

**COMMUNITY ASSISTANCE
RIDE-ALONG PROGRAM
VOL. III, CH. 13**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 01-09-06	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME III
VOLUME TITLE: COMMUNITY ASSISTANCE	# PAGES: 3					CHAPTER 13
ACCREDITATION STANDARD(S):	REFERENCE: V3C13					
SUBJECT: RIDE-ALONG PROGRAM						DISTRIBUTION
ISSUING AUTHORITY: CHIEF THOMAS RIPOLI						ALL EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

The purpose of this policy is to establish procedures in obtaining special authorization for civilians to ride in police vehicles.

POLICY:

Unauthorized civilians are not allowed to participate in Ride-Along programs due to concerns of liability and potential interference with an officer's duties.

DEFINITIONS:

A Ride-Along shall be defined as when a civilian joins an officer in a police vehicle for the purposes of observing police functions.

PROCEDURES:

I. Ride-Along Requests:

- A. Generally, a police Ride-Along is prohibited. There exists a possible exception for people employed by a law enforcement agency, or other persons who can show reasonable grounds to request to Ride-Along, but only with written authorization of the Chief of Police. Persons interested in the program should pick up the forms from the police desk in person. Completed request form and waivers should be returned at least 48 hours before the desired ride-along date

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The forms referred to herein are available through the police reports system. This section shall not restrict police operations in which officers from another agency are participating in a joint operation with this department.

- B. The Chief of Police shall be the sole person to grant permission for citizens to ride with police officers.
- C. The Chief may perform a records check on any applicant for ride-along.

II. Ride-Along Limitations:

- A. A person may not participate in the Ride-Along program unless written approval has been granted and the Chief has the applicant's properly completed waiver.
- B. Approval should be for a designated shift(s) unless the Chief of Police grants special limitations or extensions.
- C. The Chief or his designee may limit the authorization to a specific officer or allow a supervisor to assign an officer under their command to the program.
- D. Normally, no more than one observer should accompany an officer at a time.
- E. Juveniles must be sixteen (16) years of age or older to ride and must have request and waiver forms signed by their parent or guardian.
- F. No one will be allowed to observe police activities relating to raids.
- G. No one should be allowed to ride with plain-clothes units without specific advance coordination and approval from the Chief of Police.

III. Ride-Along Conduct:

- A. The observer should be appropriately dressed; if not, the ride-along may be canceled by the Tour Commander.
- B. The host officer should instruct the observer on the procedures required while riding which include that:
 - 1. The observer must follow directions of the officer.
 - 2. The observer may be required to appear as witness in court.
 - 3. The observer may terminate the ride at any time whenever he or she wishes.
- C. Observers should at all times remain under the complete control of the assigned officer and comply with all directions and requests.

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- D. Observers should not interfere with an investigation in any way by speaking with victims / suspects / witnesses, handling evidence or police equipment, or participating in any police activity unless directed to do so by the assigned officer.
- E. Should an officer indicate a desire to cease participating in the ride at any time, the officer shall
 - 1. Return the observer to the point of origin as soon as possible, or another reasonable location.
 - 2. Immediately advise a supervisor that the Ride-Along was terminated and the reason for the termination. This information should also be included in the required report as specified in Section V of this policy.

IV. Prohibited Activities:

A.



B.



C. Arrests, transporting, booking:

- 1. The host officer should take reasonable precautions to protect the observer during arrest situations.
- 2. If the host officer feels that there are no hazards involved, the observer may accompany the officer while booking prisoners. If the officer believes a problem may arise, the observer should be temporarily transferred to another officer or returned to the original point of origin.
- 3. The host officer and the Tour Commander shall not allow the observer to witness the strip search of a prisoner as per Strip Search Policy (Vol. 7 Ch. 21).

V. Reporting

- A. Any officer hosting a Ride-Along shall complete an Officer's Ride-Along Report, and submit it to the Tour Commander so that the Road Supervisor may add any comments.

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CITIZEN RIDE-ALONG REQUEST

Dear Chief:

I would like to ride along on _____ (date & time),
accompanying Officer _____ (specify name if known)
for the following reason: _____

I have read and signed the release form. I understand the Ride-Along Program Policy and will comply with the policy and all directions given to me..

Name: _____ Date of Birth: _____

Address: _____

Telephone Number: _____

Signature

Parent / Guardian (if applicant is a juvenile)

From: (Chief of Police)

To: _____ (Shift / Unit Commander or Tour Commander)

Subject: Authorization for Ride-Along Program

Request is _____ Approved

_____ Denied

The observer is authorized to participate in the Ride-Along Program on: _____

with: () only Officer _____ () any officer as per your assignment

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RELEASE AND WAIVER

KNOW ALL MEN BY THESE PRESENT, that I, _____ on my own behalf and on behalf of my heirs, next of kin, executors, administrators, estate agents and assigns, and representatives of any nature whatsoever, for an in consideration of the authorization and permission to accompany officers or any officer of the department during the course of their or his duties, which has been granted to me at my voluntary request, being aware of the potential hazards of such activity or activities, do hereby **WAIVE AND RELEASE** all demands, damages, actions, causes of action, suits and claims of any nature whatsoever, whether in law or in equity, that I or my heirs, next of kin, executors, administrators, estate agents and assigns, and representatives of any nature whatsoever might otherwise have against the Borough of Fort Lee, the Fort Lee Police Department, and each and every officer, official, member, employee, agent and attorney thereof and therefore, and his or her heirs, next of kin, executors, administrators, and estate, on account of my death or injuries, both to person and to property, whether foreseeable or not, which may occur, directly or indirectly, or develop at anytime in the future as a result of my activities or association with the police department, whether in a police vehicle, in the police station, or otherwise associated with the police department, and officers and officials thereof in any manner whatsoever.

It is expressly agreed and understood that this **WAIVER AND RELEASE** shall apply for the express purpose of precluding forever my claims, suits, demands, damages, and causes of action that I or my heirs, next of kin, executors, administrators, estate agents and assigns and representatives of any nature whatsoever might otherwise assert against any of the aforesaid parties as a result of my association and activities with the police department in during:

I hereby declare that the terms of this **WAIVER AND RELEASE** have been fully read and understood by me, and freely and voluntarily entered into and accepted by me, and I hereby acknowledge receipt of a copy of this agreement and the policy.

In further consideration of the aforesaid authorization and permission granted to me to accompany an officer or officers of the police department at my own request, I hereby promise and agree to fully comply with the policy, including all instructions given to me for the purpose of protecting my personal safety and that of my property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____

day of _____, 19____

Parent/Guardian (If Signee Is a Juvenile)

Witness

This waiver must be approved by the Chief of Police.

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OFFICER'S RIDE-ALONG REPORT

Date of Ride-Along: _____

Hours of Ride-Along: _____

Officer: _____

Comments or Problems:

If this person again requests to participate, should permission be granted?

Yes _____ No _____

If no, explain the reason: _____

Officer's Signature

Road Supervisor's comments _____

Supervisor's Signature

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 4	CHAPTER: 1	# OF PAGES: 14	
SUBJECT: SPECIAL OPERATIONS			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: AG Law Enforcement Directive 2016-1		ACCREDITATION STANDARDS: 4.5.1, 4.5.2	
EFFECTIVE DATE: 09/08/2016		SUPERSEDES: All Previous, Special Operations V3Ch15	

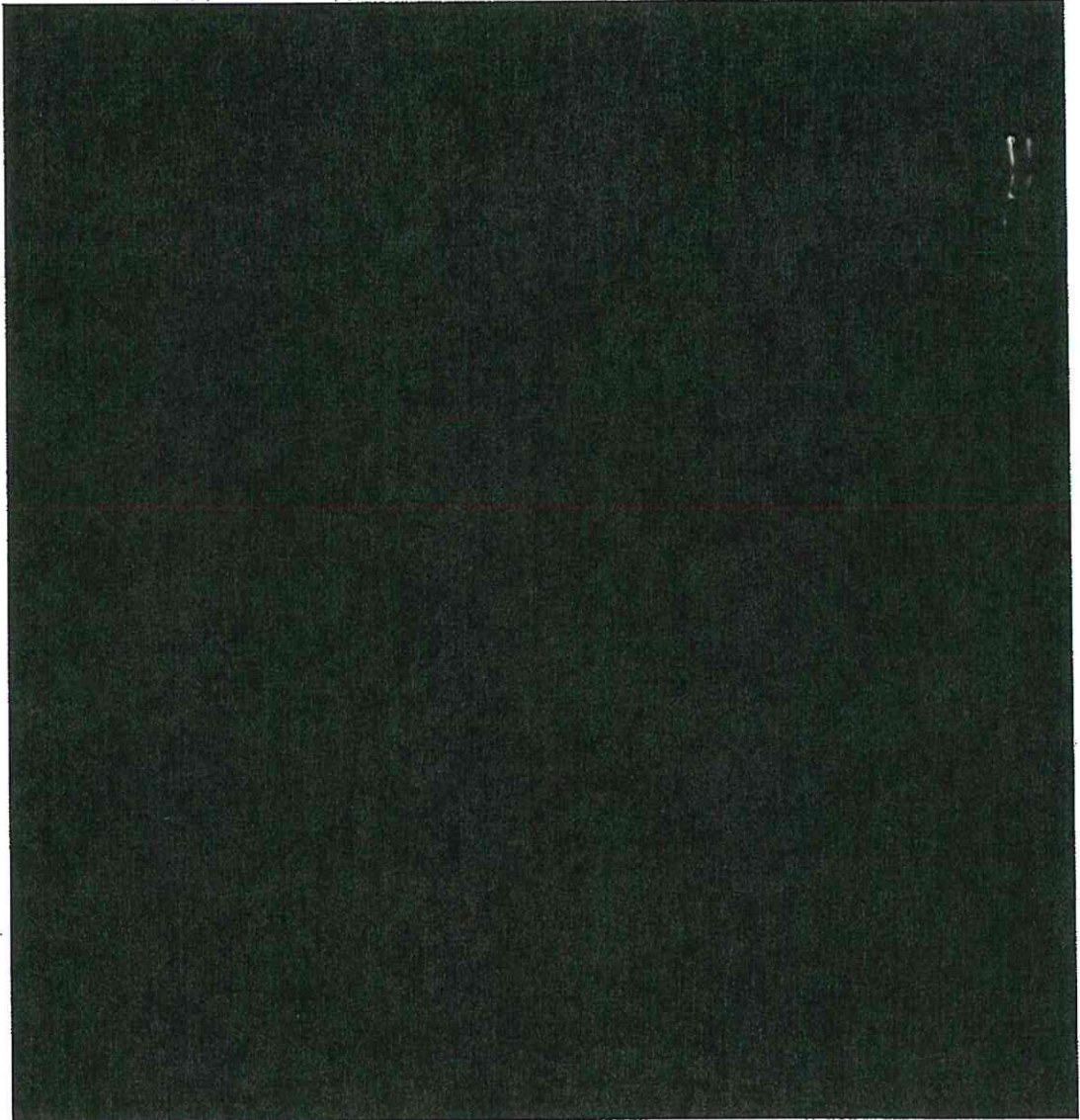
PURPOSE: To establish guidelines for the basic collection, processing, and storing of criminal intelligence including vice, drug, and organized crime activities and investigations. This policy also establishes guidelines for agency personnel participating in or conducting surveillance, undercover, decoy, and raid operations.

POLICY: One of the Fort Lee Police Department's primary missions is to deter criminal acts, apprehend criminals involved in criminal acts, and collect intelligence to achieve the two aforementioned goals. It is every employee's duty to report any information that is related to a criminal act, potential criminal act, or situation that could cause potential harm to anyone. This policy also outlines how surveillance operations may be conducted to achieve this.

PROCEDURES

I. Procedures for Reporting and Processing Special Investigation Complaints.

A.



B.

C. Deconfliction Procedures:

1. Deconfliction is defined as the review of a case for any potential investigatory conflict between agencies or investigators.
2. Prior to initiating any planned operation, a law enforcement agency while operating under the authority of the laws of the State of New Jersey shall make a deconfliction query in accordance with the procedures specified in Attorney General Law Enforcement Directive No. 2016-1 Automated Deconfliction of Planned Law Enforcement Operations and Investigations, unless it is not feasible to make a deconfliction query before initiating the planned operation, or unless the County Prosecutor or First Assistant Prosecutor, or the Director of the Division of Criminal Justice or Deputy Director, expressly exempts the planned operation from the deconfliction requirements of this Directive.

3. Operations Requiring Deconfliction (Planned Operations):

- a. Application and/or execution of search warrant or communications data warrant.
 - 1) Not for on-scene telephonic search warrant applications.
 - 2) Not for warrants resulting from unplanned stops or arrest.
- b. Initial and/or renewal application for electronic surveillance.
- c. Application for an arrest warrant (not as part of routine booking/unplanned arrest).
- d. Execution of an arrest warrant at suspect's home, place of business, or other specific premises or location.
- e. Execution of multiple arrests as part of a single operation (sweep, round up, raid etc.).
- f. Undercover operation involving:
 - 1) Anticipated contact by an undercover officer with a target whose identity is known before the operation.
 - 2) Planned meeting or event arranged or expected to occur at a specific location.
- g. Controlled buy or similar operation where a Confidential Informant (CI) or other individual operating under the direction of Law Enforcement engages in conduct constituting a crime involves:
 - 1) Anticipated contact with a specific target.
 - 2) To occur at a specific location.
- h. Targeted video surveillance focused on a specific location.
- i. "Knock and Talk" operations at specific locations.
- j. "Directed Stop" operation on specific vehicle.
- k. Any other Planned Operation on investigative activity designated by the Director of the Division of Criminal Justice (DCJ) pursuant to section 4 of the Directive

4. Method for Making Queries:

- a. Complete the HIDTA New Jersey Task Force Deconfliction Data Entry Form and submit it via fax/email to:
 - 1) M-F 6am to 6pm
The HIDTA New Jersey Intelligence Center
Email: NJHIDTA@usdoj.gov
FAX: 973-776-1322

Contact # 973-776-7070

- 2). M-F 6pm to 6am, Weekends, Holidays
Regional Operations Intelligence Center (ROIC) Watch Center
Email: ROIC@gw.njsp.org (please call prior to sending documents)
FAX: 609-530-3650
Contact# 609-963-6900

5. Conflict Resolution

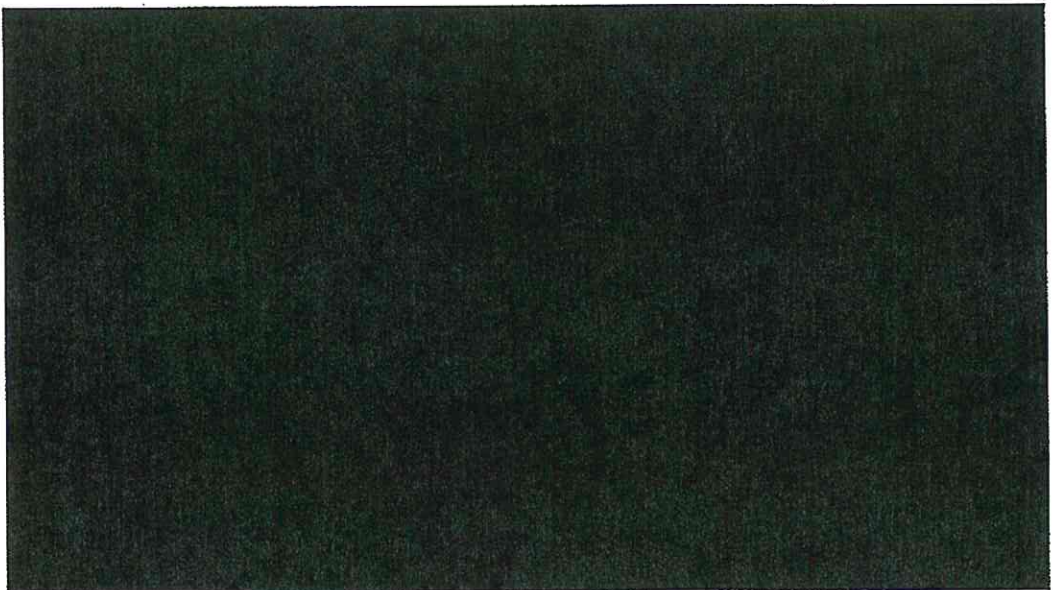
- a. Contact and Discussion-In the event of a conflict alert, it shall be the affirmative responsibility of the agency making the query that resulted in the alert to contact the other interested agency or agencies. Nothing herein shall be construed in any way to preclude such other agency from contacting the agency that made the query resulting in the conflict alert.
- 1) If such a condition exists he/she shall notify [REDACTED] via the chain of command in writing unless exigent circumstances prevent, then a verbal notification is to be made. A course of action will be determined as to how to resolve the conflict.
- b. Documentation-All efforts to contact another interested agency and to resolve the conflict alert shall be documented and maintained in each agency's case file. Such documentation shall be subject to audit by the County Prosecutor or the Director of DCJ.
- c. Conflict Alert Resolution Options-The agency that made the deconfliction query resulting in the conflict alert and the other interested agency or agencies are expected to confer via an in-person meeting or conference call between the different law enforcement agencies and agree upon one of the following options to resolve the conflict alert:
- 1) The planned operation(s) will proceed as scheduled; or
 - 2) The planned operation(s) will be conducted as a joint operation; or
 - 3) The planned operation(s) will be delayed until it can be conducted without jeopardizing another operation and/or officer safety; or
 - 4) The planned operation(s) will be cancelled; or
 - 5) Whatever other options may be necessary and appropriate under the circumstances.
- d. General Principles for Resolving Conflict Alerts-Disputes between agencies with a shared interest in a target/suspect should be resolved amicably by the parties within their respective chains of command. The resolution should be based on all equitable

considerations, including in particular the amount of resources that already have been expended in their respective investigations and the potential for the most significant charges and sentencing outcomes that would have the greatest impact on public safety. The agency that submits target/suspect or event location information to the system first does not automatically have primary or superior rights to investigate that target/suspect, or to conduct a planned operation at that location. However, to encourage agencies to submit deconfliction information pursuant to this Directive as early as possible, the timing of data submission to the system is a relevant consideration.

- e. Resolution of Disputes by County Prosecutor or Director-In the event that a dispute between agencies operating under the authority of the laws of the State of New Jersey cannot be resolved by the management/executive leadership of those agencies, if all the agencies are subject to the jurisdictional authority of a single County Prosecutor, the matter shall be referred to that County Prosecutor, or is a State agency, the dispute shall be referred to the Director of DCJ for resolution. Such resolution shall be final and binding.
6. Any out of state law enforcement agency conducting law enforcement activities within this state must be reported as soon as practicable within 24 hours to the Prosecutors' Office as per A.G. Directives 2012-1 by the Detective Division Commander or designee.
- a. Any officer becoming aware of an out-of-state agency conducting a law enforcement activity is to notify the Tour Commander, [REDACTED]
 - b. After business hours, the Tour Commander should determine if the notification should be made immediately
7. Violations and Remedial Action.
- a. The Director of the DCJ, and a County Prosecutor, shall be authorized to investigate a violation of this Directive, and to take such remedial or disciplinary actions as may be necessary to ensure compliance with this Directive. Willful or repetitive violations of this Directive shall be reported to the Attorney General or his or her designee.
- D. The Chief of Police will be briefed at least quarterly [REDACTED] regarding the status of the following:
- 1. New complaints received and processed.
 - 2. The investigative status of any ongoing cases.
 - 3. The closure of any cases.

II. Conducting Surveillance, Undercover, Decoy, and Raid Operations.

- A. This policy and subsequent procedures are provided to agency personnel to guide them in participating in or conducting in surveillance, undercover, decoy, and raid operations involving investigations including vice, drug, and organized crimes.
- B. The detective assigned to a case through their chain of command shall determine the appropriate investigative methods to be employed during an investigation including, but not limited to, conventional investigative methods, surveillance, undercover, decoy or raid operations. All methods will follow applicable criminal procedures.
- C. Based on the type of investigation and with approval through their chain of command, a detective may use outside resources to assist this agency in conducting covert operations. These may include, but are not limited to:
 - 1. Other municipal, county and state law enforcement agencies;
 - 2. The Bergen County Prosecutor's Office or other prosecutor's offices;
 - 3. New Jersey State Attorney General's Office;
 - 4. New Jersey State Police Specialized Units;
 - 5. New Jersey State Police Forensics Laboratory;
 - 6. Federal Bureau of Investigation Specialized Units and Forensics Laboratory;
 - 7. United States Secret Service; and
 - 8. Drug Enforcement Administration.
- D. Whenever outside resources are contacted to assist this agency in conducting covert operations, the supervisor in charge of the operation will notify all necessary personnel, including up the chain of command.
- E.





