grant more credibility to statements given by employees of the department and other law enforcement officials than to statements given by civilian complainants and witnesses must be carefully avoided. In certain situations where the credibility and motive of the complainant is reasonably suspected, a credibility determination may be made as provided for in this order below. However, investigators, unless otherwise authorized, will investigate the relevant facts of the allegations and not the background or motive of the complainant, unless relevant to the investigation.
- J. It is the policy of this department that personnel conducting internal investigations deal with complainants, witnesses, and principals in a professional manner. This includes being prepared for interviews, promptly responding to phone calls, and handling all related contacts during an investigation to leave citizens and employees alike with the impression that a thorough, fair, and impartial investigation of the allegation(s) will be conducted.
- K. Discovery of additional allegations and identification of additional principals:
 - 1. In conducting investigations, the propriety of all conduct by the employee relating to the subject matter of the investigation shall be reviewed.
 - 2. If during the course of an investigation, the investigator has reason to believe that misconduct occurred, other than that alleged, the investigator shall:
 - a. Document the information on a New Principal/Allegation Identification Form and forward it to the Internal Affairs Supervisor and/or Chief of Police to determine the appropriate response. Upon completion of the review, the form, which shall include all appropriate endorsements, will be returned to the investigator, and maintained as an attachment to the investigation.
 - b. Unless otherwise directed, the investigator shall investigate the additional allegation to its logical conclusion.

3. If during the course of an investigation, the investigator has reason to believe that another employee may have been involved in alleged misconduct and should be interviewed as a principal, the investigator shall:
 - a. Report the information on a New Principal/Allegation Form to the Internal Affairs Supervisor/Chief of Police, and await further instructions. Other aspects of the investigation should continue.

III. INTERNAL AFFAIRS UNIT

- A. The Internal Affairs Unit is herein established. The Internal Affairs Unit Supervisor shall have direct access to the Chief of Police on all matters involving internal affairs. Personnel assigned to the Internal Affairs Unit shall serve at the pleasure of and be directly responsible to the Chief of Police or designee. The Chief of Police shall not assign any person responsible for the representation of employees of the collective bargaining function to the Internal Affairs Unit.
- B. The goal of Internal Affairs Unit is to insure that the integrity of the department is maintained through a system of internal discipline where fairness and justice are assured by objective, impartial investigation and review.
- C. Internal Affairs Unit Supervisor shall be responsible for:
 1. The management of the Internal Affairs Unit;
 2. The coordination and review of all internal affairs investigations;
 3. The review of all allegations of misconduct by employees of this department;
 4. The immediate notification of the Chief of Police or designee of any allegation of wrongdoing on the part of an employee that would constitute a criminal offense or has the potential to have a significant negative impact on the operation or reputation of the department.
 - a. All other notifications shall be made on the next business day.
 5. The maintenance of a comprehensive central file and recordkeeping system on all complaints received by this department, whether investigated by Internal Affairs Unit personnel or assigned to an employee's supervisor for investigation and disposition. A quarterly report on the status of all pending Internal Affairs investigations will be provided to the Chief of Police.
 - a. Internal Affairs investigations shall receive an IA prefix and number.
 - b. Performance deficiency incidents shall receive a PD prefix and number.
 6. The preparing and mailing of a Complaint Acknowledgement Letter to all civilian complainants.
- D. Internal Affairs Unit shall be responsible for:

1. The investigation and review of all allegations of misconduct by employees of this department.
2. In addition to investigations concerning allegations of misconduct, the Internal Affairs Unit shall have additional responsibilities, to include the following:
 - a. Internal affairs shall be notified of and document all firearms discharges by department personnel that are not related to training, all use of force incidents that result in injury to a defendant or a third party, all vehicular pursuits undertaken by department personnel and all collisions involving department vehicles. Once notification has been received, internal affairs will determine whether additional investigation is necessary.
 - b. Internal affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct.
 - c. Internal affairs shall be responsible for any other investigation as directed by the Chief of Police.
3. The Internal Affairs Unit may conduct an internal affairs investigation on their own initiative upon notice to, or at the direction of the Chief of Police or Internal Affairs Supervisor.
4. The Internal Affairs Unit may refer reportable incidents classified as a performance deficiency to an employee's supervisor for investigation and corrective action.
5. The Internal Affairs Unit investigators or personnel temporarily assigned to that function shall have the authority to interview any employee of the department and to review any record or report of the department relative to their assignment. Requests from the Internal Affairs Unit personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the Chief of Police. Employees assigned to the Internal Affairs Unit come under the direct authority of the Chief of Police.
6. Notification to the Bergen County Prosecutor's Office
 - a. The Chief of Police or designee shall immediately notify the Bergen County Prosecutor's Office of any allegation involving criminal wrongdoing by a law enforcement officer that may lead to charges of an indictable nature.
 - b. The Internal Affairs Annual Report shall be submitted to the Bergen County Prosecutor's Office as directed by that office.
7. An annual report summarizing the types of complaints received and the dispositions of the complaints should be made available to the public. The names of complainants, witnesses, and principals shall not be published in this report.
8. The Paramus Police Department shall periodically release a brief synopsis of all complaints where a fine or suspension of ten days or more was

assessed to a member of the agency. The synopsis shall not contain the identities of the officers or complainants.

IV. ACCEPTING COMPLAINTS

A. Duty of Employees to Self Report

1. All employees shall immediately self-report using the Reportable Incident Form, in no case more than four hours, the following to the Internal Affairs Unit and the Chief of Police through the chain of command:
 - a. Whenever the employee is arrested or criminally charged for any conduct.
 - 1) The report must be made immediately, and in all cases prior to release or leaving the law enforcement agency. In the case of service of criminal charges, the notification must be made immediately upon the receipt of the charges.
 - b. Whenever the employee is named as a party in any civil suit involving their conduct while on duty or otherwise while acting in an official capacity.
 - c. Whenever the employee is named as a party in any civil suit regarding off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threats of physical violence by the employee.
 - d. Whenever the employee is alleged to have committed an act of domestic violence.
2. When employees report this information to a supervisor, the supervisor shall directly and immediately report the information to the Internal Affairs Unit, in no case more than four hours after receipt of the notification. The Chief of Police shall notify the Bergen County Prosecutor's Office of the receipt of this information.

B. Duty of Employees to File a Reportable Incident Form for Actions of Other Employees

1. An employee who receives information defined as a reportable incident shall report such information to the Internal Affairs Supervisor/Chief of Police through the chain of command.
2. All employees must report directly to the Internal Affairs Unit, or the Chief of Police through the chain of command any conduct by another employee that reasonably appears to constitute any of the following:
 - a. Prohibited discrimination;
 - b. An unreasonable use of force or a threat of force;
 - c. A constitutional violation;

- d. Failure to follow any of the documentation requirements, including documentation of civilian complaint filing procedures;
 - e. Providing false information in an investigation of an employee for misconduct or in any report, log, or transmittal of information to department communication center.
 - f. Any violations discovered during a supervisory review (staff inspection) of personnel. Supervisors conducting the review shall be held accountable for their referral decisions.
3. Retaliation against any employee for reporting misconduct shall constitute a serious disciplinary offense and may lead to a severe penalty up to and including termination.

C. Complaints from the Public

- 1. All department personnel are directed to accept reports of agency or employee misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. Citizens are to be encouraged to submit their complaints in person as soon after the incident as possible. If the complainant cannot file the report in person, a representative from the Internal Affairs Unit shall visit the individual at their home, place of business, or at another location in order to complete the report, if possible. Telephone, e-mail, and facsimile complaints shall also be accepted.
- 2. If a member of the Internal Affairs Unit is immediately available, they shall take the complaint.
- 3. If a member of the Internal Affairs Unit is not immediately available, the complainant will be referred to the duty supervisor. In the absence of the duty supervisor, any department employee shall accept the report of employee misconduct.
- 4. Department personnel receiving the complaint shall:
 - a. Provide the person making the complaint with the Internal Affairs Information Sheet, which explains the department's Internal Affairs procedures.
 - b. Advise the complainant that he or she will be kept informed of the status of the complaint and its ultimate disposition.
 - c. Complete as much of the Internal Affairs Complaint Form as possible before forwarding it to the Internal Affairs Unit Supervisor.
 - d. Have the complainant sign the completed form. If the complainant will not sign the form, the employee receiving the complaint will so note that fact. However, the failure of a citizen to sign a complaint will in no way preclude the investigation of the allegations.
 - e. The Reportable Incident Form shall be completed by the employee taking the complaint and shall accompany the Internal Affairs Complaint Form. Both forms shall be forwarded to the Internal Affairs Unit for recording in the master Internal Affairs

recordkeeping system and classification by the Chief of Police/Internal Affairs Supervisor.

5. All department personnel are directed to accept reports of agency or employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.
 - a. An employee of the department who interferes with or delays the reporting or investigation of such complaints may be subjected to disciplinary action.
6. If a complainant wants to make a complaint against an employee of another law enforcement agency, he/she will be referred to that agency. If the complainant expresses fears or concerns about making the report directly, he/she will be referred to the respective county prosecutor's office.
7. If a complaint is received from another law enforcement agency, the complaint will be forwarded to the Chief of Police/Internal Affairs Supervisor for classification.
8. In accordance with the Attorney General's Directive No. 2007-3, on immigration issues, no state, county or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness or person requesting or receiving police assistance. An exception to this requirement shall exist if: (a) the County Prosecutor or the Director of the Division of Criminal Justice determines, in writing, that good cause exists to inquire about or investigate the person's immigration status, (b) if the person has been arrested for an indictable offense or for driving while intoxicated, or (c) as may be constitutionally or otherwise legally required during the criminal litigation discovery process.

D. Complaints shall be handled as follows:

1. All complaints will be forwarded to the Chief of Police or Internal Affairs Supervisor for classification and entry into the record keeping system.
2. Unless otherwise directed by the Chief of Police or designee, complaints classified as a performance deficiency shall then be forwarded to the supervisor of the employee for investigation and corrective action.
3. All other complaints classified as misconduct shall be retained by the Internal Affairs Unit.
4. The principal shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.

V. IMMEDIATE SUSPENSIONS

A. Suspension Pending Disposition or Investigation

1. A supervisor or Chief of Police may immediately suspend an employee from duty if it is determined that one of the following conditions exists:

- a. The employee is unfit for duty; or
 - b. The employee is a hazard to any person if permitted to remain on the job; or
 - c. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 - d. The employee has been formally charged with a first, second or third degree crime; or
 - e. The employee has been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty, or the act touches upon his or her employment.
2. The supervisor imposing the immediate suspension must:
- a. Advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges.
 - 1) If the employee refuses to accept the written notification of immediate suspension, it shall be given to a representative of the employee's collective bargaining unit.
 - b. Provide the employee with a sufficient opportunity to review the charges and the evidence and to respond to either orally or in writing.
 - c. Advise his immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
3. Administrative Reassignment
- a. Administrative reassignment may be used in cases involving the use of force, which results in death or serious bodily injury, unless the employee is suspended or placed on administrative leave pending the outcome of the investigation.
 - b. The administrative reassignment is subject to change by the Chief of Police or designee upon the outcome of the investigation.
4. Filing formal charges
- a. Within five days of the suspension, the department must complete and file formal disciplinary charges against the suspended employee. The filing of charges shall be suspended if the employee's suspension is due to a potential criminal matter under review by the Bergen County Prosecutor's Office.

VI. INVESTIGATION AND ADJUDICATION

- A. All internal affairs investigations shall be conducted in accordance with the department's Internal Affairs Investigation Manual. When a conflict occurs between the manual and this written directive, the written directive shall prevail.
- B. Criminal Misconduct Complaints
 - 1. Where preliminary investigative data indicates the possibility of a criminal act on the part of the employee, or the investigation involves an allegation of the excessive use of force, the Chief of Police shall be notified immediately who will then notify the Bergen County Prosecutor's Office. No further action shall be taken, including the filing of charges against the employee, until directed by the Chief of Police and the Bergen County Prosecutor's Office.
 - a. The Chief of Police shall be immediately notified when an employee is accused of a crime, domestic violence violations, any incident that attracts media attention, and any incident that would affect the efficient and effective operation of the department. In addition, the duty supervisor shall take any immediate action necessary to preserve the integrity of the department until directed otherwise by the Chief of Police or his/her designee.
 - b. All other notifications shall be made on the next business day.
 - 2. The Internal Affairs Unit shall interview the complainant, all witnesses as well as review relevant reports and records, and obtain other relevant information and materials.
 - a. A principal shall not be compelled to answer any questions in the absence of a grant of use immunity as conferred by the Bergen County Prosecutor's Office.
 - b. The Internal Affairs Unit investigator shall consult with the Bergen County Prosecutor regarding the advisability of giving a Miranda Warning Form to the principal.
- C. Administrative Misconduct Complaints
 - 1. When preliminary investigative data indicates an administrative misconduct offense, which may result in disciplinary action:
 - a. A supervisor must notify the Internal Affairs Unit, who will conduct a full investigation of the matter to include interviewing the complainant, all witnesses as well as review relevant reports and records, and obtain other relevant information and materials.
 - b. The Internal Affairs Unit will notify the Chief of Police of the offense; and
 - c. The Internal Affairs Unit will forward copies of the appropriate disciplinary documents and investigation reports to the Chief of Police for review; and

- d. The Internal Affairs Unit will be responsible for the final case disposition and implementation of discipline, as determined by the Chief of Police or designee.

D. Performance Deficiency Complaints

1. When a complaint has been classified as a performance deficiency, the complaint shall be forwarded to the employee's supervisor for inquiry and further action necessary. The supervisor shall then prepare a report summarizing the matter, recommending the appropriate corrective action.
2. The supervisor shall forward the completed investigation report to the Internal Affairs Unit for review, and entry of the disposition in the Internal Affairs record keeping system.

