

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT		EFFECTIVE DATE: 09-06-2002	REVISION DATE: 5/18/09	PAGE #: 11 15 17 18 20 22 26 28	SECTION: H III A 4 B 4 (2) B 4 (7) B 4 7(a) 3 c 7 c (2)(a)	APPROVED 05-18-2009	VOLUME VIII
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REFERENCE:							

PURPOSE:

The purpose of this policy is to establish guidelines to be used in criminal investigations. Successful investigations are based on, accuracy and confidentiality and diligence in lawfully searching for the true facts of an event under investigation and on exactness and honesty in reporting the results of an investigation.

POLICY:

Areas of responsibility must be established for conducting criminal investigations to achieve the most effective utilization of manpower. Criminal investigations are comprised of the preliminary investigation and the follow-up investigation. Officers should follow the procedures set forth in this policy, when responding to crime scenes.

PROCEDURE:

I. INITIAL REPORT OF A CRIME

A. Communications Responsibilities:

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

1. Get the following information from reporting party:
 - a. Name, Address and Telephone number of reporting party and their present location.
 - b. Location of crime scene.
 - c. If suspect(s) is at the scene (in progress), a description of the suspect(s).
 - d. If known, what type of weapon involved.
 - e. If a vehicle was used, description and direction of travel.
2. Attempt to keep caller on the telephone until units arrive, so as to gather any additional information.
- 3.. Dispatch Patrol units and any support units, i.e. Ambulance, Fire Department, etc.

B. Patrol Officer Responsibilities

1. The preliminary investigation is the responsibility of the first police officer to arrive at the scene unless otherwise assigned, it is the vital first step in bringing a criminal case to a successful conclusion.
 - a. The importance of a properly conducted preliminary investigation should not be underestimated.
 - b. What a police officer does or fails to do immediately after a crime is discovered will most likely influence the success or failure of the investigation and prosecution.
2. Although each incident is unique, the officer responsible for the preliminary investigation should take care to ensure that the following duties are completed as they may apply in each circumstance:
 - a. Determine whether the scene is safe to approach.
 - b. Render aid to the injured.

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

- c. Attempt to obtain a dying declaration or other vital information from seriously injured victims or perpetrators.
- d. Calm or reassure victims and witnesses, if needed.
- e. Establish whether a crime has been committed, and the nature of the crime.
- f. Arrest the actor at the scene or while fleeing the scene.
- g. Obtain and relay to Com-Cen a description of suspects, vehicles, direction of escape, crime involved, and any other pertinent information (weapons, stolen property, ect.).
- h. Request a supervisor and as needed, canine, detectives, fire department or other specialists.
- i. Protect and preserve the crime scene, allowing no unauthorized persons, including police officers not assigned to the case, to enter, tamper with, or alter the crime scene in any way. A minimum of personnel will assure that each scene is disturbed as little as possible.
 - (1). The crime scene log located should be used whenever needed to record authorized entry at a crime scene of police, emergency personnel or outside agency specialists.
 - (2). The cooperation of ranking personnel on scene from such other units should be sought to determine the number of persons needed at each scene.
- j. Make note of location of victims, evidence or other original condition of crime scene, if the scene must be altered due to unavoidable emergency or uncontrollable circumstances.
- k. Secure the perimeter of the crime scene, since the surrounding area may contain vital evidence not yet discovered.

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

- l. Gather and preserve evidence that is in danger of being altered or destroyed due to uncontrollable circumstances (weather conditions, actions of emergency personnel such as VAC or Fire Department etc).
- m. Locate and identify witnesses, verifying names and addresses from identification.
- n. Separate witnesses immediately. Do not allow witnesses to compare information, as this may alter their stories.
- o. Record witness and bystanders names, addresses, age, home and business phone numbers.
- p. Record briefly where each witness or bystander was, what they saw or heard, why they were in the area (this should be done even if they saw or heard nothing), and the nature of the scene prior to the crime.
- q. Locate and identify possible suspects. Question so as to determine involvement and to prevent formulation of an alibi at a later time.
- r. Note all important facts, including date, time and place of crime, and its time of discovery, times notified and arrived at the scene, weather conditions, and other officers at the scene.
- s. Secure description of stolen property and value.
- t. If a detective is to respond, the officer should pass on any pertinent information, point out anything of importance, and turn the case over to the detective if necessary.
- u. Continue the investigation until such point that the case will not be jeopardized due to suspending immediate further investigation.
- v. If a detective is not to respond immediately, and the scene is to be left without police protection, instruct the victim how to avoid destroying possible evidence until the detective arrives.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

Also, take possession of any evidence that must be preserved and cannot be left unattended. Gloves should be used to handle such evidence, paper bags or box should be used to contain the evidence, not plastic bags.

- w. Instruct or direct victims as to any needed action or responsibility on their part, or any information to aid them if needed.
- x. Accurately and completely record all pertinent information on the prescribed report forms.

In cases of Homicide investigation, the procedures set forth in Vol. 5 Ch. 15 should be followed.

- 3. Responsibility for conducting the preliminary investigation.
 - a. Except in those cases involving unusually serious or complex crimes, the preliminary investigation shall be conducted by the uniformed patrol officer assigned to the call for police service.
 - (1). The assigned patrol officer shall initiate and complete as many of the activities listed above as needed. The individual circumstances of the incident shall determine how many of the activities are required.
 - (2). As soon as the preliminary investigation is concluded and before the patrol officer returns to service, he shall complete his initial field report. He shall list on the prescribed form all information obtained at the scene of the offense.
 - b. Immediate notification of a crime to other units.
 - (1). The patrol officer assigned shall be responsible for initiating action to inform the Tour Commander of a serious crime.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- (2). The Tour Commander shall notify the officer in charge of the detective division that their attention is needed at a crime scene.
- (3). The Tour Commander shall see that notification is made to other appropriate agencies (fire, ambulance, etc.) that their attention is needed at the crime scene.

C. Follow-up Investigation

1. The follow up investigation is an extension of the preliminary investigation. It is undertaken when additional investigation is needed, it may commence at a later time, after the initial investigation is completed. It may, however, commence immediately due to the nature of the crime involved.
2. If it is determined a follow-up investigation should begin immediately, the detective(s) will respond as expeditiously as possible. In any case, the detective(s) should respond within one hour of being notified.
3. Specialized personnel, such as detectives, arson investigators and motor vehicle accident investigators normally conduct the follow-up investigation.
 - a. The follow-up detective is responsible for completing those activities or procedures needed to discover all information which may have bearing on the particular case being investigated.
 - b. The following activities are included in follow-up investigations, determined individually by each case:
 - (1). Any duties normally conducted as part of the preliminary investigation that were not necessary or could not be completed as part of the preliminary officer's investigation.
 - (2). Review the preliminary investigation report and pursue investigative leads provided.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- (3). Develop and rework a scheme of the crime.
- (4). Analyze the legal significance of information and evidence.
- (5). Search the crime scene for evidence.
- (6). Collect and process all evidence (if applicable).
- (7). Photograph the crime scene (if applicable, BCI)
- (8). Interview or re-interview witnesses and victims, take statements if appropriate.
- (9). Locate and identify suspects and additional victims and witnesses.
- (10). Arrest actors responsible for the crime.
- (11). Interrogate suspect(s).
- (12). Recovery of stolen property.
- (13). Determine if other crimes have been committed.
- (14). Record all information obtained.
- (15). Prepare reports of follow up activity.
- (16). Prepare case for court.

II. MAJOR CRIMES (Homicide etc)

A. Patrol Officer responsibilities follow section I, B.

B. Supervisor Responsibilities

1. Confer with first officer(s) on the scene and ensure that proper procedures are being followed.

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

2. Have Tour Commander make the following notifications:
 - a. Chief of Police
 - b. Investigative Division Commander
 - c. Operations Division Commander
 - d. Bergen County Prosecutor's Office Major Crime Unit and Homicide Squad. Follow procedures set forth in Vol. 5, CH 15.

C. Detectives Responsibilities

1. Verify that the following notifications have been made:
 - a. Bergen County Prosecutor's Office Major Crime Unit and Homicide squad
 - (1) The Major Crime Units participation in the federal Violent Crime Apprehension Program (V.I.C.A.P.), a national data center designed to identify and notify law enforcement agencies of similar patterns in the commission of seemingly unrelated crimes.
 - (2) When an incident meeting the following criteria occurs, the case detective shall meet with a member of the Prosecutor's Office Homicide Unit or Missing Person Unit. At this time, the necessary documentation will be completed and submitted by the Prosecutor's Office to the New Jersey State Police.
 - (a) Solved or unsolved homicides or homicide attempts that involved abduction; appear to be random, motiveless or sexually motivated; or are known or suspected to be part of a series, whether or not the offender has been arrested or identified.
 - (b) Unidentified dead bodies, where the manner of death is known or suspected to be homicide.

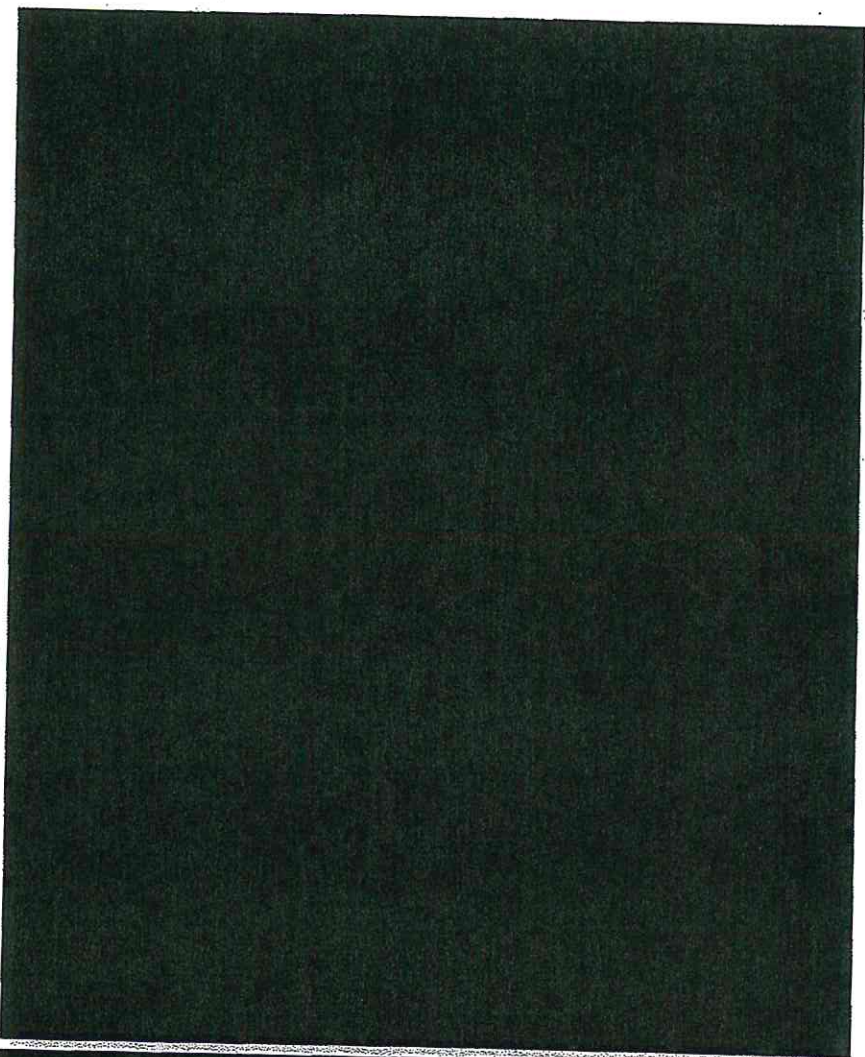
INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

- (c) Missing persons, where the circumstances indicate a strong possibility of foul play and the person is still missing. (Missing person cases should still be reported to the New Jersey State Police Missing Persons Unit according to the Attorney General's directive dated November 17, 1987. If foul play is suspected, a Crime Analysis Report should also be submitted.)
- b. Bergen County Sheriffs Department Crime Scene Unit (BCI).
- c. Bergen County Medical Examiner's Office
 - (1). Pronouncement
 - (2). Removal of deceased
- 2. The detective(s) assigned will coordinate with the Bergen County Prosecutor's Office Major Crime Unit, Homicide squad and the Bergen County Sheriffs Department Crime Scene Unit responsibilities such as interviewing witnesses and evidence collection. This is done so as not to contaminate the scene or unnecessarily re-interview witnesses.
- 3. Crime Scene (If Homicide follow procedures set forth in Vol. 5, CH. 15.)
 - a. Once pronouncement is made or the injured are taken to the hospital, along with a detective for statements and evidence collection, the following will be completed at the scene: (By BCI for Major Crimes)

(1)

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

(2)

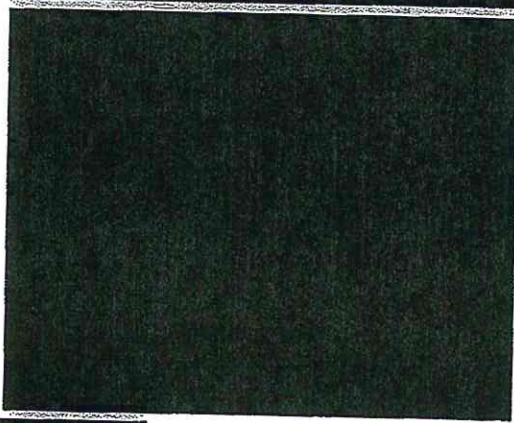


(3)

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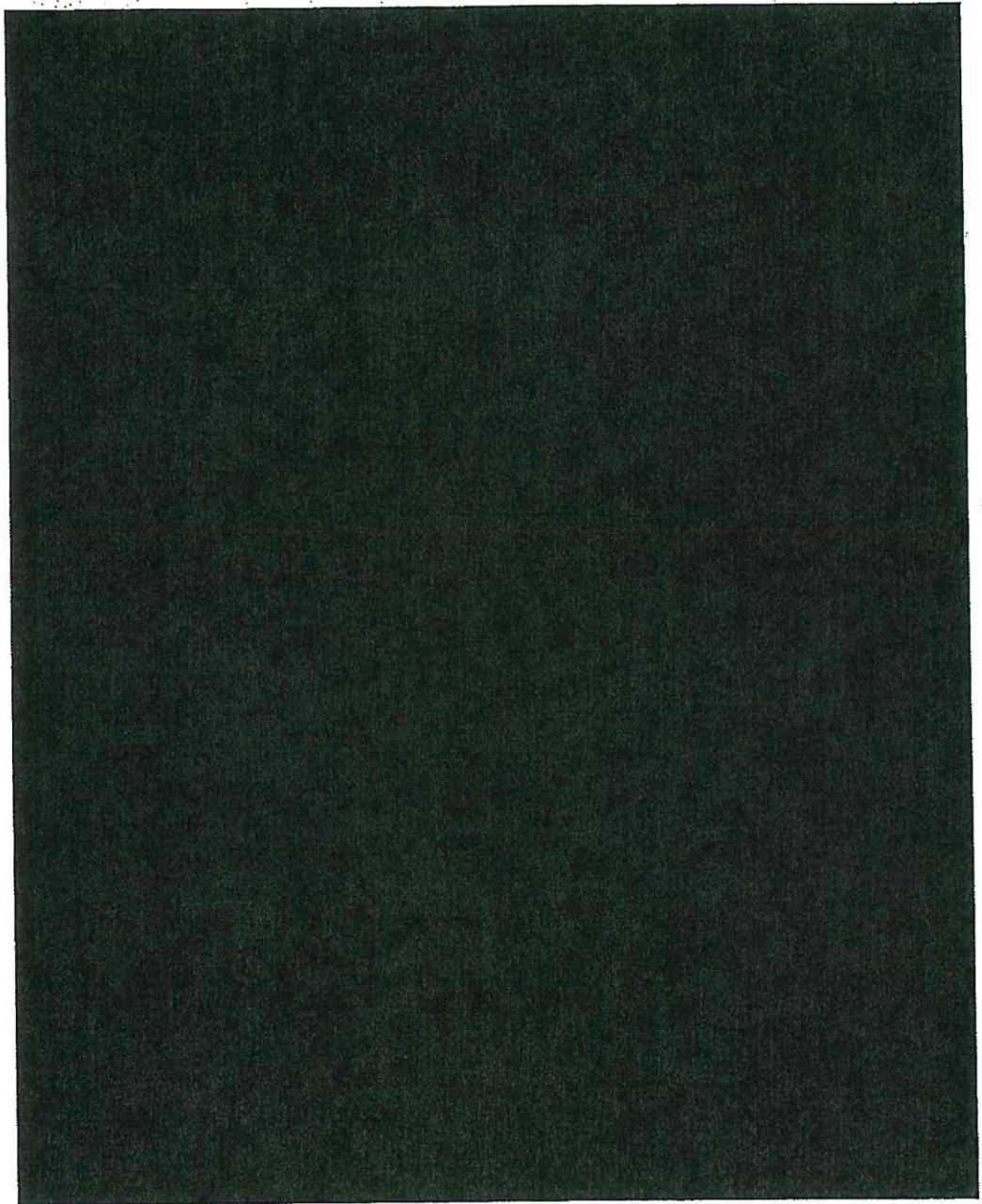
**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

5.

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

6.

7



8. Case Preparation
 - a. Prepare investigation checklist.
 - b. Reconstruct crime
 - c. Summarize physical evidence
 - d. Summarize testimony of witness

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- e. Review motive of suspect(s)
- f. Confer the case with other assigned detective's and the assigned Bergen County Assistant Prosecutor
- g. Send case and transmittal form to the Bergen County Prosecutor for trial)

III. KIDNAPPING

A. Communications Responsibilities

1. Obtain the following information from reporting party:
 - a. Name, address and telephone number and present location of reporting party.
 - b. Identify victim and obtain description.
 - c. Location of Kidnapping site.
 - d. If in progress.
 - e. If kidnapper(s) fled:
 - (1) Direction.
 - (2) Description of suspects, direction of flight, vehicle description.
 - (3) Number of occupants.
 - (4) If weapon(s) shown.
2. Attempt to keep caller on the telephone until units arrive, so as to gather any additional information.
3. Dispatch patrol units and support units.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

4. Broadcast information to surrounding towns via police radio and S.P.E.N. if appropriate (detective supervisor will advise on this).

B. Patrol Officer Responsibilities:

1. Proceed to the scene promptly and determine if it is safe to approach the location.
2. Ascertain if a crime actually occurred.
3. Ascertain if it is a parental kidnapping, or custody dispute.
4. If kidnapper(s) fled, give description of actors and victim so that responding units can attempt to locate.
5. Render assistance to any injured (if any).
6. If actor is present, effect the arrest if possible.
7. If physical evidence is present, protect against contamination
8. Immediately notify On-Call Detective and patrol supervisor to respond.
9. Locate any witnesses
10. Render assistance in location of victim
11. Report the crime fully and accurately

C. Supervisor Responsibilities

1. Confer with officer(s) on the scene and ensure that proper procedures are being followed.
2. Have tour commander make the following notifications:
 - a. Chief of Police
 - b. Investigative Division Commander

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

- c. Operations Division Commander
- d. Bergen County Prosecutor's Office
- e. F.B.I., if it is believed kidnapper will transport the victim out of state

D. Detective responsibilities

1. The detective will photograph the scene. (Same method as in section II, B, 3 of this policy should be used at crime scene), and work in conjunction with the Prosecutor's Investigators and FBI if appropriate. Ascertain whether there are any ransom demands.
2. Identify Victim.
 - a. Tentative.
 - b. Positive.
3. Conduct Canvas (Appendix 3)
 - a. Cultivate witnesses
4. Follow-up with parent/guardian/ complainant for possible motive
5. Utilize all available patrol units in search
6. Make all necessary entries into computer NCIC/SCIC.
7. Press Release
 - a. Chief of Police to release after coordinating available information with the Bergen County Prosecutor's Office
 - (1) Information not to interfere with investigation
 - (2) Victim(s) information not to be released pending notification of family
 - (3) No juvenile information released

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

(4) No witness's information released

8. Lead Development

a. If parental kidnapping:

- (1) Ascertain last known address
- (2) Issue State Warrant if within state limits
- (3) Issue Federal Warrant (Unlawful Flight to Avoid Prosecution)

b. If not parental kidnapping

- (1) Re-interview witnesses
- (2) Re-interview parent/guardian
- (3) Check with informants
- (4) Notify New Jersey State Police Missing Person Unit for assistance
- (5) Have composite of kidnapper(s) prepared and disseminated
 - (a) Fort Lee Police Composite Unit
 - (b) Bergen County Sheriff's Office
 - (c) N.J. State Police Composite Unit
 - (d) Utilize Media if appropriate
- (6) Disseminate Photograph of Victim
 - (a) National Center for Missing Exploited Children
 - (b) State-Wide Dissemination

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

- (c) Utilize Media if appropriate
 - (d) Keep victim's parent/guardian and witnesses abreast of the case in accordance with Volume III, Chapter 4.
 - (7) Issue AMBER Alert if appropriate.
- 9. Arrest in the State
 - a. Give suspect Miranda Warnings prior to questioning
 - b. Locate victim and make arrangements for transportation home.
 - c. Apply for search warrant for suspect's vehicle and residence to legally recover items of evidentiary value to case.
- 10. Arrest out of State
 - a. Return for Prosecution
 - (1) At extradition hearing, voluntary or court ordered.
 - (2) Extradition - Done through the Bergen County Prosecutor's Office
 - b. Give Miranda Warnings prior to questioning (**Immediately after arrest**)
 - c. Assist parent/guardian with making arrangements for transportation home.
 - d. Contact jurisdiction where subject lives in regards to Search Warrant of residence and vehicle used.
- 11. Case Preparation
 - a. Prepare investigation Checklist
 - b. Summarize physical evidence

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- c. Summarize testimony of witnesses
- d. Review motive
- e. Confer with all assigned to the case
- f. Send case and transmittal form to Bergen County Prosecutor's Office for trial

IV. ROBBERY

A. Communications Responsibilities

- 1. Get the following information from the reporting party:
 - a. Name, address and telephone number of reporting party and their location.
 - b. Location of crime scene and victim.
 - c. If immediate medical attention is necessary
 - d. If suspect(s) are present (in progress), description.
 - e. If any weapons are involved, description of weapon.
 - f. If suspect has fled, description of suspect, vehicle and direction of travel.
- 2. Attempt to keep caller on the telephone until units arrive, so as to gather any additional information.
- 3. Dispatch patrol units and support units or equipment, i.e. K-9 Units, VAC, etc.
- 4. Notify surrounding towns via police radio and state police emergency network, S.P.E.N.