III. Surveillance Operations.

A. Surveillance can be generally defined as the covert observation of places, persons and vehicles for the purpose of obtaining information concerning the identities or activities of subjects.

1. Surveillance can be done loosely, i.e., a few hours a day on an occasional basis or at a fixed location (usually referred to as a "stakeout") and any variation in between.
2. Surveillance can be accomplished from any location.

B. The objectives of surveillance involving a person or place include, but are not limited to the following:

1. To detect criminal activity;
2. To discover the identity of persons who frequent an establishment and to determine their relationships;
3. To discern the habits of a person who lives in or frequents a particular location;
4. To obtain evidence of a crime or to prevent the commission of a crime;
5. To provide information that will form the basis for obtaining a search warrant;
6. To protect and support undercover detectives; and
7. Locate and record the possession of assets.

C. To plan a safe and effective surveillance, the following must be considered and/or accomplished:

1. The type of operation being conducted;
2. The goal of the surveillance;
3. The location of the target of the surveillance;
4. Obtain criminal histories on all involved targets;
5. Identify co-conspirators and relatives in the area;
6. Check for counter-surveillance;
7. Attempt to obtain surveillance vehicles that blend into the neighborhood;
8. Identify and procure the technical equipment needed by the team;
9. Obtain descriptions and pictures of all involved, if possible;

10. Dedicate sufficient resources to the surveillance;
11. Determine the threat level of those under surveillance;
12. Obtain background information on all persons likely to be encountered during the surveillance;
13. The above considerations, and other relevant information, should be included in the operations plan developed under Section II. E of this policy.

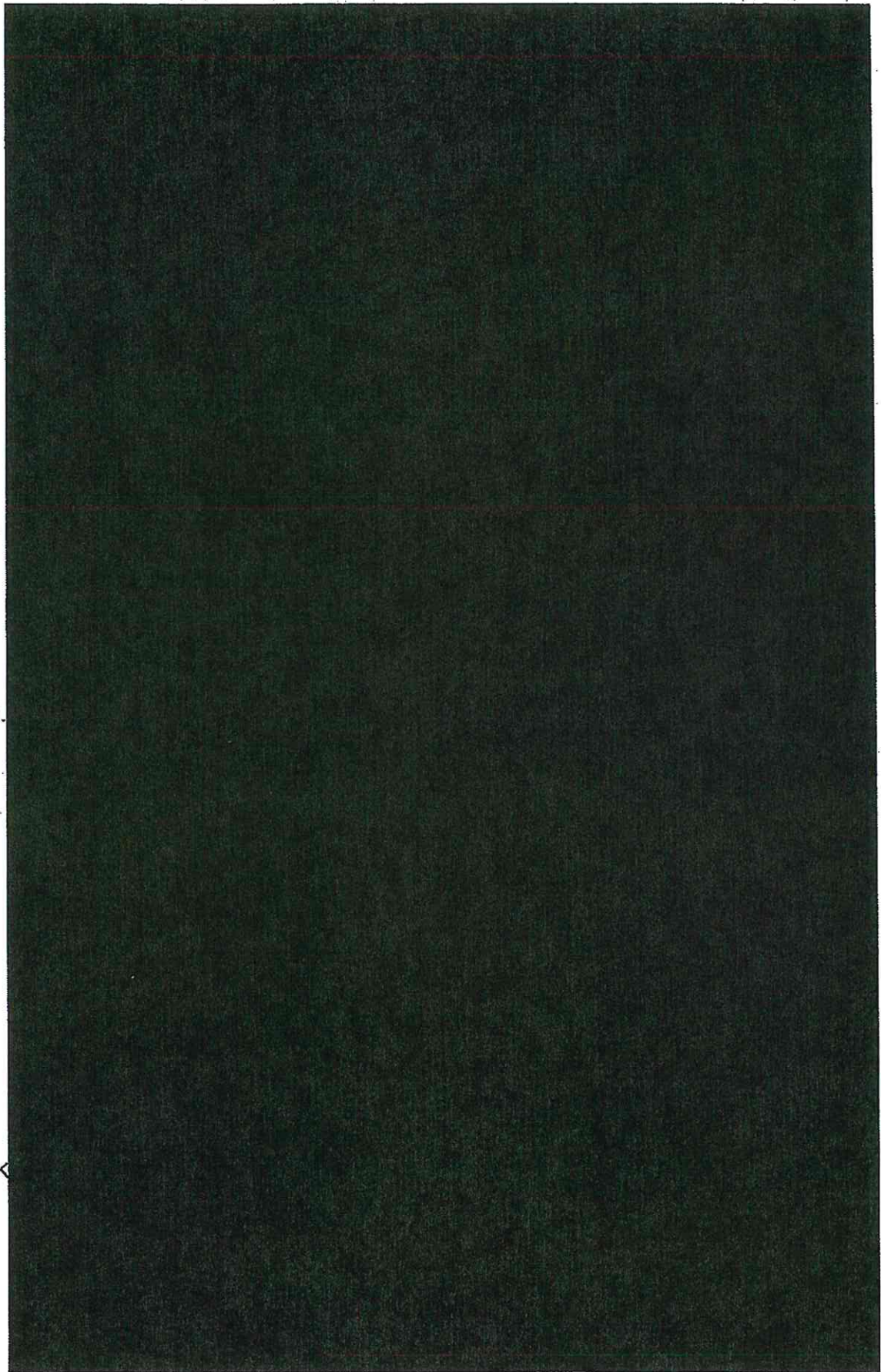
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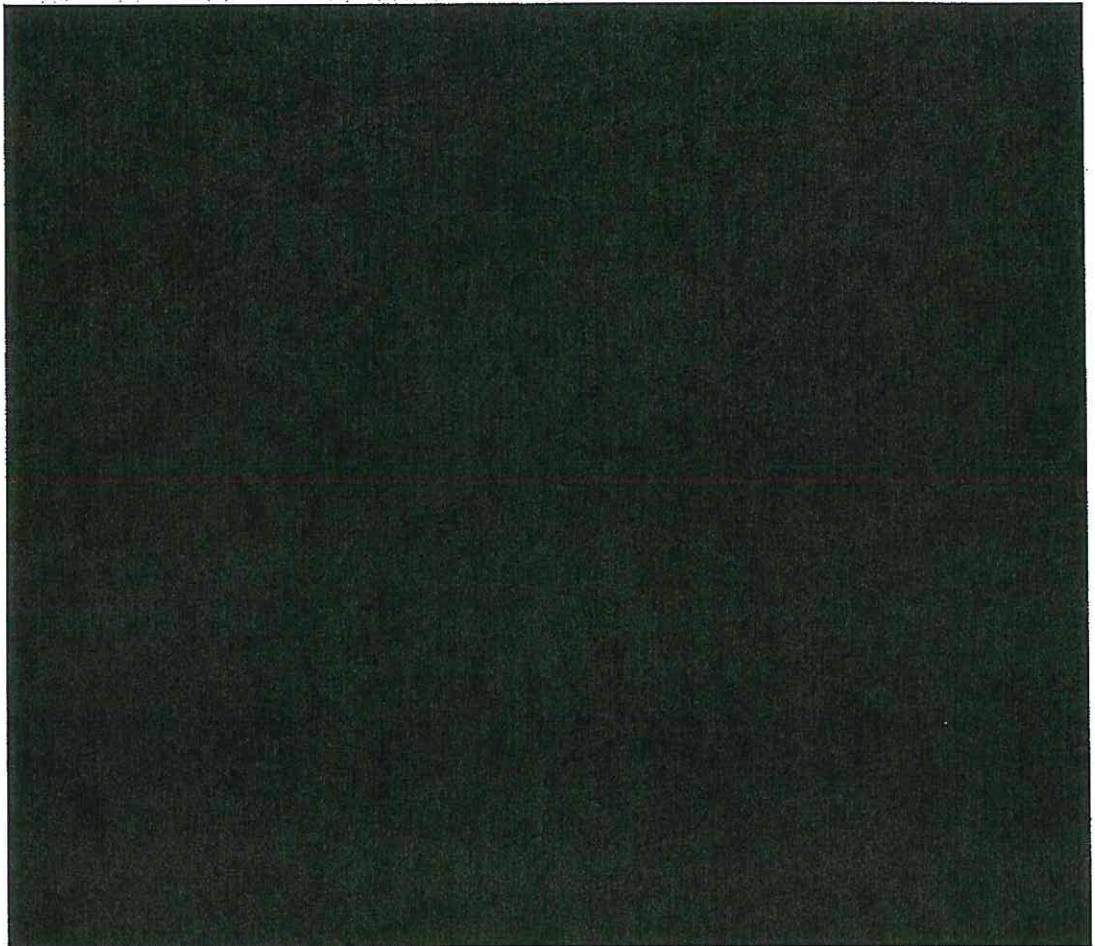
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N.

- O. The detective or supervisor in charge shall remind all personnel assigned to the surveillance operation to bring enough supplies to sustain themselves throughout the scheduled operation.

- P. All equipment should be tested prior to the commencement of the operation.
- Q. All vehicles to be used in the operation should be properly fueled and inspected to ensure proper functioning.

R.

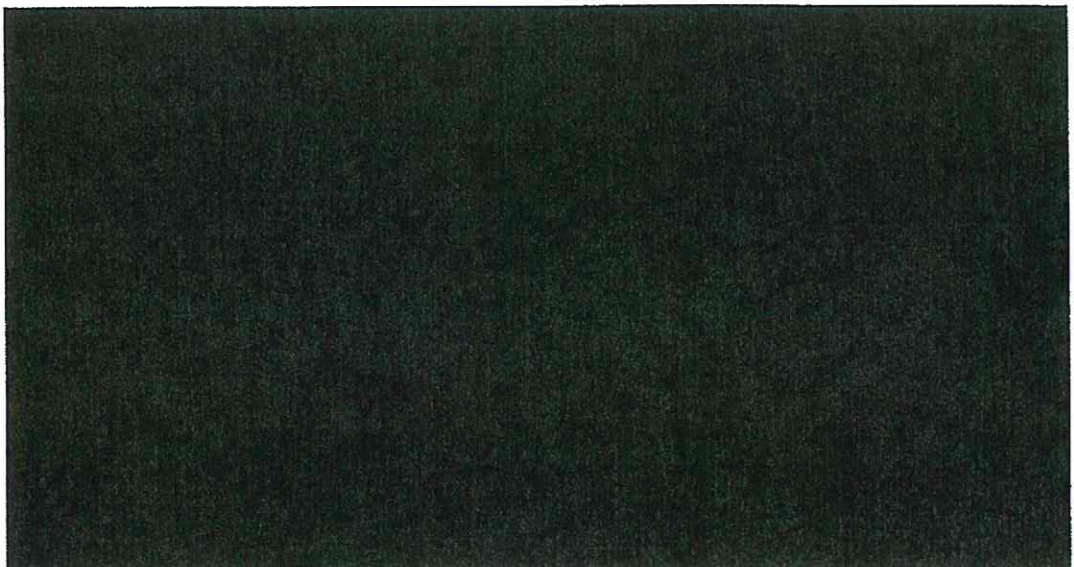


IV. Undercover and Decoy Operations.

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I.

V. **Raid Operations Involving Search and/or Arrest Warrants.**

A.

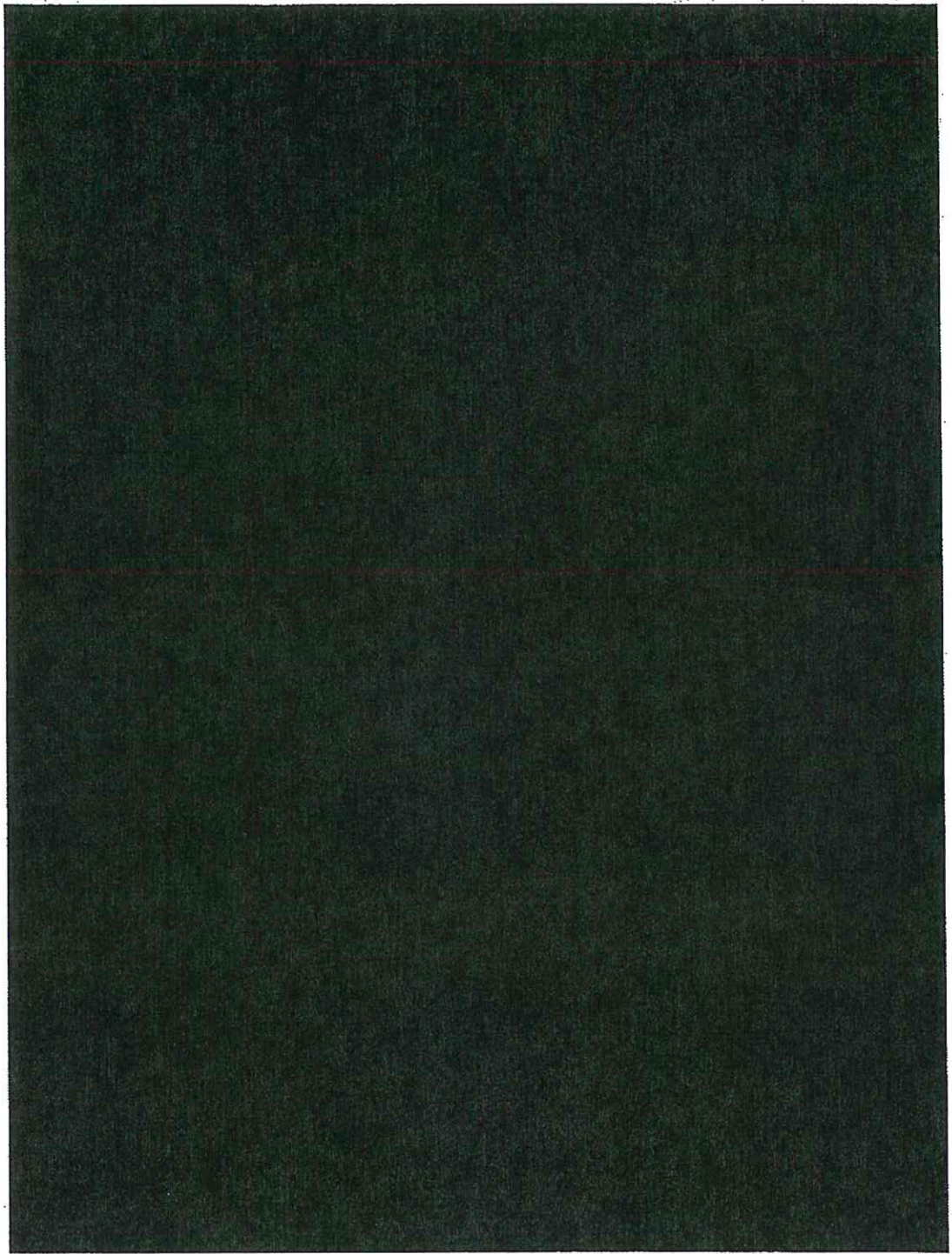
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**OPERATIONS
SPECIALTY IMPACT MUNITIONS
VOL. 4, CH. 17**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 04-19-01	REVISION DATE: 12-18-08 05-07-2009 05-21-2009	PAGE #: 11 2 6	SECTION: IV, E Discussion B&D	APPROVED 05-07-2009 05-21-2009	VOLUME IV
VOLUME TITLE: OPERATIONS	# PAGES: 11					CHAPTER 17
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: SPECIALTY IMPACT MUNITIONS						DISTRIBUTION ALL
ISSUING AUTHORITY:						EVALUATION DATE:
CHIEF THOMAS O. RIPOLI						
ATTORNEY GENERAL:						Special Instructions
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To address the training and use of extended range less-lethal Specialty Impact Munitions. This department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require special training and equipment. Thus the department has adopted a less-lethal force philosophy to assist with the de-escalation of these potentially violent confrontations.

POLICY:

This department will conduct training and qualifications for the deployment of less-lethal Specialty Impact Munitions in situations meeting the criteria for the use of such munitions. Only officers who have qualified with these munitions should be permitted to deploy them.

The following procedures are to be followed whenever possible in situations where less-lethal actions can be used to control combative, non-compliant, armed and/or violent subjects.

DEFINITIONS:

Less-lethal force philosophy: A concept of planning and force application, which meets operational objectives, with less potential for causing death or serious bodily injury than conventional police tactics.

Less-lethal weapons: Chemical aerosol projectors and munitions, Impact Weapons and Specialty Impact Munitions.

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Specialty Impact Munitions (SIM): Kinetic Energy extended range impact weapon, flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or serious physical injury.

Kinetic Energy: Transfer of energy from a solid object that makes contact with a fluid mass such as the human body.

DISCUSSION:

The need for a variety of force options has always been apparent to police officers. Given certain situations, deadly force is not justified, nor is it safe for an officer to close in on a subject and try to control them with physical strength and skill. In tactical situations there is an expectation of tactical teams to be specialists in the application of force. Use of force guidelines should be followed. Impact munitions are currently considered deadly force, new guidelines are forthcoming from the Attorney General on use of these munitions.

Cause and effect: Specialty Impact Munitions have a tremendous mental effect on an individual. The action of pointing a firearm directly at an individual, and/or actually firing a projectile, arouses connotations and fear of having been shot with a firearm. The pain, and at times the appearance of the injury, may reinforce this belief. It is during this time that a suspect will usually cease violent actions and can be taken into custody.

Physical effects of Specialty Impact Munitions can be either Blunt Trauma or Penetrating Trauma, the least desirable effect is penetrating trauma, which can sometimes be avoided by selection of the proper munitions and using them at the appropriate distances, however, this is not always an option. At different times of year suspects clothing and physical condition may also contribute to the effects.

PROCEDURES:

I. [REDACTED]

A. [REDACTED]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

II. [REDACTED]

A. [REDACTED]

1. [REDACTED]

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b.

c.

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III. DEPLOYMENT

A.

B.

C.

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F.