E. Interview Procedures

1. Preparation

- a. All complainants, principals and witnesses shall be interviewed after careful preparation, including the review of the investigative file and all documents, evidence, and interviews conducted up until the interview. The investigator, in consideration of the investigative plan, should have pre-formulated goals to be accomplished with each interview.

2. Memorializing of the Interview

- a. The interview of the complainant, principal, and any other witness with critical information shall be documented or memorialized in one of the following ways:
 - 1) An audio recorded statement is the preferred method of documenting and memorializing information obtained through an interview. A synopsis of the recorded statement will be included in the narrative of the Internal Investigation Report. All statements of department personnel will be audio recorded. (When directed by the Internal Affairs Supervisor or Chief of Police, the pertinent portions of this statement will be transcribed.)
 - 2) Video tape recorded.
 - 3) Handwritten statements taken by investigator shall be reduced to writing and signed on each page by the person making the statement.
 - 4) A summary of the substance of the interview will be incorporated in the body of the appropriate internal investigation report.
- b. Investigators must at all times remain cognizant that civilian witnesses who are not employees of the department cannot be compelled to provide a statement in any manner. However, all

reasonable efforts should be made to obtain a statement when warranted from non-police personnel in the order of priority as is listed above.

- c. All persons submitting to such a recorded or written statement, including the complainant, witnesses, and the principal(s) will, upon request, be provided with a copy of same by the investigator, unless by doing so, it could compromise the investigation.
- d. Other than investigators authorized by the department, employees of this department shall not electronically record nor cause any interview to be electronically recorded. The copy of the official statement shall be produced and provided within a reasonable amount of time. The employee receiving the copy of the statement shall be reminded of the absolute requirement that same not be copied, shown, or revealed to anyone other than the employee's attorney, if any. Violation of this provision will result in serious disciplinary action.
- e. Audio or written statements shall be made attachments within the investigative file, unless the matter is criminal in nature. In that case, evidence shall be handled in accordance with department policy regarding the handling of evidence in a criminal matter.
- f. All recorded statements will be summarized in the body of the appropriate internal investigation report. (When directed by the Internal Affairs Supervisor or Chief of Police, the pertinent portions of the statement will be transcribed and the transcript itself also included as an attachment to the case.)
- g. The interview of any non-department person shall document the following identifiers:
 - 1) Full name;
 - 2) Address;
 - 3) Home Phone;
 - 4) Race;
 - 5) Sex;
 - 6) DOB;
 - 7) Place of Employment;
 - 8) Work Phone;
 - 9) Names of all persons present during interview; and

- 10) Date, time, and location of interview.
 - 11) Further identifiers such as social security number or SBI or FBI numbers shall not be requested or utilized unless directly relevant to the investigation.
- h. Upon obtaining a recorded statement the investigator will ensure that the audio or video recording is finalized and transferred to a CD. A copy of the CD will also be made and placed in the case file. Finalizing the disk will ensure that the recording cannot be altered. The investigator will then label the CDR-DVD and include the medium as a case attachment to the report. The statement, if transcribed, will also be included as a case attachment regarding administrative investigations. In cases where the interview concerns a criminal matter, the CDR-DVD will be secured and handled as evidence.
 - i. The investigator will label the CDR-DVD in the following manner:
 - 1) Statement of: Officer J. Smith;
 - 2) Signature of Officer Smith and date;
 - 3) Signature of Investigator and badge number;
 - 4) Initials and badge number of witnessing investigator; and
 - 5) Date and time of interview.
 - 6) For criminal investigations, the investigator will label the evidence packaging in the following manner:
 - a) Case number;
 - b) Statement of: Officer J. Smith;
 - c) Signature of Investigator and badge number; and
 - d) Date and time of interview.
3. Secondary Investigator as a Witness
 - a. The utilization of a second investigator as a witness to any interview or written statement is not required; however, it may be authorized in certain circumstances.
 4. No Right to Legal Representation in Administrative Internal Investigations
 - a. During the course of the administrative interview, an employee may be represented by a union representative of their choosing to include an attorney, so long as the availability of the attorney does not in any way hamper or impede the on-going investigation. This is not a sixth amendment right. If the investigation is criminal in nature the employee's union representative is prohibited from attending the interview.

- b. Complainants and witnesses who are not employees of the agency cannot be precluded from having a legal representative present while being interviewed by investigators.

5. Interview of Complainant

- a. After the preparation detailed above, all efforts must be made to interview a complainant in person. Complainant interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.
- b. The investigator shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The investigator shall reasonably accommodate a civilian's circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than the department or at a time other than regular business hours.
- c. Interviews of civilian complainants, which take place over the telephone, must be recorded, unless the witness objects to the recording.
- d. Investigators must treat the person being interviewed with dignity and respect, and demonstrate interest and concern in dealing with the complainant. Employees shall not attempt to dissuade any person from making a complaint. Employees shall conduct themselves as to facilitate the citizen's confidence in the internal investigative process.
- e. Complainants and witnesses shall not be questioned about any matters that are not directly relevant to the allegations of the investigation. Any questioning intended to challenge the credibility of a complainant or witness must be approved beforehand by the Internal Affairs Supervisor and/or Chief of Police. Investigators shall make every effort not to ask questions that may demean, ridicule, or cause embarrassment to the complainant.
- f. Questions must be carefully thought out and absolutely relevant to the investigation. Any questionable issues should be discussed with and approved by the Internal Affairs Supervisor and/or Chief of Police before conducting the interview.
- g. Group interviews shall not be conducted.
- h. Complainants should be interviewed outside the presence of other complainants and witnesses. A parent, or adult relative or guardian in the absence of a parent, shall be present during the interview of a minor. In the event, a parent cannot be located; the investigator must document the efforts taken to contact same. If a civilian insists that another potential witness be present during an interview, the interview must continue with the potential witness present and the report must note the circumstances.

i. Structure of Interview

- 1) Complainants should be initially asked to explain in their own words, in detail, the facts forming the basis of the complaint. The investigator should then clarify any questions or issues regarding the complainant's statement.
- 2) After the complainant has provided a statement, the narrative of the Reportable Incident Form, Citizen Complaint form, recorded phone complaint, or correspondence from the complainant should be reviewed with the complainant.
- 3) The investigator shall seek to rectify or identify any discrepancies as well as identify any further investigative requirements.
- 4) The complainant should be asked to identify any witnesses and state what they believe the witness may have knowledge of; turn over any evidence in their possession; and identify what other types of evidence they know.
- 5) Every relevant fact known to the complainant should be identified and explored thoroughly.
- 6) Issues identified in the Investigation Plan, should be addressed.
- 7) In addressing the allegations, questions utilized in the basic investigative process, namely: **who, what, when, where, why, and how**, should be precisely addressed.
- 8) The complainant and or witnesses have no automatic right to view any department video recordings. It shall be up to the discretion of the investigator, whether utilizing any department video recordings during an interview will enhance or clarify the investigative process.
- 9) If a complainant refuses to be interviewed, or cannot be located or contacted, a letter should be immediately forwarded on department letterhead, via certified mail, authorized and signed by the Internal Affairs Supervisor and/or Chief of Police, advising that he/she should respond within ten (10) days or the investigation will proceed without his/her input.

6. Interview of Witness

- a. Every effort should be made to interview all witnesses. The full identity of the witness should be obtained. If the witness refuses to be interviewed, or cannot be contacted after a reasonable attempt to locate, a certified letter should be sent on department letterhead advising that witness should respond within ten calendar (10) days.

- b. Specific and detailed questions should be asked including: who, what, when, where, why, and how the incident or event occurred. The investigator should have a clear purpose in identifying relevant witnesses and selecting what questions to ask them. These issues should be established in the Investigative Plan.
- c. The aforementioned techniques outlined in the complainant interview should be applied to the interview of witnesses.
- d. Witness interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.

7. Interview of Employees

- a. Generally, the interview of an employee is accomplished after the complainant and all witnesses are interviewed. However, this is determined by the character of the inquiry and remains a choice of the investigator. Such interviews are a critical step in the investigation and should be carefully planned. Investigators shall not accept a written statement from any employee in lieu of an interview.
- b. Employee as: **WITNESSES**
 - 1) It is required that a formal recorded statement be taken from each employee considered a witness. Statements need not be transcribed, but must be summarized in the appropriate internal investigation report. The key elements of the statement may be transcribed if necessary. A sworn member who is considered a witness is entitled to union representation if he/she reasonably believes that he/she may be subject to disciplinary action as a result of the investigation.
 - 2) Advise the employee that he/she is a witness, explaining the difference between a witness and principal.
 - a) A witness is a person reasonably believed to have information concerning the event under investigation, but whose own conduct is not the focus of the investigation.
 - b) A Principal is a person whose conduct is the focus of the investigation.
 - 3) Before any questioning takes place, the employee shall be apprised of the identity of the investigator conducting the interview, including his/her rank, name, and assignment. This notice shall also include the identity of all persons present during the interview.
 - 4) The investigator may require the employee to submit a report detailing relevant facts in the investigation. If a report is required, the investigator will provide the employee with

the background information regarding the nature and timeframe of the complaint. The employee should be encouraged to review any of his or her own reports. **(NOTE) Not to be used in lieu of an audio recorded statement.**

- 5) A formal statement will be obtained from the witness after he/she has been given their Witness Acknowledgment Form. The investigator shall further verbally confirm the member's obligation for candor throughout an internal investigation, pointing out the specific provision of the acknowledgment form denoting such.
- 6) If, during the interview, the status of an employee shifts from a witness to a principal, the member shall be advised accordingly. The investigator shall contact the Internal Affairs Supervisor and/or Chief of Police to secure permission to proceed. If approval is granted to proceed, the investigator will execute a Principal Acknowledgment Form. Upon completion of the interview, the investigating officer will complete a New Principal/Allegation Identification Form, and forward same to the Internal Affairs Supervisor and/or Chief of Police for the purpose of updating the case. A copy of the completed form, incorporating all required endorsements must be secured and submitted as an attachment to the investigation.

c. Employee as: **PRINCIPAL**

- 1) No employee shall be designated a principal without the approval of the Internal Affairs Supervisor and/or Chief of Police.
- 2) Each employee of the department is required to answer pertinent questions regarding the matter, which is the subject of investigation. All employees of the department are obligated to answer questions and provide full and complete information to the investigator(s) during internal investigations. Less than complete candor during any statement may lead to serious disciplinary sanctions, which may include suspension or termination.
- 3) The investigator shall not automatically provide the principal with the Citizen's Complaint Form or the Reportable Incident Form. Principals shall be advised of the specific nature of the complaint, the time period involved, any allegation(s) or violation(s) of rules, regulations, and orders involved, and if applicable, the name or names of the complainant(s) and/or witnesses, in writing. The addresses of the witnesses or complainants need not be disclosed.
- 4) In cases where these documents are shown to the Principal, the investigator shall redact from the letter of complaint or Reportable Incident Form, or any other relevant document provided to the principal during the interview, any information that may compromise the investigative process

by providing same to the Principal. Redacted documents utilized during the investigation for any purpose shall be properly referenced in any interview and included as an attachment to the Investigation Report.

- 5) As an employee of the department, the Weingarten Representative shall be advised of the obligation of confidentiality and the requirement not to discuss any information obtained during an interview with any other person. (Weingarten Rights)
- 6) The Principal may produce records of his/her own or suggest names of witnesses he/she requests to be interviewed.
- 7) A formal audio or video recorded statement will be obtained from the Principal after he/she has been advised of their Administrative Advisement. The investigator shall further verbally confirm the employee's obligation for candor throughout an internal investigation.
- 8) The following guidelines will be followed when union representation is requested.
 - a) Any employee designated as a principal or witness, who reasonably believes that the investigation may result in disciplinary action against him/her, is entitled, upon request of the interviewee, to have a union representative accompany the interviewee to the interview.
 - b) Any employee who is a potential principal or witness in the investigation may not act as a Weingarten representative.
 - c) The exercise of the interviewee's right to union representation may not interfere with the investigation. However, a reasonable period of time should be allowed for the representative to appear for the interview.
 - d) An interviewee is not entitled to the representative of his/her choosing. Any union officer or representative or other person designated by the union will satisfy the representation requirement.
 - e) The Principal and his/her representative shall be informed of the subject matter of the investigation and given a reasonable period of time to confer prior to the interview. The union representative may be present during the interview, and once the interview has begun, they may not leave the room for purposes of further consultation. If the Principal refuses to make a statement or answer any questions, he/she will be informed that such refusal

may result in discipline/dismissal and the interview shall be terminated.

- f) The investigator shall not negotiate with the representative. The representative may be permitted to clarify facts or make suggestions (e.g., other potential witnesses) after the investigator's questioning of the Principal. The investigator is free to insist that he/she is only interested in hearing the interviewee's own account of the matter under investigation. In other words, the representative shall not be permitted to answer for the Principal or conduct their own interview.
- 9) The interview shall be conducted at a reasonable hour in a non-coercive manner, without threat or promise of reward, and preferably when the officer is on duty. No "off the record" questions will be asked and no "off the record" statements will be permitted. If the urgency of the investigation requires that the officer is questioned while off duty, such time will be recorded and treated as hours worked in accordance with contractual union agreements, where applicable.
- 10) The interview shall be conducted at a location designated by the investigator, usually at headquarters.
- 11) The questioning shall be of a reasonable duration and rest periods allowed. Time shall be provided for personal necessities, meals, and telephone calls as are reasonably needed.
- 12) If at any time during the questioning session the employee becomes a suspect in a criminal act, the employee shall be so informed and the questioning shall end. Promptly refer the case to the Bergen County Prosecutor. Should the Prosecutor afford the employee a grant of use immunity, the Internal Affairs Unit investigator shall schedule an interview with the employee.