B. Patrol Officer Responsibilities

- 1. Proceed to scene promptly and determine if its is safe to approach location.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

2. If a suspect is present, effect an arrest if possible
 - a. If incident turns into a Barricade/Hostage incident, procedures will be followed as outline in Volume V, chapter 11 of this department's policy and procedures.
3. If suspect fled, broadcast the following information to the dispatcher:
 - a. Direction of Flight
 - b. Description of suspect(s) and Vehicle/Registration
 - c. Weapon involved
 - d. Number of occupants and description
4. Immediately notify the On-Call detective and patrol supervisor to respond, request K-9 and ESU if needed.
5. Search for suspect(s)
 - a. Escape Route
 - b. Refuges
 - c. Hiding spots (stairways, yards, trash bins)
 - d. Investigate Prowler Calls
 - e. Bus and taxi companies contacted.
6. Protect scene and contents against contamination.
 - a. Maintain Crime Scene Log (Appendix 1)
7. Brief the assigned detective(s) and yield the responsibilities of scene to the detective(s).
8. Report the crime fully and accurately.

C. Supervisor Responsibilities

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

1. Confer with officer(s) on scene and ensure that proper procedures are being followed.
2. Have Tour Commander make the following notifications:
 - a. Chief of Police
 - b. Investigative Division Commander
 - c. Operations Division Commander

D. Detective responsibilities

1. The detective will coordinate the scene with any "outside support" agencies so as not to conflict with one another, i.e. K-9 Unit at scene prior to evidence technicians so as not to interfere with tracking scent.
2. Document names and departments of officers that respond and assist in the investigation.
3. Crime Scene should be processed as listed in section II, B, 3 of this policy.
 - a. If needed, Bergen County Sheriffs Department Crime Scene Unit (BCI).
 - b. Return the scene to owner after all evidence collection procedures are complete.
 - c. Develop a tentative crime theory.
4. Press Release
 - a. Chief of Police to release after coordinating available information with assigned detective.
 - (1) Information not to interfere with investigation
 - (2) Victim(s) information not to be released
 - (3) No juvenile information released

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- (4) No witness's information released.
- 5. If a bank is involved or perpetrated by known robbery gang, notify the F.B.I.
- 6. Lead Development
 - a. Conduct neighborhood / vehicle canvass.
 - (1) Cultivate witnesses
 - b. Determine "modus operandi"
 - (1) Target
 - (2) Binding (tape, wire, etc.)
 - (3) Weapon(s)
 - (4) Any additional crimes committed
 - c. Put out teletype of crime and "modus operandi" for feedback of similar cases
 - d. Check with informants
 - e. Keep the witnesses and victim(s) abreast of case in accordance with Volume III, Chapter 4.
- 7. Identification and Arrest
 - a. Eyewitness
 - (1) Photo Line-Up
 - (2) Composite Sketch
 - (a) Fort Lee Police Composite Unit
 - (b) New Jersey State Police Composite Unit

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

(c) Bergen County Sheriff's Office

- b. Essential elements
- c. Negative evidence
- d. Positive evidence
- e. Arrest suspect(s)
 - (1) Give Miranda warning prior to questioning (immediately after arrest)
 - (2) Apply for search warrant for suspect(s) residence and vehicle to legally recover items of evidentiary value to case.

8. Case Preparation

- a. Prepare investigation Checklist
- b. Summarize Physical Evidence
- c. Summarize Witnesses Testimony
- d. Send case and transmittal form to the Bergen County Prosecutor's Office for trial.

V. SEXUAL ASSAULT

A. Communications Responsibilities

- 1. Get the following information from the reporting party:
 - a. Name, address and telephone number of reporting party and location.
 - b. Location of Victim
 - c. Location of crime scene
 - d. If suspect present (in progress), description.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- e. If victim needs immediate medical attention
- 2. Attempt to keep caller on the telephone until units arrive so as to gather any additional information.
- 3. Dispatch patrol units and any support units, i.e. VAC.

B. Patrol Officer Responsibilities

- 1. Proceed to the scene promptly and safely.
- 2. If a suspect is present, effect the arrest.
- 3. If suspect fled, broadcast the following information to the dispatcher, who will broadcast to surrounding towns via police radio and State Police Emergency Network (S.P.E.N.)
 - a. Crime
 - b. Direction of Flight, description.
 - c. If in vehicle, description/registration
 - d. Weapon involved - type
 - e. Number of occupants/description
- 4. Render first aid until rescue squad arrives.
- 5. Immediately notify On-Call detective and ask for a patrol supervisor to respond.
- 6. Questioning by patrol of victim should be limited to necessary information to complete Investigation Report.
- 7. If victim is to be transported to the hospital, an officer will respond along with the victim, leaving one (1) officer to secure the scene. Prosecutor's Office Sex Crimes Unit should be notified to respond to the Hospital with a rape kit.

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

8. Maintain a Crime Scene Log.
9. Brief the assigned detective(s) and yield the responsibilities of the scene to the detective(s).
10. Report the crime fully and accurately.

C. Supervisor Responsibilities

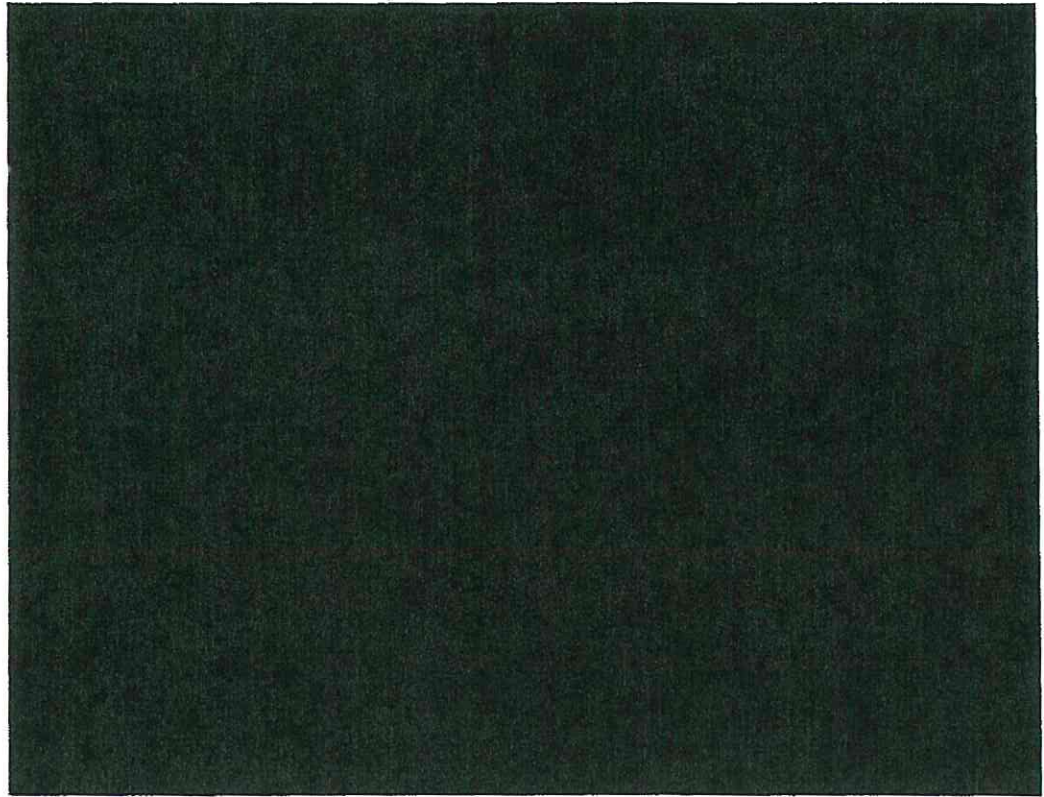
1. Confer with officer(s) on scene and ensure that proper procedures are being followed.
2. Make the following notifications:
 - a. Chief of Police
 - b. Criminal Investigative Division Commander
 - c. Operations Division Commander

D. Detective responsibilities

1. Respond to scene and gather all information from officer at scene and ensure that contact was made to:
 - a. Bergen County Prosecutor's office Sex Crimes Unit
 - b. Bergen County Sheriff's Crime Scene Unit (BCI)
2. The assigned detective will coordinate with the other support agency responsibilities. The Prosecutor's Office Sex Crimes / Child Abuse Screener may provide additional investigative direction.
 - a. The State Office of Victim Witness Advocacy should be contacted at 609-588-7900, for a Rape Care Advocate to be contacted.

3.





4. Evidence collection at hospital (Victim)
 - a. If female victim, have a matron accompany detective in civilian attire.
 - b. The detective will advise the attending physician or forensic trained nurse (specially trained in the collection of evidence from sexual assault victims) of the Rape Kit being supplied by the Prosecutor's Office to facilitate the evidence collection, after which, it will be turned over to police for storage/analysis.
 - c. If a victim does not wish to sign a complaint, they should be urged to cooperate with the collection of the evidence (rape kit), so that if they later change their mind, the evidence has been collected (rape care advocate should assist in urging the victim to do so).
 - (1) If female victim, the matron will remain while the evidence is collected.
 - (2) If male victim, the detective will remain while the evidence is collected.

INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1

5. Press Release

- a. Chief of Police to release after coordinating the information with the Bergen County Prosecutor's Office.
 - (1) Information not to interfere with the investigation.
 - (2) Victim information not to be released.
 - (3) No juvenile information to be released.
 - (4) No witness information to be released.

6. Lead Development

- a. As soon as it is possible for the victim to speak, a Sexual Assault Victim interview will be completed.
 - (1) A rapport should be built between the victim and detective.
 - (2) Questioning should be done in a private location.
 - (3) The victim should be reassured as to their safety.
- b. Conduct canvas
 - (1) Cultivate witnesses
- c. Put out a teletype of crime and "modus operandi" for feedback on similar cases.
- d. Check with informants for information.
- e. Keep the witnesses and victim(s) abreast of case.

7. Identification and Arrest

- a. Eyewitnesses
 - (1) Photo Line-Up

**INVESTIGATION
CRIMINAL INVESTIGATION
VOL. VIII, CH. 1**

- (2) Composite Sketch
 - (a). Fort Lee Police Composite Unit
 - (b). N. J. State Police Composite Unit
 - (c). Bergen County Sheriff's Office
 - b. Essential Elements
 - c. Negative Evidence
 - d. Positive evidence
 - e. Arrest Suspect(s)
 - (1) Give Miranda Warnings immediately after arrest and prior to questioning.
 - (2) Apply for a Search Warrant for suspect(s) residence and vehicle to legally recover items of evidentiary value to case.
 - (3) If arrest is made immediately after crime is committed:
 - (a). Voluntary Written Consent to search can be used.
8. Case Preparation
- a. Prepare investigation Check List.
 - b. Summarize Physical Evidence
 - c. Summarize Witnesses Testimony
 - d. Confer with all detectives and officers on case
 - e. Send case and transmittal form to Bergen County Prosecutor's Office for trial.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 2	CHAPTER: 12	# OF PAGES: 9	
SUBJECT: DUTY DEATH AND SERIOUS INJURY			
BY THE ORDER OF: Thomas O. Ripoli Chief of Police		ACCREDITATION STANDARDS: 22.2.4	
Effective Date: August 23, 2012		Supersedes: All Previous	

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

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 family that cannot be guaranteed.

- A. 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. 
 - a. 

- 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.
- B. 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.
- C. 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.
- D. 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. 
- E. 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 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. 
 - a. 
 - b. 
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.
- F. 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.
- G. 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.
- H. 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.
- I. The personal belonging 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.
- J. 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.
- K. 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.
- L. 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
- Fort Lee Police Department – Duty Death and Serious Injury – Page 6 of 9

of duty. The Chief of Police, or next highest-ranking officer in the Chief of Police's absence, shall join the family upon his/her 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 family members 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;
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 employee's 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.
- B. Department Liaison - the Chief of Police shall appoint a department employee to function as the liaison between the deceased employee's family, the family

representative and the department. 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 employee's 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.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 5	CHAPTER: 8	# OF PAGES: 6	
SUBJECT: ELECTRONIC COMMUNICATIONS			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS:	
REFERENCE:		ACCREDITATION STANDARDS: 3.5.6	
EFFECTIVE DATE: 06/17/2016		SUPERSEDES: Electronic Communication V2Ch20	

PURPOSE: The purpose of this policy is to describe the responsibilities of the agency pursuant to the Criminal Justice Information Security (CJIS) and the security of all electronic messaging devices utilized by this department.

POLICY: It is the policy of this agency that all members abide by the guidelines set forth herein when using personal computers. Guidelines set forth shall be applicable to services of both internal and external databases, information exchange networks and where applicable, internet e-mail, intranet e-mail, voice mail, mobile data terminal usage to include, but not limited to, CAD messaging, switching and related electronic messaging devices.

PROCEDURE:

I. DEFINITIONS:

ELECTRONIC MESSAGING DEVICE (EMD): For purposes of this policy, electronic messaging devices include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards, internet services, mobile data terminals MDT's (including laptops and any vehicle mounted electronic devices) and facsimile transmissions.

SYSTEM ADMINISTRATOR: For purposes of this policy, a member of this agency will be designated with responsibility for managing all aspects of electronic messaging through individual computers and computer networks within this agency. The System Administrator will also be assigned as the Terminal Agency Coordinator TAC.

II. CJIS Security Agreement

- A. The New Jersey State Police is considered a CJIS System Agency (CSA) and responsible for administering the CJIS system at the local level.
- B. The police department is considered a Criminal Justice Agency (CJA).
- C. The use and access to MDT's is governed by the signed Criminal Justice Information Security Services (CJIS) Agreement between the police department (CJA) and the New Jersey State Police (CSA).
- D. The police department (CJA) is committed to adhering to the CJIS Agreement or face possible CJIS sanctions by the New Jersey State Police (CSA).

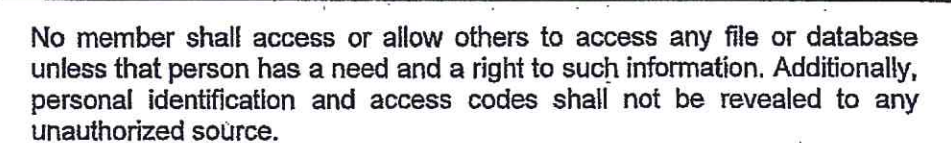
III. General Use and Security

- A. Transmission of electronic messages and information on communications media provided for employees of this agency shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence.
- B. This agency encourages that authorized and trained personnel with access to EMD's utilize these devices whenever necessary. However, the use of any EMD is considered a privilege that is subject to revocation.
- C. Members are advised that they do not maintain any right to privacy while utilizing department owned EMD equipment or its contents, to include personally owned software.
 - 1. This agency reserves the right to access any information contained in EMD's and may require members to provide passwords to systems or files that have been encrypted or password protected.
 - 2. This agency reserves the right to access, for quality control purposes and/or for violations of this policy, electronic and voice transmissions of members conducting business in this agency.

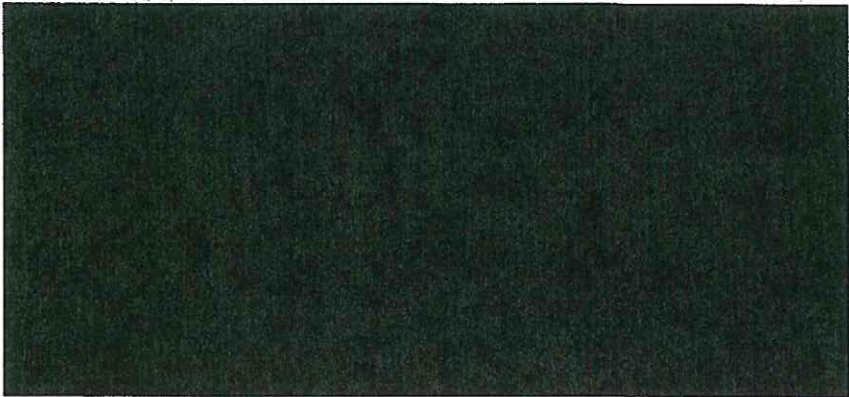
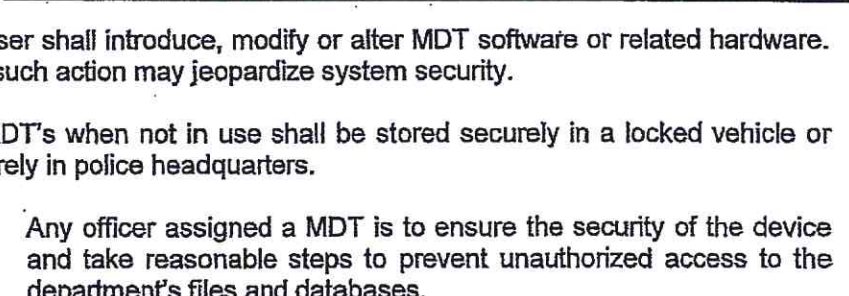
3. Accessing or transmitting materials (other than that required for official police business) that involved the use of obscene language and images, jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individuals is prohibited whether or not a recipient has consented to or requested such material.
- D. Confidential, proprietary or sensitive information may be disseminated only with the appropriate command or supervisory approval unless authorized by a written directive (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the following:
1. Transmittal of personnel information, such as salary, performance reviews complaints, grievances, misconduct, disciplinary information, medical records or related employee information.
 2. Criminal history information and confidential informant master files, identification files or related information.
 3. Intelligence files and information containing sensitive tactical and undercover information.
- E. An EMD is designed and intended to conduct business of this agency and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:
1. Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy and if not connected with a profit-making business enterprise or the promotion of any product, service or cause that has not received prior approval of this agency.
 2. Personnel may make off-duty personal use of agency computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of an appropriate supervisor.
- F. Any member who improperly accesses or disseminates information from an EMD, including but not limited to any internal or external database used for Criminal Justice Purposes, may be subject to criminal prosecution and/or civil liability.
1. Information from an EMD is not to be forwarded, transmitted or duplicated in any form unless specifically within the officers assigned job function or with the approval of the Chief of Police, or his designee.
 2. Police Officers or Detectives are not to enable an email option to automatically forward EMD messages beyond the department's secured network without the specific approval of a supervisor and notification to their Division Commander through their chain of

command. This does not apply to an automated "Out of Office" reply type message.

IV. Passwords

- A. Each member is assigned their own password to access the EMD.
- B. 
- C. 
- D. No member shall access or allow others to access any file or database unless that person has a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.
- E. Any problems with passwords or access authority should be brought to the attention of the Computer Division and the officer's immediate supervisor.

V. Mobile Data Terminal Computer Security

- A. MDT's are considered portable devices; therefore, the device must maintain Advanced Authentication in order for a user to access the MDT.
 - 1. 
 - 2. 
- B. No user shall introduce, modify or alter MDT software or related hardware. Any such action may jeopardize system security.
- C. All MDT's when not in use shall be stored securely in a locked vehicle or securely in police headquarters.
 - 1. Any officer assigned a MDT is to ensure the security of the device and take reasonable steps to prevent unauthorized access to the department's files and databases.
- D. All MDT data obtained via the MDT containing CJIS information shall be retained for a minimum of 5 years. The retention period is consistent with similar data storage for Automatic License Plate Readers (ALPR's).

VI. Importing/Downloading Information and Software

- A. No member shall download or install any software from any source without first obtaining permission from the commanding officer of the Administrative Division.
- B. Permission will be granted in specific cases where the member communicates successfully that the software will be used for a specific assignment and that the departmental software is not adequate for the intended purpose.
- C. Only fully licensed versions of software may be utilized.
- D. Members shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
 - 1. Any software for which proof of licensing (original disks, original manuals and /or license) cannot be provided is subject to removal by authorized agency personnel.
 - 2. Privately owned software may be loaded on agency computers if approved by the System Administrator.
 - 3. Privately owned software will be removed if it conflicts with departmental hardware or software, interferes with the ability of other members to access or utilized the EMD, or occupies excessive storage space needed by the agency.
- E. Members shall observe copyright restrictions of any documents, images, or sounds sent through or stored on electronic mail.
- F. Any hardware enhancements or additions to agency-owned equipment must be approved and authorized by the System Administrator. The System Administrator is responsible for determining proper installation procedures.
- G. Members shall not permit unauthorized persons to use this agency's electronic mail system.
- H. 
- I. 

VII. Maintenance

- A. Members shall be responsible for the basic care and maintenance of all computer devices to include:
 - 1. Following proper power-up and shut down protocol.
 - 2. Preventing exposure to food, liquid or other damaging elements.

3. Preventing damage or mistreatment to keyboards or other external hardware.
 4. Removal of discs, CD-ROM, or other media formats which may potentially damage the system.
 5. Updating passwords, and advising the System Administrator of same.
 6. Notifying the System Administrator of any malfunctions.
- B. Unless authorized, members shall not perform any of the following maintenance functions:
1. Taking apart or removing external cases.
 2. Altering system or program files
 3. Uninstall, remove or alter agency owned programs.
 4. Remove system batteries.
 5. Swap or exchange system parts.
- C. The System Administrator/TAC shall act as a liaison with county personnel to ensure county and state network connectivity.
- D. The System Administrator shall be responsible for agency owned computer files backup and storage.
- E. Backup and storage procedures of computer files will be consistent with the Records Retention and Disposition Schedule.

VIII. Training

- A. The police department System Administrator/ TAC is responsible for training users in the appropriate level of access for all electronic device use.
- B. The System Administrator/TAC is responsible for maintaining all such training requirements consistent with the CJIS Agreement.
- C. All such training records will be subject to an audit by the New Jersey State Police (CSA).

IX. Inspections

- A. 
- B. The Chief of Police or the Administrative Division Commander may audit any aspect of the Electronic Communication System or the TAC responsibilities at any time.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 21	# OF PAGES: 12	
SUBJECT: EMOTIONALLY DISTURBED PERSONS			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: N.J.S.A. 30:4-27, N.J.A.C. 10:31-8, N.J.S.A. 2A: 4A-31		ACCREDITATION STANDARDS: 3.5.4	
EFFECTIVE DATE: 06/17/2016		SUPERSEDES: All Previous, V7Ch5 Handling Mental Subjects	

PURPOSE The purpose of this policy is to provide guidance for department personnel in recognizing and dealing with persons with mental illness or emotional disturbances.

POLICY It is the policy of the Fort Lee Police Department to treat emotionally disturbed persons (EDP) and persons with mental illness with dignity and respect and divert them from the criminal justice system whenever possible.

It is further the policy of this department that the procedures necessary to involuntarily commit emotionally disturbed persons and persons with mental illness conform to N.J.S.A. 30:4-27-1 et seq. in order to provide for the public good while maintaining the rights and dignity of the persons being committed.