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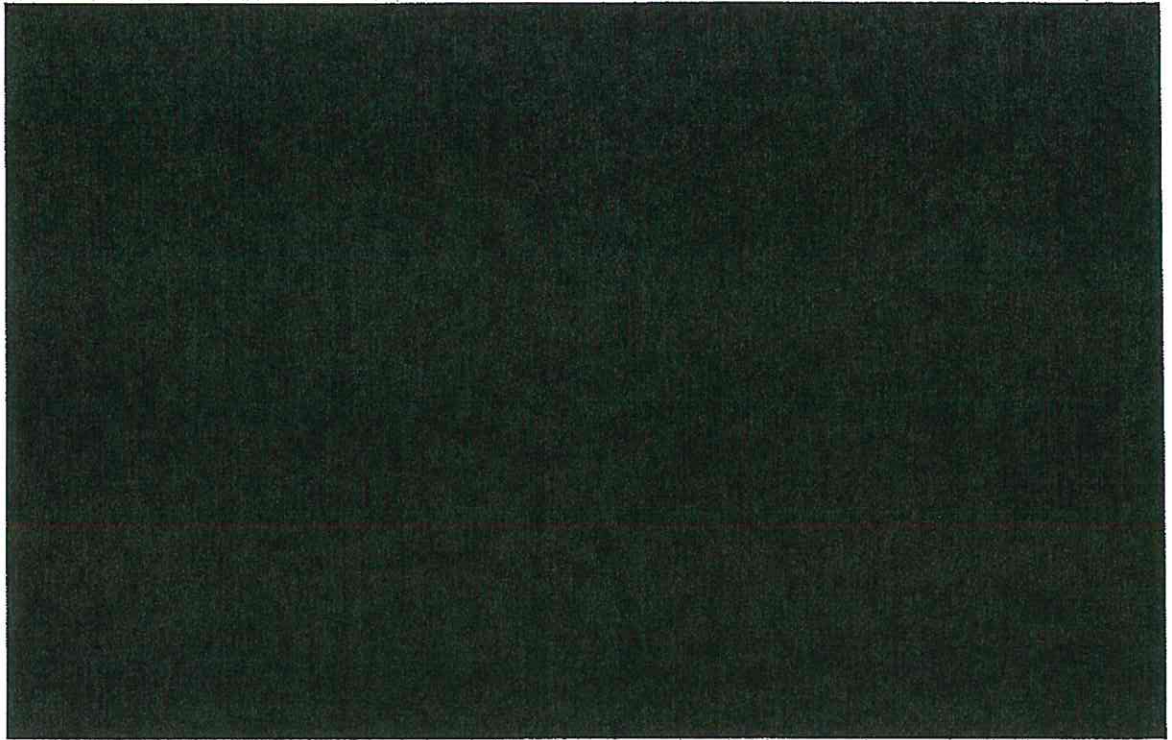
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**OPERATIONS
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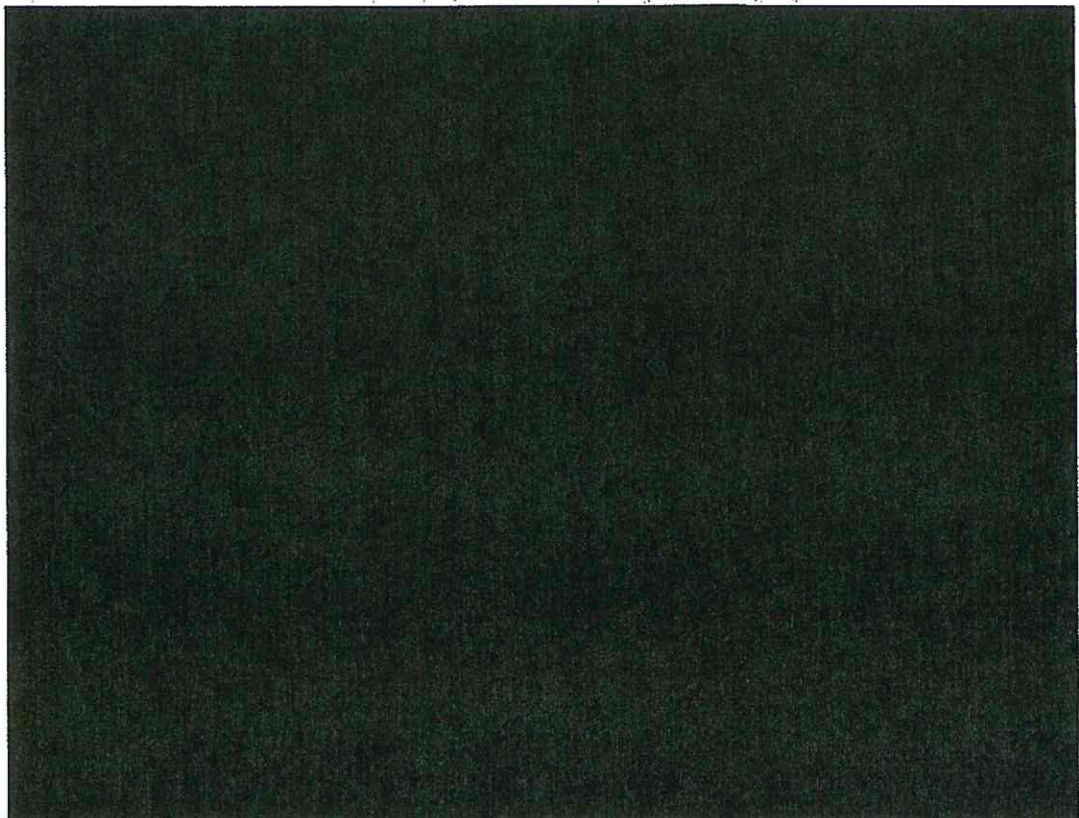
IV. Qualification

A.

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D.



E.

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V. HANDLING OF INJURED SUSPECTS:

- A. Suspects who are struck by Specialty Impact Munitions shall be transported to a medical facility for examination.
- B. Facility transported to, physician examining and outcome of the examination should be documented.

VI. INVESTIGATION:

- A. An investigation should be conducted into any situation involving the firing of Specialty Impact Munitions at a suspect.
- B. The depth of the investigation should be decided by the Division Commander and will be based on the suspect's injuries.
- C. The operational use of Specialty Impact Munitions will be documented.

INTERAGENCY PROCEDURES
SUDDEN DEATHS/DOA
VOL.V, CH.15

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-18-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME V
VOLUME TITLE: INTERAGENCY PROCEDURES	# PAGES: 6					CHAPTER 15-1
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: SUDDEN DEATHS/DOA'S						DISTRIBUTION
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO ATTORNEY GENERAL:						ALL EVALUATION DATE:
PROSECUTOR'S OFFICE:						Special Instructions
REFERENCE:						

PURPOSE:

To have proper procedures to follow when confronted with sudden death situations involving Citizens/Visitors in Fort Lee, Borough Employees, construction sites, and fire scenes.

POLICY:

Officers dispatched to sudden death/DOA calls should respond immediately to the area. On arrival they will make sure the scene is safe to enter, then confirm the type of incident involved. When the death is suspicious, or the deceased is an infant or child under 3 years of age or fetal death occurring without medical attendance, (except those which are clearly miscarriages) then the procedures in the Homicide/Sudden death policy should be followed in VOL.5,CH.15. All deaths in Police custody will be treated as suspicious death unless the prisoner is hospitalized for an organic disease etc. When type of incident is confirmed and not suspicious, the below procedures should be followed.

I. Citizens/Visitors

- A. When responding to a sudden death call at a location in Fort Lee, officers should first ensure that the death is not suspicious, if there is any question as to whether it is suspicious, then a Road Supervisor should be requested.
- B. When not suspicious, officers should gather all pertinent information for completion of incident report, Medical Examiner report worksheet, death pronouncement form and officers narrative report. Information should include:

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SUDDEN DEATHS/DOA
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1. Decedent's name
2. Address
3. Date of Birth
4. Age
5. Race
6. Marital status
7. Social Security Number
8. Occupation
9. Whether they live alone in the residence
10. Next of kin
11. Family doctor
12. Medical history
13. Signs of Trauma
14. Position of body
15. Who discovered
16. Was body moved
17. Alcohol or drug involvement
18. Was person suicidal
19. Date last scene alive, by whom / name and relationship
20. Does remaining amount of medication coincide with date issued
21. Any health complaints by decedent
22. Doctor or registered nurse paramedic/hospital and doctor pronouncing, contact information. Doctors name that will sign death certificate.
23. Time of pronouncement

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24. Time Police notified
25. Case number
26. If Hospice case or not:
 - a. If it is a Hospice case, see section VIII
27. Medical Examiner's (M.E.) office contacted by whom and what time, investigator responding or not, whether the body will be released or not.
28. Livery picking up the body or M.E.'s office.
29. Who residence was secured by and location of keys if secured by the Police.

A LIST OF DOCTORS AND REGISTERED NURSES AT THE MAIN DESK SHOULD BE UTILIZED

- C. After determining the above information 1 through 20, the officer should advise Headquarters of the situation and arrange for a pronouncement and for the M.E.'s office to be called, stand by for their response or release of the body. Officer should stand by until the body is removed or until they are relieved by another officer who will stand by.
- D. A hard copy of a doctors pronouncement is need at the time of pronouncement
- E. When not performed by a doctor, the pronouncement form for other than licensed physicians should be used.
 1. When there is next of kin present, the person pronouncing should be referred to them for payment.
 2. When next of kin is not present, they should be supplied a voucher which they will SIGN ONLY, to be attached to the officers reports.
- F. Locksmith should be called if the decedent lived alone, the key should be secured by the officer and attached to his case jacket on the incident.
- G. Next of kin should be advised that they are permitted remove legal papers and clothing **only**, or that they may respond to HQ when they need to gain access for papers for probate court or clothing for the funeral, and an officer will escort them back to the residence, and complete a report afterwards.
- H. Officer will then complete all required reports and submit the case jacket to the Tour Commander for review. It will then be forwarded to the Detective Bureau.

II. Borough Employees

- A. If an employee dies or is seriously injured in any borough related accident, a full investigation of the incident will be conducted to determine the cause of the incident.

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- B. First responding officers will ensure that the immediate area, equipment, vehicles, etc. are secured for examination in the same manner which would be used at a suspected homicide scene. No other employees will be allowed access to the above items until the investigator in charge of the case releases them.
- C. Photographs will be taken, and any necessary statements recorded.
- D. The Tour Commander will ensure that the following persons are notified as soon as possible.
 - 1. The Chief of Police
 - 2. The employee's department head;
 - 3. The Council Police Liaison;
 - 4. The Mayor;
 - 5. The Borough Administrator.
- E. The decision on notifying next of kin will be left up to the borough department head, and will be made by the police department only upon specific request.
- F. Procedures in section II , B through E above should be followed, except that the Borough Voucher should always be used for the pronouncement.

IV. CONSTRUCTION SITES

- A. First arriving officers must:
 - 1. Notify the Criminal Investigation Division to respond for photographs and investigation;
 - 2. Sequester, if possible, or at least secure witnesses for statements;
 - 3. Secure the immediate area(s) for processing of evidence;
 - 4. Prepare field notes to make a summary report.
- B. The responding investigating officers assigned to the case will ensure that the Bergen County Prosecutor and the Medical Examiner are notified.
- C. As soon as practical ensure that the Occupational Safety and Health Administration, Hasbrouck Heights, 201- 288-1700, is notified.

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- D. If the cause of the accident involves possible structural defects or unsafe practices in construction at the site, the Building Inspectors Office is to be contacted to assist in the investigation and determine possible violations.

V. FIRE SCENES

- A. Whenever a fire related death occurs, the Tour Commander will ensure that the following personnel are notified:
 - 1. The on-duty or on-call Investigators;
 - 2. The first listed department arson investigator;
 - 3. The Bergen County Arson Squad;
 - 4. The Bergen County Medical Examiner.
- B. The Supervisor in command at the scene will request the Fire Department's cooperation, through the Fire Chief, to secure the integrity of the scene as much as possible.
- C. Other than emergency personnel, no one is to be allowed into the scene until the arrival of the Bergen County Arson Squad, which will then make necessary decisions as to allowing entry.
- D. Times of the arrival of all responding police personnel, other agencies etc are to be noted, and a summary report made by first arriving officers and by the uniformed officer in command of all actions taken and all observations made.
- E. This department will cooperate in any way possible in assisting the Bergen County Arson Squad.

VI. NOTIFICATION OF NEXT OF KIN

Procedures in VOL. 4, CH.14 Death notification Policy will be followed.

VII. NOTIFICATION OF BCPO AND MLE'S OFFICE

- A. Upon the discovery of any sudden death, or the discovery of a person who is so gravely injured that he/she may succumb, a plainclothes officer will be dispatched to the scene to begin an investigation.
- B. If the death or injury appears to be drug related, a narcotics officer will respond; if not, a General Investigation Detective will be dispatched.
- C. Notifications

**INTERAGENCY PROCEDURES
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1. The Bergen County Prosecutors Office will be notified as soon as practical (after sufficient information has been obtained to give that agency an idea of what has transpired). If that agency indicates that it will send investigators, the scene will be left undisturbed, and safeguarded until their arrival.

Note: Absolutely no statements of any kind will be made by any member of this department to the press if the Prosecutor's Office is responding.

2. The Bergen County Medical Examiner will be called. After business hours, the Bergen County Police will be called to report a suspicious death, or injured person who is in extreme peril of dying the following information must be obtained, and forwarded to the Medical Examiner or Bergen County Police:
 - a. Name, age, and sex of the victim
 - b. The cause of death, if available
 - c. Who identified the deceased, and how he was identified
 - d. The time and date the deceased was last seen alive and by whom
 - e. The time and date of pronouncement, and the person making it.*
3. The above information must be obtained whether the party is left at the scene or is transported to a hospital.

The Bergen County Medical Examiner will not under ordinary circumstances respond to make a pronouncement. In the event a sudden death is to be investigated, either a Medical Examiner or a Bergen County Police investigator who is trained in death investigation may respond.
4. Making all notifications will be the direct responsibility of the tour commander.
5. A report will be made in every instance that the Medical Examiner or Bergen County Police is notified regarding a sudden death.

VIII. HOSPICE CASES:

- A. If the decedent is a Hospice patient, there should be no need for police involvement, unless it is a suspicious death. The patient is treated as though they are in the hospital at the time of their death. Hospice arranges for the death pronouncement and will contact the medical examiners office.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 5	CHAPTER: 7		# OF PAGES: 34
SUBJECT: TEMPORARY DETENTION / HOLDING FACILITY			
BY THE ORDER OF: Keith M. Bendul Chief of Police			REVISIONS:
REFERENCE: N.J.A.C. 13:94, N.J.A.C. 10A:34, N.J.S.A. 2A:161A-1 et seq.		ACCREDITATION STANDARDS: 5.2.1, 5.3.1, 5.3.2, 5.3.3, 5.3.4, 5.3.5	
EFFECTIVE DATE: 08/23/2016	SUPERSEDES: V7CH21 Strip Search; V7CH8 Holding Facility		

PURPOSE: The purpose of this policy is to promote the safety and welfare of detainees who are confined in the Fort Lee Police Department's municipal detention facility by members of the Fort Lee Police Department and to ensure the safety of agency personnel.

POLICY: It is the policy of the Fort Lee Police Department to comply with all applicable laws, N.J.A.C. 10A:34-1 et seq., New Jersey Attorney General Guidelines & Directives and any directives issued by the Bergen County Prosecutor concerning municipal detention facilities and the handling of detainees within such facilities.

The use of processing room may be necessary depending upon varying factors. The mere fact that someone has been arrested does not constitute the need for a person to be incarcerated. These procedures will provide guidance for officers when deciding whether incarceration is appropriate or inappropriate. If the decision to incarcerate is made, then there must be clear guidelines established that address duration, gender, age, as well as overall safety, security and humane treatment.

Under certain narrowly defined conditions, strip or body cavity searches may be necessary. Recognizing the intrusiveness of these searches on individual privacy, it is the policy of the Fort Lee Police Department to be in strict compliance with N.J.S.A. 2A:161A-1, et seq., Department of Corrections Regulations N.J.A.C. 10A:34-1, et seq., and the New Jersey Attorney General Guidelines with due recognition and deference for the human dignity of those being searched.

Intoxicated detainees must be released to a responsible adult willing to accept responsibility for the intoxicated person.

PROCEDURES

I. Definitions

- A. **Body cavity search** is defined as the visual inspection or manual search of a person's anal or vaginal cavity. (N.J.S.A. 2A:161A-3b)
- B. **Contraband** in addition to the criminal definition of "in and of itself, unlawful to possess", the Chapter 34 definition includes any item, article, or material that is not authorized for retention or receipt, found in the possession of or under the control of a person who has been detained or arrested. It shall also include any article that may be harmful or presents a threat to the security and orderly operation of a municipal detention facility. Items of contraband shall include, but are not limited to:
1. Firearms or ammunition of any type;
 2. Explosives of any type;
 3. Knives, tools or other implements;
 4. Hazardous or poisonous chemicals, gases, or substances;
 5. Unauthorized drugs and medications;
 6. Prescription or over-the-counter medications, not specifically authorized by a physician licensed to practice medicine in the State of New Jersey;
 7. Intoxicants, including, but not limited to liquor or alcoholic beverages;
 8. Electronic communications devices;
 9. Any article that can be fashioned as a weapon or implement of escape;
 10. Currency, stamps, tobacco products, and matches/lighters.
- C. **Crime** means an indictable offense or equivalent in another state.
- D. **Detain** means any holding of a person in police custody, whether pending court or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a serious danger to the person's health or safety.
- E. **Detainee** is applicable to male/female adult detainees and/or male/female juveniles placed in protective custody.
- F. **Detention** means a situation in which a person is being detained.
- G. **Electronic communication device** means a device or related equipment or peripheral that is capable of electronically receiving, transmitting or storing a message, image or data. Examples of such electronic devices include, but are not limited to, all types and sizes of a computer, telephone, cell telephone, Blackberry®, two-way radio, camera or video/audio player/recorder, fax machine, pager or beeper, personal data assistant, hand-held e-mail system, or any other device

containing a means of internet access or receiving, transmitting or storing information electronically by means of audio, visual or recorded data.

- H. **Exigent circumstance** means the probable cause to believe that the person is concealing a weapon, contraband or evidence of crime, and circumstances prevent obtaining a search warrant.
- I. **Gender** use of masculine gender herein shall also include, where applicable, the female gender.
- J. **Juvenile** means an individual who is under the age of 18 years.
- K. **Lawfully confined** means custodial confinement in a municipal detention facility, county correctional facility, or a New Jersey Department of Corrections facility.
- L. **Licensed Medical Professional** means an appropriately licensed health care provider who is a physician, registered nurse, nurse practitioner or physician assistant.
- M. **Municipal detention facility** means a holding or lockup facility, located in and operated by a municipal police agency, which receives and temporarily detains for no more than 24 hours, excluding holidays or weekends, persons who have been arrested and who are awaiting release or transfer to other authorities; the Fort Lee Police Department's temporary detention / holding facility.
- N. **Non-offender** means a detained juvenile, other than one charged with an act of delinquency or a status offense.
- O. **Non-secure custody** means detention in conditions such that a juvenile is not being held in secure custody.
- P. **Offense other than a crime** means a non-indictable offense or equivalent in another state.
- Q. **Pat search** means a thorough search of a fully-clothed inmate, including the clothing and personal property in the inmate's possession.
- R. **Probable cause** means reasonable ground(s) of suspicion, supported by circumstances sufficiently strong to warrant a cautious person to believe that criminal activity is taking place.
- S. **Processing / testing room** is defined as a room or area used by sworn personnel to process (fingerprint and photograph) and or test (administer breath tests or field sobriety test) detainees; the Fort Lee Police Department's Cell Block Room 1041B.
- T. **Reasonable suspicion** means a belief that an action is necessary based upon specific and articulable facts that, taken together with rational inferences from those facts, reasonably support a conclusion.
- U. **Scanning/testing device** means a mechanical and/or electronic instrument used to identify or to detect certain substances and materials.

- V. **Scanning/testing device search** means a search of a person or object by exposure to a mechanical and/or electronic instrument used to detect certain substances and materials.
- W. **Secure area** means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- X. **Secure custody** means detention in conditions such that the individual is held in a secure temporary detention room or other secure area.
- Y. **Sight and sound separation** means the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible.
- Z. **Status offender** means a juvenile accused, charged or adjudicated for conduct that, under the laws of the jurisdiction in which the conduct took place, would not be a crime if committed by an adult, or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- AA. **Status offense** means conduct that if committed by an adult would not constitute a crime in the jurisdiction in which the conduct occurred.
- BB. **Strip search** is defined as the removal or rearrangement of clothing for the purpose of visual inspection of the person's undergarments, buttocks, anus, genitals or breasts. The term does not include any removal or rearrangement of clothing reasonably required to render medical treatment or assistance, or the removal of articles of outer clothing such as coats, ties, belts or shoelaces. (N.J.S.A. 2A: 161A-3a) Strip search shall also include the direct observation by a police officer or matron of an arrestee defecating, urinating, or changing a sanitary napkin or tampon.
 - 1. Under the provisions of N.J.A.C. 10A:34-2.17d, when a person charged with a **crime** is confined to a municipal detention facility, a strip search, if authorized shall include a check for:
 - a. Body vermin;
 - b. Cuts or bruises;
 - c. Needle scars or tracks;
 - d. Other injuries, where appropriate.
- CC. **Temporary detention room** is defined as a location (room or cell) where a detainee is locked in and left unattended, while not being actively processed.

II. General

- A. The doors to the cells should remain open at all times when not in use. Any adult who is arrested may be placed in the cell.
- B. The cells and cellblock area shall be maintained in accordance with N.J.A.C. 10A:34-1 et seq.

- C. Closets and storage rooms in the cellblock shall be locked at all times.
- D. Cell equipment and ventilation grilles used inside cells shall be rated for maximum-security use (N.J.A.C. 10A:34-2.6).
- E. Detainees shall have access to fresh water and toilets.
- F. Access to the processing and/or temporary detention / holding facility is restricted to authorized personnel only. Maintenance personnel must be escorted while in the facility when detainees are present. All tools and supplies must be accounted for and removed when the maintenance personnel have completed their tasks.
- G. Personnel observing any unsafe, unsecure, unsanitary, or unacceptable conditions must report such conditions to the Tour Commander.
- H. Cells, cell blocks and sallyport areas shall not be used as storage areas.
- I. Protection from Abuse.
 - 1. All persons detained, arrested, or lawfully confined to a municipal detention facility shall be protected by municipal detention facility staff (our agency staff) from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. This will be accomplished via department training, policies, and proper supervision of personnel and the facility.
 - 2. In accordance with the Federal Prison Rape Elimination Act of 2003 (PREA) a zero tolerance for the incidence of sexual assault shall be maintained at our detention facility. The department will be in full compliance with PREA and ensure proper supervision to eliminate the risk of sexual assault incidents.
 - 3. Appropriate disciplinary action shall be taken against facility staff who engage in abusive behavior in violation of our Written Directives or any law. When necessary, these criminal cases will be referred to our county prosecutor for investigation and action. All personnel will be subject to progressive disciplinary actions for any inappropriate or abusive behavior. Internal Affairs will initiate an investigation of such violations and will notify the Bergen County Prosecutor, when warranted.