F. Investigative Avenues

1. Physical Evidence

- a. Investigators should obtain all relevant physical evidence. All evidence, such as clothing, hair or fabric fibers, stains and weapons should be handled according to established evidence procedures.
- b. With respect to an audio file, they should be secured at the outset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Audio files should be monitored to reveal the totality of the circumstances.
- c. Sworn statements from all parties.

2. Photographs

- a. In the event of a complaint involving excessive force, the following photographic documentation shall be obtained when appropriate. Whenever possible, color photography shall be used.
 - 1) Photographs of the complainant at the time of arrest or following the alleged incident of excessive force.
 - 2) Photographs of the principal in the event that employee was a victim.
 - 3) A recent photo of the employee in the event a sequential photo display will be used for identification purposes. The photo display must be properly retained for possible evidentiary purposes.
 - 4) Photographs of the scene of the alleged incident, if necessary.

3. Physical Tests

- a. Principals may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may be used against them in a disciplinary proceeding.
- b. No person has a constitutional right or privilege to refuse to submit to an examination to obtain a record of their physical features and other identifying characteristics of their physical or mental condition. Evid. R. 503(a). Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:
 - 1) Breath sample
 - 2) Blood sample
 - 3) Buccal Swabs
 - 4) Requiring employee to speak
 - 5) Voice recordings
 - 6) Participation in a suspect lineup
 - 7) Handwriting samples
 - 8) Hair and saliva samples
 - 9) Urine analysis
 - 10) Videotaping
 - 11) Field sobriety tests

- c. Generally, a person cannot be physically forced to produce this or other evidence or submit to such tests, although a court order may be obtained to legally compel them to do so. Refusal to comply with the order can result in additional criminal, civil, and/or administrative sanctions.
- 4. Polygraph
 - a. While an employee who is the subject of an Internal Affairs investigation may request a polygraph examination, an employer shall not influence, request or require an employee to take or submit to a polygraph examination as a condition of employment or continued employment (N.J.S.A. 2C:40A-1).
 - b. An employee cannot be required to submit to a polygraph test on pain of dismissal. Engel v Township of Woodbridge, 124 N.J. Super. 307 (App. Div. 1973).
 - c. If a polygraph is used, the test must be administered by a qualified police polygraph operator.
- 5. Search and Seizure
 - a. All department assigned storage space, offices, lockers, desks, vehicles, computers, briefcases, and electronic devices are subject to a search/inspection without notice.
 - b. Personal brief cases shall not be searched without a warrant.

VII. REPORTING

- A. Upon completion of all possible avenues of inquiry, the Internal Affairs Unit investigator shall complete the following reports:
 - 1. The internal investigation will be memorialized on the reports as are hereinafter identified. The reports will be submitted to the Internal Affairs Supervisor and/or Chief of Police for approval on a regular basis so as to keep the case current at all times.
 - 2. All approved original reports will be maintained by the investigator until the investigation is concluded at which time the complete case file will be submitted to the Chief of Police through the Internal Affairs Supervisor.
 - 3. The completed report will be submitted in a report folder/envelope. The investigator will include the Internal Investigation Attachment Log, followed by the Reportable Incident Form, the Investigation Report, and the remaining attachments, numbered sequentially. Supplemental Internal Investigation Reports will be placed in the folder as numbered attachments, in the correct chronological order.
 - 4. The Internal Investigation Allegations and Conclusions Form will be attached to the report folder on the left side. An Internal Investigation Review Sheet will be secured to the left inner cover, on top of the Allegations and Conclusions.

5. All attachments will be marked, unless marking the document in that area would damage or interfere with the content of the attachment.

B. Report Flow

1. The investigation should be completed and all reports prepared within **thirty (30) calendar days** of being assigned. Authorization for additional time to complete investigations must be received from the Internal Affairs Supervisor and/or Chief of Police, in accordance with the investigation extension procedure.
2. The investigator, upon completion of the report, shall forward it directly to the Internal Affairs Supervisor, who will forward it to the Chief of Police.
3. The Internal Affairs Supervisor will review the case and make recommendations to the Chief of Police regarding discipline.
4. The Chief of Police, upon receipt of the recommendation, will review the matter and make the final determination or return the case for further investigation.
5. Once the Chief of Police is provided with "sufficient information" to file a charge, the Chief of Police has forty-five (45) days to do so. **(NJSA 40A:14-147).**
6. Whenever a final determination is reached in an internal investigation, the employee(s) involved as a Principal(s) and the complainant(s) shall be notified in writing by the Chief of Police of that determination.
7. If discipline is imposed, a record of such discipline, not including the investigation report or attachments, shall be placed in the employee's personnel file.

C. Internal Investigation Plan

1. The case investigator shall meet with the Internal Affairs Supervisor and/or Chief of Police within five (5) business days of being assigned to conduct the internal investigation, to discuss and formulate an investigative plan.
2. Thereafter the case investigator will complete an Internal Investigative Plan, and submit same for approval prior to the conclusion of the meeting. When approved by the Internal Affairs Supervisor and/or Chief of Police, the plan will be maintained as case notes and secured in the case jacket dedicated to that investigation at Headquarters.

D. Internal Investigation Report

1. Within ten (10) calendar days of being assigned to conduct an internal investigation, the case investigator must complete an Internal Investigation Report and submit same for approval to the appropriate Internal Affairs Supervisor and/or Chief of Police. The report must include:
 - a. Documentation that the complainant has been contacted by the investigator to advise them of their assignment as the case investigator and to arrange a meeting to conduct an interview. If the investigator is unable to contact the complainant, the report

must reflect that the appropriate certified ten (10) day letter, endorsed by the Internal Affairs Supervisor or Chief of Police, has been mailed to the complainant.

- b. Documentation that the case investigator has contacted the Principal(s) and informed them of the nature of the complaint against them.
- c. An analysis of the allegations to be addressed by the investigation, linked to specific provisions of the Rules and Regulations, and/or any guidelines that govern the behavior of employees of the department.

E. Supplemental Internal Investigation Report

- 1. A Supplemental Internal Investigation Report will be submitted on a regular basis to document the investigative process on all internal investigations wherein investigative activity took place during that period. For the purposes of this directive, the term regular basis shall be interpreted to mean at least every ten (10) calendar days, unless the Internal Affairs Supervisor and/or Chief of Police or his/her designee waives this requirement.

F. Internal Affairs Attachment Log

- 1. An Internal Investigation Attachment Log will accompany each case when submitted by the investigator.
- 2. The Attachment Log will account for all attachments accumulated during the investigation. The Reportable Incident Form will always be attachment #1. The Internal Investigation Report will be attachment #2. Thereafter, each individual Supplemental Internal Investigation Report will be assigned a separate attachment number.
- 3. A separate log number will be assigned to every attachment, unless the attachment is a multiple page document, at which time it will be secured as a singular attachment.
- 4. Each attachment accumulated and documented in the investigation report will receive a separate log number and be appropriately cross referenced in chronological order.

G. Internal Investigation Allegations and Conclusion Report

- 1. At the conclusion of the investigation, the investigator will prepare allegations and conclusions.
- 2. The allegation will set forth, in narrative form, the alleged misconduct and be linked to the specific provision of the Rules and Regulations and/or directive purportedly violated.
- 3. The conclusion reached by the investigator, based upon the facts developed in his/her investigation, will fall into one of the following five (5) dispositions.

- a) Sustained - a preponderance of the evidence shows that an employee violated agency rules, regulations, protocols, standard operating procedures, directives, or training;
 - b) Unfounded - a preponderance of the evidence shows that the alleged misconduct did not occur;
 - c) Exonerated - a preponderance of the evidence shows that the alleged conduct did occur, but did not violate rules, regulations, standard operating procedures, directives, or training;
 - d) Not Sustained - based upon the preponderance of evidence standard, there is insufficient evidence to decide whether the alleged misconduct occurred.
 - e) Administratively Closed - In some cases, the complaint or investigation is closed prior to reaching a disposition. These should be counted as "Administratively Closed."
- 4. The conclusions should be written in paragraph form wherein each piece of evidence that is relied upon in order to reach the conclusion found is individually numbered.
 - 5. These individual paragraphs should be in sufficient detail that standing alone they provide a concise synopsis of the investigation and its findings.
 - 6. These individual paragraphs should be footnoted to the source attachment used in formulating the paragraph.
 - 7. The final paragraph in the allegations and conclusions should encompass verbiage that reads, in effect; "that based upon the preponderance of evidence accumulated in the investigation it is concluded that:
 - a) There is insufficient evidence that <Officer/Employee> did <alleged behavior>.
 - b) The allegation that <Officer/Employee> did <alleged behavior> is unfounded.
 - c) The allegation that <Officer/Employee> did <alleged behavior> is substantiated.
 - d) The investigation exonerates <Officer/Employee> of the allegation of <alleged behavior>
 - e) The investigation into <alleged behavior> of <Officer/Employee> is administratively closed at this time due to <Officer/Employee> terminating his or her employment prior to disposition of the complaint.

H. Internal Investigative Review Sheet

- 1. Each time a supervisor reviews the internal investigation, he/she will complete the form as the reviewer. Occasions may arise when the reviewer will review the case more than once. For example, the Internal Affairs Supervisor reviews the case and returns it to the investigator.

Subsequently, the investigator resubmits the case to the Internal Affairs Supervisor. The Internal Affairs Supervisor will now complete the Internal Investigation Review Sheet as the second reviewer.

2. Upon the conclusion of all internal investigations, the investigator will generate an Internal Investigation Review Sheet, which will accompany the submitted investigation.
3. The Internal Investigation Review Sheet will accompany the case as it progresses through the review process and be completed by each supervisor reviewing the case.
4. When the supervisory reviews of the case are ultimately concluded, the Internal Investigation Review Sheet will be maintained as case notes and secured in the case jacket. This report may be hand-written by the reviewer.

I. New Principal/Allegation Identification Form

1. During the interview, if the status of an employee shifts from a witness to a Principal, the employee shall be advised accordingly. The investigator shall contact the Internal Affairs Supervisor and/or the Chief of Police to secure permission to proceed.
2. If approval is granted to proceed, the investigator will complete a New Principal Identification Form and forward same to the Internal Affairs Supervisor and/or Chief of Police, for the purposes of updating the case. A copy of the completed New Principal/Allegation Identification Form, incorporating all required endorsements, must be secured and submitted as an attachment to the investigation.
3. This form will also be used to document perceived violations of policy and procedure not relevant to the complaint or the alleged misconduct being investigated.

J. Request for Extension of Investigation

1. Exceptions to the thirty (30) calendar day requirement to complete all internal investigations may be granted only in the following cases:
 - a. The investigation is pending criminal prosecution.
 - b. The investigation is undergoing a prosecutorial review to determine if the matter will be prosecuted criminally.
2. This form must be submitted to the Internal Affairs Supervisor or Chief of Police for approval as soon as any of the foregoing criteria is met.
3. The completed form, including all required endorsements, must be submitted as an attachment to the investigation.

K. Performance Notice: is the form that must be completed by a supervisor to address the corrective action taken as a result of the performance deficiency.

1. A Performance Notice shall be used when the performance deficiency warrants a corrective action of training or counseling.

2. The supervisor recommending the issuance of a Performance Notice form (counseling, or training) shall complete and forward the unsigned copy along with the completed investigation report to the Internal Affairs Unit Supervisor for review and approval.
 3. Upon approval, the Performance Notice will be returned to the principal's supervisor for signature and service.
 4. The employee shall be advised of the corrective action by the issuing supervisor. The employee shall sign the Performance Notice and be given a copy of the document. The original document shall be forwarded to the Internal Affairs Supervisor for filing.
- L. Reprimand Notice (verbal/written reprimand): is the form that must be completed by a supervisor to address the disciplinary action initiated as a result of repeated performance deficiencies or administrative misconduct.
1. A Reprimand Notice shall be used when the performance deficiency or misconduct warrants a disciplinary action of a verbal or written reprimand.
 2. The supervisor recommending the issuance of a Reprimand Notice form (verbal or written) shall complete and forward the unsigned copy to the Internal Affairs Unit Supervisor for review and approval.
 3. Upon approval, the Reprimand Notice will be returned to the principal's supervisor for signature and service.
 4. The employee shall be advised of the disciplinary action by the issuing supervisor. The employee shall sign the Reprimand Notice and be given a copy of the document. The original document shall be forwarded to the Internal Affairs Unit Supervisor for filing.
- M. Formal Charge
1. A Notice of Charge Form shall be used for requested discipline that could result in a discipline exceeding a written reprimand.
 2. If the complaint is sustained, and it is determined that formal charges should be preferred, the Chief of Police or designee shall direct the Internal Affairs Unit Supervisor or designee to prepare the Notice of Charge Form, sign, and serve charges upon the principal.
 3. The Notice of Charge Form shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of a plea. The date will be listed on the notice and must provide a reasonable time, at least 5 days after the date of service of the charges to enter a plea and request a hearing, if applicable.
 4. Conclusion of fact and the penalty imposed will be noted in the employee's personnel file after he or she has been given an opportunity to read and sign it. Internal Affairs will cause the penalty to be carried out and complete all required forms.

- N. If the employee charged waives a hearing and enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to assessing a penalty.