PROCEDURES

I. DEFINITIONS

- A. **Dangerous to self** means that by reason of mental illness the person has threatened to harm him/herself, or has behaved in such a manner as to indicate that the person is unable to satisfy their need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonable foreseeable future; however, no person shall be deemed to be unable to satisfy their need for nourishment, essential medical care or shelter if they are able to satisfy such needs with the supervision and assistance of others who are willing and available. (N.J.S.A. 30:4-27.2h)
- B. **Dangerous to others or property** means that by reason of mental illness there is a substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future. This determination shall take into account a person's history, recent behavior and any recent act or threat. (N.J.S.A. 30:4-27i)
- C. **Emergency services or medical transport** means a member of a first aid, ambulance, rescue squad or fire department, whether paid or volunteer, or paramedic.
- D. **In need of involuntary commitment** means that an adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and who is unwilling to be admitted to a facility voluntarily for care, and who needs care at a short term care facility or special psychiatric hospital because other services are not appropriate or available to meet the person's mental health care needs. (N.J.S.A. 30:4-27.2m)
- E. **Mental illness** means a current, substantial disturbance of thought, mood, perception or orientation, which significantly impairs judgment, capacity to control behavior or capacity to recognize reality, but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome or developmental disability unless it results in the severity of impairment described herein. The term mental illness is not limited to psychosis or active psychosis, but shall include all conditions that result in the severity of impairment described within. (N.J.S.A. 30:4-27.2r)
- F. **Screening** means the process by which it is ascertained that the patient being considered for commitment meets the standards for both mental illness and dangerous to self, others, or property and that all stabilization options have been explored or exhausted.
- G. **Screening outreach visit** means an evaluation provided by a mental health screener wherever the person may be when clinically relevant information indicates the person may need involuntary commitment and is unable or unwilling to come to a screening service and the police are unable or unwilling to transport without an evaluation. (N.J.S.A. 30:4-27.2aa)

II. GENERAL PROVISIONS

- A. Absent criminal behavior or danger to self or others, persons with mental illness permit no special police response. Mentally ill persons have a right to be left alone as long as they do not violate the law.
- B. No person suspected of having mental illness is to be taken involuntarily into police custody unless such person has committed an offense that could result in their arrest or has demonstrated by acts observed by a police officer or other reliable persons, that he/she is dangerous to the lives or safety of others or himself/herself.
- C. No one is to be treated as being mentally ill unless a compelling necessity exists. Police officers shall exercise extreme care in determining that a person is mentally ill and in conforming to the procedures set out in this directive.
- D. The Police Training Commission currently requires entry-level training in this topic for new police officers. Entry-level officers shall receive documented training in the police academy or with this department prior to assuming operational duties.
- E. Documented refresher training in this directive shall be conducted at least once every three years.

III. RECOGNIZING SIGNS OF MENTAL ILLNESS

- A. Although mental health professionals treat various mental disorders differently, for purposes of this order mental illness also includes anxiety, personality, mood, developmental and emotional disorders, where this agency's response is somewhat consistent.
- B. Symptoms vary and each person with mental illness is different; but all people with mental illness have some of the thoughts, feelings, or behavioral characteristics listed below. While a single symptom or isolated event is not necessarily a sign of mental illness, multiple or severe symptoms may indicate a need for a medical evaluation. These symptoms should not be construed as an all-inclusive list.
 - 1. Changes in thinking or perceiving, such as:
 - a. Hallucinations;
 - b. Delusions;
 - c. Excessive fears or suspiciousness;
 - d. Inability to concentrate;
 - e. Expressing a combination of unrelated or abstract topics;
 - f. Expressing thoughts of greatness (e.g. believes they are God);
 - g. Expressing ideas of being harassed or threatened (e.g. CIA is monitoring their thoughts through TV set);
 - h. Preoccupation with death, germs, guilt, etc.

2. Changes in mood:

- a. Sadness coming out of nowhere; unrelated to events or circumstances;
- b. Extreme excitement or euphoria;
- c. Pessimism, perceiving the world as gray and lifeless;
- d. Expressions of hopelessness;
- e. Loss of interest in once pleasurable activities;
- f. Thinking or talking about suicide.

3. Changes in behavior:

- a. Sitting and doing nothing;
- b. Friendlessness; abnormal self-involvement;
- c. Dropping out of activities; decline in academic or athletic performance;
- d. Hostility, from one formerly pleasant and friendly;
- e. Indifference, even in highly important situations;
- f. Seeing or hearing things that cannot be confirmed;
- g. Confusion about or unawareness of surroundings;
- h. Lack of emotional response;
- i. Causing injury to self, others or damage to property;
- j. Inappropriate emotional reactions.
 - 1) Overreacting to situations in an overly angry or frightening way.
 - 2) Reacting with opposite of expected emotion (e.g. laughing at an auto accident).
- k. Inability to express joy;
- l. Inability to concentrate or cope with minor problems;
- m. Irrational statements;
- n. Peculiar use of words or language structure;
- o. Excessive fears or suspiciousness;

- p. Involvement in automobile accidents;
 - q. Drug or alcohol abuse;
 - r. Forgetfulness and loss of valuable possessions;
 - s. Attempts to escape through geographic change; frequent moves or hitchhiking trips;
 - t. Bizarre behavior (skipping, staring, strange posturing);
 - u. Unusual sensitivity to noises, light, clothing.
4. Physical changes:
- a. Hyperactivity or inactivity or alternations of these;
 - b. Deterioration in hygiene or personal care;
 - c. Unexplained weight gain or loss;
 - d. Sleeping too much or being unable to sleep.
5. Physical appearance:
- a. Wearing clothing inappropriate to environment (e.g. shorts in winter, heavy clothing in summer);
 - b. Wearing bizarre clothing or cosmetics (taking into account current trends).
6. Body movements:
- a. Strange postures or mannerisms;
 - b. Lethargic, sluggish movements;
 - c. Repetitious, ritualistic movements.
7. Unusual speech patterns:
- a. Nonsensical speech or chatter;
 - b. Word repetition (frequently stating the same or rhyming words or phrases);
 - c. Pressured speech (expressing an urgency in manner of speaking);
 - d. Extremely slow speech.
8. Verbal hostility or excitement:
- a. Talking excitedly or loudly.

- b. Argumentative, belligerent or unreasonably hostile.
 - c. Threatening harm to self, others or property.
- 9. Environmental Indicators:
 - a. Decorations (e.g. strange trimmings, inappropriate use of household items such as aluminum foil covering windows);
 - b. Waste matter and trash;
 - c. Accumulation of trash such as newspapers, paper bags, egg cartons, etc. (Hoarding Disorder);
 - d. Presence of feces and/or urine on the floor or walls.
- C. Often the symptoms of mental illness are cyclic, varying in severity from time to time. The duration of an episode also varies; some people are affected for a few weeks or months while for others the illness may last many years or for a lifetime. There is no reliable way to predict what the course of the illness may be. Symptoms may change from year to year. Also, one person's symptoms may be very different from those of another although the diagnosis may be the same.
- D. In many cases of apparent mental illness, other diseases or maladies are found to be the cause including, but not limited to: Alzheimer's, epilepsy, Parkinson's, diabetes, etc. Be alert for and note behaviors to relay to mental health professionals for their diagnosis. A thorough examination by a health professional should be the first step when mental illness is suspected.

IV. ENCOUNTERS WITH EMOTIONALLY DISTURBED PERSONS

- A. Personnel may encounter a person with mental illness or emotional problems as a result of field encounters or when otherwise notified by a mental health professional.
- B. When encountering an emotionally distressed/disturbed person or a person with suspected mental illness:
 - 1. Approach the person with extreme caution; be alert and maintain a calm and casual demeanor.
 - 2. If possible, identify a friend or relative that can provide assistance in dealing with the person or who may be able to explain the behavior.
 - 3. Speak to the person by name, if known; your tone of voice should be soothing, but firm and businesslike.
 - 4. Avoid exciting the person; do not say or do anything that may threaten or intimidate the person.
 - 5. Ask questions slowly, one at a time, and be patient in waiting for a response; be prepared that the person may not understand questions and/or instructions or be able to answer in an understandable manner.

6. Avoid arguing with or scolding the person; do not allow anyone else to do so.
 7. Avoid deceiving the person (although sometimes it may be necessary)
 8. Ignore verbal abuse directed at you or others.
 9. Make use of friends or relatives who know how to talk to, and deal with, the person unless there is friction between them.
 10. Whenever possible, try and stall until a backup arrives at the scene.
 11. Show kindness and understanding; maintain professionalism.
 12. Be aware that the person may respond the way he/she thinks you want him/her to respond.
 13. If the person exhibits dangerous or violent behavior or has a history of dangerous or violent behavior, consider the use of force or the use of tactical resources when warranted.
- C. If it is necessary to restrain or take the person into custody, do so carefully; use physical restraint sparingly as it may cause more aggressive behavior. Keep sidearms and other weapons out of the person's reach. Contact an ambulance for restraints and/or transportation.
1. Any use of force other than constructive authority and/or physical contact to control an emotionally disturbed person must be reported on a Use of Force Report.
- D. In addition to the requirements set forth in this department's directive on Interviews and Interrogations Policy V3Ch4 and depending on the circumstances, personnel need to establish that any confession made by someone with mental illness is knowingly and intelligently given, see *State v. Flower*, 224 NJ Super (App. Div. 1988). Officers in such situations should consult with their supervisor who then may contact the Bergen County Prosecutor for guidance, if needed.

V. VOLUNTARY REFERRAL

- A. The preferred method of obtaining mental health evaluation and assistance is getting the person to accept a voluntary referral.
- B. In most situations, no extraordinary steps are required other than to be patient, calm and attempt to convince the person to seek professional assistance. Officers should tactfully inform the person that the psychiatric department at Care Plus NJ (or Bergen County's primary mental health screener) at Bergen Regional Medical Center (BRMC) is equipped to handle their problems and that, if the person wishes, transportation can be arranged to the hospital where the psychiatric staff is available 24/7; **HOTLINE: 201-262-HELP** or 1-800-730-2762. Prior to transport and whenever possible, communication personnel will give a notification call to the emergency room advising them that an EDP is in route.

- C. If the person refuses to cooperate and responsible adult members of the person's family or the person's guardian are known, the officer may want to contact them and suggest that they try to influence the person to seek care.

VI. INVOLUNTARY COMMITMENT

- A. The State of New Jersey is responsible for providing care, treatment and rehabilitation services to mentally ill persons who are disabled and cannot provide basic care to themselves or who are dangerous to themselves, to others, or to property. Because involuntary commitment entails certain deprivations of liberty, it is necessary that State law balance the basic value of liberty with the need for safety and treatment, a balance that is difficult to affect because of the limited ability to predict behavior.
- B. The procedures set forth in this section are a result of rules promulgated by the New Jersey Department of Human Services, Division of Mental Health and Services Screening Outreach, specifically N.J.A.C. 10:31-8.1 through 10:31-8.3.
- C. There are generally four situations in which a mentally ill person or EDP may be taken into custody.
1. If he/she committed a crime for which, under normal circumstances, he/she would be arrested; or
 2. Where from acts observed by the officer or other reliable persons, the officer believes the person is a danger to others or property; or
 3. From acts observed by the officer or other reliable persons, the officer believes the person poses a substantial risk of physical impairment or injury to himself/herself as manifested by evidence that his/her judgment is so affected that he/she is unable to protect himself/herself in the community and that reasonable provision for his/her protection is not available in the community; or
 4. Where from acts observed by the officer or other reliable persons, the person demonstrates a substantial risk of physical harm to himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm.
- D. If it has been determined that the person fits into one of the above situations and must be taken into custody, seek to convince the person to come voluntarily and peacefully. If these measures fail or are impracticable, the person shall be restrained with handcuffs, but only with as much force as necessary to accomplish this task.
- E. Upon determining that a person is in need of involuntary commitment or further evaluation, the Road Supervisor shall cause notification to be made to the primary mental health screener in Bergen County. The current mental health screener for Bergen County is:

Psychiatric Emergency Screening (PES)
Care Plus NJ @ Bergen Regional Medical Center
230 East Ridgewood Avenue

Paramus, NJ 07652
HOTLINE: 1-800-730-2762 or 201-262-HELP
Office Contact: 201-262-7108

- F. This notification shall include information related to the person's:
1. Name, if known;
 2. Age, if known;
 3. Physical condition (obvious injuries or illnesses);
 4. Whether ambulatory or not;
 5. A brief summary of the observations leading to the need for involuntary commitment;
 6. Criminal charges, if applicable.
- G. Depending on the circumstances, the officer on scene may request a screening outreach visit, if available.
- H. In situations where there is overt and extreme danger or believed to be such, communication personnel shall contact BRMC and request screening outreach as soon as practicable.
1. Department personnel should attempt to stabilize the situation to the extent of their training and experience, if and when possible.
 - a. Certain situations may require prompt intervention prior to the arrival of screening personnel. (Examples: person threatening to jump from a bridge, building or other structure; person threatening him/herself with a firearm or other weapon.)
 - b. Screening personnel should verbally engage the subject only with the approval of this department's personnel.
 - c. Department personnel shall not permit screening personnel to place themselves in harm's way to engage a subject.
- I. If a screening outreach visit is unavailable or impracticable, personnel shall arrange for transportation to BRMC or other appropriate hospital as the situation dictates.
1. Transportation should ordinarily be accomplished by police vehicle.
 - a. Two officers will conduct the transport and, if possible, a female officer will be used to transport a female subject.
 - b. If the subject is out of control and needs to be completely restrained, officers shall immediately arrange transportation for the subject to BRMC via ambulance. The subject's arms and legs can be secured to the stretcher in the ambulance.

- c. One officer shall accompany the ambulance by riding inside the ambulance to maintain security.
 - d. A second officer shall follow the ambulance to BRMC to assist.
2. Officers shall assist with screening center security until the subject is released to the custody of the on-site security personnel. If the subject is under arrest, officers will stand by until a commitment can be obtained for the jail wing of the hospital.
 3. Officers at the scene prior to transportation shall determine if subject is in need of medical treatment due to injury, or under the influence of drugs/alcohol. The primary responsibility is to arrange for the transportation of the subject to the nearest medical facility for a medical evaluation. After the medical evaluation is complete, transportation will then be provided to the designated screening center.
 4. A thorough pat search should be made for weapons or contraband that could be used to injure officers involved or for any attempt to commit suicide, see Search Procedures Policy V3Ch5.

VII. INVOLUNTARY COMMITMENT OF JUVENILES

- A. When personnel have reasonable cause to believe that a juvenile is in need of involuntary commitment, but the juvenile has not committed a crime or offense, contact PES at BRMC. Whenever possible, parental consent should be obtained and the parents (guardians) should be present during the screening interview. If not:
 1. Contact the **NJ Department of Children and Families** as they may already be involved if abuse and neglect exist; or
 2. Contact the Bergen County Division of Family Guidance, Family Crisis Unit, who may authorize transport (201-646-2233), but only following a PES evaluation; or
 3. Take the juvenile into short-term custody under N.J.S.A. 2A: 4A-31 et seq. and contact the Family Crisis Unit.
- B. If a juvenile had committed a crime or offense, he/she shall be taken into custody for delinquency. Contact the Family Crisis Unit.
- C. Notify a Juvenile Bureau Detective of the screening and/or involuntary commitment, so that the necessary follow up contacts are initiated.

VIII. INCIDENTS INVOLVING ARRESTS

- A. If the person is going to be incarcerated, ensure that the person is screened for suicide potential. The tour commander may order close observation of the subject while in custody.

- B. When the mental status of an arrested person requires evaluation by a screener, the Tour Commander or sworn officer designated by the Tour Commander shall cause notification to Care Plus NJ @ BRMC.
1. Personnel may transport the subject to the BRMC for evaluation; or
 2. Personnel may request that Care Plus NJ respond to this agency for an outreach screening.
 - a. If the screener determines that the subject does not meet the criteria for involuntary commitment, personnel shall continue with the arrest process.
 - b. If the subject is determined to meet criteria for involuntary commitment, the Tour Commander shall cause transportation to BRMC.
 - c. If the subject remains in custody, this agency is responsible for the person.
 - d. If the subject is released on his/her own recognizance (ROR) from police custody and turned over to hospital security, then the screening center becomes responsible for the person.
- C. If the subject is admitted or committed to a state psychiatric facility, personnel shall complete a *Uniform Detainer Form*. The detainer shall be forwarded to the psychiatric facility.
1. Copies of the *Uniform Detainer Form* must be retained by this department, filed with all case reports and filed with any criminal complaints that are forwarded to the courts.
- D. Under the provisions of N.J.S.A. 30:4-27.22c, law enforcement agencies may be required to take custody of a person being released from involuntary commitment by the psychiatric facility and who was being held on bail resulting from criminal/disorderly person charges.
1. If the subject is to appear in municipal court, this department may be required to conduct the transportation.
 2. If the subject is to appear in Superior Court or is to be incarcerated at the County Jail, contact the Bergen County Sheriff's Office for transportation.
- E. For the protection of all concerned parties, all incidents involving involuntary commitment must be thoroughly documented on an Investigation Report. The report shall include the following information:
1. Name, address, telephone number, DOB, and SS# of subject
 2. Description of circumstances that required police involvement
 3. If custody of a subject is required for mental health screening, designate if the subject was:

- a. Dangerous to others or to property;
 - b. Dangerous to self.
- 4. Name of transporting first aid squad or ambulance.
- 5. Name of mental health screening personnel contacted.
- 6. Name of mental health facility to where transported.
- 7. Whether medical attention prior to mental health screening was required.
- 8. Include results of PES screening:
 - a. Temporary Commitment – Location;
 - b. Released - Voluntary Referral.
- 9. Include information on all criminal charges, if applicable.
- F. Protect the identity of any person taken into custody in accordance with this policy. Do not divulge such name to any person, including other members of the department not involved in the case, except as directed by law or in the course of official proceedings.
- G. Any law enforcement officer acting in good faith during the assessment process is made immune from civil and criminal liability (N.J.S.A. 30:4-27.7).

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 5	CHAPTER: 6	# OF PAGES: 24	
SUBJECT: EVIDENCE AND PROPERTY CONTROL			
BY THE ORDER OF: Thomas O. Ripoli Chief of Police		ACCREDITATION STANDARDS: 83.1.1, 83.2.1, 83.3.2, 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.6	
Effective Date: October 23 2012		Supersedes: Volume 7 Chapter 11 Evidence Handling and Preservation	

PURPOSE: The purpose of this directive is to provide a standardized procedure regarding the documenting and handling of evidence and property that comes into the possession of the Fort Lee Police Department. The procedures set forth are to ensure that the integrity of evidence and property are accurately maintained.

POLICY: The utilization of proper and accepted methods for the collection, packaging, storage and preservation of all evidence and seized property is of paramount importance in the successful investigation and prosecution of criminal cases. The lawful and appropriate disposition of such property on regular intervals is necessary for the efficient management of the property and evidence function.

PROCEDURE:

I. COLLECTION AND PRESERVATION OF EVIDENCE

A. Administration

1. The Evidence Bureau shall be staffed by personnel who shall be referred to in this written directive as property/evidence custodian(s).
2. The Fort Lee Police Department shall have qualified personnel available on a 24-hour basis to process a crime scene/traffic collision.
 - a. If a detective trained in crime scene processing is on duty, he/she may process the crime scene or the Bergen County Sheriff's Office, Bureau of Criminal Investigation shall be contacted for assistance with scene processing.
 - b. If an officer from the Accident Investigation Unit (AIU) is on duty, he/she may be called upon to process the scene. After hours contact will require the notification of the Traffic Supervisor who will contact an officer to process the traffic collision scene.
 - 1) If necessary, the officer in charge will notify the Bergen County Sheriff's Office, Bureau of Criminal Investigation for assistance with scene processing.
 - c. Major incidents requiring the assistance of the Bergen County Prosecutors Office shall also require the notification of the Chief of Police through the chain of command. Major incidents include, but are not limited to:
 - 1) Homicide;
 - 2) Any potential homicide, i.e. an incident in which the death of the victim is probable, after which the case would be listed as a homicide;
 - 3) Suspicious or unnatural deaths;
 - 4) Fires or explosions involving a fatality or serious bodily injury as defined in 2C:11-1(b);
 - 5) Any sudden or unexpected death of infants or children less than 14 years of age and fetal deaths occurring without medical attendance;
 - 6) Any individual who is killed or receives serious bodily injury as defined in 2C:11-1(b) by a law enforcement officer;
 - 7) Any death of a person in police custody or any person who receives serious bodily injury as defined in 2C:11-1(b) while in police custody;

8) Any firearm discharge (including accidental) by a law enforcement officer with the exceptions of approved training and the destruction of animals;

9) Bank Robberies;

10) Any crime that involves the discharge of a firearm;

11) Kidnappings;

12) Sexual Assault;

13) Burglary of a residence where the perpetrator(s) intentionally confront(s) the residents during the course of the crime and force, or the threat of force, or restraints used against any victims, e.g. home invasion;

14) The discovery of any human remains (partial or full skeletal);

d. All officers shall be trained in the use of equipment designed to gather, preserve, and otherwise memorialize evidence.

B. Operations

1. Physical evidence may encompass any particular thing, object, or substance that can establish that a crime has been committed or can provide a link between a crime, the victim(s), and the actor(s). All personnel will make arrangements for the proper collecting, processing and preserving of physical evidence in the field, inclusive of the documented transfer of custody of evidence, while in the field.

a. When assisted by another agency, the investigating officer will coordinate the proper collecting, processing and preservation of evidence, and the documented transfer of custody of evidence that occurs in the field.

b. Personnel shall adhere to the New Jersey State Police Evidence Field Manual for the collection, processing and preserving of physical evidence.

1) When collecting, processing, and preserving physical evidence in the field all personnel shall adhere to the following procedures:

a) Secure and isolate the scene;

b) Photograph and/or videotape the evidence prior to collection. This process provides the courts with a visual depiction of the scene;

1) Whenever possible, crime scene evidence should be photographed with some type of measuring device next to it prior to collection.

c) Sketch the scene, as needed;

d) Identify, process, and collect evidence.