III. Administration and Management of the Temporary Detention / Holding Facility

- A. Primarily, the Tour Commander is responsible for managing the temporary detention/holding facility.
- B. Authorized access to a cell or holding area, not addressed in this policy, should be authorized and determined by the Tour Commander.
- C. All personnel charged with the supervision of detainees shall be provided with training (N.J.A.C. 10A:34-4.1) on the use of the temporary detention and processing room, supervision and care of detainees, and special training for supervision and care of detainees of the opposite gender. Training topics may include, but are not limited to:

1. Cellblock Management;
 2. Suicide Awareness.
- D. New personnel shall receive training set forth by New Jersey State Department of Corrections in the police academy or as part of their initial agency-specific training. Veteran personnel shall receive in-service training once every three years. Any officer who has transferred from another police agency will receive the training as a part of their Field Training Program.
- E. Maintenance personnel should clean the holding facility on a daily basis, and at a minimum on a weekly basis unless otherwise directed by the Tour Commander.
1. The confining officer must inspect the cell before any detainee is placed in the cell.
 2. During their normal working hours, when notified by the Tour Commander, maintenance personnel must clean the cell(s) following a detainee's release.
- F. During the Tour Commander's daily and weekly cell inspection the cells will also be checked for vermin, rodents or pest infestation. If these conditions are found:
1. The detainee should be detained in another cell;
 2. Administrative Division Commander should be notified during normal business hours.
 - a. If the infestation is beyond one cell then the notification should occur the next morning.
 3. The cell should be locked, and secured with yellow barrier tape;
 4. The cell is not to be used until an exterminator is called and has corrected the condition.
- G. The fire equipment, fire detection and alarm system will be inspected weekly and the results documented on the Weekly Inspection Report
- H. The day shift Tour Commander shall complete the Detention Area Daily Sanitation Inspection Form daily.
- I. The Administrative Division Commander or designee shall conduct an administrative review of this policy and the holding facility at least once every three years. The Administrative Review should ensure that policies and procedures governing the holding facility are being followed and that the original intent for authorization and use of the facility continues to be adequate for this agency's needs. This review shall also determine whether policy, training, equipment or disciplinary issues are indicated.
- J. Temporary detention records shall be retained in accordance with the provision set forth by the New Jersey Division of Revenue and Enterprise Service's Municipal Police Retention Schedule.

IV. Temporary Detention Room Fire Prevention, Evacuation, and Suppression Plan

A. During a fire or other emergency, the primary responsibility of an officer is the safety and security of their detainee. To address fire prevention and suppression the agency has provided for the following.

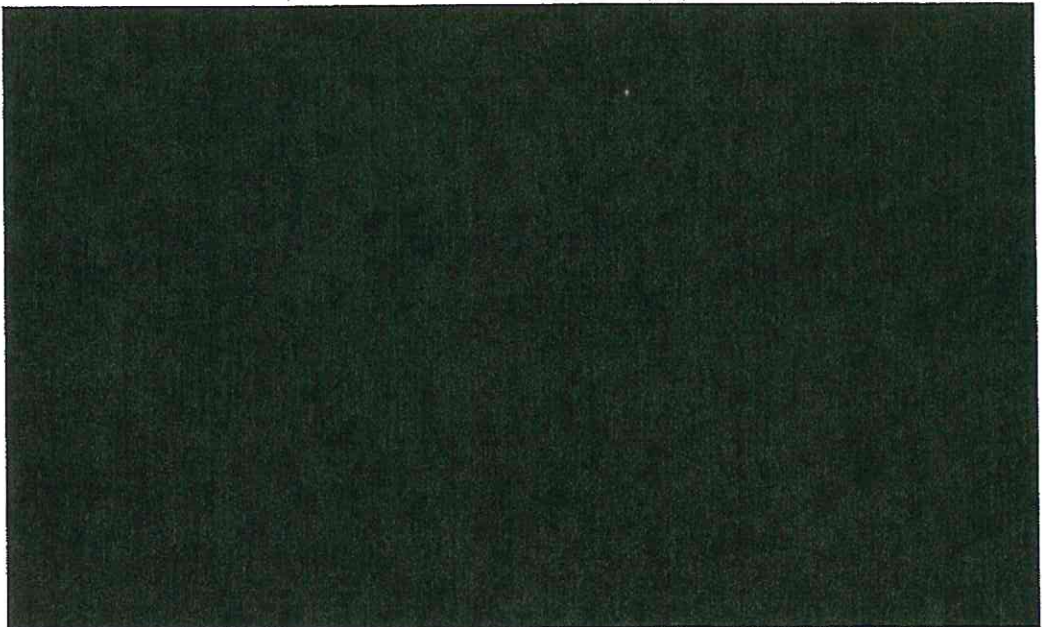
1. **Fire Prevention** – The following will be performed or maintained in order to prevent a fire:
 - a. The Police Headquarters and the area of the temporary detention rooms are equipped with automatic fire detection equipment.
 - b. Temporary detention rooms are inspected daily for fire hazards by the Tour Commander.
 - c. Flammable materials (excluding sanitary tissue) shall not be stored in or near any temporary detention rooms.
 - d. Detainees are not permitted to have smoking materials, lighters, matches or other sources of flame available to them and are to be searched for such items prior to being placed into a temporary detention room.
 - e. All detainee bedding shall be made of fire-resistant material.
2. **Fire Evacuation** – If there is a fire or other emergency requiring the evacuation of the cell block the discovering officer or their designee shall immediately notify Communications that an evacuation will begin and why. Communications should document the request in CAD and send appropriate assistance (police, fire, EMS personnel) immediately. The detainees shall be handcuffed and removed from the facility as quickly as possible. The detainees shall be secured in the prisoner transport van or in the rear of patrol vehicles that are equipped with a security barrier. An officer shall stay with and guard the detainee until the detainee can either be returned to the facility or transported to another facility.
 - a. The Tour Commander, if unable to safely enter the cell block will request the fire department to conduct a search to ensure that all detainees have been evacuated. The officers charged with evacuating the prisoners should conduct a body count and notify the Tour Commander of the results.
 - b. As soon as practical, a report will be made by the Tour Commander detailing circumstances and the movements of the detainees during the emergency to the Chief of Police through the Chain of Command.
3. **Fire Suppression** – If a fire were to begin, the discovering officer should notify Communications of the incident, request appropriate assistance (police, fire, EMS personnel), and take immediate action to suppress the fire, if possible. The facility is equipped with fire extinguishers for this purpose. The discovering officer will keep Communications informed as to the progress made. Communications will notify the Tour Commander and all the appropriate resources (fire and EMS personnel).

V. Detainee Intake and Processing - General

- A. A vehicle sally port area is provided and is to be used for the transfer of detainees to and from the cell block in headquarters, unless directed otherwise by the Tour Commander. The sally port is in close proximity to the detention area and contains the following:

1. Interlocking doors
2. Audio and video communication
3. Emergency Panic Alarm button, which are located throughout the building including cell, processing areas and all interview rooms. Any officer may transmit an emergency request for assistance if they feel their safety is in danger. When an emergency request for assistance is received, any available officer in Headquarters should report directly to the cell block. The Communications Center shall also immediately dispatch at least two of the closest officers to assist and notify the Tour Commander.

B.



- C. Generally, adult and juvenile detainees should not be allowed in any rooms in headquarters other than the cellblock, processing room or interview rooms. If the Tour Commander authorizes a detainee to be in a different location, constant face-to-face direct supervision should be maintained.

1. Detainees may be interviewed in a location deemed necessary by the investigating detective with the Tour Commander's approval.
2. At no time should a detainee be left unguarded while in headquarters outside of a cell.
3. This section should be explicit to mean that a detainee should not be, for one second, left unmonitored while in headquarters. Detainees who are placed in a cell should be monitored as outlined in this policy.

- D. The Tour Commander or a police matron will monitor detainee(s) while they are in the facility. At no time should an officer leave a detainee (including juveniles in the Processing Room or Report Room) in a processing environment alone (constant supervision). Another officer must provide relief.
- E. Personnel should be cautious of their conversations and comments wherein the person in custody can hear what they are saying. When a person is being detained in a cell and it is necessary to discuss particulars of the case, be sure to do so in an area allowing you privacy.
- F. The confining officer must search a cell for weapons and contraband prior to and after use of an unoccupied cell.
- G. The only equipment or items authorized to be present in a processing room/area is of the type that is needed to facilitate the arrest processing and testing of the person taken into custody. All other equipment or items will be considered contraband. The day shift Tour Commander shall conduct a daily inspection of the processing room/area some time during their shift to make sure this policy is being complied with and if not to take action to assure it is.
- H. **Alcotest Operation** – In accordance with the State of New Jersey v. Chun decision, no device capable of emitting Radio Frequency Interference (RFI) is permitted in the processing room where the Alcotest Instrument is located. Due to this decision, officers are not permitted to bring portable radios or cell phones into the processing room when a breath test is being conducted.

VI. Pre-Confinement Searches

- A. Not all arrestees are subject to a pre-confinement search. A pre-confinement search is required prior to placing a detainee into a cell or secure area (N.J.A.C. 10A:34-3.2). Confinement is the determining factor for whether to conduct this search.
 - 1. Arrestees should have been searched incidental to their arrest at the scene of the arrest. Additional property in possession of the arrestee at the time of arrest, such as luggage, bags, etc., is not subject to a pre-confinement inventory search unless the arrestee is first given the opportunity consent to the search and inventory or to make alternate arrangements for the disposition of this property.
 - 2. Arrestees who will be released on their own recognizance (ROR) or on an established bail immediately after processing shall not be subject to a pre-confinement search unless otherwise confined. A strip search may still apply; see subsection VII of this policy.
 - 3. Arrestees being confined or detained in a cell or holding area are subject to a pre-confinement search.
- B. Prior to confining an arrestee in the holding facility or secure area, the arresting officer should conduct a thorough pre-confinement search and inventory of the arrestee and their personal effects. If circumstances prevent the arresting officer from conducting this search and inventory, then the Tour Commander should ensure that another officer conducts the search. This search should be done in

headquarters even if a previous search of any type was conducted elsewhere. Items to be taken and inventoried include, but are not limited to:

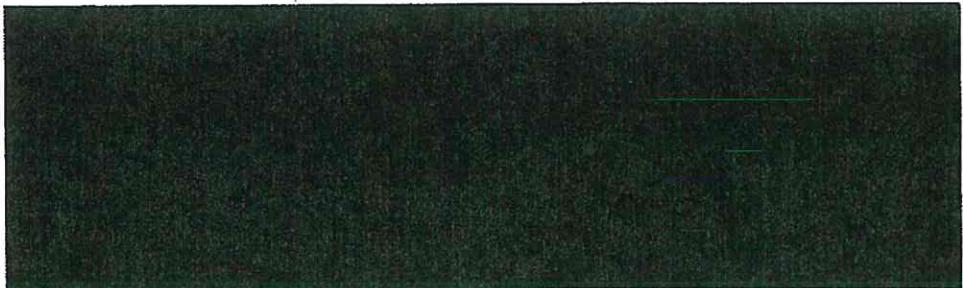
1. Contraband as defined in this policy;
2. Jewelry, all types
3. Watches
4. Cash
5. Wallets
6. Purses
7. Belts
8. Shoelaces
9. Pens, pencils
10. Personal papers
11. Electronic communications devices;
12. Cigarettes, cigars, tobacco products, nicotine products, etc.
13. Matches, lighters
14. Outerwear
15. Hats, scarves, handkerchiefs, barrettes, hair clips, etc.
16. Eyeglasses (frames and lenses can be potential weapons)
 - a. Eyeglasses should be returned to the detainee if requested with the approval of the Tour Commander (e.g. arraignment, interview, etc.)

C. This search and inventory is performed to discover any weapons or implements detainees could use to injure police personnel, themselves or others, aid in an escape attempt, safeguard detainees' valuables, and protect the agency against false claims of theft or loss of arrestees' belongings.

1. Searches shall be conducted while the detainee is fully clothed. This search should include both the touching of the detainee's body through clothing, including hair, and a thorough examination into pockets, cuffs, seams, etc., and all personal property in the detainee's possession. Protective gloves should be worn.
2. Pat searches of detainees may be conducted at any time where conditions indicate a need for such searches.
3. Pat searches may be conducted at any time when there is a reasonably clear indication that the detainee is carrying contraband.

4. An officer of the opposite sex as the detainee can conduct the pat search, but an officer of the same sex as the detainee is preferred.
 5. A handheld metal detection wand may be used to assist in the search of an arrestee.
 6. Detainees and their possessions may be subject to searches by a canine team, specially trained to discover and indicate to the handler(s) the presence of various substances and materials.
- D. The arresting/processing officer must determine if arrestee's property is contraband, evidence, or legitimate personal property. Items judged as contraband and/or evidence must be separated, accounted for, and stored according to evidence procedures.
- E. Use care in describing the property. Use general terms such as 'gold colored chain', 'gold colored watch', 'silver colored medallion', etc. Police officers do not necessarily possess the expertise to determine the authenticity of precious metals or stones and should not attest to such authenticity.
- F. When possible, the detainee should witness the inventory process.
- G. Detainee property is to be logged on a Prisoner Personal Property Envelope and securely stored in the corresponding property locker to the prisoner's cell number until the arrestee is released or transported to another facility. The envelope should be sealed prior to being placed in the locker.
1. Currency should be placed in a white envelope after being counted. The amount should be written on the envelope along with the case number and arrestee's name. The arrestee and arresting/processing officer should sign the envelope. The envelope should then be sealed and initialed by the officer across the seal, taped and placed in the Prisoner Property Envelope (preprinted envelopes are available).
 - a. The currency envelope, once sealed, should only be opened during the release or transport of the detainee unless exigent circumstances exist. The envelope should only be opened in front of the detainee then documented in the arrest report.
 - b. The detainee should sign the empty currency envelope next to the time and date of its return. If they refuse, the officer should write refusal and initial the entry in the appropriate space.
 - c. The currency envelope should be placed in the case jacket upon the release of the detainee.

2.



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3. The arrestee should sign the Prisoner Personal Property Envelope when the property is returned, or by the responsible party or officer who takes custody of the arrestee and their property. Prior to having the Prisoner Personal Property Envelope signed, the person signing for the property should verify that all items are present. The envelope should then be placed in the case jacket upon the release of the detainee.

VII. Strip and Body Cavity Searches

A. Strip Search without Custodial Confinement

1. A person arrested for the commission of an offense or crime not requiring incarceration, or the commission of an offense or crime requiring incarceration, but who will be released on their own recognizance or by the posting of established bail within a reasonable time, shall not be subjected to a strip search unless:
 - a. The Tour Commander expressly authorizes the search unless under exigent circumstances; and
 - b. The search is:
 - 1) Conducted under authority of a search warrant; or
 - 2) Conducted pursuant to a valid consent; or
 - 3) Supported by:
 - a) Probable cause to believe that the person is concealing a weapon, contraband, or evidence of a crime; and
 - b) Exigent circumstances which prevent obtaining a search warrant or the approval of the Tour Commander. For further see Search Procedures Policy V3Ch5.

B. Strip Search with Custodial Confinement for commission of an offense other than a Crime (Person to be detained within municipal detention facility or to be committed to a County, State, or Federal detention facility for the commission of an offense other than a crime)

1. A person who has been detained or arrested for the commission of an offense other than a crime **and** who is confined in the municipal detention facility shall **not** be subject to a strip search unless:
 - a. The search is authorized by a warrant or valid documented consent;

- b. A recognized exception to the warrant requirement exists and the search is based on probable cause that a weapon, controlled dangerous substance, contraband, or evidence of an offense will be found and the officer authorized to conduct the strip search has obtained the authorization of the Tour Commander;
 - c. The person is lawfully confined and the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found, and the officer authorized to conduct the strip search has obtained the authorizations of the Tour Commander;
 - d. Exigent circumstances prevent obtaining a search warrant or authorization of the Tour Commander and such exigent circumstances require the officer to conduct a strip search in order to take immediate action for purposes of preventing bodily harm to the officer, person subjected to the search, or others.
- C. Strip Search with Custodial Confinement for the Commission of a crime(Person to be confined in municipal detention facility or to be committed to a County, State or Federal detention facility for commission of a crime).
 - 1. A person lawfully confined for the commission of a crime shall be strip searched when the Tour Commander authorizes confinement in the municipal detention facility or transfer to an adult county correctional facility, the officer authorized to conduct the strip search obtains the authorization of the Tour Commander and one of the following exists:
 - a. A search warrant or valid documented consent; or
 - b. Reasonable suspicion that the person is concealing a weapon, controlled dangerous substance, contraband, or evidence of a crime.
- D. All strip searches must be conducted:
 - 1. By a person of the same sex; and
 - 2. In private where the search cannot be observed by unauthorized persons (the camera in the prisoner's cell should be temporarily disabled using the cutoff button); and
 - 3. Under sanitary conditions; and
 - 4. In a professional and dignified manner.
 - 5. The Tour Commander may authorize another officer(s) of the same sex as the person being searched to be present during the search to provide necessary security, if there are heightened security concerns.
 - a. The strip search shall not be observable by any other officer or person not directly involved in the search.
 - 6. Officers must complete a strip search form for each criminal arrest indicating if a strip search was authorized.

7. Officers may conduct a scanning/testing device search to develop probable cause to justify an application for a search warrant or reasonable suspicion to justify a request for consent.

E. Body Cavity Searches

1. A body cavity search is not appropriate without custodial confinement.
2. A person detained for the commission of a crime or offense and is **not** being committed to the Bergen County Jail shall not be subject to a body cavity search unless authorized by a search warrant or valid documented consent.
3. A person who has been detained or arrested for the commission of a crime or offense and is being committed to the Bergen County Jail:
 - a. Officers with reasonable suspicion or probable cause to believe that a person is concealing any weapon, controlled dangerous substance, contraband or evidence in a body cavity should notify the Intake Officer at the Bergen County Jail and obtain their name to be included in the arrest report, or a supplemental report of the transporting officer.
 - b. Officers with such reasonable suspicion or probable cause shall execute all necessary affidavits, reports, or forms deemed necessary by the Bergen County Jail Intake Officer to support any body cavity search.
4. Any application for a search warrant must contain the requisite probable cause and must be reviewed by a designated attorney of the Bergen County Prosecutor's Office in accordance with Search Procedures Policy V3Ch5 and **Attorney General Directive 2002-2**.
5. Requests for valid consent must be based on reasonable and articulable suspicion that the person is in possession of evidence or contraband.
6. Officers may conduct a scanning/testing device search to develop probable cause to justify an application for a search warrant or reasonable suspicion to justify a request for consent.
7. The person should be escorted immediately to Bergen Regional Medical Center or other medical facility.
8. The body cavity search shall be conducted:
 - a. Under sanitary conditions;
 - b. At a location where the search cannot be observed by unauthorized persons;
 - c. In the presence of only those officers, who are of the same sex as the person being searched, deemed reasonably necessary by the Tour Commander; and

- d. In a professional and dignified manner, with the maximum courtesy and respect for the person being searched.
 - e. If the person is being detained for an offense other than a crime, by a licensed medical professional who must be of the same sex as the detained or arrested person;
 - f. If the person is being detained for a crime, by a licensed medical professional of either sex.
9. The person being searched may:
- a. Remove the object in the presence of the licensed medical professional and the officer of the same sex as the person; or
 - b. Be examined by the licensed medical professional, who may remove the object in a medically accepted manner and environment without the use of force.
10. In the event it is determined that a foreign object, which contains metal is present in the body cavity of the person, such object may be removed only by the licensed medical professional in a medically accepted manner and environment, with or without the use of force if the Tour Commander has authorized a body cavity search based on a duly authorized search warrant or a valid documented consent of the person involved.
11. In the event the Tour Commander or the licensed medical professional has determined that nonmetal contraband is being concealed in the body cavity of the person, who has been detained or arrested, and officers are not able to obtain a search warrant for the search, and that person refuses to permit contraband removal, the person may be placed in isolation. During isolation, that person shall be treated in a medically accepted manner and environment as deemed necessary by the licensed medical professional and should be kept under visual surveillance to detect removal or elimination of the contraband.