VIII. HEARINGS

- A. Upon written notice of a request for a hearing from the principal, the Chief of Police will set the date for the hearing, no sooner than 10 days and no more than 30 days, and arrange for the hearing of the charges.
- B. Internal Affairs shall be responsible for or assist the assigned supervisor or prosecutor in the preparation of the department's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
- C. In the event of a hearing, the Internal Affairs Supervisor will be responsible for preparing a discovery package from the Internal Affairs file, and providing it to the principal or his or her representative.
- D. The hearing shall be held before the appropriate authority or the appropriate authority's designee. In accordance with N.J.S.A. 40A:14-148, except as otherwise provided by law, the officer, board or authority empowered to hear and determine the charge or charges made against an employee of the police department, shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.
- E. All disciplinary hearings shall be closed to the public, unless the defendant employee requests an open hearing. The department reserves the right to petition the hearing officer to conduct a closed hearing if a legitimate reason exists for such a request.
- F. The hearing authority will fix corrective/disciplinary actions that are deemed appropriate under the circumstances in accordance with the Rules and Regulations.
- G. The hearing authority is empowered to enter a finding of guilty or not guilty, or to modify the charges as deemed necessary. The decision of the hearing authority should be in writing and should be accompanied by findings of fact for each issue in the case.
- H. A copy of the decision or order and accompanying findings and conclusions shall be delivered to the employee who was the subject of the hearing and to the Chief of Police or designee if he was not the hearing authority.
- I. Upon completion of the hearing, Internal Affairs will complete all required forms including the entry of the disposition in the Internal Affairs record keeping system.
- J. If the charges were sustained, Internal Affairs will cause the penalty to be carried out.

IX. CONFIDENTIALITY

- A. The progress of Internal Affairs investigations and all supporting materials are considered confidential information. Upon completing a case, the Internal Affairs Unit will enter the disposition in the Internal Affairs record keeping system.
- B. The Paramus Police Department shall protect and maintain the confidentiality of all internal affairs records against the agency or employees. These records shall be in a designated secure area accessible only to the Chief of Police, Internal Affairs Unit Supervisor and others as authorized by the Chief of Police. The files shall be clearly marked as confidential.
- C. The information and records of an internal investigation shall only be released under the following limited circumstances:
 - 1. In the event that administrative charges have been brought against an employee, and a hearing will be held, a copy of those internal investigation reports to be used as evidence in the administrative hearing shall be provided to the employee.
 - 2) If the principal, agency or municipality has been named as a defendant in a lawsuit arising out of the specific incident covered by an internal investigation, a copy of the internal investigation reports may be released to the attorney representing the principal, agency or jurisdiction.
 - 3) Upon request or at the direction of the Bergen County Prosecutor or New Jersey Attorney General.
 - 4) Upon a court order.
- D. The Chief of Police may authorize access a particular file or record for good cause. The request and the authorization should be in writing, and the written authorization should specify who is being granted access, to which records access is being granted, and for what time period access is permitted. The authorization should also specify any conditions, such as one in which the files may be reviewed only at the internal affairs office and may not be removed.
- E. Agencies may receive subpoenas directing the production of internal affairs investigative records. Before responding to the subpoena, the Chief of Police should consult with the agency's legal counsel or prosecutor's office to determine whether the subpoena is valid.
- F. If the release of internal affairs documents is appropriate, the agency should inventory the reports they are releasing and obtain a signed receipt.
- G. Subpoenas for Employee's Personnel/Internal Affairs Files
 - 1. In matters that involve criminal and/or civil actions resulting from an internal affairs case, agencies shall **NOT** release any information in response to the subpoena without first contacting the Assistant Prosecutor to whom the matter has been assigned by telephone and in writing. All such contact shall be noted in the internal affairs report.

X. INTERNAL AFFAIRS FILES

- A. A separate Internal Affairs file system shall be maintained in a secured file cabinet. Personnel records are separate and distinct from Internal Affairs records. Internal Affairs investigation reports shall not be placed in an employee's personnel records file.
 - 1. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.
 - 2. When a complaint has been sustained, only the disciplinary action imposed shall be filed in an employee's personnel file.
- B. The file system shall contain all investigative files resulting from Internal Affairs complaints and the original copy of the following reports:
 - 1. Vehicular Pursuit Reports;
 - 2. Use of Force Reports;
 - 3. Firearm's Discharge Reports.
- C. Investigative records created during an Internal Affairs Investigation are included in the "Records Retention and Disposition Schedule for Local Police Departments" issued by the New Jersey Division of Archives and Records Management and shall be maintained as such.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 17

OF PAGES: 5

SUBJECT: SELECTION AND RECRUITMENT

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

August 1, 2016

ACCREDITATION STANDARDS:

31.2.1, 31.2.2, 32.1.1, 32.2.1,
32.2.7, 32.2.8

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: To establish a fair and consistent procedure designed to enable the Paramus Police Department to recruit and select qualified candidates for employment who will best serve the needs of the agency.

POLICY: The selection process is generally acknowledged as a key event in the operational effectiveness of a law enforcement agency. This agency will attempt to identify and recruit individuals who best possess the skills, knowledge and experience necessary to contribute to the agency. This agency will use a selection process, which is in compliance with applicable standards of the Commission on Accreditation for Law Enforcement Agencies.

PROCEDURE:

I. Recruitment

- A. The Chief of Police or designee will be responsible for the recruitment function of the police department.
- B. Prior to the commencement of recruitment activities, the Chief or his designee officer shall conduct research into some or all of the following areas in an effort to achieve a comprehensive understanding of the needs of the agency as they relate to the recruitment function.
 1. Community and workforce demographic data;
 2. The current demographic composition of the police department;
 3. Legal, ethical and cultural/ethnic issues associated with the recruitment process;
 4. Characteristics likely to disqualify certain candidates;

5. The basis of successful recruitment programs utilized by other law enforcement agencies.
- C. The primary goal of agency recruitment activities will be to attract qualified candidates for employment that will enable the agency to work toward its long-range goal of employing a sworn workforce that is representative of the overall available workforce in the agency's service area.
- D. The agency shall establish, periodically review and, if necessary, modify a recruiting strategy that is designed to assist the agency in achieving the stated recruitment goal of employing a sworn workforce representative of the overall workforce of the agency's service area.
- E. 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.
 1. Demonstration of commitment to the minority community and prospective female officers
 2. Demonstrate the opportunity of promotion, by virtue of their rank.
 3. Enhancement of the receptivity of the minority community and females to the recruiter.
 4. Increase the potential for recruiting minority and female officers and/or personnel.
- F. The Department will utilize available methods of advertising for recruitment purposes. These may include.
 1. Print publications such as regional and statewide newspapers
 2. Internet sources such as Facebook and other social media
 3. Outreach to community groups, churches and colleges
 4. Listings on regional and state police recruitment sites

II. Eligibility

- A. Candidates must have a Bachelor Degree from an accredited college or university recognized by the N.J. Department of Higher Education. The Paramus Police Department will also accept 64 credits for individuals who have:
 1. An Honorable Discharge from the United States Military after serving two full years of active duty
(or)
 2. Two years of police experience as a law enforcement officer with at least one of these as a fully certified Municipal Police Officer, Sheriffs Officer, or State Trooper in the State of New Jersey. (Full Municipal PTC or State Police equivalent, No waivers will be accepted or applied for).

- B. All candidates must be at least 18 years of age on the date of application, and not reach their 35th birthday on the date of appointment.
- C. Must be a resident of the State of New Jersey for not less than six months and must be a citizen of the United States
- D. Candidates must have a current valid New Jersey driver's license.
- E. Candidates must have a good reputation and be of sound moral character. Any conviction for an indictable offense or any other crimes and offenses are subject to evaluation during a background investigation.
- F. Candidates must possess a Police Training Course certificate for the "Basic Course for Police Officers or have completed the Alternate Route Basic Police Officer Program at a Police Training Commission approved school.

III. Initial Selection Process

- A. The Department will announce all hiring opportunities to the general public. Announcements will be made in published papers, via community groups and organizations, internet and other social media in order to reach all portions of the demographic composition of the region. *(Appendix #1)*
- B. Candidates will complete an initial hiring application. They will return this application to the department by the stated return date with all applicable and requested documents. *(Appendix #2)*
- C. All returned applications will be reviewed by the Paramus Police Training Unit for eligibility based on the stated requirements.
- D. Candidates that meet the minimum standards will be required to complete the Law Enforcement Services, Inc. (LESI) "online PHQ questionnaire, a recognized predictor of specific job outcomes in law enforcement, criminal justice and public safety applicants. This questionnaire must be completed by a stated date and time.
- E. Candidates who meet the minimum LESI score to (be chosen by the Department) will be required to attend a hiring briefing seminar. Candidates that do not reach the required LESI scoring will be released from the process at this point.

IV. Candidate Personal History Statement / Background Investigations

- A. Successful candidates will meet with the Training Unit / Hiring Unit at an initial briefing. Candidates will be furnished with the Candidate Personal History Statement (CPHS) *(Appendix #3)*. This will be completed and returned by the stated date and time. Candidates will also be fingerprinted and photographed by the department in order to conduct background investigations.
- B. Following the return of the CPHS, a background investigation will be conducted on all candidates for all positions prior to appointment that will include at least the following:
 - 1. Verification of qualifying credentials;

2. A review of any criminal record;
 3. Verification of at least three personal references.
- C. Based on LESI scoring and the results of the candidates background investigation, the candidates will be given a numerical ranking. Candidates may be released from the process at this point based on results of their background investigation.

V. Final Interview

- A. Candidates that successfully pass their background investigation will be given a formal interview. The interview committee will consist of the following;
1. Police Chief or their designee
 2. At least 2 sworn members of the Police Department chosen by the Chief of Police
 3. At least 1 member of the Borough Council's Police Committee
- B. Questions for this interview will be chosen by the Chief of Police or his designee. These answers to these questions will be given a numerical score.
- C. At the conclusion of the interview, the Chief of Police with input from the Police Committee and the Training/ Hiring Unit will compose a final numerical listing of the qualified candidates based on their LESI score, background ranking and final interview score.
- D. The Police Committee will provide the Chief with the number of open positions to be filled. The same number of candidates, based on their ranking, will be provided with a conditional letter of appointment approved by the Mayor and Council.

VI. Medical Exam / Psychological Examination

- A. A medical exam will be conducted on all candidates prior to appointment, but after being given a conditional offer of employment, to certify the general health of each candidate. The medical examination shall provide for comprehensive testing for Controlled Dangerous Substances of each candidate.
- B. A psychological fitness examination of each candidate for a sworn position will be conducted by a qualified professional prior to appointment, but after being given a conditional offer of employment
- C. Candidates that successfully pass the medical and psychological examinations will be formerly hired by the Paramus Mayor and Council.

VII. Selection Process Non-Sworn Positions

- A. All vacancies for non-sworn positions will be selected at the sole discretion of Paramus Borough pursuant to Paramus Borough policies and procedures.

- B. There shall be no minimum secondary educational requirement for an applicant in Clerical, Records and Communications.
- C. A medical examination will be conducted on all candidates before appointment.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 18

OF PAGES: 16

SUBJECT: LAW ENFORCEMENT DRUG TESTING

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

January 1, 2019

ACCREDITATION STANDARDS:

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The procedures contained herein shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy revised April 2018, and New Jersey Attorney General's Law Enforcement Directive No. 2018-2. This policy shall serve as notification to all employees of the agency's drug testing policy.

POLICY: It shall be the policy of the Paramus Police Department to conduct reasonable suspicion and random drug testing of applicable employees contained in Section I of this policy.

This written directive is considered an annex to the Rules and Regulations of the Paramus Police Department.

PROCEDURES:

I. APPLICABILITY

A. This policy applies to:

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
3. Sworn law enforcement officers who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

II. TYPES OF DRUG TESTING

A. Applicants For Law Enforcement Officer Position

1. This written directive recognizes that drug testing is an important component of a pre-employment background investigation. Thus, prospective employees shall be drug tested as a condition of employment. The policy requires law enforcement agencies engaged in the hiring process to drug test prospective employees at any point during the pre-employment process.
2. In addition, applicants for employment may be tested as many times as the law enforcement agency deems necessary to ensure that the applicants are not engaged in the illegal use of drugs. For example, applicants who have been drug tested as part of the application process may be tested again if a significant amount of time has elapsed since the previous step in the employment process.
3. During the pre-employment process, the agency must ensure that it complies with the provisions of the Americans with Disabilities Act (ADA) by refraining from making any medical inquiries. Therefore, the medication information form should not be used at the applicant stage, unless a positive test result requires an explanation by the prospective employee.

B. Law Enforcement Trainees

1. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.
2. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is

illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor, the chief executive officer of the trainee's agency, or the academy director.

C. Sworn Law Enforcement Officers

1. Sworn law enforcement officers shall be ordered to submit a urine specimen for testing when they have been randomly selected to submit to a drug test. Random selection shall be defined as a method of selection in which each and every sworn member of the law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug testing each and every time a selection is conducted.
2. Sworn law enforcement officers shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the officer is illegally using drugs. An officer shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the county prosecutor or the chief executive officer of the officer's agency.
3. Urine specimens may also be collected from law enforcement officers during a regularly scheduled and announced medical examination or a fitness for duty examination. However, the collection and analysis of these specimens are not governed by this policy.

III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

1. Agencies that choose to test applicants for law enforcement positions must notify those applicants that the pre-employment process will include drug testing. The notification will also indicate that a negative result is a condition of employment and that a positive result will: a) result in the applicant being dropped from consideration for employment; b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police; and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. In addition, the notification will indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.

B. Trainees

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also be informed that a negative result is a condition of employment and that a positive result will result in: a) upon final disciplinary action, the officer's termination from employment; and b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.

2. Newly appointed officers shall be further informed that the refusal to submit to a drug test shall result in their dismissal from employment and a permanent ban from future law enforcement employment in New Jersey.
3. Each police academy will include in its rules and regulations a provision implementing drug testing during basic training.