2. Conduct a systematic search for evidence while keeping within the boundaries of constitutional requirements and current criminal procedures.
3. Each item of property/evidence must be marked and packaged with one or more features to facilitate identification in court regardless of whether the case results in a judicial process. Some items may require tagging or placement in some type of container, in which case, marking shall be made on the tag or container. Markings shall consist of the officer's initials, item number, and case number.
4. Drugs should be placed in clear plastic bags, with the officer's/detective's markings visible through the packaging. The officer/detective will then be able to identify their markings without opening the package. This is particularly important in the event that the package must be re-submitted to a laboratory for analysis. This precludes the package from needing to be opened prior to trial.
5. Fingerprints, biological, non-biological, and trace evidence will be processed, developed, lifted, labeled, collected, and memorialized in accordance with the New Jersey State Police Evidence Field Manual. Where applicable and whenever available, when collecting evidence for subsequent submission to a laboratory for forensic or comparative analysis, control samples must also be collected to provide the laboratory with a basis for comparison. This is especially useful when examining hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks.
6. Collect and package physical evidence so that each item is placed in a separate bag, envelope, box or other appropriate container(s), avoiding cross contamination and label properly.
7. The size, type, and condition of the evidence/property will dictate how the item(s) should be packaged. The packaging should be able to prevent or retard contamination or decomposition, provide security, facilitate storage, subsequent retrieval, and eventual disposition/disposal.
 - a. All oversized items shall have an evidence tag/label attached. The container should be marked to indicate the contents, the date, where the evidence was found and the signature or initials of the officer/detective finding and packaging the evidence. The container should be sealed. If evidence is not dry when collected, it must be air dried prior to packaging.
8. If an arrestee's clothing is needed for evidence then they shall be provided with a disposable jumpsuit or other temporary garment(s).
9. The officer/detective with overall responsibility for the investigation shall include in his/her report, the location, where and when the evidence was located and by whom. In order to preserve the chain of custody, whenever evidence is transferred, the transfer must be noted in all logs and related reports to reflect the details and status of the evidence so as to preserve the chain of custody at all times.

- a. All personnel conducting or directly involved with the processing of a crime scene will properly submit a supplemental report indicating their full actions.

C. Submitting Evidence to Laboratory for Analysis

1. The property/evidence custodian(s) shall be responsible for the submission of evidence to the laboratory for analysis, whenever possible. When the property/evidence custodian is not available to transport the evidence to the laboratory, personnel conducting the transport shall sign for the evidence to ensure proper chain of custody. The transfer of evidence to the laboratory shall take place as soon as practicable.
2. The method for packaging and transferring of evidence to the New Jersey State Police Forensic Laboratory shall be consistent with the New Jersey State Police Evidence Field Manual.
3. The method for packaging and transferring of evidence to the Federal Bureau of Investigations' Laboratory shall be consistent with the US Department of Justice's Handbook of Forensic Science.
4. The methods for packaging and transferring of evidence to Bergen County Sheriff's Office Laboratory shall be consistent with New Jersey State Police Evidence Field Manual.
5. The methods for packaging and transferring of evidence to any other laboratory used by the Fort Lee Police Department shall be in accordance with that laboratory's requirements.
6. When submitting evidence to the laboratory, the officer/detective responsible for the delivery of evidence to the laboratory shall ensure that the proper documentation such as the evidence submission receipt accompanies the evidence when transmitted to the laboratory. The submission receipt will be individually or electronically signed by the person delivering the evidence.

a. New Jersey State Police Forensic Laboratory

- 1) When submitting evidence to the New Jersey State Police Laboratory, the evidence custodian shall indicate the transfer of custody in the BEAST and on the BEAST-generated evidence submission form or Request for Examination form.
 - a) The request should indicate the individuals from whom the items were taken, i.e., Items #1, 4, and 5 taken from defendant Jones; Items #2 and 3 taken from defendant Smith. This insures that at least one item from Jones and one item from Smith will be analyzed and prevents the need to have a reanalysis should one or the other enter a guilty plea.
 - b) All charges must be included on the request for examination, since the nature of the charges determines the number of items that will be analyzed.

- c) Any item which serves as the basis for probable cause for a search warrant or arrest warrant should be so noted on the submission form, i.e., a controlled buy where a Marquis test is performed and a search warrant obtained immediately thereafter, when that item is submitted to the lab for analysis, it should be noted as a probable cause (PC) item. Probable cause will be marked for each suspect, which item was the reason for the arrest.
 - d) Weight of C.D.S. or number of pills.
 - e) Disorderly person offense evidence (i.e. possession of less than 50g of marijuana) will not be submitted to the laboratory, unless a not guilty plea is entered and a court date is scheduled. Notification will be made to property/evidence custodian(s) by the court liaison.
- 2) All property/evidence that must be submitted to the New Jersey State Police Forensic Laboratory will be scanned out in the BEAST by the property/evidence custodian(s) and delivered to the Jersey State Police Forensic Laboratory. A Laboratory Technician then signs off that they received the evidence and a Jersey State Police Forensic Laboratory number is assigned to each individual case. That number is entered into the BEAST upon returning evidence to evidence/property room.
- 3) All Bio-Chem or DNA evidence will also require a completed Bio-Chem Questionnaire form (SP 648). This type of evidence is normally collected and submitted by the Bergen County Sheriff's Office's Bureau of Criminal Identification, with all required documentation completed by a Sheriff's Office crime scene detective.
- 4) DNA Analysis
- a) Evidence for DNA analysis will not be examined by the New Jersey State Police Forensic Laboratory where a suspect isn't identified unless the crime is:
 - i. Serial Homicide/Rape;
 - ii. Sexual Assault on Young Children.
 - b) Evidence for DNA analysis will not be examined by the New Jersey State Police Forensic Laboratory where a suspect is identified, unless the crime is:
 - i. Homicide;
 - ii. Sexual Assault;
 - iii. Serious Aggravated Assault.

- 5) The submission form will be electronically signed by the person delivering the evidence.
 - 6) Evidence for ballistics analysis must be logged separately in the BEAST when submitted in conjunction with other examinations.
- b. **Federal Bureau of Investigations Laboratory**
- 1) When evidence is being submitted to the Federal Bureau of Investigations Laboratory, the appropriate documentation required by the laboratory shall accompany the evidence. Personnel shall be guided by the US Department of Justice's Handbook of Forensic Science.
- c. **Bergen County Sheriff's Office Laboratory**
- 1) When submitting evidence to the Bergen County Sheriff's Office Laboratory, the evidence custodian shall indicate the transfer of custody in the BEAST and on the BEAST-generated evidence submission form.
 - 2) The submission form will be individually or electronically signed by the person delivering the evidence.
- d. Evidence submitted to any other laboratory shall be accompanied with an evidence submission report.
7. Upon delivery of the evidence to a laboratory, an original stamped submission receipt shall be obtained and made part of the case file. The case files shall be kept in a secure filing system.
- a. When evidence is transported to the laboratory, the property/evidence custodian will be responsible for updating all logs, related reports and the BEAST system to reflect the details and status of the evidence so as to preserve the chain of custody at all times.
8. Upon completion of analysis at the laboratory, the property/evidence custodian or designee shall be responsible for the arrangement of transporting, safeguarding, and the return of all evidence to the evidence/property function.
- a. When evidence is returned from the laboratory, the property/evidence custodian will be responsible for updating all logs, related reports and the BEAST system to reflect the details and status of the evidence so as to preserve the chain of custody at all times.
9. All laboratory results shall be submitted in writing. Once laboratory results are received at the Fort Lee Police Department, the original will be obtained and made part of the case file. The case files shall be kept in a secure filing system.

II. PROPERTY AND EVIDENCE CONTROL

A. Property/Evidence Custodians Responsibilities

1. In addition to preserving and safeguarding all evidence/property, the property/evidence custodian is responsible for the following:
 - a. He/she checks the property/evidence lockers at the beginning of each of his/her duty days.
 - b. He/she checks all property/evidence to see that it has been properly submitted by the investigating officer.
 - c. He/she takes all property/evidence from the locker to be processed.
 - 1) Logs into the BEAST system by department case number.
 - 2) Assigns and places it into a designated area that is determined by the size of the property or evidence.
 - d. He/she makes a copy of completed evidence report and adds to evidence log binder. This includes evidence drugs, and weapons.
 - e. He/she is responsible for the coordination of evidence submissions to laboratories.
 - f. He/she must provide for the proper and timely disposition of property and evidence. This is necessary to maintain the property storage facility and property records in an orderly fashion. Failure to promptly purge property leads to overloading limited storage space, continuing the department's liability longer than necessary and makes auditing procedures more difficult and time consuming.

B. Administration and Operations

1. All personnel receiving evidence and property into the custody and control of the Fort Lee Police Department shall ensure that:
 - a. All evidence and property reports completed in connection with the recovery or collection of any property or evidence must be submitted before the recovering officer ends their shift, unless the recovering officer is incapacitated or otherwise incapable of accomplishing this before their shift ends. If applicable, the duty supervisor shall designate another officer to complete this action. Full documentation of the transfer of custody of the evidence and the reason for such transfer must be noted in the BEAST system.
 - b. All evidence and property submissions must be immediately placed under the direct control of the evidence/property function before the recovering officer/detective ends their shift, unless the recovering officer/detective is incapacitated or otherwise incapable of accomplishing this before their shift ends. If applicable, the duty supervisor shall designate another officer to complete this action. Full documentation of the transfer of custody of the evidence and the reason for such transfer must be noted in the BEAST system.

- 1) Evidence may be submitted to the property/evidence custodian(s) directly when an investigator is on duty. If not on duty, officers will utilize the temporary evidence lockers or designated secure area.
- 2) When evidence requiring further examination, either by BCI or by a laboratory, the property/evidence custodian(s) will be notified as to what test needs to be completed.
- 3) All evidence shall be submitted with a Police Department's case number.
- 4) No vehicle, desk, personal locker or other unauthorized location shall be used for the storage of evidence/property. This does not include the temporary storage prior to placing under the control of the property/evidence function prior to the shift conclusion.

C. Reports Required

1. An evidence/property report and other appropriate report describing each item of evidence/property obtained and the circumstances by which the property came into the department's possession shall be completed by the submitting officer. The report shall be assigned the department's case/CAD number for the incident.
2. As a criminal case winds its way through the judicial system, certain data is generated which effect the nature or status of the evidence involved in that case. It is necessary to concentrate this information in one readily available location. Therefore, the Evidence Bureau will use the Bar Coded Evidence Analysis Statistics and Tracking software (BEAST) as the center of the data flow. Information concerning the evidence, defendant, property owner, arresting agency, laboratory, and chain of custody and case status will be indicated in the BEAST.

D. Packaging and Labeling Prior to Storage

1. Evidence that consists of several objects should be packaged in separate containers or wrapped individually. Each package should be clearly marked with an appropriate label or tag. An evidence label shall be placed directly on the object (when permissible) or on a tag attached directly to the object. When this is not practical, the evidence label is to be placed onto the sealed container housing the object.
2. For the purpose of this procedure, evidence shall be classified into two (2) types:
 - a. Evidence for Safekeeping: evidence which requires no further processing or examination but must be stored for future use; and
 - b. Evidence for the Laboratory: evidence requiring either BCI or laboratory examination (analysis ballistics, latent prints, etc.). After examination, this evidence is also stored for future use.

3. **At no time** shall the two types of evidence be submitted to the Evidence Bureau mixed in the same container. In cases involving both types of evidence, the evidence shall be submitted in separate containers. This step will eliminate confusion and ensure that evidence requiring further processing is properly processed.
4. Potentially bio-hazardous materials such as hypodermic syringes, blood-stained materials and evidence relating to sexual assaults require special care and handling. All appropriate blood-borne pathogen precautions should be adhered to including, but not limited to, the use of sterile gloves, sharps containers for syringes and the placement of biohazard stickers on a prominent location on the exterior of the evidence container.
 - a. Urine samples will be submitted in a leak-proof container and sealed in a heat sealed bag with a biohazard label attached.
 - b. Whole blood tubes must be submitted in leak-proof containers such as heat-sealed bags and labeled with a biohazard label.
 - c. Body organs, and other items such as stomach linings, should be placed in leak-proof containers and labeled with biohazard labels.
 - d. Body packer evidence should be placed in plastic bags and labeled with biohazard labels. A visible note on the Request for Examination should reflect this type of evidence.
 - e. If evidence may be contaminated with pathogens or other contagious viruses or bacteria, it should be so labeled on the bags or containers.
 - f. **CAUTION: ALL BIO-HAZARDOUS EVIDENCE SHOULD BE CONSIDERED POTENTIALLY DANGEROUS TO YOUR HEALTH AND SHOULD BE HANDLED WITH THE UTMOST CAUTION. WHEN HANDLING OR TRANSPORTING THIS TYPE OF EVIDENCE LATEX GLOVES SHOULD BE WORN.**
5. All clothing and other evidence containing dried blood should be placed in separate paper bags and labeled with biohazard labels. Specimens containing wet stains of blood or other biological fluids should be placed in separate leak proof containers, such as plastic bags, at the scene and labeled with a biohazard label. The specimens should then be transported to a safe place as soon as possible where they can be removed from the plastic bags and air-dried over paper sheets. This should be done in an area with low humidity, out of direct sunlight, and away from direct heat sources. The biohazard specimens should also be kept away from food and general work areas. Once the specimens have been completely dried, they should be placed in separate bags and labeled with biohazard labels. The paper bags and paper should be retained and submitted with the evidence.

E. Extra Security Measures for Exceptional, Valuable, or Sensitive Items

1. Exceptional, valuable, or sensitive items requiring extra security measures shall be defined as: all money, drugs, firearms, blood/other bodily fluid and precious metals, jewelry, gemstones with a value greater than \$500.00.

2. 

- [REDACTED]
- a. **CURRENCY:** Currency being seized shall be placed in tamper-proof packaging to safeguard against tampering and initialed. Then the US currency seizure report shall be placed in bag and heat sealed again and initialed.

- 1) Seized currency will be taken to the Bergen County Prosecutors Office Confiscated Funds Section for deposit within 10 days of the date the currency was seized. Copies of arrest report(s) and warrants shall accompany seized currency. Totals should be verified by at least two officers.
- [REDACTED]

- b. **DRUG:** Drugs must be packaged separately from any other evidence seized during the precipitating event and should be marked and packaged in accordance with the New Jersey State Police Evidence Field Manual. Drugs shall be placed in tamper-proof packaging to safeguard against substitution.
- [REDACTED]

- c. **FIREARMS:** Firearms shall be rendered safe prior to packaging and storage. When submitting a firearm that was involved in a crime or discharged the following shall be followed: the magazine is to be removed, round removed from the chamber, and items are to be stored separately. At no time shall rounds be removed from the magazine to protect for latent prints. (If rounds must be removed from magazine caution must be used to protect latent prints on rounds).
- [REDACTED]

- 1) Any firearm seized or recovered under any circumstances, the recovering officer shall promptly enter the information concerning the make, model, caliber and serial number of the weapon into the NCIC 2000 System to determine whether the firearm was reported stolen.
- 2) Any firearm seized or recovered that was unlawfully possessed or used, or recovered from a crime scene, or reasonably believed to have been involved in the commission of a crime, or that was found property, (e.g., abandoned or discarded), the evidence custodian shall enter e-trace related information directly into the **New Jersey Trace System**, which is part of the **Criminal Justice Information System (CJIS)**. The information shall be entered as soon as practicable, but no later than within twenty-four hours after the time that the weapon was recovered.
- 3) Any firearm seized or recovered that was unlawfully possessed or used, or recovered from a crime scene, or reasonably believed to have been involved in the commission of a crime, or that was found property, (e.g., abandoned or discarded), the evidence custodian shall make arrangements to have any such weapon that is suitable for

National Integrated Ballistics Identification Network (NIBIN) examination test-fired as expeditiously as practicable, by the Bergen County BCI Ballistics Laboratory and shall submit the test results to **NIBIN** to determine whether the weapon is related to any other criminal episode or person. When the Fort Lee Police Department recovers any spent shell casings from a crime scene or otherwise has reason to believe that a shell casing is related to the commission of a crime or an improper discharge of a firearm, the evidence custodian shall as expeditiously as possible submit the ballistics information to **NIBIN**.

- 4) In the event that the Fort Lee Police Department is in possession of a firearm or shell casing that was seized or recovered between January 1, 2004 and March 17, 2008, that would have been subject to the provisions of paragraph 1) - 3) of this directive, the evidence custodian shall submit information to the NCIC, the e-Trace System and/or NIBIN as appropriate.
 - 5) All urgent inquiries and requests for assistance with firearms traces should be directed twenty-four (24) hours per day to the New Jersey Crime Gun Center at the New Jersey Regional Operations and Intelligence Center (609) 963 - 6900.
 - 6) In accordance with the Attorney General's Directive, the New Jersey State Police shall identify trends, interconnectivity of events or transactions, source states, source vendors, and individual trafficking or importing guns in New Jersey. After the evidence custodian has submitted information to e-Trace, the New Jersey State Police shall report on the results of the trends, interconnectivity and case-specific analyses to the Fort Lee Police Department.
- d. **BLOOD, URINE, DNA, AND OTHER PERISHABLE EVIDENCE:**
Blood, Urine, DNA and other perishable evidence shall be promptly secured in one of the temporary locking evidence refrigerator. Generally blood, urine, DNA and other perishable evidence shall be delivered within three business days to the proper laboratory facility for analysis, when applicable.
- 

- 1) Deoxyribonucleic Acid Evidence: The Deoxyribonucleic Acid, DNA Molecule, housed within every nucleated cell in the body, carries the genetic information that establishes each person as separate and distinct. Because of naturally occurring variations in the DNA Molecule from one person to the next, the fragments will form a pattern that serves as an identity profile; therefore, a comparison can be made.

- a) Voluntary Consent for Collection of DNA Evidence from a known Suspect.

i. The detective will attempt to obtain the evidence utilizing the Voluntary Consent Form.

ii. Once voluntary permission is given and the consent form is signed, the detective will collect the evidence from the suspect.

b) Non-Voluntary Collection of DNA Evidence

i. The detective will contact the Bergen County Prosecutor's Office to file an affidavit for an Investigative Detention, see only after voluntary means have failed.

ii. Once the Investigative Detention is issued by the Bergen County Prosecutor's Office it must be served upon the suspect 36 hours prior to the hearing date.

iii. Once the magistrate grants permission at the hearing, the suspect must submit to an evidence collection period, not to exceed 5 hours.

iv. The detective will collect the evidence from the suspect.

e. **PRECIOUS METALS, JEWELRY AND GEMSTONES**, (value greater than \$500.00): Precious metals, jewelry and gemstones shall be marked, packaged and stored in temporary evidence storage. These items shall be placed in tamper-proof packaging to safeguard against substitution. [REDACTED]

3. Special care shall be taken in the following:

a. **COMBUSTIBLE LIQUIDS**: Combustible evidence such as toluenes, gasoline, paint thinner, etc., shall normally be disposed of in accordance with the appropriate handling of hazardous materials. However, if there is a specific reason to retain such evidence, combustible materials shall be packaged in air tight containers, such as fresh paint cans, and marked as to the contents. It shall be permanently secured in the evidence/property room until final disposition. Police officers/detectives should use the safest method of transportation available if it becomes necessary to transport any type of combustible liquid. Volatile materials shall be submitted in airtight containers (such as fresh paint cans) and marked as to contents. [REDACTED]

b. **EXPLOSIVE DEVICES**: Under no circumstances will explosive devices, such as dynamite, hand grenades, blasting caps, etc., be brought into the police headquarters unless they have first been

properly inspected by the appropriate authorities and rendered harmless. [REDACTED]

1) When an explosive device or suspected explosive device is located, the Bergen County Police Department Bomb Squad or Department of Defense Explosive Ordnance Disposal will be contacted and take custody of the explosives for proper storage.

2) Items of an evidentiary nature, upon being rendered safe and released to this department by the appropriate bomb squad, shall be properly tagged and packaged for submission [REDACTED]

c. **AMMUNITION:** The Fort Lee Police Department will not store evidence ammunition for long periods as it becomes unstable. Therefore, the property/evidence custodian will review annually the status of stored ammunition. Disposal may be completed by a Bergen County Police Department Bomb Squad or Department of Defense Explosive Ordnance Disposal.

d. **ENGINE DRIVEN MACHINES OTHER THAN VEHICLES (LAWN MOWERS, ETC.):** Engine driven devices are those items that have internal combustion engines such as lawnmowers, trimmers, and similar landscaping equipment. [REDACTED]

e. **BICYCLES:** Bicycles shall be secured [REDACTED]

f. **MOTOR VEHICLES:** Vehicles in need of processing shall be stored in a fenced cage located in the parking lot of police headquarters and monitored by a camera system or in the Sally Port pending processing by the agency or Bergen County Sheriff's Office. Once evidence collection has been completed the vehicle shall be transferred to a secured tow yard.

g. **COMPUTER EQUIPMENT:** When seizing computer equipment and related media, photograph the scene and equipment to include the back of the computer, network connections, components, layout, etc. Sketch the wire configuration and do not use the system. Contact the appropriate computer forensic personnel for data recovery and evidence collection.

F. Effort to Identify and Notify the Owner/Custodian of Recovered Property in the Department's Custody

1. The property/evidence custodian is responsible for all found/recovered property and evidence received by this department and facilitating an investigation to identify the rightful owner/custodian of the property, and notification to the owner/custodian concerning the status of the property, including the procedure for return of the property to the owner. Property/evidence to be returned to owner or finder will be signed for on the signature capture pad by the owner or finder.

2. When a police officer/detective, acting in the line of duty, finds or recovers property, the disposition of that found or recovered property is governed by N.J.S.A. 40A:14-157. Under the statute, the finder must give the property to the police department and the police department must hold the property for six (6) months; and if the owner of the property does not come forward to claim it within six (6) months, the department may give the property to the finder, who shall be deemed the sole owner.

- a. If money is recovered, after 48 hours, it shall be turned over to the Borough Treasurer for retention. After six (6) months if unclaimed, it shall become the property of the Borough Treasury.

3. The Fort Lee Police Department shall, by destruction, donation or public auction, dispose of all unclaimed recovered property.