F. Responsibilities

- 1. Unless under exigent circumstances, the officer requesting to perform a strip search must notify the Tour Commander and articulate the reasons for the request.
- 2. The officer requesting a body cavity search to be performed must notify the Tour Commander and articulate the reasons for the request.
- 3. The Tour Commander must review the facts and circumstances and either approve or deny the request.
- 4. When applicable, the Tour Commander should assist the officer in obtaining the requisite search warrant or consent.
 - a. Applications for a search warrant must conform to current administrative and judicial requirements, including prosecutorial review.

- b. Any consent to search must also adhere to the procedures outlined in the general order concerning consent to searches. All consents for strip searches must be in writing or otherwise electronically memorialized. The consent must be voluntary and the subject must know their right to refuse.
- 5. Tour Commanders are responsible to ensure that all strip and body cavity searches are conducted in strict accordance with this policy.
- 6. If officers of the same sex as the person designated for a strip or body cavity search are not on duty, the Tour Commander should:
 - a. Contact a Police Matron;
 - b. Contact a mutual aid law enforcement agency to see if they can supply an officer; or
 - c. Recall an officer of the same sex; or
 - d. Contact the Bergen County Sheriff's Office to see if they can supply an officer.

G. Reporting Requirements

- 1. The officer requesting a strip or body cavity search must clearly articulate the reasons for the search in the Investigation Report or the Arrest Report. The report must include:
 - a. A statement of facts indicating the probable cause or reasonable suspicion for the search;
 - b. A copy of the search warrant, written consent form, or recording medium if applicable;
 - c. The name of the Tour Commander who authorized the search;
 - d. The specific location where the search occurred;
 - e. The name(s) of the agency personnel present during the search and the reason for their presence;
 - f. The name(s) of the person(s) conducting the search;
 - g. An inventory of any item(s) found during the search;
 - h. The reason for use of force, if necessary; and
 - i. An explanation of the exigent circumstances that required immediate action for a strip search to be conducted as an exception to the regulations, including the reason(s) why a search warrant could not be obtained and why authorization could not be obtained from the Tour Commander must be included on the narrative on the Strip Search Form.

2. When conducting a body cavity search, the following additional reporting requirements include, but are not limited to:
 - a. The name(s) and sex of the licensed medical professional(s) conducting the search;
 - b. A statement that the body cavity search was conducted in a medically accepted manner;
 - c. If the person searched was placed in isolation, the duration of that isolation.
3. If appropriate, additional charges for the contraband or evidence must be initiated.
4. All reports pertaining to strip and body cavity searches are **not** considered public records due to the person's expectation of privacy. These reports shall be made available, upon request, only to:
 - a. The person subject to the search through the discovery process;
 - b. The Bergen County Prosecutor, or designee;
 - c. The Attorney General, or designee;
 - d. Commissioner of the Department of Corrections, or designee.

VIII. Incarceration Adults

A. Males

1. Adult Males will be detained in secure areas within the Fort Lee Police Department, which include interview rooms, the cell block area, the isolation cell, and the male cells. They shall be kept separate from female detainees and juveniles by sight and sound (N.J.A.C. 10A:34-4.2).
2. Petty disorderly person offenses and disorderly person offenses do not normally warrant confinement, provided the arrestee is not violent or threatening violence.
3. Adult male detainees may be held for a reasonable period of time, generally not to exceed twenty-four hours (N.J.A.C. 10A:34-2.1) on an indictable offense or twelve hours (N.J.S.A. 2B:12-21d) on a non-indictable offense before being released or transported to another facility. The exceptions to the 12-hour or 24-hour rule are:
 - a. Detainees are awaiting processing for a crime or DWI and the holding facilities are being utilized;
 - b. Detainees are awaiting arraignment;

- c. Detainees are being held on a criminal warrant for another jurisdiction;
 - d. Detainee actions or threatened actions justify confinement for safety;
 - e. Detainees are waiting to be bailed out on a criminal charge;
 - f. For humanitarian reason as deemed by the Tour Commander;
- 4. Anyone arrested for a serious crime, e.g., murder, sexual assault, robbery, burglary or arson be confined until the Prosecutor's Office provides direction.
 - 5. The basis for the exception should be documented in a narrative report by the Tour Commander authorizing the extension and noted on the cell log. The report will be filed in the case jacket.
 - 6. When multiple arrests are made, the duty Tour Commander can authorize more than one subject of the same sex and similar age group in the same cell with another detainee on a temporary basis. Both detainees must be re-searched before they can be confined in the same cell

B. Females

- 1. As a general rule, females requiring confinement shall be secured in the female cellblock. In no case, shall female detainees be put into the cells or cellblock area with male detainees where audio or visual contact can be established. In any event, a female police officer or a police matron should be in attendance when a female is placed in the cell area.
- 2. Females should not be searched and placed in a cell without the attendance of a police matron or female officer. Matrons will do the complete search with the officer standing outside the female cell area door. If a strip search has been authorized, it should be conducted in the privacy of the empty processing room with video monitoring temporarily disabled. A public restroom is not authorized.
- 3. Female detainees charged with extremely serious crimes, or those exhibiting extreme violence should immediately be placed in the processing room. Unless extraordinary circumstances arise, placing a female in a female cell be delayed until a female officer or a matron arrives at Headquarters.
- 4. A police matron should not supervise more than three females (this is only if there are extenuating circumstances where the detainees need to be supervised by a matron, other than processing). If there are more than three female detainees an additional matron should be contacted. If needed, a qualified matron from another department may be utilized.
- 5. For the safety of the detainee and department personnel, a female detainee should not use a public restroom; an empty cell should be utilized.
- 6. For the safety of the detainee and department personnel, a female officer or matron should escort a female detainee into any unsecured area during the period of processing.

7. After being processed and placed in a cell, female detainees do not need to be supervised by a matron when the video surveillance system is in proper working order.
 - a. If a female officer is not available, a matron should be called to process and search female detainees. When the detainee is placed in a cell, the matron is no longer needed.
 - b. If there is a need to enter a cell when a female officer or matron is not present, there should always be at least 2 officers present. Officers should have the Tour Commander's permission and they should announce their intentions prior to entering.
 - c. If there are extenuating circumstances where the Tour Commander decides he/she needs a matron to supervise a female detainee (either adult or juvenile) in a cell, a report will be prepared explaining the reason why the matron was needed.
8. When transporting female detainees, officers will activate the vehicle's mobile video recorder with the camera facing the detainee at all times.
 - a. This includes transports to headquarters, the County Jail or Municipal Court.
 - b. When possible, a female officer should supervise female detainees being transported to and from court.

IX. Custody of Juveniles

A. Sight and Sound Separation:

1. Except as may be necessary when incidental to initial processing, sight and sound separation shall be maintained at all times between a juvenile and an adult held in secure custody.
2. This requirement applies equally with respect to non-offender juveniles, status offender juveniles and juveniles detained for an act of delinquency.
3. Where there is a concurrent arrest of an adult and a juvenile, the adult should be placed in the cell, if warranted, and the juvenile detained separately (N.J.S.A. 2A:4A-37c).

B. A juvenile held in secure custody shall be placed only in a holding room, cell or other designated area that has been determined by the Juvenile Justice Commission to conform to prevailing safety standards for the detention of juveniles.

1. Secure Custody for delinquency

a. 

b.

C. Status offenders and non-offenders shall not be held in secure custody.

1. Non-Secure Custody or for Status Offense

a.

b.

c.

d.

D. Status-offenders, non-offenders and juveniles held on a charge of delinquency but not being held securely, shall not be held in custody for more than six hours.

E. A juvenile held on a charge of delinquency may be held in secure custody, provided that such secure custody may not exceed six hours commencing from the time the juvenile was placed in secure custody.

1. The six-hour restriction set forth in this section shall not apply to the holding of a juvenile in a judicial facility in connection with a court appearance.

F. Exceptions for Extraordinary Circumstances

1. In the event of an extraordinary circumstance, the Tour Commander on duty may determine that a juvenile should be held in conditions that deviate from the conditions set forth in this policy. Any such deviation shall be only to the extent and duration as is required to address the specific extraordinary circumstance. Deviations should be necessary for the safety and security of either the juvenile or others, including the staff and the public, or necessary for the safe and secure operation of the facility.

a. When a juvenile is uncontrollable and violent, the juvenile maybe placed in the processing room for their own protection as directed by the Tour Commander.

b. Whenever juveniles - pose a threat of inflicting injury to themselves, they should be placed in the processing room Detainee Restraint Chair.

2. A police officer or a police matron will maintain face-to-face visual supervision of the juvenile under the above conditions;

3. Whenever a determination was made to deviate from the conditions set forth in this policy, such will be explained in a written report that describes the facts upon which the determination was based, the deviations that were implemented, the duration of such deviations, and the reasons why the deviations were necessary to address the extraordinary circumstance.

- a. The report shall be prepared by the highest ranking person who made or approved the determination, within eight hours of the determinations, and shall be maintained on file as part of the juvenile admissions log required by N.J.A.C. 13:94-2.6

G. Notification to Parent or Guardian

1. Upon taking a juvenile into custody, the detaining officer shall immediately notify the parents or guardians of the juvenile:
 - a. That the juvenile is being detained;
 - b. Where the juvenile is being held; and
 - c. The reasons that the juvenile is being detained.

H. Supervision of Juveniles

1. A detained juvenile, other than a juvenile detained in a secure holding room or cell, shall not be left unattended at any time.
2. The Tour Commander or other law enforcement officer shall directly observe a juvenile placed in a secure holding room or cell at least every 15 minutes.
3. A law enforcement officer shall provide continuous face-to-face visual supervision if a juvenile:
 - a. Appears intoxicated;
 - b. Appears to be under the influence of drugs;
 - c. Shows signs of emotional disturbance or risk of self-injury; or
 - d. Is detained in a secure holding room or cell in which there is a suicide safety hazard.
4. Audio/video monitoring systems shall not be used as a substitute for required continuous face to face supervision of juveniles.

I. Juvenile Detention Logs.

1. In accordance with N.J.A.C.13:94-2.6 a separate admissions log and secure custody log will be maintained for juveniles.
2. The juvenile admissions log shall include the following information concerning each detained juvenile:
 - a. Name;
 - b. Date of birth;
 - c. Gender;
 - d. Race/ethnicity;

- e. The charges or other circumstances in connection with which the juvenile is being held;
 - f. The date and time of admission into the facility;
 - g. The date and time of release from the facility;
 - h. If the juvenile was held beyond six hours in the facility;
 - i. Whether the sight and sound separation required by N.J.A.C. 13:94-2.1 has been maintained; and
 - j. Information sufficient to enable the reader to determine whether the juvenile was held in secure or non-secure custody.
3. A separate secure custody log shall be maintained for each juvenile held in a secure temporary detention room. The secure custody log should be kept behind Headquarters desk and shall contain the following information:
- a. The name of the juvenile;
 - b. The temporary detention room number;
 - c. The date and time the juvenile was placed in the temporary detention room;
 - d. The date and time of release from the temporary detention room; and
 - e. A record of each inspection of the juvenile by law enforcement personnel.
 - 1) Each inspection shall be recorded, showing the date and time, describing the general condition of the juvenile, and shall be initialed by the inspecting law enforcement personnel.
 - 2) Inspections shall be made not less frequently than every 15 minutes.
- J. All detained juveniles will be provided meals during the appropriate meal periods as stated in section XI.

X. Incarceration of Transgender Detainees

- A. Officers are to refer to a transgender arrestee by the gender in which they identify themselves.
- B. Officers are to be professional in their conduct.
- C. Transgender arrestees should be secured in the Isolation Cell since it located in neither the male or female cell block.

XI Meals

A. Detainee meals:

1. All detainees held for more than four hours should be fed at the proper feeding times:

Breakfast 0600 - 0700

Lunch 1200 - 1400

Dinner 1600 - 1800
2. Meals should be consumed during the 30-minute meal period where the detainee is secure. Eating utensils, i.e., knives, forks spoons, aluminum containers, straws and plastic lids should not be provided. The detainee should be allowed a reasonable choice of food (e.g., hamburger, sandwich, cold drink, etc.).
3. Make an entry in the Cell Log noting the time that the detainee was fed.
4. The officer who initially fed the detainee is responsible for retrieving all containers, wrappers, etc., at the end of the 30-minute meal period.
5. A supervisor shall complete a food order voucher and the food will be obtained from the supplier. Enter the case number on the voucher. Give the white copy of the voucher to the supplier when the food is picked up. The yellow copy remains in the book until all vouchers are used; then the entire book is forwarded to the Records Bureau for filing.

XII Detainee Supervision

- A. The arresting officer and the transporting officer(s) and the Tour Commander are responsible for the supervision and accountability of processing (e.g. fingerprinting, photographing, testing), searching, and temporary detention of all detainees held within the facility.
- B. Under no circumstances are detainees permitted to supervise other detainees. All detainees are to be monitored by a police officer. All detainees should be advised that they are to behave in an orderly manner while in custody.
- C. The Detainee Cell Log should be filled out for each instance when a detainee is placed in any holding or processing area. These Cell Logs will be kept in sequential order and by date of the confinement in the Cell Log Book. No entry shall be whited-out. Mistakes shall be crossed out and initialed. All entries must be written in a legible manner.
 1. A record of the physical face-to-face checks shall be maintained in a log that shall contain, at the minimum, the following information on the detainee:
 - a. Full Name;
 - b. Date of birth;

- c. Gender;
 - d. Race/ethnicity;
 - e. The reason for Confinement (charges);
 - f. The date and time of admission into the cell;
 - g. The date and time of release from the facility;
 - h. Meals, if any, that were provided during the detention;
 - i. The date and time of each face to face check with checking staff member's initials and badge number included on the officer's initial entry;
 - j. Cell number.
2. A cell log entry is not required when a person is solely in Headquarters for the purpose of being processed (fingerprinted, photographed) on an existing criminal summons or being processed after a conviction or at the direction of court.
- D. All detainees will be either secured and monitored in a cell or secured in an interview and interrogation room. The cell will be monitored from the Desk. Interview/interrogation rooms will be monitored face-to-face through the interview/interrogation room window. Detainees may be temporarily restrained to a fixed object if they are currently being processed. If a detainee is secured to a fixed object it should be one that is designed for such use.
- 1. The arresting officer shall interview the prisoner and complete the Prisoner Screening Report while processing the prisoner. The Tour Commander's name is to be written in the space provided along with the time. The officer is to then sign the report. The completed report is to be presented to the Tour Commander when the prisoner's information is placed in the Cell Book for their review and signature. The Tour Commander will review the report and determine the appropriate level of supervision.
 - 2. Detainees who are a danger to themselves or others may be secured by handcuffs to a fixed object, but only as a temporary solution. Detainees who are a security risk should be placed into more restrictive restraining gear as quickly as possible and placed into a temporary detention room.
- E. In the appropriate space on the Detainee Cell Log, note each time the detainee is fed, given articles, taken from and returned to the cell, etc.
- F. Physical face-to-face checks must also be noted on the Detainee Cell Log. The initials of the inspecting officer is required on each entry. These physical face-to-face checks shall be conducted randomly, but shall not exceed 30 minutes. In the 'Remarks' column, indicate what the detainee is doing, e.g., breathing, crying, sleeping, sitting, etc. Closer surveillance of at least every 15 minutes or constant face-to-face surveillance shall be conducted for detainees who are deemed:

1. Security risks;
 2. Suicidal risks;
 3. Demonstrating unusual or bizarre behavior; and/or
 4. Exhibiting signs of mental illness.
- G. A continual visual surveillance will be maintained on all detainees through the use of video technology.
- H. The Cell Log Book will be kept behind the Tour Commander's Desk and will be available at any time for inspection by a representative of the State Department of Corrections.
- I. Cell Monitoring:
1. The cellblock is equipped with audio / visual monitoring devices.
 2. The audio/visual monitors are located behind the Tour Commander's Desk.
 3. The Tour Commander or a Police Officer will be present in the building at all times while a detainee is in a cell.
 4. The Tour Commander or Desk Officer will monitor the cell activity when a detainee is present. If a problem occurs in the cell, the Tour Commander or Desk Officer will immediately contact the arresting officer in the building or backup, as necessary.
 5. The cell audio/visual system used to monitor detainees should remain activated at all times when detainees are present.
 6. Audio or visual equipment will not be used for the purpose of violating a detainee's privacy.
 7. Video surveillance system in headquarters will be monitored by the Tour Commander at all times, including when there are detainees in the cell area, the Tour Commander will make sure the proper monitor is programmed to be viewed at the desk whenever there is a detainee in the cell area.
 8. If a determination is made that audio and video monitoring of the cell(s) is required, and is either not installed or not functioning as designed, the prisoner should be moved to another cell where the equipment is working properly. If the entire system is malfunctioning and audio and video monitoring is not available, then face-to-face monitoring of the detainees shall be required.
 9. Detainees may use the telephones in the cells to make collect calls.
 - a. Detainees who wish to make a telephone call to either a relative, friend or attorney may do so, unless there are circumstances involved which require that the detainee be isolated from contacting anyone.

- b. If a detainee's request to contact someone is denied then the reason for the denial should be documented. Detainees can have as many telephone calls as they wish to make on the phone in the cell, which should usually be a collect call. Officers must ensure that the calls are made from, or received on, an un-taped and unmonitored telephone line. If a call comes in on a taped line, the police must instruct the caller to call back on the un-taped line.
- c. If a detainee is not being permitted outside contact, the phone in that cell may be turned off.
- d. If a detainee cannot make a collect call, he will be afforded the opportunity to make a phone call on a department telephone in the cellblock. If available, a cordless phone will be used so the detainee can make the call from the cell. If not, he will be accompanied to a hardwired phone in the cellblock.
- e. All phone numbers dialed and persons called with the assistance of an officer/matron should be noted on the detainee's Cell Log Sheet.
- f. Detainees in domestic violence related cases shall not be permitted to contact their victims.

J. Medical Attention:

- 1. A first-aid kit is available behind the Tour Commander's Desk in case an injury occurs to a detainee. The first aid kit should be inspected by the Tour Commander completing the Weekly Cell Inspection to ensure it is stocked properly.
- 2. If a detainee is in need of medical attention, an ambulance should be called to respond to either the scene or Headquarters. Upon arrival of the ambulance, one or more EMT's should treat the detainee in an officer's presence. The detainee will be treated and / or transported to a medical facility according to the policies set forth by the ambulance that is providing the transport.
 - a. Male detainees being transported to a medical facility should be accompanied by at least two police officers, one being of the same gender if available.
 - b. Female detainees being transported to a medical facility should be accompanied by at least two police officers. If a female officer or matron is available, they should accompany the transport. Patient care shall not be compromised to await the arrival of a female officer or police matron.
 - c. A notation must be made in the Cell Log that the detainee was transported to a medical facility.
- 3. In the event that a detainee has prescription medication and indicates a need to take the medication:

- a. The arresting officer should notify the Tour Commander. The arresting officer should verify that the medication is prescribed for the detainee by checking the name given by the detainee against the name listed on the medication bottle and that is a current prescription (date of issue). The Tour Commander should consult the drug identification reference book kept behind their desk or use a credible online source to identify the medication contained in the bottle. Medications stored in other than recognizable medication containers must be checked, as they may possibly be legally possessed but improperly stored.
 - 1) Medication that has been possessed without a valid prescription should be processed in accordance with N.J.S.A. 2A:170-77.8.
 - b. Under no circumstances shall medication be dispensed unless the prescribing physician has been contacted, has verified that the items in the medication bottle are in fact the prescribed medication. However, as not all medications are listed or pictured in the reference book, the prescribing physician should be called and a description of the medication obtained. N.J.A.C. 10A:34-2.16 provides that, "...special medication shall be provided to detainees. If the need is verified by a physician..." Therefore, the physician shall be called, no matter what time of the day and requested to verify that he did indeed, prescribe the medication in question. All calls shall be documented as well as all return calls.
4. In the event that there is any question regarding the medication or the detainee's medical needs, the detainee and medication should be transported to a hospital for medical evaluation and dispensing of medication.
 5. Medications should be secured with the detainee's property in an envelope.
 6. When a detainee is found in possession of prescription medication the officers should make an effort to ascertain when it was last taken and make a note of the time the detainee estimates they last took the medication.
 7. If the detainee is held in custody through the next prescribed medication time, the detainee should be transported to a hospital for medical evaluation and dispensing of medication by the hospital staff.
- K. Escapes:
1. The officer who discovers an escape shall notify the Tour Commander to advise all on-duty personnel. The Tour Commander shall notify the Operations Division Commander who will then notify the Chief of Police. A search will begin from the point of escape.
 2. Patrol officers should set a perimeter around police headquarters while police headquarters is searched and the grounds around headquarters are searched.