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. In accordance with this written directive, individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
2. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the Paramus Police Department shall prepare a confidential written report, which documents the basis for the reasonable suspicion. The report shall be reviewed by the County Prosecutor or the Chief of Police of the police department before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
3. In accordance with this written directive, a negative result is a condition of employment as a sworn officer and that a positive result will result in: a) upon final disciplinary action, the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
4. In accordance with this written directive, officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

D. Sworn Law Enforcement Officers: Random Drug Testing

1. All sworn officers of the Paramus Police Department are eligible for random drug testing, regardless of rank and assignment.
2. At least 10 percent of the total number of sworn officers within the Paramus Police Department shall be randomly tested each time.
3. At a minimum, random drug testing shall be conducted at least once in the remainder of 2018 and at least twice in every subsequent calendar year.
4. A method of random selection has been established, which ensures that every probationary or sworn officer in the Paramus Police Department has an equal chance to be selected for a testing each and every time a selection takes place, regardless of rank, and regardless of the fact that one or more officers were randomly selected for testing at a prior selection process during the same calendar year.

5. The selection process will be verified and documented in writing by the Chief of Police or internal affairs officer, and the report will be maintained in confidential files.
6. A representative of the collective bargaining unit(s) is permitted to witness the selection process.
7. Should a randomly selected officer be unavailable on the date selected, the following shall apply:
 - a. Officers will be notified while on duty by the Chief of Police or his designee and required to submit a urine specimen at that time, during a confidential specimen acquisition process.
 - b. An officer shall be tested on the earliest time available after he or she returns to work.
8. Any member of the Paramus Police Department who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the Department officially announcing same or prior to the collection of urine specimens is subject to discipline.
9. A system to collect urine specimens from selected officers in a prompt, efficient and confidential manner has been established in accordance with the Attorney General's Law Enforcement Drug Testing Policy and collection procedures established by the New Jersey State Toxicology Laboratory.
10. Officers who refuse to submit to a drug test when randomly selected, or who knowingly tamper with or alter a urine sample by use of adulterants or dilution, are subject to the same penalties as those officers who test positive for the illegal use of drugs. A sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen shall be deemed to have refused to submit to the drug test.
11. The knowing tampering with or alteration of a urine sample by adulteration or dilution will be treated in the same manner as if the officer tested positive for the illegal use of drugs. Alteration or adulteration will be presumed if, among other reasons, the temperature gauge of the collection container registers an improper temperature, or the State Toxicology Laboratory or other independent laboratory facility discloses the presence of an adulterant or dilution by some means.

IV. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary Acquisition Procedures

1. The Chief of Police or his designee shall serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.

2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A) The form shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III A of this policy. Applicants shall not complete a Drug Testing Medication Information form (Attachment D) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology laboratory for analysis, the Paramus Police Department receives a report indicating that the specimen tested positive for a controlled substance.
3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III B of this policy. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D), which clearly describes all medications, both prescription, and over-the-counter (nonprescription), that were ingested in the past 14 days.
4. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days.
5. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

B. Monitor Responsibilities

1. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
 - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and

submission for analysis of urine specimens.

- d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
 - e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
2. In order to ensure the accuracy and integrity of the collection process a monitor may:
 - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
 3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.

C. Specimen Collection

1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
2. The monitor allows the donor to select two sealed specimen container kits.
3. The donor unseals both kits and removes the kit contents on a clean surface.
4. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the I.D. labels, and places the label inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.
5. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label, and places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.

6. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form.
7. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
 - a. The monitor must follow the “shy bladder” procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. “Shy Bladder” Procedure below)
8. The monitor checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the “Yes/No” column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
9. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
10. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Section V. Submission of Specimens for Analysis below).

D. “Shy Bladder” Procedure

1. When a donor initially produces an inadequate amount of urine, the monitor must take the following steps:
 - a. Advise the donor to remain on the premises and under the supervision of the test monitor until the monitor is satisfied that the donor cannot produce a specimen.
 - b. While the donor is under supervision, allow the donor to drink up to 40 ounces of fluids distributed reasonably over a period of up to three hours in an attempt to induce the production of a specimen.
 - c. Under no circumstances, should multiple voids be combined to produce an adequate sample volume.
2. If the donor remains unable to provide a specimen after a reasonable period of time, the monitor may have the donor examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

E. Second Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.

2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
 - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

V. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.
- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Paramus Police Department shall store the specimen in a controlled access refrigerated storage area until submission to the State Toxicology Laboratory.
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier using "next day delivery." Specimens submitted by commercial courier must be packaged to ensure their integrity.

- D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
 - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

VI. ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - 1. Amphetamines;
 - 2. Barbiturates;
 - 3. Benzodiazepine;
 - 4. Cocaine;
 - 5. Marijuana;
 - 6. Methadone;
 - 7. Opiates;
 - 8. Oxycodone/Oxymorphone;
 - 9. Phencyclidine.
- C. The State Toxicology Laboratory utilizes a two stage procedure to analyze specimens.
 - 1. In the first stage, all specimens will undergo an initial screening. The initial screening determines whether one or more of the nine substances listed and/or their metabolites are present at or above a designated cutoff. All

presumptive positive specimens will undergo a second and more specific type of testing.

2. The second type of testing will employ mass spectrometry detection for the definitive identification and quantitation of drugs and/or metabolites presumptively identified by the initial screen.
- D. When a specimen tests positive at both the initial stage and the second stage, a medical review officer assigned to the State Toxicology Laboratory will review the test results together with the medication information form submitted for the specimen. The medical review officer will seek to determine whether any of the substances listed on the form would explain the positive test result. The medical review officer may direct the agency that collected the sample to obtain further information from the individual being tested concerning the medications listed on the medical information form. The medical review officer will then issue a report indicating whether or not the sample tested positive due to a listed medication on the medication information form.
 - E. Applicants for law enforcement employment are not required to submit a Drug Testing Medication Information form with their specimen. Therefore, if an applicant tests positive, the law enforcement agency, following notification from the State Toxicology Laboratory, must have the candidate complete the Drug Testing Medication Information form (Attachment D). Once the form has been completed, the agency is responsible for transmitting the form to the Laboratory. A review of the form will be conducted by the medical review officer as outlined above.
 - F. In addition to the testing outlined above, specimens submitted to the State Toxicology Laboratory may be tested for additional substances at the request of the law enforcement agency submitting the specimen. The State Toxicology Laboratory has the ability through its own facilities, as well as facilities employed as references laboratories, to arrange drug testing for steroid abuse, as well as other currently abused chemicals.

VII. DRUG TEST RESULTS

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the contact person by certified mail.
- B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

VIII. CONSEQUENCES OF A POSITIVE TEST RESULT

- A. When an applicant tests positive for illegal drug use:
 - 1. The applicant shall be immediately removed from consideration for employment by the department.
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
 - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The trainee shall be immediately dismissed from basic training and suspended from employment by his or her appointing authority.
 - 2. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action by the appointing authority.
 - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use:
 - 1. The officer shall be immediately suspended from all duties.
 - 2. The officer shall be administratively charged and, upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer.
 - 3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police.
 - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.

IX. CONSEQUENCES OF A REFUSAL TO SUBMIT TO A DRUG TEST

- A. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- B. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
- C. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test. Please note that if there is no valid reason why an officer cannot produce a specimen, the officer's actions will be treated as a refusal. In addition, a sworn law enforcement officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who does not provide the specimen shall be deemed to have refused to submit to the drug test.

X. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

- A. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.

XI. RECORD KEEPING

- A. The Paramus Police Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
- B. The Paramus Police Department's drug testing records shall include but not be limited to:
 - 1. For all drug testing:
 - a. the identity of those ordered to submit urine samples;
 - b. the reason for that order;

- c. the date the urine was collected;
 - d. the monitor of the collection process;
 - e. the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
 - f. the results of the drug testing;
 - g. copies of notifications to the subject;
 - h. for any positive result, documentation from the officer's physician that the medication was lawfully prescribed and does not render the officer unfit for duty;
 - i. for any positive result or refusal, appropriate documentation of disciplinary action.
2. For random drug testing, the records will also include the following information:
- a. a description of the process used to randomly select officers for drug testing;
 - b. the date selection was made;
 - c. a copy of the document listing the identities of those selected for drug testing;
 - d. a list of those who were actually tested; and
 - e. the date(s) those officers were tested.
- C. Drug testing records shall be maintained with the level of confidentiality required for internal affairs files pursuant to the New Jersey Internal Affairs Policy and Procedures.

XII. CENTRAL DRUG REGISTRY

- A. The Paramus Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment F.
- B. Notifications to the Central Drug Registry shall include the following information as to each individual:
 - 1. name and address of the submitting agency, and contact person;
 - 2. name of the individual who tested positive;
 - 3. last known address of the individual;
 - 4. date of birth;

5. social security number;
 6. SBI number (if known);
 7. Gender
 8. Race
 9. Eye color
 10. substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 11. date of the drug test or refusal;
 12. date of final dismissal or separation from the agency; and
 13. whether the individual was an applicant, trainee or sworn law enforcement officer.
- C. The certification section of the notification form must be completed by the chief or director, and notarized with a raised seal.
- D. Notifications to the central registry shall be sent to:
- Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068
- E. Information contained in the central registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
 2. In response to a court order.

XIII. NOTIFICATION TO COUNTY PROSECUTOR

- A. In the event of (1) a random drug test occurs and results in a positive drug test result; or (2) the administration of a reasonable suspicion drug test of an officer yields a positive result; or (3) a random or reasonable suspicion test is requested and the subject refuses that request, the Chief of Police or a designee must complete the "Notification of Drug Testing" form for every officer that meets one of the above "positive" conditions. The Notification of Drug Testing form must be delivered to the Bergen County Prosecutor's Office within ten (10) calendar days (including weekends and holidays) from the date of testing. Forms can be hand-delivered and/ or mailed (stamped " Confidential") to:

Bergen County Prosecutor's Office
c/o Confidential Investigations Unit
Two Bergen County Plaza

Hackensack, NJ 07601

- a. Law enforcement agencies are not required to submit Notification of Drug Testing forms to the Bergen County Prosecutor for situations where an officer is tested, but did not meet one of the conditions above (a "negative" result). However, law enforcement agencies are required to keep track of all positive and negative drug tests within their own departments to comply with the Attorney General's required annual reporting requirements.
- B. The Paramus Police Department shall submit the "Annual Results of Drug Testing" form to the County Prosecutor indicating the dates of testing (two or more) for that calendar year, the total number of sworn officers in that law enforcement agency, the total number of sworn officers tested, the total number of sworn officers that tested positive, the total number of sworn officers who refused a test. The Annual Results of Drug Testing form must be submitted to the Bergen County Prosecutor's Office by December 1st of each calendar year. In order to meet that deadline, we suggest that the second random testing be scheduled prior to October 1st of each year. The completed form can be hand-delivered and/ or mailed (stamped " Confidential") to:

Bergen County Prosecutor' s Office
c/o Confidential Investigations Unit
Two Bergen County Plaza
Hackensack, NJ 07601

XIV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Paramus Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website. Annual reports from the County Prosecutors to the Attorney General, as required by Section XIII, also shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.

ATTACHMENT A

DRUG TESTING

APPLICANT NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of the pre-employment process, the _____ will conduct a comprehensive background investigation to determine my suitability for the position for which I have applied.

I understand that as part of this process, I will undergo drug testing through urinalysis. I understand that a negative drug test result is a condition of employment. I understand that if I refuse to undergo the testing, I will be rejected from employment.

I understand that if I produce a positive test result for illegal drug use, I will be rejected for employment.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use and am not currently employed as a sworn law enforcement officer, I will be barred from future law enforcement employment in New Jersey for two years from the date of the test. After this two year period, the positive test result may be considered in evaluating my fitness for future criminal justice employment.

I understand that if I am currently employed as a sworn law enforcement officer and I produce a positive test result for illegal drug use, my current law enforcement employer will be notified of the positive test result. In addition, I will be dismissed from my law enforcement position and I will be permanently barred from law enforcement employment.

I have read and understand the information contained on this "Applicant Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the pre-employment process.

Signature of Applicant

Date

Signature of Witness

Date

ATTACHMENT B

DRUG TESTING

TRAINEE NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of the program of training at the _____, I will undergo unannounced drug testing by urinalysis during the training period.

I understand that a negative drug test result is a condition of my continued attendance at the above listed training program. I understand that if I refuse to undergo the testing, I will be dismissed from the training program and from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use, I will be dismissed from the academy.

I understand that if I produce a positive test result for illegal drug use, the academy will notify my employer of the positive test result. In addition, I will be permanently dismissed from my law enforcement position.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, that information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from serving as a law enforcement officer in New Jersey.

I have read and understand the information contained on this "Trainee Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as part of the academy training program.

Signature of Trainee Date

Signature of Witness Date

ATTACHMENT C

DRUG TESTING

OFFICER NOTICE AND ACKNOWLEDGMENT

I, _____, understand that as part of my employment with _____, I am required to undergo unannounced drug testing by urinalysis either through a random drug testing procedure or where there is reasonable suspicion to believe I am illegally using drugs.

I understand that a negative drug test result is a condition of my continued employment as a sworn officer at the above listed department.

I understand that if I produce a positive test result for illegal drug use, it will result in my termination from employment.

I understand that if I refuse to undergo testing, it will result in the same penalties as a positive test for the illegal use of drugs.

I understand that if I produce a positive test result for illegal drug use or refuse to take the test, the information will be forwarded to the Central Drug Registry maintained by the Division of State Police. Information from that registry can be made available by court order or as part of a confidential investigation relating to my employment with a criminal justice agency.

I understand that if I produce a positive test result for illegal drug use, I will be permanently barred from future employment as a law enforcement officer in New Jersey.