G. Temporary and Final Disposition of Property and Evidence

1. Evidence seized by the Fort Lee Police Department shall be properly stored until called for by the prosecutor in preparation for trial.
2. All special processing (e.g. ballistics testing, laboratory analysis, etc.) shall be performed by the Fort Lee Police Department prior to submitting evidence to the Bergen County Prosecutor's Office.
3. Evidence transported by the Fort Lee Police Department for display before the Grand Jury and actually marked into evidence before the Grand Jury shall be turned over to the Evidence & Property Control unit utilizing the procedures set forth below. If the evidence is not marked into evidence, it shall be retained by the Fort Lee Police Department until called for by the assistant prosecutor in preparation for trial.
4. Evidence being submitted to the Bergen County Prosecutor's Office may be given to an assistant prosecutor. The officer submitting the evidence shall have the "Evidence Receipt Form" signed by the officer submitting the evidence and the party accepting the evidence.
5. Evidence may be removed for trial, review, inspection, etc. by contacting the Evidence Bureau and signing the signature pad for the BEAST. Only a law enforcement officer assigned to the case is authorized to review, inspect or take possession of evidence. Defendants, attorneys or any other person is strictly prohibited from inspecting, reviewing or taking possession of evidence.
6. Evidence may be re-deposited in the evidence locker after the completion of trial, review, inspection, etc.
7. Once a case has been completed, the Evidence Bureau shall be notified of the case status (e.g. acquittal, plea, guilty verdict, etc.) by the court liaison officer at the time the evidence is returned for deposit in the evidence room. If the defendant is to be sentenced, the sentence date shall also be provided. A court disposition report shall be completed by the court liaison officer and forwarded to Evidence Bureau.
8. Evidence to be returned to the rightful owner shall be returned in person only and documented. All receipts for returned property shall be included in the "case file". Firearms will only be returned to the owner upon presentation of

applicable documentation (NJ Shotgun and Rifle ID Card, Permit to Purchase, etc.) and identification, and with the approval of the Prosecutor. All returns of stolen property must be in accordance with the procedures set forth in N.J.S.A. 2C:65-1 et seq.

9. Destruction of Evidence

- a. Evidence may be destroyed upon the approval of the prosecutorial authority after the timeframe below has been met.
- b. The Bergen County Prosecutor's Office will be responsible for the destruction of all controlled dangerous substances. The Bergen County Destruction of Evidence Form must be completed.
 - 1) In any case involving a large quantity of drug evidence, we must apply to the Bergen County Prosecutors office for a special order of destruction.
- c. Firearms that are not subject to return or possession of the Fort Lee Police Department shall be destroyed by the Bergen County Prosecutor's Office.
 - 1) If the firearm/weapon has been used in the commission of a crime, it shall be turned over to the Bergen County Prosecutor's Office for destruction, or written approval from the state police for the department to retain for use. The firearms disposition report from shall be sent to Bergen County Prosecutor's Office for approval.
- d. Photographs
 - 1) If a case is closed with a determination that no crime has been committed the photographs shall be disposed of.
- e. Evidence to be destroyed shall be disposed of by burning (narcotics), dilution (chemicals), mutilation (hardware), etc. All evidence destruction shall be properly documented. All evidence prior to being returned to owner and destruction must be photographed and kept as permanent record.

10. Timeframes for Evidence Destruction

- a. Homicide Evidence
 - 1) In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
 - 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever is later, a request for destruction authorization may be submitted.

- 3) In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or fingerprint evidence that has been submitted to AFIS, or there is no statute of limitations, the evidence shall be retained indefinitely. Only the Prosecutor or his/her designee may authorize the destruction of this evidence.

b. Sex Crimes Evidence

- 1) In all cases where all of the defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever is later, a request for destruction authorization may be submitted.
- 3) In all cases where the defendants have been admitted into the Pre-Trial Intervention Program (PTI), have successfully completed PTI, and have been discharged, upon the court's signing an order dismissing the case as to all parties, and upon the expiration of the longest sentence of any co-defendants not admitted into PTI, a request for destruction authorization may be submitted.
- 4) In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or in the case of fingerprint evidence that has been submitted to AFIS, or in cases where there is no statute of limitations, the evidence shall be retained indefinitely. Only the Prosecutor or their designee may authorize the destruction of this evidence.
- 5) In cases where the victim has signed a waiver of prosecution, has not contacted the police/prosecutor's office indicating a desire to pursue a prosecution, or has reported as a "Jane Doe" pursuant to the *Standards for Providing Services to Victims of Sexual Assault*, the evidence shall not be authorized for destruction for a minimum of 90 days from the date of the collection of said evidence.
- 6) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.

c. Narcotic Evidence

- 1) In all cases where all of the defendants in the case have been charged and all of the defendants are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever is later, a request for destruction authorization may be submitted.
- 3) In all cases where the defendants have been admitted into the Pre-Trial Intervention Program (PTI), have successfully completed PTI, and have been discharged, upon the court's signing an order dismissing the case as to all parties, and upon the expiration of the longest sentence of any co-defendants not admitted into PTI, a request for destruction authorization may be submitted.
- 4) Where a controlled buy or an undercover buy has taken place and the investigation has been officially closed by the investigating agency with no prosecution having been instituted against anyone, after a period of one year and one day, a request for destruction authorization may be submitted.
- 5) Any controlled dangerous substance that has been submitted to a Forensic Laboratory for analysis and has not been connected to any suspect or defendant and has been submitted as Found Property, a request for destruction authorization may be submitted one year and one day after it has been submitted to the laboratory upon verification by the submitting agency that no prosecution has been instituted relating to the evidence.
- 6) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.
- 7) Notwithstanding the provisions above, the County Prosecutor or the Director of the Division of Criminal Justice may authorize the use of samples of controlled dangerous substances taken from evidence, for the purpose of training K-9s, provided such use will not compromise any pending criminal prosecution or appeal.

d. Firearms Evidence

- 1) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of the conviction or upon the defendant's expiration of sentence, whichever comes later, a destruction authorization may be submitted. If there is a legal owner of the firearm who is not a defendant in the case and is not otherwise legally disqualified from possessing the firearm, pursuant to any provision of Chapter 58 of the New Jersey Criminal Code, rather than destroying the weapon it should be returned to the owner, if said owner is in possession of necessary permits.
- 2) Prior to any destruction authorization being granted, no firearms evidence shall be considered for destruction until all necessary tracing tests and IBIS submissions have been completed.
- 3) In all cases where all defendants have been charged and all defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.
- 4) If the weapon is related to a Homicide case in addition to this section, see Section "a" above.
- 5) If the weapon is related to a Sex Crimes case, in addition to this section, see Section "b" above.
- 6) If the weapon is related to a Narcotics case, in addition to this section, see Section "c" above.
- 7) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.
- 8) For any firearm that has not been connected to any suspect or defendant and which has been submitted as found property, a request for destruction authorization may be submitted one year and one day after any necessary attempts to trace ownership of the weapon and upon verification that no prosecution has been instituted relating to the evidence.

e. Other Evidence

- 1) In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

- 2) In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendant's expiration of sentence, whichever comes later, a request for destruction authorization may be submitted. If there is a legal owner of said evidence who is not a defendant, no forfeiture proceedings are pending or have been concluded and there are no appeals of said forfeiture action pending and the ownership has not been granted to a law enforcement agency by court order, said property shall be returned to the legal owner of same, rather than being authorized for destruction.
- 3) In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.

f. Municipal Cases (Not including DWI cases)

- 1) Evidence relating to cases disposed of in Municipal Court, where there is no companion Superior Court case, shall be addressed within this section.
 - a) Evidence from Municipal Court cases, other than DWI cases, may be destroyed one year after the disposition of the Municipal Court case.
 - b) It shall be the responsibility of the law enforcement agency holding the evidence to determine that the municipal court case has been disposed of, and the date of disposition.
 - c) Once that determination has been made, the law enforcement agency **shall not be required** to obtain authorization from a County Prosecutor or Municipal Prosecutor prior to destroying the evidence.

g. Municipal DWI Cases

- 1) Evidence relating to cases disposed of in Municipal Court, where there is no companion Superior Court case, shall be addressed within this section.
 - a) Evidence used in a DWI cases shall be retained for ten years following the disposition of the case.
 - b) It shall be the responsibility of the law enforcement agency holding the evidence to determine that the

municipal court case has been disposed of, and the date of disposition:

- c) Once that determination has been made, the law enforcement agency **shall not be required** to obtain authorization from a County Prosecutor or Municipal Prosecutor prior to destroying the evidence.

h. Special Circumstances

- 1) In cases where the any defendant has been determined by a Court to be Incompetent to stand trial, the evidence must be retained until the defendant has become competent to stand trial, has died, or the Prosecutor of that respective county has made a determination to not proceed with the prosecution of the defendant.
- 2) In cases where there is an acquittal of the only defendant or there is a finding of Not Guilty By Reason of Insanity of the only defendant, then the evidence may be authorized for destruction by the Prosecutor of that county, in a timeframe to be determined by the Prosecutor of that county.

i. Other Requirements Not Superseded

- 1) Nothing in this policy is intended to require that a law enforcement office retain evidence in circumstances where such evidence would ordinarily be destroyed, returned to its rightful owner, forfeited, or otherwise disposed of pursuant to existing statutes or policies. Examples include, but are not limited to:

N.J.S.A. 2C:65-1 et seq. Disposition of Stolen Property and Documentary Exhibits;

N.J.S.A. 2C:64-1 et seq. Seized or Forfeited Property;

N.J.S.A. 2C:35-21 Destruction of Bulk Seizures of Controlled Dangerous Substances;

N.J.S.A. 52:4B-36 (1.) Crime Victims Bill of Rights, Prompt Return of Property When No Longer Needed as Evidence.

III. EVIDENCE/PROPERTY ROOM/AREA MANAGEMENT

- A. All in-custody and evidentiary property shall be stored in the following designated, secure areas with access limited to authorized personnel:

- 1. Evidence/Property Room within the Fort Lee Police Department.

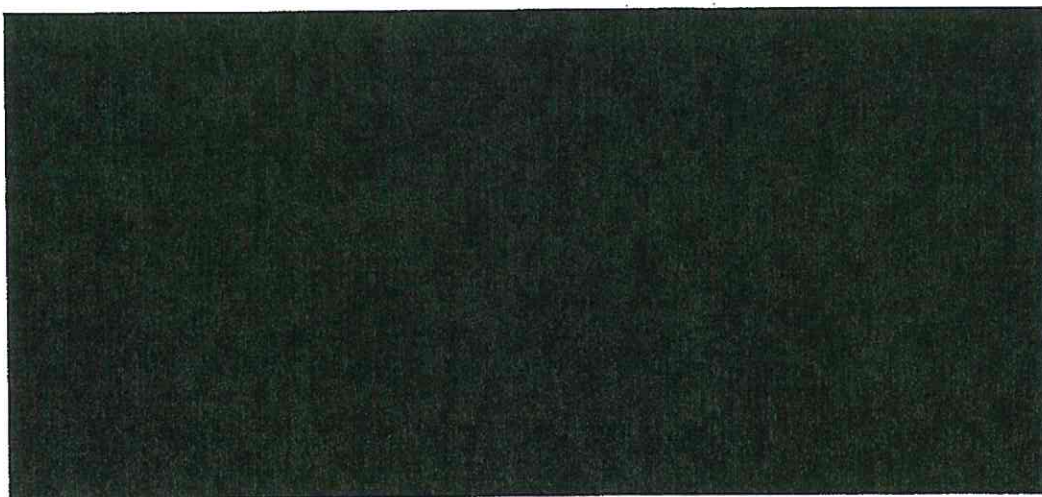
- a. The room shall be locked at all times and no individual will be allowed to enter or remain in the room unless accompanied by authorized personnel. Authorized personnel for access to the evidence/property room shall be the property/evidence custodian(s).

- b. The evidence/property room have limited access by security alarm and locked by a mechanical key system.
- c. Separately secured rooms and cages within the evidence/property room for exceptional, valuable, or sensitive items.
 - 1) These rooms and cages shall be locked at all times. Authorized personnel for access to the locked rooms and cages shall be the property/evidence custodian(s).
- d. Locking evidence refrigerator within evidence room for perishable evidence items.
- e. Combustible and explosive containers for these types of items shall be secured in the appropriate container within the evidence/property room.

2. Vehicle Storage

- a. Vehicles in need of processing shall be stored in a fenced cage located in the parking lot of police headquarters and monitored by a camera system or in the sally port pending processing by the agency or Bergen County Sheriff's Office. Once evidence collection has been completed the vehicle shall be transferred to a secured tow yard.

B.



- C. The property/evidence custodian(s) shall be held strictly accountable to the Chief of Police for the safety and security of the evidence keys/combinations in their possession and shall not be loaned/disclosed to another or shall not be temporarily used by another.
- 1. Lost/misplaced keys: If evidence keys are lost, a complete and detailed report shall be submitted in writing to the Chief of Police. Locks to the affected evidence storage areas will be changed/re-keyed within 72 hours.
 - 2. Duplication of keys: No duplicate "evidence" keys will be made without written authorization from the Chief of Police.

D. Evidence/property of the following types **SHALL NOT** be used for investigative or training purposes:

1. Explosives;
2. Weapons;
3. Controlled Substances.

E. Inspections/audits/records

1. In order to maintain a high degree of evidentiary integrity over department controlled evidence/property, the following documented events shall be completed:

a. **Inspection**

- 1) An inspection to determine adherence to procedures used for the control of evidence/property is conducted semiannually by the property/evidence custodian(s). A report will be submitted to the Chief of Police on the findings. The inspection is to:
 - a) Determine that the evidence/property storage areas are being maintained in a clean and orderly fashion;
 - b) Determine that the integrity of the property is being maintained;
 - c) Determine that provisions of this directive is being followed;
 - d) Determine that evidence/property is being protected from damage and deterioration;
 - e) Determine that proper accountability procedures are being maintained;
 - f) Determine that property having no further evidentiary value is being disposed of promptly and properly.

b. **Audit**

- 1) An audit is to ensure the continuity of custody and **not to require** the accounting of every single item of evidence/property. The audit is:
 - a) A sampling of the total high risk property such as: money, drugs firearms, and precious metals, jewelry, gemstones with a value greater than \$500.00 under the department's care shall be reviewed with respect to documentation and accountability.

- b) A sufficient number of all other evidence/property relative to the number of items in the department's custody.
 - c) Is to ensure the integrity of the system and accountability of property.
- 2) Appendix I of the CALEA Standards Manual should be used to determine the appropriate sample size for high risk items. An error rate that exceeds four percent will require a full inventory of high risk items.
 - 3) An audit of evidence/property shall occur whenever:
 - a) The property/evidence custodian(s) are assigned to and/or transferred from the position and is conducted jointly by the newly designated property/evidence custodian(s), former property/evidence custodian(s) and a designee of the Chief of Police. A report will be submitted to the Chief of Police on the findings noting any discrepancies.
 - b) A new Chief of Police is appointed and the audit is conducted jointly by the new Chief of Police or designee, and the property/evidence custodian(s). A report will be submitted to the Chief of Police on the findings noting any discrepancies.

c. **Annual Audit**

- 1) An annual audit of evidence/property in the department's custody is conducted by a supervisor not routinely or directly connected with the control of evidence/property along with the designated property/evidence custodian(s). A report will be submitted to the Chief of Police on the findings noting any discrepancies.
- 2) The annual audit is:
 - a) To ensure the continuity of custody and not to require the accounting of every single item of property. The audit should be sufficient to ensure the integrity of the system and the accountability of property.
 - b) A sufficient representative sampling of all evidence/property including high risk items such as: money, drugs firearms, and precious metals, jewelry, gemstones with a value greater than \$500.00 shall be audited.

d. **Unannounced Inspection**

- 1) An unannounced inspection of evidence/property storage areas are conducted as directed by the Chief of Police at least annually. A report will be submitted to the Chief of Police on the findings. The purpose of the unannounced inspection is similar to an inspection as noted above.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES



VOLUME: 2 CHAPTER: 13 # OF PAGES: 9

SUBJECT: EXTRA DUTY/ OFF DUTY EMPLOYMENT

BY THE ORDER OF:

Keith M. Bendul
Chief of Police

REVISIONS:

REFERENCE:

ACCREDITATION STANDARDS: 2.1.3

EFFECTIVE DATE:

06/17/2016

SUPERSEDES:

All Previous

PURPOSE: The purpose of this policy is to set forth guidelines to govern extra duty and off-duty secondary employment by members of this police department.

POLICY: The policy of this department is to provide guidelines to police employees to inform them of the types of secondary employment that are appropriate; and to establish procedures to maintain accountability for the welfare of the department. These requirements are essential for the efficient operation of the police department and for the protection of the community.

PROCEDURES:

I. Definitions

- A. **Employment:** The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.
- B. **Extra Duty Employment:** Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.
- C. **Regular Off-Duty Employment:** Any employment that will not require the use, or potential use of law enforcement powers by the off-duty employee.
- D. **Off-Duty:** Any time excluding an officer's normal schedule or overtime assignments. The term Off-Duty shall not be utilized to differentiate between the method in which an employee is compensated.

II. Definitions of Off Duty Employment Explained

- A. **Regular Off-Duty Employment:** Employees may engage in off-duty employment that meets the following criteria:
 - 1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.
 - 2. The employment does not present potential conflict of interest between their duties as a police department employee and their duties for their secondary employer.
 - a. Some examples of prohibited employment, presenting a conflict of interest, are:
 - 1) As a process server, reposessor, or bill collector, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
 - 2) Personal investigations for the private sector or any employment which might require the police department employee to have access to police information, files, records or services as a condition of employment.
 - 3) In department or a police uniform in the performance of tasks other than that of a police nature.
 - 4) Providing legal or technical assistance (in any manner) with case preparation for a civilian defendant in any criminal proceeding.
 - 5) For a business or labor group that is on strike, except when assigned and authorized as an extra-duty detail.

- 6) In occupations that are regulated by, or that must be licensed through the police department.
3. Employment that does not constitute a threat to the status or dignity of the police as a professional occupation.
 - a. Examples of inappropriate and prohibited employment that presents a threat to the status or dignity of the police profession are:
 - 1) A sexually orientated business establishment that's primary business purpose offers for sale pornographic books, sexual devices, or pornographic videos, or that otherwise provides entertainment of services of a sexual nature.
 - 2) Any employment involving the sale, manufacture or transport of alcoholic beverages within the Borough of Fort Lee, County of Bergen or the State of New Jersey.
 - 3) Any proprietary interest in a liquor-licensed establishment involving the sale, manufacture or transport of alcoholic beverages within the State of New Jersey.
 - 4) Any employment at a liquor-licensed establishment outside the Borough of Fort Lee would require the approval of the Chief of Police from the municipality in which the establishment operates and written approval from the Fort Lee Chief of Police in accordance with N.J.A.C. 13:2-23.31.
 - 5) Any gambling establishment not exempted by law.
4. Civilian employees are prohibited from secondary employment as indicated above in Section 2 due to their access to department records, information and equipment.

B. Extra-Duty Employment: Police officers may engage in extra-duty employment, commonly referred to as security or traffic details, as follows:

1. Where a government agency, profit-making or not-for-profit entity has an agreement with the Borough of Fort Lee and the police department for police officers who are able to exercise their police duties.
2. Types of extra-duty services that may be considered as assigned through the department are:
 - a. Traffic control and pedestrian safety;
 - b. Crowd control;
 - c. Security and protection of life and property;
 - d. Routine law enforcement for public authorities;
 - e. Plain clothes assignments.

3. The following guidelines are in place and should be followed by all department personnel while working either security or traffic details.
- a. Uniforms: All officers shall be dressed in the uniform of the day, unless:
 - 1) Assigned to a plain-clothes detail
 - 2) Yellow Traffic Detail shirts are permitted on Traffic Details, however, if you must attend court, you must put on the uniform of the day for the court appearance.
 - b. Equipment: All officers should have the following items with them:
 - 1) Weapon (duty weapon only) and at least 1 magazine;
 - 2) Portable Radio;
 - 3) Handcuffs;
 - 4) Hat (Traffic Details: baseball hat unless otherwise directed by the Chief of Police);
 - 5) Traffic Vest (Traffic Details);
 - 6) Summons Book/Tow Reports (Traffic Details);
 - 7) Flashlight (During Night Traffic Details);
 - 8) Issued Ballistic Vest.
 - c. Officers on traffic details are responsible for summoning and towing any vehicles, as well as completing any necessary report(s)
 - d. Security Detail Location Information:
 - 1) All officers will notify Com-Cen of their location and detail being worked and request that the Tour Commander be notified.
 - e. Traffic Detail:
 - 1) All officers will notify Com-Cen of their location and detail being worked and request that the Tour Commander be notified.
 - 2) The officer is considered On-Duty and entered in the Daily Blotter and the computer system.
 - 3) All officers should notify Com-Cen / headquarters of any road closures, detours or traffic problems at traffic details.
 - f. Marked police units will only be used when authorized by the Construction Unit (officer assigning the detail or the Traffic Bureau Supervisor). Officer should take units designated for traffic details.

The officer should obtain the traffic vehicle's keys from the Tour Commander. **NO UNITS ARE TO BE TAKEN AWAY FROM OFFICERS ON PATROL.**

- g. When a designated vehicle is used on a traffic or security detail the officer shall:
- 1) Gas up the vehicle at the end of the detail.
 - 2) Complete the Traffic Detail Overtime Form.
 - 3) If a vehicle needs specific repairs, then a Vehicle Inspection Report is to be completed and submitted to the Tour Commander for review and forwarding.
- h. Responsibilities while on an extra-duty detail:
- 1) Officers on an extra-duty detail shall be under the direct supervision of the on-duty supervisors respective of rank.
 - 2) No officer should leave a detail to answer patrol calls.
 - 3) An officer should not leave an extra duty detail and engage in regular-duty action unless ordered to do so by a supervisor or they observe a situation where immediate police action is necessary to prevent the loss of life, property or injury to a person. If an officer takes such an action they should notify Com-Cen as soon as tactically practical.
 - a) If an arrest is generated within the scope of the extra-duty assignment (i.e. shoplifting) then the officer should process the arrest at HQ as part of the extra-duty detail.
 - b) If a criminal arrest is generated beyond the scope of the extra-duty detail (i.e. CDS, Agg. Assault, Resisting Arrest, etc.) then the officer should sign off the extra-duty detail and respond to headquarters to process the arrest on-duty. The officer may resume the extra-duty detail when the arrest process is completed.
 - 4) An officer should only break away from a detail after being ordered to do so by a supervisor. Do not request approval from Com-Cen as only a supervisor can authorize the leaving of a detail.
 - a) If this occurs during a security detail the officer must sign out of the detail and into work.
 - 5) No officer should leave a traffic detail for lunch or personal reasons while there is a roadway hazard. If this need arises, the officer should call for temporary relief.

i. Court Appearances:

- 1) No officer will work extra-duty employment while they are scheduled for court.
- 2) Scheduled court appearances take priority over extra-duty details.

j. Limitations on regular off-duty employment and extra-duty employment are as follows:

- 1) In order to be eligible for extra-duty employment, a police officer must be in good standing with the department. Continued departmental assignment of a police employee's extra-duty employment is contingent on such good standing. Any officer deemed unfit for duty shall not be assigned to extra-duty employment. The Chief of Police may revoke permission to work extra duty employment due to chronic sick status, missed assignments or other disciplinary problems.
- 2) Those officers who have not completed their probationary period, or who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in extra-duty employment without specific approval from the Chief or his designee.
- 3) Prior to obtaining off-duty employment, a police employee shall comply with departmental notification procedures for such employment, or assignment of extra-duty employment as specified in Sections D and E.
- 4) A police officer may not work more than 16 straight hours in combination of regular duty, court or extra-duty employment.
 - a) Any exceptions must be approved by the Chief, a Division Commander or their designee.
- 5) Work hours for all off-duty employment should be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty in compliance with codified Borough Ordinance 90-8.
- 6) A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave their off-duty or extra-duty employment in such situations.
- 7) No police employee is to engage in outside employment where it is determined pursuant to departmental procedure that such outside employment does not comply with this policy or is detrimental and impacting the officer's job performance.