3. If it is determined that a detainee has escaped, a careful check will be made of all police units, ensuring that all marked police vehicles are accounted for. If needed, a detective Division Supervisor may assist with accounting for unmarked units. The interior of both police and civilian vehicles parked in the area should be checked.
4. Immediately upon learning of an escape, the Tour Commander should direct Com-Cen to:
 - a. Broadcast an alert on lines 1,2 and SPEN;
 - b. Notify the Emergency Services Unit Commander regarding an ESU callout.
5. Fort Lee units not involved in the immediate area search will establish a wide stationary perimeter in an attempt to retard the detainee's escape. Units should respond to perimeter locations by sector assignment unless given specific orders by a supervisor. All plainclothes officers not involved in serious investigations will assist.
6. If the detainee is wanted for a serious crime, mutual aid assistance should be requested from neighboring jurisdictions, Port Authority Police, and Bergen County Sheriff's Department. If no Fort Lee Police K-9 unit is working and a Bergen County Sheriff's Department K-9 unit is on the road, then the BCSD K-9 should be used. If no K-9 units are on the road from either department then a Fort Lee Police K-9 unit should be called in to search for the detainee.
7. Public utilities should be notified to be on the lookout for persons matching the description of the detainee who escaped, including taxi and bus companies.
8. All active alarms in the area where the subject could be should be answered by a minimum of three units (three officers), as will reports of prowlers.
9. All participating search units will be periodically advised of the specific crime the detainee has been accused of, so that they are aware of the maximum degree of force they may use in an apprehension.
10. Should the search be for any person accused of a first or second-degree crime, a supervisor of at least a captain's rank should be called in to coordinate the search operation.
11. Under no circumstances will firefighters be used to physically search for the detainee. The Fire Department may be asked to provide assistance with specialized equipment and operators of such equipment as deemed necessary by the supervisor in charge of the scene or operation.
12. The duration and scope of the search should depend upon what the detainee is wanted for, the time period that has elapsed, and the decreasing possibility of locating them in the area. Only the highest-ranking officer may call off the search. The Chief of Police will be notified of the escape via the chain-of-command, and the results.

13. If the detainee is captured and injured, appropriate medical attention will be provided.
14. Appropriate personnel should interview the detainee to determine how the escape took place.
15. The detainee should then be charged with Escape under N.J.S.A. 2C:29-5

L. Outside agency interviews:

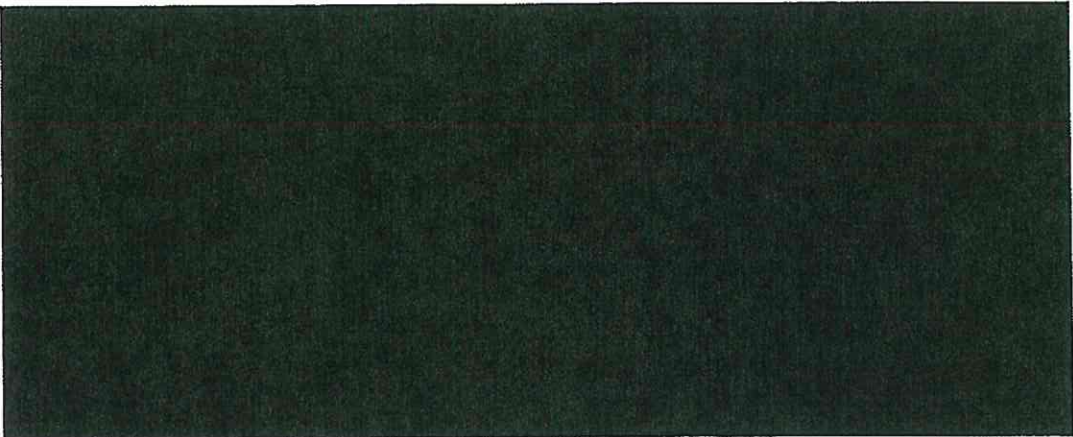
1. Once a detainee has been incarcerated on a charge from this department, personnel from other departments should not be allowed to interview the detainee without the expressed permission of the Detective Division Commander or the Operations Division Commander or higher.

M. Attorneys:

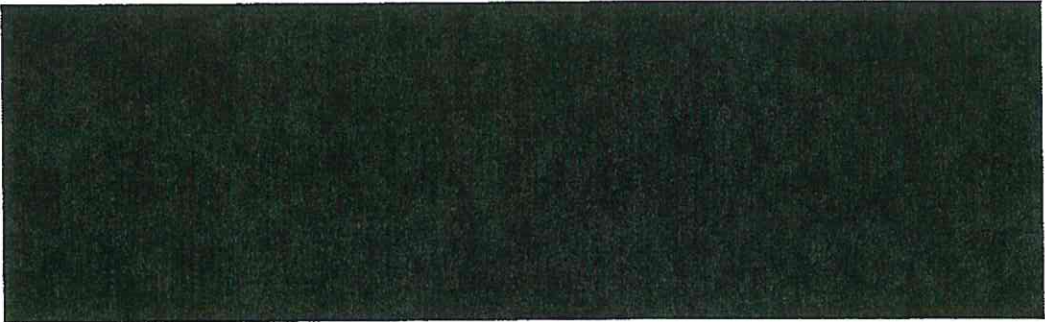
1. Requests for attorney visits should normally be granted unless extreme mitigating circumstances arise. In such an event the Detective Division Commander or Tour Commander may elect to seek advice from the Bergen County Assistant Prosecutor assigned to the borough (see Agency Referral Guide).
 - a. A detainee in a cell will be allowed to consult with their attorney after he/she is moved into the arraignment cell. The attorney will enter the judge's area to speak with their client and be advised that physical contact is prohibited.
 - b. If there will be any physical contact between the attorney and the detainee, the attorney shall be searched before the visit. (Officers may use a hand scanner to conduct the search.)
 - c. At no time should a detainee have access to any item, which would compromise the security of the facility or the safety of the officers or other detainees.
 - d. The Tour Commander will maintain a visual observation of both parties via the video monitoring equipment. The audio monitor must be turned off so as to maintain confidentiality.

N. Emergency housing of outside agencies' detainees:

1. Any outside agency wishing to temporarily detain their adult male detainees during a time of emergency may do so as long:
 - a. The Tour Commander is notified and advises the outside agency that their detainee may be secured in our cellblock.
 - b. All outside agency detainees must be secured as specified by this policy.
 - c. An officer from the outside agency must be responsible for its detainee at all times. The outside officer must maintain a visual observation of its detainee.

- d. At no time will any member of the Fort Lee Police Department accept temporary responsibility of an outside agencies' detainee. This does not apply in circumstances in which an outside agency turns over custody of a detainee to this department such as on a Fort Lee warrant.
- 2. Any outside agency wishing to temporarily detain their adult female detainees during a time of emergency may do so as long:
 - a. The above conditions are met in addition to a female officer from their department or a matron from the arresting department conducts a search as required in this policy.
- O. 
- P. For safety reasons, intoxicated detainees must be released to a responsible adult willing to accept responsibility for the person's wellbeing. See Driving While Intoxicated Policy V3Ch19.4 for intoxicated drivers.

XIII. Security Alarm

- A. 
- B. Personnel should not enter an occupied cell alone.
- C. The video camera system must be monitored by the Tour Commander or a police officer.
- D. The Tour Commander will inspect the equipment monthly and include any findings in the Security and Sanitation Inspection Report (Appendix B).

XIV. Death Notification of Detainees

A. If a detainee dies while in custody:

1. Immediately notify the Chief of Police via the Chain of Command.
2. Make notification to next of kin in compliance with Death Notification Policy V4Ch10.2.
3. The Internal Affairs Unit and the Bergen County Prosecutor's Office shall conduct a thorough investigation.
4. At the death of a detainee, notification shall be given by the Chief of Police or designee to the Director, Office of Community Programs and Outreach Services, Department of Corrections, within three business days.
5. All written reports should be forwarded to the Chief of Police through the chain of command. These reports will then be sent by the Chief of Police or designee to the Office of Community Programs and Outreach Services, Department of Corrections within two (2) weeks:

Director
Office of Community Programs
Department of Corrections
Whittlesey Road, PO Box 863
Trenton, NJ 08625

6. At a minimum, the report shall contain the following:
 - a. Detainee's name, age and sex;
 - b. Date and time of admission into the temporary detention room;
 - c. Reason for placement in temporary detention room;
 - d. Log book entries noting the times of each physical cell check;
 - e. Circumstances surrounding the death; and
 - f. Findings of the investigating officer.
7. While in custody at headquarters, if a juvenile dies, attempts or commits suicide, is sexually or physically assaulted, or has a substantial injury that requires medical attention, the Tour Commander will notify the Juvenile Justice Commission Compliance Monitoring Unit (C.M.U.) by telephone and advise them of the incident.
 - a. For deaths and suicide attempts, the Tour Commander will notify C.M.U. within 24 hours of the occurrence.
 - b. For all other incidents, the Tour Commander will notify C.M.U. within three (3) business days.

- c. Any reports requested by C.M.U. will be forwarded to
New Jersey Juvenile Justice Commission
Compliance Monitoring Unit
1001 Spruce Street
Trenton, New Jersey 08638
Phone: 609-292-1400
Fax: 609-943-4620

XV. Detainee Identification

- A. A Rouges Gallery (RG) photo will be taken during the processing of detainees. This RG photo will be printed out and placed in the case jacket.
- B. This photograph will be used for positive identification prior to any release or transportation.

XVI. Suicide Prevention and Control

- A. The Tour Commander shall initially and continually evaluate (screen) all detainees and make a determination on suicide risk. Any detainee may be deemed a suicide risk based on observed behaviors or evidence including, but not limited to:
1. Drastic increase or decrease in activity;
 2. Statements that suicide is being considered;
 3. Prior suicide attempts;
 4. Withdrawal, crying or hurting oneself;
 5. Becoming aggressive / assaultive;
 6. Sudden change from violent to meek and quiet;
 7. Asking questions about suicide or the afterlife.
- B. The arresting officer should remove all potentially dangerous articles from the detainee (e.g., belts, shoe laces, sharp objects, etc.) without compromising officer safety. Two officers should be utilized when dealing with any potentially suicidal detainee.
- C. The arresting officer shall interview the detainee and complete a Detainee Screening Report while processing the detainee. The Tour Commander's name is to be written in the space provided along with the time. The officer is to then sign the report. The completed report shall be presented to the Tour Commander when the detainee's information is placed in the Cell Book.
- D. The Tour Commander will review the report, determine the appropriate level of supervision and sign their name in the space provided. The report shall then be returned to the officer and placed into the case jacket. If the Tour Commander deems it appropriate, a copy may be kept with the cell log book for the period of the confinement.

E. Detainees believed to be at-risk for suicide shall be monitored based on the following:

1. Low Risk- Regular monitoring with audio/visual equipment as well as regular 20 to 30-minute cell checks.
2. Medium Risk - Constant monitoring with audio/visual equipment as well as 15-minute cell checks.
3. High Risk - Constant face-to-face supervision until transfer to appropriate facility.
4. 

F. Suicide Attempts:

1. In the event of a suicide attempt, the Tour Commander should immediately notify Com-Cen to dispatch an ambulance to HQ. First aid should be rendered by at least two officers, one of which should be an EMT.
2. Paramedic Units shall be dispatched, if necessary.
3. A minimum of two officers should accompany the detainee to a medical facility, if transported.
4. Whenever any detainee is seriously injured and / or expires while in custody, the Tour Commander shall notify the highest-ranking officer on duty. The Chief of Police shall be notified via the chain of command.
5. The Chief of Police or designee shall notify the Bergen County Prosecutor's Office.
6. A written report shall be completed by the Tour Commander and forwarded to the Chief of Police for review.

XVII. Escape Prevention

A. **Escape Prevention** - Detainee escape prevention is primarily the responsibility of the arresting officer and the Tour Commander. The likelihood of an escape can be reduced by performing the following:

1. All detainees should be thoroughly searched, by hand, in order to find any item that could be used to facilitate an escape.
2. All detainees should be secured unless they are being processed, using the bathroom, or making a telephone call. When a detainee has to use the bathroom an officer or matron of the same gender should accompany the detainee at all times.

3. When possible, there should be two officers present, whenever a detainee is not secured, for the purpose of processing or when allowing the detainee to make a telephone call.
4. All entrance and exit doors associated with processing and temporary detention should remain closed and secured at all times a detainee is present.
5. Any article or object, which might be used to inflict injury to the detainee or others, be used as a means of escape or can be used to mark or damage any part of the temporary detention room should be removed.
6. The temporary detention room door should remain closed and secured at all times when a detainee is present in the room.
7. When handling the detainee there should be sufficient enough personnel present to physically prevent escape.
8. A detainee should be searched for weapons every time they are placed into or taken out of a temporary detention room.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 3		# OF PAGES: 31
SUBJECT: WEAPONS and AMMUNITION			
BY THE ORDER OF: Keith M. Bendul Chief of Police			ACCREDITATION STANDARDS: 1.10.1, 1.10.2
Effective Date: 10/19/2015		Supersedes: All Previous and Firearms and Qualifications V4Ch2	

PURPOSE The purpose of this policy is to establish and codify the Fort Lee Police Department's guidelines regarding its weapons, ammunition, and weapons training program.

POLICY It is the policy of the Fort Lee Police Department that agency personnel shall use only weapons, ammunition, holsters, and related accessories authorized by the Chief of Police in their law enforcement responsibilities. This policy applies to weapons and ammunition carried both on and off-duty. Only Fort Lee Police Department personnel demonstrating proficiency in the use of agency-authorized weapons are permitted to carry and use such weapons.

It is also the policy of the Fort Lee Police Department to provide ample training to its sworn personnel in the safe handling and use of authorized weapons and ammunition. Minimally, this agency will adhere to the tenets set forth in the New Jersey Attorney General's Guidelines regarding Firearm Qualification. This policy in no way will restrict this agency from providing more training than what is provided for by the New Jersey Attorney General.

All personnel will carry their FLPD badge and identification card while carrying a firearm, unless specifically excused by a supervisor during an operation or investigation. Officers opting to carry a handgun in an off-duty capacity must also be in possession of their FLPD badge and identification card while off-duty.

This policy represents an attempt to standardize basic procedures regarding the use of weapons so that individual officers may be confident in exercising their judgment as to the use of weapons wherever they may be, and whatever situation they may encounter.

No unlawful, careless, or negligent display or use of weapons is acceptable.

These procedures are intended as administrative guides for decision-making before the fact and not as standards for judging the propriety of actions already taken in subsequent civil or criminal litigation, other than departmental or agency administrative proceedings.

PROCEDURES

I. RESPONSIBILITIES

- A. The Supervising Firearms Instructor (also referred to as the supervising weapons instructor, lead firearms instructor, senior firearms instructor, or range officer) is a weapons instructor with experience in conducting a PTC approved or equivalent weapons course, assigned by the Chief of Police, and having responsibility for all weapons and weapons training. The Supervising Firearms Instructor is responsible for:
1. Enforcement of all of the provisions of this policy.
 2. Ensuring the safety of all individuals engaged in FLPD sanctioned weapons activities.
 3. Ensuring that all qualification and proficiency demonstration sessions are conducted in accordance with the provisions of the Attorney General Guidelines and Directives.
 4. Ensuring that the proper weapons instructor-to-officer ratio exists at all times on the firing line. The below listed ratios are recommended, but not mandated. The Supervising Firearms Instructor may adjust these ratios depending on the shooters' experience and past demonstrated proficiency:
 - a. One firearms instructor for every six shooters using handguns during daytime firing conditions.
 - b. One firearms instructor for every three shooters using handguns during nighttime firing conditions.
 - c. One firearms instructor for every one shooter firing a shotgun.
 5. Ensuring that personnel certified in first aid or first responder are present on the range or immediately available to respond during qualification activities.
 6. Verifying that a suitable communications link exists between the practice range and emergency services personnel.
 7. Inspecting weapons, ammunition and holsters used in weapons qualification and proficiency demonstration and either approving or disapproving their use.
 8. Maintaining overall discipline at the practice range and firing line and taking action, up to and including removal, of any person whose activities or conduct constitutes a danger to any person.
 9. Adequately monitor and supervise all weapons qualification and proficiency demonstration or ensure that a qualified weapons instructor is present during qualification and/or proficiency demonstration activities.
 10. Overseeing the maintenance of accurate records regarding each officer including the model and serial number of the weapon used, the ammunition used, and the results of the qualifying session.

11. Submit to the Prosecutor's Office a comprehensive report on each participant who fails to achieve the minimum qualification score as set forth in this policy.
12. Coordination of all remedial training, including individual instruction, for personnel who are unable to successfully qualify or demonstrate proficiency with any weapons system.

B. Weapons/firearms instructors must satisfy one of the following requirements:

1. Certified by the Police Training Commission (PTC) to instruct firearms in an approved Basic Course as defined NJAC 13:1-1.1.
2. Must possess training equivalent to the PTC-approved firearm instructor course and be able to demonstrate knowledge and skill in this field. Equivalent training includes successful completion of a firearms instructor training program such as offered by the Federal Bureau of Investigations, United States Secret Service, Federal Law Enforcement training Center, New Jersey State Police, Smith and Wesson Academy, or the National Rifle Association Police Firearms Instructor Program.
3. Must have experience in conducting either a PTC-approved firearms course or an equivalent course.
4. Less lethal weapons instructors shall be qualified (certified) in the weapons system they are instructing and/or monitoring.
5. Personnel, certified as Automatic/Semi-Automatic Assault Weapons Firearms Instructors, must complete an automatic/semi-automatic assault weapons instructor course offered by the New Jersey Division of Criminal Justice or an equivalent course, such as those offered by either the Drug Enforcement Administration or National Rifle Association; a five day minimum course.

C. Weapons instructor responsibilities include, but are not limited to:

1. The direct supervision and control of personnel assigned to the range for the purposes of qualification.
2. Instructing all personnel in range safety and the appropriate handling and firing of the firearms being utilized.
3. Rendering all possible assistance to assist personnel in achieving the minimum qualifying score.
4. Remaining on the firing line with the personnel under their control unless properly relieved.
5. Taking immediate and appropriate action when the action of anyone present at the range constitutes a danger to any person.
6. Notifying the Supervising Firearms Instructor immediately upon discovering a weapon that appears to be malfunctioning or faulty.

7. Accurately recording scores of qualification sessions and other pertinent information as necessary and relaying the information to the Supervising Firearms Instructor.
 8. Participate in remedial training of non-qualifying personnel.
 9. Providing the Supervising Firearms Instructor with the targets utilized by any officer that failed to qualify during initial and subsequent qualification attempts. Targets will be signed and dated by both the firearms instructor and the non-qualifying officer.
- D. Weapons instructors are prohibited from conducting qualification sessions on or off-duty that are not officially sanctioned by and expressly approved by the Chief of Police.

II. GENERAL

- A. Refer to V3C2 Use of Force for guidance and reporting requirements concerning firearm discharges, including accidental discharges.
- B. This agency adopts the definitions set forth in the New Jersey Attorney General's Guidelines regarding Firearm Qualification
- C. A list of authorized weapons and ammunition is contained in Appendix A.
- D. Personnel shall promptly notify their immediate supervisor if they are on medication that can adversely affect their ability to handle or use a firearm or less lethal weapon.
- E. No personnel shall at any time carry on his/her person a weapon when he/she is consuming or is under the influence of alcohol or prescription drugs that have the capacity to disturb his mental or physical capability. The Chief of Police must pre-authorize any exceptions to this requirement for covert operations.
- F. Officers shall not surrender a firearm unless it is the only alternative, and only after they have used every tactical tool at their disposal to avoid surrendering it. Surrender of a firearm rarely de-escalates a serious situation and, in fact, can place an officer and innocent persons in jeopardy.
- G. No member of this department shall carry any firearm into an Atlantic City Casino. State law prohibits anyone to carry firearms into a casino.
- H. No member of this department is authorized to carry a department-issued firearm while working for a private security business of any kind except where authorized by the Chief of Police in V2C13 Off-Duty/Secondary Employment.
- I. Personnel are prohibited from modifying, altering, or enhancing any FLPD or FLPD-approved weapon, accessory, and/or ammunition without the expressed written permission of the Chief of Police and Supervising Firearms Instructor.
 1. This requirement includes approved personally owned off-duty and back-up handguns.
 2. This requirement includes, but is not limited to grips, sights, magazines, magazine parts, trigger pull, barrel length or extension, etc.