I understand that if I resign or retire after receiving a lawful order to submit a urine specimen for drug testing and do not provide the specimen, I shall be deemed to have refused to submit to the drug test.

I have read and understand the information contained on this "Officer Notice and Acknowledgment" form. I agree to undergo drug testing through urinalysis as a condition of my continued employment as required by law.

Signature of Officer Date

Signature of Witness Date

ATTACHMENT D

DRUG TESTING MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

Check all that apply:

_____ A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

_____ B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Name of Medication	Date Last Taken
1		
2		
3		

_____ C. During the past 14 days, I have taken NO prescription or non-prescription medications.

Social Security Number and Initials

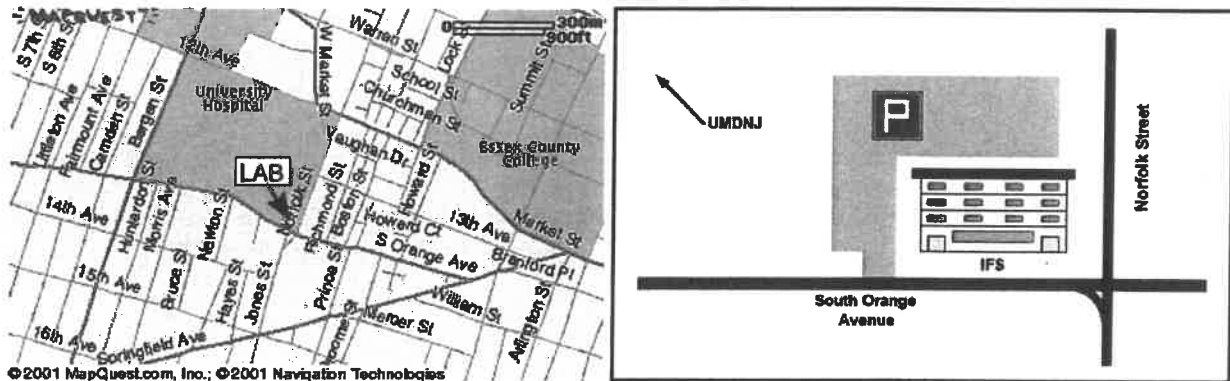
Date

Signature of Witness

Date

ATTACHMENT E

Directions to



**State Toxicology Laboratory
Edwin H. Albano Institute of Forensic Science (IFS)
325 Norfolk Street
Newark, New Jersey
973-648-3915**

From Garden State Parkway North:

1. Take Exit 144, South Orange Avenue.
2. Make a right on South Orange Avenue.
3. Continue about 25 blocks to intersection at Bergen Street (UMDNJ campus is on left.)
4. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From Garden State Parkway South:

1. Take Exit 145, East Orange.
2. Take 1-280 East to first exit (Newark).
3. Make a right on First Street. This becomes Bergen Street.
4. Continue to fifth traffic light at South Orange Avenue.
5. Make a left.
6. Continue down South Orange Avenue past traffic light to driveway on left before two story brick building (IFS).

From New Jersey Turnpike North:

1. Take Exit 14, Newark.
2. After toll plaza, take 1-78 West (express or local).
3. Take Exit 56, Hillside Avenue.
4. Continue on Hillside Avenue to end at Avon Avenue.
5. Make left on Avon Avenue.
6. Continue one block to traffic light on Irvine Turner Blvd.
7. Make right on Irvine Turner Blvd. (which becomes Jones St.) and continue to traffic light at South Orange Avenue.
8. Turn left and enter first driveway on right behind two story brick building (IFS).

From New Jersey Turnpike South:

1. Take Exit 15W to 1-280 West to Exit 14B, Clifton Avenue.
2. At the traffic light, make a left.
3. Continue on Clifton Avenue to eighth traffic light at South Orange Avenue and Norfolk Street.
4. Turn right and enter first driveway on right behind two story brick building (IFS).

ATTACHMENT F**NOTIFICATION TO THE CENTRAL DRUG REGISTRY**

AGENCY SUBMITTING			
AGENCY		PHONE	
ADDRESS	CITY	STATE	ZIP
CONTACT PERSON	TITLE	PHONE	
PERSON TO BE ENTERED			
NAME	GENDER	RACE	EYE COLOR
THIS PERSON WAS: ☐ APPLICANT ☐ TRAINEE ☐ SWORN OFFICER-RANDOM ☐ SWORN OFFICER- REASONABLE SUSPICION			
ADDRESS			
CITY	STATE	ZIP	
DOB	SSN	SBI NUMBER (IF KNOWN)	
REASON FOR NOTIFICATION			
THE PERSON LISTED ABOVE ☐ TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE) OR ☐ REFUSED TO SUBMIT A URINE SAMPLE			
DATE OF THE DRUG TEST OR REFUSAL		DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY	
<u>CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)</u>			
I hereby affirm that the above information is true and correct to the best of my knowledge.			
_____ Print Name		_____ Signature	
_____ Title			
Sworn and subscribed before me this _____ day of _____, _____.			
(Seal) _____			

Mail to: Division of State Police
Records and Identification Section
P.O. Box 7068
West Trenton, New Jersey 08628-0068

BERGEN COUNTY PROSECUTOR'S OFFICE NOTIFICATION OF DRUG TESTING

TESTED OFFICER	Name :	
	Rank:	Social Security No.:
	Municipality:	
OFFICER REQUESTING THE TEST	Name/Rank:	
	Date of Request:	

NOTIFICATION OF POSITIVE RESULT (CHECK ONE)

☐	POSITIVE RANDOM TEST	On the above referenced date, the tested officer, who was randomly selected, yielded a positive drug test result.
☐	REFUSAL OF RANDOM TEST	On the above referenced date, the officer refused to provide a testing sample for a random drug test.
☐	POSITIVE REASONABLE SUSPICION TEST	On the above referenced date, based on the administration of a reasonable suspicion drug test, the tested officer yielded a positive drug test result.
☐	REFUSAL OF REASONABLE SUSPICION TEST	On the above referenced date, the officer refused to provide a testing sample for a reasonable suspicion drug test.

PARTY MAKING NOTIFICATION TO COUNTY

Party making notification:	Date of Notification:
----------------------------	-----------------------



**BERGEN COUNTY PROSECUTOR'S OFFICE
ANNUAL RESULTS OF DRUG TESTING**

Department:

Year:

TOTAL NUMBER OF SWORN OFFICERS IN THE ENTIRE DEPARTMENT	_____
DATES OF RANDOM TESTING (must list 2 or more dates in calendar year)	FIRST TEST: _____ SECOND TEST: _____
TOTAL NUMBER OF SWORN OFFICERS RANDOMLY TESTED FOR EACH DATE AND TOTAL	FIRST TEST: _____ SECOND TEST: _____ TOTAL TESTED: _____
TOTAL NUMBER OF SWORN OFFICERS WHO TESTED POSITIVE IN A DRUG TEST IN THE CALENDER YEAR	FIRST TEST: _____ SECOND TEST: _____ REASONABLE SUSPICION TEST: _____ TOTAL POSITIVE TESTS: _____
TOTAL NUMBER OF SWORN OFFICERS WHO REFUSED A DRUG TEST	REFUSED RANDOM TEST: _____ REFUSED REASONABLE SUSPICION TEST: _____ TOTAL REFUSED TESTS: _____

Party Making Notification to County

Party making notification:

Date of notification:



PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 22

OF PAGES: 5

SUBJECT: SOCIAL MEDIA

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

May 17, 2016

ACCREDITATION STANDARDS:

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE: The department endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

POLICY: Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing and spillover on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

PROCEDURE:

I. Definitions

- A. *Blog:* A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."
- B. *Page:* The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
- C. *Post:* Content an individual shares on a social media site or the act of publishing content on a site.

- D. *Profile*: Information that a user provides about himself or herself on a social networking site.
- E. *Social Media*: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
- F. *Social Networks*: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- G. *Speech*: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

II. Official Department Usage

A. Department-Sanctioned Presence

- 1. Determine strategy
 - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
 - b. Where possible, the page(s) should link to the department's official website.
 - c. Social media page(s) shall be designed for the target audience(s) such as the general community, media, youth or potential police recruits.
- 2. Procedures
 - a. All department social media sites or pages shall be approved by the chief executive or his or her designee and shall be administered by the chief executive or his designees.
 - b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
 - c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - 1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - 2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
 - d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.
 - 1) Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.
 - 2) Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- 3. Department-Sanctioned Use
 - a. Department personnel representing the department via social media outlets shall do the following:
 - 1) Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all

department standards of conduct and observe conventionally accepted protocols and proper decorum.

- 2) Identify themselves as a member of the department.
- 3) Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.
- 4) Not conduct political activities or private business.
- b. The use of department computers by department personnel to access social media is prohibited without authorization.
- c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.
- d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about
 - a. missing persons;
 - b. wanted persons;
 - c. gang participation;
 - d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
 - e. photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by
 - a. providing crime prevention tips;
 - b. offering online-reporting opportunities;
 - c. sharing crime maps and data; and
 - d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).
3. Social media can be used to make time-sensitive notifications related to
 - a. road closures,
 - b. special events,
 - c. weather emergencies, and
 - d. missing or endangered persons.
4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.
6. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.
7. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.
8. Search methods shall not involve techniques that are a violation of existing law.
9. Vetting techniques shall be applied uniformly to all candidates.
10. Every effort must be made to validate Internet-based information considered during the hiring process.

III. PERSONAL USE

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
3. Pictures directly related to an officers on-duty performance or activities shall not be posted without the permission of the Chief of Police
4. Department personnel shall not post, transmit, or otherwise disseminate any confidential, private or restricted information to which they have access as a result of their employment without written permission from the chief executive or his or her designee.
5. Terrorist groups have in the past and are currently searching social media for personal information on members of law enforcement and the military. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel should use extreme caution when posting items containing the following on their private personal sites:
 - a. Displaying department logos, uniforms, or similar identifying items on personal web pages.
 - b. Posting personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department.
 - c. Officers who are, or who may reasonably be expected to work in undercover operations, should not post any form of visual or personal identification.
6. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
 - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
 - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
7. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal

proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

8. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
9. Department personnel should be aware that they may be subject to civil litigation for
 - a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
 - b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
 - c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
 - d. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
10. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.
12. Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

PARAMUS POLICE DEPARTMENT

VOLUME: 2

CHAPTER: 23

OF PAGES: 14

SUBJECT: EMPLOYEE INVOLVED DOMESTIC VIOLENCE

ISSUED BY:

Chief Kenneth R. Ehrenberg

EFFECTIVE DATE:

November 1, 2016

ACCREDITATION STANDARDS:

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE The purpose of this directive is to establish the policy and process for handling matters of domestic violence involving police employees. This directive addresses instances when the police employee is alleged to have committed acts of domestic violence and instances when the police employee is a victim of domestic violence. This directive is applicable to all members of this department, both sworn and unsworn.

POLICY It is the policy of the Paramus Police Department to adopt a position of zero tolerance regarding domestic violence. All domestic violence matters involving employees of this department will be investigated in strict accordance with the N.J. Attorney General's Guidelines, the appropriate County Prosecutor's Guidelines, applicable federal and state laws and this department's Written Directive System.

PROCEDURES

I. General

- A. This department will act quickly where incidents of domestic violence are alleged to have occurred to protect the victim, arrest the actor where appropriate, and conduct parallel administrative and criminal investigations. Additionally, this department will strive to develop and implement appropriate, case-specific remedies to the situation.
- B. **Domestic Violence** is the occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act of 1991, NJSA 2C:25-17 et seq.

Homicide	NJSA 2C:11-1, et seq.
Assault	NJSA 2C:12-1, et seq.
Terroristic threats	NJSA 2C:12-3
Kidnapping	NJSA 2C:13-1
Criminal restraint	NJSA 2C:13-2
False imprisonment	NJSA 2C:13-3

Sexual assault	NJSA 2C:14-2
Criminal sexual contact	NJSA 2C:14-3
Lewdness	NJSA 2C:14-4
Criminal mischief	NJSA 2C:17-3
Burglary	NJSA 2C:18-2
Criminal trespass	NJSA 2C:18-3
Harassment	NJSA 2C:33-4
Stalking	NJSA 2C:12-10
Criminal Coercion	NJSA 2C:13-5
Robbery	NJSA 2C:15-1

- C. Domestic Violence investigation guidelines can be found on the NJ DCJ Website at http://www.nj.gov/oag/dcj/agguide/directives/dv_manual.htm
- D. A listing of all Attorney General Guidelines can be found on the NJ DCJ Website at <http://www.nj.gov/oag/dcj/agguide.htm>
- E. This directive does not supersede:
 - 1. Attorney General's Guidelines on Police Procedures in Domestic Violence Cases;
 - 2. Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents.
 - 3. These guidelines and directives remain in full force and effect and must be followed by officers responding to a domestic violence call involving a law enforcement employee.
 - 4. Failure of any officer or supervisor to comply with any provision of this policy may subject the officer to discipline and criminal, civil, and administrative sanctions.
 - 5. This directive adopts the definitions found within NJSA 2C:25-19 and all Attorney General Guidelines and Directives involving domestic violence.
 - 6. Employee shall mean any employee of this police department including sworn personnel, civilian personnel, and SLEO personnel.

II. Pre-Employment Screening, Background Investigations, & Evaluation

- A. The Chief of Police or designee shall cause thorough background investigations of all potential new employees to determine if there is a criminal history with particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse, or child abuse, including a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
- B. Candidates shall be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition.
 - 1. Applications for employment to the position of police officer shall be amended to require information on these topics.