C. Off-Duty Employment Notification Form

1. Any Off-Duty Employment, excluding Extra-Duty, requires that the notification form be submitted to the Chief of Police. The form should be submitted two weeks prior to starting the job.
2. The notification form shall be completed when an officer is employed or compensated by another individual, entity, organization or business.
3. The notification form shall be completed when an officer is self-employed in a business.
4. The notification form should also be completed when the employment is terminated.

D. Process for Receiving and Assigning Extra Duty Employment:

1. Officers are prohibited from engaging in extra-duty employment that has not been approved by the Chief of Police or designee.
2. The Chief of Police or designee will serve as the Extra Duty Coordinator.
3. The Extra Duty Coordinator will review, approve and arrange for proper assignment. The Extra Duty Coordinator may revoke an extra duty detail for cause.
4. The Chief's designee will monitor all extra duty details procedures and paperwork for compliance with this policy.
5. A written report will be made periodically to the Chief's office of all extra duty details providing date and times, officer assigned, type of detail, who the detail was provided for, etc.
6. All extra duty employers shall be required to comply with codified Borough Ordinance 90-11 and any other applicable law.
7. All personnel when assigned and working extra duty employment are required to adhere to the Borough of Fort Lee Police Department Rules and Regulations and all Department Policy and Procedures and other pertinent written directives. Personnel are subject to suspension or revocation from extra duty privileges for violation of written directives.

E. The Traffic Bureau Construction Unit is responsible for:

1. Attending Pre-Construction meetings and reviewing worksite traffic plans, to include the possible storage of equipment and materials for long-term construction site.
2. Establishing a system that will track personnel assignments at traffic details.
3. Developing and collecting reports documenting the officer(s) that have been assigned to and worked traffic details, including the use of department vehicles and equipment.

4. Preparing a bill for services rendered at traffic detail records and the forms submitted by the assigned officer.
5. Receive payment for the services rendered and forward the payment to Payroll for deposit into the Borough's account.

III. 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.A. 43:16A4) and other conditions or types of employment may affect the accidental disability and death benefits of the PFRS.

BOROUGH OF FORT LEE POLICE DEPARTMENT

OFF-DUTY EMPLOYMENT NOTIFICATION FORM

Employee's Name _____ Present Assignment _____

Off-Duty Employer _____ Address _____

Immediate Supervisor _____ Business Phone _____

New Notification Anticipated Starting Date _____

Approximate Hours per Week _____

Nature of Work to be Performed (General and Specific)

My off-duty employment at _____ should be terminated by _____ (date).

Submitting Officer Badge

Date

Chief of Police

Date

This notification should be received in the Chief's office two weeks prior to starting/termination date. Complete original and two (2) copies. Submit original and two (2) copies to Chief. Original will be returned to submitting officer. One (1) copy will be placed in Chief's office file and one (1) copy will be placed in employee's personnel file.

**TRAFFIC
TRAFFIC INCIDENT MANAGEMENT PLAN
VOL. IX, CH. 29**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 10/9/02	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IX
VOLUME TITLE: TRAFFIC	# PAGES: 1					CHAPTER 29
ACCREDITATION STANDARD(S):	REFERENCE: V9C29					
SUBJECT: GWB TRAFFIC INCIDENT MANAGEMENT PLAN						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE: Bergen County Traffic Incident Management Plan Book, SOP Book						

PURPOSE:

To reroute traffic as quickly as possible from the bridge approaches so as to prevent additional congestion during accidents and incidents expected to last for protracted periods of time.

POLICY:

The GWB Traffic Incident Management Plan should be activated in accordance with the Eastern Bergen County Regional Police Mutual Aid agreement and subsequent revisions.

DEFINITIONS:

- I. Eastern Bergen County Regional Police Mutual Aid agreement is a traffic mitigation plan developed by Fort Lee Police Dept. Traffic Bureau, Port Authority Police with the Bergen County Traffic Officer's Association.

PROCEDURES:

- I. Upon being advised of any traffic condition covered by the plan by Port Authority Police, the Traffic Commander, Tour Commander and Road Supervisor will take the specified actions in compliance with the plan.
- II. The required Major Event Notifications to the Chief, Deputy Chief, ranking on-duty supervisor and borough officials shall be made.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 4	# OF PAGES: 14	
SUBJECT: INTERVIEW AND INTERROGATION			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: R.3:17, AG Directive 2011-2		ACCREDITATION STANDARDS: 3.2.1, 3.2.2	
EFFECTIVE DATE: 09/19/2016		SUPERSEDES: All Previous	

PURPOSE The purpose of this policy is to establish procedures for assuring the constitutional rights of individuals subjected to field and custodial interviews or interrogations, and their access to counsel.

POLICY It is the policy of the Fort Lee Police Department to safeguard the constitutional rights of individuals at all times in all law enforcement encounters. It is also the policy of this department to adhere to New Jersey Attorney General Directives and Guidelines, Bergen County Prosecutor's Office Directives, and Court Rule 3:17 concerning the electronic recording of custodial statements.

It is also the policy of this department to conduct field interviews with due respect for the public and in accordance with applicable law, guidelines, and current criminal procedure.

PROCEDURES

I. Definitions

- A. Custody – Custody exists when an officer advises a subject that he is under arrest or the surrounding circumstances, fairly construed, would lead a reasonable person to believe that he is not free to leave.
- B. Field Interview / Investigative Detention – The brief non-consensual detainment of a person, whether on foot or in a vehicle, based upon reasonable suspicion for the purpose of determining the person's identity and resolving the officer's suspicions.
- C. Gender – Use of masculine gender herein shall also include, where applicable, the female gender.
- D. Interview – The process by which an employee obtains information from any person who is not in custody, as defined above, in an effort to collect any facts relating to an incident, to substantiate information obtained from other sources, or to obtain additional relevant information about an incident under investigation.
- E. Interrogation – Interrogation includes direct questioning of a subject as well as any action or statement of a police officer that the police should know is reasonably likely to elicit an incriminating response from the suspect.
- F. Master Name Index – An entry in this system shall be completed when conducting a field interview/investigative detention of a suspicious person, suspicious vehicle, persons involved in unusual incidents, or when documentation of previous police contact with a person may be needed for future investigations.
- G. Mere inquiry – a voluntary and consensual police-citizen encounter supported by no particular level of suspicion or belief, wherein an officer poses questions to a subject, who is not compelled to respond or even stop and listen to the questions.
- H. Reasonable suspicion – specific and articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.
- I. Statement – Written or oral information provided by a person, either voluntarily or in response to police initiated questioning that pertains to a matter under investigation by law enforcement authorities.

II. General

- A. Personnel shall remain familiar with current criminal procedure regarding interviews, interrogation, and access to counsel.
- B. Personnel conducting interviews or interrogations shall not withhold food, water, or restroom privileges from anyone as an interview tactic. Individuals being interviewed will be permitted reasonable access to water and restrooms and will be fed when appropriate.

- C. Interviews and/or interrogations may be conducted until such time as the interviewee invokes their right to counsel or their right to silence, further interviewing would be fruitless, or the purpose of the interview has been accomplished.
- D. The release of any information to the media or the public regarding the results of any interview or interrogation will be in compliance with N.J.S.A. 47:1A-1, et seq., or other applicable Attorney General or Prosecutor guideline or directive, and other written policies of this agency.

III. Interviews – General

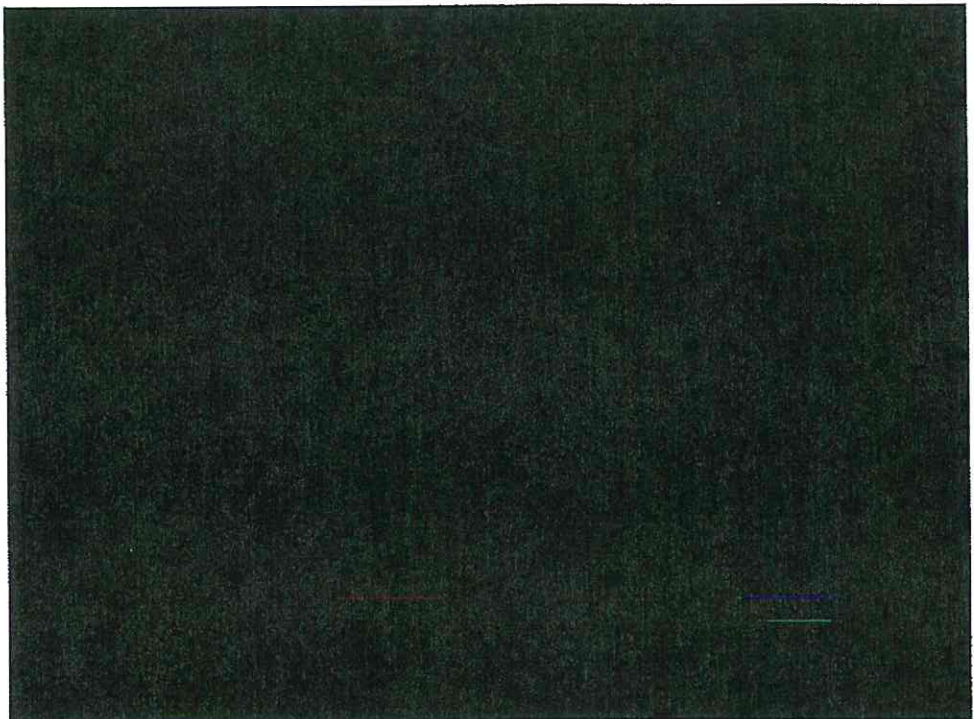
- A. Personnel may conduct interviews to gain information for a legitimate law enforcement purpose. An interview takes place when personnel ask questions to obtain information from the interviewee.
- B. Personnel may ask any questions of any person in furtherance of a legitimate law enforcement purpose except when the person being questioned is subjected to custodial interrogation.
- C. Reasons to conduct interviews include, but are not limited to:
 - 1. Investigative detention field interviews;
 - 2. Victim interviews;
 - 3. Witness interviews;
 - 4. Suspect interviews.
- D. Personnel shall conduct all interviews with due respect for the person being interviewed.

IV. Investigative Detention Field Interviews

- A. Officers may stop anyone at any time not based solely upon the person's protected class to make a mere inquiry as long as officer(s) do not detain the person or impede their ability to leave. Inquiries of this type are not considered field interviews for reporting/documentation purposes.
- B. Officers may stop individuals for the purpose of conducting an investigative detention field interview only where reasonable suspicion is present.
 - 1. Facts that have previously been determined to support reasonable suspicion include, but are not limited to:
 - a. The actions of a person suggest that he/she is part of a criminal enterprise or is engaged in a criminal act;
 - b. The hour of day or night is inappropriate for the person's presence in the area;
 - c. The person is carrying a suspicious object that warrants attention;

- d. The person's clothing bulges in a manner that suggests he/she is carrying a weapon (see *Search Procedures Policy V3Ch5* for Terry frisk procedures);
 - e. The person is located in proximate time and place to the alleged crime;
 - f. In addition to any of the above facts, an officer has knowledge of the person's prior criminal record or involvement in criminal activity.
- C. Officers have the authority to make an investigative detention in any place where they have a right to be including, but not limited to:
 - 1. Any public place;
 - 2. Any place or area that is open to the public;
 - 3. Any private premises entered with a valid warrant, by consent, or under emergent circumstances.
- D. Investigative detentions should be reasonably brief, generally no longer than the period of time necessary to verify the subject's identity and the reliability of their story, unless information is obtained that establishes probable cause to make an arrest.
- E. A frisk is an external feeling of the outer garments of an individual for weapons only; see *Search Procedures Policy V3Ch5*.
- F. The following guidelines should be followed when conducting an investigative detention.

- 1.
- 2.
- 3.
- 4.
- 5.



- 
6. Officers are not required to provide Miranda Warnings in order to conduct field interviews unless the level of the encounter rises to the level of a custodian interrogation.
 7. Subjects are not required, nor can they be compelled, to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide sufficient justification for additional observation and investigation.
 8. If after a brief period authorized for the investigative detention an officer's suspicions are dispelled or there is insufficient probable cause to arrest, the subject must be released.
 9. Officers should conduct the necessary warrant/records checks for stopped persons and act upon positive hits as appropriate.
- G. Field interviews resulting from investigative detention, a suspicious person, suspicious vehicle, persons involved in unusual incidents, or when documentation of previous police contact with a person may be needed for future investigations or other law enforcement purpose shall be documented in the records management system using the Master Name Index (MNI) as an involved party as soon as practicable.

V. Interrogations

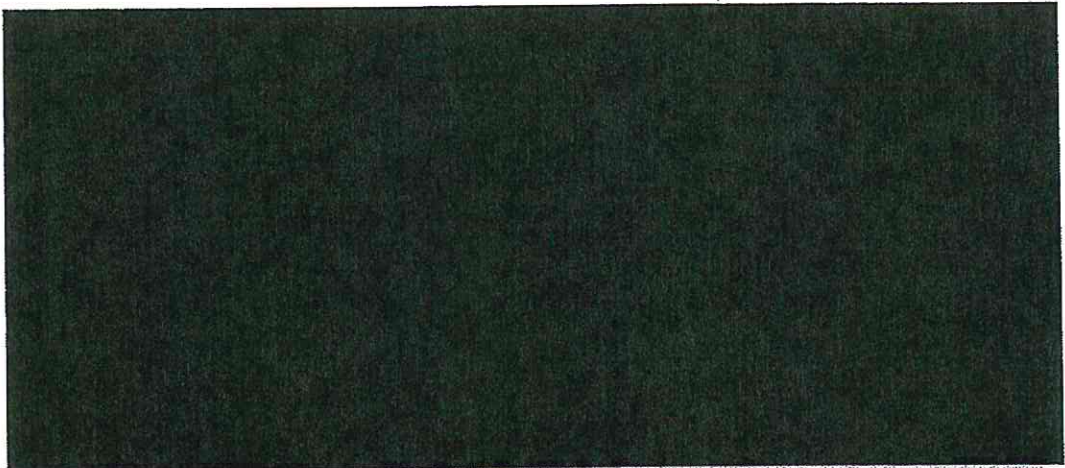
- A. Persons being subjected to custodial interrogation shall be advised of their constitutional rights (Miranda warnings). An individual is considered in custody for Miranda purposes when the circumstances convey to them that they are not free to leave. Whenever there is doubt about custody, the Miranda warnings should be given.
- B. Unless impracticable, warnings should be given using a Waiver of Rights (Miranda) Form. Personnel should read the warning statements directly from the form to avoid confusion and/or omissions, and have the individual initial after each point. The suspect, the advising personnel, and whenever possible, a witness should then sign the report where indicated. Further:
 1. Use the appropriate language form where indicated.
 2. When electronically recording statements, ensure that the Miranda Warnings are memorialized on the medium used.

- C. Miranda waivers must be knowingly, intelligently, and voluntarily given. Investigators should clarify ambiguous responses when necessary to differentiate between the person's right to counsel and the right to silence.
- D. The custodial interview or interrogation of a juvenile requires a specific level of advisement to guarantee the rights of the juvenile and the rights of the parent.
1. The state has the burden of establishing that the juvenile's will was not overborne and that the confession was the product of a free choice.
 2. Whenever possible and especially in the case of juveniles under the age of 14, a juvenile should not be interviewed except in the presence of his parents or guardian.
 3. At no time may the police refuse to allow a parent or guardian the opportunity to speak to the juvenile while in police custody.
 4. Police may interrogate a juvenile without the parents or guardians present only if the juvenile has withheld their names and addresses, a good faith effort to locate the parents is unsuccessful, or the parents simply refuse to attend the interrogation.
 5. When a juvenile is under the age of 14, an adult's absence will render the statement inadmissible as a matter of law unless the parent or guardian is truly unavailable.
 6. When the Prosecutor's Office initiates a juvenile complaint and obtains a judicially approved arrest warrant, the juvenile may only waive his Miranda Rights in the presence of and after consultation with his attorney. This requirement applies to adults as well if they were juveniles at the time of the offense or when the arrest warrant was obtained (*State in the Interest of PMP*, 404 N.J. Supra 69 (App. Div. 2008)).
- E. If a person being interrogated indicates that he does not want to talk or answer questions then all questioning must cease. Otherwise, any subsequent statements by the person may not be used in court.
1. If questioning proceeds after a valid waiver is made and the person being questioned changes his/her mind about the waiver or in any other way indicates he/she no longer wants to talk, interrogation shall cease.
 2. If the person who invoked his/her right to silence changes his/her mind and now wishes to initiate a conversation with officers, Miranda warnings should be restated and another Miranda Rights Form completed. The burden rests with the state to prove that Miranda warnings were voluntarily waived.
- F. Once individuals have invoked their right to legal counsel, they are not to be questioned further unless authorized by counsel or unless the individuals initiate further dialogue. Prior to resuming an interview so initiated, Miranda warnings should be restated and another Miranda Rights form completed. The burden rests with the state to prove that Miranda warnings were voluntarily waived. Subjects will be permitted to contact an attorney at any time. Attorneys will be granted full access to their clients during interrogation.

- G. If personnel become aware at any point prior to commencing or during a custodial interview that an attorney has been retained on behalf of the individual being interviewed, and is present or otherwise readily available, and has expressed a desire to confer with the individual, the individual must be so advised before the interview can begin or continue. Failure to advise the interviewee will render the waiving of the right to counsel invalid. Further, if any department personnel are made aware of an attorney contacting this department on behalf of an individual in custody, they are to immediately notify the attending officer/investigator.
- H. In order to preserve a person's 6th Amendment rights, personnel shall not interrogate any defendant after he/she has been indicted unless permission is obtained from the Bergen County Prosecutor's Office. Only an assistant prosecutor can grant permission.
- I. At no time will coercion, intimidation, or other unlawful means be used to obtain involuntary confessions from individuals suspected of criminal activity.

VI. Interview / Interrogation Rooms

A.



B.



C.

A thorough search of anyone in custody shall be conducted at the time of the arrest. In instances of a suspect interview prior to an arrest, the detective/officer may conduct a frisk for weapons. **At no time shall a suspect be left unmonitored in an interview room.**



3. A parent or guardian, who is not otherwise involved in the investigation, may accompany the juvenile.

D.

E.

F.

- G. If a subject needs to use the restroom, asks for water or needs to take a break, the interviewer should have adequate assistance to fulfill these requests. Additional personnel may be utilized to assist with these breaks.
1. Prisoners/arrestees should be restricted to using bathroom facilities in the cells.
 2. Supervisors may approve the use of one of the other restrooms, however, the subject shall be guarded at all times. The restroom shall be checked prior to and after it is used by a prisoner/arrestee.

H. Supplemental

1. Prisoner/arrestees will be returned to a cell when interrogation is completed.
2. Suspects that will be charged after an interview/interrogation will be processed in accordance with department policy.

VII. Retention of Field Notes

A. In accordance with New Jersey Attorney General's Directive 2011-2, officers shall not destroy contemporaneous notes of interviews and/or observations resulting from or at the scene of a 1st, 2nd, or 3rd degree crime, even after incorporating those items into their final reports.

B. For purposes of this subsection (VII), the following terms are defined:

1. Notes means any handwritten or typed writing or notation made by an officer or detective that describes or memorializes observations at the scene of a crime and/or the substantive content of a witness interview, that is, what transpired during the course of the interview. These writings or notations include, but are not limited to:

- a. The questions that were posed;
- b. What the interviewee said;
- c. Any description of the interviewee's reaction and physical appearance, such as a notation that the interviewee appeared to be nervous, excited, angry, defiant, sad, etc.);
- d. Notations made after the interview that memorializes the officer or detective's personal recollection of what transpired during the interview.

The term does not include notes made in the course of a criminal investigation that do not describe or otherwise document the substantive content of a witness interview or crime scene (e.g., information learned outside the witness interview; notations made during the interview concerning investigative tasks to be accomplished such as a 'to do' list, or reference to information from outside the interview to be checked against statements made by the interviewee to verify or dispel the witness' account; possible lines of inquiry or specific questions that were not pursued or actually posed to the witness; etc.).

2. Witness Interview means any interview, whether custodial or non-custodial, of any person, adult or juvenile, done in the course of investigating an indictable crime under New Jersey law. The term does not include an interview of a witness as part of the investigation of a disorderly person or petty disorderly person offense, or a motor vehicle violation, accident, or any other non-indictable matter.

3. **Witness** includes all persons, adult or juvenile, interviewed during the course of an indictable crime investigation, and is not limited to a suspect or target of the investigation.
- C. All original notes of crime scenes and/or witness interviews made by an officer or detective of the Fort Lee Police Department in the course of an investigation of an indictable crime shall be clearly marked as evidence with the applicable case number and secured as described in the Evidence and Property Control Policy V5Ch6.
- D. Detectives shall ensure that a photocopy or electronic copy of all original notes is provided to the Bergen County Prosecutor's Office as part of a criminal investigation of an indictable crime.
- E. Whenever copies of contemporaneous notes are provided to the Prosecutor's Office, the officer/detective providing these notes shall alert the Prosecutor's Office if it is believed that the contemporaneous notes may include or otherwise reveal confidential or privileged information, or where the officer/detective believes that further disclosure of the contemporaneous notes or any portion thereof may endanger any person or interfere with an investigation. The Prosecutor's office shall determine what parts will be redacted upon satisfying or denying a discovery request.
- F. All notes shall be maintained with the original reports in the appropriate case file in accordance with applicable New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.