3. This requirement extends to any personnel considering purchasing a weapon that has already been modified from its original manufacturer's specifications.
- J. Personnel are prohibited from displaying a firearm to any person except according to law, upon demand of supervisory personnel, or in comportment with the FLPD Use of Force policy.
- K. Only authorized ammunition can be carried or used in an FLPD-approved firearm.
- L. Damage, loss, or theft of any FLPD-authorized weapon or ammunition (including off-duty and back-up side arms) shall be immediately reported to the duty tour commander and, in the case of loss or theft, to the law enforcement jurisdiction where the loss or theft had occurred. The duty tour commander shall report any loss or theft to the Supervising Firearms Instructor and the Chief of Police as soon as practicable.
- M. If a FLPD-authorized weapon becomes defective or is in need of repair:
 1. If the weapon is a personally owned off-duty or back-up handgun, the officer is responsible for getting the weapon repaired.
 2. If the weapon is a duty handgun, the officer shall notify his/her supervisor. The supervisor shall notify communications that the officer is unavailable for calls.
 3. The supervisor shall direct the officer to the Armorer. If the Armorer is off-duty, he/she may be subject to recall.
 4. If the Armorer is unavailable, the tour commander should secure the officer's duty weapon and obtain a spare duty weapon for the officer. This action must be documented in a report to the Chief of Police, the Armorer and the Supervising Firearms Instructor
 5. The malfunctioning weapon shall be clearly tagged as inoperative noting the date of removal from service and nature of the malfunction. The malfunctioning weapon shall be made safe, unloaded and placed in the weapons locker.
 6. The Armorer will inspect the malfunctioning weapon to determine the cause of the malfunction. The armorer may repair the weapon or choose to send the weapon to the manufacturer for repair depending on the cause of the malfunction.
 7. The Armorer or designee shall ensure that all weapon repairs and maintenance transactions are documented.
 8. Shotguns, submachine guns, rifles, and batons in need of repair and/or maintenance shall be taken out of service, made safe, clearly tagged as needing repair and turned over to the Armorer. Officers may take another weapon, if available.

9. Damaged or expended OC shall be removed from service and discarded in a trash receptacle. The tour commander or OC instructor will issue a replacement.
 10. Any inoperable, malfunctioning or defective Controlled Energy Device (CED), camera or cartridge, shall be removed from service and forwarded to the Supervising Weapons Instructor with a written description of the malfunction. Qualified personnel shall take a spare CED, if available.
 11. Following its repair personally owned off-duty and back-up firearms shall be reviewed, inspected and approved by an armorer or qualified weapons instructor prior to carrying.
 12. Following repair, FLPD-owned weapons shall be reviewed, inspected and approved by an armorer or qualified weapons instructor prior to carrying.
 13. This review, inspection and approval shall be documented.
 14. If a weapon becomes defective or in need of repair during proficiency training, the Armorer or designee shall repair or reissue a replacement weapon until repairs can be made. All replacements shall be documented.
- N. All sworn personnel are required to carry their authorized duty handgun while on duty with the following exceptions:
1. When engaged in processing arrestees; or
 2. When the presence of a weapon might jeopardize the outcome of a covert operation or investigation; or
 3. When on convalescent, modified, transitional duty and carrying a weapon is impracticable; or
 4. When otherwise exempted by the Chief of Police or division commander.
 5. Written approval from the Chief of Police is required to carry any other handgun.
- O. 
1. 
 - a. 
 - b. 
 2. Personnel are subject to periodic and unannounced weapons inspection at any time and may be subject to disciplinary action if weapons are not kept clean and operational.

3. The Rangemaster/Supervising Firearms Instructor or designee is responsible for maintaining weapons, ammunition, and related accessories stored in the armory.
4. The Rangemaster/Supervising Firearms Instructor shall ensure that an adequate number of spare duty handguns are stored in the armory.
5. Duty ammunition shall be issued or replaced as necessary by the Supervising Firearms Instructor or designee.
 - a. Expended ammunition shall not be replaced unless the officer provides a full accounting;
 - b. Upon separation from the FLPD, personnel must surrender all FLPD issued ammunition and account for any shortages;
6. The Chief of Police shall approve all ammunition when carried in a personally owned off-duty or back-up handgun. The types and specifications of potential off-duty and back-up ammunition are contained in Appendix A. Additionally:
 - a. Personnel are responsible for purchasing their own ammunition for both qualification and carrying;
 - b. Ammunition must be factory loaded;
 - c. Ammunition cannot be otherwise altered or modified to enhance its lethality;
 - d. Armor piercing, shot-shell, tracer and frangible rounds are prohibited.
7. When the FLPD-issued duty handgun is used in an off-duty capacity, only the FLPD-issued ammunition can be used in the handgun.

P.

1. Uniformed personnel shall wear the agency-issued duty holster; [REDACTED] selected by the Supervising Firearms Instructor and approved by the Chief of Police.
2. Non-uniformed, administrative, and staff personnel shall wear a agency-issued holster; [REDACTED] selected by the Supervising Firearms Instructor and approved by the Chief of Police.
3. All holsters must comply with the Uniform Policy.
4. All uniformed personnel shall carry the weapon in a conventional manner; [REDACTED]
5. Non-uniformed personnel assigned to the Detective Bureau are authorized to carry the firearm in the following manner, while on duty:

- a. Conventional manner in a body form type holster with a security strap;
 - b. Shoulder holster with security strap;
 - c. An ankle holster with a security strap;
 - d. When in the public view, non-uniformed officers should carry their weapons in a concealed manner. If unable to conceal the handgun, the officer's badge must be clearly visible.
 - e. Holsters must be utilized at each qualification session.
6. Personnel are responsible for their off-duty and back-up holsters. The holster must:
- a. Be a body form holster with a security strap; or
 - b. Be a shoulder holster with a security strap (non-uniform personnel only); or
 - c. Be an ankle holster with a security strap; and
 - d. Be approved in writing by the Rangemaster/Supervising Firearms Instructor;
 - e. Be able to conceal the off-duty or back-up handgun;
 - f. Be utilized at each qualification session.
7. When off-duty, all personnel should carry their handgun in a concealed manner. The holster should have a retention device.
8. Wallet and pocket holsters are prohibited.

Q. Conducted energy devices (CED) must be carried in an approved holster [REDACTED] All qualified uniformed officers on patrol are to carry a CED.

- R. Retired police officers are not considered employees of the Fort Lee Police Department and are not covered by the Borough's insurance policy. Therefore, the following guidelines **must** be followed:
- 1. The Fort Lee Police Department shall not supply a weapon to a retired police officer, but officers may apply to purchase their duty weapon(s) upon honorable service retirement.
 - 2. Within six months following retirement, the officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.
 - 3. Qualification with a weapon should be conducted at a state police or other approved range, not at the Fort Lee Police Department Pistol Range.

III. OLEORESIN CAPSICUM

- A. Oleoresin Capsicum (OC) Spray can be deployed in less lethal force situations where the use of force is necessary and justified to apprehend or control an individual, and the use of the OC will facilitate the arrest with the minimum chance of injury to the officer, the arrestee, or innocent bystander, see V3C2 Use of Force.
 - 1. OC may be used on an arrestee/ prisoner that exhibits aggressive, violent or uncontrollable behavior, in an effort to control the arrestee/prisoner, as required.
 - 2. OC should not be used if there is a probability of contamination to innocent bystanders unless absolutely necessary. The authorized OC units are personal application and target specific devices, which should reduce the chances of collateral contamination.
 - 3. Use of force options other than OC should be considered for:
 - a. Small children under 7 years of age;
 - b. Elderly people that may have health conditions;
 - c. Late term pregnant women.
- B. OC must not be handled by children or unauthorized individuals.
- C. Only personnel who have satisfactorily demonstrated proficiency under the supervision of a certified weapons instructor may carry and use OC. Training and proficiency may be part of basic academy training or an in-service program held by the FLPD, another law enforcement agency, or the manufacturer.
 - 1. All uniformed officers who are qualified to use OC should carry it on their duty belt in the department-issued holder.
 - 2. Plain-clothed officers may carry OC on their belt in the department-issued holder or the MK6 OC unit may be carried directly on the belt as an alternative to the MK3. OC may also be carried in their duty bag and be readily available if needed.
 - 3. Qualified officers may carry OC on or off-duty. If an officer desires to carry a smaller OC canister off-duty it should be approved by the department's OC Instructors and documented by serial number.
- D. OC shall only be used as instructed. Any use of the agent, which is not justified, will subject the user to disciplinary action. OC shall not be used to harass, humiliate, or intimidate any person.
- E. The effects from an OC exposure may linger for a period of time, usually 12 – 60 minutes.
 - 1. Advise Bergen County Jail personnel that a subject was sprayed with OC.
 - 2. Medical clearance will usually not be required by the Bergen County Jail unless the subject is still under the effects of the OC.

- F. OC instructors shall inspect all OC canisters prior to issue and record the serial numbers of canisters (including replacement canisters) given to officers. The serial numbers shall be included in the officers (**Issued Equipment**) personnel file.
- G. OC canisters should be replaced under the following conditions:
 - 1. After a single use involving a multiple series of bursts;
 - 2. After two uses involving short single bursts;
 - 3. Upon date of expiration;
 - 4. Upon an OC Instructor's recommendation.
- H. Expired canisters will be turned over to an OC Instructor for disposal. The contents of the unit may be released into the air and the empty canister thrown away.
- I. Partially used canisters will be turned over to an OC Instructor for future training.
- J. For indoor cleanup:
 - 1. Wipe the exposed surface clean with a damp rag and mild soap;
 - 2. The ingredients (biodegradable) may be washed down a sink;
 - 3. Clothes may be washed normally;
 - 4. Exposed food should be discarded;
 - 5. OC will degrade naturally within a few weeks.

IV. BATONS / IMPACT TOOLS

- A. Batons are defensive police weapons that may be used when the justification for the use of less lethal force exists. Examples include, but are not limited to:
 - 1. To bring an unlawful incident to a safe and successful conclusion;
 - 2. When verbal commands have failed or are impracticable;
 - 3. When a suspect poses a threat, attacks or attempts to attack an officer or other person;
 - 4. To avoid physical combat between an officer and a resisting or physically combative suspect;
 - 5. To prevent the commission of suicide or self-inflicted serious physical injury;
 - 6. To deter a vicious or aggressive animal that threatens the safety of the officer or others.
- B. Officers shall not use a baton to batter a passive resister into submission. Officers may use baton control techniques (e.g. arm locks, etc.) in such situations provided it does not place the officer at increased risk of injury.

- C. All officers will satisfactorily demonstrate proficiency in the use of a baton under the supervision of a certified weapons instructor. Training and proficiency may be part of an officer's basic police academy training or an in-service program held by the department, other law enforcement agency, or the manufacturer.
- D. Batons can only be used as instructed.
- E. Only department-approved batons will be authorized for use and officers are strictly forbidden from making any modifications.
- F. All qualified uniformed officers on patrol must carry their batons with them at all times.
 - 1. Batons should only be carried in the manufacturers issued or recommended holder.
 - 2. Non-uniformed officers may carry batons in either a belt holder or a shoulder holster. Batons may also be carried in their duty bag and be readily available if needed.
 - 3. Off-duty officers may carry a baton at their discretion

V. SHOTGUNS

- A. Only personnel who maintain his/her qualifications with a shotgun are permitted to carry and/or use a shotgun in an operational setting.
- B. Shotguns shall not be left unattended unless stored consistent with this policy.
- C. Shotguns not utilized during the shift shall be secured in the department Shotgun Locker. Further:
 - 1. Shotguns shall be stored with the magazine empty and the slide open.
 - 2. When an officer removes or returns a shotgun and ammunition to or from the locker, he/she shall make the appropriate entry in the Shotgun Log. Shotguns should be removed at the start of the patrol shift and returned at the end of the patrol shift.
 - 3. Only sworn officers will be granted access to the Shotgun Locker, which will be locked at all times, except when officers are returning or removing equipment.
 - 4. At no time should a shotgun be stored in a patrol car that is not used during the shift. Shotguns may be kept and/or stored in the Emergency Service Units equipped with lockable racks.
 - 5. All shotguns removed from the patrol vehicle at the end of the shift shall be safely unloaded with the slide open prior to entering the building and then returned to the shotgun locker.
- D. When shotguns are placed in a police vehicle, the weapon should be locked in the electronic shotgun-locking device with the safety on and the magazine loaded with

the required ammunition. At NO TIME should a shotgun to be placed in the electronic locking device with a round loaded into the chamber. Loading and placement instructions:

1. The safety should be in the ON position;
 2. Lock the slide forward, with no rounds in the chamber;
 3. Load the magazine with the required number of rounds;
 4. Secure the shotgun in the vehicle.
- E. The following actions should be taken during the removal of the shotgun from the police vehicle, or while unloading and bringing the weapon into headquarters:
1. Check to make sure that the safety is in the ON position.
 2. Release the locking device and remove the shotgun from the vehicle. When removing the shotgun, keep your finger away from the trigger and outside trigger guard. **The weapon is to be pointed in an upward position.**
 3. When the shotgun is outside of the police vehicle, the weapon will be safely unloaded utilizing the designated weapons clearing barrel while removing the rounds from the magazine and securing them.
 4. After the magazine is empty, lock the slide back, check the port to ensure the chamber is clear and the weapon is unloaded. Visually and physically inspect the port and the magazine.
 5. The weapon may then be taken into headquarters after it is unloaded.
- F. When a police vehicle must be taken out of service for repairs, the shotgun shall be removed, unloaded, placed in the shotgun locker unless it is being placed in another vehicle, and signed back into the Shotgun Log by the officer that is responsible for the weapon.
- G. Specially marked shotguns for use with special impact munitions (SIM) will not be used with live ammunition.
- H. The use of a shotgun in an operational setting is dictated foremost by sound judgment and common sense. There is no specific formula or list of tactical situations that would invoke the display or use of a shotgun, but as a general guide the shotgun may be appropriate:
1. In instances when law enforcement is obviously out-gunned;
 2. In instances with multiple armed suspects;
 3. In hostage/barricaded suspect investigations.
 4. In crimes involving a substantial risk of serious bodily injury involving a firearm.
 5. The shotgun is appropriate for destroying large animals when necessary.

- I. The shotgun is not appropriate during:
 - 1. Routine motor vehicle stops;
 - 2. Crimes and offenses not involving the use of a weapon.
- J. Extreme restraint must be exercised in instances when the use of a shotgun would cause substantial risk to innocent persons.
- K. The shotgun should normally be fired from the shoulder.
- L. Cleaning instructions:
 - 1. Before the shotgun is cleaned, a second inspection of the port and magazine should to be conducted. This is to ensure that the weapon is, in fact, unloaded. Never assume that a weapon is unloaded until you physically check it yourself.
 - 2. Shotguns should be stripped, cleaned and oiled at reasonable intervals as needed to insure proper functioning.
 - 3. Before an officer places a shotgun into a police vehicle, the weapon should be clean. If a shotgun is not clean, the officer should clean the shotgun or notify the Rangemaster/Supervising Firearms Instructor.

VI. SUBMACHINE GUNS / POLICE SERVICE RIFLES

- A. Only sworn personnel who have qualified and demonstrated proficiency with the submachine gun or police service rifle are permitted to handle and/or deploy these weapons in an operational setting.
- B. Submachine guns and police service rifles shall not be left unattended unless stored consistent with this policy.
- C. Only ammunition approved by the Chief of Police shall be used in the submachine gun and police service rifle.
- D. The use of a submachine gun or police service rifle in an operational setting is dictated foremost by sound judgment and common sense.
- E. Submachine guns and police service rifles shall never be stored in the armory loaded with ammunition in the chamber.
- F. When in a vehicle, submachine guns and police service rifles shall be stored in a rack with the bolt forward and the weapon on safe. A magazine may be inserted into the magazine well.
- G. Generally, submachine guns and police service rifles are used as support weapons unless there is substantial advanced knowledge indicating their need.
- H. Prior to placing submachine guns and police service rifles back into a vehicle after tactical deployment or use, officers shall ensure that it is unloaded and safe, with the safety activated and the slide forward with an empty chamber before reinserting

the magazine and placing the submachine gun or police service rifle back into the vehicle.

- I. Submachine guns and police service rifles will remain on safe unless the operator deems that he/she is in the midst of a dynamic situation where there might be need to fire the weapon.
- J. A round of ammunition will only be loaded into the chamber of the submachine gun and police service rifle in anticipation of the weapon's imminent use.
- K. There is no specific formula or list of tactical situations that would invoke the display or use of a submachine gun or police service rifle; but as a general guide the submachine gun and police service rifle may be appropriate.
 - 1. In instances when subject(s) are heavily armed or may be situated in a location that affords the suspect(s) a tactically superior position, in which the deployment of a submachine gun or police service rifle may be deemed necessary to neutralize any threat posed by the suspect(s).
 - 2. In instances with multiple armed suspects;
 - 3. In hostage/barricaded suspect situations when providing a containment perimeter at a safe distance;
 - 4. In instances when an armed engagement may occur at distances that exceed the effective range of a handgun;
 - 5. In crimes involving a substantial risk of serious bodily injury involving firearm/weapon.
 - 6. In incidents when subject(s) are wearing body armor or any other device that would defeat, impede or otherwise inhibit the effective use of the authorized handgun.
 - 7. When greater accuracy is desired and cannot be achieved with an authorized handgun.
 - 8. As a general rule, when circumstances that can be articulated exist that indicate the deployment of the submachine gun or police service rifle would greatly enhance the officer's ability to prevent death or serious harm to themselves or others, the submachine gun or police service rifle may be deployed.
- L. Submachine gun and police service rifles are not appropriate during:
 - 1. Routine motor vehicle stops;
 - 2. Crimes and offenses not involving the use of a firearm or weapon.
- M. Extreme restraint must be exercised in instances when the use of a submachine gun or police service rifle would cause substantial risk to innocent persons.
- N. Submachine guns and police service rifles should normally be fired from the shoulder.

- O. Submachine guns and police service rifles are only to be used in an official capacity. An officer must receive permission by the Chief of Police or the Range Master to remove, transport or store a submachine gun or police service rifle or its' magazines in any location other than department authorized storage.

VII. SCOPED RIFLE

- A. Only sworn personnel who have qualified and demonstrated proficiency with the scoped rifle are permitted to handle and/or deploy the scoped rifle.
- B. Scoped rifles shall not be left unattended unless stored consistent with this policy.
- C. Only ammunition approved by the Chief of Police shall be used in the scoped rifle.
- D. Scoped rifles shall be handled with the utmost of care and caution.
- E. The use of a scoped rifle in an operational setting is dictated foremost by sound judgment and common sense.
- F. Scoped rifles shall never be stored in the armory loaded with ammunition in the breech.
- G. Assigned scoped rifles can be stored in the armory or in the officers' assigned until necessary for tactical deployment.
- H. Prior to placing the scoped rifle back into a vehicle after tactical deployment or use, the user shall ensure that it is unloaded and safe with the safety activated.
- I. Scoped rifles shall not be chambered with ammunition unless being readied for a law enforcement action.
- J. The scoped rifle may be deployed only with the permission of the Chief of Police and or Emergency Services Unit Commander, or designee.
- K. There is no specific formula or list of tactical situations that would invoke the display or use of a scoped rifle, but as a general guide the scoped rifle may be appropriate.
 - 1. In instances when subject(s) are heavily armed or may be situated in a location that affords the suspect(s) a tactically superior position, in which the deployment of a scoped rifle may be deemed necessary to neutralize any threat posed by the suspect(s).
 - 2. In instances with multiple armed suspects;
 - 3. In hostage/barricaded suspect situations;
 - 4. In instances when an armed engagement may occur at distances that exceed the effective range of a handgun;
 - 5. In crimes involving a substantial risk of serious bodily injury involving firearm/weapon.
 - 6. In incidents when subject(s) are wearing body armor or any other devise that would defeat, impede or otherwise inhibit the effective use of the authorized handgun.