- C. Those candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse or child abuse shall be identified and declared ineligible for employment as police officers.
- D. Following a conditional offer of employment, candidates shall be required to undergo a psychological examination, performed by an experienced and licensed psychiatrist/psychologist or other mental health professional.
 - 1. The psychological screening should include a focus on indicators of violent or abusive tendencies or behaviors, including domestic violence, in their background.

III. Education & Training

- A. All officers shall receive at least four hours of training on domestic violence issues annually, as approved by the Division of Criminal Justice, pursuant to *N.J.S.A. 2C:25-20*.
- B. All public safety telecommunicators (police dispatchers) will receive annual training on how to handle a domestic violence call.
- C. All employees of this department will receive at least annual training on the impact of domestic violence within the law enforcement community and on this department's directives when a police employee is involved in a domestic violence incident.
- D. Additionally, all supervisors will receive training on:
 - 1. How to recognize potential indicators or early warning signs of domestic violence behavior by law enforcement employees;
 - 2. How to investigate indicators of potential abusive behavior or early warning signs potentially indicative of domestic violence;
 - 3. When to notify the Chief of Police of information gathered in accordance with the established chain of command;
 - 4. Available programs to assist law enforcement domestic violence victims and batterers.

IV. Early Warning & Intervention

- A. Department responsibilities:
 - 1. In response to observed warning signs of domestic violence behavior or at the request of an employee, this department will provide non-punitive avenues of assistance to employees, their partners, and other family members.
 - 2. To encourage employees to take personal responsibility in seeking referrals and assistance, confidential or otherwise, and assistance from the department, or on their own initiative, to prevent a problem from escalating to the level of criminal conduct.

3. When this department is aware that an employee is undergoing a separation or divorce, or that an employee is otherwise undergoing a high conflict period with a spouse or intimate partner, and the employee is exhibiting any of the warning signs of domestic violence behavior, the department will encourage the employee to seek individual counseling.
4. This department will investigate reports of domestic violence reported by family members, other employees, or neighbors of employees.
5. In response to observed signs of domestic violence behavior or at the request of an employee, this department will refer the employee to employee assistance.

B. Supervisor responsibilities

1. Supervisors shall document any information potentially indicative of domestic violence including, but not limited to:
 - a. Aggressiveness
 - i. Excessive or increased use of force on the job;
 - ii. Inappropriate surveillance activities;
 - iii. Unusually high incidences of physical altercations and verbal disputes;
 - iv. Citizen and fellow officer complaints of unwarranted aggression or verbal abuse;
 - v. Inappropriate treatment of animals;
 - vi. Unusual on or off-duty officer injuries.
 - b. Domestic violence-related issues
 - i. Monitoring, controlling or harassing the purported victim directly or through any other person.
 - c. Deteriorating work performance
 - i. Increasing tardiness;
 - ii. Excessive unscheduled absences;
 - iii. Evidence of alcohol and/or drug abuse.
2. When a supervisor notices a pattern of behavior potentially indicative of domestic violence, the supervisor will:
 - a. Address the behaviors, consistent with Internal Affairs directives, through an interview with the employee and document all contacts.
 - b. Under no circumstances will the identity of a reporting victim or witness be disclosed to the employee at this stage.

- c. Forward written reports detailing the behaviors to the Chief of Police through the chain of command in a timely manner to determine discipline or other appropriate action.
 - d. Prepare and submit to the Chief of Police a written request for a psychological exam or counseling by a licensed psychologist, psychiatrist, or other mental health professional. The supervisor's written report will include the factual basis for the referral and will attach any relevant supporting documentation. A copy of the report will also be forwarded to the County Prosecutor for consideration and discussion with the Chief of Police.
- 3. When the supervisor determines that an employee is an actor in a domestic violence, the supervisor will notify the Chief of Police who will:
 - a. Prepare and submit a written request for a psychological exam/counseling by a licensed psychologist, psychiatrist, or other mental health professional. The psychologist, psychiatrist, or mental health professional must be provided with all reports and information available regarding the domestic violence incident(s). The psychologist, psychiatrist, or mental health professional must attempt to contact the reported victim for their input and must be provided with the reported victim's contact information; the contact information must be kept confidential. A copy of the report will also be forwarded to the County Prosecutor.
 - b. The Chief of Police may order the employee to seek assistance from a program for batterers that has been approved by the County Prosecutor or the department. If such a program is not available, the Chief of Police may order the officer to a counselor who has demonstrable training and experience in counseling domestic violence batterers. The cost of the counseling is to be paid by the officer.
 - c. Contact and inform the victim of the concerns regarding the employee's behavior; that the employee has been ordered to undergo a psychological evaluation; that the evaluator will be contacting the victim; that the victim is not required to speak with the evaluator; and, that any information disclosed by the victim may not be confidential. The supervisor will document that he/she informed the reported victim concerning this procedure.
 - d. If the Department decides to take disciplinary action against the employee, it will provide a copy of the psychological report to the employee in a timely manner, unless doing so would endanger the safety of the victim.

C. Employee responsibilities

- 1. When an employee knows or is made aware of any information of abuse or violence involving a fellow employee, the employee must report that knowledge or information to a supervisor.
- 2. Employees have an obligation to cooperate with any investigation of a domestic violence case involving a law enforcement employee, except in the case where the employee is the victim.

3. Employees may be subject to criminal charges or discipline if they:
 - a. Interfere with domestic violence cases involving themselves or fellow employees;
 - b. Intimidate or coerce witnesses or victims (e.g. surveillance, harassment, stalking, threatening, or false reporting).
4. Employees who are involved in any domestic violence incident involving a police response, regardless of jurisdiction, must immediately notify the on-duty shift supervisor and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in disciplinary action.
5. Employees who are the subject of any domestic violence restraining order or protective order proceeding, whether or not the order is issued and regardless of jurisdiction, must immediately notify their supervisor and provide a copy of the order, if issued. Failure to do so may result in disciplinary action.

V. Incident Response Protocols

A. Department-wide response

1. This department will accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information. A detailed Investigation Report must be completed by the responding officer. This report shall be completed regardless of whether or not an arrest is made and regardless of whether or not a criminal offense has been committed.
2. All reports of possible criminal activity implicating law enforcement employees in domestic violence will be documented in accordance with approved directives governing the handling of reports of domestic violence incidents.
3. A copy of the report alleging domestic violence by an employee will be forwarded to the Chief of Police and the Internal Affairs Office through the chain of command.
4. The department will make all such incident reports available to the victim without cost. (NJSA 47:1A-1.1).
5. The department will make all such incident reports available to the employee at no cost.
6. The Chief of Police will consult with the County Prosecutor, who will determine who should be the designated Principal Law Enforcement Contact person. If the designated Principal Law Enforcement Contact person is not available 24/7, then, after consultation with the Chief of Police, the County Prosecutor will select an alternate contact person. The contact person's information must be provided to the victim. The Principal Law Enforcement Contact person will:

- a. Advise the victim to immediately report any violation of any restraining order to the police department where it occurred and to the designated Principal Law Enforcement Contact person.
- b. Advise the victim to contact the designated Principal Law Enforcement Contact person if there is any harassment, witness tampering or intimidation by a law enforcement employee.
- c. Intervene if the employee or agents of the employee are harassing or intimidating the victim, or violating no-contact orders.
- d. Provide the victim with the name and contact number of the Domestic Violence Assistant Prosecutor in the county where the actor employee is charged with committing a criminal offense, contempt of a domestic violence restraining order, or subject to a motion for forfeiture of weapons. The victim should also be provided with the name of the victim-witness advocate or detective in the Prosecutor's Office who have been designated as the resource persons in the Prosecutor's Office.
- e. Provide the victim with contact information for a local domestic violence program and with approved safety planning material.
- f. Keep the victim apprised of all case developments.
- g. Ensure that the chain of command, including the Chief of Police, is regularly briefed on both the administrative and criminal investigations.
- h. Assist the victim with safety planning should the employee be terminated. Assistance will be provided by linking the victim with resources and preparation planning either within the department or via outside government and non-profit agencies.

B. Communications response:

1. Communications personnel will assign a high priority to all domestic violence calls, including those that involve or appear to involve law enforcement personnel from any agency.
2. Communications personnel will immediately notify the communications supervisor, or designee, of any domestic violence call received that involves, or appears to involve, law enforcement personnel from any agency.
3. Communications supervisors will prepare and preserve documentation of the facts and circumstances of the call, including any relevant recorded call for service, for use in potential administrative or criminal investigations upon knowledge or notification that the domestic violence incident involved law enforcement personnel from any agency.

C. Patrol Response

1. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement employee, the primary patrol unit will immediately notify

dispatch and request the primary patrol supervisor or shift commander to report to the scene, regardless of the involved employee's jurisdiction.

2. Responding officers will follow standard police response procedures as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and the directives of this department.

D. On-scene supervisor response

1. The primary patrol supervisor or shift commander will immediately report to the scene of all law enforcement employee domestic violence incidents regardless of the involved employee's jurisdiction.
2. The on-scene supervisor will immediately notify the Chief of Police or his designee. The Chief or designee will immediately notify the County Prosecutor's Office of any domestic violence incident involving a law enforcement employee for direction on handling the case regardless of whether criminal charges are filed or a restraining order is issued.
3. The on-scene supervisor will assume command and ensure that the scene is secured and that all evidence is collected in accordance with approved investigative procedures.
4. The on-scene supervisor will ensure that an arrest is made in cases where mandatory arrest is required or probable cause exists.
5. If the alleged offender has left the scene and probable cause exists, the supervisor will:
 - a. Exhaust all reasonable means to locate the alleged offender;
 - b. Ensure that an arrest warrant is sought, if unable to locate the alleged offender;
 - c. Document all subsequent actions in a timely manner.
6. If the victim has left the scene, the supervisor will make every effort to follow through on the investigation and attempt to locate the victim.
7. Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor will ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with State law. In determining which party is the primary aggressor where both parties exhibit signs of injury, the supervisor should consider such factors as:
 - a. Any history of domestic violence or violent acts by either person;
 - b. Whether the injury was caused by a person acting in self-defense;
 - c. Relative size and strength of the persons involved;
 - d. The comparative severity of the injuries suffered or inflicted;
 - e. Each person's fear of physical injury resulting from the other person's threatened use or history of use of force.

8. The on-scene supervisor will ensure the victim is informed of the following:
 - a. Victims' rights as set forth in the Victim Notification Form;
 - b. Procedures for obtaining a restraining order;
 - c. The availability of a Domestic Violence Response Team member or a domestic violence advocate immediately following the incident;
 - d. The availability of confidential transportation to a location that can provide improved victim safety.
 - e. Community resources, local domestic violence victim services, including shelter, and safety planning information.
9. Whenever a domestic violence call involving a law enforcement employee does not result in an arrest or a warrant is not sought, the on-scene supervisor will explain in a written report why these actions were not taken, and the report shall be forwarded to the Internal Affairs Unit.
10. The on-scene supervisor will notify the Chief of Police through the chain of command as soon as possible. If the employee is from another jurisdiction, the supervisor will ensure that notification is made to the Chief of Police or law enforcement chief executive in the department where the accused employee is employed. All notifications, and attempts to notify, will be fully documented in writing and shall be forwarded to the Internal Affairs Unit.

E. Additional critical considerations

1. When responding to a domestic violence incident involving a law enforcement officer from another jurisdiction, all responding officers, investigators, and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this department as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and *Attorney General Weapons Seizure Directives*.
2. When responding to a domestic violence incident involving a law enforcement officer from another county, the Chief of Police or designee shall notify the County Prosecutor where the officer is employed.
3. If the reported incident involves the Chief of Police or law enforcement chief executive, or a person acting in those capacities, the supervisor will immediately notify the County Prosecutor's Office which may directly oversee the criminal investigation. If warranted, the County Prosecutor may designate a member of that office to respond to the scene of all domestic violence incidents involving a Chief of Police or law enforcement chief executive.
4. In responding to domestic violence incidents where the victim is a law enforcement officer, standard domestic violence response and investigation procedures should be followed as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases*.

5. In responding to domestic violence incidents where the parties involved are both law enforcement officers, standard domestic violence response and investigation procedures as set forth in the *Attorney General's Guidelines on Police Response to Domestic Violence Cases* and the *Attorney General Weapons Seizure Directives* should be followed.
6. When responding to a domestic violence complaint involving a law enforcement officer employed by the federal government or out-of-state agency, all responding officers, investigators and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this Department as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General's Weapons Seizure Directives*. All weapons are to be seized. The Chief of Police shall notify the federal government agency that employs the officer.

F. Department follow-up

1. In a timely manner, the Chief of Police shall ensure that all employees who responded to a law enforcement officer domestic violence call are debriefed. The debriefing should include:
 - a. A review of department confidentiality guidelines;
 - b. A direct order prohibiting discussion of the incident outside of the official inquiry;
 - c. A clear delineation of assignments.
2. Follow-up investigators will proactively seek out information on existing protective orders and, if found, will enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the temporary or final restraining order.
3. Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time should all be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms will be seized and decisions about seized weapons shall be made as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General Weapons Seizure Directives*.
4. This department will conduct a thorough Internal Affairs investigation even if the temporary or final restraining order is dismissed against a member of this department.
5. Following the reported incident, the Chief of Police or law enforcement chief executive of the primary investigative department or designee will immediately contact the designated Principal Law Enforcement Contact person and advise that person of the domestic violence incident and request that he/she perform the duties listed in Section V A(6) of this directive.