VIII. Electronic Recording

- A. The requirements for electronically recording custodial interrogations in a place of detention shall apply to adults and juveniles alike.
- B. This policy explicitly authorizes personnel to use any legitimate established interview/interrogation technique deemed appropriate in the context of a specific investigation.
- C. Electronic recording includes both audio and/or video. Under most circumstances the digital audio/video recording system shall be the preferred method. If this system is not available or inoperable, audio recording will be acceptable.
- D. Custodial interrogations must be electronically recorded when the person being interrogated is suspected of committing a 1st, 2nd, or 3rd degree crime or a 4th degree Criminal Sexual Contact. Personnel may electronically record custodial interrogations for any crime or offense not meeting the above criteria.
- E. Electronically recorded statements are not required if/when:
 1. Not feasible (examples: malfunctioning equipment, at a hospital, etc.)
 2. A spontaneous statement/admission is made outside the course of the interrogation

3. A statement/admission is made during a custodial interrogation by a subject who indicated prior to making the statement, that he would participate in the interrogation only if it were not recorded; provided, however, that the subject's agreement to participate under that condition is recorded
 4. A statement/admission is made in response to questioning that is routinely asked during arrest processing
 5. A statement/admission is made during a custodial interrogation that is conducted out of the State of New Jersey
 6. The statement is given at a time when the subject is not in custody
 7. At the time when the statement is made, the interrogators have no knowledge that a crime has been committed requiring electronic recording
- F. When conducting interviews/interrogations in other jurisdictions, personnel shall adhere to the rules and regulations of that facility as they pertain to electronically recorded statements. Personnel should utilize a portable audio recorder from this department to supplement any recording made by that jurisdiction unless that agency is able to immediately provide a copy of their electronic recording.
- G. Although not specifically required, victim/witness statements may be electronically recorded if the investigator feels that it may have value.
- H. Interviewers' responsibilities include:
1. Determining if an interview/interrogation requires electronic recording;
 2. Being familiar with the facts as they relate to the case at hand;
 3. When practicable, ensuring that the surrounding hallways/rooms are clear of distracting noise;
 4. Ensuring that the subject is not left alone in the interview room when the recording system is in the record mode;
 5. When necessary, ensure that weapons are secured prior to the interview process; including any items that maybe used as a weapon.
 6. Ensuring that cell phones and other electronic devices are secured prior to the interview process;
 7. Ensure that the subject is positioned correctly in the interview room so their image is captured on the camera;
 8. Introduce all personnel present in the interrogation room to the subject at the outset of the interview/interrogation;
 9. Ensure that the subject reads and signs the Miranda Rights Form prior to any questioning;
 10. When necessary, ensure that a transcription of any statement is completed.

- I. Recording shall begin at the point when Miranda warnings are given. The warnings and the subject's responses shall be included in the recording. If Miranda warnings were given prior to the recorded interview the subject should be asked during the recorded interview to confirm both the prior warnings and the prior responses.
- J. The Miranda warning process must be captured on the recording. If a subject declines to speak with the interviewer after receiving Miranda warnings, all questioning shall cease.
1. Personnel have no obligation to affirmatively disclose to the subject that an interview/interrogation will be recorded. However, personnel shall not misrepresent whether the interview/interrogation is being recorded.
 2. If the subject inquires at any time as to whether the interview/interrogation is recorded, personnel shall respond truthfully.
 3. A subject need not articulate a clear or explicit request for counsel; if the subject's meaning is unclear, the interviewer shall seek clarification. Once the subject indicates that he wants to confer with counsel, all questioning must cease.
- K. Subjects should not appear in restraints during the interview/interrogation except under the most extraordinary of circumstances. Any extraordinary circumstances must be memorialized at the beginning of the recording by having the defendant agree to the interview/interrogation process while being handcuffed.
- L. Visible injuries should be photographed prior to the recorded statement process. Upon commencing the recorded interview, the subject should be asked to explain how the injuries occurred as part of the recording.
- M. 
- N. Recording juvenile interrogations require the following additional procedures:
1. Juvenile subjects may wish to communicate privately with their parent or guardian, or the parents or guardian may wish to communicate privately with the juvenile.
 - a. If the interrogation had already begun, the **audio portion of the recorder must be turned off**, personnel must leave the room and the room cannot be otherwise monitored; or the recorder can remain on, but the parent and juvenile must be permitted to confer outside of the room.
 - b. Once the interrogation reconvenes, the cause for the break shall be discussed and recorded, if applicable. If the juvenile subject makes any admission(s) or relevant statement(s) during the parental consultation known to the interviewer, the subject shall memorialize such statement/admission once the recorded interview continues.

2. A parent/guardian should be present whenever possible during an interrogation unless the parent/guardian is unwilling to be present or is truly unavailable.
 - a. If personnel are unable to locate a parent/guardian and the decision is made to commence an interview/interrogation with a juvenile subject, continuing efforts to locate a responsible adult should be made by an officer not involved in the interview.
 - b. All such efforts made to locate a parent/guardian shall be memorized on the investigation report and when the recorded interview commences with the juvenile and recorded.
3. The interviewer shall ensure that all parties in the interview room including a juvenile's parent/guardian appear on the recording during the entire process.
 - a. If a juvenile feels uncomfortable discussing certain aspects of a crime in front of a parent/guardian, the parent/guardian may choose to leave the interrogation room. The suggestion that the adult leave the interrogation room shall not originate by the interviewer.
 - b. Even after a parent/guardian chooses to leave the interrogation room, he or she may intervene and stop the interrogation at any time. Parents must be provided access to the interview process in the event they choose to intervene or stop the interview.
- O. At the conclusion of the interview/interrogation, the detective/officer shall send an email to the evidence officer notifying him to make a copy of the interview/interrogation. The session shall be transferred to a DVD(s) and secured as evidence.
 1. A second DVD may be made and temporarily stored in the case file and considered the working copy.
- P. The DVD along with its case must be marked with a black permanent marker or an evidence label with the following information:
 1. Case or incident number
 2. Any related case numbers
 3. Date the recording was made
 4. Subject's name
 5. The interviewer's name
- Q. If an audiotape had been used, the tabs on the tape housing are to be broken immediately to prevent the audiotape from being accidentally recorded over.
- R. The primary DVD media shall be packaged in accordance with this department's Evidence and Property Control Policy V5Ch6 and shall be preserved and maintained in accordance with evidence retention schedules established by law.

- S. **Original recordings shall not be released**, unless specifically authorized by the Prosecutor or Attorney General. If authorized for release, the normal chain of custody procedure applies. Copies of media shall **not** be forwarded by electronic mail except where specifically authorized by the Prosecutor or Attorney General.
- T. Property officers' responsibilities include:
1. Ensure that the media is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property vault.
 2. Ensure that the ORIGINAL media is not released without the expressed consent of the Prosecutor's Office or Attorney General's Office.

**COMMUNITY ASSISTANCE
LABOR STRIKES
VOL. III, CH. 9**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 4/28/99 Reissued 09-07-2011	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME III
VOLUME TITLE: COMMUNITY ASSISTANCE	# PAGES: 4					
PROSECUTOR REVIEW POLICY	REFERENCE: V3C9					CHAPTER 9
SUBJECT: LABOR STRIKES						DISTRIBUTION I 2
ISSUING AUTHORITY:						
CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL, PROSECUTOR'S OFFICE REFERENCE						

POLICY:

This policy is designed to provide officers with guidelines for handling labor strikes. Labor strikes and mass or circular picketing are not, in themselves, violations of the law. It is the illegal acts, which sometimes arise from such activities, which are the concern of the police.

PROCEDURE:

I. PATROL DIVISION RESPONSIBILITY

A. Threefold Responsibility

1. Protect the public by maintaining order through a neutral police presence.

COMMUNITY ASSISTANCE
LABOR STRIKES
VOL. III, CH. 9

2. Protect the peaceful strikers against outside interference from those people that are not in sympathy with strikes.
 3. Protect owners and management in the continuing of their business.
- B. [REDACTED]
- C. Personal Behavior:
1. Stand your ground without yielding. Your job is to maintain order and protect life and property. Be courteous and fair in your dealings with both labor and management.
 2. If a violation of the law occurs the violator should be arrested. Exercise discretion and use the quickest and most efficient tactics to effect the arrest. The arrestee should be removed from the scene as quickly as possible. Select the time of the arrest properly in order to make sure adequate manpower is available in case mob violence erupts.
 3. Controlled use of force must be employed, if an arrest has to be made.
 4. [REDACTED]
 5. Treat all persons with respect and in a professional manner.
- D. If there appears that a problem may arise during your absence then your superior should be notified and a request should be made for additional manpower to be posted at the strike location. This may have to be accomplished through the County Police Department and / or County Sheriff's department.
- E. Strikers do not have the right to:
1. Obstruct vehicular traffic or walk in a roadway.
 2. Obstruct pedestrian traffic or block a sidewalk or entrance.
 3. Violate a state law or ordinance.
 4. Interfere with people going to or from any location.
 5. Walk closer than 10 feet apart.
 6. Voice any personal threats.
- F. If during your regular tour of duty you come upon unannounced strikers, the Road Supervisor shall be advised.
- G. The Road Supervisor should:
1. Respond to the scene and ensure that public safety can be maintained.

**COMMUNITY ASSISTANCE
LABOR STRIKES
VOL. III, CH. 9**

2. Separately interview representatives from management and the labor union to obtain background information.
3. Basic information, both representatives names, hours of operation and exact location(s), should be obtained and included in a Crime / Incident Report for the Chief's use.
4. Bring both representatives together and advise them jointly that:
 - a) Force, violence and violations of the laws will not be tolerated.
 - b) The role of the police department is strictly neutral.
 - c) The use of the street and sidewalks by the public will not be interfered with.
 - d) The use of professional agitators will not be tolerated.
 - e) If possible, determine the number of pickets that may be present.
 - f) Request the cooperation from both individuals and their respective organizations
5. The Road Supervisor will determine if periodic checks will maintain order. If not then additional personnel and equipment may be requested.

H. Chief of Police should be notified via the chain of command.

II. PATROL DIVISION COMMANDER

- A. Notify the Chief of Police of a known or discovered strike location and advise him of any particular details that may be required, hour of the strike, etc.
- B. Confirm with the business establishment and labor representative to find out exactly where the strikers will be picketing.
- C. Get an approximate number of how many strikers will be present.
- D. Assure that the strikers' location will not interfere with vehicles or pedestrians.
- E. Obtain all necessary information for the Chief of Police to prepare a special order completely outlining all details of the strike.
 1. Phone number of labor and management.
 2. Addresses of labor and management.
 3. Location of strike.

COMMUNITY ASSISTANCE
LABOR STRIKES
VOL. III, CH. 9

4. Personnel to be assigned.
 5. Legal advise from the Prosecutor's Office if called or required.
 6. Location of pickets.
 7. Hours for pickets.
 8. Any other detailed information that will aid the officer in protecting the public and area.
 9. Court Orders in effect.
- F. Assigned a Road Supervisor or directly advise the business establishment and labor representative of the specific guidelines established by the Chief of Police.
- G. Ensure that all supervisors and officers are advised of the strike and the guidelines issued by the Chief of Police.

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 6/6/07	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME #I
VOLUME TITLE: ADMINISTRATION	# PAGES: 3					CHAPTER #23
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: MAJOR INCIDENT NOTIFICATIONS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To provide for uniform notification procedures of major incidents to the proper Police Department and Borough officials.

DEFINITIONS:

Major Incident:

Any incident, that by benefit of its nature, affects a substantial number of people within the borough, or would be considered newsworthy by the media, or is worthy of a substantial response by the Borough of Fort Lee's various emergency services. Examples of major incidents include, but are not limited to:

Seriously gridlocked traffic within the borough;

A major crime having been detected or committed within the borough;

Any natural or man made event of a disastrous nature;

Fatal motor vehicle collisions or struck pedestrian fatalities;

Working structural fires;

Power failures of any substantial scope and duration;

Flooding of any substantial scope and duration;

An evacuation of residences or commercial structures on any scale;

Any other incident requiring substantial or multiple responses on the part of the borough's emergency services as indicated above.

Borough Official(s):

For the purpose of this policy, Borough Officials shall be defined as:

The Mayor;

The Borough Administrator;

Any other borough official, appointed or elected, to be notified upon request of the above officials.

Police Officials:

The standard Police Department chain of command, up to and including the Chief.

PROCEDURES:

1. Upon the detection of, or report to this department of any event or condition that can broadly be defined as major under the definitions above, the assigned officer, detective, or supervisor will initiate through his/her supervisor and up the police chain of command a notification of the incident and a very basic description of its nature.
2. The first line supervisor will assess the situation, take appropriate action as a supervisor to secure the appropriate response to the incident, then determine whether the incident qualifies as major under the definitions herein. He/She will do so using resources such as information gathered, the field officer's assessment, and the borough's technology resources such as the street camera system in formulating his/her decision.
3. If appropriate, notification as described above will be made to all ranks up the chain of command to the highest ranking officer on duty, up to the Chief if he is on duty.
4. If the Chief or Deputy Chief is not on duty, the ranking officer will decide whether further notification is necessary up the chain of command to the Chief or Deputy Chief. This officer will also make a recommendation to the Chief or Deputy Chief as to whether the Mayor or Borough Administrator should be notified of the incident.
5. The Chief, or in his absence, the highest ranking officer shall upon deciding that the incident qualifies as major will direct the desk officer or any other capable and available officer to make notification to the Mayor and Borough Administrator of the incident, providing basic information to them about its scope and nature. The notifying officer shall also make any additional notifications to

specified borough officials upon request from the Mayor or Borough Administrator.

6. All involved supervisors shall make note in their daily activity reports that these notifications took place, including who made them and to what officials they were made.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 16	# OF PAGES: 20	
SUBJECT: PURSUIT & FORCIBLE STOPPING GUIDELINES			
BY THE ORDER OF: Thomas O. Ripoli Chief of Police		ACCREDITATION STANDARDS: 41.2.2, 41.2.3	
Effective Date: August 30, 2012		Supersedes: All Previous	

PURPOSE The purpose of this policy is to establish this department's procedures concerning vehicle pursuits.

POLICY It is the policy of the Fort Lee Police Department to utilize procedures that are consistent with those provided by the New Jersey Attorney General's Guidelines and the Bergen County Prosecutor. Citizen and officer safety is the paramount consideration.

Because it is impossible to anticipate every possible circumstance, this policy is intended to serve as a guide for police officers in the use of discretion regarding matters relating to vehicular pursuit.

Rigorous compliance with this policy should help to mitigate life-threatening situations for members of this department and the citizenry at large, and should help sustain the general health, safety and welfare of the community. It will further help promote public confidence in the police department.

Deciding whether or not to pursue a motor vehicle is one of the most critical decisions made by law enforcement officers. It is a decision that must be made quickly and under difficult and often unpredictable circumstances. In recognition of the potential risk to the public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicle pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this policy would permit the commencement or continuation of the pursuit.

The Bergen County Prosecutor's Office shall be immediately notified if a collision resulting in any injury occurs during the course of a police pursuit.

The Bergen County Prosecutor's Office shall be notified by the next business day if a motor vehicle pursuit results in property damage.

PROCEDURES

I. General

- A. Officers participating in any pursuit must consider road conditions, weather conditions, and the nature of the offense, the safety of the officer and the safety of the general public.
- B. A police officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes himself and others. The officer must weigh the need for immediate apprehension against the risk created by the pursuit.
- C. It is impossible to describe exactly how a law enforcement officer should pursue a fleeing violator of the law except to state that it must be in accordance with existing law and with due regard for the safety of all persons. Each pursuit has certain different and unique aspects. Accordingly, the provisions set forth in this policy are intended to assist personnel when operating an authorized emergency vehicle to determine what standard of care is reasonable, commensurate with the various circumstances under which the officer has a duty to inform and enforce the law.

II. Definitions

- A. Attempt to Close Distance is an action by officers to close the distance gap between the police vehicle and the violator vehicle. The use of audio and visual emergency equipment has not yet been employed at this phase.
- B. Authorized Tire Deflation Device is a device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle.
- C. Avenue(s) of Escape is a gap in a roadblock that requires the violator to decrease the vehicle's speed to permit them to bypass the roadblock.
- D. Baiting is a willful attempt to entice or lure a police officer to engage in a pursuit.
- E. Blocking Vehicle is a motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.
- F. Boxing In is the surrounding of a violator's moving vehicle with moving pursuit vehicles that are then slowed to a stop along with the violator's vehicle.
- G. CAD refers to this department's Enforsys® Computer Aided Dispatch system.
- H. Dispatcher includes public safety telecommunicators, and police officers assigned to the communications center.
- I. Divided Highway is a road that includes a physical median between traffic traveling in opposite directions.

- J. **Heading Off** is an attempt to terminate a pursuit by pulling ahead of or towards a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- K. **Street Paralleling** is driving a police vehicle on a street parallel to a street on which the pursuit is occurring.
- L. **Vehicle Paralleling** is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.
- M. **Pursuit Driving** is an active attempt by law enforcement officers, operating a motor vehicle and utilizing simultaneously all emergency equipment, to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware, or should be aware of that attempt, and is purposely, knowingly or recklessly resisting apprehension by maintaining or increasing their speed, ignoring the officer, or attempting to elude the officer, while driving at speeds in excess of the legal speed limit.
- N. **Primary Unit** is the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).
- O. **Secondary Unit** is any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- P. **Specialty Vehicle(s)** includes all bicycles, vehicles towing trailers, clandestine vehicles, and non-pursuit rated truck chassis vehicles.
- Q. **Roadblock** is a restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a violator.
- R. **Standard of Care**: N.J.S.A. 39:4-91 sets forth the standards of right of way for emergency vehicles that reads in part:
- "... This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others."*
- S. **Supervisor** shall mean the duty patrol supervisor or duty tour commander.
- T. **Vehicle Contact Action (Ramming)** is any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- U. **Violator** is any person who a law enforcement officer reasonably believes:
1. Has committed a crime of the first or second degree or a crime enumerated in subsection III.A2 of this policy, or
 2. Poses an immediate threat to the safety of the public or other police officers.

III. Authorization to Pursue

A. A police officer may only pursue:

1. When the officer reasonably believes that the violator has committed an offense of the first or second degree; or
2. Has committed any crime/offense listed below:

a. Death by Auto	2C: 11-5
b. Aggravated Assault	2C: 12-1b
c. Criminal Restraint	2C: 13-2
d. Aggravated Criminal Sexual Contact	2C: 14-3a
e. Arson	2C: 17-1b
f. Burglary	2C: 18-2
g. Vehicle Theft	2C: 20-2
h. Theft by Extortion	2C: 20-5
i. Escape	2C: 29-5
j. Manufacturing, Distributing or Dispensing CDS	2C: 35-5b; or
3. When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.
 - a. Eluding the police where the actor creates a risk of death or injury to another generally constitutes a 2nd degree crime, but the fact that an actor is eluding the police does not provide personnel with the automatic authority to pursue. A pursuit based upon a 2nd degree eluding, without any other authorizing criteria should not be undertaken.
 - b. Pursuit for motor vehicle offenses is not authorized under the above criteria unless the violator's vehicle is being operated so as to pose an immediate threat to the safety of another person.

B. Just because one of the authorization requirements is satisfied, a pursuit should not be automatically undertaken. Officers and supervisors must still consider the following factors:

1. Likelihood of successful apprehension.
2. Whether the identity of the violator is known to the point where later apprehension is possible.
3. Degree of risk created by the pursuit in relation to:

- a. Volume, type, speed and direction of vehicular traffic; or
 - b. Nature of the area: residential, commercial, school zone, open highway, etc.; or
 - c. Population density and volume of pedestrian traffic; or
 - d. Environmental factors such as weather and darkness; or
 - e. Road conditions: construction, poor repair, extreme curves, snow, ice, etc.
4. Police officer characteristics relative to:
- a. Driving Skills;
 - b. Familiarity with roads;
 - c. Condition of the police vehicle.

IV. Terminating a Pursuit

- A. Pursuing officers shall terminate the pursuit when:
- 1. Instructed to do so by a supervisor; or
 - 2. The officer believes that the danger to the pursuing officer or general public outweighs the necessity for immediate apprehension of the violator; or
 - 3. The violator's identity has been, or can be, established to the point where later apprehension may be accomplished, and where there is no serious immediate threat to the safety of the public or other police officers; or
 - 4. The pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile; or
 - 5. There is any person injured during the pursuit requiring medical care and there are no police or medical personnel able to render immediate assistance; or
 - 6. There is a clear, present and unreasonable danger to the police officer or the public. *(A clear, present and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds, against the flow of traffic for a sustained period, or in a manner that exceeds the performance capabilities of the pursuing vehicle or the capabilities of the police officers involved in the pursuit.);* or
 - 7. Advised of any unanticipated condition, event or circumstance that substantially increases the risk to public safety inherent in the pursuit, or
 - 8. Pursuing officers lose the ability to communicate via two-way radio.

- B. Upon termination of a pursuit, officers shall immediately notify communications of such, giving the location of the termination.

V. Role and Tactics of the Pursuing Officer(s)

- A. To diminish the likelihood of a pursuit, police officers intending to stop a vehicle for any violation of the law shall, when possible and without creating a substantial threat to the public safety, close the distance between the two vehicles prior to activating the emergency lights and audible device.
 - 1. Personnel shall recognize that while attempting to close the distance and prior to the activation of emergency lighting/audible equipment, they are subject to all motor vehicle laws governing the right of way (e.g. NJSA 39:4-91 and 92).
- B. Officers operating MVR equipped police vehicles in a pursuit must activate the video recorder and microphone and maintain activation from the initiation of the pursuit through the subsequent apprehension of the suspect. The subsequent report must indicate that the MVR was used and the recording must be secured as potential evidence.
- C. Upon commencement of a pursuit and regardless of the time of day, the pursuing officer shall immediately activate emergency lights, audible device, and headlights.
- D. If equipped, auxiliary takedown lamps should not normally be used while the pursuing vehicle is in motion as they tend to washout the overhead emergency lights to other traffic.
- E. Pursuing officers shall maintain a safe distance from the violator's vehicle in order to have adequate time to facilitate evasive maneuvers and reduce the potential of a rear end collision that could possibly disable their police vehicle or deploy their air bag.
- F. Seat belts must be utilized at all times while the police vehicle is in pursuit.
- G. Once the pursuit has begun, the primary unit must notify communications, identify themselves, and provide as much of the following information as is known:
 - 1. Reason for the pursuit; **and**
 - 2. Direction of travel, designation and location of roadway; **and**
 - 3. Identification of the violator's vehicle; **and**
 - 4. Year, make, model, color, registration and other identifying characteristics of the violator's vehicle; **and**
 - 5. Number and description of occupants; **and**
 - 6. The speed of the violator's vehicle; **and**
 - 7. Other information that may be helpful in resolving or terminating the pursuit. Examples include road conditions, traffic density, weather conditions, etc.;

8. Officers will provide continuous updates of location, direction, speed and other important information (e.g., objects thrown from the vehicle, etc.).
- H. Failing to adequately provide any of the above information shall cause the supervisor to consider ordering the termination of the pursuit.
- I. The primary unit shall be responsible for the immediate radio transmission at the initiation of the pursuit and the decision to abandon or terminate the pursuit until relieved of this responsibility by the supervisor.
- J. The secondary unit shall report by radio as soon as possible that it has joined the pursuit. This provides the supervisor with the information that the pursuit team is complete.
1. Secondary units shall maintain a safe distance behind the primary unit in order to assist when necessary or take control if the primary unit is unable to proceed.
 2. Additional units are generally prohibited from joining the pursuit without the express permission of the authorizing supervisor, but these units shall remain alert to the progress and location of the pursuit.
 3. Secondary units must exercise maximum radio discipline and refrain from making unnecessary transmissions.
 4. Any decision to permit additional units to participate in a pursuit should be based upon the number of persons in the pursued vehicle, the crime for which the vehicle is wanted, or whether the actor(s) are armed or considered dangerous.
 5. Police vehicles other than the primary and secondary units should not travel in line together (caravanning) unless specifically authorized by the authorizing supervisor.
 6. All other units should stay clear of the pursuit but remain alert to its progress and location through the continual use of communication by radio by the pursuing units.
- K. In the event that the primary unit is unable to proceed with the pursuit or provide radio communications to the supervisor, the secondary unit may assume the role of primary unit and request that another secondary unit is assigned to the pursuit.
1. If the fleeing vehicle is lost to the pursuing unit, then the primary pursuit unit shall cause the chase to be terminated and shall be responsible for providing all available information through radio communication that would assist in locating the target vehicle.
 2. Broadcasts to other patrols and surrounding police agencies and the coordination of any other search for the vehicle shall initially be the responsibility of the primary pursuit unit until relieved of that duty by a supervisor.