7. When greater accuracy is desired and cannot be achieved with an authorized handgun or other weapons system.
- L. Extreme restraint must be exercised in instances when the use of a scoped rifle would cause substantial risk to innocent persons.
- M. The scoped rifle shall only be fired from the shoulder.
- N. Following any tactical deployment of a scoped rifle, it must be unloaded, made safe and stored back into a FLPD vehicle.

VIII. GENERAL FIREARM SAFETY

- A. Treat all firearms as if they are loaded at all times.
- B. Never point a firearm at anyone or anything unless its use is indicated under the provisions of V3C2 Use of Force.
- C. Keep your finger off of the trigger until you are ready to shoot.
- D. Firearms shall never be left unsecured. This includes while at your usual place of abode or at work. Unattended firearms must be minimally secured with a trigger lock, barrel lock or similar device, or stored within a locked safe or similar receptacle when not being worn.
- E. When handling a firearm, point it in a safe direction to check its loaded/unloaded status. Make it safe if loaded. While at the range and when un-holstered, all firearms shall be pointed down range under the direction of the weapons instructor.
- F. Unless being worn as a handgun, firearms should be secured during transportation in a vehicle in a gun case or similar receptacle with ammunition stored separately.
- G. Never holster a handgun with the hammer cocked (when so equipped) unless the weapon is specifically designed for carrying in that condition.
- H. Generally, personnel should not chase someone with a weapon in their hand. This does not mean personnel cannot move tactically with his/her weapon in his/her hand. At all times the finger will be off the trigger.
- I. **Personnel should not attempt to handcuff or search someone while holding a firearm.** This action makes it easier for the subject to make an attempt to gain control of a weapon and there is a greater risk of an accidental discharge. Whenever possible, the contact officer should have a covering officer. If the subject is under arrest, handcuff first and then search.
- J. Never use a firearm as a club or tool. It increases the chances of the firearm being taken, increases the danger of an accidental discharge or an unwarranted injury to a suspect.
- K. When handing a firearm to another person, follow the below prescribed procedures:
 1. Semi-Automatic handguns:

- a. Point muzzle in a safe direction;
 - b. If weapon is so equipped, engage the manual safety device;
 - c. Remove the magazine;
 - d. Lock the slide to the rear;
 - e. Visually and manually inspect the firing chamber to ensure that the weapon is empty;
 - f. Hand weapon to the recipient butt first, magazine out, slide locked to the rear.
2. Revolvers:
 - a. Point muzzle in a safe direction;
 - b. Open cylinder and safely eject any live ammunition;
 - c. Place fingers through the cylinder window grasping by the top strap;
 - d. Hand weapon to the recipient butt first, cylinder open and empty.
3. Submachine guns/police service rifles/shotguns:
 - a. Point muzzle in a safe direction;
 - b. Engage safety device;
 - c. Remove magazine (submachine gun/rifle), if applicable;
 - d. Remove shells from magazine tube (shotgun), if applicable;
 - e. Lock bolt to the rear (submachine gun/rifle), if applicable;
 - f. Lock slide to the rear (shotgun), if applicable;
 - g. Visually and physically inspect firing chamber/breech to ensure that the weapon is empty;
 - h. Hand weapon to the recipient muzzle up, bolt/slide open and empty.

IX. RANGE RULES

- A. Personnel shall not report to the range while on medication that can adversely affect the safety of the officer or others at the range.
- B. All personally owned off-duty and back-up handguns must be unloaded / locked in the trunk of a vehicle or stored and locked out of sight in a vehicle at all times while on the property, except during actual requalification.

- C. All handguns must be secured in a holster when not stored. Personnel will be instructed when and how to load and unload weapons by a weapons instructor. Never leave a firearm unsecured.
- D. Pay attention to the weapons instructors and obey all commands issued by a weapons instructor.
- E. Do not hand a loaded firearm to another person unless specifically instructed by a weapons instructor.
- F. Firearms must be pointed in a safe direction at all times when un-holstered. Never permit the muzzle to cover any part of your body or of anyone else on or off the firing line, particularly when drawing, holstering or loading a firearm.
- G. All personnel shall wear body armor, ear and eye protection and a brimmed hat while on the firing line.
- H. Personnel are prohibited from entering into and/or removing ammunition and equipment from storage areas unless specifically authorized by an instructor.
- I. Upon loading, the firing line will be considered hot until completion of the course of fire and only when told otherwise by the weapons instructor supervising the line.
- J. Know your target and what is behind it.
- K. Keep your finger off of the trigger and out of the trigger guard when drawing or holstering a weapon.
- L. Do not dry fire firearms at the range unless under a weapons instructor's supervision and direction.
- M. Personnel are required to clear any malfunctions on their own and exhaust all clearing techniques prior to an instructor rendering assistance.
- N. Do not anticipate commands while on the firing line.
- O. No talking is permitted on the firing line unless with or to a weapons instructor.
- P. Smoking while on the firing line or while cleaning a weapon is strictly prohibited.
- Q. Do not change firing positions, change hands, advance, or move from point to point with a cocked weapon unless under the direction of a weapons instructor.
- R. Never advance on or leave the firing line unless specifically told to by a weapons instructor.
- S. No bending over the firing line.
- T. All weapons must be unloaded before leaving the firing line unless otherwise directed by the weapons instructor.
- U. Personnel must field strip their handguns and adequately clean them by the start of the next shift.

- V. All shooters shall assist in policing the range of spent shell casings, etc. prior to being dismissed.

X. WEAPONS QUALIFICATION / REQUALIFICATION COURSES

- A. This agency will utilize the qualification/requalification courses established for firearms by the New Jersey Attorney General:
- B. All sworn personnel must be issued copies of and be instructed in the policies governing use of force and the use of authorized weapons before being authorized to carry such weapons. This issuance and instruction may be accomplished electronically.
- C. All sworn personnel must demonstrate proficiency and successfully complete the required firearm qualification for the following weapons, where applicable by their assignment:
1. Duty handgun – Biannual (Spring and Fall) qualification both day and night with 92 days minimum between sessions.
 2. Duty shotgun – Biannual qualification (Spring and Fall) both day and night with 92 days minimum between sessions.
 3. Submachine gun
 - a. Biannual qualification 2 times day, 2 times night.
 - b. Four times per 12 month period five fire exercises with at least 2 months between each session.
 - c. The live fire exercises may be used for qualification purposes, but must be at least 3 months apart.
 4. Automatic, Semi-Automatic Police Service Rifle:
 - a. Biannual qualification
 - b. Four times per year live fire exercises with at least two months' time between sessions. Two of these live fire exercises can be used for qualification purposes, but must be at least 3 months apart.
 5. Scoped rifle – Four times qualification per year with two months between each qualification
 6. Off-duty and back-up handguns – Biannual qualification (Spring and Fall) both day and night with 92 days minimum between sessions.
- D. Qualification and proficiency demonstration with a personally owned off-duty or back-up handgun may be waived if the handgun is substantially similar to the duty handgun.
1. Any determination whether the off-duty or back-up handgun is substantially similar will be made by the Supervising Firearms Instructor.

2. At a minimum, personally owned off-duty and back-up handguns must be reviewed, inspected and approved by the Rangemaster prior to carrying.
 3. Holsters must still be inspected by the Rangemaster.
- E. All sworn personnel must train and demonstrate proficiency in the agency authorized less lethal weapons biennially (every two years).
 - F. Qualification of specified personnel with a conducted energy device shall occur annually.
 - G. Personnel must report for training at the location and time designated by the Supervising Firearms Instructor and must abide by the safety rules and regulations pertaining to the facility.
 - H. Personnel engaged in weapons training, proficiency demonstration, and qualification shall be under the direct supervision of the weapons instructors while on the practice range.
 - I. The Supervising Firearms Instructor shall adequately monitor and supervise all firearms and weapons training. All safety precautions and range rules shall be strictly enforced.
 - J. The Supervising Firearms Instructor will make the final determination if the clothing worn is acceptable.
 - K. Personnel must be equipped with their duty handgun, holster, magazines, magazine pouches, flashlight, body armor, and any other equipment deemed necessary by the Supervising Firearms Instructor or designee.
 - L. Personally owned off-duty and back-up handguns must have an approved holster, magazines and magazine pouches and sufficient ammunition for qualification and potential remedial training, if required. The Supervising Firearms Instructor, or designee, shall inspect the off-duty and/or back-up handgun prior to qualification and will make these determinations.
 - M. The Chief of Police or designee may designate additional topics for instruction to be conducted during the biannual qualification and proficiency demonstration.
 - N. Participants who fail to achieve a passing score on a prescribed qualification/proficiency course shall receive remedial instruction. This instruction shall be provided after the Supervising Firearms Instructor analyzes the problems that may have led to the failure.
 1. The Supervising Firearms Instructor shall determine the time allotted and method of remedial training to be conducted. The Supervising Firearms Instructor, in consultation with weapons instructors and the participant, will:
 - a. Review factors which may have contributed to or caused a participant's failure to qualify, including a check of the participant's weapon.

- b. Document any subsequent attempts to qualify and the results of those attempts.
- 2. The participant will be given three (3) opportunities to qualify/demonstrate proficiency. After remedial training and a subsequent failing score, the Supervising Firearms Instructor will make a determination whether the participant should be disarmed and scheduled to return at a subsequent time. The Supervising Firearms Instructor or designee is responsible for forwarding any reports to the Chief of Police.
- 3. The Chief of Police will then determine what action is appropriate. Actions include, but are not limited to:
 - a. Disarming the officer of the weapon;
 - b. Removing the officer from a line duty assignment;
 - c. Placing the officer on temporary transitional duty;
 - d. Permitting additional remedial training (on the officer's personal time with no additional compensation)
 - e. Disciplinary action for incapacity to perform an essential function.
- 4. If a participant fails to qualify, all targets that participant used during initial and subsequent qualification attempts (those conducted following remedial training) are to be kept on file until the participant achieves a qualifying score. These targets are to be signed by both the non-qualifying participant and the weapons instructor.
- O. Personnel who do not qualify/demonstrate and/or maintain proficiency with agency shotguns, submachine guns, or rifle shall not be permitted to possess or utilize these weapons systems in an operational setting until achieving and maintaining a qualifying score.
- P. Personnel who do not demonstrate proficiency with agency approved less lethal weapons will likewise receive remedial instruction consistent with subsection X.M above and are subject to the same potential courses of action.
- Q. Shooters shall take only the exact amount of ammunition required to complete the course of fire as issued by a weapons instructor.
- R. Shooters shall only fire the specific amount of rounds they are told to fire. If additional rounds are fired, the shooter may be removed from the line.
- S. Late shots or shots fired after the specified time has elapsed will be deducted from the final score.
- T. Shooters must also demonstrate proficiency in the safe handling of their agency issued or personally owned firearms.
- U. Only weapons instructors will score the targets.

XI. RECORDKEEPING

- A. All weapons training, proficiency, and requalification shall be recorded. The original copy shall be maintained as a normal business record. The Supervising Firearms Instructor or designee will review all records upon completion of each requalification, training, or proficiency demonstration.
- B. The Supervising Firearms Instructor or designee shall prepare written documentation each calendar year certifying that the mandatory training has been conducted.
 - 1. This report is due no later than July 26th for spring fire and December 22nd for fall fire.
 - 2. Copies must be forwarded to the Prosecutor's Office.
 - 3. This report shall contain the following information:
 - a. A description of agency authorized weapons and ammunition;
 - b. The agency training/qualification schedule, including the dates and types of qualification sessions conducted during the report year.
 - c. The number of participants who satisfied qualification requirements and the number of non-qualifying participants during each qualification session for each type of course and weapon: service weapon, off-duty weapon, shotgun, service rifle, submachine gun, and less lethal weapons.
- C. The Training Bureau will maintain a record of each weapon approved for use, including weapons issued to honor guard, ESU, Armors' weapons, and the patrol shotgun locker. When weapons are issued to officers, they will sign for the weapon after inspection by the firearms instructor. A computerized file will be kept with all issued weapons and qualifications as well as on a firearms/training qualification record. A list of approved off-duty handguns and related qualification records will also be maintained in computerized files as well as on the firearms/training qualification record. A hard copy of the firearms/training qualification record will be stored in the training office.
- D. The Training Bureau or designee shall maintain a record of all agency approved weapons (including approved personally owned off-duty and back-up handguns) and ammunition. This record includes, but is not limited to:
 - 1. An inventory of all agency-owned weapons and related accessories;
 - 2. Identity of personnel to whom agency weapons and related accessories have been assigned;
 - 3. All weapons, ammunition, and related accessories assigned to operational or subsidiary units;
 - 4. All repair records and copies of all purchasing records (purchase orders, vouchers, invoices, etc.)
 - 5. A list of all approved off-duty and back-up handguns;
 - 6. All inspection records

- E. The Supervising Firearms Instructor or designee shall ensure that the most current weapons inventory is forwarded to the Chief of Police or designee.
- F. All records related to weapons maintenance and training, including targets stored for non-qualifying participants, shall be maintained in accordance with the appropriate schedule mandated by the NJ Division of Archives and Records Management (NJDARM). Only those records exceeding the retention period, and upon authorization by NJDARM, may be destroyed. Records are maintained in the training bureau.

XII. REVIEW, INSPECTION, AND APPROVAL PROCESS FOR WEAPONS

- A. Prior to authorizing any change of any agency weapons, the Chief of Police may select a committee to review the feasibility of adopting a new weapon.
 - 1. The Chief of Police will assign a chairperson whose responsibility will be to oversee the review process. All recommendations will be forwarded to the Chief of Police in writing by the committee chair, in the time frame specified, and will include all support documentation and reference materials.
 - 2. Upon approval by the Chief of Police, select personnel may be authorized to carry and utilize a weapon under consideration for evaluation purposes.
 - 3. The Chief of Police will make the final determination concerning the adoption of any new weapon. All weapons must be inspected, test fired (if applicable), and approved by a qualified weapons instructor/armorer prior to issuance.
- B. Inspections will be conducted by the Rangemaster/Armorer or his designee on a schedule recommended by the manufacturer and during semi-annual qualifications.
- C. The Rangemaster/Armorer or his designee will use the method of inspection recommended by the manufacturer.
- D. Unsafe weapons will be removed from service and a replacement will be issued to the officer.

XIII. OFF-DUTY AND BACK-UP HANDGUNS

- A. The types and specifications of potential off-duty and/or back-up handguns are listed in Appendix A.
- B. Personnel seeking to carry a back-up handgun, secondary firearm and/or a firearm other than the issued duty handgun as his/her off-duty handgun, shall request permission in writing to the Chief of Police. If approved, a copy of the written approval will be placed in the requesting officer's file.
- C. Personnel requesting authorization to carry a personally owned off-duty or back-up handgun must meet the training/qualifications as set forth in this policy.
- D. Officers have the option to carry an approved handgun while off-duty.

- E. Personnel should consider the following factors when deciding whether to arm themselves with a handgun while off-duty:
1. Where possession of the handgun under the circumstances would create a risk of loss or theft of the weapon or would be impracticable. Examples include sporting or recreational activities such as swimming, sunbathing, softball, physical training, etc.
 2. While engaged in any activity where it may not be advisable to carry a handgun. Examples include where the officer may be at an event where he/she may consume alcoholic beverages, concerts, etc.
 3. While on vacation.
 4. While out of the state.
- F. Prior to approving an off-duty or back-up handgun to carry, the Rangemaster/Armorer or his designee shall review, inspect and approve the weapon(s) to ensure the weapon(s) is (are) in safe working condition and free from defect (including a magazine change). Any handgun deemed not to be in safe working condition shall not be approved for off-duty or back-up carrying. All inspections must be documented and submitted to the Rangemaster for record keeping.
1. Any firearm that has been modified from the manufacturer's original condition must be submitted for re-inspection to the Rangemaster for approval before the officer will be authorized to carry it.
- G. Authority to carry off-duty and/or back-up handguns may be revoked if:
- a. The weapon(s) are determined by the Rangemaster or his designee to be no longer serviceable or in need of repair;
 - b. When personnel fail to achieve a passing qualification score;
 - c. When personnel can no longer demonstrate proficiency.
- H. Personnel must exercise the utmost care when carrying, storing, or otherwise handling their off-duty and/or back-up handgun.
- I. Any incident involving an off-duty or back-up handgun must be immediately reported to the tour commander and to the law enforcement agency having jurisdiction where the incident occurred. The Chief of Police may refer these incidents to Internal Affairs for further investigation.
- J. In accordance with the provisions of 18 USC 44 § 926b (also known as the Law Enforcement Officers Safety Act or HR 218), personnel are permitted to carry a concealed firearm in any state, subject to the following limitations:
1. Personnel must be in possession of his or her official agency identification card.
 2. Personnel must not be the subject of any disciplinary action that could result in suspension or dismissal.

3. The officer has qualified with the firearm as required by this policy.
4. The officer is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
5. The officer is not otherwise prohibited from receiving or possessing a firearm by federal law.

K. Personnel must be aware of the following:

1. 18 USC 44 § 926b does not provide active duty sworn personnel with law enforcement powers or immunities outside their jurisdictions.
2. While on personal business, officers are ordinary citizens who happen to have the right to carry concealed weapons as a result of 18 USC 44 § 926b.
3. Personnel are personally responsible for checking and understanding the laws of any jurisdictions that they visit while armed.

XIV. WEAPONS STORAGE

A. Weapons shall be secured to restrict unauthorized use. When not being worn weapons should be:

1. Secured in the officer's uniform locker; or
2. Secured in a lockable gun case, safe, or box; or
3. Secured by the officer utilizing the department-issued combination trigger lock.
 - a. The trigger lock shall not be installed on a loaded weapon. The officer shall verify that the weapon is not loaded and the magazine is removed.
 - b. The rubber washers shall not be removed.
 - c. Separate both parts of the trigger lock by first turning the dials to your personal code.
 - d. Turn the combination lock body counterclockwise of the other half of the trigger lock body.
 - e. Insert the shaft housing onto the opposite side of the trigger guard. Make sure the outside edges of both pieces match.
 - f. Once the two pieces begin to engage, center the lock so that it completely covers the trigger guard. Once in position, press the two ends together tightly. Make sure the lock cannot be moved within the trigger guard.
 - g. To unlock follow the above instructions.

- B. NJSA 2C: 58-15 makes it a criminal offense to leave a loaded firearm within easy access of a juvenile.
- C. When processing arrestees, personnel shall secure their weapons (firearms, OC, etc.) in a gun locker or other agency approved and secured container.
- D. Officers shall exercise the utmost care and caution in handling firearms. Officers are responsible for the security and safe storage of firearms at all times. Firearms will not be left in FLPD vehicles when the vehicle is left in the care of non-FLPD personnel.
- E. Care and Cleaning
 - 1. Firearms should be stripped, cleaned and oiled at reasonable intervals as needed to insure proper functioning.
 - 2. Officers should clean and oil their duty weapon after each training/qualification session and have their weapon inspected by the Supervising Firearms Instructor or designee before the officer is released from the range.
 - 3. Officers should be careful not to drop the magazines, as they may become sufficiently deformed and cause failure of a round to feed properly.

XV. CARRYING FIREARMS/WEAPONS ABOARD AIRCRAFT:

- A. Sky marshals and certain other authorized persons may carry firearms aboard aircraft in connection with their basic law enforcement responsibilities or when competent authority has determined the nature of a specific mission requires a person to be armed. Although the valid carriage of firearms serves the public interest when properly performed, the FAA has found that a lack of proper notification procedures could lead to a serious compromise of safety, including the possibility of inadvertent confrontation between legally armed personnel.
- B. Unless otherwise authorized by the Transportation Security Administration (TSA), an armed law enforcement officer must meet the following requirements under 49 CFR 1544.219, et seq.:
 - 1. Must be authorized by the Chief of Police in writing with signature to have a weapon in connection with his/her assigned duties.
 - 2. Must have successfully completed and reviewed the TSA's Law Enforcement Officers Flying Armed training course.
 - 3. Must have a need to have the weapon on a specific flight segment (verses in checked baggage). Need is determined by the Chief of Police; for example:
 - a. Protective escort duty and related travel
 - b. Hazardous surveillance operation
 - c. On official travel and required to arrive prepared for duty