G. Response in cases involving restraining order only

1. Any law enforcement employee who is served with a temporary or final restraining order must immediately inform his or her supervisor and provide a copy of the order to the supervisor.
2. Whenever this department is notified that a temporary or final restraining order is issued against a member of this department, this department will serve the restraining order, if it has not already been served, or will assist any other agency in ensuring the immediate service of the restraining order. This department will also ensure that a supervisory officer will be present at any time the law enforcement employee is removing personal items from any common residence with the victim pursuant to the restraining order.
3. If a law enforcement officer's duty and off-duty firearms and weapons have not already been turned in pursuant to the *Attorney General Weapons Seizure Directives*, the weapons shall be immediately seized by this department.
4. No weapon is to be returned or issued to the law enforcement officer except pursuant to the procedure set forth in *Attorney General Weapons Seizure Directives*.
5. This department will ensure that an Internal Affairs investigation is initiated pursuant to the procedures set forth in *the Attorney General's Internal Affairs Policy and Procedures Manual*.
6. This department will immediately notify the Prosecutor's Office of the issuance of a restraining order against the officer.
7. The Chief of Police or designee will immediately contact the designated Principal Law Enforcement Contact person to perform the duties listed in Section V A(6) of this directive.

VI. Seizure of Weapons

- A. See *Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents* [Directives 2000-3 and 2000-4 dated September 1, 2000].

VII. Victim Safety & Protection

- A. This department will make all reasonable efforts to:
1. Provide law enforcement protection and other safety measures to a victim of law enforcement officer domestic violence.
 - a. Directed patrol initiatives including:
 - i. Drive-bys;
 - ii. Dismounted patrols;

iii. Welfare checks.

2. Assist in arranging for the transportation of the victim to a safe place when necessary.
3. Ensure victim contact with trained domestic violence advocates for safety planning.
4. These protective measures will remain in effect even if the officer is terminated as a result of committing domestic violence.

B. Victim Notification

1. To better ensure victim safety, the designated Principal Law Enforcement Contact person will inform the victim as to the status of the case as far in advance as possible to all impending actions taken against or with the officer. This department will provide reasonable assistance to help the victim with safety measures.

C. Confidentiality of Victim Location

1. If the victim wishes to be placed in an undisclosed safe home, she/he may be transported by another party in lieu of a law enforcement officer. Those law enforcement employees who do have contact with the victim must keep all information concerning his/her whereabouts and safety plans confidential.

D. Prohibition of Law Enforcement Court Accompaniment

1. No law enforcement officer will attend any domestic violence related court proceeding of any law enforcement employee unless subpoenaed to appear, or authorized by the agency, or as part of their investigation.

VIII. Post Incident Administrative & Criminal Decisions

- A. This department shall conduct an administrative investigation of an alleged incident of domestic violence committed by an employee of the department in accordance with *the Attorney General's Internal Affairs Policy and Procedures Manual*.

IX. Supplemental

- A. Any police officer found guilty of acts related to domestic violence in criminal court, civil court, or administrative hearing(s) will be subject to termination upon final disciplinary action if the guilty finding abrogates their police powers or the duty to carry weapons.
- B. Any civilian employee of this department found guilty of acts related to domestic violence in criminal or civil court, or administrative hearing(s) will be subject to termination upon final disciplinary action if the conviction negates any certifications required to perform any of the essential functions of their position. Examples include CJIS access, etc.

X. 18 USCA § 922 et seq. Lautenberg Law

- A. The Lautenberg Law, 18 USCA § 922 (g)(9) prohibits police officers convicted of certain domestic violence related crimes and offenses from carrying firearms. The Chief of Police shall ensure compliance with this federal law.
- B. 18 USCA § 922 (g)(9) makes it unlawful for any person who has a prior conviction for a *"misdemeanor crime of domestic violence"* to ship, transport or receive firearms or ammunition. Federal, state and local officers and employees who carry firearms in the course of performing their duties are ***not*** exempt from this law. This law applies regardless of the date of the conviction and regardless of the date of the commission of a *"misdemeanor crime of domestic violence"*.
- C. In order for this law to be applicable, the actor and the victim must have a relationship covered by this law. Consistent with this law's focus on domestic violence, it applies only if the actor is:
 - 1. The current or former spouse of the victim; or
 - 2. The parent or guardian of the victim; or
 - 3. A person with whom the victim shares a child in common; or
 - 4. A person who is cohabiting or has cohabited with the victim as a spouse, parent or guardian; or
 - 5. A person who is similarly situated to a spouse, parent, or guardian of the victim.
 - 6. A person who is cohabiting with a victim, but not as a spouse, parent or guardian. Dating relationships are not included unless living together.
- D. The offense must have specific violent elements, specifically:
 - 1. The use or attempted use of physical force; or
 - 2. The threatened use of a deadly weapon.
- E. If a particular offense has alternative elements then the conviction counts only if the conviction is based upon facts that include the use or attempted use of physical force or the threatened use of a deadly weapon.
- F. The offense must be a misdemeanor within the meaning of federal law.
 - 1. Since New Jersey does not have misdemeanor offenses, the term should be construed to include offenses that New Jersey classifies as disorderly person and petty disorderly person offenses.
- G. The actor must have been represented by counsel or waived the right to counsel.
 - 1. Under federal law, a conviction for a crime that is a *"misdemeanor crime of violence"* does not count if the person convicted was not represented by counsel or did not knowingly and intelligently waive the right to counsel at the time of trial or guilty plea.

- H. The conviction must be one that has not been expunged, set aside or pardoned.

- I. Pursuant to the provisions of the Lautenberg Law, 18 U.S.C.A. § 922 (g)(8), if a final domestic violence restraining order is issued, and for the duration of that order:
 - 1. A police officer may be authorized by a court to possess a department-issued firearm under conditions recommended by the appropriate county Prosecutor; and
 - 2. The officer may not possess any personally owned firearms.
- J. Any police officer convicted of a domestic violence related crime or offense requiring them to be disarmed will be subject to termination from employment as a police officer upon final disciplinary action.
- K. Police officers, who are the subject of a final restraining order for domestic violence under the Lautenberg provisions, shall be disarmed unless otherwise ordered by the court that issued the final order, and will be terminated from employment as a police officer upon final disciplinary action, unless the restraining order is dismissed.

PARAMUS POLICE DEPARTMENT

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SUBJECT: TEMPORARY TRANSITIONAL DUTY

ISSUED BY:

EFFECTIVE DATE:

ACCREDITATION STANDARDS:

Deputy Chief James J. Sheehan

June 21, 2010

SUPERSEDES ORDER #:

The written directives developed by the Paramus Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

PURPOSE

The purpose of this directive is to establish the policy and procedures for granting temporary transitional duty. This directive in no way abridges any rights to individuals protected under other federal or state law.

POLICY

It is the policy of this department that eligible employees are given a reasonable opportunity to work in temporary transitional duty assignments, where available, and consistent with this directive.

PROCEDURES

I. Definitions

- A. **Eligible Employee** is any employee of this department suffering from a medically certified illness, injury, or disability requiring treatment by a physician and who, because of this illness, injury or disability, is temporarily unable to perform their regular assignment; but, is capable of performing alternative assignments. Eligible employee shall also include personnel with pending administrative determinations including, but not limited to:
1. Officer involved shootings;
 2. Removal of weapons for domestic violence related issues;
 3. Pending fitness for duty evaluations, functional capacity evaluations, etc.;
 4. Suspension of required license and certifications, e.g. driver's license, CJIS access, etc.
- B. **Extra-Duty Employment** is defined as police related employment not performed during normal duty hours, and is conditioned on the actual or potential use of law enforcement powers by a police officer. Extra-duty employment is also referred to as special duty or side jobs.
- C. **Outside Employment** is defined as non-police related work for which compensation is received for services rendered. This type of work includes, but is not limited to, retail sales, any trades (roofer, plumber, mechanic, electrician, etc.), consulting, other professions (accountant, teacher, etc.), or in any self-employed capacity.
- D. **Physician** shall mean a medical physician licensed to practice in this state or a similarly licensed healthcare provider.
- E. **Transitional Duty** includes the terms, light duty, modified duty, and convalescent duty.

II. General Provisions

- A. When available, temporary transitional duty assignments are for personnel who, because of illness, injury, disability, or administrative action are temporarily unable to perform their regular assignments; but, who are capable of performing alternative duty assignments.
- B. The use of temporary transitional duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health, safety or the safety of others by remaining on duty when temporarily unfit for their regular assignment.
- C. Transitional duty is neither a right nor an entitlement. Decisions on temporary transitional duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities, availability of transitional duty assignments, and any physical limitations imposed upon the employee.

- D. Because of the legal and operational concerns involved, the final decision on whether an employee is to be assigned to a transitional duty assignment shall remain with the Chief of Police.
- E. Transitional duty assignments are strictly temporary and normally shall not exceed six (6) months in duration. The Chief of Police may grant extensions in thirty-day (30) increments, only when supported by compelling medical documentation. In no instance shall transitional duty exceed one (1) year.
- F. Temporary transitional duty assignments are limited in number and variety. Therefore, personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to transitional duty.
- G. Temporary transitional duty assignments may be changed at any time if deemed in the best interest of the agency. Employees should be aware that they do not have a vested right to retain a particular position or shift preference.
- H. Assignment to a temporary transitional duty assignment shall not affect an employee's job title, pay classification, or pay status.
- I. Agency employees are generally prohibited from engaging in outside employment while on temporary transitional duty for a medical reason except:
 - 1. Employee may request a waiver from a Borough approved physician. The decision will be solely a medical decision based on the individual facts of the case in question. The Borough approved physician will only grant a waiver in cases where the outside employment will in no way affect the rehabilitation or treatment of the injury, nor will it cause any delay in the employee's recovery and eventual return to full duty status. If the injury is not job related, the cost of the examination by the Borough approved physician will be borne by the employee.
- J. Police officers are prohibited from working any extra duty assignments while on temporary transitional duty.
- K. Depending on the nature and extent of any disability, police officers on temporary transitional duty may be prohibited or restricted from wearing a uniform, carrying a service weapon or otherwise limited in employing police powers as determined by the Chief of Police.
- L. Transitional duty assignments shall not be made for disciplinary purposes.
- M. Employees on workers' compensation who refuse temporary transitional duty assignments that are supported by and consistent with the recommendations of the attending physician or Borough approved physician may be subject to revocation or suspension of their workers' compensation benefits.
- N. Nothing contained within this directive shall be construed to supplant the authority of the Chief of Police as granted under N.J.S.A. 40A: 14-118.

III. Temporary Transitional Duty Assignments

- A. Temporary transitional duty assignments may be obtained from a variety of technical and administrative areas, contingent upon any physical limitations or physician's restrictions that include, but are not limited to:

1. Desk assignments, etc;
 2. Communications;
 3. Report taking or writing;
 4. Records filing and maintenance;
 5. Property room duties;
 6. Technical functions such as fingerprinting or photography;
 7. Computer operations;
 8. Vehicle impoundment or storage;
 9. Research projects;
 10. Information Desk.
- B. Decisions on temporary transitional duty assignments shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities, availability of transitional duty assignments, physical limitations, and any physical restrictions placed upon the employee.
- C. Every effort should be made to assign personnel consistent with their job title, rank, and pay classification. When necessary, personnel may be assigned to positions designated for personnel of lesser rank or pay classification. Personnel thus assigned shall:
1. Retain the privileges of their rank, but shall work closely with the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
 2. Retain the pay classification and related benefits of the position held prior to their assignment to temporary transitional duty. This section does not apply to personnel receiving a stipend where the transitional duty assignment may require a transfer from their present assignment and where another person must be transferred into the position.

IV. Application Procedures for Medical Reasons

- A. Requests for temporary transitional duty assignments for a non-job related condition shall normally be submitted by the employee to their immediate supervisor, in writing. The request must be accompanied by a medical certification to support the assignment. The attending physician must personally sign this certification. Additionally, the certificate must contain the following information:
1. Nature of the illness, injury or disability; and
 2. Probable duration of the illness, injury or disability, and
 3. Prognosis for recovery; and

4. Specific nature of the work restrictions and an acknowledgement by the attending physician of their familiarity with a transitional duty assignment and the medical opinion that the employee can physically assume the duties involved.
 5. Note: physicians shall not be permitted to dictate what an employee can do; rather than what they can't do.
- B. The request for temporary transitional duty shall be forwarded through the chain of command to the Division Commander. The Division Commander shall make a specific recommendation to the Chief of Police.
 - C. This department may require the employee to submit to a medical examination by the Borough approved Physician. In the event that the opinion of the Borough approved Physician differs from the employee's attending physician, the employee may request a third opinion from another mutually agreed upon physician at the employee's expense.
 - D. This department shall cooperate and act in good faith in selecting any third physician, and both parties shall be bound by that medical decision.
 - E. As a condition of continued assignment to temporary transitional duty for a non-job related injury, illness, or disability, employees are required to submit periodic physician's certificates assessing their condition. These certificates must be submitted through the chain of command.
 - F. Employees who had sustained a job-related injury, illness or disability may be assigned to a transitional duty assignment as authorized by the Paramus authorized workers' compensation physician(s). The assignment shall not be in conflict with the workers' compensation physician's instructions.

V. Other Reasons

- A. Employees who have not requested temporary transitional duty may be recommended for such an assignment by their supervisor or commander. This written recommendation must be supported by documentation expressing the need for temporary transitional duty or by a request for a medical or psychological fitness-for-duty examination. *This section does not apply to employees with a job-related illness, injury or disability.*
 1. Notice shall be provided to the employee of the proposed temporary transitional duty assignment together with compelling justification for the recommendation.
 2. The employee may challenge the proposed reassignment through the grievance process.
 3. Pending the outcome of the grievance process, an employee may be reassigned if, in the opinion of the Chief of Police, failure to reassign the employee may jeopardize the safety of the employee, other employees, or the public.
- B. As an alternative to administrative suspension, police officers awaiting administrative determinations may be placed on temporary transitional duty status. Assignment to a transitional duty assignment for administrative reasons shall in no way mean or infer that an officer is unfit or may suffer discipline.