L. 

M.

N.

VI. Vehicle Pursuit Restrictions

- A. Unmarked police vehicles and motorcycles shall not participate in a motor vehicle pursuit unless equipped with emergency lights and an audible device other than the standard horn. Unmarked vehicles and motorcycles shall immediately relinquish primary unit status upon participation of a marked vehicle.

- B. Due to its high rollover potential, non-pursuit rated sport utility vehicles (SUV's) may participate in a pursuit, but shall exercise extreme care when cornering or when reacting to the pursued vehicle's evasive maneuvers. SUV's shall immediately relinquish primary unit status upon participation of a marked patrol vehicle.
- C. Due to their mechanical limitations, agency specialty vehicles (see definitions) are prohibited from engaging in a vehicle pursuit. Personnel operating a specialty vehicle shall instead request assistance from a marked patrol vehicle.
- D. No pursuit shall be conducted:
 - 1. In a direction opposite to the flow of traffic on a divided highway.
 - 2. When an individual is present in the police vehicle who is not a law enforcement officer.
- E. Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- F. Upon approaching an intersection controlled by traffic signals or signs, or at any other location where there may be a substantial increased likelihood of a collision, the operator of any pursuing vehicle shall, prior to entering the intersection, reduce their speed and control the vehicle so as to avoid collision with another vehicle, pedestrian or fixed object. Officers shall observe that the way is clear before cautiously proceeding through the intersection.
 - 1. At all other times including an attempt to close the distance prior to the initiation of the pursuit, personnel shall observe the applicable laws governing the right of way at intersections and other locations.
- G. Officers involved in a pursuit shall not engage in vehicle paralleling.
- H. There shall be no street paralleling along the route unless the pursuit passes through an officer's assigned area. A patrol unit that is parallel street following shall not join or interfere with a pursuit and shall stop all pursuit related activity at the boundary of its assigned area.
- I. Officers involved in a pursuit shall not fire any weapon from or at a moving vehicle, nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious bodily injury to any person where deadly force would otherwise be justified.
- J. Officers shall not halt or attempt to halt a suspect vehicle in a pursuit by ramming or striking the suspect's vehicle with a police vehicle.
- K. Under no circumstances shall an officer involved in a vehicle pursuit be allowed to commandeer or utilize any civilian vehicle during the course of that pursuit.

VII. Forcible Stopping and Roadblocks

- B. Boxing in or heading off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:

1. At low speeds; and
 2. With the approval of a supervisor; or
 3. In response to an imminent serious threat to the safety of the public or a police officer.
- C. Prior to boxing in or heading off a pursued vehicle, the officer wishing to initiate such action shall notify all other units involved in the pursuit.
- D. Involved officers shall maneuver their vehicles in such a manner as to minimize vehicle contact action and danger to other vehicles or pedestrians.
- E. Roadblocks may only be employed as a last resort in circumstances where deadly force would otherwise be justified and there is definite knowledge that a person or persons in the fleeing vehicle is or are suspected of being wanted for a first or second degree crime and:
1. The roadblock will likely result in the apprehension of a suspect who poses an immediate risk to life and property; and
 2. A less obtrusive means is not feasible or appropriate.
- F. After carefully considering all of the relevant criteria, the decision to establish a roadblock must come from the supervisor. Supervisors must continually monitor the circumstances that led to the deployment of a roadblock to ensure the criteria for deployment is timely and relevant. If the attendant circumstances change and the use of a roadblock is no longer justified or prudent, the order to establish the roadblock shall be immediately rescinded.
- G. At no time will a roadblock be established until all pursuing law enforcement vehicles are made aware of the roadblock, its location, and have acknowledged this awareness. Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, the following must apply:
1. Roadblocks should be established on streets or highways most likely to be used as an avenue of escape.
 2. The safety of others must remain a paramount consideration.
 3. At least two officers must be present at the roadblock location.
 4. All available emergency warning lights must be utilized.
 5. There must be adequate distance to see the roadblock.
 6. There must be an avenue of escape.
 7. There must be no one in or near the blocking vehicle(s).
- H. When deploying a roadblock, the supervisor shall ensure that EMS and the fire department are notified as soon as practicable. Have them stage off road nearby to render assistance when the scene is deemed secure. When practicable, further considerations include, but are not limited to:

1. Detour routine traffic and pedestrians from the area;
 2. Avoid standing between the roadblock vehicles and any fixed objects;
 3. Avoid standing in any other officers line of fire;
- I. Supervisors are responsible for minimizing hazards to police and other emergency personnel in any forcible stopping or roadblock scenario in addition to ensuring the safety of citizens to the extent possible.
 - J. Following any forcible stopping incident (boxing in, heading off, roadblock) and upon coming to a halt and approaching the suspect vehicle, officers shall follow the instructions in subsection V.N.
 - K. Supervisors must submit a written report separate from the pursuit report justifying the need for any forcible stopping or roadblocks. All forcible stopping and roadblock incidents are subject to the administrative review requirement in § XIV.

VIII. Authorized Tire Deflation Devices

- A. Tire deflation devices shall be stored in specific vehicles for immediate deployment, when applicable.
- B. Supervisors may choose to utilize tire deflation devices during the course of a vehicular pursuit consistent with the authorizations and restrictions in this policy.
- C. The use of such devices is subject to the assessment of the inherent risk balanced against the need to apprehend a fleeing offender.
- D. Only personnel trained in the use of these devices are authorized to deploy them.
- E. Use of the tire deflation device:
 1. A tire deflation device may be utilized only after supervisor approval.
 2. A tire deflation device shall not be used to stop motorcycles, mopeds, or similar vehicles.
 3. A tire deflation device should not be used in locations where specific geographic features (e.g., sharp curves, alongside of rivers, steep embankments, etc.) increase the risk of serious injury to the officer, violator, or the public.
 4. Deployment locations should have reasonably good sight distances to enable the officer to observe the pursuit and other traffic as it approaches.
 5. The officer deploying a tire deflation device shall not attempt to overtake and pass a high-speed pursuit in order to position the device.
- F. Deployment of a tire deflation device:
 1. The officer deploying a tire deflation device should do so from a position of safety.

2. The officer deploying a tire deflation device should be in position to allow sufficient time for deployment.
3. The officer deploying a tire deflation device shall notify communications of the location of the device. This notification should be relayed on a secure channel if possible.
 - a. Communications shall notify all units of the location of the device. This notification should be relayed on a secure channel if possible.

G. Activation of a tire deflation device:

1. The officer operating the tire deflation device should take a position of safety as the pursued vehicle approaches.
2. The officer shall deploy the tire deflation device immediately before the pursued vehicle arrives at the point where it would impact the device.
3. The officer shall remove the tire deflation device immediately after the pursued vehicle goes over the device.
4. The officer shall immediately notify communications:
 - a. If the pursued vehicle impacted the device;
 - b. If he/she observed any signs of deflation; and
 - c. The direction and operation of the pursued vehicle after impact.

H. Upon coming to a halt and approaching the suspect vehicle, officers shall follow the instructions in subsection V.N.

I. The deployment and/or use of a tire deflation device shall be reported in accordance with §XIII.

J. All deployments and/or use of a tire deflation device are subject to the administrative review requirement in §XIV.

IX. Role of the Supervisor

- A. Upon being notified or becoming aware of a vehicular pursuit, the supervisor shall take immediate control and provide directions to the field units. The primary consideration of the supervisor is to acknowledge and authorize a pursuit to continue. The supervisor shall decide as quickly as possible whether or not the pursuit should continue.
- B. The supervisor shall permit a pursuit to continue only if:
 1. There is reasonable belief that the violator has committed an offense of the first or second degree, or a crime/offense listed in subsection III A2 of this policy; or
 2. There is reasonable belief that the violator poses an immediate serious threat to the safety of any person.

C. The supervisor shall order a pursuit terminated at any time they conclude:

1. That the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the violator.
2. The violation precipitating the pursuit is minor in nature (examples include a motor vehicle violation or stolen vehicle only), and the pursuit leaves Fort Lee and crosses into another jurisdiction, and the violator seems to be baiting patrols to follow them, and the risk of injury or property damage is not justified.
3. The actor's identity is established to the point where later apprehension may be accomplished, and there is no immediate continuing threat to public safety.
4. That a pursuit is of a protracted duration, recognizing the overall population density and volume of vehicular traffic and the increased risk attached to prolonged vehicular pursuits, unless the supervisor determines that a furtherance of the pursuit is justified to respond to an immediate continuing threat to the public safety. No precise formula can be used to determine when a pursuit has become of a protracted duration. This decision must be left to the common sense and sound judgment of the supervisor in light of all of the attendant circumstances.

D. All pursuing units are required to acknowledge that they have received the order to terminate the pursuit. Continuing a pursuit after acknowledging an order of termination is considered a gross deviation from this policy.

E. Supervisors are responsible for ensuring that all personnel adhere to this policy at all times. Additionally, supervisors:

1. Shall verify that the registration number of the vehicle being pursued, when provided, is immediately checked through NCIC for any wants or holds.
2. Shall ensure that the jurisdiction where the vehicle is registered is contacted to determine if the vehicle had recently been reported stolen or has any wants or holds.
 - a. Communications personnel shall assume these responsibilities upon direction by the road supervisor or if the road supervisor is unable to direct these tasks.

X. Role of Communications

- A. Upon notification that a pursuit is in progress, communications personnel shall immediately advise the supervisor of essential information regarding the pursuit if the supervisor has not already been otherwise notified.
 1. Communications personnel will keep the supervisor apprised of the duration and progress of the pursuit.
- B. Communications shall ensure that an incident number is generated so that each pursuit is traceable through the CAD system.

- C. The supervisor shall determine whether there is a need to assume control over and coordinate pursuit related communications.
- D. All radio channels shall remain open for pursuit related transmissions and all necessary information shall be made available to officers involved in the pursuit.
- E. Communications personnel shall carry out the following activities and responsibilities during the pursuit:
 - 1. Receive and record all incoming information on the pursuit and the pursued vehicle;
 - 2. Control all radio communications and clear the radio channels of all non-emergency calls;
 - 3. Obtain criminal record and vehicle checks of the pursued vehicle and any suspects;
 - 3. Coordinate and dispatch backup assistance and air support units under the direction of the field supervisor;
 - 4. Notify neighboring jurisdictions, where practicable, when pursuit may extend into their locality;
 - 5. Ensure that the necessary data entries are made;
 - 6. Acknowledge all radio transmissions from field units;
 - 7. Rebroadcast pertinent radio transmissions to field units, if necessary;
 - 8. Perform other duties as directed or required.
- F. Other police units not participating in the pursuit shall:
 - 1. ***Maintain radio discipline at all times, keeping their transmissions to the barest minimum;***
 - 2. Not involve themselves in the pursuit, but remain reasonably close to the pursuit route to be in a position to render assistance when necessary;

XI. Reinstating Pursuits

- A. Reinstating a previously terminated pursuit shall only be undertaken consistent with the authorization criteria for originally initiating a pursuit. An order by a supervisor to terminate a pursuit is normally considered final. However, a pursuit may be reinstated if the situation changes drastically. Examples include, but are not limited to shots fired, serious injury sustained, etc.
- B. A unit wanting to reinstate a pursuit must request and receive specific authorization from the road supervisor to reinstate the pursuit based on any acceptable changes.

XII. Inter/Intra Jurisdictional Pursuits

- A. This department shall provide timely notification of a pursuit to any other jurisdiction, into which the pursuit enters or may soon enter. Communications personnel must make the determination based upon the information provided by the pursuing units or the authorizing supervisor.
- B. At a minimum, a description of the violator's vehicle, number of units involved in the pursuit, location and direction of the pursuit and the reason for the pursuit must be provided.
- C. ***Notifying the other jurisdiction that a pursuit is in progress is not a request for them to join the pursuit.*** A request for assistance from that other agency must be specifically made. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the other jurisdiction into which the pursuit has entered, the pursuing officers must be prepared to seek the assistance of and be prepared to relinquish the pursuit to the other agency.
- D. Upon approaching any jurisdictional boundaries, the primary unit shall notify communications. The authorizing supervisor shall determine whether the pursuit will continue or be terminated, and shall cause an immediate notification to each and every jurisdiction the pursuit enters or may enter. Where a pursuit is initiated so near to the border of another jurisdiction that it crosses into that jurisdiction before the supervisor has a chance to make the decision whether or not to pursue, the determination shall be made at the earliest possible time after being notified.
- E. The supervisor shall maintain control of any pursuing units following their entry into another jurisdiction and shall not relinquish control of Fort Lee units to the other agency.
- F. Supervisors should be aware that other jurisdictions might have a stricter pursuit policy. Backup support may not be authorized by another agency. Backup support may not be available from another agency due to their workload. The supervisor must consider these factors in deciding whether to continue or terminate the pursuit.
- G. **Continuing pursuits into other States requires the expressed specific authorization from the tour commander or road supervisor.**
- H. When apprehending Fort Lee pursuit subject(s) outside of Fort Lee:
 - 1. A person or persons apprehended outside of this jurisdiction, but within the State of New Jersey, should be returned to this Borough for processing.
 - 2. If additional offenses occur either during the pursuit or at its conclusion, complaints should be signed in whichever jurisdiction they occurred.
 - 3. If the involved vehicle is to be impounded, a Borough-authorized tow company shall tow it to headquarters for further processing.
 - 4. If the vehicle has been involved in a collision in another jurisdiction and is not being impounded, that jurisdiction will normally have the vehicle towed according to local procedures. That jurisdiction will also be responsible for the collision report.

5. If any controversy arises over who is to tow the vehicle, the tour commander is responsible for contacting the other jurisdiction's headquarters to resolve the matter.

~~6.~~ Person(s) apprehended outside of this state will be taken directly to a local precinct or police station, where a judicial extradition hearing will be arranged. The person will normally be charged as a fugitive from justice.

- I. Pursuits initiated by another law enforcement agency may enter into the borders of this Borough. Being notified by that other agency that a pursuit is entering this Borough is not a request to join the pursuit. Fort Lee officers shall not become directly involved in any outside agency's pursuit in this Borough.
- J. Communications personnel shall broadcast this information to patrol units and shall coordinate all communications between the outside agency and our patrol units. Supervisors may direct patrol units to position themselves close by the pursuit route in order to be quickly available to render assistance, when needed.
 1. If a pursuit from another state, or a jurisdiction not familiar with this area comes through this Borough and has deviated from the main highways, then one of the Fort Lee units may follow the pursuit with the permission of a supervisor so that it can maintain locations and direction for the jurisdiction involved. If the pursuit then leaves this Borough, the next jurisdiction should be notified and Fort Lee units shall terminate.
 2. Special situations may dictate the intervention of more than two units. Permission to deviate from these procedures may only be authorized by a supervisor.
- K. The outside agency may opt to relinquish control of the pursuit to this department. The supervisor shall determine if the pursuit falls within the parameters set forth in this policy and order a continuation of the pursuit or a termination of the pursuit.
- L. Assisting another agency in a foot pursuit following any crash or abandonment by the violator(s) is authorized at the discretion of the supervisor.
- M. When apprehending pursuit subject(s) from another agency's pursuit in Fort Lee:
 1. Person(s) apprehended by another New Jersey law enforcement agency in Fort Lee will be immediately returned to the other jurisdiction unless exigent circumstances exist.
 2. A person apprehended by an out-of-state law enforcement agency is to be brought to headquarters, where a Judge will be contacted to conduct an extradition hearing.
 3. If a pursuing agency wishes to make its own arrangements for towing vehicles, it may do so. If the agency so requests, this department will utilize a towing company from the authorized tow list.
 4. If a pursued vehicle becomes involved in a collision in this Borough, and the pursuing agency does not wish to impound the vehicle, this agency will provide the tow, as well as conduct the crash investigation.

5. If any controversy arises as to who is responsible for the tow, the tour commander is responsible for contacting the involved agency to settle the controversy.

XIII. Pursuit Reporting

- A. All officers who operate agency vehicles in vehicular pursuit, forcible stopping, or ~~fire deflation device~~ deployment situations are required to file a Pursuit Incident Report. These reports are required in all cases when a pursuit takes place, regardless of the duration or whether it results in an apprehension or not. The report form is self-explanatory and is mandated by the Attorney General.
- B. Additionally, in all cases, a standard Investigation Report is also required. This is especially helpful in instances when a pursuit is not already a part of an existing investigation. The Attorney General's Pursuit Incident Report lacks the necessary information to conduct follow-up investigations into what may be a 2nd degree crime and to provide intelligence for other agency members.
- C. After deployment or use of a ~~fire deflation device~~, the officer shall include at least the following information in the narrative of the incident report:
 1. Date, time, and location of deployment and activation;
 2. Officer who deployed and activated the device;
 3. Results of the use of the device:
 - a. On the pursued vehicle;
 - b. On other vehicles, property or people; and
 - c. On the authorized device itself.
- D. The supervisor or designee shall ensure that these reports are completed prior to the pursuing officer(s) reporting off duty.
- E. The Internal Affairs Commander or designee will prepare an annual agency Vehicular Pursuit Summary Report for submission to the county prosecutor. The annual report shall contain the following information:
 1. Total number of pursuits
 2. Number of pursuits resulting in accident, injury, death and arrest.
 3. The number and type of vehicles involved in accidents (police, violator, and third party).
 4. A description of individuals injured or killed (police, violator, third party).
 5. The number of violators involved and arrested in pursuit incidents, including passengers.

XIV. Pursuit Review

- A. All pursuits, roadblocks, forcible stopping, and ~~fire deflation device~~ deployment incidents are subject to an administrative command review. The appropriate tour commander shall normally conduct the command review. The administrative review shall ordinarily involve a review of all documents, available evidence and an interview of any available persons who may have information regarding the incident.
- B. The purpose of the administrative command review is to determine if the actions taken during the pursuit comply with statutory law, current criminal procedure, Attorney General's Guidelines, Prosecutor's Guidelines and this policy regardless of the outcome. Further purposes are to identify equipment needs, training needs, and to determine if modifications to this policy are necessary.
- C. The tour commander shall submit their review and subsequent recommendations to the Internal Affairs Commander or designee for final review.
- D. The administrative review shall normally be completed and submitted within two weeks following the pursuit.
- E. The Chief of Police or designee may cause further review of the incident.
- F. If an agency vehicle collides with another vehicle or any other object during the course of a pursuit, the Internal Affairs Commander or designee shall conduct an administrative investigation.
 - 1. The investigation shall determine whether the collision could have been prevented.
 - 2. A copy of the investigation shall be forwarded to the Chief of Police or designee.
 - 3. In every case where the collision could have been prevented, the investigation shall set forth the actions taken by the agency to address the cause or causes of the collision including, but not limited to:
 - a. Revision of agency policy or policies;
 - b. Remedial training;
 - c. Equipment needs;
 - d. Discipline.
- G. In the case where serious bodily injury results to anyone involved in the pursuit or any bystander, operator, or occupant of any vehicle not involved in the pursuit, or in the event of a death occurring as a proximate result of the police pursuit incident, the Bergen County Prosecutor's Office must be notified immediately so that a review may be conducted on the county level. This agency shall provide all reasonable assistance to the Prosecutor's Office, as required.

H. The Internal Affairs Commander or designee shall prepare an annual documented analysis of all pursuit incidents in the prior calendar year.

1. This analysis is a structured process for dissecting pursuit events into their basic parts to identify any patterns or trends that could be predictive or could indicate program effectiveness, training needs, equipment upgrade needs, and/or policy modification needs. Examples of some summary categories to analyze include, but are not limited to:

- a. Pursuits by time of day
- b. Pursuits by shift
- c. Pursuits by officer(s) involved
- d. Pursuits by reason
- e. Location of pursuit initiation (business, residential, or industrial)
- f. Location of pursuit termination
- g. Pursuits resulting in injury to police personnel
- h. Pursuits resulting in crashes
- i. Pursuits resulting in crashes to police vehicles
- j. Pursuits from other jurisdictions

2. Unless otherwise authorized by the Chief of Police or designee, this analysis is due by March 15th of the prevailing year.

XV. Training

A. Training in the application of this policy shall be conducted semi-annually. This training may be held concurrent with the semi-annual use of force training and weapons qualification. All training shall be documented. This training may be accomplished electronically.

B. At a minimum, pursuit training shall consist of the following:

1. A review of applicable statutes;
2. Familiarization with Attorney General and Prosecutor Guidelines;
3. A review of this policy;
4. Forcible stopping & roadblock techniques;

5. Training with this department's tire deflation devices must include actual hands on practice with the device;

6. Decision making skills (if available).

- C. All police personnel, prior to operating any police vehicles on patrol or participating in any forcible stopping or roadblocks, must be provided with this mandatory training.
- D. Nothing contained within this policy shall preclude supervisors from conducting additional training in the responsibilities and procedures set forth in this policy. Supervisors are encouraged to openly discuss the provisions of this policy with their staffs to gain their commitment.
- E. The Internal Affairs Commander or designee shall file an annual report with the Bergen County Prosecutor confirming in-service pursuit training of all police officers in conjunction with semi-annual firearm requalification and the use of force training.